

Agenda – Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Fideogynhadledd drwy Zoom	Naomi Stocks
Dyddiad: Dydd Iau, 10 Chwefror 2022	Clerc y Pwyllgor
Amser: 09.15	0300 200 6565
	SeneddPlant@senedd.cymru

Yn unol â Rheol Sefydlog 34.19, mae'r Cadeirydd wedi penderfynu bod y cyhoedd wedi eu gwahardd rhag bod yn bresennol yng nghyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd. Caiff y cyfarfod hwn ei ddarlledu'n fyw ar www.senedd.tv

Rhag-gyfarfod preifat

(08.45 – 09.15)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

(09.15)

2 Aflonyddu rhywiol rhwng cyfoedion ymysg dysgwyr – sesiwn dystiolaeth 1

(09.15 – 10.15)

(Tudalennau 1 – 16)

[Adroddiad Estyn – Dydyn ni ddim yn dweud wrth ein hathrawon – Profiadau o aflonyddu rhywiol rhwng cyfoedion ymhlith disgyblion ysgolion uwchradd yng Nghymru](#)

Jassa Scott, Cyfarwyddwr Strategol Estyn

Dyfrig Ellis, Cyfarwyddwr Cynorthwyol Estyn

Delyth Gray, Arolygydd Ei Mawrhydi, Estyn

Dogfennau atodol:

Briff Ymchwil



3 Papurau i'w nodi

(10.15)

Mae papurau i'w nodi 1 – 11 yn ymateb i lythyr gan y Pwyllgor yn gofyn am wybodaeth ynghylch gweithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc yn dilyn y sesiwn graffu ar Adroddiad Blynyddol y Comisiynydd Plant.

3.1 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 17 – 25)

Dogfennau atodol:

Papur Preifat – crynodeb o'r ymatebion ysgrifenedig [papurau i'w nodi 1 – 12]
Ymateb gan Dr Jen Daffin, Seicolegydd Clinigol Cymunedol – CYPE(6)–04–22
– Papur i'w nodi 1 (Saesneg yn unig)

3.2 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 26 – 27)

Dogfennau atodol:

Ymateb gan Mind Casnewydd – CYPE(6)–04–22 – Papur i'w nodi 2 (Saesneg yn unig)

3.3 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 28 – 30)

Dogfennau atodol:

Ymateb gan Dîm Cymorth Dwys Tymor Byr i blant ag awtistiaeth ac anabledau dysgu yn ystod Covid–19 – CYPE(6)–04–22 – Papur i'w nodi 3 (Saesneg yn unig)

3.4 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 31 – 33)

Dogfennau atodol:

Ymateb gan yr adran Seicoleg Gymunedol Plentyn a Theulu, Bwrdd Iechyd Prifysgol Aneurin Bevan – CYPE(6)–04–22 – Papur i'w nodi 4 (Saesneg yn unig)

3.5 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 34 – 37)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Powys – CYPE(6)–04–22 – Papur i'w nodi 5 (Saesneg yn unig)

3.6 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 38 – 44)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Caerdydd a'r Fro – CYPE(6)–04–22 – Papur i'w nodi 6

3.7 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 45 – 56)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gogledd Cymru – CYPE(6)–04–22 – Papur i'w nodi 7 (Saesneg yn unig)

3.8 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 57 – 61)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Cwm Taf Morgannwg – CYPE(6)–04–22 – Papur i'w nodi 8 (Saesneg yn unig)

3.9 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 62 – 65)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gwent – CYPE(6)–04–22 – Papur i'w nodi 9 (Saesneg un unig)

3.10 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 66 – 77)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gorllewin Morgannwg – CYPE(6)–04–22 – Papur i'w nodi 10 (Saesneg yn unig)

3.11 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 78 – 79)

Dogfennau atodol:

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gorllewin Cymru – CYPE(6)–04–22 – Papur i'w nodi 11 (Saesneg yn unig)

3.12 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru

(Tudalennau 80 – 82)

Dogfennau atodol:

Llythyr gan Gomisiynydd Plant Cymru – CYPE(6)–04–22 – Papur i'w nodi 12

3.13 Blaenraglen Waith

(Tudalennau 83 – 84)

Dogfennau atodol:

Llythyr gan y Dirprwy Weinidog Iechyd Meddwl a Llesiant – CYPE(6)–04–22 – Papur i'w nodi 13

3.14 Blaenraglen Waith

(Tudalennau 85 – 87)

Dogfennau atodol:

Llythyr gan y Dirprwy Weinidog Gwsanaethau Cymdeithasol – CYPE(6)–04–22
– Papur i'w nodi 14

3.15 Cydsyniad Deddfwriaethol: Y Bil Cenedligrwydd a Ffiniau

(Tudalennau 88 – 90)

Dogfennau atodol:

Llythyr ar y cyd gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg a
Chadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol at y Gweinidog
Cyfiawnder Cymdeithasol – CYPE(6)–04–22 – Papur i'w nodi 15

3.16 Cydsyniad Deddfwriaethol: Y Bil Cenedligrwydd a Ffiniau

(Tudalennau 91 – 94)

Dogfennau atodol:

Llythyr ar y cyd gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg a
Chadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol at randdeiliaid – CYPE(6)–
04–22 – Papur i'w nodi 16

3.17 Blaenraglen Waith

(Tudalennau 95 – 97)

Dogfennau atodol:

Llythyr gan Weinidog y Gymraeg ac Addysg – CYPE(6)–04–22 – Papur i'w nodi
17

3.18 Y Bil Addysg Drydyddol ac Ymchwil (Cymru)

(Tudalennau 98 – 111)

Dogfennau atodol:

Llythyr at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
gan Weinidog y Gymraeg ac Addysg – CYPE(6)–04–22 – Papur i'w nodi 18

3.19 Y Bil Addysg Drydyddol ac Ymchwil (Cymru)

(Tudalennau 112 – 114)

Dogfennau atodol:

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Weinidog y Gymraeg ac Addysg – CYPE(6)–04–22 – Papur i'w nodi 19

3.20 Y Bil Addysg Drydyddol ac Ymchwil (Cymru)

(Tudalennau 115 – 126)

Dogfennau atodol:

Llythyr gan Weinidog y Gymraeg ac Addysg – CYPE(6)–04–22 – Papur i'w nodi 20

3.21 Cyllideb Llywodraeth Cymru 2022–23

(Tudalennau 127 – 128)

Dogfennau atodol:

Llythyr ar y cyd gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg a Chadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol at y Gweinidog Cyfiawnder Cymdeithasol – CYPE(6)–04–22 – Papur i'w nodi 21

3.22 Trefn Busnes

(Tudalennau 129 – 136)

Dogfennau atodol:

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at y Llywydd.– CYPE(6)–04–22 – Papur i'w nodi 22

3.23 Blaenraglen Waith

(Tudalen 137)

Dogfennau atodol:

Llythyr gan Gadeirydd y Pwyllgor Llywodraeth Leol a Thai – CYPE(6)–04–22 – Papur i'w nodi 23

3.24 Cydsyniad Deddfwriaethol: Y Bil Cenedligrwydd a Ffiniau

(Tudalennau 138 – 193)

Dogfennau atodol:

Llythyr gan y Gweinidog Cyfiawnder Cymdeithasol – CYPE(6)-04-22 – Papur i'w nodi 24

4 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o'r cyfarfod am weddill y cyfarfod a'r cyfarfod cyfan ar 17 Chwefror.

(10.15)

5 Aflonyddu rhywiol rhwng cyfoedion ymysg dysgwyr – trafod y dystiolaeth

(10.15 – 10.20)

6 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) – trafod yr adroddiad drafft

(10.20 – 11.40)

(Tudalennau 194 – 310)

Dogfennau atodol:

Adroddiad drafft (Saesneg yn unig)

7 Memorandwm Cydsyniad Deddfwriaethol ar y Bil Cenedligrwydd a Ffiniau – trafod yr adroddiad drafft

(11.40 – 12.00)

(Tudalennau 311 – 334)

Dogfennau atodol:

Adroddiad drafft (Saesneg yn unig)

Egwyl i ginio

(12.00 – 12.50)

8 Hyfforddiant Hawliau Plant

(13.00 – 15.00)

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

CYPE(6)-04-22- Papur i'w nodi 1

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu

gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan: Dr Jen Daffin, Seicolegydd Clinigol Cymunedol

I am responding to the below request for evidence. I used to work in ABUHB Child & Fam Community Psychology and would like to share the following reflections with you based on my nearly 3 years' experience there. My remit was Newport and I was tasked with partnership working alongside the families first funded work, youth, police, housing and sports. I had a number of partnerships with various sectors, including Mind Newport, Barnardo's, GAVO and save the children. I can't not speak on behalf of the CFCP ABUHB team but speak from my personal experience.

- **how you work alongside the third sector to plan and deliver support services;**

This was not a specific remit of our work but we came into contact with the third sector via families first funding and the circle of security programme. I was the chair of the circle steering group.

- **any active projects/initiatives that you are currently undertaking alongside the third sector (i.e., a summary of what the projects/initiatives do, which third sector organisations are involved, who can access the services the projects/initiatives provide and where, etc.);**

Formerly I provided support to Save the Children's Early Learning Community Bettws project in partnership with CFCP, ABUHB. I currently continue this arrangement on a consultancy basis as I have moved jobs. I provide consultation, and training to the delivery of the Community Wellbeing & Resilience work stream. Through partnership with the North hub (and other hubs) I was also providing direct support and family/child consultation. The ELC is for families with children aged 7 and under. It's a systems change not service provision focused project.

GAVO – We co-delivered the circle of security programme (relational parenting programme). The ELC is also looking to provide a pilot trauma informed communities project with GAVO and Save that I will be a part of. This is a 10 month project that

will work with families to explore how to help communities recover from trauma and be psychosocially healthy places for children to grow up in.

Barnado's – I was providing consultation and training as well as working jointly with them on a multiagency COVID recovery project via CFCP ABUHB

Mind Newport – I was providing consultation and training via CFCP ABUHB

- **where partnership working has worked well, and where you have learnt lessons for how to improve it in the future; and**

It's all about relationships and psychological safety. The third sector works very differently to the health board. I had the advantage of having previously worked in the third sector for a number of organisations and so had an understanding. Lots of HB staff have only worked in the HB for all of their careers. Their degree/qualification's are also largely in the HB setting. Change can be a scary thing especially when you are expected to also be the 'expert'.

All the sectors have their own cultures. These often clash. Lots of these systems are (and were prior to COVID; COVID may have made it worse) traumatised systems operating from a position of destabilisation and therefore from a position of threat/fight/flight. See recent news articles about ABHUB's conduct (bullying culture). This makes it very difficult to build trust. You also can't be brave and invest in new relationships if you are not in a safe and resourced place yourself. The trauma recovery model/Three R's models capture this the best. Regulate, Relate, Reason/Reflect. If the system/individual is not regulated (ie. Stable in its function and resourcing) it cannot relate and then it can't be expected to build/have good relationships.

Some of the biggest wins we had were when we were based within teams. So we became part of the team. This helped build trust and for us to learn each other's culture and ways of doing things. The HB has a habit of 'doing to'. The professions are trained in this way. It's what medicine is about. This sits in contrast to the LA and even greater contrast with the ethos of the third sector who's starting points are with and by citizens. These cultural differences are not spoken about. There was real benefit in talking through each others systems and why things are the way they are. Sharing context was very helpful. This however can be threatening and mean you have to share weaknesses which when in a threatened state may not feel desirable/or be possible.

There are power dynamics that need working through here too. Greater understanding of what coproduction and handing over power is, is also needed. HB

staff are often not aware that they are hoarding power. Its just how things are done. The demands and pressure of the environment can cause a poverty of imagination and creative thinking. Something the third sector is not often subject to. The pace then at which the two sectors work is very different. This can cause frustration and also threat. HB feels 'rushed' and third sector feel HB is 'dragging its feet'. Understanding the etiquette of each others working environment is very helpful. For example, HB is very hierarchical. Third sector is not. There are then different expectations and standards that are not spoken. To my knowledge there is no place that this is explored or worked through. Job exchanges or swopes could help bridge relationships and transfer cultural understanding from one to the other and vice versa. The Newport FF partnerships did this but it was only one way – HB to LA not LA to HB.

There are also different understandings of what each service/sector should be doing and what's achievable. This can cause misunderstanding which breeds distrust. Because there isn't good transparency about process or gatekeeping practice, even within SPACE panel, reasons for decisions or who gets what support are not obvious. This has caused frustration between sectors. There is also a difference in understanding what support people need and when. The systems also think about risk differently but this is not shared. This also causes distrust but can make it difficult for, for example, third sector providers to 'hold on' with confidence or be taken seriously when they ask for enhanced support.

There is not good practice with information sharing (as appropriate) or waiting times generally. It can be difficult to get hold of people in different services and there are different expectations about what information to contact someone is given out and how (i.e if an email or mobile number is shared and with whom). These differences and history of difficulty need time to repair and a particular focus on this would benefit future joint working in Newport.

- **any future plans you have for partnership working with the third sector, what you hope to achieve with those plans, and how they will be monitored and evaluated.**

N/A

If there is anything else you would find helpful to know or to be clarified please let me know.

Eitem 3.2

CYPE(6)-04-22- Papur i'w nodi 2

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan: Mind Casnewydd

Please see the below information regarding services for children, young people and families provided by Newport Mind. This is in response to the request for information sent for the 'Working with the third sector to provide mental health support services for children and young people' call out.

- Family Wellbeing & Resilience Service – Provides mental health and emotional wellbeing support for whole families in 1-to-1 and group settings as part of the Families First Scheme in Newport.
- Youth Engagement Workers – Provides short-term 1-to-1 support to young people aged 11-25 with low-level mental health and emotional wellbeing difficulties. Also provides 2 detached youth work sessions per week to reduce stigma and engage hard-to-reach young people.
- Systems Change Project – Aims to make mental health a part of normal conversation for young people by working with our partner organisations (currently Community House, and the Bridge Achievement Centre) across Newport. We are recruiting and training volunteers to work in communities that traditionally do not access mental health support. It is important to us that these volunteers are representative of the groups we are trying to reach; young men, young people from BAME communities, young people from LGBTQ+ communities and young people from deprived backgrounds. By working with existing groups we aim to create lasting change; where young people feel comfortable and confident discussing their mental health and wellbeing in their communities, reducing stigma and promoting access to mental health services.
- Whole School Approach to Mental Health Project – Working in partnership with every secondary school and alternative education provision in Newport, the WSA project provides a range of universal and focused mental health interventions for students, staff, parents and carers. The project aims to improve wellbeing, reduce stigma and provide psychoeducation and training to meet the unique needs of the stakeholders of each school community. The BOOST 1-2-1 service for young

people aged 10-18, receives direct referrals from the Newport SPACE Wellbeing Allocations Panel. Sourcing sustainable funding to maintain this impactful project is a challenge, with funds currently due to end in March 2022. Some schools have been able to commission part-time time-limited support directly, but many have expressed that their funding for such support is currently too limited, regardless of the high level of need.

- EBSA – The Emotionally Based School Avoidance (EBSA) project is a collaboration between Newport Mind and Newport Educational Psychology team. Every school in Newport will have access to live workshops as well as pre-recorded staff training videos and a guidance document, to help them support young people and families experiencing EBSA. Resources will also be available for families and young people themselves. Strong partnership communication and the development of trust have been crucial in meeting the targets for delivery so far.
- Piece by Piece Project – The piece by piece project works with young people aged 11-25 and their families who have experienced a recent trauma. We offer 6 one-to-one support sessions, family restorative sessions, and a range of creative workshops that are in partnership with Literature Wales and Community House. This project is available to anyone living within the Newport area, with an added focus of engaging those from backgrounds such as BAME and LGBTQ communities

Eitem 3.3

CYPE(6)-04-22- Papur i'w nodi 3

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu

gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Dîm Cymorth Dwys Tymor Byr i blant ag awtistiaeth ac

anableddau dysgu yn ystod Covid-19

Why was the service set up?

The service was set up at the start of the COVID-19 pandemic to support children with autism and learning disabilities. It was aimed at children with the most complex needs who were already receiving support from the Child and Adolescent Learning Disability Service (CALDS) to prevent/postpone placement breakdown.

Who was involved in leading and delivering the service?

The team was led jointly by Psychology lead for Children with Additional Learning Needs (ALN) and Sparkle Children Centre Manager (third sector organisation). Day to day service delivery included: Behavioural Support Practitioner, Assistant Psychologists, Learning Disability Nurse, Assistant Practitioner and Play Workers from Sparkle team.

Referral, Aims of Service and Service Delivery Pathway

Referral by the Child and Adolescent Learning Disability Service (CALDS)

Criteria:

- Known to CALDS with a moderate to severe learning disability and/ or autistic spectrum disorder (ASD) and displaying complex behaviours
- Not currently accessing an education provision or alternative educational facility
- At risk of family breakdown without intensive support

Aims

1: Giving families a chance to rest: While children and young people attend sessions, families get a much-needed break.

2: Individually tailored support: The team develop Positive Behaviour Support plans based on assessments completed with children and young people, and those important to them.

3: Skills development: The team support children and young people to develop skills to improve their quality of life.



Day to Day Service and Program delivery by the Health Board and Sparkle Play Team

The Short-Term Intensive Service delivered sessions between April 2020 and August 2020. The children had between 1 – 4 sessions a week. The duration of these sessions varied between 30 minutes to 3 hours.

Child and young person sessions

Under supervision from the Behaviour Support Practitioner, Health Board and Sparkle Play Workers delivered sessions with the child which focused upon the following:

- Regulation and Play
- Skills development programmes (promoting communication, engagement with others, cooperating with waiting, promoting independence (e.g., toileting) which were tailored to the needs of the child.



Service Ending

The Short-Term Intensive Service ended August 2020. All children who were being supported by the Short-Term Intensive Service were transitioned to the Intensive Positive Behavioural Support Service for further support.

The total number of sessions that were delivered during the Short-Term Intensive Service was around 140.

Where were the sessions delivered?

The service was based in a local Children's Centre (Serennu) which is a purpose built centre that provides treatment and activities for children and young people with disabilities and developmental difficulties. The children's centre has multiple treatment rooms and leisure facilities including a sensory room and a self-contained flat. Whilst outside, there is a playground and a short sensory walk in landscaped grounds.

Benefits and challenges of joint working between health and third sector

Within the Short-Term Intensive Service there was a cohort of 3 children. For consistency, where possible, these took place on the same days and times each week. The number of staff needed varied dependent on the needs of the child. The core set of staff included at least one health board member and at least one Sparkle play worker, which enabled the children to feel contained, with the familiarity and consistency of staff.

Using this Children's Centre, we feel contributed to the success of the partnership working as the children who were attending the sessions were already familiar with the Children's Centre including some of the play workers. Also, the facilities at the Children's Centre enabled the children to access both indoor activities such as the sensory room, and outdoor activities such as the park and/or gardens.

Reflecting on both health board and play workers running the sessions with the children there was a range of skill sets and strengths amongst the core teams. There was an opportunity to learn from each other and work together collaboratively. We feel that the mix in skill set, familiarity of Children's Centre and of Sparkle staff alongside building rapport

with health board staff, enabled the child to feel regulated in sessions and therefore engage in skills development activities which were person centred to each child.

There were also challenges to partnership working including one of the main difficulties we found was the apparent difference in support style at times (preventative vs reactive techniques). Also, some members of the team had training in 'team teach' which can be used when a child puts themselves or others in danger, whilst other members of the team had not received this training.

The team was established extremely quickly due to the wider context of Covid-19, and had never worked together previously. Upon reflection, it felt as though one of the main challenges was not having enough time to get to know each other as a team. This led to, at times, a breakdown in communication during the sessions, and high levels of frustration and anxiety. To combat this, regular debriefs were implemented, facilitated by a senior staff member to reflect on the sessions and whether any necessary changes would be required prior to the next session. We found this to be very beneficial, particularly to have a safe space to repair any ruptures within the team. If in future we were to run such sessions, we feel that it would be helpful to establish regular team debriefs from the outset to ensure team cohesion.

Conclusions and Outcomes of the Short-Term Intensive Service

The Short-Term Intensive Service highlights how ABUHB and Sparkle have worked in collaboration to provide support to children and young people, and their families, during a global pandemic. We have highlighted the benefits of working together as well as some of the challenges. We just wanted to finish by sharing some of the outcomes for the children attending the Short-Term Intensive Service

- X's ability to engage in an activity for a prolonged period of time compared to earlier sessions.
- X's tolerance of close contact from staff e.g., sitting next to him or carrying him.
- an increase in his verbal communication.

- an increase in his engagement levels in terms of his tolerance of staff joining in with his activities.
- an improvement in regulation levels resulting in a decrease in distressing behaviours.
- an improvement in relationship in terms of seeking close contact from staff as a form of reassurance, instigating physical play with staff and an increase in him requesting help.

- using appropriate alternatives including making requests using his Picture Exchange Communication System (PECS) book and asking for help when he needs it.
- using toilet in sessions and at home.
- Approaches staff for interaction, links arms with staff when walking outside, approaches staff to ask for help and will look for reciprocated emotion from others.

CYPE(6)-04-22- Papur i'w nodi 4

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan yr adran Seicoleg Gymunedol Plentyn a Theulu, Bwrdd Iechyd Prifysgol Aneurin Bevan



Child and Family Community Psychology and the Third Sector

Child and Family Community Psychology is a team of Clinical Psychologists, Systemic Psychotherapists and Assistant Psychologists. It is based within the Gwent Child and Family Psychological Health Service.

CFCP is founded upon a number of core beliefs- one of which is that children and young people do not exist in isolation, they are part of a wider network of relationships and systems that create the context for their development. These relationships span across home, the extended family, school and the wider community, recognizing the fundamental role of community volunteers in shaping out young people's development. For some of our more vulnerable young people these relationships will also be with organisations to include social care, the police, housing and the third sector.

CFCP's aim is to develop partnerships across the multiple levels of these systems to change how our communities nurture children and young people's wellbeing and understand and relate to distress. We seek to develop a relational, developmental and contextual understanding of distress and support community members to feel confident in sitting with this distress whilst creating the conditions necessary for change. Drawing on psychological models and theory, we work alongside communities, however defined, to enable and support them to identify needs and to develop and enact their own solutions to these needs.

This document details our recent work in Newport with third sector agencies:

Organisation: Save the children

When: November 2019 – November 2021

Aimed at: Families within Bettws, Newport.

Project: ELC Community Resilience and Wellbeing

The Early Learning Communities project takes a 'whole system' approach to improving the early learning outcomes of children growing up in poverty; seeking to stimulate systems change across the breadth of service providers; thereby resulting in improved outcomes for members of the local early years community. This project is focused on the community of Bettws (Newport, South Wales).

Work completed:

- Transfer of psychological knowledge and embedding psychological thinking and processes into the programmes working structures.
- Community resilience and wellbeing in Bettws questionnaire (based on Adverse Communities Framework.) – 112 responses – analysis and recommendations made (October 2020).
- Bettws place-based formulation completed (December 2020)
- Children's wellbeing workshops: 3 workshops delivered at Millbrook primary school to 36 children attending the SHEP project (summer 2021).
- Parent stories project: 4 parents interviewed about their experience of accessing mental health support. Themes analysed and recommendations made (summer 2021).

Plans for the future:

- Dependent on funding of new CFCP post

Organisation: KidCare4U

When: November 2021

Aimed at: Children, Young People and Members of staff from KidCare 4U Saturday sessions

Project: Emotions and wellbeing workshops

Work completed:

- We were requested to offer some help around wellbeing to children and young people (CYP, aged 5-16) from ethnic minority families who attend Saturday education and play sessions. This request was made in the context of staff from Kid Care 4 U noticing CYP showing distress or talking about distressing experiences in the Saturday sessions, particularly in the context of the pandemic.
- A Clinical Psychologist and Assistant Psychologist from Child and Family Community Psychology were able to offer two Saturday sessions. The aim of the sessions was for CYP attending to feel more able to identify and talk about, to recognise that these feelings are understandable and can affect everyone, and to recognise possible causes for those feelings and to develop some ideas about what might help when they experience distress.

- The workshops were offered according to age group. The workshops gave CYP the opportunity to talk about feelings and experiences they have faced during the pandemic. As staff from Kid Care 4 U already had relationships with the individual children they were able to support them to engage in the sessions. An additional benefit of this was for staff to hear the discussions and hopefully to help them to feel more confident to respond to the children and young people when they shared difficult experiences and feelings of distress outside the workshops.
- The workshops also provided members of staff with practical strategies to talk about feelings with children and adolescents in a fun way and at a child appropriate level.
- Staff were asked to evaluate the workshops using questionnaires, aiming to get an understanding of the impact of the workshops both on staff and upon CYP both during and after the sessions. The CEO of Kid Care 4 U was also interviewed a few weeks after the sessions to gain a more in-depth understanding of the impact of the workshops.

Plans for the Future:

- Due to capacity within our service we are not able to offer any more partnership working immediately, both CFCP and Kid Care 4 U are keen to continue the relationship and to respond to requests for further input from the organisation as future needs are identified.

For further information, please contact:

Dr Rhiannon Cobner, Consultant Clinical psychologist, Lead for Child and Family Community Psychology

Rhiannon.cobner@wales.nhs.uk

01633 436996

Eitem 3.5

CYPE(6)-04-22- Papur i'w nodi 5

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Powys



Dear Jayne Bryant MS, Chair – Children, Young People and Education Committee.

Re: Working with the third sector to provide mental health support services for children and young people

Following a request received on 1st December 2021 for information regarding third sector emotional health and wellbeing provision for children and young people, please find a response to this structured around the following suggested headings:

- how you work alongside the third sector to plan and deliver support services;
- any active projects/initiatives that you are currently undertaking alongside the third sector (i.e., a summary of what the projects/initiatives do, which third sector organisations are involved, who can access the services the projects/initiatives provide and where, etc.);
- where partnership working has worked well, and where you have learnt lessons for how to improve it in the future; and
- any future plans you have for partnership working with the third sector, what you hope to achieve with those plans, and how they will be monitored and evaluated

We hope this information is helpful in supporting the strategic planning meeting in January but please get in touch if any further information is required.

How we work alongside the third sector to plan and deliver support services

In Powys we have an Emotional Health and Wellbeing Work stream and working group. The workstream reports to our Start Well Board which directly reports to the Regional Partnership Board.

The Emotional health and Wellbeing workstream is chaired by Sam Shore (Head of CAMHS) and Vicky Ruff-Cock (Senior Manager in Children's Services) and is a multi-agency meeting including all services who particularly work with children and young people regarding emotional health and well-being. PAVO represent our third sector and voluntary providers at this meeting, however a number of third sector organisations are also members of the group (e.g. Action for Children, MFCC, Calan DVS, Mind, CAIS, Kooth). Four of our third sector organisations also sit on our Start Well Board. The Emotional Health and Wellbeing Workstream provides an opportunity to share information about the emotional health services available in Powys as well as developments. It is also an opportunity to raise gaps in service, to look at trends, identify themes to improve services and to look at shared funding opportunities.

We have a shared Emotional Health and Wellbeing strategy which is embedded in the NEST/NYTH model, which all partners including our voluntary and third sector are part of. This has been developed through the workstream. We also have just received notification of the 'Pathfinder' funding. This project will map the journey of support for 0-7year olds and will be a partnership approach to addressing additional support needs for 0-7 year olds reporting into the Building Resilient Communities and Integrated Access to Services Workstream.

There is also a Building Resilient Communities and Integrated Access to Services workstream and an Integrate Access to Services working group which also works closely with the third sector. Several third sector organisations sit on this workstream and are part of the development of a panel to improve access to services in Powys.

Some of the current projects that we are working alongside third sector organisations include 'Mind of Our future funding' This is a lottery bid, which PAVO are leading on. The project is focused upon consulting with and listening to young people and what they say supports their mental health, to co-design a young people's emotional health and wellbeing service.

Gender awareness training – we are working with PAVO to provide this training to all services as well as third sector organisations to ensure services have a good understanding and awareness of this. This was highlighted as a gap for training through our Emotional Health working group.

Team Around the Cluster – Multi-agency meetings which include services and third sector organisations who share information about the services they can provide to support emotional health and wellbeing for children and young people.

In the Powys Commissioning Team, we have recently employed a grants officer who is working with our emotional health workstream to identify possible funding that we can work in partnership with third sector organisations to deliver.

One of our standing agenda items on Emotional Health and Wellbeing workstream is funding. We encourage partners to share the funding that they are aware of and some of these bids develop into multi agency provision based upon need. This is in early stages of development. One example of this is our 'Missing Middle' project where we have commissioned a range of services through health funding to deliver projects to young people. Kooth, the counselling service provide group work in schools as part of this grant.

When covid-19 began we established a multi-agency Emotional Health working group, to support services and organisations working with young people and their emotional health and well-being. This group includes several third sector organisations and is a way of sharing service information as well as working together to improve good emotional health and well-being outcomes for children and young people. We regularly encourage services and organisations to present the service they provide and share how this can be accessed eg The Guide Project which is being delivered by Action for Children. From this group we have been able to secure additional funding to support services e.g. Dragons Den to increase support for children and young people experiencing domestic abuse, MFCC and Calan DVS (Domestic abuse Services) received funding to increase capacity.

The local authority also commissions a range of third sector organisations to deliver emotional health and wellbeing services.

Examples of active projects/initiatives that we are currently undertaking alongside the third sector

A number of contracts are delivered by third sector organisations to provide services to support children and young people's emotional health and wellbeing (Credu, Kooth, MFCC, Calan DVS, Mind, Ponthafren)

The 'Missing middle' – funding to support Ponthafren and Welsh Rugby Union (WRU) to provide a sports development worker in the North

Powys Together working with Ponthafren and Street Games to provide 'fit and fed' a project to support young people's health and wellbeing, through activities and a healthy meal.

The Play Sufficiency Action Plan – PAVO are leading on the Play sufficiency Action Plan, and this is focused upon collecting information from a range of services including many third sector organisations to look at Play and Play opportunities and to ensure there is an action plan that is implemented and reviewed across Powys.

Junior Start Well Board working with PAVO, Credu and Young farmers.

Relationship & Sex Education (RSE) in schools – A group that includes Schools, School nurses and Hafan Cymru to identify and improve provision.

VAWDSV young people's steering group – MFCC, Calan DVS, Hafan Cymru, to ensure that we are providing the appropriate services to children and young people as well as meeting demand. This has included increasing funding to provide projects.

Brecon Mind are providing emotional health and wellbeing sessions in Brecon High School as well as family support to the Pupil Referral Unit (PRU) in Brecon.

LGBTQ+ Co-ordinator: Working with existing support through Mind, Hafan Cymru, Kooth and Stonewall Wales to develop this post and to work with existing services to support LGBTQ+ young people.

Where partnership working has worked well, and where we have learnt lessons for how to improve it in the future

The Powys Together Community Project is a good example of working with voluntary and third sector organisations to enhance emotional health and wellbeing for communities. For example, in the Llanidloes Community, the Co-ordinator works closely with the PAVO community connector, The Hanging Garden and Credu to provide a range of opportunities and projects for the children and young people living there. In the Newtown Project the co-ordinator is involved in the Network meeting which is made up of a range of third sector organisations, the project has secured funding on behalf of other organisations to run projects in the town.

The 'Missing Middle' project is another example of working with the third sector to provide group work to support emotional health and wellbeing in secondary schools.

Integrated Access to Services – we know that we need a range of approaches and services to support good emotional health and wellbeing. The Integrated Access to Services is a way of working that includes a panel with a wide range of representation from all sectors to ensure children, young people and families receive the support that they need, when they need it.

We have learnt that offering support through a range of organisations enhances the support available. Through the meetings that are now established we are more aware of what each service can offer, and we are working more closely to provide services in partnership. There is more work to do but provision is more joined up. PAVO represent our third sector in Powys and are involved in all the key meetings, this has also been extended to include individual organisations who can attend and represent themselves. We think much more about joined up services and enhancing those services to deliver what people and communities need.

Our future plans for partnership working with the third sector, what we hope to achieve with those plans, and how they will be monitored and evaluated

Our future plans include continuing to strengthen our partnership working with the third sector. The third sector representatives on our Start Well Board and workstreams, will ensure we continue to listen to organisations and work together to provide good emotional health and wellbeing support.

We have established a Domestic Abuse steering group for Children and young people and this group are identifying funding to extend service, sharing best practice as well as training to ensure the provision is joined up.

The Powys Together project continues to work with voluntary and third sector organisations and will extend this remit after April to ensure Emotional health and wellbeing and social prescribing is available across the age ranges.

We will monitor and evaluate progress through the Emotional health and Wellbeing Workstream and The Start Well Board. The Junior Start Well Board will help to measure the impact of services and the children and young people's views will help shape future developments.

The NEST/NYTH model will be a priority focus over the next 12 months and will support further joint working and delivery of services to support good emotional health and wellbeing for children, young people, and families. The NEST/NYTH model will be evaluated through the Junior Start Well, Start Well and the Regional Partnership Boards.

Eitem 3.6

CYPE(6)-04-22- Papur i'w nodi 6

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan: Bwrdd Partneriaeth Rhanbarthol Caerdydd a'r Fro



Dyddiad: 14.1.2022

Jayne Bryant AS

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg

Senedd Cymru

Drwy e-bost

Annwyl Jayne

Gweithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc.

Diolch yn fawr am eich llythyr dyddiedig 1 Rhagfyr 2021 yn gofyn am ddiweddariad gan ein Bwrdd Partneriaeth Rhanbarthol i roi rhagor o wybodaeth i'r Pwyllgor am y cymorth iechyd meddwl sydd ar waith ar gyfer Plant a Phobl Ifanc.

Croesewir y cais hwn yn fawr ac mae'n amserol. Rydym wedi sefydlu'r Bartneriaeth Dechrau'n Dda, sy'n fecanwaith partneriaeth newydd, yn ystod 2020/21 i oruchwyllo blaenoriaethau'r bartneriaeth ar gyfer babanod, plant a phobl ifanc. Mae'r bartneriaeth hon wedi dirprwyo cyfrifoldeb ar ran y BPRh i gyflawni yn erbyn meysydd blaenoriaeth ar gyfer y garfan hon. Gwella'r profiadau a'r gwasanaethau sydd ar waith i bobl ifanc â phroblemau lles emosiynol ac iechyd meddwl yw un o'n prif feysydd blaenoriaeth, gyda grŵp cyflawni o randdeiliaid eisoes ar waith yn cymryd camau i wella'r modd y darperir gwasanaethau.

Rydych wedi gofyn sut y mae'r BPRh yn gweithio ar y cyd â'r trydydd sector i gynllunio a darparu gwasanaethau cymorth. Mae ein partneriaid trydydd sector yn llais i'w groesawu ac mae'n weithredol yn ein Bwrdd Partneriaeth Rhanbarthol, Partneriaeth Dechrau'n Dda a'n Grŵp Cyflawni Lles Emosiynol. Mae'r partneriaid hyn yn helpu i lunio ein blaenoriaethau gwasanaeth, galluogi llais y plentyn a'r person ifanc i fod yn ganolog i drafodaethau a galluogi cynllunio.

Mae nifer o ffrydiau gwaith a phrosiectau sy'n cael eu darparu o dan ymbarél y BPRh, a hefyd o fewn sefydliadau sofran unigol. Darparwyd rhestr atodedig fel trosolwg o rai o'r rhain.

Mae'r Bartneriaeth Dechrau'n Dda wrthi'n llunio rhaglen waith sy'n cefnogi gwella lles emosiynol ac iechyd meddwl babanod, plant a phobl ifanc, gan gefnogi symudiad i fodel sy'n canolbwyntio ar fod yn iach. Bydd hyn yn cynnwys gweithredu'r Dull Ysgol Gyfan, ymgorffori fframwaith NEST/NYTH a modelu ymhellach y trefniadau sydd ar waith ar gyfer Dim Drws Anghywir. Mae'r rhaglen waith hon yn cynnwys yr holl bartneriaid, gan gynnwys partneriaid y trydydd sector sy'n darparu gwasanaethau a chymorth ar hyn o bryd.



Mae gweithio mewn partneriaeth wedi gweithio'n dda o fewn ein Partneriaeth Dechrau'n Dda, drwy berthynas agored ddibynadwy a'r trydydd sector a chydabod gwerth eu harbenigedd pwnc a darparu gwasanaethau ehangach ar draws rhanbarthau a chenhedloedd eraill. Rydym wedi llwyddo i glywed gan bartneriaid wrth ddarparu amgylcheddau seicolegol cytbwys yn ymarferol sy'n sicrhau'r canlyniadau gorau i bobl ifanc mewn trallod, a sefydliadau eraill sydd wedi rhannu eu dysgu wrth weithredu modelau gofal integredig yn Lloegr.

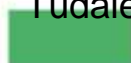
Mae cyfleoedd i wella ymhellach ein perthynas â'r trydydd sector, gan fod llawer o sefydliadau a fyddai am gael eu cynrychioli mewn trafodaethau. O ganlyniad, bydd y Bartneriaeth Dechrau'n Dda yn lansio grŵp ymgysylltu â rhanddeiliaid, a fydd yn galluogi deialog agored rhwng darparwyr y trydydd sector sy'n cefnogi plant a phobl ifanc neu bobl sydd ag anghenion iechyd meddwl. Caiff y grŵp hwn ei hwyluso'n annibynnol gan Gyngor Trydydd Sector Caerdydd a'i gefnogi gan bartneriaid statudol i alluogi llwyfan agored ar gyfer rhannu gwybodaeth, llunio adborth a darparu cynrychiolwyr y trydydd sector sy'n mynychu cyfarfodydd strategol i gasglu'r adborth ehangach i'w gyflwyno i'r bartneriaeth.

Mae cynlluniau ar gyfer gweithio mewn partneriaeth barhaus a phellach gyda'r trydydd sector yn y dyfodol, i ddarparu cymorth uniongyrchol i bobl, ac ymgysylltu â phlant a phobl ifanc. Mae ein partneriaid hefyd yn parhau i weithio gyda'r trydydd sector i ddarparu gwasanaethau. Mae'r rhan fwyaf o'r trefniadau hyn ar waith drwy brosesau tendro ffurfiol sydd â phrosesau monitro a gwerthuso wedi'u cynnwys i sicrhau bod canlyniadau'n cael eu cyflawni. Mae hyn yn cynnwys astudiaethau achos a dadansoddi effaith.

Gobeithio bod hyn yn rhoi'r wybodaeth yr ydych yn chwilio amdani i chi. Dewch yn ôl ataf os oes angen rhagor o wybodaeth arnoch a byddaf yn falch o'i darparu.

Yn gywir

Y Cynghorydd Ben Gray
Cadeirydd BPRh Caerdydd a'r Fro



BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Prosiect/menter	Sefydliad dan sylw	Crynodeb	Pwy all gael mynediad	Lleoliad
Llwyfan i deuluoedd – Cyllid Iechyd Meddwl CGI Rhanbarthol	Llwyfan	Gwasanaeth sy'n cynnig cymorth i deuluoedd a gofalwyr plant a phobl ifanc sydd ag anghenion iechyd meddwl emosiynol sy'n darparu sgiliau ymarferol y gallant eu defnyddio i gefnogi'r plentyn/person ifanc yn ogystal â chymorth cymheiriaid.	Rhieni, brodyr a chwiorydd ac aelodau ehangach o deulu plant a phobl ifanc sy'n cael cymorth ar gyfer anghenion iechyd meddwl emosiynol.	Rhanbarthol, ledled Caerdydd a Bro Morgannwg
Datblygu adnoddau digidol – ariennir gan CGI	ProMo-Cymru	Sefydliadau trydydd sector yn cyd-gynhyrchu â phobl ifanc i gynhyrchu adnoddau digidol i bobl ifanc ar bynciau lles emosiynol. Caiff y rhain eu cynnal ar y wefan lles emosiynol BIP Caerdydd a'r Fro ac ar draws partneriaid	Gall plant a phobl ifanc wirfoddoli i gyd-gynhyrchu adnoddau digidol drwy fwrdd ieuencid y Bwrdd Iechyd Prifysgol neu drwy ProMo-Cymru.	Yn Rhanbarthol, ledled Caerdydd a Bro Morgannwg
Cynrychiolaeth gan arbenigwyr pwnc a sefydliad ymbarél <ul style="list-style-type: none"> - Partneriaeth Dechrau'n Dda - Grŵp Cyflawni Iechyd a Lles Emosiynol 	C3SC, Barnardo's a Llamau; C3SC, Platfform Cymru a Barnardo's	Cynrychiolaeth gan arbenigwyr pwnc a sefydliad ymbarél ar y bwrdd strategol rhanbarthol a'r grŵp cyflawni ar gyfer plant a phobl ifanc er mwyn sicrhau arbenigedd yn y trydydd sector	Gwahoddwyd pob un o'r sefydliadau 3ydd sector i fynegi diddordeb gyda 2 ymgeisydd llwyddiannus. Bydd grŵp ymgysylltu â rhanddeiliaid arall yn cael ei sefydlu i ymwneud yn ehangach â'r trydydd sector wrth ddatblygu cymorth i blant a phobl ifanc sydd ag anghenion emosiynol ac iechyd meddwl	Yn Rhanbarthol, ledled Caerdydd a Bro Morgannwg

BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Prosiect/menter	Sefydliad dan sylw	Crynodeb	Pwy all gael mynediad	Lleoliad
Ailuno – cefnogi teuluoedd i aros gyda'i gilydd	Gweithredu Dros Blant	Cymorth ymarferol i deuluoedd sy'n modelu ymddygiadau y gallai fod eu hangen i ailuno plentyn neu berson ifanc yn ddiogel – er enghraifft cynnal glendid y cartref.	Os na chaiff plant eu lleoli gyda'u teuluoedd, ailuno fydd y nod tybiedig oni bai nad yw hyn yn ganlyniad diogel i'r plentyn. Mae gweithwyr cymorth i deuluoedd yn cynnig cymorth ymarferol lle mae asesiad yn nodi bod angen hyn er mwyn hwyluso canlyniad da i'r teulu.	Bro Morgannwg
Gwasanaeth Seicosis Pwl Cyntaf	Barnardo's	Gwasanaeth integredig, a ddarperir mewn partneriaeth â Bwrdd Iechyd y Brifysgol sy'n cynnig cymorth i blant a phobl ifanc sy'n profi seicosis am y tro cyntaf neu'r rhai sydd mewn perygl o ddatblygu seicosis.	Pobl ifanc 14-25 oed sydd wedi cael eu cyfeirio o wasanaethau meddwl eilaidd.	Yn Rhanbarthol, ledled Caerdydd a Bro Morgannwg
Gofalwyr ifanc	YMCA	Darparu cymorth gan gymheiriaid, clybiau ieuencid a digwyddiadau cymdeithasol i blant a phobl ifanc sy'n gofalu am aelodau o'r teulu. Cymorth lles emosiynol ar gael i ofalwyr ifanc. Cynnig cymorth i deuluoedd ar gyfer teuluoedd gofalwyr ifanc sy'n defnyddio'r gwasanaeth.	Plant a phobl ifanc sy'n ofalwyr ifanc.	Rhanbarthol ar draws Caerdydd a Bro Morgannwg – ond gyda threfniadau cytundebol ar wahân ym mhob ardal awdurdod lleol

BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Prosiect/menter	Sefydliad dan sylw	Crynodeb	Pwy all gael mynediad	Lleoliad
Newid Tyfu Byw	Comisiynwyd gan BIP	Grŵp neu un i weithio gyda chymorth iechyd meddwl a lles emosiynol, camddefnyddio sylweddau, perthnasoedd a hunan-niweidio.	Pobl ifanc 10-18 oed am gymorth camddefnyddio sylweddau, neu 10-17 oed ar gyfer cymorth lles emosiynol. Gall pobl ifanc a theuluoedd hunangyfeirio. Gall gweithwyr proffesiynol gyfeirio ar ran pobl ifanc.	Yn Rhanbarthol, ledled Caerdydd a Bro Morgannwg
Y Gwasanaeth Lles Emosiynol	Barnardo's – Teuluoedd yn Gyntaf Caerdydd	Cymorth arbenigol i deuluoedd sy'n darparu ymyriadau Brysbennu a Therapiwtig, gan ganolbwyntio'n benodol ar deuluoedd lle y ceir angen iechyd meddwl ar lefel isel, sydd wedi dioddef trawma colled neu brofedigaeth, lle ceir gwrthdaro rhwng rhieni, neu lle mae'r teulu yn geiswyr lloches/ffoaduriaid neu sydd â phlentyn ag anabledd.	Plant, pobl ifanc a theuluoedd sydd ag anghenion y gall y gwasanaethau roi cymorth gyda nhw. Gall tîm Cymorth Cynnar Caerdydd gyfeirio ac atgyfeirio i'r gwasanaeth hwn.	Plant a Phobl Ifanc Caerdydd yn unig
CAVAMH	Cysylltu'r Dotiau	Cefnogaeth uniongyrchol i bobl ifanc a'r grwpiau sy'n eu cefnogi. Nodau'r gwasanaeth yw: <ul style="list-style-type: none"> - Cyd-ddealltwriaeth o ddarpariaeth iechyd meddwl a phrofiadau iechyd meddwl. 	Pobl ifanc 11-25 oed sy'n defnyddio gwasanaethau iechyd meddwl.	Yn Rhanbarthol, Ledled Caerdydd a Bro Morgannwg

BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Tudalen y pecyn 43

Prosiect/menter	Sefydliad dan sylw	Crynodeb	Pwy all gael mynediad	Lleoliad
		<ul style="list-style-type: none"> - Dweud eich dweud ar sut y dylid cynllunio a darparu gwasanaethau iechyd meddwl. - Derbyn adborth gan gynllunwyr a chomisiynwyr ar farn ac argymhellion pobl ifanc. - Rhannu gwybodaeth, adnoddau a newyddion am iechyd meddwl. 		
Gwasanaethau Cwnsela yn yr Ysgol	Barnardo's	Cymorth cwnsela mewn ysgolion ar gyfer plant a phobl ifanc.	Plant a phobl ifanc 10-19 oed sy'n byw ym Mro Morgannwg Gall plant a phobl ifanc hunangyfeirio Gall rhieni a gweithwyr proffesiynol gyfeirio ar eu rhan.	Bro Morgannwg yn unig

Cynlluniau'r Dyfodol	Nodau	Monitro a Gwerthuso
Adnoddau digidol ychwanegol – ProMo-Cymru	Sefydliad trydydd sector yn darparu cymorth ar gyfer pobl ifanc i gynhyrchu adnoddau digidol ychwanegol i bobl ifanc ar bynciau lles emosiynol. Caiff y rhain eu cynnal ar y wefan lles emosiynol.	Cyd-gynhyrchodd pobl ifanc wefan lles emosiynol BIP Caerdydd a'r Fro a chynghori am yr adnoddau a fyddent yn ddefnyddiol iddynt. Mae datblygu adnoddau ychwanegol yn parhau gyda'r darn hwn o waith a chaiff ei arwain gan y plant a phobl ifanc a gaiff eu cefnogi i gynhyrchu'r adnoddau hyn. Caiff unrhyw broblemau eu datrys rhwng y BIP (fel y comisiynydd) a ProMo-Cymru.

BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Cynlluniau'r Dyfodol	Nodau	Monitro a Gwerthuso
		Bydd gwerthusiad yn dod drwy adborth ar y wefan pan gaiff yr adnoddau eu lanlwytho.
Grŵp rhanddeiliaid y trydydd sector	Sicrhau y cynrychiolir barn y trydydd sector ym Mhartneriaeth Dechrau'n dda a'r Grŵp Cyflawni Iechyd a Lles Emosiynol, a bod gwybodaeth gan y grwpiau hyn yn llifo i'r sector i sicrhau eu bod yn hollol ymwybodol o gyfeiriad strategol a gweithgarwch presennol.	<p>Mae'r partneriaid trydydd parti wedi dweud wrthym eu bod eisiau bod yn bartneriaid mewn gweithgarwch y BPRh. Rydym wedi sicrhau aelodaeth gan y trydydd sector ar bob lefel o lywodraethu. Fodd bynnag, mae'r sector yn rhy fawr ac yn rhy amrywiol i'r cynrychiolwyr a enwebir gynrychioli pob barn ac nid yw'n ymarferol estyn aelodaeth i bob grŵp sydd â diddordeb. Caiff y grŵp rhanddeiliaid ei gefnogi a'i fonitro gan dîm y BPRh ac C3SC.</p> <p>I ddechrau bydd effeithiolrwydd y grŵp hwn yn adborth storïol gan aelodau Grŵp Cyflawni EMH ac C3SC. Bydd rhagor o ddata meintiol ac ansoddol yn dilyn pan gaiff y grŵp ei sefydlu.</p>
Tendr ymgysylltu'r trydydd parti	<p>Bydd consortiwm o sefydliadau'r trydydd parti yn ymgysylltu â phlant, pobl ifanc a theuluoedd ar ran y Bartneriaeth Dechrau'n Dda, gan sicrhau ein bod yn cwrdd â phobl lle y maent.</p> <p>Bydd babanod, plant, pobl ifanc a theuluoedd yn sicrhau y caiff eu llais a'u barn eu cynrychioli. Bydd y penderfyniadau a wneir a'r gwasanaethau'n adlewyrchu'r newidiadau sydd eu heisiau ar fabanod, plant, pobl ifanc ac ar deuluoedd.</p> <p>Trwy ddefnyddio arbenigedd y trydydd sector i gwrdd â phobl lle y maent, rydym yn gobeithio ymgysylltu â'r amrywiaeth ehangaf o bobl, gan gynnwys unigolion a grwpiau nad ydynt yn ymgysylltu â sefydliadau statudol yn draddodiadol.</p>	<p>Caiff hyn ei fonitro trwy gontract gan y tîm BPRh ar ran y bartneriaeth.</p> <p>Mae plant, pobl ifanc a'u rhieni wedi ymgysylltu drwy bartneriaid y trydydd sector fel rhan o'r Bartneriaeth Dechrau'n Dda sydd wedi helpu i adnabod blaenoriaethau. Bu'r broses hon ar raddfa fach ac mewn ymateb i ddatblygiadau neu gwestiynau penodol.</p> <p>Bydd y consortiwm a sicrhawyd drwy'r tendr hwn yn ffurfioli'r trefniant hwn ac yn rhoi graddfa i'r ffordd y mae Caerdydd a'r Fro yn ymgysylltu â phlant, pobl ifanc a theuluoedd am les emosiynol ac iechyd meddwl.</p> <p>Bydd y consortiwm yn darparu gwerthusiad fel rhan o'u proses monitro contractau, ond bydd yr adborth ansoddol a ddarperir gan</p>

BPRh Caerdydd a'r Fro Atodiad 1 – Enghreifftiau o drefniadau gyda'r 3ydd sector a'r BPRh wrth ddarparu lles emosiynol a chymorth iechyd meddwl i blant a phobl ifanc

Cynlluniau'r Dyfodol	Nodau	Monitro a Gwerthuso
		ddinasyddion yn cefnogi gwerthusiad o ran a yw blaenoriaethau'r BPRh yn cyflawni newid cadarnhaol i bobl.

CYPE(6)-04-22- Papur i'w nodi 7

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gogledd Cymru



CYDWEITHREDFA GWELLA GWASANAETHAU
GOFAL A LLESIAINT **GOGLEDD CYMRU**

NORTH WALES SOCIAL CARE AND WELL-BEING
SERVICES IMPROVEMENT COLLABORATIVE

- **how you work alongside the third sector to plan and deliver support services;**

Family Wellbeing in General Practice, the Whole School Approach including roll out of CAMH Schools In-Reach Service

The Schools In-Reach pilot ended in July 2021. In North Wales, the pilot site covered Education Services in Denbighshire and Wrexham Local Authorities. The pilot programme was evaluated positively.

Funding for the North Wales expansion of the CAMH Schools In-Reach for 2021-2022 was approved by WG August 2021 and approved "in principle" from 2022 onwards.

Since the closure of the pilot project in July 2021, plans for roll-out across North Wales have progressed. Activity has focused mainly on liaison with key stakeholders across North Wales specifically local area specialist CAMHS teams Early Intervention and Prevention functions, and Local Authority-level Whole School Approach/Healthy Schools Framework implementation groups. Following a parallel review of the evaluation and associated literature and taking into account lessons learned from the pilot, a Service Delivery Model and Proposed Staff Structure have been developed

The CAMH Schools In-Reach Service forms one part of the Early Intervention Care Pathways work stream under the CAMHS Programme - Targeted Improvement Framework.

Family Wellbeing Project within General Practice to establish a pathway in primary care to support early identification of children and young people who are experiencing or at risk of developing a mental health disorder is being rolled out across North Wales

We have utilised familiar primary care information systems to support needs led decision-making, and enhance access to high quality advice and service information to support early intervention.

The pilot to embed a Family Wellbeing Practitioner (FWP) in each primary care cluster was a success and following positive evaluation BCUHB have been successful in their bid to WG for mental health improvement funding to recruit specialist nurses for each GP cluster within North Wales. To date we now have a FWP in 4 primary care sites and are recruiting to roll out across all areas this year.

Cyngor Sir Ddinbych,
Blwch Post 62, Rhuthun, LL15 9AZ

www.cydweithredfagogleddcymru.cymru

01824 712432

Denbighshire County Council,
PO Box 62, Ruthin, LL15 9AZ

www.northwalescollaborative.wales

01824 712432

The FWP is a clinician with expertise in child and adolescent mental health and early intervention, and maintains strong links with universal and targeted children's services and specialist mental health services (S-CAMHS).

They provide:

- Training and consultation for primary care colleagues to enhance early detection and promote awareness of early help resources and services.
 - Direct consultations to children, young people and families who need more than self-help or signposting information, but do not require a specialist mental health service S-CAMHS. Practice clinicians can refer directly through EMIS.
 - Consultation for families who have received advice and signposting but require further support within six months of the GP consultation. Families are able to self-refer, reducing the need for repeat GP consultations.
 - Bridge the gap between universal and targeted support services and S-CAMHS, ensuring that each family referred has a plan to address their concerns.
- **any active projects/initiatives that you are currently undertaking alongside the third sector (i.e., a summary of what the projects/initiatives do, which third sector organisations are involved, who can access the services the projects/initiatives provide and where, etc.);**

Targeted Improvement Plan – An Opportunities and Challenges paper was developed and a North Wales Crisis Response Task & Finish group has been established as part of a longer term improvement workstream, with representation from each local authority and North Wales Police. The aim of the crisis workstream is to develop and deliver a cohesive multi-agency integrated model of care for children and young people across North Wales who may experience a mental health crisis with a focus on prevention; early identification, early intervention; assessment and support 24/7. We aim to ensure that Children and young people have access to support before crisis point and are supported with their families in the development of self-care/resilience.

The CAMHS Strategic Improvement and Development Group that oversees the improvement plan facilitated a Workshop focussed on workforce on 24th September, to look at immediate workforce requirements to address the rise in crisis presentations seen across North Wales with involvement of partner agencies. There is a short and longer term plan in place for CAMHS recruitment with opportunities to develop joint posts between health and social care to support. Details of current partnership arrangements and plans for future work with third sector partners are demonstrated in appendix 1.

Aim to develop an overarching Workforce Strategy, workforce profile and action plan to build a sustainable CAMHS workforce which meets the needs of the service. To ensure workforce provisions are available to support the strategy and identify any gaps in workforce provision and consider alternative options

The last 6 months there has been a period of intensive analysis and planning with service managers and clinical and professional leads within CAMHS to agree what posts would be funded by the additional investment for 2021, and to re-profile/align core budgeted establishments to enhance recruitment, retention, and sustainability. Opportunities to augment current workforce profiles through diversification of skills, development of career structures to enhance workforce development, and the development of posts with a specific remit for workforce development were identified and agreed

We have recently appointed to the Regional CAMHS Service Manager post for unscheduled crisis care to commence in February 2022. Meetings with LA/NWP and BCUHB continue and a number of crisis response schemes are being considered to inform a sustainable service model for crisis care. Task and Finish group to further develop, agree and finalise all the operational aspects of the proposed pilot schemes. Aim to recruit to a fixed term project manager post to specifically support the pathway work.

There are 3 project schemes in the early planning stages to progress:

- **YOUNG PERSON CRISIS SAFE SPACE PROJECT (Sanctuary)**
This project pilot will establish a community facility to support young people, aged 13-18, to deal with an urgent mental health or emotional wellbeing issue. The facility will be open in the evenings, nights and weekend and operated by trained and compassionate staff provided by a third sector partner in partnership with the local Health Board. The project aims to prevent or reduce deterioration in a young person's emotional, behavioral or wellbeing state which may otherwise result in an application of section 136 of the MHA, calls to emergency services, admission into hospital or presentation at an emergency department. Site visit completed and further discussions with WG planned for mid-November to clarify the requirements for the pilot. The project will aim necessitate the establishment of an accessible, homely and age appropriate facility within the local community. The proposed facility for the pilot in the East area of the Region will be open in the evenings, nights and weekend and operated by trained and compassionate staff provided by a third sector partners with a robust pathway in place to directly access NHS mental health professionals
- **CHILDREN & YOUNG PERSON CARE HOME EDUCATION & SUPPORT TEAM**
This project pilot aims to ensure accommodation providers caring for 'looked after children' have rapid access to specialist support from mental health professionals. This project may prevent or reduce deterioration in a child or young person's emotional, behavioral or wellbeing state which may result in possible admission into CAMHS services or hospitals. The project will initially consist of CAMHS professionals covering a defined number of care homes. Those homes will be defined by geography or acuity of resident need such as the historical frequency of Tier 4 CAMHS admissions or requested Tier 3/4 CAMHS assessments. The care homes that have been identified to run the pilot are in the Denbighshire Region of the Health Board. This specialist support will be through the provision of resident specific advice, training and education to the care home staff by BCUHB Kite Team who provide and intensive outreach service.

- 111 Mental Health Response/Local Emergency Duty Teams (EDT)
CAMHS working with Adult Mental Health to support plans for 111 as a The First Response for Mental Health scheme sees those children and young people and their families who call 111 have the availability to choose an option where they are put through to a local team and pointed to the right place for treatment avoiding A&E where appropriate. Running in parallel to this initiative will be development of CAMHS professionals joining LA EDTs to ensure a rapid response to crisis with appropriate advice and support and provision of assessment out of hours if required. Early discussions have taken place with LA colleagues and the project plan for piloting with EDTs in specific areas will be agreed.

- **where partnership working has worked well, and where you have learnt lessons for how to improve it in the future;**

- **short term intensive support services including short term residential facilities**
In both the Central and East Area, multi-disciplinary teams have continued to work with families. In Central, the Bwthyn Y Ddol Multi-Disciplinary Team, have had a positive closure on 7 cases to date and has avoided 374 weeks of care through the team's work.

Meanwhile, in the East Area, MST team have continued to work with families in the community (39 cases / 36 completed treatment /average stay to complete treatment 121 days / 86% still living at home / 89% in school or working / 92% no new arrests).

In the West Area, the MDT recruitment continues, the team have met with the consultant clinical psychologist and conducted their first case formulation. There has been difficulty recruiting to the team due to the short term nature of the contracts.

In terms of residential centres, both the East and Central Area teams are progressing. In the Central area the Bwthyn Y Ddol build has been delayed due to the builders going into administration. The contract is currently in the process of being re tendered. The identified residential interim solution (Ingleside) requires remedial building work to bring it up to standard for use as a residential centre. A schedule of work is currently being prepared alongside the drawing up of the lease. It is anticipated that the interim accommodation will be available at the end of March 2022.

Planning has been approved, for the refurbishment work on the residential assessment centre, Ty Nyth, in the East. It is due to start on site late November / early December depending on the final agreement of costs and contract finalised. It is anticipated it will be operational late November / early December 2022.

- **Early Help LIFT team** - central area launched their Local Integrated Family Team (LIFT) which to date has had 91 referrals. The team are continually

improving referral, consultation, assessment formulation and evaluation processes. The whole team continuing to bond well, effectively working together as a team and with other agencies. The LIFT have launched a website www.denbighshire.gov.uk/LIFT and have started to receive contacts from parents.

- **Emotional Health Wellbeing & Resilience**

Developing a framework - we have developed an English version of the framework for ages 0-18 years, all of which have been through a Peer Challenge Review, the framework will now be translated.

Building a digital proof of concept for ages 8 – 11 - A successful SBRI Challenge was launched during August and two suppliers were selected to deliver a prototype solution during Phase 1 of the challenge.

FRIENDS Resilience - A Welsh version of the Australian/English FR Training Hub will be developed in order to provide all training resources in Welsh and English giving choice to the North Wales population. This will enable compliance with Welsh Language Standards 2018. Printed books will become available in Welsh to ensure equity and accessibility of resources.

- **any future plans you have for partnership working with the third sector, what you hope to achieve with those plans, and how they will be monitored and evaluated.**

The North Wales **NWD draft strategy** (described below) is a substantial document in excess of 26,000 words and 90 pages in length, which reflects the complexity and breadth of the work undertaken. Comprehensive comments received from partner agency staff are now being incorporated into a revised document.

Most preparative work for the strategy is complete, apart from engagement with schools and education services. Due to the pressures during the period of preparation it was not possible for representative staff from schools to attend the workshops or otherwise participate in the process. Because education are an important support to children and young people's mental health and an education perspective is essential to the strategy, a further engagement process is required.

There is an economic case and quality benefits, borne out by research, for adoption of this strategy, which aims to improve the cost effectiveness of services. The strategy cannot, at this point, offer a full financial impact analysis. This is a necessary part of the implementation process and will require modelling based on data that is not currently available, and requires collection and analysis.

The North Wales 'No Wrong Door' strategy was developed through a collaborative process using Appreciative Inquiry methods. These are strengths-based and seek to: discover what is working well in the current system; develop a joint vision for the future; design a future delivery model; propose and implementation plan.

The process took place over a period of 5 months and consisted of:

- Work with the regional team and Children's Services Managers to clarify the scope of the project and work collaboratively to initiate the work programme
- Quantitative data research
- An examination of national and international good practice relating to integrated children and young people's mental health and well-being services
- A series of workshops with professionals from partner agencies across the region
- Engagement with children and young people who have had contact with relevant services
- Iterative drafting of a strategy document and revision based on feedback from senior managers

The initial draft strategy proposes a radical revision of existing arrangements that offers an ambitious model for working together that aims to improve mental health and well-being outcomes for children and young people aged up to 25 years old. It builds on the strengths of the current system and is specifically designed for the local context.

The strategy recognises that children and young people's mental health and well-being is supported by multiple inputs delivered by a complex network of services and interventions, both formal and informal. This strategy has implications for all agencies and partners that contribute to the health and well-being outcomes of children and young people, enabling them to live their best possible lives. It will require each agency to interpret and align their own strategies and plans to this 'No Wrong Door' strategy.

The strategy proposes a regional approach based on a shared vision and an agreed set of common principles that will apply across the whole of North Wales. It however recognises that there are significant differences across the region reflecting culture, language, population density, economic factors, amongst other things. The strategy therefore proposes a regional framework consisting of a set of principles and a model that can be tailored to local circumstances. The RPB will ensure that there is local accountability for compliance with the principles and system performance. We refer to this approach as Tight – Loose – Tight: Tight adherence to the principles and outline service model – Loose (flexible) implementation of the service model – Tight accountability and monitoring of performance against the strategy.

Agreed Vision for the Future

This vision statement was developed from the key themes identified during the professionals' workshops and consultation with children and young people.

We want the children and young people of North Wales to enjoy their best mental health and well-being.

We will do this by ensuring the organisations that support them are easily accessed, work effectively together, and aim to deliver outcomes in a timely way, based on children and young people's choices and those of their families.

A briefing paper that outlined the progress that has been made towards the finalisation of the North Wales 'No Wrong Door' strategy was shared during the latest NWRPB meeting and it is evident from the discussion that the NWRPB are committed to sign up to the NWD Strategy and the NWRPB were in agreement to note the recommendations on the following,

- To note and approve the main points of the strategy
- To agree that the implementation of the plan will be the responsibility of the new Childrens Sub Group of the RPB.

- **A new children's sub-group of the RPB met for the first time this autumn.** Co-production is key to the success of the RPB Children's Sub Group, therefore, we held three initial "Childrens Sub Group Pre-meets" which took place during September and October, with the final one taking place late November. The group were tasked with reviewing arrangements for:
 - Existing C&YP partnership meetings being mapped out, to avoid duplication.
 - Terms of Reference, Priorities and Membership to the subgroup to be agreed.
 - Agree the framework for engagement and co-production with children and young people, embedding a Children Rights approach.
 - Clear governance and reporting structures to be developed
 - Population needs assessment refresh, consider the priorities when setting the work plan.

The pre-meets have been held with a view to the Group being actively launched and the conception meeting held in January 2022 and then monthly thereafter. Proposed membership of the group includes the following, however, we will review as we progress:

- Heads of Children Services
- Heads of Education Services
- Public Health Wales
- BCUHB Children's Services
- North Wales Police
- Voluntary Sector
- Children Provider Service
- Young Carer Representative

APPENDIX 1

Current Arrangements		
AREA	Third Sector Partner	Details
Regional	Mind Online Anxiety groups, Gorwel, Cruse Bereavement, SNAP Cymru, Young Carers, ASD Info Wales, Rape and Sexual Assault Centre (RASAC), NSPCC, Barnado's, Papyrus, Young Minds, Early Help Hub Flintshire, STAND, VIVA, West Rhyl Young People's Project, Cruse, DASU, NYAS, St Kentigens Hospice Bereavement, North Wales Womens Centre, Action for Children	<p>Example of third sector organisations signposted to via Single Point of Access (SPOA) and Family Wellbeing Practitioners working in GP clusters.</p> <p>Third sector partners are also invited to CAMHS team brief sessions</p>
Central Area	Y Bont	<p>Worked with Y Bont for many years to deliver the Seasons for Growth manualised group based loss and grief education programme. Y Bont now lead on the programme with CAMHS services providing mentorship.</p>
Central Area	Conwy Mind	<p>Improved links being made with individual staff strengthening connections and attendance at CAMHS team meeting.</p> <p>Conwy Mind also attend the Transition meeting monthly alongside other partners to ensure we are working collaboratively with all sectors and agencies and have more patient choice.</p> <p>Training recently provided to the staff team at Conwy Mind re – Self harm in Young People. This link brings added value to the work</p>

		relating to transition and includes a three way partnership with adult services.
Central Area	CREATE	Service based on the arts as a support/step down for young people. CAMHS involved in the setting up of the service and continue to sit on the sub-group to ensure staff are supported
West Area	GISDA	GISDA has the only specific LGBTQ+ young peoples' service in Gwynedd, offering key worker support and also accommodating peer-supported interactions within a youth club setting across three locations in Gwynedd. GISDA offers accommodation, with hostels and independent flats, support with independent living skills, financial advice/education as well as supporting young people back into education, training and employment. Many of the young people GISDA support struggle with their mental health and therefore co-working with CAMHS is very important in ensuring a holistic and complete service, be this is a consultancy role, or working directly with the young people. GISDA and CAMHS co-work on an individual case by case basis, but also on a project development basis, with CAMHS practitioners' project planning, implementing, and managing the LGBTQ+ service to its current status.
East Area	Inspire – Youth Work in Hospital Team	Dedicated CAMHS Practitioners based with them.

		Recently commissioned the employment of a youth worker to be based in CAMHS services to allow for further joint working with Inspire. Monthly supervision facilitated
East Area	Flintshire Sorted (Drug and Alcohol)	Dedicated CAMHS Practitioners based with them
East Area	In2Change	Supervision facilitated on a monthly basis
East Area	Action for Children	Longstanding arrangement, jointly commissioned by BCU/WBC and FCC to deliver therapeutic services to children and young people in care or on the edge of care
Regional CAMHS Tier 4	Urdd Cymru	Outward bounds offering activities to children and young people during school holidays
<p><i>The regional KITE Outreach team works collaboratively via the AMBIT model of engaging the systems of support around the young people open to the team, working systemically and viewing third sector services as an integral part of the MDT. The team ensures that any third sector workers are kept updated as to their work and intervention and they are invited to all reviews. Examples of third sector working with the Kite team include:</i></p>		
KITE team	Action for Children	Joint working to support families
KITE team	Barnardo's	Collaborative working via multi agency meetings. Access services from Barnardo's in relation to young girls at risk of child sexual exploitation
KITE team	Hafal	Joint working in relation to young people transitioning who are experiencing 'first episode psychosis'
KITE team	KIM Project	A project that works to empower young people to build resilience, boost confidence and manage difficult emotions be engaging them in projects, clubs and activities, joint working on a number of occasions.

KITE team	Rape and sexual abuse support centre (RASASC)	Liaison with this service several times in relation to counselling for young people who have experienced sexual abuse/assault.
Plans for future work with third sector partners		
<i>CAMHS services have recently undertaken a Call for Innovation with partners to offer funding available from investment slippage for innovative projects that will enhance CAMHS services. The following bids from third sector partners have been received:</i>		
East Area	Your Space (Marches) Limited	Outreach support for children, young people and their families awaiting ND assessment or post diagnosis, provision of talking therapy counselling – further clarification requested.
West Area	Barnardo's	Provision of interventions and prevention for children and young people and their families who may not meet core CAMHS criteria or require short-term interventions following crisis admission – bid successful
West Area	GISDA	Additional support for 100 at risk homeless or vulnerable young people in Gwynedd – bid successful
Central Area	Denbighshire Missing Boys	Pilot scheme to trial therapeutic interventions with identified cohort of males 11-18 requiring mental health support using outdoor therapies and walk & talk strategies – bid successful
Regional	Multiple third sector partners including Barnardo's, Outdoor Partnership and Gisda	Mind out future programme - Group activities and engagement discovery exercises to facilitate 'what matters?' conversations with emotional resilience and mental health services. Address mental health inequalities that were highlighted and made worse by the Covid-19 pandemic

		Bid submitted for lottery funding, request for interim funding – further information required.
Further plans for future work with third sector partners		
Central Area	Mostyn Art Gallery	Discussions being held regarding provision of art psychotherapy group and their community engagement programme
Central Area	TAPE	Links with TAPE music and film recently made to explore community activities they could deliver focussing on the Five Ways to Wellbeing possibly utilising filming/interviewing skills

**CYPE(6)-04-22- Papur i'w nodi 8
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu
gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc Ymateb
gan Fwrdd Partneriaeth Rhanbarthol Cwm Taf Morgannwg**



13th January 2022

Jayne Bryant MS
Chair, Children, Young People and Education Committee
Senedd Cymru

Dear Jayne

WORKING WITH THE THIRD SECTOR TO PROVIDE MENTAL HEALTH SUPPORT FOR CHILDREN AND YOUNG PEOPLE

Thank you for your letter dated 1st December 21, regarding the above topic and in particular your queries regarding how Cwm Taf Morgannwg are working with the third sector to support children and young people's mental health.

It should be highlighted that the region very much welcome and supports our third sector, partners and services who are essential in delivering services to support children, young people and their families. Within Cwm Taf Morgannwg we can demonstrate many examples of good practice whereby third sector partners are either involved through commissioned services or deliver direct interventions to support children and young people's emotional and mental health.

Good practice examples can be seen in some of the following services;

- **MAPPS Therapy service for children looked after** – recently commissioned, the Behaviour Clinic, a social enterprise agency, has been awarded a one year **regional** contract (with a potential to extend), to provide direct therapy and holistic therapeutic interventions to be delivered across the region of Rhondda Cynon Taff, Bridgend and Merthyr Tydfil. Services will be delivered to those care experienced children who after who have repeated placement breakdown with foster carers, and those with plans for adoptions, with the most complex emotional and mental health needs. Support for carers to manage ongoing relationships and behaviour management/stability will also be provided preventatively, in order to achieve the best longer term outcomes for these

vulnerable children and young people. This service is currently funded through the **Integrated Care Funding, via the Regional Partnership Board**, but will be funded through the new Health and Social Care Regional Integration Fund (RIF), from April 2022, with a pooled budget and managed by an integrated MAPSS Board, consisting of social care Heads of Children's service and CAMHS health professionals.

- **CAMHS new In-Reach Service and links with Whole Schools Approach Coordinator** – the new CAMHS In-Reach service has received funding to roll out emotional support and wellbeing services supporting children in cluster schools across Cwm Taf Morgannwg. As a new Health Board service it is at the earliest inception stage with staff being recruited, to include 3 x Band 7 Mental Health Nurses and 13 x Band 5 Practitioners. Despite no ICF or regional funding being directed to the service, the Regional Commissioning Unit, on behalf of the RPB has facilitated links are made with the Whole Schools Approach Coordinator who is working with 40 pilot schools to undertake self-assessment in schools, a view to identifying how well equipped schools are to support children's emotional and mental health. The links made have been forged on the basis that they will use the new NEST Framework to plan the operational deliver and development of their service, which takes a holistic approach to integrating services in a No Wrong Door approach, give easier access to expertise, supporting by safe communities. The findings from the self assessment by schools will allow the In-Reach service to act as enablers to deliver interventions, signpost to other services, eg Kooth online counselling service (digital mental health service), Mental Health Matters (Eating Disorder peer support service (commissioned from the third sector). Using the NEST framework will allow both services to plan integrated interventions, thus working to the NEST framework principles. **See Annex A** NEST Mindmap for the In-Reach and Whole Schools Approach model.

Other Integrated Care Funded Projects and Services across the Region

The **Resilient Families Service (RFS)** within Rhondda Cynon Taff, sees the provision of a range of support and early intervention services to parents and children, in the community, schools, supporting wellbeing and emotional health. Regional Integrated Care Funding (ICF) funding, agreed by the RPB, to the value of £250,000 part funds this service with Rhondda Cynon Taff CBC.

- The **Community Wellbeing and Support service**, of the RFS provides a raft of wellbeing and emotional support available to young people aged 11 years and above, both within school and the community. **See Annex B.**
- **Eye2Eye service** - the registered counselling **charity Eye to Eye** are commissioned to deliver counselling services to children and young people aged 3-25. The service was predominately for school based counselling; aged 11 to 18 and year 6 primary school pupils however the service was recommissioned in 2019 to deliver services to a wider age range from primary year 3 to 5, the statutory element (11-18), and from age 19 to 25 in the community. The effectiveness of the intervention is evaluated for the 11-18 year olds using the Young Persons CORE assessment, this a 10 item self-

report measure of emotional wellbeing, this is completed from the first to last session. Eye to Eye developed a pathway as part of the service to particularly support schools to refer to the most appropriate agency and to reduce the number of referrals to them where the person could be supported elsewhere. The development of the pathway supported refers to identify those where counselling would be the most appropriate intervention. All the information on the pathway is consistently checked by Eye to Eye to ensure its accuracy. Referrals to Eye to Eye can be made by parents, schools, other professionals or via self-referral for children and young people over age 11.

- **Children's Disability Team (Rhondda Cynon Taff CBC)** - commission open access play sessions for Children with additional needs, Autism, ADHD, from the third sector. Regional ICF funding is used to support this service for children with additional needs in order to access open access play sessions, with adult support, as required. This supports the wider physical, emotional, cognitive development for children with disabilities and additional needs, as children learn and develop through play. The 'Care to Play' scheme will commission open access sessions from a wide range of third sector organisations across the community, but also provides strategies to allow children with additional needs to fully access sessions, without which would prove distressing for them, ensuring their wellbeing and mental health are stabilised within a supportive environment, promoting their learning, growth and wellbeing. **Annex C.**
- Additionally, there is significant amount of support being provided within localities across the region, see **Annex D** - COVID 10 Sources of Support for Children across Rhondda Cynon Taff CBC, whereby queries via the Information, Advice and Assistance teams can refer and signpost on to many third sector agencies, where there is demonstrable mental health and emotional wellbeing need.

Direct Third sector funded projects across the region, include:

- **Third Sector Revenue Grant (TSRG)** – The RPB provides £153,000 of ICF revenue funding to both Interlink (Council for Voluntary Action CVC)) and BAVO (Bridgend Association for Voluntary Organisations) who facilitates funding to support a number of third sector organisations through their large and small grant scheme, to support children and families, across Merthyr Tydfil, Rhondda Cynon Taff and Bridgend. They fund third sector agencies that aim to solve a lack of access, awareness, connectedness and coordination of community support, by providing local information, advice and assistance for children and families. The long term outcomes are to improve community support and access to information, advice and guidance through creating more resilient communities for children and families, which contribute to the **emotional wellbeing** of children and young people, including support, a reducing open access, universal youth service provision in deprived and remote areas of Bridgend County.

Across Bridgend a range of support is available for children and families promoting their emotional wellbeing and mental health;

- **Emotional Wellbeing Resilience Support** - this project provides support through early help to enable children, young people and their families to take control of their lives and maximise their life chances and reducing the need for statutory support and look to increase children's resilience and develop ways in managing their emotions and feelings effectively. The project is in response to the gap in service for children in primary school around promoting their resilience and emotional wellbeing. There are difficulties in accessing CAMHS support for tier 4 children and support for those children who are beginning to present with some emotional wellbeing issues have little support. Five Wellbeing Workers working with primary school aged children either on a 1:1 basis or in group work at home, community or school, to support their resilience and emotional wellbeing to prevent their needs escalating, strengthening family relations and support networks. Via the RPB, ICF funds this service to the value of £168,020 within Bridgend.
- **(EX5C) 3. Moving Forward at Y Bont** – Via the RPB, ICF provides £35,916 funding to this project which works with; children with complex needs due to disability or illness (including mental health & emotional problems), children with Autism and parents/carers. The aim of the project is to provide children with healthier lifestyle behaviours, improve the development of children, support the wellbeing of children and support carers to feel less lonely and isolated in their caring role for disabled children. Supporting children with early help and prevention, also supporting parents, carers with information, advice and support them with their emotional health & wellbeing. For parents/carers, Y Bont provides a vital lifeline and support mechanism, and respite from the heavy demands and challenges placed on them from their child's complex needs. Without this support, many families escalate to crisis point. Family breakdowns are much higher where there is a child with a disability and additional learning needs. The 24/7 attention needs when caring for a disabled child puts huge pressures on the family members and having the ability to place their child at Y Bont where they are confident they will be cared for and safe allows parents the necessary space to focus on their own needs. Taking part in the Moving Forward project puts them in contact with other parents and carers with the same issues and challenges that they face on a daily basis, this provides the comfort of the knowledge that they are not alone.

Other Third Sector services

- **Valley Steps (third sector organisation) - Steps to Student Wellbeing (funded by ICF Funding)** - Funded via the Integrated Care Fund since January 2020 (with additional funding secured to extend our offer beyond RCT and Merthyr via the South East Wales FE College Consortium) Steps to Student Wellbeing delivers a range of self-help and self management courses to students and learners in the University of South Wales, Coleg y Cymoed and the College Merthyr Tydfil (Extended to include Coleg Gwent, St David's College Cardiff and Bridgend College via consortium funding from Autumn 2020). The service provides a programme of six week programmes to students

including a **six week resilience programme** and six week mindfulness programme developed in consultation with learners. The service also delivers a range of stand alone workshops and provides volunteering opportunities for students to engage in peer support for students. The service has also developed a host of online resources on a dedicated student support webpage found at <https://valleyssteps.org/students/>.

- **Families Together 4 Wellbeing and Support For Schools - Funded via the Taf Ely Primary Care Cluster** - The Families Together Programme and work with schools is an initiative developed with the support of the Taf Ely Primary Care Cluster. Professionals in the cluster see a significant number of young people presenting with mental health and emotional health problems, often supported by their parents. This situation has been exacerbated by a limited range of options below CAMHS. Valleys Steps has developed a programme where young people and their parents learn knowledge and skills to promote resilience and to reduce the need for access to statutory services or prescribing of anti-depressant medication. Consultation on the development of this work has included liaison with schools and to date courses have been delivered to learners in Y Pant and Hawthorn Comprehensive Schools with further work planned with Llanharry Comprehensive in early 2022. Dialogue is ongoing with the Bridgend South Primary Care Cluster in connection to the delivery of the families together programme and work with schools.

Supporting this area of work into future years will see a funding bid application for 'Mind Our Future' funding from the Big Lottery, led by County Voluntary Council (Interlink) within Rhondda Cynon Taff CBC. Interlink have been invited to the next stage of the funding application process, to apply for fund which aim to provide mental health support for children and young people across the region.

Yours faithfully



Luke Takeuchi
Deputy Chair Regional Partnership Board
Cwm Taf Morgannwg

Eitem 3.9

CYPE(6) 04 22 Papur i'w nodi 9

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gwent



Your ref/Eich cyf:

Our ref/Ein cyf: Third Sector_MH_RPB

Date/Dyddiad: 14th January 2022

Please contact/Cysyllter â: Phil Diamond

Direct line/Llinell ffôn: 07904 921532

Direct fax/Llinell ffacs:

Email/Ebost: phil.diamond@torfaen.gov.uk

Jayne Bryant MS
Chair, Children Young People and Education Committee
Senydd Cymru,

Dear Jane,

Working with the third sector to provide mental health support services for children and young people

Thank you for your letter dated 1st December 2021 and the opportunity to set out how the Gwent Regional Partnership Board are working with third sector partners to provide emotional wellbeing and mental health services for children and young people.

In relation to the points raised in your letter, I have set out the partnership arrangements we have established with third sector partners and examples of some of the services we have developed. This is not an extensive list and I would be more than happy to provide further details if required. In relation to providing mental health support to children and young people:

- **how we work alongside the third sector to plan and deliver support services**

The RPB includes membership from both third sector umbrella organisations in the region – Gwent Association of Voluntary Organisations (GAVO) and Torfaen Voluntary Alliance (TVA) – who are able to contribute to partnership working at a strategic level and ensure the views of third sector partners are considered alongside statutory services. The Lead Officers for both GAVO and TVA also attend the regional Leadership Group that underpins the RPB to ensure third sector partners are involved in planning and delivering services. In the Gwent region we have established a Children and Family board and this group has also established a specific third sector network for providers working with children and families. The network is used to promote collaboration opportunities and to strengthen and identify new working relationships on an ongoing basis to address our strategic priorities. The network has been instrumental in shaping the use of Integrated Care Funding and Transformation Funding and well attended by 20-30 partners per meeting.

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- **Active projects/initiatives currently undertaking alongside the third sector**

Below are some of the projects/initiatives established across the region but not an extensive list.

Family Intervention Team with Action for Children: The service provides early intervention for families where there is complexity of needs and where a family-based, community-delivered approach is indicated. The service provides a time-limited home and school visiting service. Families receive a holistic assessment at home or in a community venue of their choice, children are observed in the school setting and a discussion is held with key school staff, and a programme of intervention informed by a psychological formulation is devised collaboratively between worker, Clinical Psychologist/Team Lead and the family. The aim of the *Family Intervention Team (FIT)* is to provide an equitable service across the Gwent region to children and young people from 3-16 years old experiencing emotional, behavioural and emerging mental health difficulties.

Short Term Intensive Support Team for children with autism and learning disabilities during Covid-19: The service was set up at the start of the COVID-19 pandemic to support children with autism and learning disabilities. It was aimed at children with the most complex needs who were already receiving support from the Child and Adolescent Learning Disability Service (CALDS) to prevent/postpone placement breakdown. The team was set up in collaboration with Sparkle and Gofal in Newport. The team have also been working alongside community psychology services to deliver Circle of Security groups for parents. These groups essentially support parents to understand and interpret their children's attachment needs with the aim of supporting children's attachment security, which we know is linked to better outcomes for children and young people in terms of the emotional and mental health.

MyST (My Support Team): is an innovative Mental Health care model which offers an alternative to placing children and young people with complex Mental Health needs in out of county residential care. It is a targeted service for children looked after, who are at risk or have been placed in residential provisions due to their complex Mental Health needs. Through its community-based placements, it provides bespoke and complex Mental Health interventions across the whole support network of the child, as intensively as needed, with a model of intervention that aims to focus on impacting on a child's development and resilience. MyST works with the

- whole support network around the child,
- provides expertise in psychological interventions and strategies underpinned by theory;
- embedded support and reflective practice structures;
- collaborative, pro-active and inclusive approach to working with children, young people and their families and
- 24 hour on-call support for foster cares, birth families and young people.

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This whole system approach includes wider working with third sector partners, especially NYAS and advocacy services as well as providing advice and training to partners.

Skills for Living Project with Action for Children: Skills for Living is an innovative project to improve the emotional wellbeing of young people leaving care across Gwent and is delivered by a specialist mental health team within Action for Children. The service is offered to young people who were in the care system on their 16th birthday, especially targeting those who have experienced significant emotional distress and have developed self-destructive behaviours. The project further supports the Workforce within these sectors, providing training to develop the skills to support care leavers in a consistent manner. The success of the project relies on the integration of these organisations to support the delivery of a consistent and equitably high-quality service to care leavers across Gwent.

Platform 4 YP: Platform work with young people on an individual and group-based level to develop skills and find ways that work for them to manage their wellbeing so that they can live healthier, happier, and more fulfilled lives. Platform provide opportunities for young people to train as peer mentors and pass on the knowledge they have learned. Platform 4YP's overall aim is to provide early access to support, improve young people's overall wellbeing, create a sense of connection/reduce isolation and to create a network of peer support across Gwent. Platform 4YP has supported young people to explore their wellbeing, access new peer groups and learn new skills and strategies that they can use to manage daily. The team report they have seen an improvement in the wellbeing of young people and an increase in the use of wellbeing strategies. The team have observed the benefit of peer support and the connections created through shared experiences and shared learning.

- **where partnership working has worked well, and where you have learnt lessons for how to improve it in the future; and**

Partnership working has worked well through the development of our 'single point of access' panel that has needed collaboration and commitment from agencies to create a single front door. Equally, through the Iceberg transformation programme, we have worked as a partnership to deliver a suite of services for children, young people and families in Gwent. This reflects through our SPACE-Wellbeing panels which was recognised by the Children's Commissioner for Wales in the 'No Wrong Doors' report.

'We are particularly encouraged by the Gwent region's SPACE-Wellbeing early help panels that are the most advanced example we have found of a timely, 'no wrong door' approach to supporting families where children are experiencing mental or emotional health issues or behavioural difficulties. There are also other good examples across Wales where regions are starting to pull services together to help children with complex needs. Regions need to do more to learn from each other where good practice examples exist, and to be more ambitious in aiming for a 'no wrong door' experience right across their regions.'

We have good links with some third sector partners but recognise that we need to ensure the attendance of third sector is consistent at all local panels in the area, and to widen the offer for our communities. We are currently exploring how peer mentoring might have a further part to play when young people are discharged from Mental Health Services.

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- **any future plans you have for partnership working with the third sector, what you hope to achieve with those plans, and how they will be monitored and evaluated.**

We are continuing to foster our relationships with current third sector agencies, and how their input aligns with the new Welsh Government's NEST framework. We have recently setup an implementation group for NEST within a partnership space so we can explore opportunities for synergy and development. The plans are still in development whilst we take a more collaborative approach towards the next stage, but the meeting will provide us with regular review points to work and link with third sector partners. The development and implementation of the NEST framework across all organisations in the region is a key priority for the Children and Family Board and will be monitored with progress updates to the RPB.

I hope you find the information useful and assists the Committee with prioritising key programmes in this very important area of national and regional emotional wellbeing and mental health support to children and young people with our third sector partners. If you require further details or would welcome a follow up discussion, please do not hesitate to contact me

Yours sincerely

Cllr Paul Cockeram
Gwent Regional Partnership Board Chair
Cabinet Member Social Services, Newport City Council

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Tudalen y pecyn 65

Eitem 3.10

CYPE(6)-04-22- Papur i'w nodi 10

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gorllewin Morgannwg

✉ west.glamorgan@swansea.gov.uk

🌐 www.westglamorgan.org.uk



Partneriaeth
Ranbarthol
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West
Glamorgan
Regional
Partnership

Jayne Bryant MS

Chair of Children, Young People and Education Committee

Welsh Parliament Cardiff Bay,
Cardiff,
CF99 1SN

Date: 14th January, 2022

Dear Jayne,

Thank you for your letter dated 1 December 2021, titled 'Working with the third sector to provide mental health support services for children and young people'. As requested below is a response to the Committee in relation to our work providing mental health support to children and young people [CYP].

Regional Context

To provide some background about our transformation of mental health services for CYP in West Glamorgan, it may be useful to describe our regional approach. In early 2021, we restructured our governance arrangements to establish a new **CYP Programme Board**, chaired by the Head of Child and Family Services in Swansea Council and with representation from all partner organisations, third sector representatives and citizens and carers who are members of our Regional Co-production Group. This board provides clear accountability for collaborative working to improve CYP services across the region.

The Programme Board is supported by the **Emotional Health and Wellbeing Planning Group**, which focuses on developing support for CYP across the whole system and pathway. This group has been working on a delivery plan and priority actions including our regional approach to participation and engagement, an important challenge for us to ensure that all of our work is informed by "the voice of the child" and that services are designed to meet their needs.

In addition to our regional governance arrangements, we have been supporting regional transformation through a range of funding opportunities, which include:

- Health Board Mental Health Service Improvement Fund;
- Regional Integrated Care Fund [ICF], including RPB CYP funding;
- Third Sector GP Cluster Grants;

During the COVID-19 pandemic, we have faced a number of challenges across health and social care services but within our region, we have continued to push for transformation of CYP services and mental health services. Both programmes of work have continued to report fortnightly into our Transformation Boards to allow us to provide momentum and direction at this difficult time.

Working with Third Sector

In terms of how we work alongside the third sector to plan and deliver support services, it is a key principle of the partnership to include third sector representation across our governance. We work closely with both Swansea Council for Voluntary Service [SCVS] and Neath Port Talbot Council for Voluntary Service [NPTCVS] to co-ordinate third sector engagement across all of our transformation programmes and meetings. Director of NPTCVS is a member of the Regional Partnership Board and the CVC staff are integrated with our transformation teams across all programmes of work.

In specific reference to our work on CYP mental health, we have worked with SCVS and NPTCVS in the planning and commissioning of mental health services and funding opportunities. Members of both organisations (as well as third sector representatives that have been assigned to support specific programmes through our regional network) sit on our grant panels, attend planning meetings and contribute to the work that informs our strategic planning. One third sector representative is the co-chair of one of our workstreams that focuses on achieving delivery plan actions under the Emotional Health and Wellbeing Planning Group.

Current projects and initiatives

In terms of active projects/initiatives that we are currently undertaking alongside the third sector, we have included a breakdown of these initiatives, which are regionally funded in **Appendix A** (Regionally Revenue funded third sector projects for CYP mental health).

Many of these initiatives have responded to the changing demands of the COVID-19 pandemic. For example, across local GP Clusters there has been an increase in referrals for CYP counselling during the pandemic. Llchwyr, Bay and Cwmtawe Clusters have all commissioned third sector organisations to provide counselling sessions for patients registered in their surgeries. We continue to engage with professionals on the front line including third sector staff and volunteers (e.g. Social Prescribers) to seek their insights on how to improve our regional response to the pandemic.

We have also been working closely with third sector colleagues to promote the initiatives that are already out there in our region in order to meet the challenges of the pandemic. The **Tidy Minds** website (www.tidyminds.org.uk) was developed by Swansea Bay University Health Board to provide young people in Swansea and Neath Port Talbot with access to mental health advice and support. We have also used **Kooth**, a digital mental health and wellbeing company (www.kooth.com), to provide 11-18 years old with access to emotional wellbeing and early intervention mental health support.

Third sector colleagues are also engaged with our work to implement the **NEST/NYTH Programme** directed by the Together for Children and Young People [T4CYP] team in Welsh Government. This will align the principles of the No Wrong Door report and we are working on ways to develop our whole system approach based on cultural, technical and procedural changes.

Partnership Working

In terms of where partnership working has worked well, we are currently picking up some important feedback as part of our evaluation work on our existing programmes, which aligns to the end of the current financial year and in readiness for a new funding cycle with Welsh Government. This will feed

into our planning for how the partnership will evolve from April 2022 onwards in light of the new guidance and opportunities for regional working.

However, we have already identified positive feedback on our partnership approach including:

- Good relationships exist across all levels of partner organisations with third sector representatives included in decision-making functions;
- Suitable representatives are appointed to the majority of transformation boards and programmes (for example, a representative of Barnardos sits on the Children and Young People Programme Board) following a clear process for appointing third sector representatives;
- Both SCVS and NPTCVS play important roles in liaison between the partnership and members of the public across the region, supporting individuals with specific needs to help them contribute directly to the work of the partnership;
- Third sector colleagues often respond quickly to new challenges and opportunities across the partnership (for example, appointing appropriate individuals to sit on grants panels for short term funding opportunities);
- Partnership colleagues are engaged with the **Regional Third Sector Health and Social Care Network** and third sector colleagues are engaged with the regional forums co-ordinated by the RPB including our Carers Liaison Forum [CLF] and Regional Housing Forum [RHF].

In terms of our learnt lessons for how to improve partnership working in the future, we are currently working on what our partnership approach looks like from April 2022, in line with the revised guidance from Welsh Government on the new Regional Integrated Fund [RIF]. Senior managers from both CVS organisations and representatives of third sector organisations are involved in these discussions and we will reference a range of insights and feedback including the Lessons Learned Report which was produced following the first wave of the COVID-19 pandemic.

Future Plans

In terms of future plans for partnership working with the third sector, we plan to build on the successful relationships we have developed in order to improve how effective the third sector can be across our region. In particular consideration of the needs of CYP, we know that there are lots of great resources and organisations in our area that can and should play a vital role in our strategic ambitions.

The next reporting year will see our CYP Programme gain momentum as we look to develop a long term strategy for transforming CYP services across our partnership. Following mapping exercises undertaken this year, we will have a clearer picture of where we are now and we will develop our vision for the future following a co-production approach (in line with our own **Regional Co-production Framework** but with careful consideration to participation and engagement with CYP). A big part of this journey will be increasing understanding and awareness of the role that the voluntary sector plays in supporting the emotional health and wellbeing of CYP.

One area in particular that we have been looking at is our strategic approach to commissioning third sector organisations, in order to allocate funding in a manner that avoids duplication (i.e. funding multiple initiatives address the same outcomes) and encourages collaboration. This will include looking at how to build resilience into the third sector to meet the changing demands, as experienced throughout the COVID-19 pandemic. A partnership group has been established to develop this approach, which includes citizen and carers representatives.



To ensure we are successful in achieving this vision, we will develop our performance management framework specifically for CYP services and initiatives, to monitor our performance and evaluate our outcomes. Data is a key foundation for such a framework so we plan to develop an approach that allows us to explore innovative and collaborative solutions to problems while following robust reporting protocols.

We will shortly be publishing our **CYP Population Needs Assessment** which will provide valuable insight and inform our strategic approach. We also wish to develop our regional approach to training, participation and engagement so that we can use case studies and other sources directly from CYP to develop our workforce and enhance our capabilities.

I hope that provides sufficient update in relation to your questions posed, though please let me know if you would like clarification on any of the topics. We look forward to continue working closely with the Children's Commissioner for Wales and others to continue improving the way we work with colleagues in the third sector in supporting children and young people across West Glamorgan.

Yours sincerely



Emma Woollett
West Glamorgan RPB Chair
Swansea Bay University Health Board Chair

APPENDIX A – Regional Revenue funded projects for Third Sector CYP Mental Health

The following table provides an overview of the current projects and initiatives funded by the regional Revenue fund specifically for third sector initiatives that directly support the emotional health and wellbeing of children and young people. Further details about each initiative are available if required:

Host Organisation	Project Name	Project Description	Regional / Local Scheme
Circus Eruption	Circus Development Project (Edge of Care / Care Experienced)	In this project we will deliver creative, integrated interventions to support young people on the edge of care/care experienced, to reduce the need for more intensive forms of support. In order to do this we will: • RUN WORKSHOPS AND PILOTS: Create, run and evaluate sets of circus workshops (usually alongside strategic partner organisations, e.g. Voices from Care Cymru, Family Action Support Team, LA participation officers Swansea/NPT). Some of these will be 'pilots' to test or evaluate new approaches. Offer/encourage integration into our youth circus and 'bubble circus' projects. • PROVIDE TRAINING: Train staff in other organisations in use and purpose of circus– so they better understand the value of circus, engage and appropriately refer. • DEVELOP: Build on and cascade existing networks, to support appropriate/ timely early interventions. • RECRUIT VOLUNTEERS: Recruit and train care experienced volunteers • UNDERGO TRAINING: Staff and volunteers to undertake relevant training – e.g. Mental Health First Aid, Sensory Regulation, impacts and issues of care experience (latter delivered by care experienced young people).	Regional
Interplay	Interplay's Wellbeing 4 Early Years – 4 -11	The project is an early intervention and prevention project for children age 4-11 with emotional difficulties, wellbeing or mental health issues and those with learning disabilities, Autism and behavioural issues. Through play the project will work with children to help them combat their social anxieties and behaviours that challenge and lessen the barriers that prevent access to mainstream play and social interaction. As well as working with the children that need additional support, the services will also be open to their siblings, helping to building positive play and social interaction within the family unit and in their wider community. We will provide supported play & wellbeing sessions, the tools and the opportunities for children to build on their social skills and increase their self-esteem, emotional resilience and improve their overall wellbeing; thus enabling children to have a better chance of being able to access social and leisure activities as they get older.	Regional
Interplay	Interplay's ENSpir & Wellbeing Project12-18	The Project is for 12-18 year olds with emotional difficulties and wellbeing or mental health issues, those with learning disabilities, Autism and behavioural issues that lead to social barriers that make accessing mainstream social opportunities challenging. Interplay will provide a skills based provision that will increase young people's confidence and wellbeing through leisure activities, social opportunities and wellbeing sessions, enabling them to access wellbeing support, new experiences, learn new skills, expand their outlook on the world and have a better understanding of their own future potential.	Regional
Llamau	Llamau Counselling (Swansea and NPT)	Our aim is to proactively identify & address emotional well-being issues amongst homeless young people (YP) at the earliest stage we can, reducing both existing & emerging inequalities for YP and the demand for already stretched statutory services. We wish to establish the provision of accessible counselling as a key part of our support offer, levelling the playing field for vulnerable YP during & beyond the COVID-19 crisis.	Regional
Swansea Autism Movement	Swansea Autism Movement CIC	Swansea Autism Movement CIC (SAM) is a peer to peer project whose aim is to develop the resilience and wellbeing of our autism community by connecting families through activities, providing regular contact with peers experiencing similar challenges. We support autistic children/young people, their siblings and also parents and carers. We provide age appropriate, safe, inclusive and flexible activities for the whole family. We are experienced at tailoring activities to meet the particular needs of the autistic community. Activities will be tailored to them following consultation and evaluation and will include music sessions, keep fit and active community events, family fun days, wellbeing events for parent carers and a 3 day activity residential. We now have	Regional

Host Organisation	Project Name	Project Description	Regional / Local Scheme
		<p>approximately 600 families who have autistic children/young people (or on the diagnostic pathway) and their siblings. Our events are an opportunity for families to share their experiences, offer support and celebrate successes. Sharing peer experience and expertise is particularly valuable to new families who are often coming to terms with the assessment process and diagnosis of autism and to families who are experiencing transition points in their services. Many of our families are disadvantaged financially as often one or both parents have needed to terminate their careers to become full time parent carers. Without projects such as ours, they would be even more isolated than they already are. Together we create a sense of belonging in an often emotionally difficult time. Our holistic approach supports our community to stay active reducing loneliness and isolation, supporting everyone's mental and physical health long term.</p>	
Relate	Relate Counselling Services - Wales	<p>We would like to ask for support for our counselling services across Wales in particular Glamorgan, we help thousands of individuals each year looking for support and guidance with many situations. We offer 1 hour long sessions on a regular basis and start with an average of 6 sessions, an individual's need is then assessed and more offered if needed, each person is different. Relate are the UK's largest provider of relationship support, and last year we helped over five million people of all ages, backgrounds, sexual orientations and gender identities to strengthen their relationships across the UK. Our services include Relationship Counselling for individuals and couples, Family Counselling, Mediation, Children and Young People's Counselling and Sex Therapy. We also provide friendly and informal workshops.</p>	Regional
LGBT Cymru Helpline	Supporting Swansea's Mental Health	<p>The LGBT Cymru Helpline proposes a project which focusses on the emotional health and wellbeing of people in Swansea. We operate a service which provides accessible, confidential counselling to LGBT+ people, their families, and allies (open to everyone) in Wales, with a particular emphasis on engagement in Swansea, Neath Port Talbot, and Carmarthenshire.</p>	Local - Swansea
Faith in Families Ffaiath yn y pecyn 71	Brighter futures – ACE recovery	<p>Our Family Centres and Outreach Projects strive to be able to fully provide the much needed children and family support facilities in one-stop centres, easily accessible within the local communities we serve. Faith in Families have delivered services to families in Swansea for over 21 years. We are based in some of the most deprived areas and work with families via our 3 family centres. Staff are experienced in delivering a range of services aimed at improving the mental and physical health of those we support. We have a depth of knowledge and experience of working with families that are affected by poor physical and mental health and living with exceptional hardship due to a lack of income and an ongoing struggle to meet even their most basic of needs. As an organisation we support communities to address issues, develop solution focused thinking and to engage in activities that encourage positive mental health and resilience.</p> <p>Our target audience are children who have experienced often multiple ACE's and are struggling with big emotions such as anger and anxiety, this is often displayed in unwanted behaviours meaning that they find school, friendships and life in general difficult. By employing Engagement Workers to deliver intensive non-intrusive support we will tackle this injustice. Working in partnership with schools and local agencies we will deliver interventions and activities that have a real impact on children supporting them to be the best they can be. Early Intervention addressing mental well-being is crucial in being able to improve the lives of children, adolescents and adults who, when suffering from emotional pain or trauma that is left untreated, may go on to develop more serious mental health issues. By providing one-2-one non-intrusive therapeutic play and emotional literacy support we can support these children and make a real difference. Some of these differenced would be-</p> <ul style="list-style-type: none"> • Children school attendance will improve. • Children will achieve more academically. • Children be happier and develop healthy friendships • Children will be able to recognise and name their emotions. • Children will become more confident. • Children will become more resilient and be able to regulate their feelings. 	Local - Swansea

Host Organisation	Project Name	Project Description	Regional / Local Scheme
		<ul style="list-style-type: none"> • Children will develop their voice and ability to use it positively. <p>Our Brighter futures project has been extremely successful in engaging with and changing children's outlook, giving them opportunities that they never had before.</p>	
Swansea Music Art Digital (Swansea MAD)	Creative Connections	<p>Swansea MAD is a youth and community charity. Located in an area of high deprivation, activities take place for the prevention of poverty, advancement of social justice and equity; addressing barriers which young people face. We facilitate inclusive safe spaces for young people to access advocacy, creative arts, education, campaigning activities and wellbeing projects to bring fairness and belonging.</p> <p>The funding will enable Swansea MAD to deliver weekly wellbeing activities; including Arts/Cultural/Environmental workshops for young people in Swansea and Neath Port Talbot aged 11-25. Young people will include those who are disabled, Black/non-Black people of colour, neurodiversity, LGBT+, young carers and parents, refugees and asylum seekers and young people from Gypsy, Roma and Traveller communities, who have been disproportionately affected by COVID-19, experiencing increased mental health problems/ isolation/loneliness/digital/social exclusion</p> <p>150 children</p>	Regional
Jac Lewis Foundation Tudalen y pecyn 72	Counselling for near miss suicide cases	<p>The Jac Lewis Foundation is already a part of Swansea and Neath Port Talbot council's rapid response meetings in collaboration with the police and Swansea Bay Health Board to provide counselling and support to Swansea and Neath Port Talbot residents who have been affected by suicide. The foundation has been providing this service (funded by the National Lottery) for the past seven months and in that time have supported over 80 people who have been affected by regional suicides. Whilst undertaking this project it has become apparent that there is a great need to support the people within the region who are presenting as near miss suicides in the sense that they attempt suicide but do not die. These people are not offered support after the near miss and are far more vulnerable to taking their own life in the future. Therefore a project to provide immediate support to these people after an attempted suicide is greatly needed. The project will link with the regional safeguarding leads (link is already established) to be alerted to an attempted suicide, the foundation will then contact the person and offer immediate support from qualified and experienced psychotherapists.</p> <p>The evidence of need is shown through our collaborative working with the regional local authorities, police and LHB. The statistics of near misses - attempted suicides in the region have been increasing over the Covid 19 Pandemic and currently there are no easily accessible immediate services in place to support these people within the region. This project will support and take the pressure off the local mental health services, GP's and the safeguarding teams within the regional local authorities. Whilst ensuring that immediate support is put in place for those at high risk of suicide within the regional communities</p> <p>200 adults and 50 CYP referred</p>	Regional
New Pathways	Therapeutic Counselling Services for Children/Young People	<p>This project will provide services to meet the growing demand for sexual violence support and counselling in the Swansea, Neath and Port Talbot Area. We know children and young people who have experienced sexual violence trauma often have poor mental wellbeing and problems with behaviour, development and education – this is exacerbated if support is delayed. We want to ensure no child or young person in this region who has been raped or sexually abused is forced to wait long periods for specialist support. We would like funding to provide sexual violence counselling for 30 children and young people (ages 3-25). This would help clear the current children's waiting list and allow us to allocate services promptly to children and young people on referral.</p>	Regional

Host Organisation	Project Name	Project Description	Regional / Local Scheme
Action for Children / Ospreys in the Community Turen y pecyn 73	Bouncing Back Plus	<p>Action for Children (AfC) and Ospreys in the Community (OitC) have been working in partnership to deliver Bouncing Back across the region since September-20, and have provided 108 groups, across 17 schools, reaching 1895 Young People (YP). We recently developed and delivered a primary age programme, which is in great demand. Whilst the outcomes for the programme are excellent, e.g., 91% of pupils now know when to ask for help, teachers have suggested that a longer running programme could provide more in-depth support.</p> <p>The purpose/objective of this funding would be to deliver Bouncing Back Plus, building on Bouncing Back sessions by incorporating evidence-based skills from The Decider programme, where YP are taught 12 DBT/CBT skills in a highly original and innovative way, e.g., didactic presentation, demonstrations, music, props and visuals. As the link between physical activity and emotional wellbeing is well known/documented, we will also incorporate a weekly physical activity session (led by OitC). Bouncing Back Plus will include:</p> <ul style="list-style-type: none"> • Five one-hour sessions of Bouncing Back/The Decider (AfC) • Five one-hour sessions of physical activity (OitC) • An end of programme celebration (AfC/OitC) <p>Bouncing Back is derived from The Blues, a targeted CBT evidence-based programme designed for YP aged 12-19, which combines coping skills and physical exercise to build resilience and reduce depressive/anxiety indicators. Bouncing Back is a lower-level, early intervention, resilience building programme for YP, Key Stage 2 and upwards. Provision includes group discussion and practical tools/coping skills, enabling YP to manage their day-to-day emotional wellbeing.</p> <p>YP are supported to understand their feelings, the journey to the feelings, and the things that they can do to be more positive. It also helps YP identify when they need help and who to ask for that.</p>	Regional
Swansea Women's Aid Turen y pecyn 73	CHYPS Play and Activities Project	<p>The purpose is to continue our existing CHYPS (Children and Young People's Service) Play & Activities worker post from November 1st 2021 – March 31st 2022. This post assists with the child-led planning and delivery of play and activities programmes including workshops, group work, trips and fun activities sessions to children and young people (CYP) impacted by domestic abuse. Rolling age appropriate play and activities programmes are shaped by CYP using the service.</p> <p>The objectives are:</p> <ul style="list-style-type: none"> • To enable peer support, skills and confidence building and promote every child's right to engage in play and leisure activities • To improve the mental and physical wellbeing of the CYP, leading to reduced short and long term pressure on health centres and other support agencies in the community • To create opportunities with peers – such as group activities, trips and leisure opportunities – for CYP that enable them to feel less isolated, more understood and therefore less stigmatised by their experiences <p>CYP aged 3-16 who have experienced domestic abuse and are CHYPS service users or siblings thereof.</p> <p>The activities will take place after school and during school holidays in a variety of locations, including local parks and beaches, indoor venues such as bowling alleys, trampoline parks etc. and also via Zoom. Activities successfully adapted to Zoom include cookery lessons with parent, arts & crafts club and nature and wellbeing sessions.</p> <p>Our activity sessions can offer families a break from the pressures of having children at home. For CYP, it offers them the chance to play away from the home in a supported environment, as in this modern age they are less frequently allowed to play out, away from the home, for long periods of time.</p>	Local - Swansea
Dewis Ltd	Wellbeing Worker	<p>We would like to create a part-time (10 hour) 'Wellbeing Worker' role, bringing in a staff member with a background in Mental Health and supporting young people to add value to the support we offer to young people. We have seen a significant rise in the number of young people we work with who are aged 16-25 and presenting with wellbeing or mental health flagged within their referral, or where we have concerns regarding their wellbeing or low level mental health (including self-harm). There is an absolute increase of need due to the isolation created during the height of the pandemic and beyond.</p> <p>As a support provider, Dewis has been delivering housing related support to children and young people (aged 16-25) since 1987,</p>	Local - NPT

Host Organisation	Project Name	Project Description	Regional / Local Scheme
Tudalen		<p>this includes support in staffed supported accommodation for more vulnerable young people, and in our accommodation units within the community for young people with support needs. The young people we work with are referred or self-refer because they are homeless, at risk of homelessness or vulnerably housed, our referrals include young people who are at risk, those who are looked after, or have been looked after, those with substance misuse issues, those who are estranged from family, those with a criminal background and those with low level mental health. We work with them to provide supported accommodation in one of our 18 units of accommodation within Neath Port Talbot. Every young person who is accommodated by us has a support plan covering the 11 areas of supporting people outcomes including mental health. We work in a trauma informed way to support each young person to co-produce their support plan outcomes to ensure they are tailored to meet their individual needs, and enable them to make progress towards independence, enabling them to move on to independent living with a Registered Social Landlord or Private Rented Sector as an outcome of our support.</p> <p>We would see our 'Wellbeing Worker' role as having a pivotal role within our referral and support process. They would be part of referral assessments, and undertake a wellbeing assessment leading to individualised targeted work with a young person as part of their Support Plan, specifically within the Mental Health category, but looking at all areas of the young persons life to identify support needs. This work would meet the requirement of early intervention and prevention of escalation to higher tier services.</p> <p>Additionally, the 'Wellbeing Worker' will work as part of our on call team in providing advice and support in relation to low-level mental health and wellbeing to staff within our 24-hour services and to young people at a point of crisis.</p> <p>In a wider community context, the 'Wellbeing Worker' will carry out the wellbeing assessment with all young people assessed for support, anyone not eligible for support will be signposted to other services as required as part of the preventative role of the worker.</p>	
Swansea Community Centre Y Penryn 74	Farm Ways to Wellbeing	<p>Over 7 months run 2 targeted family sessions and one community session a month, welcoming 10 young people at a time. Sessions will offer wellbeing opportunities for children and parents by giving them a safe outdoor space and stimulating play sessions facilitated by experienced play professionals. Success will be monitored by using feedback forms, distance travelled tools and collecting feedback.</p> <p>In addition to this will be Saturday sessions. Extra member of staff will allow us to welcome extra 10 CYP to the project contributing over 600 volunteer hours over 7 months. Their time at the farm will help them to increase their skills sets. Learning practical skills from staff and their peers and sharing their own skills.</p>	Local - Swansea
Chinese In Wales Association	Care for our children	<p>The proposed project aims to improve mental health well-being and prevent mental ill-health for children and young people with Chinese heritage living in Swansea and Neath Port Talbot.</p> <p>The key activities and services of this proposed project are as follows:</p> <p>It will understand the interests of children and young people and provide regular social and physical activities to improve mental health well-being, such as outdoor activities, workshops, physical exercises, social togethering etc. These activities will be conducted online or face-to-face.</p> <p>It will promote local services which related to supporting children and young people in the region and translate useful information related children mental health issues to share with parents in the Chinese community to empower then to support their children. It will provide professional counselling sessions to children and young people who are having mental health issues or at high risk of ill mental health. It will provide relevant training to enhance interpersonal skills of the project staff and volunteers.</p>	Regional
African Community Centre	Wellbeing Activities CYP	<p>REACH will provide one to one creative counselling and psychotherapy for ages 14 – 25 we will provide counselling for 50 young people 8 sessions per person =400 sessions in total.</p> <p>Each client aged 14+ will have an assessment and YP Core forms and CORS will be completed at the beginning and end of therapy to capture any improvements and areas where further support is needed and also a tool to help identify risk.</p>	Regional

Host Organisation	Project Name	Project Description	Regional / Local Scheme
Tudalen 75 Swansea City Community Trust		<p>We also provide well-being activities for BAME people, including exercise classes (Yoga, Zumba and men's fitness), and creative workshops like African Drumming, and regular health talks on varied topics. Most recently we provided education sessions to promote take up of the Covid-19 Vaccine.</p> <p>Importantly, we enable BAME individuals (who in many cases have experienced trauma and distress in their journey to Wales) to access support including English Language classes, 1:1 advocacy/mentoring, IT support, Transport Assistance and signposting to other support services.</p> <p>This practical help has assisted many migrants who are often lonely, afraid, and overwhelmed, to adapt to a new language, culture, landscape and infrastructure.</p> <p>Our target audience are:</p> <ul style="list-style-type: none"> • People from BAME communities, Refugees, Asylum seekers <p>BAME people tell us that barriers to mental health services include:</p> <ul style="list-style-type: none"> • cultural barriers where mental health issues aren't recognised or aren't seen as important, • language barriers • professionals lack of knowledge about things that are important to a person of colour or their experiences, • white professionals not being able to fully understand what racism or discrimination is like, • stereotyping, e.g.. some white people think black people with mental health issues will get angry or aggressive, conscious and unconscious bias, and • stigma about mental illness in some communities stops some people of colour seeking help. They can feel ashamed. 	
Swansea City Community Trust	Swans supporting the mental health of children & young people	<p>The purpose and objectives of the project are to provide education and mental health support to, children and young people through in-schools projects and out of school youth work activities delivered by specialist Trust staff.</p> <p>The Trust's Health & Wellbeing programme is in line with changes to the Welsh school curriculum (Sept. '21) in the HWB "Area of Learning & Experience". As well as sessions on Mental Health, Wellbeing and Mindfulness, the programme covers Diet, Getting Active, Sleep Matters and Healthy Relationships. It has been a success, with children and young people confirming improvements in these areas via pre- and post-programme assessments, "...how to look after myself and make lifestyle changes that have made my life better.". Teacher feedback is also highly supportive of the programme.</p> <p>The funding would allow expansion of the programme into additional schools, and into youth engagement workshops outside school hours. It will also add more sessions to cover emotional and social wellbeing (including resilience and empathy) and communication skills and emotional literacy. This will cover the ability to identify emotions and express themselves assertively, active listening skills, to introduce and develop empathy and learn how to support others and conflict resolution skills. It will also allow the existing resources to be adapted to suit a younger age group so it can be delivered in primary schools.</p> <p>Staff training will provide the project's legacy and adapted delivery material will be used beyond the end of the project.</p> <p>The HWB programme uses the power of the Football Club brand to engage with children and young people who may not participate in a non-themed programme.</p> <p>3 elements:</p> <ul style="list-style-type: none"> • Staff training in embedding the above content into sessions. • Resources adaptation for younger groups and addition of new topics • Delivery of sessions 	Regional

Host Organisation	Project Name	Project Description	Regional / Local Scheme
Cwm Alliance CIC	Cwm Alliance CIC - Community Family Therapy	The Cwm Alliance CIC would like to collaborate with The Family Therapy Place to provide community-based family therapy that is easily accessible to families within the Cwmtawe area of Swansea. The service will accept open referrals direct to The Family Therapy Place and be promoted via the existing local networks of the Cwm Alliance CIC which include, Cwmtawe Cluster, Ospreys in the Community and local faith support. The project will start with a family focused creative art/craft group for parent and child with an emphasis on not needing to be 'artistic' to take part. From providing this intervention we hope to identify some families that need further family therapy. These families would then be offered an intervention based on the outcomes of the group.	Regional
ASDES – Autism Skills Development and Employment Support Tudalen y pecyn 76	Hidden Response	<p>Aim – Provide tailored support to enable individuals with hidden impairments to maintain positive lifestyles choices</p> <p>ASDES job coaches / support workers will work across Swansea and NPT, providing participants with a range of individually designed support covering some of the following areas:-</p> <ul style="list-style-type: none"> • Identifying hurdles that individuals are facing in their community • Responding to requests for support where individuals are feeling overwhelmed in environments that have recently changed • Responding to situations where individuals face disciplinary processes in their workplace • Working with employers / employees who need support but might not be eligible for ATW as they have no formal diagnosis • Identifying changes in familiar surroundings that are having an impact on well-being • Managing fear and anxiety about getting into employment and the knock-on effect of uncertainty regarding future opportunities • Finding activities to engage in that promote positive well-being • Finding volunteering activities to fill time and manage different situations • Engaging in activities outside of the home environment • Managing changes to everyday processes • Managing reduced / changed finances and signposting to organisations that provide financial input • Coping with bereavement and signposting to specialist input • Making telephone calls with regards to payments of bills, applications for benefits and other financial hurdles that individuals may face • Setting up new learning opportunities and look at the new ways of accessing learning / training • Working with family members around a person with hidden impairments to ensure that there is a positive wrap around approach to cover all aspects of support needed • Responding to participants with regards to everyday living obstacles that arise as a result of changed systems – e.g. participants fear of contacting GP or lack of understanding in for new protocol using apps • Phone call input to manage everyday medical issues and signposting <p>ASDES Job Coaches / Support workers are aware that as lockdown restrictions have lifted there has been an increased demand from families around a person with hidden impairments as they try and manage the anxieties of re-engaging with society. Support workers have found that they provide a vital point of contact for families to hold conversations and share their everyday hurdles. ASDES is experiencing an increase in referrals from organisations such as the Integrated Autism Service and Job Centre, as well as individual self-referrals. Many of these referrals are in need of an immediate response to manage situations that have become too complex for them. This grant will act as an interim support for these needs and will enable ASDES job coaches to transition participants onto other projects internally and externally</p>	Regional
The Family Therapy Place	The Play Room Project	F TP will provide children and young people with play therapy, one to one and group therapy, counselling and family support. F TP Counsellors are trained to work with CYP to alleviate distress and to cope with such issues as parenting and attachment issues, childhood adverse experiences, anxiety, depression, trauma, suicidal thoughts, eating disorders, self-harm and OCD. These therapies are particularly helpful for children with attachment and separation difficulties who have been adopted and separated from	Regional

Host Organisation	Project Name	Project Description	Regional / Local Scheme
		<p>their birth parents. We are deeply passionate about early intervention, on a daily basis we meet adults who did not have the appropriate support as a child so they continue to struggle throughout their adult lives and often statutory services are not long enough to meet developmental needs and provide the conditions to re-wire and regulate healthy brain development.</p>	

Eitem 3.11

CYPE(6)-04-22- Papur i'w nodi 11

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Cais am wybodaeth am weithio gyda'r trydydd sector i ddarparu gwasanaethau cymorth iechyd meddwl i blant a phobl ifanc

Ymateb gan Fwrdd Partneriaeth Rhanbarthol Gorllewin Cymru



Partneriaeth Gofal Gorllewin Cymru
West Wales Care Partnership

3 Heol Spilman, Caerfyrddin SA31 1LE
3 Spilman Street, Carmarthen SA31 1HQ
Ffôn/ Tel: 01267 228978 ext. 2978

Eich Cyf/Your ref:Ein Cyf/ Our Ref:
Gofynnwch am/ Please ask for:

Dyddiad/ Date: 18th January 2022

Jayne Bryant
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

Dear Jayne,

I write in response to your letter dated 01st December 2021.

We continue to work effectively with the Third Sector as partners to enhance support available to Children and Young People in West Wales. Please find below our response to your letter.

1. Working alongside the Third Sector to plan and deliver support services

The West Wales Regional Partnership Board includes of representatives from the Third Sector. The Children and Young People's Board also has Third Sector representation and will assist us as a region move towards a genuinely integrated approach. The key strategic priorities for the board include:

1. Children & Young People's Emotional Health
2. Supporting Children to remain with their Families
3. Meeting the needs of Children with Complex Needs

West Wales Action Mental Health (WWAMH) are members of the Local Mental Health Partnership Board. WWAMH also attend fortnightly Mental Health and Learning Disability Operational Planning meetings and have been a member of the COVID Bronze Group since the beginning of the Pandemic.

2. Active projects/initiatives undertaken alongside the third sector

There are several projects and initiatives undertaken across the Region where there is Third Sector involvement, supporting Children and Young People's Mental Health including:

- Art Therapy Groups
- Café Cash Credit via 'Give the Boys a Lift'
- Counselling support for care leavers

- Digital Connectivity Project, supporting those without access
- 'Working Together' working group of Parent/Carers of Disabled Children
- Job coach project – supporting children and young people across the region
- Mums Matter
- TONIC - Surf Therapy, working with S-CAMHS and other young people services

3. Partnership working, what has worked well/lessons learnt

We have established a Children & Young Peoples Operational Group, which will sit beneath the Children and Young Peoples Board. The operational group will provide an opportunity to share innovative solutions, good practice and identify areas for scaling up projects on a regional footprint.

In Pembrokeshire a review of emotional health and well-being services resulted in some good developments in the emotional health and wellbeing support provided in the county over the last 3-4 years, largely within services and sectors.

Establishing the Emotional Health and Wellbeing team to operate below the S-CAMHS level is one. Some new projects have also been set up by Third Sector organisations using, for example, National Lottery funding. Some new approaches are being piloted e.g., with GPs in the south cluster.


4. Future plans for partnership working with the Third Sector

The Children and Young Peoples Board and Operation Group will maximise opportunities for partnership working across the Region including the Third Sector.

The Health Board have developed a recommissioning timeline to reprocure the current Third Sector provided services across Mental Health and Learning Disability. This is due to take 18 months, reflecting the complexity of the process and the need to support the sector appropriately to prepare for the procurement exercise. In particular, the timescales allow for extra support to be given to smaller organisations through services such as Business Support Wales to ensure parity across all organisations, large and small. The Framework will allow Mental Health & Learning Disability services to work collaboratively with organisations, partners, service users and carers to develop new service specifications, encouraging fresh approaches and innovation.

The wholesale review of emotional and mental well-being services across Pembrokeshire has resulted in the appointment a project manager to develop and take forward an action plan for improving the cohesion of the variety of services provided. This will ensure the gaps in provision are reduced in Pembrokeshire; that communication and awareness of what's available is enhanced; and that delay in receiving the right services at the right time is reduced and eliminated. Several Third Sector organisations provide such services, and Service Level Agreements will be reviewed with each, to ensure their continued suitability, quality and to plan better for future need and associated responses to demand.

Yours sincerely,



Judith Hardisty
Chair, West Wales Regional Partnership Board

Eitem 3.12

CYPE(6)-04-22 - Papur i'w nodi 12

Comisiynydd
Plant Cymru

Children's
Commissioner
for Wales

Trwy ebost yn unig

I: Cadeirydd
Y Pwyllgor
Plant, Pobl
Ifanc ac Addysg
Senedd Cymru

20 Ionawr 2022

Annwyl Gadeirydd,

Diolch am eich llythyr dyddiedig 30 Tachwedd 2021, yn dilyn ymlaen o'm sesiwn graffu flynyddol gyda'r Pwyllgor.

Roedd eich llythyr yn codi dau bwynt; mewn perthynas â phapur ar fy mhwerau cyfreithiol a'm cylch gorchwyl, ac mewn perthynas â'n gwaith parhaus ynghylch Byrddau Partneriaeth Rhanbarthol (BPRhau).

Mae ein gwaith eleni yn adolygu gwaith BPRhau yn tynnu at ei derfyn, ac mae adroddiad cyhoeddus i gael ei ddarparu ganol mis Chwefror. Byddaf yn sicrhau bod copi yn cael ei gyfeirio at y Pwyllgor, o ystyried y diddordeb byw yn y maes gwaith hwn. Bydd yr adroddiad yn cynnwys argymhellion i wella ymarfer ac effeithiolrwydd BPRhau ymhellach yng Nghymru. Bydd adroddiad cynnydd llawnach yn cael ei rannu gyda Llywodraeth Cymru, i'w galluogi i barhau â'u monitro parhaus a'u rôl yn craffu ar y Byrddau, ac yn rhoi cyfarwyddyd iddynt ynghylch ein canfyddiadau diweddaraf a'r cyngor gan y bobl ifanc sydd hefyd wedi bod yn cymryd rhan yn ein sesiynau. Ar hyn o bryd mae fy nhîm, fel rhan o'n proses gynllunio strategol, yn penderfynu sut bydd ein gwaith yn parhau yn y maes hwn. Byddwn ni'n rhoi diweddariad i chi pan gaiff ein cynllun gwaith ei gyhoeddi ddechrau mis Ebrill.

Mae'r Dirprwy Weinidog Iechyd Meddwl a Llesiant wedi gallu manteisio ar sesiwn ddadfriffio gyda'r bobl ifanc sy'n rhan o'r gwaith hwn, ac maen nhw wedi rhannu



Tŷ Llewellyn/Llewellyn House
Parc Busnes Glan yr Harbwr/Harbourside
Business Park
Heol yr Harbwr/Harbourside Road
Port Talbot
SA13 1SB
01792 765600 Tudalen y pecyn 80

comisiynyddplant.cymru
childrenscommissioner.wales

post@comisiynyddplant.cymru
post@childrenscommissioner.wales

Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

negeseuon clir gyda hi a'i swyddogion ynghylch y meysydd allweddol lle mae angen mwy o anogaeth ar y BPRhau, neu lle mae angen iddyn nhw gymryd camau'n gynt.

Mewn perthynas â photensial y trydydd sector yn cefnogi gwaith BPRhau, rwy'n ymwybodol bod Llywodraeth Cymru wedi sefydlu gweithgor i ystyried gwella cyfraniad dinasyddion, gofalwyr a'r trydydd sector yng ngwaith BPRhau. Rwy'n deall bod y grŵp wedi cwrdd am y tro cyntaf y tymor diwethaf, er nad yw fy swyddfa i yn cael ei chynrychioli yn y gwaith hwn. Ni fydd yr adroddiad a gyhoeddaf yn dangos llawer o newid o gymharu ag ymgynghori blaenorol o ran sut mae dinasyddion wedi ymwneud â ffurfio gwaith y Byrddau, er y bydd peth adlewyrchiad o gyfraniad pobl ifanc mewn rhai rhanbarthau yn dylanwadu ar eu gwaith a'u blaenoriaethau. Carwn awgrymu'n gwrtais yr hoffai'r Pwyllgor o bosib holi Llywodraeth Cymru ymhellach ynghylch hyn wedi i'm hadroddiad gael ei gyhoeddi ymhen rhai wythnosau.

O ran y papur y soniais amdano yn y sesiwn graffu, ar fy mhwerau statudol a'm cylch gorchwyl, gallaf gadarnhau fy mod bellach wedi cael cyfle i gwrdd â'm cangen gyswllt o swyddogion a'm Gweinidog cyswllt i drafod y papur. Rwy'n dal i gwrdd â swyddogion eraill y Llywodraeth y mis hwn i drafod y papur, fodd bynnag, felly nid wyf mewn sefyllfa i fedru ei rannu eto. Serch hynny, mae'n sicr yn fwriad gennyf i rannu'r papur gyda'r Pwyllgor cyn gynted â phosibl. Rwyf hefyd yn debygol o gyhoeddi'r papur cyn diwedd fy nghyfnod yn swydd y Comisiynydd, wrth i mi fyfyrto ar y swydd a'i rôl fel rhan o gymdeithas gyhoeddus yng Nghymru. Byddaf yn hysbysu'r Pwyllgor yn rheolaidd ynghylch fy nghynlluniau ar gyfer hynny.

Rwyf hefyd yn bwriadu cynnal darlith gyhoeddus ar 4 Ebrill 2022, i sôn am ddiwedd fy nhymor yn y swydd a'r tirlun polisi ar gyfer plant yng Nghymru wrth symud ymlaen. Rwy'n rhagweld y bydd cylch gorchwyl cyfreithiol y swyddfa yn ffactor perthnasol i'r trafodaethau hynny, felly byddaf yn sicrhau bod unrhyw bapurau yn cael eu cyhoeddi cyn y ddarlith. Mae Prif Weinidog Cymru wedi bod yn ddigon caredig i gytuno i gyflwyno'r ddarlith, a bydd manylion y digwyddiad yn cael eu cyhoeddi'n fuan; byddaf yn sicrhau bod Aelodau'r Pwyllgor yn derbyn y manylion os hofffen nhw ymuno.



Diolch eto am waith eich Pwyllgor yn craffu ar waith
fy swyddfa; rydyn ni'n teimlo bod hynny'n elfen
hanfodol o'n strwythur llywodraethu, a'n gobaith yw y
bydd y craffu blynyddol hwn yn parhau ar gyfer fy
olynydd.

Yn gywir,



Sally Holland
Comisiynydd Plant Cymru

Rydym yn croesawu gohebiaeth a galwadau yn Gymraeg.
Byddwn yn ateb gohebiaeth a gwladau a dderbynnir yn
Gymraeg yn Gymraeg ac ni fydd cysylltu yn Gymraeg yn
arwain at oedi | We welcome receiving correspondence
and calls in Welsh. We will respond to correspondence
and calls in Welsh, and contacting us in Welsh will not
lead to delay.

CYPE(6)-04-22 - Papur i'w nodi 13

Lynne Neagle AS/MS
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LN/0081/22

Jayne Bryant AS
Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac
Addysg Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

18 Ionawr 2022

Annwyl Jayne

Diolch am eich llythyr dyddiedig 17 Rhagfyr yn cadarnhau y bydd iechyd meddwl amenedigol yn parhau yn flaenoriaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg yn ystod y tymor hwn ac yn gofyn am ddiweddariad ar y cynnydd hyd yma. Rwy'n croesawu'r pwyslais a roddir gan y Pwyllgor ar y maes hwn sydd hefyd yn flaenoriaeth allweddol imi fel y Dirprwy Weinidog Iechyd Meddwl a Llesiant.

Ysgrifennodd y Gweinidog Iechyd Meddwl, Llesiant a'r Gymraeg ar y pryd i'r Pwyllgor ym mis Mawrth 2021, gan roi diweddariad cynhwysfawr ar y cynnydd yn erbyn yr holl argymhellion mewn ymateb i adroddiad y Pwyllgor blaenorol ar Iechyd Meddwl Amenedigol yng Nghymru, a gyhoeddwyd ym mis Hydref 2017. Fel y dangoswyd yn y diweddariad, mae hwn yn faes lle y cafodd cynnydd sylweddol ei wneud ers cyhoeddi'r adroddiad hwnnw gan y Pwyllgor ym mis Hydref 2017. Mae Gweinidogion blaenorol wedi rhoi diweddariadau i'r Pwyllgor yn erbyn yr argymhellion a wnaed mewn ymateb i'r adroddiad hwnnw, a byddaf innau yn falch o barhau i wneud hynny. Fodd bynnag, o ganlyniad i'r effaith y mae'r amrywiolyn Omicron (COVID-19) yn ei chael ar y Gwasanaeth Iechyd Gwladol ar hyn o bryd, nid yw'n bosibl cynnwys cymaint o fanylder ag arfer yn y diweddariad diweddaraf hwn. Mae'n hanfodol yn awr fod y gweithlu clinigol amenedigol yn gallu rhoi blaenoriaeth i ddarparu gwasanaethau o ansawdd uchel i famau a theuluoedd, gan reoli'r heriau a achosir gan yr amrywiolyn Omicron ar yr un pryd. Er mwyn defnyddio capasiti clinigol y rheng flaen yn y ffordd orau posibl, nid yw swyddogion yn cynnwys aelodau o'r rhwydwaith iechyd meddwl amenedigol wrth gasglu gwybodaeth ar hyn o bryd oherwydd bod llawer ohonynt wedi cael eu neilltuo i ymgymryd â blaenoriaethau gwasanaethau clinigol. Fodd bynnag, byddaf yn rhoi diweddariad manylach i'r Pwyllgor cyn gynted â phosibl. Yn yr un modd, o ganlyniad i bwysau ar wasanaethau, nid yw'r ymarfer data a gynhaliwyd ddiwedd y flwyddyn a aeth heibio wedi'i gwblhau. Byddaf yn rhoi diweddariad llawn ar ddata gwasanaethau amenedigol maes o law.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaethlynne.neagle@llyw.cymru
Correspondence.Lynne.neagle@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Gallaf roi diweddariad i'r Pwyllgor, fodd bynnag, ar amryw o feysydd. Mae Uned Mamau a Babanod Bwrdd Iechyd Prifysgol Bae Abertawe wedi bod ar agor ers mis Ebrill 2021, gan ddarparu gofal i famau sydd angen cymorth arbenigol. Mae swyddogion yn derbyn diweddariadau rheolaidd ar y defnydd o'r uned, ac mae hyn wedi bod yn gadarnhaol. Fel yr wyf wedi dweud cyn hyn, cynhelir adolygiad llawn o'r uned pan fydd wedi bod yn weithredol am 12 mis. Bydd yr adolygiad hwn yn penderfynu a yw'r gofal sy'n cael ei ddarparu yn bodloni'r galw presennol a'r galw a ragfynegir, a bydd yn pennu'r cynllun hirdymor ar gyfer gofal arbenigol yn y De. Gan fod y diweddariadau a roddwyd i Lywodraeth Cymru ar weithrediad yr uned eisoes wedi cadarnhau bod digon o alw yn y De, nid ystyried a oes angen uned fydd yr adolygiad. Bydd yr adolygiad yn canolbwyntio, yn hytrach, ar faint yr uned a'r gwasanaethau a gynigir, gan ystyried a ydy'n parhau i fod yn addas i'r diben yn y dyfodol.


Mae gwaith yn mynd rhagddo i sefydlu darpariaeth arbenigol ar gyfer menywod sy'n byw yn y Gogledd. Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru (WHSSC) sy'n arwain y gwaith o gomisiynu'r ddarpariaeth hon ar gyfer cleifion mewnol. Mae WHSSC yn gweithio gyda NHS England i gyd-ddatblygu Uned Mamau a Babanod, wyth gwely ar gyfer menywod sy'n byw yn y Gogledd. Rydym yn deall y bydd y gwaith o ailwampio'r uned hon yn cymryd 18 mis i'w gwblhau. Byddaf yn rhoi diweddariadau pellach ar y cynnydd mewn gohebiaeth yn y dyfodol.

Mae byrddau iechyd yn gweithio tuag at fodloni safonau ansawdd perthnasol Coleg Brenhinol y Seiciatryddion. Ar 27 Hydref 2021, cadarnheais fod tri bwrdd iechyd yn adrodd am swyddi staffio a ariennir a fyddai'n eu galluogi i gydymffurfio'n llawn â'r safonau staffio Math 1. Rydym yn parhau i weithio gyda'r byrddau iechyd hynny nad ydynt yn cydymffurfio'n llawn hyd yma a bydd hwn yn faes blaenoriaeth allweddol ar gyfer Cyllid Gwella Gwasanaethau eleni. Rwy'n cydnabod, fodd bynnag, yr effaith sylweddol y mae'r pandemig COVID-19 wedi'i chael ar wasanaethau, ac yn enwedig ar y gallu i recriwtio i swyddi arbenigol. Mewn diweddariadau yn y dyfodol, byddaf yn cadarnhau'r cynnydd a fydd wedi'i wneud o ran recriwtio staff i bob swydd a ariennir, a'r cynnydd ym mhob bwrdd iechyd o ran bodloni safonau staffio.

Mae pob bwrdd iechyd yng Nghymru bellach wedi ymrwymo i'r rhwydwaith ansawdd amenedigol, ac maent wedi adolygu'r cynnydd tuag at gyrraedd y safonau ehangach. Mae Byrddau Iechyd yn datblygu cynlluniau gweithredu ar gyfer meysydd lle y nodwyd bod angen gwella.

Mae gwaith yn parhau i wella dibynadwyedd data a gesglir ar wasanaethau iechyd meddwl amenedigol. Mae'r Rhwydwaith Iechyd Meddwl Amenedigol wedi cytuno ar nifer o eitemau data allweddol i'w casglu'n barhaus. Cyflwynwyd hyn i'r Bwrdd Canlyniadau a Mesurau Iechyd Meddwl ym mis Tachwedd 2021, ac mae gwaith yn mynd rhagddo i sicrhau y bydd casglu data amenedigol yn cyd-fynd â chasglu data iechyd meddwl ehangach. Yn y cyfamser, mae swyddogion wedi parhau i ofyn am ddiweddariadau rheolaidd gan wasanaethau ar eitemau data allweddol. Gan nad yw pob bwrdd iechyd wedi gallu ymateb i'r cais diweddaraf am ddata oherwydd y pwysau ar y gweithlu ar hyn o bryd, byddaf yn rhoi crynodeb o'r data hyn yn fy niweddariad nesaf.

Hoffwn ddiolch i'r Pwyllgor am ei sylw parhaus i iechyd meddwl amenedigol.



Lynne Neagle AS/MS

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing

CYPE(6)-04-22 - Papur i'w nodi 14

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Jayne Bryant AS
Cadeirydd – y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN
SeneddChildren@senedd.cymru



Llywodraeth Cymru
Welsh Government

Cymorth i blant sy'n gadael gofal

17 Ionawr 2022

Annwyl Jayne,

Diolch ichi am eich llythyr dyddiedig 17 Rhagfyr ynglŷn â'r meysydd yr ydych yn eu hystyried fel rhan o'ch ymchwiliadau polisi, a'r cymorth a ddarperir ar gyfer plant a phobl ifanc sydd wedi gadael gofal, neu sy'n gadael gofal. Fe wnaif roi sylw i'r pwyntiau sy'n codi yn eich llythyr yn eu tro:

1. Gwybodaeth am y cymorth a ddarperir ar gyfer plant a phobl ifanc sy'n gadael gofal

Mae ein Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a'r Cod Ymarfer (Plant sy'n Derbyn Gofal a Phlant sy'n Cael eu Lletya), Rhan 6, yn disgrifio'r dyletswyddau statudol sydd ar awdurdodau lleol i gefnogi a hybu llesiant y bobl ifanc sy'n gadael eu gofal. Mae hynny'n cynnwys y cymorth a'r gwasanaethau y mae'n rhaid i'r awdurdodau eu darparu ar gyfer pobl ifanc i'w helpu i bontio'n llwyddiannus i'w bywydau fel oedolion a symud tuag at fyw'n annibynnol.

Pan fydd plentyn sy'n derbyn gofal ar fin troi'n 16 oed, rhaid i'r awdurdod lleol baratoi cynllun llwybr er mwyn helpu'r unigolyn ifanc hwnnw i bontio i'w fywyd fel oedolyn a gadael gofal. Rhaid i'r cynllun hwn roi sylw i anghenion corfforol, emosiynol, iechyd meddwl, a datblygiadol y person ifanc, yn ogystal â'r trefniadau sydd ar waith i gefnogi ei anghenion o ran llety, addysg, hyfforddiant, neu gyflogaeth.

Rydym yn casglu ystadegau blynyddol am blant sy'n derbyn gofal gan awdurdodau lleol Cymru, a'r rheini sy'n gadael gofal. Cafodd y ffigurau diweddaraf ar gyfer 2020-21 eu cyhoeddi ym mis Tachwedd 2021, ac maent ar gael drwy'r ddolen ganlynol: [Experimental Statistics: Children looked after by local authorities, 2020-21 \(gov.wales\)](https://gov.wales/statistics/children-looked-after-by-local-authorities-2020-21). Mae rhagor o fanylion am lety, gweithgarwch (addysg, hyfforddiant a chyflogaeth) a chymwysterau addysgol plant a phobl ifanc sy'n gadael gofal ar gael yma: [Plant sy'n derbyn gofal \(llyw.cymru\)](https://gov.wales/children-looked-after-by-local-authorities-2020-21).

2. Y diweddaraf am ymrwymadau'r Rhaglen Lywodraethu

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.Morgan@llyw.cymru
Correspondence.Julie.Morgan@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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Mae'r Rhaglen Lywodraethu'n cynnwys nifer o ymrwymadau sy'n berthnasol i wasanaethau cymdeithasol plant, a fydd, o gael eu gweithredu gyda'i gilydd, yn ein galluogi i drawsnewid gwasanaethau cymdeithasol plant yng Nghymru. Mae'r ymrwymadau hyn yn adeiladu ar y gwaith a'r camau gweithredu sy'n mynd rhagddynt ar hyn o bryd i leihau nifer y plant sydd mewn gofal; helpu plant i barhau yng ngofal eu teuluoedd; a darparu gofal i blant sydd ag angen gofal i gael y gofal hwnnw'n nes at adref.

Cymryd camau radical i ddiwygio gwasanaethau i blant sy'n derbyn gofal a'r rheini sy'n gadael gofal

Roedd ein Papur Gwyn ar Ddyfodol Gofal Cymdeithasol yn cyfeirio at gyfleoedd i ddiwygio gwasanaethau plant fel rhan o gyflwyno newidiadau cynhwysfawr i wasanaethau cymdeithasol. Rydym yn awyddus i wireddu gweledigaeth ac uchelgais newydd ar gyfer gwasanaethau plant, yn seiliedig ar arferion mwy cyson, arferion sy'n llai amharod i gymryd risg, a dulliau adferol sy'n cael eu rhagnodi a'u mabwysiadu ar draws Cymru. Mae datblygu Fframwaith Cenedlaethol ar gyfer Gofal Cymdeithasol a sefydlu Swyddfa Genedlaethol yn creu cyfle i fwrw ymlaen â'r gwaith o drawsnewid a diwygio gwasanaethau plant ar lefel genedlaethol.

Rwyf wedi sefydlu Bwrdd Trosolwg, o dan gadeiryddiaeth Anthony Douglas, sy'n cynnwys cynrychiolwyr o blith uwch-arweinwyr ar draws llywodraeth leol a'r trydydd sector, i ddarparu sail ar gyfer ein dull gweithredu. Bydd y Bwrdd yn chwilio am ffyrdd o fwrw ymlaen â gwelliannau i wasanaethau plant, gan gydweithio â'r sector mewn perthynas â chyfleoedd i bobl ddysgu oddi wrth ei gilydd a chyfleoedd datblygu proffesiynol, a hefyd drwy gefnogi dull gweithredu system gyfan i wella ansawdd a gwasanaethau. Cynhelir cyfarfod cyntaf y Bwrdd Trosolwg ar 19 Ionawr.

Cryfhau cyrff cyhoeddus yn eu rôl fel 'rhiant corfforaethol'

Er bod awdurdodau lleol o ddifri am eu rôl rhianta corfforaethol, ein nod yw cryfhau rhianta corfforaethol ar draws pob adran o fewn yr awdurdod lleol, er mwyn sicrhau bod gweithio mewn partneriaeth yn digwydd mewn modd mwy effeithiol a gwella'r broses o drosglwyddo rhwng y gwasanaethau a ddarperir i blant sydd â phrofiad o fod mewn gofal. Hefyd, rydym yn bwriadu ehangu'r cysyniad o rianta corfforaethol ar draws yr holl wasanaethau cyhoeddus sy'n darparu gwasanaethau i blant sydd â phrofiad o fod mewn gofal, er mwyn sicrhau bod y plant yn cael yr ymateb a'r cymorth gorau gan y gwasanaethau hynny.

Mae Grŵp Gweithredu wedi cael ei sefydlu i fwrw ymlaen â'r gwaith o gyflawni ein hymrwymiad ar rianta corfforaethol, ac mae'r grŵp hwnnw wedi cyfarfod nifer o weithiau. Bu gwaith y grŵp yn canolbwyntio ar ddatblygu Siarter Rhianta Corfforaethol ar y cyd â phlant sydd â phrofiad o fod mewn gofal, a phartneriaid, sef siarter y gall sefydliadau'r sector cyhoeddus gytuno iddi. Ar ôl ei chwblhau, bydd sesiynau a digwyddiadau ymgysylltu yn cael eu cynnal ar draws y sector cyhoeddus i gryfhau rhianta corfforaethol o fewn awdurdodau lleol ac ehangu cyfrifoldebau ar draws y sector cyhoeddus. Bydd ffocws penodol ar bartneriaid ym meysydd iechyd, addysg, a thai. Bydd yr ymgysylltu hwnnw, ochr yn ochr â'r Siarter, wedyn yn helpu i lywio'r gwaith o ddatblygu canllawiau statudol sy'n disgrifio rolau a chyfrifoldebau'r amrywiaeth o bartneriaid perthnasol ar draws y sector cyhoeddus sy'n ymwneud â phobl ifanc sydd â phrofiad o fod mewn gofal.

3. Diweddariad ar ymatebion Llywodraeth Cymru i Adroddiad Blynyddol 2020-21 Comisiynydd Plant Cymru:

Yn adroddiad blynyddol y Comisiynydd Plant, tynnwyd sylw at y pecyn cymorth yr ydym am ei weithredu ar gyfer y rheini sy'n gadael gofal:

- Rydym wedi ymrwymo i gyflwyno deddfwriaeth yn ystod Tymor y Senedd hon i gyflawni ein hymrwymiad i roi hawl statudol i'r rheini sy'n gadael gofal i gael cymorth

gan gynghorydd personol nes eu bod yn 25 oed. Rydym yn rhagweld y byddwn yn bwrw ymlaen â hyn yn 2023.

- O ran defnyddio lleoliadau nad ydynt yn cael eu rheoleiddio, mae swyddogion mewn cysylltiad rheolaidd â swyddogion o'r Adran Addysg ynglŷn â'r gwaharddiad ar leoliadau nad ydynt yn cael eu rheoleiddio i blant dan 16 oed. Daeth y gwaharddiad i rym ym mis Medi 2021, ac mae gwaith yn mynd rhagddo gydag Ofsted ynghylch cofrestru a phrosesau cysylltiedig i helpu'r sector i gydymffurfio â'r dyletswyddau perthnasol. Bydd ein dysgu a'n deialog yn parhau.
- Mae swyddogion Llywodraeth Cymru yn parhau i weithio'n agos gyda phartneriaid, gan gynnwys awdurdodau lleol a'r trydydd sector, i ddatblygu amrywiaeth o opsiynau llety o ansawdd da i'r rheini sy'n gadael gofal.
- Mae Cronfa Dydd Gŵyl Dewi ar gyfer y rheini sy'n gadael gofal yn parhau ar gael drwy'r Grant Plant a Chymunedau. Mae hon yn ffrwd gyllido a ddarperir yn rheolaidd, sy'n galluogi awdurdodau lleol i wario'n briodol yn seiliedig ar amrywiaeth o anghenion sydd wedi cael eu nodi'n lleol.

4. Y diweddaraf am y gwaith o ddatblygu dull gweithredu amgen i'r cynllun 'Pan Fydda i'n Barod' i gefnogi pobl ifanc sydd mewn gofal preswyl plant.

Er bod y cynllun 'Pan fydda i'n Barod' yn weithredol ar gyfer plant mewn gofal maeth, nid yw'n bosibl ei weithredu ar gyfer plant mewn gofal preswyl. Mae'r rhesymau dros hynny'n ymwneud â phriodoldeb oedolion yn byw gyda phlant iau a'r gost o ddarparu trefniadau addas.

Rydym yn ystyried modelau amgen, er enghraifft pobl ifanc o ddarpariaeth gofal preswyl yn cynnal cysylltiadau â gweithwyr proffesiynol o'u cartref gofal preswyl blaenorol, ac yn parhau i gael cymorth ganddynt. Rydym yn gweithio gyda phartneriaid, gan gynnwys y trydydd sector, awdurdodau lleol, a Swyddfa'r Comisiynydd Plant i fwrw ymlaen â'r gwaith hwn. Bydd hyn yn rhan o'n gweithgarwch amlsector i wella ystod ac ansawdd y llety a ddarperir ar gyfer pobl ifanc sy'n gadael gofal.

5. Eglurhad o rôl Grŵp Cynghori'r Gweinidog ar gyfer Gwella Canlyniadau i Blant yn y dyfodol, a oedd yn canolbwyntio ar blant sydd â phrofiad o fod mewn gofal a'r rheini sy'n gadael gofal, yn ystod y bumed Senedd.

Fe beidiodd y Rhaglen Gwella Canlyniadau i Blant, a Grŵp Cynghori'r Gweinidog y rhaglen honno, â bod yn weithredol ddiwedd Tymor y Senedd ddiwethaf. Disgrifir ei chanlyniadau a'i chyflawniadau yn ei Hadroddiad Etifeddiaeth -

<https://gov.wales/sites/default/files/publications/2021-06/improving-outcomes-for-children-programme-legacy-report.pdf>

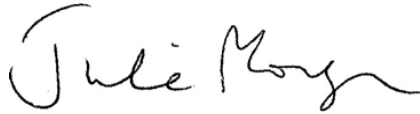
Mae trefniadau newydd wedi cael eu rhoi ar waith i oruchwylio a gweithredu ein hagenda ddiwygio heriol ar gyfer gofal cymdeithasol plant yn ystod Tymor y Senedd hon, gan adeiladu ar y camau gweithredu a gymerwyd i wella canlyniadau i blant sydd â phrofiad o fod mewn gofal a'r rheini sy'n gadael gofal.

I sicrhau bod yr holl weithgarwch polisi sy'n digwydd mewn perthynas â phlant ar draws Llywodraeth Cymru yn gydlynus, cafodd Cynllun i Blant a Phobl Ifanc yng Nghymru ei ddatblygu, gan adeiladu ar ein hymrwymiad i hawliau plant, gyda'r nod o gyflawni ymrwymadau perthnasol yn ein Rhaglen Lywodraethu. Bydd Bwrdd Cyfarwyddwyr, sy'n cynnwys uwch-swyddogion yn Llywodraeth Cymru, yn canolbwyntio ar sicrhau cynnydd yn erbyn y cynllun ar draws portffolios Gweinidogion, a bydd yn monitro'r cynnydd hwnnw er mwyn sicrhau bod holl blant Cymru yn cael y cyfle i ffynnu.

Bydd ein Bwrdd Trosolwg, y cyfeiriwyd ato uchod, yn canolbwyntio ar gyflawni'r ymrwymadau perthnasol ar gyfer gwasanaethau plant yn y Rhaglen Lywodraethu. Fel rhan o'i rôl, bydd y bwrdd yn cynnal ffocws ar ein gweithgarwch er mwyn cefnogi'r rheini sydd wedi gadael gofal, a phobl ifanc sydd yn y broses o adael gofal.

Rwy'n gobeithio bod fy ymateb o gymorth ichi.

Yn gywir,

A handwritten signature in black ink, appearing to read 'Julie Morgan'. The signature is fluid and cursive, with the first name 'Julie' being more prominent than the last name 'Morgan'.

Julie Morgan AS/MS

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Eitem 3.15

CYPE(6)-04-22 - Papur i'w nodi 15

Senedd Cymru
Welsh Parliament

Jane Hutt AS

Y Gweinidog Cyfiawnder Cymdeithasol

18 Ionawr 2022

Annwyl Weinidog

Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Cenedligrwydd a Ffiniau

Mae'r Pwyllgor Iechyd a Gofal Cymdeithasol a'r Pwyllgor Phlant, Pobl Ifanc ac Addysg wrthi'n craffu ar hyn o bryd ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Cenedligrwydd a Ffiniau, a osodwyd gan Lywodraeth Cymru ar 6 Rhagfyr 2021. Er mwyn llywio ein trafodaethau, byddem yn croesawu eich ymateb i'r materion a nodir yn yr atodiad i'r llythyr hwn.

Er mwyn ein galluogi i drafod eich barn yn unol â'r dyddiad cau ar gyfer cyflwyno adroddiad a bennwyd gan Bwyllgor Busnes y Senedd, byddai'n ddefnyddiol cael eich ymateb erbyn **dydd Gwener 28 Ionawr 2022** fan bellaf.

Yn gywir



Russell George AS

Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol



Jayne Bryant AS

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddIechyd@senedd.cymru
senedd.cymru/SeneddIechyd
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddIechyd@senedd.cymru
senedd.cymru/SeneddIechyd
0300 200 6565



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

 Cysylltu@senedd.cymru

 0300 200 6565

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

 Contact@senedd.wales

 0300 200 6565

Atodiad

Er mwyn llywio gwaith craffu'r Pwyllgor Iechyd a Gofal Cymdeithasol a'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar y Memorandwm Cydsyniad Deddfwriaethol ("y Memorandwm") ar y Bil Cenedligrwydd a Ffiniau ("y Bil"), byddem yn croesawu eich barn am y materion a restrir isod.

Er mwyn ein galluogi i drafod eich barn yn unol â'r dyddiad cau ar gyfer cyflwyno adroddiad a bennwyd gan Bwyllgor Busnes y Senedd, byddai'n ddefnyddiol cael eich ymateb erbyn **dydd Gwener 28 Ionawr 2022** fan bellaf.

Trafodaethau â Llywodraeth y DU

1. Y wybodaeth ddiweddaraf am drafodaethau gyda Llywodraeth y DU, gan gynnwys manylion unrhyw sicrwydd y mae Llywodraeth Cymru yn eu ceisio neu ddiwygiadau y mae'n eu cynnig, neu gytundebau a wnaed gyda Llywodraeth y DU. Byddem hefyd yn ddiolchgar o dderbyn copïau o unrhyw ohebiaeth berthnasol â Llywodraeth y DU ar y materion hyn.

Pryderon Llywodraeth Cymru am y Memorandwm

Mae'r Memorandwm yn nodi bod gan Lywodraeth Cymru nifer o bryderon am y Bil. Byddem yn croesawu cael rhagor o wybodaeth am bryderon Llywodraeth Cymru mewn perthynas â:

2. Cyfansoddiad a swyddogaethau'r Bwrdd Asesu Oedran Cenedlaethol, a natur yr effaith negyddol bosibl ar Blant ar eu Pen eu Hunain sy'n Ceisio Lloches yng Nghymru.
3. Y goblygiadau a ragwelir o ganoli'r broses asesu oedran ar y gwaith o asesu anghenion a darparu gofal a chymorth o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a pha swyddogaethau pellach, os o gwbl, y gellid eu gosod ar awdurdodau Cymru.
4. Pryderon Llywodraeth Cymru ynghylch defnyddio dulliau gwyddonol mewn asesiadau pennu oedran a rheoliadau ynghylch yr asesiadau, gan gynnwys:
 - a. y broses apelio;



- b. unrhyw oblygiadau i weithrediad Llywodraeth Cymru o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn;
- c. unrhyw oblygiadau i iechyd meddwl unigolion sy'n destun technegau gwyddonol o asesu oedran;
- d. unrhyw oblygiadau i gydlyniant cymunedol a fyddai'n codi'n uniongyrchol o ganlyniad i roi unigolion drwy dechnegau asesu oedran gwyddonol.

Goblygiadau ariannol

- 5. Gwybodaeth bellach am y goblygiadau ariannol posibl sy'n gysylltiedig â'r darpariaethau yn y Bil, a sut y cânt eu cynnwys yng ngwaith cynllunio ariannol Llywodraeth Cymru.



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Senedd Cymru
Welsh Parliament

At: gweler yr atodiad

18 Ionawr 2022

Annwyl gyfaill

Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Cenedligrwydd a Ffiniau

Mae'r Pwyllgor Iechyd a Gofal Cymdeithasol a'r Pwyllgor Phlant, Pobl Ifanc ac Addysg wrthi'n craffu ar hyn o bryd ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Cenedligrwydd a Ffiniau, a osodwyd gan Lywodraeth Cymru ar 6 Rhagfyr 2021. Er mwyn llywio ein trafodaethau, byddem yn croesawu eich ymateb i'r materion a nodir yn yr atodiad i'r llythyr hwn.

Byddai'n ddefnyddiol derbyn eich ymateb erbyn **dydd Gwener 28 Ionawr 2022** fan bellaf. Rydym yn cydnabod bod hon yn amserlen dynn iawn ond yn anffodus ni ellir ei hosgoi os ydym am allu ystyried eich barn yn unol â'r dyddiad cau ar gyfer cyflwyno adroddiadau a bennwyd gan Bwyllgor Busnes y Senedd.

Yn gywir



Russell George AS

Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol



Jayne Bryant AS

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

 Cysylltu@senedd.cymru

 0300 200 6565

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

 Contact@senedd.wales

 0300 200 6565

Atodiad 1

Er mwyn llywio gwaith craffu'r Pwyllgor Iechyd a Gofal Cymdeithasol a'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar y Memorandwm Cydsyniad Deddfwriaethol ("y Memorandwm") ar y Bil Cenedligrwydd a Ffiniau ("y Bil"), byddem yn croesawu eich barn ar y materion a restrir isod.

Safbwyntiau cyffredinol

1. Eich barn gyffredinol ar ran 4 o'r Bil Cenedligrwydd a Ffiniau sy'n cynnwys asesiad oedran Plant ar eu Pen eu Hunain sy'n Ceisio Lloches, ac sy'n cynnwys:
 - a. sefydlu Bwrdd Asesu Oedran Cenedlaethol
 - b. yr Ysgrifennydd Gwladol yn gwneud Rheoliadau mewn perthynas â'r gweithdrefnau i'w dilyn yn y broses o asesu oedran
 - c. defnyddio dulliau gwyddonol i bennu oedran; a chynigion i ddiwygio trefniadau apelio.

Yr effaith ar feysydd cymhwysedd datganoledig

2. I ba raddau y gallai'r cynigion a nodir yn y Bil danseilio cyfrifoldebau datganoledig y Senedd drwy ei gwneud yn ofynnol i gyfeirio plant sy'n destun ansicrwydd o ran oedran at wneuthurwyr penderfyniadau eraill, gan gynnwys sefydlu Bwrdd Asesu Oedran Cenedlaethol?
3. I ba raddau y gallai danseilio'r gofynion a roddir ar awdurdodau lleol Cymru a nodir yn Neddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 wrth bennu a oes gan blant anghenion gofal a chymorth y mae angen eu diwallu?

Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn

4. Eich barn ynghylch a fydd y cynigion yn tanseilio cydymffurfiaeth â Chonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn i weithredu er budd plant.

Dulliau ac asesiadau 'gwyddonol'

5. Eich barn chi ar ddefnyddio "dulliau gwyddonol" i bennu oedran.



6. Y goblygiadau a ragwelir i awdurdodau lleol a'r GIG y gallai fod yn ofynnol iddynt gynnal asesiadau "gwyddonol" o ran oedran.

Goblygiadau o ran iechyd meddwl a chydlyniant cymunedol

7. Yr effaith bosibl ar iechyd meddwl i'r rhai sy'n destun dadl ar oedran.
8. I ba raddau y byddai'r cynigion yn tansilio cydlyniant cymunedol yng Nghymru.

Sut i rannu eich barn

Anfonwch eich ymateb drwy e-bost at **y ddau bwyllgor** seneddiechyd@senedd.cymru a seneddplant@senedd.cymru erbyn dydd Gwener 28 Ionawr 2022 fan bellaf.

Mae gan y Senedd ddwy iaith swyddogol, sef Cymraeg a Saesneg.

Yn unol â [Chynllun Ieithoedd Swyddogol y Senedd](#), mae'r Pwyllgor yn gofyn i ddogfennau neu ymatebion ysgrifenedig i ymgynghoriadau y bwriedir eu cyhoeddi neu eu defnyddio yn nhrefodion y Senedd gael eu cyflwyno yn ddwyieithog. Pan na chaiff dogfennau neu ymatebion ysgrifenedig eu cyflwyno yn ddwyieithog, byddwn yn cyhoeddi yn yr iaith a gyflwynwyd, gan ddweud eu bod wedi dod i law yn yr iaith honno'n unig.

Rydym yn disgwyl i sefydliadau eraill weithredu eu safonau neu eu cynlluniau eu hunain a chydymffurfio â'u rhwymedigaeth statudol.

Gweler y [canllawiau](#) i'r rhai sy'n darparu tystiolaeth ar gyfer pwyllgorau.

Gwnewch yn siŵr eich bod yn darllen polisi'r Senedd ar [ddatgelu gwybodaeth](#) cyn cyflwyno gwybodaeth i'r Pwyllgor.



Atodiad 2

Rhestr o'r rhai yr ymgynghorwyd â hwy

Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Prydain
Cymdeithas Llywodraeth Leol Cymru
Cymdeithas Gweithwyr Cymdeithasol Cymru
Cymdeithas Feddygol Prydain
Cymdeithas Ddeintyddol Prydain
Coleg Brenhinol y Meddygon Teulu
Coleg Nyrsio Brenhinol
Coleg Brenhinol Pediatreg ac Iechyd Plant
Y Gymdeithas Fferyllol Frenhinol
Coleg Brenhinol y Meddygon
Coleg Brenhinol y Seiciatryddion
Coleg Brenhinol y Llawfeddygon
Ymddiriedolaethau a Byrddau Iechyd
Comisiynydd Plant Cymru
Plant yng Nghymru
Cyngor Ffoaduriaid Cymru
Uned Mewnfudo Strategol Cymru
SNAP Cymru
Y Gwasanaeth Eiriolaeth Ieuencid Cenedlaethol
Y Tîm Cymorth Lleiafrifoedd Ethnig ac Ieuencid
Y Groes Goch Brydeinig
Women Connect First.
BAWSO
Y Gymdeithas Genedlaethol er Atal Creulondeb i Blant (NSPCC)
Arsyllfa ar Hawliau Dynol Plant
Y Rhwydwaith Maethu





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Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Jayne Bryant AS
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

25 Ionawr 2022

Annwyl Jayne

Diolch am eich llythyr, dyddiedig 12 Ionawr, yn tynnu sylw at rai elfennau o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Deddf 2018) y gellid eu camddehongli. Rwy'n ddiolchgar am y cyfle i roi rhywfaint o eglurder a sicrwydd i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar y mater hwn.

Bydd yr esboniadau canlynol ar y materion a godwyd gan Gymdeithas Genedlaethol Plant Byddar Cymru (NDCS) wedi'u cynnwys mewn dogfen Cwestiynau Cyffredin sy'n cael ei pharatoi ar hyn o bryd.

A yw addasiad rhesymol o dan y Ddeddf Cydraddoldeb yn effeithio ar yr hawl i gael Cynllun Datblygu Unigol (CDU)?

Efallai y bydd angen i'r ysgol wneud addasiad rhesymol ar gyfer plentyn o dan Ddeddf Cydraddoldeb 2010. Efallai y bydd gan yr un plentyn Anghenion Dysgu Ychwanegol (ADY) hefyd, ac os felly bydd angen CDU arno (mae yna eithriadau yn gysylltiedig â chynlluniau Addysg, Iechyd a Gofal (AIG) ac asesiadau AIG plant sy'n byw yn Lloegr).

Rhaid ystyried p'un a oes gan blentyn ADY, ac os felly, y Ddarpariaeth Ddysgu Ychwanegol (DDdY) benodol sydd ei hangen arno, fesul achos. Mae dyletswyddau ar ysgolion a gynhelir o dan y Ddeddf ADY a Deddf Cydraddoldeb 2010. Mae'r dyletswyddau yn rhai gwahanol, ac efallai y bydd angen addasiadau rhesymol, darpariaeth o dan CDU, neu, mewn rhai achosion, y ddau. Nid yw cyflawni dyletswyddau un Ddeddf, felly, yn gwneud i ffwrdd â'r angen i gyflawni dyletswyddau'r llall.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Jeremy.Miles@llyw.cymru

A oes yna drothwyon o ran lefel yr angen sy'n penderfynu pwy sy'n gymwys i gael CDU?

Mae CDUau wedi'u llunio ar gyfer dysgwyr ag ADY ar bob lefel – o anghenion llai i rai cymhleth iawn. Y maen prawf wrth asesu cymhwysra i gael CDU bob amser yw a oes gan y plentyn neu'r person ifanc anhawster dysgu neu anabledd sy'n galw am ddarpariaeth ddysgu ychwanegol. Lle bo'n ymddangos bod angen cefnogaeth ychwanegol ar blentyn oherwydd anhawster dysgu neu anabledd, rhaid i'r ysgol a gynhelir neu'r awdurdod lleol benderfynu fel rheol p'un a oes gan y plentyn ADY. Lle penderfynir bod ganddo ADY, bydd ganddo hawl i CDU yn gyffredinol sy'n cofnodi'r DDdY sydd i'w gwneud ar ei gyfer er mwyn cyflawni ei anghenion dysgu ychwanegol. Mae'r sefyllfa yn un debyg iawn yn achos pobl ifanc, er mai sefydliad addysg bellach, efallai, a fydd yn gorfod gwneud y penderfyniad hwnnw.

Mae yna rai eithriadau i hyn, er enghraifft os oes gan y plentyn neu'r person ifanc gynllun AIG, neu yn achos person ifanc ag ADY nad yw mewn ysgol a gynhelir neu sefydliad addysg bellach yng Nghymru, rhaid i'r awdurdod lleol benderfynu, yn unol â Rheoliadau Anghenion Dysgu Ychwanegol (Cymru) 2021, p'un a oes angen CDU er mwyn cyflawni ei anghenion rhesymol am addysg neu hyfforddiant. Mae'r Cod yn ymdrin â hyn yn fanylach.

Gan ddefnyddio ymateb graddedig, dylai DDdY ddechrau ar y lefel isaf i gyflawni anghenion y plentyn neu'r person ifanc, gan fanteisio ar yr holl adnoddau sydd ar gael cyn troi at arbenigedd. Efallai y bydd angen mwy o DDdY ar rai plant neu bobl ifanc dros amser os bydd eu cynnydd yn parhau i fod yn destun pryder. Yn achos eraill, bydd yr angen am DDdY yn lleihau'n raddol, os bydd yr ymyriadau yn llwyddo. Ymdrinnir â hyn hefyd yn y Cod.

Beth yw Darpariaeth Ddysgu Ychwanegol? Pa gefnogaeth gan wasanaethau arbenigol a ystyrir yn DDdY?

Lle daw i sylw ysgol, sefydliad addysg bellach neu awdurdod lleol, neu lle bydd yn ymddangos iddo fel arall y gallai fod gan blentyn neu berson ifanc anghenion dysgu ychwanegol, rhaid i'r ysgol a gynhelir, y sefydliad addysg bellach neu'r awdurdod lleol benderfynu, fel rheol, p'un a oes gan y plentyn neu'r person ifanc ADY. Lle penderfynir bod gan y plentyn neu'r person ifanc ADY, fel rheol bydd angen i'r ysgol, y sefydliad addysg bellach neu'r awdurdod lleol lunio a chynnal Cynllun Datblygu Unigol ar gyfer y plentyn.

Mae'r prawf ar gyfer ADY wedi'i nodi yn y Ddeddf (a.2) a dylid ei ddefnyddio yn achos pob plentyn neu berson ifanc unigol – rhaid ystyried yr union amgylchiadau wrth wneud pob prawf. Mae ADY yn golygu bod gan yr unigolyn anhawster dysgu neu anabledd sy'n galw am DDdY, sef darpariaeth addysgol neu hyfforddiant sy'n wahanol i, neu'n ychwanegol at yr hyn a ddarperir yn gyffredinol i eraill o'r un oed mewn ysgolion prif-ffrwd a gynhelir, sefydliadau addysg bellach prif-ffrwd a lleoliadau lle darperir addysg feithrin.

Y DDdY sy'n ofynnol ar gyfer anhawster dysgu neu anabledd plentyn neu berson ifanc yw'r hyn sydd i'w nodi yn y CDU (gweler adran 10(b) y Ddeddf). Mae'r union DDdY sydd ei hangen ar blentyn neu berson ifanc ag ADY yn benodol iddyn nhw ac yn dibynnu ar eu hanghenion a'u hamgylchiadau unigol.

Os yw gwasanaeth arbenigol ar gael i bob dysgwr sydd ag anabledd neu gyflwr penodol, mae'n debygol mai DDdY ar gyfer dysgwyr unigol yw'r gwasanaeth hwnnw. Mae p'un a yw'n DDdY ai peidio yn dibynnu ar p'un a yw anhawster dysgu neu anabledd y plentyn neu'r person ifanc yn galw amdani, a ph'un a yw'n ddarpariaeth addysgol neu hyfforddiant sy'n

ychwanegol at neu'n wahanol i'r ddarpariaeth gyffredinol i bob dysgwr sydd o'r un oed â'r plentyn neu'r person ifanc (gan gynnwys y rheini nad oes ganddynt yr anabledd neu'r cyflwr dan sylw).

Mewn rhai achosion, er mwyn sicrhau'r DDdY a nodir, efallai y bydd angen mathau anuniongyrchol o gefnogaeth, er enghraifft hyfforddi'r unigolyn a fydd yn gweithredu'r DDdY. Mae'r Cod yn rhagweld y gellir amlinellu'r manylion hyn yn yr adran o'r CDU sy'n ymwneud â DDdY (paragraff 23.37):

Bydd yr wybodaeth a gofnodir am y DDdY yn fwy defnyddiol os yw'n cael ei chyflwyno mewn ffordd glir. Dylai'r wybodaeth fod yn fanwl, yn benodol ac yn fesuradwy. Gallai'r eglurder hwn ddeillio o ddisgrifio'r tasgau neu'r camau penodol a fydd yn cael eu cyflawni; gallai hefyd fanylu ar yr hyfforddiant neu'r cymwysterau y bydd eu hangen ar unrhyw aelodau staff. Ni fydd datgan yn unig y bydd cymorth yn cael ei ddarparu yn bodloni'r angen i fod yn eglur; mae'n bwysig disgrifio'r tasgau y bydd unrhyw staff yn eu gwneud neu'n eu hwyluso, yr hyn y byddant yn gyfrifol amdano, ac, os oes angen, y cymwysterau neu'r hyfforddiant y bydd eu hangen arnynt.

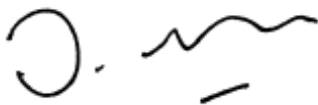
Yn dibynnu ar yr amgylchiadau, felly, gallai hyfforddiant arbenigol i staff addysgu fod yn rhan o'r disgrifiad o'r DDdY yn CDU plentyn neu berson ifanc. Fodd bynnag, ni fydd pob mewnbyn gan wasanaethau arbenigol yn DDdY o reidrwydd. Efallai y darperir rhywfaint o gymorth gwasanaethau arbenigol, gan gynnwys rhai mathau o hyfforddiant staff, at ddibenion eraill, er enghraifft i helpu staff i nodi anghenion neu i godi ymwybyddiaeth o gyflyrau penodol yn gyffredinol.

Ymateb i Bapur Sefyllfa Cymdeithas Genedlaethol Plant Byddar Cymru

Mae'r materion a godwyd gan Gymdeithas Genedlaethol Plant Byddar Cymru am ddarpariaeth GIG nad yw, o bosibl, yn cael ei chofnodi fel DDdY mewn CDUau yn faterion newydd, a bydd angen inni ymchwilio iddynt ymhellach ac i'r hyn sydd y tu ôl iddynt. Bydd swyddogion yn cwrdd â Swyddogion Arweiniol Clinigol Dynodedig Addysg ddechrau Chwefror ac yn trafod y materion hyn gyda nhw.

Gan fod prif ddarpariaethau Deddf 2018 yn cael eu cychwyn ar wahanol adegau i wahanol grwpiau o ddysgwyr, byddwn yn gwrando'n astud ar brofiadau dysgwyr ac ymarferwyr. Bydd rhaglen genedlaethol i weithredu'r system ADY yn adolygu'r cynnydd i sicrhau bod y Ddeddf yn cael ei gweithredu yn unol â'i bwriad.

Yn gywir,



Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Eitem 3.18

CYPE(6)-04-22 - Papur i'w nodi 18

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Senedd Cymru
Ty Hywel
Bae Caerdydd
Caerdydd
CF99 1NA

18 Ionawr 2022

Annwyl Huw

Bil Addysg Drydyddol ac Ymchwil (Cymru)

Diolch am eich llythyr dyddiedig 10 Rhagfyr yn dilyn fy mhresenoldeb yng nghyfarfod y Pwyllgor i roi tystiolaeth ar Fil Addysg Drydyddol ac Ymchwil (Cymru) ("y Bil").

Cododd eich llythyr nifer o gwestiynau yr wyf wedi ymateb iddynt yn Atodiad A i'r llythyr hwn.

Anfonwyd copi o'r llythyr hwn i'r Pwyllgor Plant, Pobl Ifanc ac Addysg.

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 98
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

1. **A allwch chi gadarnhau pa asesiadau a gynhaliwyd mewn perthynas ag effaith y Bil ar hawliau dynol a beth oedd canlyniad yr asesiadau hyn? Yn benodol, a ydych yn fodlon bod yr hawliau mynediad ac arolygu y darperir ar eu cyfer yn adrannau 62 a 72 o'r Bil yn cydymffurfio â Deddf Hawliau Dynol 1998?**
- 1.1 Mae Llywodraeth Cymru yn fodlon bod darpariaethau'r Bil yn gydnaws â hawliau'r Confensiwn.
2. **Mae'r Datganiad o Fwriad y Polisi ar gyfer y Bil hwn yn nodi rhestr o 20 o bwerau gwneud rheoliadau a etifeddwyd i raddau helaeth o ddeddfwriaeth gyfredol, y cyfeirir atynt fel y pwerau etifeddol. A yw pob un o'r pwerau etifeddol yn ddarostyngedig i'r un weithdrefn graffu y Senedd ag y maent yn y ddeddfwriaeth bresennol? A allwch chi hefyd gadarnhau, lle roedd pwerau yn y Bil yn bodoli ar ffurf wahanol yn flaenorol, er enghraifft yn pŵer i wneud rheoliadau sydd bellach yn bŵer i wneud cyfarwyddiadau, a yw'r un weithdrefn neu weithdrefn uwch yn cael ei chymhwyso? Byddai'n ddefnyddiol cael rhestr gynhwysfawr yn nodi'r sefyllfa mewn perthynas â phob un o'r pwerau**
- 2.1 Ceir tabl yn Atodiad B sy'n nodi'r pwerau a etifeddwyd o'r ddeddfwriaeth bresennol, eu ffurf a'u gweithdrefn flaenorol a'u ffurf a'u gweithdrefn yn y Bil.
3. **Pam nad yw'r Datganiad o Fwriad y Polisi yn ymdrin â phwer Gweinidogion Cymru i gyhoeddi cyfarwyddiadau o dan baragraff 1 o Atodlen 15?**
- 3.1 Mae hyn wedi'i gywiro ac mae'r testun ychwanegol i'w ychwanegu at y Datganiad o Fwriad y Polisi wedi'i gynnwys gyda'r llythyr hwn yn Atodiad C. Mae'r Datganiad diwygiedig hefyd wedi'i rannu â'r Pwyllgor Plant, Pobl Ifanc ac Addysg.
4. **Mae Adran 11 y Bil yn ei gwneud yn ofynnol i Weinidogion Cymru gyhoeddi datganiad o flaenoriaethau strategol mewn perthynas ag addysg drydyddol ac ymchwil ac arloesi. A allwch chi egluro pam nad oes dyletswydd ar wyneb y Bil ar Weinidogion Cymru i ymgynghori ag unrhyw un arall wrth baratoi'r datganiad?**
- 4.1 Bydd y datganiad o flaenoriaethau, ar y cyd â dyletswyddau strategol y Comisiwn, yn amlinellu'r materion craidd y mae'n rhaid i'r Comisiwn eu hystyried a'u cymryd i ystyriaeth wrth arfer ei swyddogaethau. Bydd y datganiad, i bob pwrpas, yn "lythyr cylch gwaith tymor y Llywodraeth" ac mae wedi'i gynllunio ar sail dull cynllunio tymor hwy. Yn ymarferol, disgwylir iddo gynnwys nifer fach o flaenoriaethau strategol a dangosyddion llwyddiant lefel uchel.
- 4.2 Er nad oes gofyniad statudol i ymgynghori ar yr hyn a gaiff ei gynnwys yn y datganiad, rwy'n cydnabod y byddai'n wrthgynhyrchiol symud oddi wrth yr arfer presennol lle mae cyrff hyd braich yn gyffredinol, a CCAUC yn benodol, yn cynnal deialog â'u timau partneriaeth yn y Llywodraeth pan ystyrir materion i'w cynnwys yn eu cylch gwaith.
- 4.3 Pan fydd y Comisiwn yn gwbl weithredol, disgwylir y bydd yn darparu tystiolaeth am gryfderau a gwendidau'r system addysg a hyfforddiant ôl-orfodol ac ymchwil i

Weinidogion Cymru a fydd yn helpu i wneud eu datganiad o flaenoriaethau yn fwyaf ystyrlon.

4.4 Unwaith y bydd y datganiad wedi'i gyhoeddi, mae gan y Comisiwn gyfnod o 6 mis ar gyfer paratoi ei gynllun strategol, a fydd yn destun ymgynghori cyn iddo gael ei ystyried gan Weinidogion Cymru.

5. Mae adran 13(4) o'r Bil yn ei gwneud yn ofynnol i'r Comisiwn gyhoeddi ei gynllun strategol cymeradwy, ond nid yw'n darparu amserlen ar gyfer gwneud hynny. Pam felly?

5.1 Os oes angen, gallai Gweinidogion Cymru gyhoeddi canllawiau (o dan adran 18) ynghylch y disgwyliadau ar gyfer y cynllun strategol nad ydynt wedi'u cynnwys ar wyneb y Bil. Fel arall, gellid cynnwys y disgwyliadau hyn yn dogfennau fframwaith y Comisiwn i sicrhau bod eglurder llwyr ynghylch materion fel y rhain.

5.2 Fel cefndir, mae dogfennau fframwaith CCAUC ond yn pennu amserlen ar gyfer cyflwyno'r cynllun busnes y maent yn ei lunio mewn ymateb i'r llythyr cylch gwaith. Er ei bod yn ofynnol iddynt sicrhau bod eu dogfennau eraill ar gael i'r cyhoedd, ni nodir amserlen ar gyfer hyn. Nid yw'r dull presennol hwn wedi bod yn broblem, ac o ystyried barn rhanddeiliaid nad yw bod yn rhy gyfarwyddol ar y Bil ynghylch prosesau gweithredol yn fuddiol, credaf fod y dull a fabwysiadwy gennym yn briodol. Bydd hyn yn caniatáu i fecanweithiau hyblyg a phriodol gael eu datblygu.

6. Mae adran 22 o'r Bil yn cyflwyno Atodlen 2, sy'n rhoi pŵer i Weinidogion Cymru wneud cynlluniau i drosglwyddo staff, eiddo, hawliau a rhwymedigaethau o CCAUC a Gweinidogion Cymru i'r Comisiwn. Nid oes unrhyw ddarpariaeth i'r Senedd wneud gwaith craffu ar y cynllun hwn. A allwch chi esbonio pam felly?

6.1 Mae paragraff 1 o Atodlen 2 i'r Bil yn galluogi Gweinidogion Cymru i wneud cynlluniau trosglwyddo sy'n darparu ar gyfer trosglwyddo staff o CCAUC a Llywodraeth Cymru i'r Comisiwn ac ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau CCAUC a Gweinidogion Cymru i'r Comisiwn.

6.2 Yn weithdrefnol, nid oes angen i'r cynlluniau gael eu gwneud drwy orchymyn. Mae paragraff 3 o Atodlen 2 yn darparu i Weinidogion Cymru osod copi o gynllun trosglwyddo a wneir o dan Atodlen 2 gerbron y Senedd. Mae trosglwyddo staff ac eiddo o Lywodraeth Cymru i'r Comisiwn, yn fy marn i, yn fater gweinyddol i Lywodraeth Cymru, ac er y byddai'r cynllun(iau) hefyd yn darparu ar gyfer trosglwyddo staff ac eiddo o CCAUC i'r Comisiwn, rhaid cael sicrwydd cyfreithiol ynghylch y trosglwyddiadau ac felly mae'r rhwymedigaeth ar Weinidogion Cymru yn cael ei chyfyngu i osod cynlluniau trosglwyddo Atodlen 2 gerbron y Senedd.

6.3 Ceir darpariaethau tebyg mewn perthynas â chynlluniau trosglwyddo yn Neddf Cymwysterau (Cymru) 2015 (gweler adran 2 ac Atodlen 2). O dan Ddeddf 2015, gall Gweinidogion Cymru wneud cynlluniau sy'n darparu ar gyfer trosglwyddo staff Llywodraeth Cymru ac eiddo, hawliau a rhwymedigaethau Gweinidogion Cymru i Cymwysterau Cymru. O ran y weithdrefn, mae ond yn ofynnol i Weinidogion Cymru osod copi o gynllun trosglwyddo o'r fath gerbron y Senedd (nid oes angen nodi'r cynlluniau mewn Offeryn Statudol).

6.4 O ran Deddfau Seneddol, mae adran 115 ac Atodlen 10 i Ddeddf Addysg Uwch ac Ymchwil 2017 hefyd yn debyg i'r Bil. O dan Atodlen 10 Deddf 2017, gall yr Ysgrifennydd Gwladol wneud cynlluniau trosglwyddo ar gyfer trosglwyddo eiddo neu staff mewn cysylltiad â sefydlu'r Swyddfa Myfyrwyr neu Sefydliad Ymchwil y DU a hefyd (ymhlith pethau eraill) pan fo CCAUC yn peidio â bodoli. Nid oes unrhyw ofynion gweithdrefnol yn ymwneud â'r cynlluniau hyn (nid oes angen iddynt gael eu gwneud gan / eu cynnwys o fewn Offeryn Statudol) ac nid oes dyletswydd ar yr Ysgrifennydd Gwladol i osod y cynlluniau gerbron y Senedd. Roedd Deddf Ynni 2016 yn defnyddio dull tebyg o drosglwyddo staff o'r gwasanaeth sifil i'r Awdurdod Olew a Nwy lle nad oedd angen i gynllun yr Ysgrifennydd Gwladol gael ei wneud gan / ei gynnwys mewn Offeryn Statudol ac nid oedd yn ddarostyngedig i unrhyw weithdrefn Seneddol.

7. Mae adran 23 yn darparu ar gyfer pwerau amrywiol i wneud rheoliadau mewn perthynas â chofrestru darparwyr gan y Comisiwn. Mae'r Datganiad o Fwriad y Polisi yn esbonio:

“mae'r strwythur cyllido (ac o ganlyniad rheoleiddio priodol) addysg drydyddol (yn arbennig addysg uwch) ledled y DU wedi newid yn aml yn ystod y blynyddoedd diwethaf, gyda newidiadau yng ngweinyddiaethau eraill y DU yn aml yn cael effaith ar bolisi ariannu yng Nghymru Mae'r newidiadau hyn wedi digwydd ar gyfradd sy'n gynt na'r hyn sy'n briodol neu'n ymarferol i'r Llywodraeth Cymru ymateb gyda deddfwriaeth sylfaenol ynghylch manylion rheoleiddio ym mhob achos. Felly, dylai'r Bil drafft hwn alluogi i fanylion y fframwaith rheoleiddio gael eu newid mewn ymateb i unrhyw newidiadau yn strwythur neu gyllid y sector trydyddol yng Nghymru.”

A allwch chi ddarparu mwy o wybodaeth am hyn a chadarnhau a oes trafodaethau yn digwydd gyda gweinyddiaethau eraill y DU i sicrhau bod y gyfraith yn gallu cadw i fyny â'r newidiadau?

7.1 Cynhaliwyd newid mawr i drefn ffioedd dysgu a chymorth i fyfyrwyr Llywodraeth Cymru ym mlwyddyn academiaidd 2012/13 yn dilyn Adolygiad Browne o Gyllid Myfyrwyr yn Lloegr. Roedd gan y newidiadau a wnaed bryd hynny oblygiadau sylweddol i'r drefn o gyllido a goruchwyllo addysg uwch yng Nghymru ac arweiniodd at yr angen am ddeddfwriaeth sylfaenol newydd ar ffurf Deddf Addysg Uwch (Cymru) 2015. Darparodd Deddf 2015 y fframwaith statudol i sicrhau bod CCAUC yn gallu parhau i reoleiddio darparwyr addysg uwch Cymru y mae eu cyrsiau addysg uwch perthnasol yn ddarostyngedig i derfynau ffioedd yn dilyn y newid mewn cyllid o grantiau sefydliadol tuag at fwy o ddibyniaeth ar incwm ffioedd dysgu.

7.2 Mae'r Bil yn ceisio sefydlu fframwaith rheoleiddio sydd wedi'i ddiogelu at y dyfodol, er mwyn galluogi'r Comisiwn i gynnal goruchwyliaeth reoleiddiol o ddarparwyr addysg drydyddol, y gellir ei addasu mewn ymateb i newidiadau i drefniadau cyllido neu gymorth i fyfyrwyr yn y dyfodol.

7.3 Mae'r Bil yn creu system reoleiddio sy'n addas ar gyfer y dyfodol. Mae'n caniatáu i is-ddeddfwriaeth nodi gwahanol gategorïau cofrestru a chysylltu'r categorïau hyn â gofynion rheoliadol penodol a mynediad at gyllid. Bydd hyn yn galluogi'r system reoleiddio i esblygu mewn ymateb i unrhyw newidiadau yn y dyfodol ym maint, ffurf a chyllid addysg drydyddol yng Nghymru, a allai yn ei dro gael ei dylanwadu gan newidiadau mewn cyllid o'r fath yn rhannau eraill o'r DU.

- 7.4 Mae Llywodraeth y DU wedi cynnig cyflwyno "Hawl i Fenthyciad Gydol Oes" yn ddiweddar a allai newid yn sylweddol y cyllid ar gyfer darpariaeth addysg bellach ac uwch yn y dyfodol. Nid yw llawer o fanylion cynigion Llywodraeth y DU yn hysbys ar hyn o bryd ond, os cânt eu gweithredu, gallant fod â goblygiadau i bolisi Llywodraeth Cymru yn y maes hwn yn y dyfodol. Rwyf wedi cwrdd yn ddiweddar â'r Gweinidog Gwladol dros Addysg Uwch a Phellach a deallaf fod Llywodraeth y DU yn bwriadu ymgynghori ar yr Hawl i Fenthyciad Gydol Oes.
- 7.5 Mae fy swyddogion yn parhau i ymgysylltu â'u cymheiriaid yn Adran Addysg Llywodraeth y DU ar amrywiaeth o faterion sy'n codi o'r Bil Sgiliau ac Addysg Ôl-16, gan gynnwys datblygu'r Hawl i Fenthyciad Gydol Oes arfaethedig.
- 7.6 Byddwn yn gweithio'n agos â rhanddeiliaid yn y sectorau addysg bellach a hyfforddiant i symud tuag at setliad rheoleiddio sy'n addas ar gyfer yr hirdymor ac sy'n sicrhau mwy o gydraddoldeb rhwng y sectorau addysg bellach ac addysg uwch.
- 8. Mae sawl adran yn y Bil lle caiff "enghreifftiau" eu rhoi ar gyfer materion y gall rheoliadau ymdrin â nhw, er enghraifft, adran 25(4) ac adran 59(2). A yw'r Gweinidog o'r farn y gallai hyn wneud i rai darllenwyr feddwl mai dim ond y materion sy'n cael eu rhestru y gall y rheoliadau dan sylw ymdrin â nhw?**
- 8.1 Mae adran 25(4) yn nodi enghreifftiau o beth allai rheoliadau a wneir o dan adran 25(3) ei wneud. Mae hyn yn cynnwys rhoi swyddogaethau i'r Comisiwn mewn cysylltiad â gweithredu amodau cychwynnol pellach y darperir ar eu cyfer yn y rheoliadau, ac enghreifftiau o beth fyddai'r amodau cofrestru cychwynnol pellach hyn.
- 8.2 Yn unol â'r arfer presennol ar gyfer drafftio cyfreithiau ar gyfer Cymru¹, fe'i gwneir yn glir nad yw'r rhestr yn gyflawn drwy ddefnyddio'r geiriau "gall (ymhlith pethau eraill)". Mae hwn yn ddull a argymhellir o gyfleu'n glir mewn deddfwriaeth sylfaenol y berthynas rhwng y pŵer i wneud rheoliadau a'r rhestr nad yw'n gyflawn o enghreifftiau o'r hyn y gellir ei ddefnyddio ar ei gyfer. Mae'r geiriad penodol a ddefnyddir yn ei gwneud yn glir nad yw adran 25(4) yn gymwys nac yn cyfyngu ar gwmpas adran 25(3).
- 8.3 Mae'r ail enghraifft a nodwyd yn y cwestiwn, sef adran 59(2), yn gweithredu mewn ffordd debyg; mae'r geiriau "gall gynnwys" yn egluro nad yw'r enghreifftiau a restrir yn yr adran yn cyfyngu ar gwmpas y pŵer i wneud rheoliadau yn adran 59(1). Unwaith eto, defnyddir y geiriad yn unol â'r argymhellion a'r arferion drafftio a nodir yn "Ysgrifennu Cyfreithiau Cymru: Canllaw".
- 9. Mae adran 30(2)(b) yn darparu i Weinidogion Cymru wneud rheoliadau i bennu beth yw "categori terfyn ffioedd". Mae'r pŵer hwn yn ddarostyngedig i'r weithdrefn gadarnhaol, ond mae'r tri phŵer arall i wneud rheoliadau yn adran 30 sydd hefyd yn ymdrin â therfynau ffioedd yn ddarostyngedig i'r weithdrefn negyddol. A allwch chi egluro pam nad yw'r holl bwerau yn yr adran hon yn ddarostyngedig i'r weithdrefn gadarnhaol pan maent yn ymdrin â'r un pwnc?**

¹ paragraffau 5.6(8) a (9) o "Ysgrifennu Cyfreithiau Cymru: Canllaw" a gyhoeddwyd yn 2019

- 9.1 Mae'r pŵer i wneud rheoliadau o dan adran 30(2)(b) yn galluogi Gweinidogion Cymru i bennu categorïau cofrestru y mae'n rhaid i'r Comisiwn osod amod cofrestru parhaus mewn perthynas â hwy ynghylch terfynau ffioedd.
- 9.2 Ein bwriad yw i'r amod cofrestru hwn fod yn gymwys mewn perthynas â'r categori cofrestru addysg uwch "craidd" arfaethedig. Ni ragwelir y byddai'r trefniadau hyn yn cael eu newid yn aml. Fodd bynnag, pe bai trefniadau ar gyfer cyllid a chymorth i fyfyrwyr yn y dyfodol yn newid (gweler yr ateb i gwestiwn 7), mae'r Bil yn galluogi Gweinidogion Cymru i ragnodi categorïau cofrestru eraill y mae'n rhaid i amod terfyn ffioedd fod yn gymwys iddynt. Gan fod cydymffurfio â therfynau ffioedd yn fater o bwys i ddarparwyr addysg drydyddol ac yn nodwedd bwysig o'r cynllun deddfwriaethol, mae'n briodol bod y weithdrefn gadarnhaol yn cael ei chymhwyso i'r pŵer hwn i wneud rheoliadau, ac mae hyn yn gyson â'r defnydd o'r weithdrefn gadarnhaol ar gyfer pwerau eraill mewn perthynas â chategorïau ac amodau cofrestru.
- 9.3 I'r gwrthwyneb, mae'r pwerau gwneud rheoliadau eraill o dan adran 30 yn galluogi Gweinidogion Cymru i bennu cyrsiau a phersonau cymwys at ddiben rheoleiddio terfynau ffioedd (adrannau 30(4) a 30(8)(b)) yn ogystal â nodi pryd y mae ffioedd sy'n daladwy i ddarparwr mewn perthynas â chwrs y mae'n eu darparu ar ran darparwr cofrestredig i'w trin fel pe bai'n daladwy i'r darparwr cofrestredig at ddibenion terfynau ffioedd (adran 30(10)). Efallai y bydd angen i'r materion hyn newid dros amser er mwyn sicrhau synergedd rhwng y cyrsiau a'r personau y mae'r terfyn ffioedd yn berthnasol iddynt a rheoliadau cymorth i fyfyrwyr Llywodraeth Cymru. Byddai Llywodraeth Cymru'n ymgynghori ar newidiadau arfaethedig cyn gwneud rheoliadau o dan y pwerau hyn. Yn fy marn i, mae'r weithdrefn negyddol yn briodol ar gyfer y pwerau gwneud rheoliadau hyn, ac mae hyn hefyd yn gyson â'r pwerau cyfatebol o dan adran 5 o Ddeddf Addysg Uwch (Cymru) 2015
- 10. O ran pwerau ymyrryd Gweinidogion Cymru o dan y Bil, mae adran 68 yn rhoi'r pŵer i Weinidogion Cymru roi cyfarwyddyd yn uniongyrchol i gorff llywodraethu darparwr. Mae'r Datganiad o Fwriad y Polisi yn cadarnhau mai'r bwriad yw defnyddio hyn pan fydd y Comisiwn wedi defnyddio'i holl swyddogaethau ymyrryd neu pan fydd y mater mor ddifrifol fel bod angen gweithredu ar frys. Pam nad yw'r amodau hyn yn cael eu hadlewyrchu ar wyneb y Bil?**
- 10.1 Er mai dim ond yn yr achosion mwyaf difrifol y caiff y pwerau ymyrryd hyn eu defnyddio a byddant yn gweithredu ochr yn ochr â'r pwerau ymyrryd sydd ar gael i'r Comisiwn o dan y Bil, ni chynhwyswyd amodau datganedig yn ymwneud â'r materion hyn ar wyneb y Bil am y rhesymau canlynol:
- mae'r ffordd y bydd swyddogaethau ymyrryd Gweinidogion Cymru yn gweithredu ochr yn ochr â phwerau ymyrryd y Comisiwn, a'r penderfyniadau ynghylch a oes angen ymyrryd ar frys, yn faterion gweithredol y bydd angen iddynt adlewyrchu amgylchiadau penodol pob achos unigol. Byddai'n fwy priodol cynnwys manylion gweithredol fel hyn yn natganiad cyhoeddedig Gweinidogion Cymru ar sut y caiff y pwerau ymyrryd hyn eu harfer (adran 70 o'r Bil). Byddai hyn yn barhad o'r arfer presennol.
 - mae adran 67 o'r Bil eisoes yn nodi'r seiliau penodol y mae'n rhaid eu bodloni er mwyn i Weinidogion Cymru ymyrryd o dan y pwerau hyn. Mae'r rhain yn

ailddatgan yn fras y seiliau presennol dros ymyrryd a ragnodir o dan adran 57 o Ddeddf Addysg Bellach ac Uwch 1992;

- gall natur y seiliau dros ymyrryd a nodir o dan adran 67 o'r Bil arwain at amgylchiadau lle nad yw'r mater y mae angen ymyrryd yn ei gylch yn ymwneud ag amgylchiadau cofrestru neu gyllido'r Comisiwn, er enghraifft torri dyletswyddau statudol gan sefydliad addysg bellach. Mewn achosion o'r fath, efallai na fydd swyddogaethau ymyrryd y Comisiwn yn briodol nac yn gallu mynd i'r afael â'r mater a nodwyd;
- mae'n debygol na fydd llawer o sefydliadau addysg bellach yn ddarparwyr cofrestredig yn y lle cyntaf, ac felly bydd perthynas reoleiddiol y Comisiwn â'r darparwyr hyn drwy delerau ac amodau cyllido; a.
- byddai'n anodd diffinio beth yw'r amgylchiadau lle mae angen gweithredu ar fwy o frys.

10.2 Yng ngoleuni'r uchod, gallai fod risgiau posibl yn deillio o gynnwys amodau ar wyneb y Bil yn ymwneud â swyddogaethau ymyrryd y Comisiwn neu'r gofyniad i ddefnyddio'r pwerau hyn ar frys. Pe bai amodau o'r fath yn cael eu cynnwys, byddai'n rhaid i Weinidogion Cymru ddangos bod holl bwerau ymyrryd y Comisiwn wedi'u disbyddu (neu na fyddent yn datrys y mater dan sylw) neu fod digon o frys cyn y gallant ymyrryd o dan y pwerau hyn. Gallai hyn gael yr effaith anfwriadol o atal Gweinidogion Cymru rhag gweithredu o dan y pwerau hyn neu ohirio camau o'r fath mewn amgylchiadau lle y gallai fod angen diogelu darpariaeth addysg bellach yng Nghymru.

10.3 Mae hefyd yn bwysig nodi bod y Bil yn gwneud darpariaeth i'r Comisiwn chwarae rhan wrth arfer y swyddogaethau ymyrryd hyn sy'n adlewyrchu ei rôl reoleiddio mewn perthynas â sefydliadau addysg bellach yng Nghymru. Mae'r Bil hefyd yn ei gwneud yn ofynnol i Weinidogion Cymru roi sylw i farn y Comisiwn wrth benderfynu a ddylid ymyrryd gan ddefnyddio'r pwerau hyn. Bydd cyngor gan y Comisiwn yn helpu Gweinidogion Cymru i ystyried yr holl ffactorau perthnasol wrth benderfynu a ddylid ymyrryd ai peidio yn amgylchiadau penodol pob achos. Rhagwelir y bydd y cyngor hwn yn cynnwys barn y Comisiwn ar y math mwyaf priodol o ymyrraeth i fynd i'r afael â'r mater a nodwyd.

11. Mewn perthynas ag adran 77(4) o'r Bil, mae'r Datganiad o Fwriad y Polisi yn nodi y byddai unrhyw reoliadau sy'n cael eu gwneud o dan y ddarpariaeth hon yn weddol debyg i'r trefniadau cyfredol yn Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddydau) (Cymru) 2015. A allwch chi gadarnhau beth yw ystyr yr ymadrodd 'gweddol debyg'?

11.1 Mae'r pŵer i wneud rheoliadau o dan adrannau 77(3) a 77(4) o'r Bil yn ymwneud â threfniadau gweithdrefnol i'w cymhwyso ar gyfer unrhyw adolygiadau o benderfyniadau'r Comisiwn mewn perthynas â'r gofrestr a'i oruchwyliaeth reoleiddiol o ddarparwyr addysg drydyddol cofrestredig. Mae hyn yn debyg i bŵer o dan adrannau 44(3) a 44(4) o Ddeddf Addysg Uwch (Cymru) 2015. Mae Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddiadau) (Cymru) 2015 yn gwneud darpariaeth, ymhlith materion eraill, mewn perthynas â threfniadau gweithdrefnol ar gyfer rhoi ac adolygu hysbysiadau a chyfarwyddyd o dan Ran 6 o Ddeddf 2015, gan gynnwys adran 44.

11.2 Nid ydym wedi nodi eto unrhyw reswm dros ddiwygio'r polisi ar adolygiadau o benderfyniadau fel y nodir yn rheoliadau 7 i 10 o reoliadau 2015. Mae'r rhain yn nodi'r

seiliau dros adolygu hysbysiadau a chyfarwyddyd, y weithdrefn i wneud cais am adolygiad, y weithdrefn ar gyfer cynnal adolygiadau, a'r weithdrefn ôl-adolygu. Fodd bynnag, caiff hyn ei adolygu'n llawn wrth ddrafftio'r rheoliadau gan roi ystyriaeth i unrhyw adborth a ddarperir gan randdeiliaid ar ddarpariaethau priodol ar gyfer y weithdrefn adolygu.

11.3 Yn unol ag arfer safonol Llywodraeth Cymru, byddai'r rheoliadau sydd i'w gwneud o dan adran 77 yn cael eu cyhoeddi ar gyfer ymgynghoriad ffurfiol.

12. Mae adran 86(6) o'r Bil yn cynnwys pwerau gwneud rheoliadau y dywed y Datganiad ar y Bwriad Polisi na fwriedir eu defnyddio ar hyn o bryd. Pam eu bod yn cael eu cynnwys yn y Bil hwn? Oni fyddai'n well rhoi sylw iddynt yn y dyfodol os a phan fydd yr angen yn codi?

12.1 Mae adran 86(1) wedi'i chynllunio i ganiatáu i gyrsiau addysg uwch penodedig gael eu cyllido gan y Comisiwn ar wahân i gyrsiau a ddarperir gan ddarparwyr cofrestredig mewn categori a bennir at ddibenion adran 85. Bwriad y pŵer yn adran 86 yw sicrhau y gellid mynd i'r afael â bylchau yn y ddarpariaeth addysg uwch os na fydd yn bosibl neu'n ymarferol i gyrsiau o'r fath gael eu darparu gan ddarparwr cofrestredig yn y categori "craidd".

12.2 Bwriedir i brif bŵer swyddogaeth addysg uwch y Comisiwn (adran 85) fod yn gymwys i ddarparwyr addysg uwch sydd wedi'u cofrestru yn y categori "craidd" arfaethedig a byddai rheoliadau'n darparu ar gyfer hynny. Fodd bynnag, gallai fod darparwyr yng Nghymru sydd, er enghraifft, yn dewis cofrestru yn y categori "amgen" neu nad ydynt wedi'u cofrestru o gwbl na fyddent yn gymwys i gael cyllid addysg uwch gan y Comisiwn o dan ei brif bŵer ar gyfer cyllido addysg uwch, ond a allai ddarparu cyrsiau 'arbenigol' a nodwyd gan Weinidogion Cymru fel rhai sydd eu hangen ar gyfer Cymru. Mewn achosion prin iawn hefyd, gallai fod cyrsiau mewn darparwyr y tu allan i Gymru y mae Gweinidogion Cymru neu'r Comisiwn yn nodi bod angen cyllid arnynt er mwyn darparu buddion i Gymru a phobl sy'n preswyllo fel arfer yng Nghymru.

12.3 Er nad oes unrhyw achosion o'r fath wedi'u nodi hyd yma, credwn y byddai'n ddoeth cadw'r pŵer hwn er mwyn rhoi digon o hyblygrwydd i'r Comisiwn yn y dyfodol a sicrhau bod addysg uwch a gyllid yn gallu diwallu anghenion Cymru.

13. Mewn perthynas ag adran 91, dywed y Datganiad o Fwriad y Polisi "mai'r bwriad wrth ddefnyddio is-ddeddfwriaeth i bennu cwmpas addysg a chymhwysra perthnasol at ddibenion y ddyletswydd gyllido yw golygu bod modd ehangu'r cynnig a ariennir o addysg bellach a hyfforddiant i oedolion yn raddol dros amser i fynd i'r afael â phatrymau esblygol o ran anghenion." Yn yr un modd, mae'r Datganiad o Fwriad y Polisi yn defnyddio geiriad fel "nid yw'n bolisi cyfredol gan y llywodraeth" a "pe bai'r angen yn codi" yng nghydestun pwerau gwneud rheoliadau o dan adrannau 95 a 101. A allwch chi ymhelaethu ar hyn ac egluro pam rydych chi'n ystyried ei bod yn briodol rhoi'r pwerau hyn ar waith nawr, yn hytrach na phan fydd yr angen wir yn codi?

13.1 Mae adran 91(3) yn ei gwneud yn ofynnol i Weinidogion Cymru bennu addysg bellach a hyfforddiant perthnasol at ddibenion dyletswydd y Comisiwn i sicrhau cyfleusterau priodol i bersonau 19 oed a throsodd.

- 13.2 Ar hyn o bryd rydym yn bwriadu cyflwyno rheoliadau o dan yr adran hon ar, neu'n fuan ar ôl, cychwyn y darpariaethau hyn, yn unol â'r ddyletswydd hon. Fy mwriad yw y bydd y rheoliadau hyn yn nodi fersiwn gyntaf y gofynion ar gyfer darparu addysg bellach a hyfforddiant i oedolion.
- 13.3 Mae manylion llawn y polisi a fydd yn sail i'r rheoliadau hyn yn cael eu datblygu ar ôl cyhoeddi adroddiad ar gyfer Llywodraeth Cymru ym mis Rhagfyr gan Ganolfan Polisi Cyhoeddi Cymru, sef 'Cefnogi System Dysgu Gydol Oes Cymru', a oedd yn nodi argymhellion yn y maes hwn. Mae'r adroddiad hwn yn dangos pwysigrwydd hanfodol ehangu cyfleoedd ar gyfer dysgu gydol oes yng Nghymru, sy'n rhywbeth y gobeithiwn ei gyflawni drwy'r ddeddfwriaeth hon.
- 13.4 Mae rheoliadau o dan adrannau 95 a 101 yn ymwneud â'r pwerau i'w gwneud yn ofynnol i ddarparwyr gofrestru i gael mynediad at gyllid ar gyfer addysg bellach a phrentisiaethau. Fel y nodwyd yn fy ymateb i gwestiwn 7, bwriad y pwerau hyn yw sicrhau y gall y system reoleiddio esblygu mewn ymateb i newidiadau yn y dyfodol ym maint, ffurf a chyllid addysg drydyddol yng Nghymru.
- 14. Mae Rhan 3 o'r Bil yn ymdrin ag ariannu addysg ac ymchwil drydyddol. Mae bron â bod pob un o'r pwerau yn y Rhan hon i Weinidogion Cymru wneud rheoliadau yn ddarostyngedig i'r weithdrefn gadarnhaol. Fodd bynnag, mae adran 106 o'r Bil yn galluogi Gweinidogion Cymru i gyhoeddi cyfarwyddiadau i'r Comisiwn pe bai cyllid yn cael ei gamreoli gan ddarparwr ac nad yw'r cyfarwyddiadau hyn yn ddarostyngedig i unrhyw weithdrefn heblaw cael eu gosod gerbron y Senedd. Mae'r rhain wedi'u modelu'n fras ar adran 57 bresennol Deddf Addysg Bellach ac Uwch 1992 sy'n ymwneud â CCAUC, lle mai dim ond trwy orchymyn Gweinidogion Cymru sy'n ddarostyngedig i'r weithdrefn negyddol y gellir rhoi cyfarwyddiadau o'r fath. A allwch chi gadarnhau pam nad yw cyfarwyddbau o'r fath yn ddarostyngedig i unrhyw un o weithdrefnau'r Senedd?**
- 14.1 Mae'r pŵer i roi cyfarwyddyd cymorth ariannol yn adran 106 o'r Bil yn debyg i'r pwerau presennol i wneud gorchmynion yn adran 57 o Ddeddf Addysg Bellach ac Uwch 1992. Mae adran 89 o Ddeddf 1992 yn darparu nad oes angen i orchmynion a wneir o dan adran 57 gael eu gwneud drwy offeryn statudol, ac o ganlyniad nid ydynt yn ddarostyngedig i unrhyw weithdrefn gan y Senedd. Mae'r darpariaethau fel yr adlewyrchir yn adran 106 o'r Bil wedi'u hystyried o'r newydd gan roi ystyriaeth i sut y gallai fod angen defnyddio'r pwerau hyn.
- 14.2 Un o fanteision allweddol pŵer i wneud cyfarwyddyd yw galluogi Gweinidogion Cymru i ymateb i sefyllfa a gosod gofynion yn gyflym er mwyn sicrhau bod arian cyhoeddus yn destun rheolaethau priodol. Felly, datblygwyd dull gweithredu ar gyfer y Bil yn seiliedig ar dri cham:
- ymgynghori â'r Comisiwn cyn rhoi cyfarwyddyd,
 - ei gwneud yn ofynnol cyhoeddi'r cyfarwyddyd pan gaiff ei roi
 - darparu adroddiad i'r Senedd ar ôl rhoi cyfarwyddyd.
- 14.3 Ochr yn ochr â hyn, mae'n ofynnol i Weinidogion Cymru adolygu'r cyfarwyddyd yn rheolaidd.

- 14.4 Rwy'n ystyried bod y dull hwn yn galluogi ymateb priodol i faterion a allai fod angen ymateb amserol. Bwriad y tri gofyniad gweithdrefnol yw mynd i'r afael â phryderon posibl ynghylch craffu a thryloywder y cyfarwyddyd.
- 14.5 Mynychais y Pwyllgor Plant, Pobl Ifanc ac Addysg yn gynharach y mis hwn lle codwyd y trefniadau mewn perthynas â rhoi cyfarwyddyd cyffredinol i'r Comisiwn (adran 19 o'r Bil). Yn y cyfarfod hwnnw, cadarnheais y byddwn yn ystyried a oedd dulliau amgen a allai ganiatáu hyblygrwydd wrth fynd i'r afael â phryderon y Pwyllgor. Yn ystod yr ystyriaethau hyn, byddaf hefyd yn ystyried y trefniadau ar gyfer y cyfarwyddyd cymorth ariannol.
- 15. Mae'r Datganiad o Fwriad y Polisi yn nodi bod nifer o'r pwerau yn Rhan 4 "yn ailddeddfu neu'n adeiladu ar y pwerau gwneud rheoliadau sy'n bodoli eisoes yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009". A allwch chi gadarnhau, os yw hyn yn wir, bod y weithdrefn graffu a oedd yn gymwys o dan Ddeddf 2009 yn parhau i fod yn gymwys o dan y Bil?**
- 15.1 Gallaf gadarnhau, pan fo pŵer yn Rhan 4 yn deillio o bŵer i wneud rheoliadau yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009, fod y weithdrefn graffu yn y Bil o leiaf yn cyfateb i'r weithdrefn a oedd yn gymwys o dan Ddeddf 2009.
- 16. Mae adran 130(6) yn gosod dyletswydd ar Weinidogion Cymru i gyhoeddi canllawiau ynghylch ffactorau y byddant yn eu hystyried wrth benderfynu a ddylid cymeradwyo corff neu unigolyn i gymryd cais i wybodaeth dderbyn ac i gynnal a chyhoeddi ymchwil mewn perthynas â gwybodaeth o'r fath. Nid oes unrhyw ofyniad i osod y canllawiau hyn gerbron y Senedd. A allwch chi esbonio pam felly?**
- 16.1 Bwriedir i'r canllawiau hyn ymdrin â materion gweithdrefnol a thechnegol i gefnogi gweithredu'r darpariaethau hyn ac felly nid wyf yn ystyried ei bod yn angenrheidiol cymhwyso gweithdrefn o'r Senedd na gofyniad i osod y canllawiau gerbron y Senedd.
- 17. Mae adran 135 yn cadw pŵer eang i ddiddymu corfforaethau addysg uwch heb unrhyw gyfiawnhad dros gadw'r pŵer hwn heblaw ei bod yn "sefyllfa ddymunol". A ydych chi'n ystyried bod hyn yn gyfiawnhad digonol ac a allwch chi ymhelaethu ar y rhesymau dros gadw'r pŵer hwn?**
- 17.1 Mae'r pwerau a gedwir yn y Bil mewn perthynas â diddymu Corfforaethau Addysg Uwch, ar wahân i rai addasiadau technegol, yr un peth â'r pwerau sy'n bodoli ar hyn o bryd. Mae'r rhain, yn eu hanfod, yn bwerau wrth gefn a byddai eu defnydd yn ddarostyngedig i egwyddorion cyfraith gyhoeddus.
- 17.2 Rwy'n cydnabod cryfder barn rhanddeiliaid ynghylch y pwerau hyn ac felly rwy'n archwilio gwelliant i'r darpariaethau hyn ac wedi gofyn i'm swyddogion ystyried yr adborth a'r sylwadau a wnaed gan rhanddeiliaid mewn perthynas â'r darpariaethau hyn fel rhan o'r gwaith o ddatblygu'r gwelliant hwnnw. Byddwn hefyd yn croesawu barn ac argymhellion y Pwyllgor.
- 17.3 Wrth i ni barhau i ystyried y mater hwn, rwy'n hapus i ysgrifennu at y Pwyllgor gydag unrhyw ddiweddariadau pellach.

Atodiad B

Bil Addysg Drydyddol ac Ymchwil (Cymru)				Deddfwriaeth Gyfredol			
Adran	Pŵer	Ffurf	Gweithdrefn	Yn deillio o	Pŵer	Ffurf	Gweithdrefn
19(1)	Cyfarwyddyd	Cyhoeddi	Adrodd i Senedd Cymru fod cyfarwyddyd wedi'i roi a gosod copi o'r cyfarwyddyd gerbron y Senedd. Rhaid cadw'r cyfarwyddyd o dan adolygiad.	Adran 81(2) o Ddeddf Addysg Bellach ac Uwch 1992	Cyfarwyddyd	OS	Negyddol
30(4)	Rheoliadau	OS	Cadarnhaol	Adran 5(2)(b) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Negyddol
30(8)(b)	Rheoliadau	OS	Negyddol	Adran 5(5)(b) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Negyddol
30(10)	Rheoliadau	OS	Negyddol	Adran 5(9) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Negyddol
44(6)	Rheoliadau	OS	Cadarnhaol	Adran 5(3) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Bydd y gyfres gyntaf o reoliadau sydd i'w gwneud o dan adran 5(3) yn ddarostyngedig i'r

Bil Addysg Drydyddol ac Ymchwil (Cymru)				Deddfwriaeth Gyfredol			
Adran	Pŵer	Ffurf	Gweithdrefn	Yn deillio o	Pŵer	Ffurf	Gweithdrefn
							weithdrefn gadarnhaol ac wedyn y weithdrefn negyddol.
52(8)	Rheoliadau	OS	Negyddol	Adran 17(4)(a) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Negyddol
55(1)(f)	Rheoliadau	OS	Negyddol	Adran 75(1)(e) o Ddeddf Dysgu a Sgiliau 2000	Rheoliadau	OS	Dim gweithdrefn
55(4)	Rheoliadau	OS	Negyddol	Adran 77(2) a 77(4) o Ddeddf Dysgu a Sgiliau 2000	Rheoliadau	OS	Dim gweithdrefn
59(1)	Rheoliadau	OS	Negyddol	Adran 76(3) o Ddeddf Dysgu a Sgiliau 2000	Rheoliadau	OS	Dim gweithdrefn
61(9)	Rheoliadau	OS	Negyddol	Adran 83(7) a (9) o Ddeddf Dysgu a Sgiliau 2000	Rheoliadau	OS	Dim gweithdrefn
77(3)	Rheoliadau	OS	Negyddol	Adran 44(3) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Negyddol
81(4)	Rheoliadau	OS	Cadarnhaol	Adran 3(4) o Ddeddf Addysg Uwch (Cymru) 2015	Rheoliadau	OS	Cadarnhaol

Bil Addysg Drydyddol ac Ymchwil (Cymru)				Deddfwriaeth Gyfredol			
Adran	Pŵer	Ffurf	Gweithdrefn	Yn deillio o	Pŵer	Ffurf	Gweithdrefn
82 (gweler (d) yn y diffiniad o "ffioedd")	Rheoliadau	OS	Negyddol	Adran 57(1) o Ddeddf Addysg Uwch (Cymru) 2015 (gweler (d) yn y diffiniad o "ffioedd")	Rheoliadau	OS	Negyddol
106(1)	Cyfarwyddyd	Cyhoeddi	Adrodd i Senedd Cymru fod cyfarwyddyd wedi'i roi a gosod copi o'r cyfarwyddyd gerbron y Senedd. Rhaid cadw'r cyfarwyddyd o dan adolygiad.	Adran 81(3) o Ddeddf Addysg Bellach ac Uwch 1992	Cyfarwyddyd	OS	Negyddol

Cyfarwyddyd cyffredinol i'r Comisiwn

Adran	Ffurf	Darpariaeth	Gweithdrefn
Atodlen 1 paragraff 15(1)(a)	Cyfarwyddyd	Rhaid i'r Comisiwn baratoi datganiad o gyfrifon mewn perthynas â phob blwyddyn ariannol yn unol â chyfarwyddyd a roddir gan Weinidogion Cymru.	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae paragraff 15(1)(a) o Atodlen 1 i'r Bil yn galluogi Gweinidogion Cymru i roi cyfarwyddyd i'r Comisiwn ynghylch paratoi datganiad o gyfrifon. Pob blwyddyn ariannol rhaid i'r Comisiwn baratoi cyfrifon yn unol â'r cyfarwyddyd cyfrifon a gyhoeddir gan Weinidogion Cymru.

Erbyn diwedd mis Awst yn dilyn y flwyddyn ariannol y mae'r cyfrifon yn ymwneud â hi, rhaid i'r Comisiwn gyflwyno'r cyfrifon wedi'u llofnodi ynghyd â llythyr cynrychiolaeth i Archwilydd Cyffredinol Cymru. Rhaid i'r Comisiwn anfon dau gopi o'r cyfrifon wedi'u llofnodi at Lywodraeth Cymru.

Diben a bwriad y polisi

Ar hyn o bryd, gall Gweinidogion Cymru roi cyfarwyddyd i CCAUC mewn perthynas â pharatoi eu cyfrifon a'r bwriad yw rhoi cyfarwyddyd cyfatebol i'r Comisiwn ar ôl ei sefydlu.

Nodir sylwedd y cyfarwyddyd ym mharagraff 15(2)(b) o Atodlen 1 ac mae'n cynnwys:

- yr wybodaeth sydd i'w chynnwys yn y datganiad;
- y modd y mae'r wybodaeth i'w chyflwyno;
- y dulliau a'r egwyddorion y mae'r datganiad i'w paratoi yn unol â hwy; ac
- unrhyw wybodaeth ychwanegol sydd i ategu'r datganiad.

Eitem 3.19

CYPE(6)-04-22 - Papur i'w nodi 19

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Jeremy Miles AS

Gweinidog y Gymraeg ac Addysg

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddPlant@senedd.cymru
senedd.cymru/SeneddPlant
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddChildren@senedd.wales
senedd.wales/SeneddChildren
0300 200 6565

Dyddiad: 13 Ionawr 2022

Pwnc: Y Bil Addysg Drydyddol ac Ymchwil (Cymru)

Annwyl Jeremy,

Diolch am roi tystiolaeth i'r Pwyllgor ar 13 Ionawr. Fel y dywedais, mae rhai materion yr hoffem gael rhagor o wybodaeth amdanynt i lywio ein gwaith craffu.

Gwybodaeth a godwyd yn ystod yr ymgynghoriad

Roedd rhai materion a godwyd gan randdeiliaid yn yr ymgynghoriad, a byddem yn croesawu rhywfaint o eglurder pellach ynglŷn â'r materion hyn fel yr amlinellir isod.

- Mae Cyngor y Deoniaid wedi gofyn am eglurder pellach ynghylch a fydd y Comisiwn yn ariannu rhaglenni gofal iechyd cyn cofrestru a sut y bydd hyn yn cysylltu â chyllid gan GIG Cymru ac Addysg a Gwella Iechyd Cymru. Mae'r Cyngor hefyd yn gofyn am ragor o wybodaeth am sut y bydd y Comisiwn yn ariannu ymchwil gofal iechyd yng Nghymru; a sut y bydd rhaglenni prentisiaeth broffesiynol gofal iechyd cyn cofrestru yn cael eu hariannu.
- Mae'r Brifysgol Agored yng Nghymru wedi mynegi pryderon ynghylch y ddarpariaeth dysgu gydol oes yn cael ei fframio'n benodol o ran addysg bellach yn y Bil. Mae'r Brifysgol yn gofyn am eglurder ar y pwynt hwn, gan nodi: "We do not believe that it is the Welsh Government's intention to limit these funding mechanisms to further education providers but would welcome clarification that our understanding is correct".



- Mae Grŵp NPTC wedi gofyn am eglurder ynghylch effaith S67 ac S68 yn y Bil. Maent yn nodi: "Mae angen eglurder pellach hefyd ynglŷn â sut mae hyn yn rhyngweithio ochr yn ochr â rôl LIC fel Prif Reoleiddiwr y sefydliadau AB fel elusennau eithriedig".
- Mae'r Comisiwn Cydraddoldeb a Hawliau Dynol yn nodi: "it is unclear how and whether the EIA relates to the breadth of the Bill and the scope of its measures". Byddai'r Pwyllgor yn ddiolchgar pe bai'r Gweinidog yn gallu egluro'r pwynt hwn i'r Comisiwn.
- Mae'r Comisiwn Elusennau wedi gofyn am eglurder ar y pwynt a ganlyn: "Under clause 25(4)(b)(i) of the Bill, the Welsh Ministers may, by regulation, specify further initial registration conditions relating to the charitable or other status of tertiary education providers. It would be helpful to have clarity as to what conditions may be imposed in practice".
- Mae Prifysgolion Cymru yn gofyn am eglurder ynghylch pam y mae'n ofynnol i'r Comisiwn roi sylw i nodwedd nodedig darparwyr wrth ariannu o dan rai penawdau ond nid eraill, er enghraifft wrth ariannu ymchwil ac arloesi.
- O ran Anghenion Dysgu Ychwanegol:
 - Mae'r Comisiynydd Plant wedi gofyn am ragor o fanylion a fyddai'n cefnogi'r Comisiwn i gyflawni'r gweithgaredd a restrir ym mharagraff 3.276 o'r Memorandwm Esboniadol yn fwy effeithiol mewn perthynas â dysgwyr ag Anghenion Dysgu Ychwanegol.
 - Mae Natspec yn gofyn sut y bydd y Bil yn ei gwneud yn ofynnol i ddarparwyr fod yn atebol am ddiwallu anghenion myfyrwyr ag Anghenion Dysgu Ychwanegol; ac yn tynnu sylw'r Pwyllgor at yr angen i sicrhau nad yw pobl ifanc ag Anghenion Dysgu Ychwanegol cymhleth y mae angen lleoliad arnynt mewn coleg addysg bellach arbenigol yn cael eu heithrio o'r mesurau diogelu a gynigir gan y Comisiwn. Byddai'r Pwyllgor yn gwerthfawrogi rhagor o wybodaeth am y pwyntiau hyn.
 - Mae Estyn wedi dweud wrthym eu bod yn teimlo nad yw'r Bil fel y'i cyflwynwyd yn glir am rôl y Comisiwn o ran ariannu dysgwyr ag anghenion dwys ac Anghenion Dysgu Ychwanegol i gael darpariaeth briodol. Maent yn gofyn am eglurder ynghylch pam neu sut y gellid ariannu dysgwyr ag anghenion dwys yn wahanol yn ôl y math o ddarpariaeth sydd ei hangen arnynt, ac y gallent fod â phrofiadau ansawdd gwahanol yn ôl pa ddarparwr maent yn ei ddefnyddio.

Materion sy'n codi o'r sesiwn dystiolaeth

Ar ôl trafod y dystiolaeth, byddem yn croesawu rhagor o wybodaeth am:

- Eich barn ar ddatblygu'r corff strategol cenedlaethol ar gyfer addysg i oedolion yn y gymuned;

- Sut y bydd darpariaeth Anghenion Dysgu Ychwanegol yn gweithio i ddysgwyr yn ymarferol a sut y bydd y Bil hwn yn rhyngweithio â darnau eraill o ddeddfwriaeth berthnasol megis Deddf Anghenion Dysgu Ychwanegol 2018;
- Pam rydych chi'n credu y dylai'r chweched dosbarth gael ei gynnwys yng nghylch gwaith y Comisiwn, ac os felly, eglurder ynghylch pam nad yw rhai o'r darpariaethau sy'n ymwneud ag diogelu dysgwyr a llais dysgwyr yn cwmpasu'r chweched dosbarth.

Yn ystod y sesiwn, gwnaethoch gytuno i ddarparu:

- Gwybodaeth gymharol am gyfansoddiad a'r gwahanol fathau o aelodaeth Bwrdd mewn sefydliadau tebyg i'r Comisiwn;
- Rhagor o wybodaeth am y safbwynt diweddaraf ar y pŵer i ddiddymu Corfforaethau Addysg Uwch;
- Rhagor o wybodaeth am y materion sy'n codi o'r [ddeiseb](#) ar y fwrariaeth STEMM ôl-raddedig;
- Rhagor o wybodaeth am sut y gall y Bil gefnogi rhyddid academiaidd i academyddion unigol, yn hytrach na'r amddiffyniadau ehangach yn y Bil ar gyfer rhyddid academiaidd sefydliadol;
- Rhagor o wybodaeth am sut y bydd y Coleg Cymraeg Cenedlaethol, y Comisiwn a chyrrff cysylltiedig eraill yn cydweithio mewn perthynas â'u rolau mewn perthynas â darpariaeth cyfrwng Cymraeg; a
- A roddwyd cydsyniad ar gyfer adran 128.

Er mwyn sicrhau y gall eich ymateb lywio ein trafodaethau ar y Bil, byddem yn gofyn am ymateb erbyn dydd Gwener 4 Chwefror.

Yn gywir,



Jayne Bryant AS
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Jayne Bryant AS
Cadeirydd
Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Ty Hywel
Bae Caerdydd
Caerdydd
CF99 1NA

4 Chwefror 2022

Annwyl Jayne

Bil Addysg Drydyddol ac Ymchwil (Cymru)

Diolch am eich llythyr dyddiedig 13 Ionawr yn dilyn fy mhresenoldeb yn y Pwyllgor i roi tystiolaeth ar Fil Addysg Drydyddol ac Ymchwil (Cymru) ("y Bil"). Cododd eich llythyr nifer o gwestiynau yr wyf wedi ymateb iddynt yn yr Atodiad i'r llythyr hwn.

Byddaf yn ysgrifennu atoch eto cyn hir gyda rhagor o fanylion am fy nghynlluniau ar gyfer gweithredu'r Bil.

Yn dilyn fy mhresenoldeb mewn cyfarfod o'r Pwyllgor Deddfwriaeth, Cyfiawnder a Chyfansoddiad ym mis Rhagfyr, ysgrifennodd y Pwyllgor ataf yn cwestiynu hepgoriad yn y Datganiad o Fwriad Polisi. Mewn ymateb i'r ymholiad hwn gofynnais i'm swyddogion ddiweddarau'r datganiad ac mae'r fersiwn ddiwygiedig wedi'i chynnwys gyda'r llythyr hwn. Mae'r fersiwn ddiwygiedig hon hefyd yn cywiro dau fân wall.

Anfonwyd copi o'r llythyr hwn i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad a'r Pwyllgor Cyllid.

Hoffwn fanteisio ar y cyfle hwn i ddiolch eto i'r Pwyllgor am y mewnbwn gwerthfawr i'r Bil.

Yn gywir

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Atodiad

- 1. Mae Cyngor y Deoniaid wedi gofyn am eglurder pellach ynghylch a fydd y Comisiwn yn ariannu rhaglenni gofal iechyd cyn cofrestru a sut y bydd hyn yn cysylltu â chyllid gan GIG Cymru ac Addysg a Gwella Iechyd Cymru. Mae'r Cyngor hefyd yn gofyn am ragor o wybodaeth am sut y bydd y Comisiwn yn ariannu ymchwil gofal iechyd yng Nghymru; a sut y bydd rhaglenni prentisiaeth broffesiynol gofal iechyd cyn cofrestru yn cael eu hariannu**
 - 1.1 Mae'r rhain yn faterion i'r Comisiwn ei hun benderfynu arnynt unwaith y bydd wedi'i sefydlu. Ar hyn o bryd, gwneir y buddsoddiad cyhoeddus mewn rhaglenni addysg a hyfforddiant gofal iechyd drwy amrywiaeth o raglenni a ffrydiau cyllido gan gynnwys cyllid gan Lywodraeth Cymru, Bwrsariaethau'r GIG, ffioedd dysgu myfyrwyr ynghyd â chyllid addysgu CCAUC. Mater i'r Comisiwn fydd penderfynu a yw'n parhau â system bresennol CCAUC ai peidio neu'n mabwysiadu dull gweithredu gwahanol.
- 2. Mae'r Brifysgol Agored yng Nghymru wedi mynegi pryderon ynghylch y ddarpariaeth dysgu gydol oes yn cael ei fframio'n benodol o ran addysg bellach yn y Bil. Mae'r Brifysgol yn gofyn am eglurder ar y pwynt hwn, gan nodi: "We do not believe that it is the Welsh Government's intention to limit these funding mechanisms to further education providers but would welcome clarification that our understanding is correct"**
 - 2.1 Mae Adran 2 o'r Bil yn ei gwneud yn ofynnol i'r Comisiwn hyrwyddo dysgu gydol oes ar draws yr holl addysg drydyddol. Mae'r ddyletswydd hon yn cynnwys hyrwyddo cyfleoedd ar gyfer dysgu gydol oes ar amrywiaeth o lefelau, pynciau, lleoliadau a dulliau astudio.
 - 2.2 Rydym wedi ymrwymo i fanteision ehangu cyfleoedd dysgu gydol oes ymhellach ar draws addysg bellach ac uwch. Roedd y diwygiadau i gyllid myfyrwyr a chyllid CCAUC yn dilyn Adolygiad Diamond yn galluogi ehangu cyfleoedd dysgu gydol oes mewn addysg uwch yn sylweddol. Mae nifer y myfyrwyr yn y Brifysgol Agored yng Nghymru wedi mwy na dyblu rhwng 2017/18 a 2020/21.
 - 2.3 Er y bydd cyllid myfyrwyr yn parhau i fod yn fater i Weinidogion Cymru ar ôl sefydlu'r Comisiwn, rydym yn rhagweld ar hyn o bryd y caiff y Comisiwn wneud trefniadau grant ar gyfer cyrsiau rhan-amser addysg uwch sy'n debyg i'r trefniadau presennol sydd gan CCAUC, yn amodol ar ddarpariaethau adrannau 85 i 89 (a darpariaethau perthnasol eraill) o'r Bil; mae gennym ddiddordeb ym marn y sector o ran pa gamau pellach y gellir eu cymryd i hwyluso dysgu gydol oes mewn addysg uwch.
 - 2.4 Felly, mae'r ddyletswydd newydd yn Adran 91 o'r Bil - sy'n darparu bod yn rhaid i'r Comisiwn sicrhau cyfleusterau priodol ar gyfer addysg bellach a hyfforddiant perthnasol i oedolion cymwys dros 19 oed – ond yn un o sawl ffordd yr ydym yn disgwyl i'r Comisiwn newydd fwrw ymlaen â'n hymrwymiad i ddysgu gydol oes.

3. Mae Grŵp NPTC wedi gofyn am eglurder ynghylch effaith S67 ac S68 yn y Bil. Maent yn nodi: “Mae angen eglurder pellach hefyd ynglŷn â sut mae hyn yn rhyngweithio ochr yn ochr â rôl LIC fel Prif Reoleiddiwr y sefydliadau AB fel elusennau eithriedig”

3.1 Nid yw'r Bil yn effeithio ar y rhyngwyneb rhwng pwerau ymyrryd Gweinidogion Cymru mewn perthynas â sefydliadau addysg bellach yng Nghymru a'u rôl fel Prif Reoleiddiwr at ddibenion elusennol. O dan y trefniadau presennol, mae adran 57 o Ddeddf Addysg Bellach ac Uwch 1992 (Deddf 1992) yn rhoi pwerau i Weinidogion Cymru ymyrryd wrth gynnal sefydliad yn y sector addysg bellach yng Nghymru. Bydd y Bil yn diddymu'r pwerau yn Neddf 1992 ac yn eu hailddatgan yn fras o dan adrannau 67 a 68. Ar hyn o bryd, mae Gweinidogion Cymru hefyd yn cyflawni rôl Prif Reoleiddiwr ar gyfer corfforaethau addysg bellach yng Nghymru (a sefydliadau a weinyddir gan neu mewn cysylltiad â hwy), ac ar gyfer Coleg Catholig Dewi Sant (a sefydliadau a weinyddir gan neu mewn cysylltiad ag ef) fel elusennau esempt (a eithrir yn rhinwedd adran 22 a pharagraff 7 o Atodlen 3 i Ddeddf Elusennau 2011 ("Deddf 2011")). Diffinnir "Prif Reoleiddiwr" yn adran 25 o Ddeddf 2011, ac fe wnaeth rheoliadau a wnaed gan Weinidog Swyddfa'r Cabinet yn 2013 benodi Gweinidogion Cymru i'r rôl mewn perthynas ag elusennau esempt yn y sector addysg bellach yng Nghymru. Nid yw'r Bil yn newid y trefniadau hyn.

3.2 Fodd bynnag, efallai yr hoffai'r Pwyllgor nodi bod Llywodraeth Cymru'n bwriadu adolygu rôl y Prif Reoleiddiwr wrth symud ymlaen, yn amodol ar basio'r Bil yn llwyddiannus a sefydlu'r Comisiwn. Yn benodol, bydd yn ystyried a fyddai'n fwy priodol i'r Comisiwn gyflawni'r rôl hon oherwydd ei gyfrifoldeb am reoleiddio darparwyr addysg drydyddol yng Nghymru sy'n sefydliadau yn y sector addysg bellach. Bydd Llywodraeth Cymru'n ymgysylltu â'r holl rhanddeiliaid perthnasol fel rhan o'i hystyriaeth o'r mater hwn. Fodd bynnag, rhaid i unrhyw benodiad i rôl y Prif Reoleiddiwr fod drwy reoliadau a wneir gan Weinidog Swyddfa'r Cabinet.

4. Mae'r Comisiwn Cydraddoldeb a Hawliau Dynol yn nodi: “it is unclear how and whether the EIA relates to the breadth of the Bill and the scope of its measures”. Byddai'r Pwyllgor yn ddiolchgar pe bai'r Gweinidog yn gallu egluro'r pwynt hwn i'r Comisiwn

4.1 Mewn ymateb i'r sylwadau a godwyd gan y Comisiwn Cydraddoldeb a Hawliau Dynol, hoffwn gadarnhau y bydd y Comisiwn, ar ôl ei sefydlu, yn gorff rhestredig o dan Ddeddf Cydraddoldeb 2010.

4.2 Rwyf wedi gofyn i'm swyddogion ystyried tystiolaeth y Comisiwn Cydraddoldeb a Hawliau Dynol yn benodol ac wedyn ystyried yr hyn y mae angen i ni ei wneud i wella'r ddogfen er mwyn sicrhau ein bod wedi dangos yn gyhoeddus ein hasesiad trylwyr o effeithiau'r polisi. Yn dilyn yr asesiad hwnnw ac, os yn briodol, unrhyw ymchwiliadau ychwanegol, byddaf yn ail-gyhoeddi'r Asesiad o'r Effaith ar Gydraddoldeb diwygiedig cyn Cyfnod 2.

4.3 Cafwyd trafodaethau rheolaidd â rhanddeiliaid ers i'r polisi gael ei ystyried am y tro cyntaf ac mae'r trafodaethau hynny'n parhau, a gellir diweddarau'r Asesiad o'r Effaith ar Gydraddoldeb i adlewyrchu ehangder a chwmpas yr ymgysylltu hwnnw yn yr ymgynghoriadau amrywiol a'r digwyddiadau llais y dysgwr ac yn y rhyngweithio o ddydd i ddydd â rhanddeiliaid a grwpiau myfyrwyr.

5. Mae'r Comisiwn Elusennau wedi gofyn am eglurder ar y pwynt a ganlyn: “Under clause 25(4)(b)(i) of the Bill, the Welsh Ministers may, by regulation, specify further initial registration conditions relating to the charitable or other status of tertiary education providers. It would be helpful to have clarity as to what conditions may be imposed in practice”

5.1 Mae adran 25(3) o'r Bil yn galluogi Gweinidogion Cymru, drwy reoliadau, i bennu amodau cofrestru cychwynnol pellach yn ychwanegol at y rhai a nodir ar wyneb y Bil. Gellir pennu amodau gwahanol ar gyfer gwahanol gategoriâu cofrestru. Mae'r rhestr a ddarperir yn adran 25(4)(b) yn nodi'r math o amodau y caniateir eu pennu mewn rheoliadau o'r fath sy'n cynnwys:

- statws elusennol neu statws arall darparwyr addysg drydyddol;
- yr wybodaeth a roddir i ddarpar fyfyrwyr am ddarparwr, ei gyrsiau, a thelerau ac amodau ei gontractau gyda myfyrwyr;
- gweithdrefnau cwyno darparwyr.

5.2 Nid yw'r enghreifftiau uchod yn gynhwysfawr. Yn ogystal, efallai na fydd yr holl faterion uchod yn amodau cofrestru cychwynnol priodol ar gyfer pob un o'r categorïau ar y gofrestr arfaethedig.

5.3 Mae'r Datganiad o Fwriad y Polisi sy'n cyd-fynd â'r Bil yn nodi bwriadau polisi cychwynnol Llywodraeth Cymru ar gyfer is-ddeddfwriaeth. Ar hyn o bryd, bwriedir i'r categorïau cofrestru sydd i'w rhagnodi mewn rheoliadau sydd i'w gwneud o dan adran 23(2) o'r Bil gael eu llywio gan ymgysylltu ac ymgynghori â rhanddeiliaid. Y cynnig polisi presennol yw rhagnodi dau gategori cofrestru sef:

- **Darparwyr Addysg Uwch (Craidd)** – Y bwriad yw y byddai cyrsiau addysg uwch darparwyr sydd wedi'u cofrestru yn y categori hwn yn cael eu dynodi'n awtomatig at ddibenion cymorth ffioedd a chynhaliaeth i fyfyrwyr Llywodraeth Cymru ar lefel ffioedd uwch, sef £9000 y flwyddyn ar hyn o bryd. Caiff rheoliadau cymorth myfyrwyr eu gwneud o dan Ddeddf Addysgu ac Addysg Uwch 1998. Byddai darparwyr sydd wedi'u cofrestru yn y categori hwn yn ddarostyngedig i amod cofrestru terfyn ffioedd a byddent hefyd yn gymwys i dderbyn cyllid grant addysg uwch gan y Comisiwn.
- **Darparwyr Addysg Uwch (Amgen)** – Y bwriad yw y byddai cyrsiau addysg uwch darparwyr sydd wedi'u cofrestru yn y categori hwn yn cael eu dynodi'n awtomatig at ddibenion cymorth ffioedd a chynhaliaeth i fyfyrwyr Llywodraeth Cymru ar y lefel ffioedd is, sef £6165 y flwyddyn ar hyn o bryd. Ni fyddai darparwyr sydd wedi'u cofrestru yn y categori hwn yn ddarostyngedig i amod terfyn ffioedd ac ni fyddent yn gymwys i dderbyn cyllid grant addysg uwch gan y Comisiwn.

5.4 Ar hyn o bryd, bwriedir i reoliadau sydd i'w gwneud o dan adran 25(3) o'r Bil ddarparu amod cofrestru cychwynnol pellach ar gyfer y categori cofrestru "Craidd" arfaethedig sy'n ei gwneud yn ofynnol i ddarparwyr fod yn elusen. Byddai hyn yn gyson â Deddf Addysg Uwch (Cymru) 2015 ("Deddf 2015"), sy'n darparu bod yn rhaid i "sefydliad rheoleiddiedig" (sefydliad sydd â chynllun ffioedd a mynediad cymeradwy) fod yn elusen (ymysg pethau eraill). Bydd Llywodraeth Cymru'n ymgynghori ar ei chynigion polisi ar gyfer is-ddeddfwriaeth maes o law.

6. Mae Prifysgolion Cymru yn gofyn am eglurder ynghylch pam y mae'n ofynnol i'r Comisiwn roi sylw i nodwedd nodedig darparwyr wrth ariannu o dan rai penawdau ond nid eraill, er enghraifft wrth ariannu ymchwil ac arloesi

6.1 Mae hwn yn faes lle'r wyf yn ystyried cyflwyno gwelliant gyda'r bwriad o sicrhau cysondeb yn y Bil mewn perthynas â dyletswydd y Comisiwn i roi sylw i 'nodweddarbennig' darparwyr wrth gyllido ymchwil ac arloesi.

O ran Anghenion Dysgu Ychwanegol:

7. Mae'r Comisiynydd Plant wedi gofyn am ragor o fanylion a fyddai'n cefnogi'r Comisiwn i gyflawni'r gweithgaredd a restrir ym mharagraff 3.276 o'r Memorandwm Esboniadol yn fwy effeithiol mewn perthynas â dysgwyr ag Anghenion Dysgu Ychwanegol

7.1 Bydd gan y Comisiwn ddyletswydd statudol i sicrhau cyfleusterau priodol a rhesymol ar gyfer addysg bellach a hyfforddiant dysgwyr yng Nghymru ac i gyllido darpariaeth o'r fath gan gynnwys cyllid i ddiwallu anghenion pobl ifanc ag Anghenion Dysgu Ychwanegol (ADY). Wrth ddarparu cyllid i sicrhau cyfleusterau o'r fath, rhaid iddo ystyried a yw anghenion pobl ag ADY yn cael eu diwallu. Wrth gefnogi dysgwyr ag ADY, bydd yn ofynnol i'r Comisiwn roi sylw i'r canlynol:

- **gwahanol alluoedd a doniau gwahanol bersonau** – mae hyn yn cynnwys y dysgwyr hynny sydd ag ADY;
- **yr addysg a'r hyfforddiant sydd eu hangen** i sicrhau:
 - bod gweithwyr a darpar weithwyr ar gael sy'n gallu darparu darpariaeth ddysgu ychwanegol yn Gymraeg; a
 - bod cyfleusterau ar gael i'w hasesu drwy gyfrwng y Gymraeg p'un a oes gan bobl ADY
- **cyfleusterau y mae'r Comisiwn o'r farn y gallai fod yn rhesymol i bersonau eraill eu darparu** gan gynnwys darpariaeth a sicrhawyd gan awdurdodau lleol o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Deddf ADY 2018);
- anghenion pobl ag anghenion dysgu ychwanegol; a
- dymunoldeb bod cyfleusterau ar gael a fyddai'n helpu i gyflawni dyletswyddau o dan y Ddeddf ADY 2018.

7.2 Yn ogystal, bydd yn ofynnol i'r Comisiwn ystyried anghenion addysg bellach a hyfforddiant y gweithlu ADY. Yn benodol, y gallu i gynnal asesiadau a darparu cymorth anghenion dysgu ychwanegol drwy gyfrwng y Gymraeg. Yn gyffredinol, mae hyn yn golygu cynnwys ystyriaeth o ADY ym mhenderfyniadau cynllunio a chyllido'r Comisiwn ar gyfer addysg bellach o'r cychwyn cyntaf yn hytrach nag ar ôl i benderfyniadau cyllido eraill gael eu gwneud. Wrth ddarparu cyllid, bydd y Comisiwn yn gallu gosod telerau ac amodau ar ei gyfer gan gynnwys gofynion rheoliadol mewn perthynas ag anghenion personau ag ADY.

- 7.3 Mater i'r Comisiwn fydd penderfynu ar ddyraniadau cyllid ac wrth wneud hynny bydd angen iddo roi sylw i gyflawni'r amcanion yn ei gynllun strategol cymeradwy a chydymffurfio ag unrhyw delerau ac amodau y mae Gweinidogion Cymru yn eu gosod ar eu cyllid i'r Comisiwn.
- 8. Mae Natspec yn gofyn sut y bydd y Bil yn ei gwneud yn ofynnol i ddarparwyr fod yn atebol am ddiwallu anghenion myfyrwyr ag Anghenion Dysgu Ychwanegol; ac yn tynnu sylw'r Pwyllgor at yr angen i sicrhau nad yw pobl ifanc ag Anghenion Dysgu Ychwanegol cymhleth y mae angen lleoliad arnynt mewn coleg addysg bellach arbenigol yn cael eu heithrio o'r mesurau diogelu a gynigir gan y Comisiwn. Byddai'r Pwyllgor yn gwerthfawrogi rhagor o wybodaeth am y pwyntiau hyn**
- 8.1 Mae'r ddeddfwriaeth sylfaenol sy'n llywodraethu cymorth ar gyfer ADY dysgwyr unigol a'r gofynion statudol a osodir ar awdurdodau lleol wedi'u nodi'n glir yn Neddf ADY 2018. Mae'r Ddeddf yn darparu ar gyfer cefnogi plant a phobl ifanc ag ADY tra eu bod yn yr ysgol ac, os ydynt yn hŷn na'r oedran ysgol gorfodol, tra eu bod mewn addysg bellach. Mae gan y Comisiwn ddyletswydd i gyllido darpariaeth ar gyfer ADY ar lefel poblogaeth ond nid yw'n ofynnol iddo gyllido'r holl ddarpariaeth ADY ar gyfer dysgwyr ôl-16. Byddai awdurdodau lleol yn gyfrifol o dan Ddeddf ADY 2018 am sicrhau darpariaeth ADY arbenigol ar gyfer unigolion rhwng 16 a 25 oed sydd ag anghenion cymhleth mewn colegau arbenigol preifat lle mae'n ofynnol iddynt gynnal Cynlluniau Datblygu Unigol ar eu cyfer. Awdurdodau lleol sydd yn y sefyllfa orau i ystyried a gwneud trefniadau i ddiwallu anghenion dysgwyr unigol yn yr amgylchiadau hyn ar lefel leol.
- 8.2 Nid yw Llywodraeth Cymru wedi cyhoeddi eto fanylion am sut a phryd y bydd y broses o weithredu'r Ddeddf ADY yn dechrau ar gyfer pobl ifanc dros 16 oed, gan gynnwys sut a phryd y bydd y cyfrifoldeb a'r cyllid ar gyfer sicrhau darpariaeth arbenigol ôl-16 yn cael eu trosglwyddo o Weinidogion Cymru i awdurdodau lleol.
- 8.3 Mae'r Bil yn cyfeirio'n benodol at ddarpariaeth a sicrhawyd gan awdurdodau lleol o dan Ddeddf ADY 2018 yng nghyd-destun y Comisiwn gan ystyried y cyfleusterau y gellid eu sicrhau gan eraill. Bydd y Comisiwn yn asesu digonolrwydd y cyfleusterau ar gyfer darpariaeth anghenion dysgu ychwanegol yn gyffredinol ac nid ar sail dysgwyr unigol. Byddwn yn ystyried y Bil a'r dogfennau ategol i ganfod a oes angen unrhyw ddiwygiadau i egluro ymhellach y sefyllfa mewn perthynas â sefydliadau anghenion dysgu ychwanegol arbenigol neu'r gofynion a'r cysylltiad â Deddf ADY 2018.
- 9. Mae Estyn wedi dweud wrthym eu bod yn teimlo nad yw'r Bil fel y'i cyflwynwyd yn glir am rôl y Comisiwn o ran ariannu dysgwyr ag anghenion dwys ac Anghenion Dysgu Ychwanegol i gael darpariaeth briodol. Maent yn gofyn am eglurder ynghylch pam neu sut y gellid ariannu dysgwyr ag anghenion dwys yn wahanol yn ôl y math o ddarpariaeth sydd ei hangen arnynt, ac y gallent fod â phrofiadau ansawdd gwahanol yn ôl pa ddarparwr maent yn ei ddefnyddio**
- 9.1 Fel y trafodwyd yn y Pwyllgor, mae gan y Comisiwn ddyletswydd i gyllido darpariaeth ar gyfer ADY ar lefel poblogaeth, ond nid yw'n ofynnol iddo gyllido darpariaeth arbenigol a nodwyd ar gyfer dysgwyr unigol ag anghenion lefel uchel neu gymhleth.
- 9.2 Mae Deddf ADY 2018 yn cael ei gweithredu fesul cam ar hyn o bryd ar gyfer carfanau penodol o blant a phobl ifanc. Unwaith y bydd y Ddeddf yn cychwyn ar gyfer carfan benodol, bydd dyletswydd ar awdurdodau lleol o dan y Ddeddf i ystyried anghenion y

bobl ifanc hynny. Lle na ellir diwallu anghenion person ifanc drwy ddarpariaeth brif ffrwd, mae dyletswydd ar awdurdodau lleol i sicrhau darpariaeth arbenigol fel y bo'n briodol ac yn unol â'r gofynion a osodir ar awdurdodau lleol i gynnal Cynlluniau Datblygu Unigol.

- 9.3 Ochr yn ochr ag arolygu darpariaeth ôl-16, gan gynnwys ADY, mewn ysgolion prif ffrwd a cholegau addysg bellach, mae gan Estyn gyfrifoldeb statudol i arolygu darpariaeth mewn colegau addysg bellach arbenigol annibynnol. Mae'n ofynnol i'r Prif Arolygydd arolygu ac adrodd ar ansawdd yr addysg bellach a'r hyfforddiant sy'n cael eu darparu, y safonau a gyflawnir gan ddysgwyr ac a yw'r adnoddau ariannol sydd ar gael i golegau arbenigol i gefnogi anghenion dysgwyr yn cael eu rheoli'n effeithlon ac yn rhoi gwerth am arian.
- 9.4 O dan y trefniadau ADY newydd, disgwylir y bydd awdurdodau lleol yn ystyried canlyniadau arolygon Estyn o golegau arbenigol annibynnol wrth wneud trefniadau ar gyfer anghenion cymhleth dysgwyr unigol.

Ar ôl trafod y dystiolaeth, byddem yn croesawu rhagor o wybodaeth am:

10. Eich barn ar ddatblygu'r corff strategol cenedlaethol ar gyfer addysg i oedolion yn y gymuned

- 10.1 Mae ystyriaethau polisi wedi symud ymlaen ers i gorff cenedlaethol ar gyfer dysgu oedolion gael ei ystyried yn 2019, gyda chyflwyniad y Bil. Fel yr ydym wedi'i drafod, bydd y Comisiwn yn gyfrifol am gynllunio a chyllido ar draws y sector gan gynnwys dysgu oedolion a dysgu gydol oes.
- 10.2 Er mwyn cefnogi fy ymrwymiad i gynyddu nifer yr oedolion sy'n dysgu yng Nghymru, rwyf wedi cytuno ar gylch gorchwyl ar gyfer Grŵp Cyfeirio Allanol i ddatblygu rhaglen o gydgysylltu cenedlaethol gyda rhanddeiliaid allweddol o'r sector. Rwy'n disgwyl cael amlinelliad o'r rhaglen ym mis Mawrth a byddaf yn adrodd yn ôl i'r pwyllgor am hyn unwaith y byddaf wedi'i ystyried.

11. Sut y bydd darpariaeth Anghenion Dysgu Ychwanegol yn gweithio i ddysgwyr yn ymarferol a sut y bydd y Bil hwn yn rhyngweithio â darnau eraill o ddeddfwriaeth berthnasol megis Deddf Anghenion Dysgu Ychwanegol 2018

- 11.1 Mae'r gofynion statudol ar sut y bydd y ddarpariaeth ar gyfer dysgwyr ag ADY yn gweithio'n ymarferol wedi'i nodi yn Neddf ADY 2018 ac yn y rheoliadau ategol, y canllawiau a'r Cod. Wrth ddrafftio'r Bil Addysg Drydyddol ac Ymchwil rydym wedi edrych yn fanwl ar y rhyngwyneb rhwng Deddf ADY 2018 a swyddogaethau cynllunio a chyllido'r Comisiwn gan gydnabod pwysigrwydd diwallu anghenion dysgwyr ag ADY o safbwynt polisi.

12. Pam rydych chi'n credu y dylai'r chweched dosbarth gael ei gynnwys yng nghylch gwaith y Comisiwn, ac os felly, eglurder ynghylch pam nad yw rhai o'r darpariaethau sy'n ymwneud ag diogelu dysgwyr a llais dysgwyr yn cwmpasu'r chweched dosbarth

Cylch Gwaith y Comisiwn

- 12.1 Rydym wedi gwneud penderfyniad ystyriol a chytbwys i gynnwys chweched dosbarth ysgolion a gynhelir yng nghylch gwaith y Comisiwn a chredwn y bydd hyn galluogi'r Comisiwn i gael goruchwyliaeth glir, strategol o'r holl ddarpariaeth ôl-16 er mwyn llywio polisi ar y meysydd hynny sy'n effeithio ar ddysgwyr 16-19 oed lle bynnag y maent yn dewis dysgu, astudio neu hyfforddi. Credaf fod y dull hwn yn ein galluogi i barhau i ddarparu model economi gymysg o ddarpariaeth 16-19 ledled Cymru sy'n cynnig amrywiaeth o ddewis i ddysgwyr, gan sicrhau parch cydradd a statws cyfartal i gymwysterau academaidd a galwedigaethol a gwerthfawrogi manteision a rhinweddau'r gwahanol ddarpariaeth sydd ar gael. Mae'n cynnig cyfle unigryw i fabwysiadu dull cydlynol o gynllunio a chyllido darpariaeth 16-19 a monitro'r ddarpariaeth, argaeledd ac ansawdd cyrsiau, tra'n hwyluso cydweithredu a gwella hygyrchedd.
- 12.2 Efallai yr hoffai'r Pwyllgor nodi na fydd y darpariaethau yn y Bil yn effeithio'n uniongyrchol ar awdurdodau lleol nac ysgolion yn eu trefniadaeth o ddydd i ddydd, nac yn diwygio'r ddeddfwriaeth sy'n llywodraethu'r trefniadau ar gyfer llywodraethu ysgolion yn lleol. Mae'r rhain yn parhau fel y maent ar hyn o bryd i sicrhau bod strwythur ehangach yr ysgol yn cael ei gynnal.

Darpariaethau'n ymwneud â diogelu dysgwyr, llais y dysgwr a gweithdrefnau cwyno

- 12.3 Nod Cod Ymgysylltu â Dysgwyr gorfodol yw cydnabod a chryfhau'r trefniadau presennol sydd ar waith ar draws y sector ôl-16 a monitro cydymffurfedd â'r Cod a sicrhau bod lleisiau dysgwyr yn cael eu clywed beth bynnag fo'u cwrs, lleoliad, lefel a dull astudio. Bydd yn orfodol i chweched dosbarth ysgolion gael Cod Ymgysylltu â Dysgwyr ar waith i sicrhau bod ein holl ddysgwyr ifanc yn cael eu cynrychioli'n deg ac yn gyson. Bydd y Cod yn ategu'r trefniadau presennol sydd ar waith ar lefel yr ysgol, gan gynnwys trefniadau'r cyngor ysgol.
- 12.4 Rydym yn ceisio osgoi dyblygu a sicrhau nad ydym yn rhoi baich gweinyddol ychwanegol ar ysgolion ac awdurdodau lleol wrth reoli trefniadau gwahanol ar gyfer dysgwyr cyn 16 oed ac ôl-16 mewn lleoliad ysgol a gynhelir. Ein bwriad hefyd yw osgoi dryswch posibl i ddysgwyr a'u rhieni a allai godi o ganlyniad i wahanol weithdrefnau mewn ysgolion ar gyfer diogelu dysgwyr a chwynion. Felly, ac eithrio gwneud y Cod Ymgysylltu â Dysgwyr yn orfodol ar gyfer chweched dosbarth ysgolion, nid ydym wedi ymestyn y darpariaethau yn Rhan 5 o'r Bil yn ymwneud â cynlluniau diogelu dysgwyr a gweithdrefnau cwyno i ysgolion a gynhelir.
- 12.5 Bydd cynllun diogelu dysgwyr yn nodi trefniadau darparwr addysg drydyddol ar gyfer diogelu buddiannau dysgwr os bydd ei gwrs yn peidio â chael ei ddarparu ac ar gyfer cefnogi dysgwr sy'n dymuno trosglwyddo i gwrs arall. Byddai cynlluniau diogelu dysgwyr mewn fformat sy'n briodol i'r darparwr unigol a'i strwythurau. Mae cymorth a threfniadau ar gyfer diogelu dysgwyr eisoes wedi'u hen sefydlu ar lefel ysgol ac ar lefel awdurdod lleol ar gyfer trosglwyddo data am ddysgwyr pan fyddant yn symud o un

lleoliad i'r llall, boed hynny oherwydd cau ysgol neu gwrs, newid mewn amgylchiadau personol neu ddymuniad dysgwr.

- 12.6 Er bod trefniadau cwyno cadarn, sydd wedi'u hategu gan ddeddfwriaeth, eisoes ar waith mewn ysgolion, rwyf o'r farn y byddai'n fuddiol i'r Comisiwn ehangu'r ymgynghori ag awdurdodau lleol a chweched dosbarth ysgolion mewn perthynas â dysgwyr 16-19 oed i annog mwy o gyfranogiad yn y gwaith o ddarparu a sicrhau ansawdd eu profiad dysgu ac i rannu arfer da.
- 12.7 Mae darpariaeth wedi'i chynnwys yn y Bil i alluogi Gweinidogion Cymru i bennu drwy reoliadau sefydliad cofrestredig, ac eithrio sefydliad cofrestredig sy'n cael adnoddau ariannol gan y Comisiwn, fel sefydliad cymwys at ddibenion y cynllun cwynion myfyrwyr a weithredir ar hyn o bryd gan Swyddfa'r Dyfarnwr Annibynnol.
- 12.8 Bwriedir i ddarparwyr sydd wedi'u cofrestru gyda'r Comisiwn neu sy'n cael arian gan y Comisiwn, at ddiben addysg uwch, addysg bellach neu brentisiaethau, gael eu pennu fel sefydliadau cymwys at ddibenion cynllun cwynion Swyddfa'r Dyfarnwr Annibynnol. Cydnabyddir bod yr holl ddarparwyr addysg uwch a rhai darparwyr addysg bellach yng Nghymru sy'n darparu addysg uwch yn sefydliadau cymwys ar hyn o bryd, a lle mae darparwyr addysg bellach eisoes yn aelodau o'r cynllun rhagwelir y bydd mynediad i'r cynllun yn cael ei ymestyn i'w dysgwyr addysg bellach.
- 12.9 Ni fydd Gweinidogion Cymru yn gallu pennu bod awdurdodau lleol yn ddarparwyr cymwys mewn perthynas â darpariaeth chweched dosbarth ysgolion a gynhelir ac na fyddant yn rhan o gynllun Swyddfa'r Dyfarnwr Annibynnol.
- 12.10 Bydd y dull cytbwys, cymesur ac ymarferol hwn yn galluogi'r Comisiwn i gefnogi buddiannau dysgwyr gan sicrhau bod llais y dysgwr yn ganolog i'r diwygiadau ac yn egwyddor sylfaenol sy'n berthnasol i bob darpariaeth ôl-16.

13. Gwybodaeth gymharol am gyfansoddiad a'r gwahanol fathau o aelodaeth Bwrdd mewn sefydliadau tebyg i'r Comisiwn

- 13.1 Mae Awdurdod Cyllid Cymru, Cymwysterau Cymru, Cyngor y Gweithlu Addysg a'r Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, i gyd wedi'u sefydlu drwy statud, gyda Bwrdd neu Gyngor yn gwneud y penderfyniadau allweddol.

Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol

- Mae fframwaith statudol y Corff, fel y'i nodir yn Neddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020, yn darparu ar gyfer penodi un aelod cyswllt nad yw'n pleidleisio sy'n aelod o staff y Corff, ac yn aelod o undeb llafur a gydnabyddir gan y Corff.

Awdurdod Cyllid Cymru

- Mae Bwrdd Awdurdod Cyllid Cymru yn cynnwys:
 - un neu ddau aelod o staff a benodwyd i'r Bwrdd gan y Prif Weithredwr;
 - un aelod o staff a benodwyd i'r Bwrdd yn dilyn pleidlais gan aelodau staff
 - nid oes gofyniad yn y ddeddfwriaeth i aelodau staff fod yn aelodau o undebau llafur cydnabyddedig

Cymwysterau Cymru

- Mae bwrdd Cymwysterau Cymru yn cynnwys y Cadeirydd, y Prif Weithredwr ac wyth i ddeg aelod cyffredin. Ni wneir unrhyw ddarpariaeth ar gyfer cynrychioli staff, undebau llafur na phartïon allweddol eraill â diddordeb ar y Bwrdd.

Cyngor y Gweithlu Addysg

- Mae Cyngor y Gweithlu Addysg yn cynnwys 14 o aelodau gyda phob un wedi'i benodi gan Weinidogion Cymru.
- O ran saith o'r aelodau, rhaid i Weinidogion Cymru ofyn am enwebiadau gan y cyrff isod a phenodi'r aelodau hynny o'r enwebiadau a dderbyniwyd. Rhaid i Weinidogion Cymru, cyn belled ag y bo modd, sicrhau bod pedwar o'r aelodau o enwebiadau a wnaed gan y cyrff a restrir yn y golofn chwith.

Yr Undeb Addysg Cenedlaethol. Cymdeithas Genedlaethol yr Ysgolfeistri. Undeb yr Athrawon Benywaidd (Cymru). Cymdeithas Arweinwyr Ysgolion a Cholegau. Cymdeithas Broffesiynol yr Athrawon. Cymdeithas Genedlaethol y Prifathrawon yng Nghymru. Undeb Cenedlaethol Athrawon Cymru. Undeb y Prifysgolion a'r Colegau. UNSAIN. GMB. Undeb Unite. Grŵp Aspect Undeb Prospect. TUC Cymru.	Colegau Cymru. Y Coleg Cymraeg Cenedlaethol. Cymdeithas Cyfarwyddwyr Addysg Cymru. Cymdeithas Llywodraeth Leol Cymru Cydffederasiwn Cymdeithasau Llywodraethwyr Ysgolion Cymru. Yr Eglwys yng Nghymru. Y Gwasanaeth Addysg Gatholig. Addysg Uwch Cymru. Cyngor y Prifysgolion ar gyfer Addysgu Athrawon. Cyngor Ysgolion Annibynnol Cymru. Cymdeithas CYSAGau Cymru. Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru. Ffederasiwn y Busnesau Bach. Cyngor Gweithredu Gwirfoddol Cymru. Cyngor Cymreig y Gwasanaethau Ieuencid Gwirfoddol Cymreig y Gwasanaethau Ieuencid Gwirfoddol. Grŵp Prif Swyddogion Ieuencid Cymru. Ffederasiwn Hyfforddiant Cenedlaethol Cymru Cyf. Safonau Hyfforddiant Addysg Cymru
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14. Rhagor o wybodaeth am y safbwynt diweddaraf ar y pŵer i ddiddymu Corfforaethau Addysg Uwch

- 14.1 Fel yr eglurais pan oeddwn yn bresennol yn y Pwyllgor y mis diwethaf, fy mwriad yw cyflwyno gwelliant mewn perthynas â'r pŵer i ddiddymu Corfforaethau Addysg Uwch ac mae gwaith yn parhau yn hyn o beth.

15. Rhagor o wybodaeth am y materion sy'n codi o'r ddeiseb ar y fwrariaeth STEMM ôl-raddedig

- 15.1 Mae'r Bil yn gwneud darpariaeth i'r Comisiwn gyllidio categorïau penodol o ddarparwyr sydd wedi'u cofrestru gyda'r Comisiwn, er mwyn cefnogi addysg uwch a ddarperir gan neu ar ran darparwyr o'r fath.
- 15.2 Pennir y categorïau o ddarparwyr cofrestredig sy'n gymwys i dderbyn cyllid gan y Comisiwn mewn rheoliadau. Bydd y gofrestr yn sicrhau bod materion sydd o ddiddordeb hanfodol i'r cyhoedd yn cael eu monitro mewn sefydliadau addysg drydyddol a bod amddiffyniadau priodol ar gyfer arian cyhoeddus Cymru, gan gynnwys cymorth i fyfyrwyr a grantiau a wneir gan y Comisiwn.
- 15.3 Bwriedir i'r manteision sy'n deillio o gofrestru fod yn gymesur â'r gofynion rheoliadol. Mae'r Datganiad o Fwriad Polisi sy'n cyd-fynd â'r Bil yn nodi fy mwriad i ddarparwyr sy'n cofrestru yn y categori "craidd" arfaethedig fod yn gymwys i dderbyn cyllid addysg uwch gan y Comisiwn.
- 15.4 Mater i ddarparwyr unigol fydd penderfynu a ddylid ceisio cofrestru gyda'r Comisiwn ac ystyried pa gategori cofrestru y maent am wneud cais amdano.
- 15.5 Ein bwriad polisi presennol yw y bydd angen i ddarparwyr yng Nghymru sydd am i'w cyrsiau gael eu dynodi at ddibenion cymorth i fyfyrwyr Llywodraeth Cymru neu sy'n dymuno gwneud cais ar gyfer cyllid grant addysg uwch ac ymchwil, gofrestru gyda'r Comisiwn i gael mynediad at y ffynonellau cyllid hyn.

16. Rhagor o wybodaeth am sut y gall y Bil gefnogi rhyddid academiaidd i academyddion unigol, yn hytrach na'r amddiffyniadau ehangach yn y Bil ar gyfer rhyddid academiaidd sefydliadol

- 16.1 Mae Adran 16 yn ei gwneud yn ofynnol i'r Comisiwn a Gweinidogion Cymru, wrth arfer eu swyddogaethau o dan y Bil, roi sylw i'r angen i sicrhau bod gan staff academiaidd mewn darparwyr addysg drydyddol yng Nghymru ryddid academiaidd o fewn y gyfraith i gwestiynu a phrofi doethineb cyffredin, ac i gyflwyno syniadau newydd a lleisio barn ddadleuol neu amhoblogaidd, heb roi eu hunain mewn perygl o golli eu swyddi neu unrhyw freintiau sydd ganddynt.
- 16.2 Mae dyletswydd hefyd ar y rhai sy'n ymwneud â llywodraethu sefydliadau addysg uwch ac addysg bellach yng Nghymru (ac mewn rhai sefydliadau addysg uwch ac addysg bellach yn Lloegr) i "gymryd unrhyw gamau sy'n rhesymol ymarferol" i sicrhau bod rhyddid i lefaru yn cael ei sicrhau i aelodau, staff, myfyrwyr a siaradwyr gwadd, o dan adran 43 o Ddeddf Addysg (Rhif 2) 1986.
- 16.3 Rydym yn credu'n gryf mewn egwyddorion rhyddid academiaidd a rhyddid i lefaru ar draws y system addysg ac yn eu cefnogi, ac yn gyffredinol rydym yn sicr bod egwyddorion o'r fath yn cael eu cynnal yn dda yn ein prifysgolion a'n colegau. Mae Adran 16 o'r Bil yn tanlinellu ac yn ailddatgan yr ymrwymiad hwn.

17. Rhagor o wybodaeth am sut y bydd y Coleg Cymraeg Cenedlaethol, y Comisiwn a chyrrff cysylltiedig eraill yn cydweithio mewn perthynas â'u rolau mewn perthynas â darpariaeth cyfrwng Cymraeg

17.1 Bydd y ddarpariaeth sydd wedi'i gynnwys yn y Bil yn galluogi'r Comisiwn i gael yr hyblygrwydd i weithio'n arloesol ac yn effeithiol gyda'r Coleg Cymraeg Cenedlaethol, a chyrrff perthnasol eraill fel y Ganolfan Dysgu Cymraeg Genedlaethol, i gefnogi datblygiad addysg drydyddol cyfrwng Cymraeg. Mae gan y Coleg a'r Ganolfan Genedlaethol rolau pwysig a phenodol i'w chwarae wrth gyflawni gweledigaeth Cymraeg 2050 Llywodraeth Cymru, gan gefnogi datblygiad addysg drydyddol Cymraeg a chaffael iaith. Mae Rhaglen Waith Cymraeg 2050 o 2021 i 2026 yn cynnwys ymrwymiad i ehangu rôl y Coleg ymhellach a datblygu cynigion i'w roi ar sail statudol.

17.2 Bydd y Comisiwn yn gyfrifol am gynllunio a chyllido strategol ar draws y sector addysg drydyddol cyfan a'r sector ymchwil ac arloesi yng Nghymru. Bydd yn hanfodol i'r Comisiwn ymgysylltu â'r Coleg a defnyddio arbenigedd sefydledig y Coleg i gynllunio'n strategol i hyrwyddo a chynyddu'n gadarnhaol addysg drydyddol Gymraeg, fel y nodir yn y memorandwm esboniadol sy'n cyd-fynd â'r Bil. Y disgwyliad yw y bydd y cyfrifoldebau ar gyfer meysydd gwaith yn cael eu pennu ar sail cylch gwaith ac arbenigedd priodol pob sefydliad er mwyn osgoi dyblygu ymdrechion a sicrhau bod ymyriadau'n cael yr effaith fwyaf bosibl. Rhagwelir y bydd dogfennau cynllunio strategol yn cael eu halinio lle bo'n briodol a dylid rhoi trefniadau cadarn ar waith i fesur effaith ymyriadau ar gynyddu cyfleoedd i ddysgu drwy gyfrwng y Gymraeg ar draws y sector addysg drydyddol.

17.3 Bydd rhagor o fanylion am y berthynas a ragwelir rhwng y Comisiwn a'r Coleg yn cael eu cynnwys yn ein cynllun gweithredu. Bydd y Comisiwn a'r Coleg yn penderfynu ar y ffordd orau o gyflawni eu swyddogaethau. Dylid nodi bod y Coleg wedi datblygu perthynas waith effeithiol â CCAUC dros nifer o flynyddoedd sydd wedi'i chodeiddio mewn memorandwm cyd-ddealltwriaeth.

18. A roddwyd cydsyniad ar gyfer adran 128

18.1 Mae fy swyddogion yn parhau i ymgysylltu â Llywodraeth y DU ac rydym yn rhagweld y byddwn yn cael cydsyniad cyn hir.



Bil Addysg Drydyddol ac Ymchwil (Cymru)

Datganiad o fwriad y polisi ar gyfer is-ddeddfwriaeth, pwerau gwneud cyfarwyddyd a chanllawiau

Cyflwyniad

Mae'r papur hwn yn crynhoi'r pwerau Gweinidogion Cymru ar gyfer gwneud is-ddeddfwriaeth, y pwerau gwneud cyfarwyddyd a'r canllawiau sydd wedi'i hamlinellu yn y Bil Addysg Drydyddol ac Ymchwil (Cymru), fel y'i cyflwynwyd i Senedd Cymru ar 1 Tachwedd 2021.

Mae'r papur yn egluro pam y dewiswyd y pwerau hyn a'r polisi cyfredol y llywodraeth ar gyfer defnyddio'r pwerau hyn. Mae'r cyfiawnhad dros weithdrefn y Senedd a ddewiswyd wedi'i nodi yn nhablau 5.1 a 5.2 o'r Memorandwm Esboniadol.

Bydd rheoliadau a wneir gan ddefnyddio'r pwerau hyn yn destun ymgynghoriad â rhanddeiliaid allweddol yn y sector addysg drydyddol. Bwriad y ddogfen hon yw rhoi cyfle cychwynnol i randdeiliaid gynnig adborth ar y defnydd arfaethedig o'r pwerau hyn er mwyn sicrhau polisi cadarn ac effeithiol.

Mae Gweinidogion Cymru wedi ystyried y defnydd o bwerau yn y Bil fel y nodir isod ac maent yn fodlon eu bod yn angenrheidiol ac yn gyfiawn.

Trosolwg o'r Bil

Mae'r Bil yn cynnwys 7 Rhan a 4 Atodlen.

- Mae Rhan 1 yn sefydlu corff cyhoeddus Cymreig hyd braich newydd, y Comisiwn Addysg Drydyddol ac Ymchwil ("y Comisiwn"), yn diddymu Cyngor Cyllido Addysg Uwch Cymru ac yn amlinellu'r dyletswyddau strategol
- Mae Rhan 2 yn amlinellu swyddogaethau rheoleiddio'r Comisiwn o ran cofrestr o Ddarparwyr Addysg Drydyddol, gweithdrefn gofrestru ar gyfer Darparwyr Addysg Drydyddol, fframweithiau sicrhau ansawdd
- Mae Rhan 3 yn gwneud darpariaeth i Weinidogion Cymru ariannu'r Comisiwn ac i'r Comisiwn i ariannu addysg drydyddol ac ymchwil.
- Mae Rhan 4 yn cynnwys darpariaethau mewn perthynas â Phrentisiaethau Cymru
- Mae Rhan 5 yn cynnwys y darpariaethau ar gyfer diogelu dysgwyr, gweithdrefnau cwyno ac ymgysylltu â dysgwyr
- Mae Rhan 6 yn cynnwys dyletswyddau a phwerau'r Comisiwn o ran gwybodaeth a data
- Mae Rhan 7 yn cynnwys darpariaethau amrywiol, gan gynnwys darpariaethau'n ymwneud â diddymu corfforaethau addysg uwch yng Nghymru.

Pwerau a etifeddwyd o ddeddfwriaeth gyfredol

Mae'r Bil yn cynnwys 20 o bwerau gwneud rheoliadau a etifeddwyd i raddau helaeth o ddeddfwriaeth sy'n bodoli eisoes. Mae'r pwerau hyn yn seiliedig yn bennaf ar ddarpariaethau Deddf Addysg Uwch (Cymru) 2015 a Deddf Dysgu a Sgiliau 2000, gyda rhywfaint o addasiadau.

Maes polisi	Adran o'r Bil	Deddfwriaeth gyfredol
Ffioedd, cyrsiau cymhwysol a phersonau cymhwysol	30(6)	Adran 5(2) o Ddeddf Addysg Uwch (Cymru) 2015
	30(8)(b)	Adran 5(5) o Ddeddf Addysg Uwch (Cymru) 2015
	30(10)	Adran 5(9) o Ddeddf Addysg Uwch (Cymru) 2015
	44(6)	Adran 5(3) o Ddeddf Addysg Uwch (Cymru) 2015
	82	Adran 57(1) o Ddeddf Addysg Uwch (Cymru) 2015
Sicrhau ansawdd mewn addysg uwch	52(8)	Adran 17(4)(a) o Ddeddf Addysg Uwch (Cymru) 2015
Arolygu addysg bellach a hyfforddiant	55(1)(f)	Adran 75(1)(e) o Ddeddf Dysgu a Sgiliau 2000
	55(4)	Adran 77(2) o Ddeddf Dysgu a Sgiliau 2000
	59(1)	Adran 76(3) o Ddeddf Dysgu a Sgiliau 2000
	61(9)	Adran 83(7) o Ddeddf Dysgu a Sgiliau 2000
Adolygu rheoliadau a phenderfyniadau	77(3)	Adran 44(3) o Ddeddf Addysg Uwch (Cymru) 2015
Dynodi darparwyr addysg drydyddol eraill	81(4)	Adran 3(4) o Ddeddf Addysg Uwch (Cymru) 2015
Llywodraethu AU	133(2)	Paragraff 2 i 11 o Atodlen 7A i Ddeddf Diwygio Addysg 1988
	134(2)	Adran 125(2) i (4) o Ddeddf Diwygio Addysg 1988

Tudalen y pecyn 129

Pwerau'r Comisiwn Addysg Drydyddol ac Ymchwil

Mae'r Bil hefyd yn darparu ar gyfer arfer darpariaethau cyfarwyddyd a chanllawiau gan y Comisiwn. Nodir diben ac effaith arfaethedig y darpariaethau hyn yn y Memorandwm Esboniadol sy'n cyd-fynd â'r Bil. Nid yw'r pwerau hyn wedi'u cynnwys yn y datganiad hwn o fwriad polisi gan mai mater i'r Comisiwn yw sut y cânt eu harfer.

Dogfennaeth arall

Dylid darllen y ddogfen hon ar y cyd â'r canlynol:

- Y Bil Addysg Drydyddol ac Ymchwil;
- Nodiadau Esboniadol i'r Bil;
- Memorandwm Esboniadol i'r Bil, yn enwedig penodau 3 a 5.

Canllawiau a chyfarwyddau cyffredinol i'r Comisiwn

Adran	Ffurf	Darpariaeth	Gweithdrefn
18	Canllawiau	Wrth arfer ei swyddogaethau, rhaid i'r Comisiwn roi sylw i ganllawiau a roddir iddo gan Weinidogion Cymru.	Dim gweithdrefn
19	Cyfarwyddyd	Caiff Gweinidogion Cymru roi cyfarwyddau cyffredinol i'r Comisiwn ynghylch arfer unrhyw un neu ragor o'i swyddogaethau.	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae adran 18 yn ei gwneud yn ofynnol i'r Comisiwn roi sylw i ganllawiau a ddyroddir gan Weinidogion Cymru ynghylch arfer ei swyddogaethau (h.y. pwerau a dyletswyddau) a roddir gan y Bil, neu gan Reoliadau a wneir oddi tano.

Mae adran 19 yn galluogi Gweinidogion Cymru i roi cyfarwyddiadau i'r Comisiwn ynghylch cyflawni unrhyw un neu ragor o'i swyddogaethau, yn amodol ar gyfyngiadau penodol i ddiogelu awtonomi sefydliadol darparwyr addysg drydyddol ac ymchwil, rhyddid academaidd darparwyr addysg uwch a gallu'r Comisiwn i benderfynu ar ddyraniadau cyllid i ddarparwyr unigol. Nid yw'r cyfyngiadau'n atal unrhyw gyfarwyddyd a roddir o dan yr adran hon rhag cael ei lunio drwy gyfeirio at gwrs astudio, neu rannau o gyrsiau astudio, yn cael eu darparu a'u hasesu drwy gyfrwng y Gymraeg.

Mae'n ofynnol i Weinidogion Cymru ymgynghori â'r Comisiwn cyn cyhoeddi cyfarwyddyd cyffredinol o dan y pwerau hyn. Mae hefyd yn ofynnol iddynt adolygu unrhyw gyfarwyddyd cyffredinol a roddir i'r Comisiwn. Rhaid i Weinidogion Cymru hefyd gyhoeddi unrhyw gyfarwyddyd cyffredinol a roddir i'r Comisiwn o dan yr adran hon a rhoi gwybod i'r Senedd am unrhyw gyfarwyddydau o'r fath a gosod copi o'r cyfarwyddyd gerbron y Senedd.

Mae hyn yn barhad o bŵer sy'n bodoli eisoes lle gall Gweinidogion Cymru roi cyfarwyddydau cyffredinol i CCAUC ynghylch arfer ei swyddogaethau.

Diben a bwriad y polisi

Mae'r ddarpariaeth ar gyfer canllawiau yn bŵer cyffredinol sydd ei angen fel bod Gweinidogion Cymru'n gallu cyhoeddi canllawiau perthnasol pan fo angen.

Mae angen y pŵer i gyfarwyddo'r Comisiwn er mwyn sicrhau bod Gweinidogion Cymru, pe bai angen, yn gallu cyfarwyddo'r Comisiwn wrth arfer ei swyddogaethau.

Er enghraifft, efallai y bydd Gweinidogion Cymru am gyfarwyddo'r Comisiwn i gynllunio ar gyfer darparu math penodol o addysg, megis darpariaeth rhan-amser neu ddysgu o bell, neu mewn perthynas â maes addysg eang, megis pynciau STEM. Yn ogystal, mae pandemig Covid-19 wedi tynnu sylw at yr angen i ystyried yr amgylchiadau lle y gall Gweinidogion Cymru ei gwneud yn ofynnol i'r Comisiwn gymryd camau amserol a phenodol i ddelio â digwyddiadau sydd â goblygiadau sylweddol i addysg drydyddol ac ymchwil yng Nghymru.

Swyddogaethau ychwanegol y Comisiwn

Adran	Ffurf	Darpariaeth	Gweithdrefn
20(1)	Rheoliadau	Pŵer i Weinidogion Cymru roi swyddogaethau atodol i'r Comisiwn.	Cadarnhaol
20(4) a (5)	Cyfarwyddyd	Pŵer i Weinidogion Cymru gyfarwyddo y gall eu swyddogaethau mewn perthynas â thir neu eiddo arall sefydliad addysg uwch neu addysg bellach yng Nghymru, gael eu harfer gan y Comisiwn pan fo gan Weinidogion Cymru hawl i gael hawl neu fuddiant mewn perthynas â'r eiddo hwnnw	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae adran 20 yn galluogi Gweinidogion Cymru, drwy reoliadau, i roi swyddogaethau atodol i'r Comisiwn. Rhaid i swyddogaeth atodol a roddir i'r Comisiwn o dan y pwerau hyn fod yn swyddogaeth sy'n arferadwy gan Weinidogion Cymru ac sy'n ymwneud â darparu, neu ddarpariaeth arfaethedig addysg drydyddol, neu i gyflawni, neu'r bwriad i gyflawni ymchwil ac arloesi. Mae'r pŵer i roi swyddogaethau atodol i'r Comisiwn yn barhad o'r trefniadau presennol sydd ar waith i Weinidogion Cymru roi swyddogaethau atodol i CCAUC o dan adran 69(5) o Ddeddf Addysg Bellach ac Uwch 1992.

Mae'r adran hon hefyd yn galluogi Gweinidogion Cymru i gyfarwyddo y gall eu swyddogaethau mewn perthynas â thir neu eiddo arall sefydliad yng Nghymru o fewn y sector addysg uwch neu addysg bellach, gael eu harfer gan y Comisiwn pan fo gan Weinidogion Cymru hawl neu fuddiant mewn perthynas â'r eiddo hwnnw. Mae'n ofynnol i'r Comisiwn arfer y swyddogaethau hyn yn unol â chyfarwyddyd a roddir gan Weinidogion Cymru.

Diben a bwriad y polisi

Mae rheoliadau yn rhoi hyblygrwydd priodol i Weinidogion Cymru sicrhau bod y Comisiwn yn cael ei alluogi i arfer yr holl swyddogaethau perthnasol mewn perthynas ag addysg drydyddol, ymchwil ac arloesi pe bai'r sector yn esblygu yn y dyfodol.

Ar hyn o bryd, gall Gweinidogion Cymru gyfarwyddo CCAUC pan fo unrhyw eiddo neu dir yn cael ei ddal neu ei ddefnyddio at ddibenion sefydliad yn y sector addysg uwch yng Nghymru lle mae gan Weinidogion Cymru unrhyw hawl neu fuddiant mewn perthynas â'r eiddo neu'r tir. Mae'r Bil yn gwneud darpariaeth i Weinidogion Cymru gyfarwyddo'r Comisiwn mewn perthynas ag unrhyw un neu ragor o'u buddiannau mewn eiddo neu dir sefydliad naill ai yn y sectorau addysg uwch neu addysg bellach yng Nghymru fel bod y Comisiwn yn

arfer swyddogaethau Gweinidogion Cymru ar eu rhan. Mae hyn yn briodol gan y bydd gan y Comisiwn oruchwyliaeth reoleiddiol yn y dyfodol o sefydliadau addysg bellach ac uwch yng Nghymru.

Er enghraifft, os yw Gweinidogion Cymru'n darparu arian i gefnogi buddsoddiad yn yr ystâd addysg bellach o dan raglen Ysgolion a Cholegau'r 21ain Ganrif, gallai fod taliadau cyfreithiol yn deillio o fuddsoddiadau o'r fath. Yn y dyfodol, efallai y bydd Gweinidogion Cymru yn dymuno i'r Comisiwn allu rheoli trefniadau ariannu o'r fath ar eu rhan.

Categoriâu cofrestru

Adran	Ffurf	Darpariaeth	Gweithdrefn
23(2)	Rheoliadau	Ei gwneud yn ofynnol i Weinidogion Cymru bennu un neu fwy o gategoriâu cofrestru y mae'n rhaid gwneud darpariaeth ar eu cyfer yn y gofrestr o ddarparwyr addysg drydyddol.	Cadarnhaol
23(5)	Rheoliadau	Caniatáu i Weinidogion Cymru wahardd cofrestru darparwr mewn un categori o'r gofrestr ar yr un pryd ag y mae wedi ei gofrestru mewn un neu ragor o'r categorïau eraill.	Negyddol
23(8)	Rheoliadau	Pŵer i wneud darpariaeth ynghylch yr wybodaeth y mae'n rhaid ei chynnwys yng nghofnod darparwr yn y gofrestr.	Negyddol

Disgrifiad o'r pwerau

Mae'r pwerau hyn yn caniatáu i is-ddeddfwriaeth bennu categorïau cofrestru gwahanol, pa un a yw darparwyr yn gallu cael eu gwahardd rhag cofrestru mewn categorïau cofrestru lluosog, a'r wybodaeth y mae'n rhaid ei chynnwys ar y gofrestr.

Diben a bwriad y polisi

Bwriedir i'r gofrestr o ddarparwyr addysg drydyddol fod yn fecanwaith hyblyg ar gyfer rheoleiddio'r sector addysg drydyddol yng Nghymru mewn modd cymesur ac atebol. Yn benodol, bydd y gofrestr yn sicrhau rheoleiddio priodol ar gyfer darparwyr addysg drydyddol yng Nghymru y mae eu cyrsiau wedi'u dynodi at ddibenion cymorth i fyfyrwyr Llywodraeth Cymru o dan Ddeddf Addysgu ac Addysg Uwch 1998.

Bydd y pŵer i wneud rheoliadau yn adran 23(2) yn galluogi i gategoriâu o gofrestriad gael eu creu sy'n gymwys i wahanol fathau o ddarparwyr addysg drydyddol fel y bo'n briodol. Gall fod yn angenrheidiol pennu gwahanol gategoriâu o gofrestriad os caiff mathau newydd o gyllid cymorth i fyfyrwyr eu cyflwyno gan Lywodraeth Cymru i gefnogi ehangu cyfleoedd addysg ôl-orfodol, megis mewn addysg a hyfforddiant technegol a galwedigaethol nad ydynt yn radd uwch.

At hynny, mae strwythur cyllido (ac o ganlyniad rheoleiddio priodol) addysg drydyddol (yn arbennig addysg uwch) ledled y DU wedi newid yn aml yn ystod y blynyddoedd diwethaf, gyda newidiadau yng ngweinyddiaethau eraill y DU yn aml yn cael effaith ar bolisi ariannu yng Nghymru. Mae'r newidiadau hyn wedi digwydd ar gyfradd sy'n gynt na'r hyn sy'n briodol neu'n ymarferol i'r Llywodraeth Cymru ymateb

gyda deddfwriaeth sylfaenol ynghylch manylion rheoleiddio ym mhob achos. Felly, dylai'r Bil hwn alluogi i fanylion y fframwaith rheoleiddio gael eu newid mewn ymateb i unrhyw newidiadau yn strwythur neu gyllid y sector trydyddol yng Nghymru.

Bydd y categorïau cofrestru sydd i'w rhagnodi mewn rheoliadau yn cael eu llywio gan ymgysylltu ac ymgynghori â rhanddeiliaid. Cynnig polisi cyfredol y llywodraeth yw rhagnodi dau gategori o gofrestriad:

- Darparwyr Addysg Uwch (Craidd) - Bydd darparwyr sydd wedi'u cofrestru yn y categori hwn yn gymwys i gael eu dynodi'n awtomatig ar gyfer cymorth ffioedd myfyrwyr a chymorth cynnal a chadw gan Lywodraeth Cymru ar gyfer cyrsiau addysg uwch ar lefel y ffi uwch, sef £9000 y flwyddyn ar hyn o bryd, a ddarperir o dan Ddeddf Addysgu ac Addysg Uwch 1998. Bydd darparwyr sydd wedi'u cofrestru yn y categori hwn hefyd yn gymwys i gael arian grant addysg uwch gan y Comisiwn (gweler 'Ariannu'). Bydd darparwyr yn y categori hwn yn destun amodau cofrestru a amlinellir yn y Bil ac mewn rheoliadau (gweler 'Amodau cofrestru').
- Darparwyr Addysg Uwch (Amgen) – Bydd darparwyr sydd wedi'u cofrestru yn y categori hwn yn gymwys i gael eu dynodi'n awtomatig ar gyfer cymorth ffioedd myfyrwyr a chymorth cynnal a chadw gan Lywodraeth Cymru ar gyfer cyrsiau addysg uwch ar lefel ffioedd is, £6165 y flwyddyn ar hyn o bryd, a ddarperir o dan Ddeddf Addysgu ac Addysg Uwch 1998. Bydd darparwyr yn y categori hwn yn destun amodau cofrestru a amlinellir isod (gweler 'Amodau cofrestru').

Nid yw'n bolisi cyfredol gan y llywodraeth i greu unrhyw gategoriâu ar gyfer darparwyr nad ydynt yn darparu addysg uwch. Bydd y darparwyr hyn yn parhau i gael eu rheoleiddio'n bennaf trwy'r telerau a'r amodau sy'n gysylltiedig ag arian grant a dderbynnir gan y Comisiwn. Mae pennu categorïau cofrestru, ac amodau cysylltiedig, mewn rheoliadau yn darparu'r hyblygrwydd i greu categorïau cofrestru ar gyfer darparwyr addysg bellach (nad ydynt yn darparu addysg uwch), darparwyr prentisiaethau a hyfforddiant, a mathau eraill o ddarparwyr addysg drydyddol, os bydd newidiadau yn y dyfodol o ran ariannu a blaenoriaethau rheoleiddio yn y sector.

Bwriedir hefyd, yn amodol ar fod y ddau gategori cofrestru arfaethedig, rhagnodi mewn rheoliadau o dan adran 23(6) mai dim ond mewn un o'r categorïau y gall darparwyr gofrestru.

Amodau cofrestru

Adran	Ffurf	Darpariaeth	Gweithdrefn
25(3)	Rheoliadau	Pŵer i Weinidogion Cymru ddarparu ar gyfer amodau cofrestru cychwynnol pellach.	Cadarnhaol
30(2)(b)	Rheoliadau	Pŵer i Weinidogion Cymru bennu categori cofrestru y mae amod terfyn ffioedd i fod yn gymwys mewn perthynas ag ef.	Cadarnhaol
31(1)	Rheoliadau	Pŵer i Weinidogion Cymru bennu categorïau cofrestru a fydd yn ddarostyngedig i amodau cofrestru parhaus mandadol yn ymwneud â chyfle cyfartal.	Cadarnhaol
32	Rheoliadau	Pŵer i Weinidogion Cymru ddarparu ar gyfer rhagor o amodau cofrestru parhaus gorfodol.	Cadarnhaol

Disgrifiad o'r pwerau

Mae adran 25(1) yn amlinellu'r amodau cofrestru cychwynnol y mae'n rhaid i ddarparwr addysg drydyddol yng Nghymru eu bodloni i fod yn gofrestredig. Caiff Gweinidogion Cymru wneud rheoliadau o dan adran 25(3) sy'n darparu ar gyfer amodau cofrestru cychwynnol pellach a allai fod yn gymwys i un neu fwy o gategoriâu cofrestru.

Mae adran 29 yn amlinellu amodau cofrestru parhaus gorfodol y mae'n rhaid i ddarparwr eu bodloni i barhau i fod yn gofrestredig. Caiff Gweinidogion Cymru wneud rheoliadau o dan adran 32 sy'n darparu ar gyfer amodau cofrestru parhaus gorfodol pellach a all fod yn gymwys i un neu ragor o gategoriâu cofrestru.

Mae'r system reoleiddio a grëir gan y Bil wedi'i chynllunio i fod yn addas ar gyfer y dyfodol ac felly mae'n rhaid caniatáu iddi addasu i amgylchiadau sy'n newid. Gall y bydd angen creu amodau cofrestru cychwynnol a pharhaus newydd sy'n berthnasol i wahanol gategoriâu o gofrestru yn ogystal â'r rhai a nodir mewn deddfwriaeth sylfaenol o bryd i'w gilydd, mewn ymateb i anghenion rheoleiddio sy'n newid.

Mae adran 30(2) hefyd yn galluogi Gweinidogion Cymru i bennu categorïau cofrestru y mae'n rhaid i'r Comisiwn osod amod cofrestru parhaus mewn perthynas â hwy ar derfyn ffioedd, tra bod adran 31(1) yn caniatáu i Weinidogion Cymru bennu'r categorïau cofrestru a fydd yn ddarostyngedig i'r amodau cofrestru parhaus ar gyfle cyfartal.

Diben a bwriad y polisi

Yn ogystal â'r amodau cofrestru cychwynnol a amlinellir yn adran 25(1), mae Llywodraeth Cymru yn bwriadu i'r amodau cofrestru cychwynnol canlynol fod yn gymwys i'r categorïau cofrestru priodol. Darperir ar gyfer y categorïau hyn mewn rheoliadau yn hytrach nag ar wyneb y Bil er mwyn cadw'r hyblygrwydd i newid neu ddiwygio'r darpariaethau hyn.

Math o amod	Amod	Categori
Cychwynnol	Cydymffurfio â chyfraith defnyddwyr – Bwriedir i'r rheoliadau ddarparu ar gyfer amod cofrestru cychwynnol ar gyfer y categorïau hwn sy'n ymwneud â'r wybodaeth a ddarperir i ddarpar fyfyrwyr am ddarparwr, ei gyrsiau, a thelerau ac amodau ei gontractau gyda myfyrwyr. Bydd yr amod cofrestru hwn yn galluogi'r Comisiwn i'w gwneud yn ofynnol i ddarparwyr sy'n ceisio cofrestru ddangos eu bod yn cydymffurfio â'u rhwymedigaethau o dan gyfraith defnyddwyr, ac yn benodol gydag unrhyw ganllawiau a gyhoeddwyd ar gyfer darparwyr addysg uwch gan yr Awdurdod Cystadleuaeth a Marchnadoedd.	Craidd ac Amgen
Cychwynnol	Statws elusenol – Bwriedir i'r rheoliadau ddarparu ar gyfer amod cofrestru cychwynnol ar gyfer y categori hwn sy'n ei gwneud yn ofynnol i sefydliadau fod yn elusen. Byddai hyn yn parhau â'r polisi cyfredol a sefydlwyd gan Ddeddf Addysg Uwch (Cymru) 2015, sy'n ei gwneud yn ofynnol i 'sefydliadau a reoleiddir' yng Nghymru fod yn sefydliadau elusenol.	Craidd

Bwriedir hefyd, yn amodol ar y ddau gategori cofrestru arfaethedig, ragnodi mewn rheoliadau o dan adran 31(1) fod y ddau gategori yn ddarostyngedig i'r amodau cofrestru parhaus mandadol mewn perthynas â chyfle cyfartal.

Ni fwriedir ar hyn o bryd bennu ar gyfer unrhyw amodau cofrestru parhaus pellach ar gyfer unrhyw gategori cofrestru.

Datgofrestru

Adran	Ffurf	Darpariaeth	Gweithdrefn
39(2)	Rheoliadau	Pŵer i nodi amgylchiadau pellach lle y mae'n rhaid i'r Comisiwn ddileu sefydliad o un neu fwy o gategorïau yn y gofrestr neu bob categori o'r gofrestr	Cadarnhaol
39(6)	Rheoliadau	Pŵer i Weinidogion Cymru wneud darpariaethau trosiannol neu arbed mewn cysylltiad â symud sefydliad o gategori o'r gofrestr.	Dim gweithdrefn
41(13)	Rheoliadau	Pŵer i wneud darpariaethau trosiannol neu arbed mewn cysylltiad â symud sefydliad yn wirfoddol neu'n gydsyniol o gategori'r gofrestr.	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae'r pwerau hyn yn galluogi is-ddeddfwriaeth i ddarparu ar gyfer amgylchiadau penodol, yn ychwanegol at y rhai a nodir yn y Bil, lle caiff sefydliad ei dynnu oddi ar y gofrestr neu o gategori o'r gofrestr, ac ar gyfer gwneud darpariaethau trosiannol ac arbed pan gaiff darparwr ei ddileu o'r gofrestr, boed hynny'n orfodol neu'n wirfoddol.

Diben a bwriad y polisi

Bwriedir i'r pŵer o dan adran 39(2) sicrhau bod unrhyw amgylchiadau sy'n dod i'r amlwg a allai fynnu bod darparwr cofrestredig yn cael ei dynnu oddi ar y gofrestr neu gategori penodol o'r gofrestr yn cael eu pennu mewn is-ddeddfwriaeth.

Bwriedir i'r pwerau o dan adrannau 39(6) a 41(13) sicrhau bod arian cyhoeddus a buddiannau myfyrwyr yn cael eu diogelu os bydd darparwr yn peidio â bod ar y gofrestr. Gall hyn gynnwys sicrhau bod y Comisiwn yn cadw rhai pwerau rheoleiddio mewn perthynas â darparydd a ddatgofrestrwyd, neu fod rhai ffrydiau ariannu yn parhau i fod ar gael dros dro i fyfyrwyr darparydd a ddatgofrestrwyd er mwyn sicrhau parhad a chwblhad y cwrs.

Dylid ystyried y pwerau hyn fel pwerau wrth gefn a dim ond mewn amgylchiadau prin ac eithriadol y disgwylir iddynt gael eu defnyddio.

Ffioedd, cyrsiau cymhwysol, a phersonau cymhwysol

Adran	Ffurf	Darpariaeth	Gweithdrefn
30(4)	Rheoliadau	Pŵer i bennu beth yw cwrs cymhwysol.	Negyddol
30(8)(b)	Rheoliadau	Pŵer i bennu pwy sy'n berson cymhwysol at ddibenion talu ffioedd cwrs rheoleiddiedig.	Negyddol
30(10)	Rheoliadau	Pŵer i bennu pryd y mae ffioedd sy'n daladwy i ddarparwydd mewn perthynas â chwrs y mae'n ei ddarparu ar ran sefydliad cofrestredig i'w trin fel pe baent yn daladwy i'r sefydliad cofrestredig at ddibenion terfynau ffioedd.	Negyddol
44(6)	Rheoliadau		Cadarnhaol
82	Rheoliadau	Pŵer i bennu eithriadau pellach i'r diffiniad o 'ffioedd' at ddibenion Rhan 2.	Negyddol

Disgrifiad o'r pwerau

Mae'r pwerau hyn yn galluogi Gweinidogion Cymru i bennu disgrifiad o 'gyrsiau cymhwysol' a 'phersonau cymhwysol' at ddibenion rheoleiddio'r terfyn ffi dysgu uchaf ar gyrsiau cymhwysol a ddarperir gan, neu ar ran, ddarparwyr cofrestredig.

Maent hefyd yn galluogi rheoliadau i bennu amgylchiadau pan fo ffioedd a delir i berson sy'n darparu cwrs ar ran darparwr cofrestredig i'w trin fel pe baent yn cael eu talu i'r darparwr cofrestredig at ddibenion terfynau ffioedd.

Mae gan Weinidogion Cymru bwerau tebyg ar hyn o bryd o dan adrannau 5 a 57 o Ddeddf Addysg Uwch (Cymru) 2015.

Diben a bwriad y polisi

Mae'r rheoliadau hyn yn galluogi Gweinidogion Cymru i ddarparu bod terfynau ffioedd yn gymwys i wahanol gyrsiau neu grwpiau gwahanol o fyfyrwyr mewn ymateb i unrhyw newidiadau yn y dyfodol i'r ffyrdd y mae darparwr addysg uwch yn codi ffioedd yng Nghymru, a hefyd unrhyw newidiadau ar ffurf y cymorth i fyfyrwyr a gynigir gan Lywodraeth Cymru.

Ar hyn o bryd, rhagnodir cyrsiau cymhwysol yn Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015. Maer Rheoliadau hyn yn darparu mai personau cymhwysol yw'r personau hynny sydd, ar ddiwrnod cyntaf y

flwyddyn academiaidd berthnasol, yn dod o fewn yr Atodlen i'r Rheoliadau, ac eithrio'r personau hynny nad ydynt yn gymwys i gael cymorth o dan yr eithriadau a restrir.

Mae adran 30(10) o'r Bil yn sicrhau, pan fydd gan ddarparwyr cofrestredig gyrsiau a ddarperir ar eu rhan, drwy drefniant is-gontractio neu freinio, nad yw darparwyr yn gallu osgoi'r terfyn ffioedd dysgu statudol. Gwneir rheoliadau o dan yr adran hon i sicrhau nad yw'r amrywiaeth o drefniadau breinio cymhleth a all fodoli yn y sector addysg uwch yn creu unrhyw amgylchiadau lle y gellir osgoi'r terfyn ffioedd.

Mae rhagnodi disgrifiadau o 'gyrsiau cymhwysol' a 'phersonau cymhwysol' yn fater technegol a fydd yn debygol o fod angen ei ddiweddarau o bryd i'w gilydd. Dim ond mewn ymateb i ffurfiau esblygol o drefniadau breinio a threfniadau is-gontractio rhwng darparwyr addysg drydyddol y bydd angen unrhyw reoliadau a wneir o dan adran 30(10).

Uchafswm y ffi dysgu

Mae Rheoliadau Addysg Uwch (Symiau) (Cymru) 2015 ar hyn o bryd yn nodi'r uchafswm o ran ffioedd a allai fod yn daladwy ar gyfer cyrsiau cymhwysol gan ddarparwyr a reoleiddir o dan Ddeddf Addysg Uwch (Cymru) 2015. Nid yw polisi Llywodraeth Cymru ynghylch uchafswm y ffi dysgu ar gyfer cyrsiau addysg uwch cymhwysol wedi newid.

Sicrhau ansawdd mewn addysg uwch

Adran	Ffurf	Darpariaeth	Gweithdrefn
52(5)	Rheoliadau	Pŵer i wneud rheoliadau sy'n ei gwneud yn ofynnol cynnal asesiadau ac adroddiadau addysg uwch gydag ysbeidiau penodedig rhyngddynt.	Negyddol
52(8)	Rheoliadau	Pŵer i wneud darpariaeth ynghylch yr amgylchiadau pan fo person i gael ei drin fel un sy'n gyfrifol am ddarparu cwrs.	Negyddol

Disgrifiad o'r pwerau

Mae adran 52 yn gosod dyletswydd ar y Comisiwn i asesu, neu wneud trefniadau i asesu, ansawdd yr addysg a ddarperir gan ddarparwyr addysg uwch cofrestredig. Mae'r ddyletswydd hon yn cynnwys ansawdd yr addysg a ddarperir ar ran darparwr addysg uwch cofrestredig, megis o dan fasnachfrait neu drefniant is-gontractio.

Mae adran 52(5) yn galluogi Gweinidogion Cymru i bennu'r ysbeidiau lleiaf a ddylai fod yn ofynnol i ddarparwyr addysg uwch cofrestredig rhwng cynnal asesiadau ansawdd, ac i ragnodi'r cyfnod y mae'n rhaid cyhoeddi adroddiadau asesu oddi mewn iddo.

Mae adran 52(8) yn caniatáu i Weinidogion Cymru bennu amgylchiadau lle y dylai neu na ddylai darparwr allanol gael ei drin fel petai'n darparu'r cyfan neu ran o gwrs ar ran sefydliad cofrestredig. Mae gan Weinidogion Cymru bŵer sy'n cyfateb i hwnnw yn adran 52(8) o dan adran 17(4)(a) o Ddeddf Addysg Uwch (Cymru) 2015.

Mae'r pwerau hyn yn ymdrin yn bennaf â materion technegol a manwl sy'n ymwneud â sicrhau ansawdd mewn addysg uwch.

Diben a bwriad y polisi

Ysbeidiau rhwng cyfnodau asesu addysg uwch

Rhagwelir ar hyn o bryd y bydd rheoliadau a wneir gan ddefnyddio'r pwerau hyn yn nodi y dylai asesiadau addysg uwch gael eu cynnal o leiaf unwaith bob chwe blynedd. Mae hyn yn gyson â fframwaith sicrhau ansawdd cyfredol CCAUC, a hefyd â chylch arolygu arferol Estyn mewn rhannau eraill o'r sector addysg ôl-orfodol.

Efallai y bydd angen newid y cyfnod lleiaf rhwng asesiadau ansawdd addysg uwch (adran 52(5)) o bryd i'w gilydd mewn ymateb i newid argaeledd adnoddau neu asesiadau risg o ran ansawdd yn y sector addysg uwch.

Darparwyr allanol

Er nad oes bwriad ar unwaith i wneud rheoliadau o'r fath, mae adran 52(8) yn rhoi hyblygrwydd priodol i Weinidogion Cymru wneud y ddarpariaeth angenrheidiol pe bai unrhyw fathau newydd o drefniadau partneriaeth ar gyfer darparu cyrsiau addysg uwch yn datblygu yn y dyfodol.

Arolygu addysg bellach a hyfforddiant

Adran	Ffurf	Darpariaeth	Gweithdrefn
55(1)(f)	Rheoliadau	Pŵer i bennu addysg a hyfforddiant y mae'n rhaid i'r Prif Arolygydd Addysg a Hyfforddiant (y "Prif Arolygydd") eu harolygu, yn ychwanegol at addysg a hyfforddiant a nodir ar wyneb y Bil.	Negyddol
55(4)	Rheoliadau	Pŵer i wneud darpariaeth ynglŷn â'r ysbeidiau rhwng cyfnodau arolygu ac adrodd.	Negyddol
59(1)	Rheoliadau	Pŵer i roi swyddogaethau pellach i'r Prif Arolygydd mewn cysylltiad â'r addysg a'r hyfforddiant a ddisgrifir yn adran 55(1).	Negyddol
61(9)	Rheoliadau	Pŵer i wneud darpariaeth bellach mewn perthynas â'r rhwymedigaethau i roi gwybodaeth i'r Prif Arolygydd mewn cysylltiad ag arolygiad ardal; a'i gwneud yn ofynnol i adroddiadau arolygiadau ardal gael eu cyhoeddi cyn diwedd cyfnod penodol.	Negyddol

Disgrifiad o'r pwerau

Mae adran 55 o'r Bil yn nodi cylch gwaith arolygu'r Prif Arolygydd Addysg a Hyfforddiant yng Nghymru. Bwriad y pwerau i wneud rheoliadau o dan adran 55(1)(f) ac adran 59(1) yw ymestyn neu egluro cylch gwaith y Prif Arolygydd mewn ymateb i fathau newidiol o ddarpariaeth yn y sector addysg a hyfforddiant.

Mae adran 55(4) yn galluogi Gweinidogion Cymru i:

- bennu'r cyfnod byrraf posibl rhwng arolygiadau, ac
- ragnodi'r cyfnod ar gyfer cyhoeddi adroddiadau arolygu.

Mae adran 59 yn galluogi Gweinidogion Cymru i bennu unrhyw swyddogaethau eraill sydd gan y Prif Arolygydd mewn perthynas ag addysg a hyfforddiant a restrir yn adran 65(1).

Mae adran 61 yn nodi'r ddarpariaeth ar gyfer arolygiadau ardal, gan gynnwys y gofynion i gyrrff a restrir yn adran 61(7) ddarparu gwybodaeth i'r prif arolygydd. Mae adran 61(9) yn galluogi Gweinidogion Cymru i wneud:

- darpariaeth bellach yn ymwneud â'r ddyletswydd i ddarparu gwybodaeth

- darpariaeth o ran y cyfnod pryd y mae'n rhaid cyhoeddi adroddiadau o arolygiadau ardal.

Ar hyn o bryd mae Gweinidogion Cymru yn dal pwerau gwneud rheoliadau tebyg i'r holl bwerau a restrwyd uchod o dan ran 4 o Ddeddf Dysgu a Sgiliau 2000.

Diben a bwriad y polisi

Adran 55(1)(f) a adran 59(1) - Cylch gwaith a swyddogaethau eraill y Prif Arolygydd

Nid yw Llywodraeth Cymru yn bwriadu defnyddio'r pwerau yn adran 55(1)(f) a 59(1) o'r Bil.

Mae'r pwerau hwn yn angenrheidiol er mwyn paratoi ar gyfer y dyfodol. Er enghraifft, efallai y bydd rheoliadau ei angen er mwyn i Estyn allu arolygu addysg cychwynnol athrawon darparwyr ôl-orfodol, yn yr un modd â dyletswyddau presennol i arolygu hyfforddiant gwaith ieuencid a gwaith cymunedol neu addysg gychwynnol athrawon ar gyfer ysgolion.

Adran 55(4) a adran 61(9)(b) - Cyfnodau arolygu ac adroddiadau

Mae Rheoliadau Arolygu Addysg a Hyfforddiant (Cymru) 2001 ("Rheoliadau 2001"), fel y'i diwygiwyd (yn fwyaf diweddar gan Reoliadau Addysg (Diwygiadau ynglŷn â'r Ysbeidiau rhwng Arolygiadau Addysg a Hyfforddiant) (Cymru) 2020), yn ei gwneud yn ofynnol:

- i arolygiadau gael eu cynnal o leiaf unwaith o fewn cyfnod o chwe blynedd ar ôl cwblhau'r cyfnod arolygu sy'n dod i ben ar 31 Awst 2024. Nid yw polisi Llywodraeth Cymru ar yr ysbaid rhwng cyfnodau arolygu'n newid.
- i adroddiadau arolygu gael eu gwneud o fewn cyfnod o 70 o ddiwrnodau gwaith o'r dyddiad y cwblheir yr arolygiad neu'r arolygiad ardal. Nid yw polisi Llywodraeth Cymru ar adroddiadau arolygu wedi newid.

Mae polisi Llywodraeth Cymru mewn perthynas â chyfnodau arolygu ac amseriad adroddiadau, mewn perthynas â'r ddau arolygiad o dan adran 55(1) o'r Bil ac arolygiadau ardal o dan adran 61 o'r Bil yn aros yr un fath, a gwneir rheoliadau o dan adran 55(4) a 61(9)(b) sy'n ailddatgan y ddarpariaeth bresennol fel y nodir yn Rheoliadau 2001.

Adran 61(9)(a) - Rhwymedigaeth i roi gwybodaeth i'r Prif Arolygydd

Ni fwriedir ar hyn o bryd gwneud rheoliadau o dan adran 61(9)(a). Mae'r pŵer yn rhoi'r hyblygrwydd angenrheidiol i Weinidogion Cymru wneud darpariaeth mewn perthynas â materion ymarferol megis y ffordd y caniateir i'r ddyletswydd yn 61(7) gael ei bodloni.

Ymyrryd yn ymddygiad sefydliadau addysg bellach

Adran	Ffurf	Darpariaeth	Gweithdrefn
68(1)	Cyfarwyddyd	Pŵer i Weinidogion Cymru ymyrryd yn ymddygiad sefydliad addysg bellach os ydynt yn fodlon bod un neu fwy o'r seiliau dros ymyrryd yn bodoli.	Dim gweithdrefn

Disgrifiad o'r pwerau

Os yw Gweinidogion Cymru wedi'u bodloni bod un neu ragor o'r seiliau dros ymyrryd (fel y nodir yn adran 67 o'r Bil) yn bodoli, cânt, yn unol ag adran 68 o'r Bil, roi cyfarwyddyd i gorff llywodraethu sefydliad addysg bellach sy'n ei gwneud yn ofynnol i'r corff llywodraethu, ymhlith pethau eraill:

- gydweithredu â'r cyfryw bersonau ac ar y cyfryw delerau a bennir yn y cyfarwyddyd
- gwneud penderfyniad i'r corff gael ei ddiddymu ar ddyddiad a bennir yn y cyfarwyddyd.

Ceir rhagor o fanylion am y pwerau ymyrryd hyn ym mharagraffau 3.196 – 3.204 o'r Memorandwm Esboniadol.

Diben a bwriad y polisi

Mae'r swyddogaethau ymyrryd yn cyflawni rôl bwysig o ran gweithredu'r polisi i ddiogelu darpariaeth addysg bellach yng Nghymru. Fodd bynnag, bwriedir i'r swyddogaethau gael eu defnyddio yn y rhan fwyaf o achosion dim ond pan fydd y Comisiwn wedi arfer ei holl swyddogaethau ymyrryd neu lle mae'r mater mor ddifrifol fel bod angen cymryd camau mwy brys.

Adolygu rheoliadau a phenderfyniadau

Adran	Ffurf	Darpariaeth	Gweithdrefn
77(3)	Rheoliadau	Dyletswydd ar Weinidogion Cymru i wneud darpariaeth mewn cysylltiad ag adolygiadau o benderfyniadau. Er enghraifft, manylion am rôl yr adolygydd penderfyniadau a'r weithdrefn i'w dilyn (gweler is-adran (4)).	Negyddol

Disgrifiad o'r pwerau

Mae adran 77 yn nodi swyddogaethau Gweinidogion Cymru mewn perthynas â phenodi person neu banel i gynnal adolygiadau o benderfyniadau o dan adrannau 43 a 76 o'r Bil.

Caiff darparwr ofyn am adolygiad pan fydd y Comisiwn yn defnyddio'r pwerau a ganlyn:

- Gwrthod cofrestru darparwr (adran 23).
- Gosod neu amrywio amod cofrestru parhaus penodol (adran 27).
- Cyfarwyddo darparwr mewn perthynas â methiant i gydymffurfio ag amodau cofrestru parhaus (adran 37).
- Symud darparwr o gategori o'r gofrestr (adran 39).
- Pennu'r dyddiad y mae darparwr i'w dynnu o gategori o'r gofrestr (adrannau 40 a 41).
- Rhoi hysbysiad yn gwrthod datganiad terfyn ffioedd (adran 45).
- Cyfarwyddo darparwr mewn cysylltiad â methu â chydweithredu â'r Comisiwn neu gorff dynodedig fel sy'n ofynnol o dan adran 71.

Mae adran 77(3) yn ei gwneud yn ofynnol i Weinidogion Cymru wneud darpariaeth trwy reoliadau mewn cysylltiad â ffurf, cynnwys a phroses cynnal adolygiadau. Ar hyn o bryd, mae Gweinidogion Cymru yn dal dyletswydd debyg i wneud darpariaeth o'r fath mewn perthynas ag adolygu penderfyniadau CCAUC o dan adran 44 o Ddeddf Addysg Uwch (Cymru) 2015.

Diben a bwriad y polisi

Mae adran 77(4) yn nodi'r materion y caiff rheoliadau a wneir o dan adran 77(3), ymhlith pethau eraill, ddarparu ar eu cyfer:

- Ar ba sail y gall adolygydd penderfyniadau wneud argymhellion
- Y mathau o argymhellion y gellid eu gwneud
- O fewn pa gyfnod y gellid gwneud cais am adolygiad

- Y weithdrefn i'w dilyn gan yr adolygydd/adolygwyr
- Y camau i'w cymryd gan y Comisiwn a/neu Weinidogion Cymru yn dilyn adolygiad

Byddai'r rheoliadau'n mabwysiadu dull sy'n debyg iawn i'r trefniadau y darperir ar eu cyfer ar hyn o bryd yn Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddiadau) (Cymru) 2015, mewn perthynas ag adolygiadau o benderfyniadau o dan Ddeddf Addysg Uwch Cymru 2015.

Yn amodol ar ymgynghori â rhanddeiliaid, ceir crynodeb isod o'r bwriad polisi presennol ynghylch y manylion sydd i'w rhagnodi yn y rheoliadau hyn:

Tudalen y pecyn 148

Maes	Disgrifiad
Y seiliau y caniateir i'r adolygydd/adolygwyr penderfyniadau wneud argymhellion i'r Comisiwn arnynt	<ul style="list-style-type: none"> • bod corff llywodraethu darparwr yn darparu tystiolaeth i gefnogi'r mater y mae'n ceisio adolygiad ohono nad yw wedi'i chyflwyno i'r Comisiwn o'r blaen; • bod yr adolygydd o'r farn bod y Comisiwn wedi diystyru ffactor perthnasol y dylai fod wedi'i ystyried yn y broses o lywio ei benderfyniad; neu • bod yr adolygydd o'r farn bod penderfyniad y Comisiwn yn anghymesur yng ngoleuni'r dystiolaeth a gyflwynwyd iddo.
Y mathau o argymhellion y caniateir iddynt gael eu gwneud	<ul style="list-style-type: none"> • y dylai'r Comisiwn ailasesu ei benderfyniad gwreiddiol gan ystyried - <ul style="list-style-type: none"> ○ unrhyw dystiolaeth ychwanegol a roddwyd i'r adolygydd penderfyniadau gan gorff llywodraethu'r sefydliad sy'n gofyn am adolygiad; ○ unrhyw ffactorau perthnasol y mae'r adolygiad o benderfyniad o'r farn nad yw wedi'u hystyried o'r blaen; neu ○ unrhyw resymau a allai fod gan yr adolygydd; penderfyniadau dros ystyried bod y penderfyniad a wnaed yn flaenorol yn anghymesur.
Y cyfnod y caniateir i gais gael ei wneud ynddo	<ul style="list-style-type: none"> • o fewn 40 diwrnod i'r darparwr gael ei hysbysu gan y Comisiwn o'i gamau gweithredu arfaethedig.
Y weithdrefn sydd i'w dilyn	<ul style="list-style-type: none"> • dylai fod yn ofynnol i'r adolygydd/adolygwyr roi i'r Comisiwn (i) manylion y penderfyniad i gael ei adolygu; (ii) manylion ar ba

	<p>sail y gwnaed y cais am adolygiad; a (iii) copi o'r wybodaeth a ddarparwyd gan y darparwr i gefnogi'r cais am adolygiad.</p> <ul style="list-style-type: none"> • dylai fod yn ofynnol i'r adolygydd/adolygwyr ddarparu amserlen ddisgwyliedig i'r darparwr a'r Comisiwn ar gyfer cwblhau'r adolygiad o benderfyniad; • gall yr adolygydd/adolygwyr ofyn am wybodaeth ychwanegol gan y Comisiwn a'r darparwr ac os ydynt yn gwneud hynny dylai fod yn ofynnol iddynt hysbysu'r Comisiwn a'r darparwr am gais o'r fath; • i sicrhau bod adolygiadau o benderfyniadau'n cael eu cynnal mewn modd amserol, dylai pwynt terfyn o 28 diwrnod fod yn gymwys mewn perthynas â darparu gwybodaeth bellach i'r adolygydd/adolygwyr naill ai gan y Comisiwn neu'r darparwr; • i sicrhau bod pob parti yn cael diweddariad ar hynt yr adolygiad, dylai fod yn ofynnol i'r adolygydd/adolygwyr ddarparu gwybodaeth ychwanegol a ddarperir gan y darparwr i'r Comisiwn ac i'r gwrthwyneb; • dylai fod yn ofynnol i'r adolygydd/adolygwyr ystyried a yw'n briodol yng nghyd-destun adolygiad penodedig i dderbyn sylwadau gan y Comisiwn mewn ymateb i wybodaeth ychwanegol a gafwyd gan y darparwr a chan y darparwr mewn ymateb i wybodaeth ychwanegol a gafwyd gan y Comisiwn ac i hysbysu'r ddau barti yn unol â hynny; • dylai fod yn ofynnol i'r adolygydd/adolygwyr ystyried unrhyw wybodaeth ychwanegol a ddarperir gan y darparwr neu'r Comisiwn; • dylai fod yn ofynnol i'r adolygydd/adolygwyr baratoi adroddiad ar eu canfyddiadau, gan nodi'r argymhellion y dylid eu hanfon at y darparwr a'r Comisiwn.
Y camau sydd i'w cymryd gan y Comisiwn neu Weinidogion Cymru yn dilyn adolygiad	<ul style="list-style-type: none"> • Dylai fod yn ofynnol i'r Comisiwn ystyried adroddiad yr adolygydd/adolygwyr ac ailystyried eu penderfyniad i gymryd y camau penodedig sy'n destun yr adolygiad o benderfyniadau;

	<ul style="list-style-type: none">• Dylai fod yn ofynnol i'r Comisiwn hysbysu'r darparwr ynghylch a yw'r hysbysiad neu'r cyfarwyddyd arfaethedig wedi'i weithredu o fewn cyfnod o 40 diwrnod o adroddiad yr adolygydd/adolygwyr a nodi'r rhesymau dros y camau gweithredu a gadarnhawyd.
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Monitro cynaliadwyedd ariannol

Adran	Ffurf	Darpariaeth	Gweithdrefn
78(1)(c)	Rheoliadau	Pŵer i bennu darparwyr addysg (yn ychwanegol at y rhai a nodir ar wyneb y Bil) y mae'n rhaid i'r Comisiwn fonitro cynaliadwyedd ariannol mewn perthynas â hwy.	Negyddol
78(2)	Rheoliadau	Pŵer i ddarparu ar gyfer eithriadau i'r ddyletswydd i fonitro cynaliadwyedd ariannol darparwyr cofrestredig a darparwyr yng Nghymru o fewn y sector addysg bellach a ariennir gan y Comisiwn.	Negyddol

Disgrifiad o'r pwerau

Mae adran 78 yn gosod dyletswydd ar y Comisiwn i fonitro ac adrodd ar gynaliadwyedd ariannol rhai darparwyr addysg drydyddol. O dan y ddyletswydd, rhaid i'r Comisiwn fonitro cynaliadwyedd ariannol darparwyr cofrestredig a darparwyr yng Nghymru yn y sector addysg bellach nad ydynt wedi'u cofrestru ond sy'n cael eu hariannu gan y Comisiwn.

Mae'r pwerau o dan adran 78(2) yn galluogi Gweinidogion Cymru i wneud eithriadau wrth gymhwyso'r ddyletswydd monitro ar gyfer darparwyr neu fathau o ddarparwyr yn y categorïau hyn.

Mae adran 78(1)(c) yn galluogi Gweinidogion Cymru i ymestyn y ddyletswydd monitro i fathau eraill o ddarparwyr addysg drydyddol nad ydynt yn cael eu nodi ar wyneb y Bil.

Diben a bwriad y polisi

Bydd y pwerau hyn yn sicrhau y gellir ymestyn dyletswydd y Comisiwn i fonitro ac adrodd ar y cynaliadwyedd ariannol, os ystyrir bod hynny'n angenrheidiol, i ddarparwyr addysg drydyddol heblaw am ddarparwyr cofrestredig neu ddarparwyr yng Nghymru o fewn y sector addysg bellach sydd heb eu cofrestru ond sy'n cael eu hariannu gan y Comisiwn. Byddai hyn yn caniatáu i unrhyw ddarparwyr neu grwpiau o ddarparwyr a allai fod yn derbyn symiau sylweddol o arian oddi wrth y Comisiwn ond nad ydynt yn dod o dan y categorïau hyn gael eu dwyn o fewn cwmplas y ddyletswydd.

Mae'r pwerau hefyd yn caniatáu i Weinidogion Cymru wneud eithriadau wrth gymhwyso'r ddyletswydd ar gyfer darparwyr neu fathau o ddarparwyr o fewn y categorïau a bennir ar wyneb y Bil. Gallai hyn, er enghraifft, ganiatáu i'r ddyletswydd gael ei datgymhwyso i'r

Brifysgol Agored a fyddai, pe bai'r sefydliad yn cofrestru gyda'r Comisiwn, yn destun monitro cyfatebol gan y Swyddfa i Fyfirwyr yn rhinwedd ei statws fel darparwr addysg uwch cofrestredig yn Lloegr. Byddai hyn yn osgoi dyblygu diangen a gwrthdaro posibl mewn trefniadau monitro.

Mae'r pwerau rheoleiddio hyn yn darparu dull o ddiogelu'r darpariaethau a nodir o dan adran 78 o'r Bil yn y dyfodol a sicrhau nad oes bylchau yn y modd y cymhwysir y ddyletswydd.

Dynodi darparwyr addysg drydyddol eraill

Adran	Ffurf	Darpariaeth	Gweithdrefn
81(4)	Rheoliadau	Pŵer i wneud darpariaeth ynghylch dynodi darparwyr na fyddent yn cael eu hystyried yn sefydliad at ddibenion y Bil. Mae hyn yn cynnwys darpariaeth ynghylch ceisiadau i ddynodi, gwneud dynodiadau, tynnu dynodiad yn ôl ac effaith ei dynnu'n ôl.	Cadarnhaol

Disgrifiad o'r pwerau

Mae adran 81 yn galluogi Gweinidogion Cymru i ddynodi darparwyr addysg uwch yng Nghymru yn 'sefydliad' at ddibenion y Bil ac unrhyw is-ddeddfwriaeth a wneir o dan y Bil hwnnw. Ni fyddai darparwr o'r fath fel arfer yn cael ei ystyried yn 'sefydliad' o dan y Bil.

Caniateir i ddynodiad gael ei wneud ar gais gan y darparwr o dan sylw. Mae adran 76(4) yn galluogi Gweinidogion Cymru i wneud rheoliadau ynghylch ceisiadau i ddynodi, gwneud dynodiadau a'u tynnu'n ôl, gan gynnwys materion sydd i'w hystyried wrth bwysu a mesur a ddylid gwneud dynodiad neu ei dynnu'n ôl, ac effaith tynnu dynodiad yn ôl.

Diben a bwriad y polisi

Gellir arfer y pŵer o dan adran 81 i ddynodi sefydliad sy'n darparu cyrsiau addysg uwch, ond nad yw'n ystyried ei hun yn "sefydliad" at ddibenion y Bil hwn, ac mae'n bosibl serch hynny y byddai'n dymuno cael ei gofrestru. Bydd y rheoliadau hyn yn ei gwneud yn ofynnol i ddarparwyr sy'n gwneud cais i Weinidogion Cymru am ddynodiad o'r fath ddarparu gwybodaeth neu ddogfennaeth benodol ynghyd â'u cais. Caiff y rheoliadau hefyd bennu sut y mae cais i gael ei wneud (er enghraifft yn ysgrifenedig).

Sicrhau a chyllido addysg drydyddol

Adran	Ffurf	Darpariaeth	Gweithdrefn
85(3)	Rheoliadau	Pŵer i bennu categorïau o ddarparwyr cofrestredig y gall y Comisiwn roi cymorth ariannol iddynt mewn perthynas â gwariant a wynebir at ddibenion darparu addysg uwch a chyfleusterau neu weithgareddau sy'n gysylltiedig â darparu addysg uwch.	Cadarnhaol
85(4)	Rheoliadau	Pŵer i bennu'r gofynion sydd i'w bodloni gan gwrs hyfforddiant cychwynnol i athrawon cyn y gall y Comisiwn ddarparu cymorth ariannol i sefydliad mewn perthynas â darparu'r cwrs hwnnw.	Negyddol
86(1)	Rheoliadau	Pŵer i bennu cwrs addysg uwch penodol neu ddisgrifiad o gwrs addysg uwch y gall y Comisiwn ddarparu adnoddau ariannol mewn perthynas ag ef.	Negyddol
91(3)	Rheoliadau	Dyletswydd i bennu disgrifiad o addysg bellach a hyfforddiant perthnasol at ddibenion dyletswydd y Comisiwn i sicrhau cyfleusterau priodol i bersonau 19 oed a throsodd.	Cadarnhaol
91(7)(b)	Rheoliadau	Pŵer i nodi disgrifiad o berson cymhwysol mewn perthynas â dyletswydd y Comisiwn i sicrhau cyfleusterau priodol i bersonau 19 oed a throsodd.	Cadarnhaol
95(2)	Rheoliadau	Pŵer i wneud amod mai dim ond ar gyfer darparwyr sydd wedi'u cofrestru mewn categorïau penodol y gellir sicrhau cymorth ariannol o dan adrannau 94(1)(a) neu (b) at ddibenion penodedig ar gyfer addysg bellach a hyfforddiant. Caiff rheoliadau ddarparu ar gyfer eithriadau i'r gofyniad i fod yn gofrestredig ar gyfer cyrsiau penodedig neu ddisgrifiad penodedig o gyrsiau.	Cadarnhaol
96(6)	Rheoliadau	Pŵer i ddarparu eithriadau i'r gwaharddiad ar ddarparwyr addysg bellach a hyfforddiant rhag codi tâl ar (i) personau dros oedran ysgol gorfodol ac o dan 19 oed sy'n cael yr addysg bellach a'r hyfforddiant; a (ii) personau cymhwysol sy'n cael addysg a hyfforddiant perthnasol.	Cadarnhaol
101(3)	Rheoliadau	Pŵer i wneud amod na chaiff y Comisiwn ond darparu adnoddau ariannol mewn perthynas â gwariant a wynebir mewn cysylltiad â darparu	Cadarnhaol

		prentisiaeth Gymreig gymeradwy i ddarparwyr a gofrestrwyd mewn categorïau a bennir yn y rheoliadau.	
102(4)	Rheoliadau	Pŵer i bennu categorïau cofrestru y mae'n rhaid cofrestru darparwr ar eu cyfer cyn y gall y Comisiwn ddarparu adnoddau ariannol i'r darparwr mewn perthynas â gwariant at ddibenion (neu mewn cysylltiad ag) ymchwil neu arloesi.	Cadarnhaol

Disgrifiad o'r pwerau

Mae adran 85 yn caniatáu i'r Comisiwn ariannu categorïau penodol o ddarparwyr cofrestredig (y "darparwyr penodedig"), at ddibenion cefnogi addysg uwch a ddarperir gan neu ar ran darparwyr o'r fath. Mae adran 85(3) yn galluogi Gweinidogion Cymru i bennu'r categorïau hwn, tra bod y pŵer o dan adran 85(4) yn galluogi Gweinidogion Cymru i bennu na chaiff y Comisiwn ddarparu cyllid o dan yr adran hon ar gyfer gwariant a ysgwyddwyd mewn perthynas â darparu cyrsiau hyfforddiant cychwynnol i athrawon oni bai bod y cwrs yn bodloni'r gofynion a nodir mewn rheoliadau.

Mae adran 86 yn caniatáu i'r Comisiwn ariannu darpariaeth cyrsiau addysg uwch penodedig sy'n gyfan gwbl neu'n bennaf yng Nghymru neu ar gyfer pobl sydd fel arfer yn preswyllo yng Nghymru. Mae adran 86(1) yn galluogi Gweinidogion Cymru i bennu cyrsiau o'r fath trwy gyfeirio, ymhlith materion eraill, at y gofynion sydd i'w bodloni gan y cwrs; y disgrifiad o'r person sy'n darparu'r cwrs; a'r cymhwyster y mae'r cwrs yn arwain ato.

Mae adran 91(3) yn ei gwneud yn ofynnol i Weinidogion Cymru bennu addysg bellach a hyfforddiant perthnasol at ddibenion dyletswydd y Comisiwn i sicrhau cyfleusterau priodol ar gyfer addysg a hyfforddiant o'r fath yn adran 91(1). Mae adran 91(7) yn galluogi Gweinidogion Cymru i bennu personau cymhwysol y mae'n rhaid sicrhau cyfleusterau o'r fath ar eu cyfer.

Mae adran 95(2) yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n ei gwneud yn ofynnol i ddarparwyr gael eu cofrestru mewn categori penodedig er mwyn bod yn gymwys i gael cyllid gan y Comisiwn o dan adran 94(1)(a) (darparu addysg bellach neu hyfforddiant yn gyfan gwbl neu'n bennaf yng Nghymru) neu adran 94(1)(b) (darparu addysg bellach a hyfforddiant i ddysgwyr sy'n preswyllo fel arfer yng Nghymru).

Pan fo Gweinidogion Cymru neu'r Comisiwn yn darparu cyllid o dan adran 94, mae adran 96 yn caniatáu iddynt osod telerau ac amodau. Mae adran 96(4) a (5) yn darparu bod yn rhaid i'r telerau ac amodau hynny wahardd:

- darparwr addysg bellach neu hyfforddiant sy'n addas i ofynion dysgwyr sydd dros oedran ysgol gorfodol ond nad ydynt wedi cyrraedd 19 oed rhag codi tâl ar y dysgwyr hynny sy'n derbyn yr addysg bellach neu'r hyfforddiant; a

- darparwr addysg a hyfforddiant perthnasol sy'n addas i ofynion personau cymhwysol rhag codi tâl ar y personau cymhwysol hynny sy'n cael yr addysg neu'r hyfforddiant hwnnw. Diffinnir "addysg a hyfforddiant perthnasol" a "personau cymhwysol" mewn rheoliadau a wneir o dan adran 91 o'r Bil.

Mae adran 101(1)(a) yn caniatáu i'r Comisiwn ddarparu cyllid i ddarparwyr prentisiaethau Cymreig cymeradwy, ac o dan adran 101(3) gall Gweinidogion Cymru wneud rheoliadau sy'n ei gwneud yn ofynnol i dderbynydd cyllid o'r fath fod wedi'i gofrestru mewn categori penodedig ar y gofrestr.

Mae adran 102 yn caniatáu i'r Comisiwn gyllido categorïau penodol o ddarparwyr at ddibenion cefnogi ymchwil neu arloesi. Mae adran 102(4) yn galluogi Gweinidogion Cymru i bennu'r categorïau hyn.

Diben a bwriad y polisi

Adran 85(3) a adran 102(4) – cyllid addysg uwch a ymchwil ac arloesi

Bwriedir, yn amodol ar wneud y rheoliadau arfaethedig o dan adran 23(2) (gweler Categorïau Cofrestru) a phennu'r ddau gategori cofrestru arfaethedig, rhagnodi mewn rheoliadau:

- dan adran 85(3) bod yn rhaid i ddarparwyr addysg uwch gael eu cofrestru yn y categori "craidd" er mwyn bod yn gymwys i gael arian gan y Comisiwn o dan adran 85 (cymorth ariannol i ddarparwyr penodedig ar gyfer addysg uwch);
- dan adran 102(4) bod yn rhaid i ddarparwyr addysg uwch gael eu cofrestru yn y categori "craidd" er mwyn bod yn gymwys i gael arian gan y Comisiwn o dan adran 102 (cymorth ariannol ar gyfer ymchwil ac arloesi).

Adran 85(4)

Bwriedir gwneud rheoliadau o dan adran 85(4) o'r Bil yn darparu na ddylai'r Comisiwn ariannu cyrsiau hyfforddiant cychwynnol i athrawon oni bai eu bod wedi'u hachredu gan Gyngor y Gweithlu Addysg.

Adran 86(6)

Ni fwriedir gwneud rheoliadau ar hyn o bryd o dan adran 86(6). Bwriad y pŵer hwn yw sicrhau y gellid mynd i'r afael â bylchau yn y ddarpariaeth pe bai angen. Gall bylchau yn y ddarpariaeth godi oherwydd diffyg darparwyr addysg uwch penodedig (fel y'u diffinnir mewn rheoliadau a wneir o dan adran 85(3)) sy'n gallu cyflawni angen a nodwyd. Er enghraifft, mae angen i gwrs arbenigol gael ei gyflwyno yng Nghymru neu ei gynnal gan nifer fach o fyfyrwyr sy'n preswyllo fel arfer yng Nghymru, nad yw efallai'n gost-effeithiol i ddarparwyr penodedig eu cyflawni. Dylid ystyried y pwerau hyn fel pwerau wrth gefn.

Adran 91

Mae adrannau 91(3) a 91(7)(b) yn galluogi Gweinidogion Cymru i bennu cwmpas a chymhwysra ar gyfer dyletswydd newydd i gyllido addysg bellach i oedolion, a'u bwriad yw sicrhau bod ymrwymiad Llywodraeth Cymru i ddarparu cyfleoedd dysgu gydol oes yn cael ei ehangu'n briodol, yn enwedig i'r rhai fydd yn elwa fwyaf arnynt. Bwriad defnyddio is-ddeddfwriaeth i bennu cwmpas addysg a chymhwysedd perthnasol at ddibenion y ddyletswydd cyllido yw galluogi ehangu dros amser y cynnig addysg bellach a hyfforddiant i oedolion a gyllidir er mwyn mynd i'r afael â phatrymau angen sy'n esblygu.

Bydd y polisi ar gyfer y rheoliadau hyn yn ystyried yr ystyriaethau canlynol sydd i ddod:

- Argymhellion adroddiad sydd i'w gyhoeddi gan Ganolfan Polisi Cyhoeddus Cymru ynghylch dysgu gydol oes.
- Canlyniadau adolygiad arfaethedig o addysg oedolion fel yr addawyd yn y Rhaglen Lywodraethu.
- Barn a sylwadau rhanddeiliaid perthnasol.

Adran 95(2) a adran 101(3)

Fel y nodir yn y Categoriâu Cofrestru uchod, nid polisi cyfredol y llywodraeth yw creu unrhyw gategoriâu ar gyfer darparwyr nad ydynt yn darparu addysg uwch. Fodd bynnag, gall trefniadau rheoleiddio newid dros amser ac yn y dyfodol gall y gofrestr gynnwys categorïau'n ymwneud â darparwyr addysg bellach, hyfforddiant neu brentisiaethau Cymreig cymeradwy.

Pe bai'r angen yn codi, bydd Gweinidogion Cymru yn gallu gwneud rheoliadau:

- dan adran 95(2) i bennu'r categorïau o ddarparwyr cofrestredig sy'n gymwys i dderbyn cyllid gan y Comisiwn o dan adran 94; neu
- dan adran 101(3) i bennu'r categorïau o ddarparwyr cofrestredig sy'n gymwys i dderbyn cyllid gan y Comisiwn o dan adran 101.

Adran 96(6)

Bydd datblygu unrhyw bolisi mewn perthynas â rheoliadau o dan adran 96(6) yn destun ymgysylltu ac ymgynghori â rhanddeiliaid.

Cydsyniad i daliadau i gyrff sy'n cydlafurio

Adran	Ffurf	Darpariaeth	Gweithdrefn
105(1)	Rheoliadau	Pŵer i bennu'r materion sydd i'w hystyried gan y Comisiwn wrth benderfynu a ddylid rhoi caniatâd i'r arian gael ei basio gan bersonau a gyllidir yn uniongyrchol i gyrff sy'n cydlafurio o dan adrannau 85, 86, 94, 101 or 102.	Negyddol

Disgrifiad o'r pwerau

Mae'r Bil yn darparu i berson sy'n cael adnoddau ariannol gan y Comisiwn o dan adrannau 85(3)(a), 86(4)(a), 94(3)(a), 101(2)(a) or 102(4) allu trosglwyddo'r cyfan, neu ran, o'r cyllid hwn i gorff sy'n cydlafurio. Er mwyn i berson fod yn gorff sy'n cydlafurio, rhaid i'r Comisiwn fod wedi rhoi ei gydsyniad i'r person sy'n derbyn arian yn uniongyrchol gan y Comisiwn dalu adnoddau ariannol iddo.

Mae'r pŵer o dan adran 105(1) yn caniatáu i Weinidogion Cymru, drwy reoliadau, bennu materion sydd i'w hystyried gan y Comisiwn wrth benderfynu a ddylid rhoi cydsyniad i berson a gyllidir yn uniongyrchol drosglwyddo cyllid i gorff sy'n cydlafurio o dan y pwerau penodedig.

Diben a bwriad y polisi

Bydd y pŵer hwn i wneud rheoliadau yn caniatáu i Weinidogion Cymru nodi'r materion hynny y mae'n rhaid i'r Comisiwn eu hystyried wrth benderfynu cydsynio i berson a gyllidir yn uniongyrchol drosglwyddo adnoddau i gorff sy'n cydlafurio. Yn amodol ar ymgynghori, rhagwelir y gallai materion o'r fath gynnwys:

- Y rhesymau dros y trefniant cydlafurio a phriodoldeb y trefniant;
- Sut mae'r trefniant cydlafurio'n cyd-fynd â chynllun strategol y Comisiwn;
- Effeithiolrwydd trefniadau llywodraethu a rheolaeth ariannol y corff sy'n cydlafurio;
- Bod gan gynllun diogelu dysgwyr y corff a gyllidir ddarpariaeth ddigonol pe bai'r cydlafurio'n dod i ben am unrhyw reswm;
- Digonolrwydd y trefniadau sicrwydd rhwng y darparwr a gyllidir a'r corff sy'n cydlafurio;
- Sefyllfa ariannol corff cydlafurio arfaethedig;
- Gallu'r corff cydlafurio arfaethedig i gyflawni'r hyn a gynigir; a
- Digonolrwydd y cyfleusterau neu'r ddarpariaeth addysg sydd ar gael yn y corff cydlafurio arfaethedig.

Mae'n debygol y bydd angen diwygio natur y materion sydd i'w hystyried gan y Comisiwn wrth roi ei gydsyniad dros amser wrth i drefniadau cydlafurio newydd ddatblygu neu yng ngoleuni unrhyw faterion a allai fod wedi codi gyda'r trefniadau cydsynio presennol. Bydd y pŵer rheoleiddio hwn yn rhoi hyblygrwydd i Weinidogion Cymru ddiwygio'r materion penodedig pe bai angen gwneud hynny.

Cyfarwyddydau cymorth ariannol

Adran	Ffurf	Darpariaeth	Gweithdrefn
106	Cyfarwyddyd	Caiff Gweinidogion Cymru roi cyfarwyddydau cymorth ariannol i'r Comisiwn mewn perthynas â pherson perthnasol	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae adran 106 yn galluogi Gweinidogion Cymru i gyfarwyddo'r Comisiwn mewn cysylltiad â darparu cymorth ariannol a ddarperir i berson perthnasol o dan adran 85, 86, 94, 100, 101, 102, pan fo'n ymddangos i Weinidogion Cymru fod materion ariannol y person perthnasol wedi cael eu camreoli neu yn cael eu camreoli. Mae'n ofynnol i'r Comisiwn gydymffurfio â chyfarwyddyd cymorth ariannol a roddir gan Weinidogion Cymru.

Mae person perthnasol yn ddarparwr cofrestredig neu'n berson (ac eithrio darparwr cofrestredig neu gorff llywodraethu ysgol a gynhelir) a gyllidir gan y Comisiwn o dan adrannau 85(2), 86, 94, 98, 100, 101 neu 102(2).

Cyn dyroddi cyfarwyddyd cymorth ariannol i'r Comisiwn, mae is-adran (5) yn ei gwneud yn ofynnol i Weinidogion Cymru ymgynghori â'r Comisiwn a'r person perthnasol y mae'r cyfarwyddyd yn ymwneud ag ef oni bai bod Gweinidogion Cymru wedi eu bodloni nad yw'n ymarferol gwneud hynny oherwydd y brys y mae angen rhoi'r cyfarwyddyd iddo, neu fod yr amgylchiadau penodol yn golygu y byddai'r ymgynghoriad yn tanseilio diben y cyfarwyddyd.

Rhaid cadw unrhyw gyfarwyddyd cymorth ariannol a roddir i'r Comisiwn o dan yr adran hon o dan adolygiad. Yn ogystal, rhaid i Weinidogion Cymru gyhoeddi cyfarwyddyd cymorth ariannol a roddir i'r Comisiwn ac adrodd am unrhyw gyfarwyddydau o'r fath i'r Senedd.

Diben a bwriad y polisi

Ar hyn o bryd, gall Gweinidogion Cymru roi cyfarwyddyd i CCAUC mewn perthynas â darparu cymorth ariannol i ddarparwyr addysg uwch os yw'n ymddangos bod materion ariannol y darparwr hwnnw wedi cael eu camreoli, neu'n cael eu camreoli. Mae adran 106 yn adeiladu ar y trefniadau presennol ac yn sicrhau bod Gweinidogion Cymru'n gallu cymryd camau priodol mewn amgylchiadau lle y gallai fod angen diogelu buddiannau myfyrwyr, diogelu arian cyhoeddus neu atal niwed i enw da'r sector addysg drydyddol yng Nghymru.

Dylid ystyried y pwerau hyn fel pwerau wrth gefn a dim ond mewn amgylchiadau prin ac eithriadol y disgwylir iddynt gael eu defnyddio.

Prentisiaethau

Adran	Ffurf	Darpariaeth	Gweithdrefn
107(4)	Rheoliadau	Pŵer Gweinidogion Cymru i bennu'r amodau y mae'n rhaid i brentisiaeth eu bodloni i fod yn brentisiaeth Gymreig gymeradwy.	Cadarnhaol
108(1)(c)	Rheoliadau	Pŵer Gweinidogion Cymru i bennu amodau pellach y mae'n rhaid i gytundeb prentisiaeth eu bodloni i fod yn gytundeb prentisiaeth Gymreig gymeradwy.	Cadarnhaol
109(1)	Rheoliadau	Pŵer Gweinidogion Cymru i bennu'r disgrifiad o'r hyn sydd wedi'i gategoreiddio fel prentisiaeth Gymreig amgen.	Cadarnhaol
114(6)	Rheoliadau	Pŵer Gweinidogion Cymru i'w gwneud yn ofynnol i'r Comisiwn gynnwys rhagor o wybodaeth yn y gofrestr o fframweithiau prentisiaethau.	Negyddol
115(3)	Rheoliadau	Pŵer i Weinidogion Cymru awdurdodi'r Comisiwn i godi ffi am gyhoeddi tystysgrif brentisiaeth.	Negyddol
120(5)	Rheoliadau	Pŵer i wneud darpariaeth sy'n cymhwyso unrhyw ddarpariaeth Rhan 4 (prentisiaethau), gydag addasiadau, i gytundeb prentisiaeth pan fydd unigolyn yn ymgymryd â chyflogaeth y Goron neu i unigolyn sy'n gweithio (neu'n bwriadu gweithio) o dan gytundeb o'r fath.	Negyddol

Tudalen y pecyn 161

Disgrifiad o'r pwerau

Mae'r pwerau uchod yn galluogi Gweinidogion Cymru i bennu'r paramedrau sy'n angenrheidiol er mwyn gweithredu'r system brentisiaethau newydd. Maent yn rhoi'r gallu i Weinidogion Cymru bennu a diwygio:

- yr amodau y mae'n rhaid i brentisiaeth eu bodloni i fod yn *brentisiaeth Gymreig gymeradwy*;
- yr amodau eraill y mae'n rhaid i gytundeb prentisiaeth eu bodloni i fod yn *brentisiaeth Gymreig gymeradwy*;
- y disgrifiad o brentisiaeth Gymreig amgen.

Yn ogystal, mae Gweinidogion Cymru yn gallu:

- ychwanegu gofynion gwybodaeth newydd at y gofrestr o Brentisiaethau Cymreig cymeradwy sy'n cael ei chadw gan y Comisiwn;
- awdurdodi'r Comisiwn i godi ffi am gyhoeddi tystysgrifau prentisiaeth;

- cymhwyso unrhyw ddarpariaeth Rhan 4 o'r Bil gydag addasiadau i gytundeb prentisiaeth pan fydd unigolyn yn ymgymryd â chyflogaeth y Goron neu i unigolyn sy'n gweithio (neu'n bwriadu gweithio) o dan gytundeb o'r fath.

Diben a bwriad y polisi

Mae adran 107 o'r Bil yn darparu ar gyfer y diffiniad o brentisiaeth Gymreig gymeradwy. Mae'r pŵer o dan adran 98(4) yn caniatáu i Weinidogion Cymru wneud rheoliadau sy'n darparu gofynion pellach y mae'n rhaid eu bodloni er mwyn sicrhau bod prentisiaeth yn brentisiaeth Gymreig gymeradwy. Diben y pŵer hwn yw sicrhau bod y nodweddion sy'n diffinio Prentisiaeth Gymreig gymeradwy yn gallu cael eu diwygio dros amser a'u bod yn parhau i fod yn briodol yng nghyd-destun newidiadau yn ddarpariaeth o brentisiaethau Cymreig. Er enghraifft, gellid ei ddefnyddio i ymateb i newidiadau i'r economi neu ddarparu prentisiaethau.

Mae adran 108 yn darparu ar gyfer y diffiniad o gytundeb prentisiaeth Gymreig gymeradwy. Mae'r rheoliadau sydd wedi'u gwneud o dan adran 108(1)(c) yn galluogi Gweinidogion Cymru i bennu amodau pellach y mae'n rhaid i gytundeb prentisiaeth Gymreig gymeradwy eu bodloni yn ogystal â'r rhai a bennir ar wyneb y Bil. Bwriad y pŵer hwn yw sicrhau bod y diffiniad o gytundeb prentisiaeth Gymreig gymeradwy yn parhau i fod yn gyfoes, er enghraifft, gellid ei ddefnyddio i bennu bod cytundeb o'r fath yn cynnwys neu'n cyfeirio at ddatganiad o fanylion cyflogaeth a gyhoeddwyd o dan adran 1 o Ddeddf Hawliau Cyflogaeth 1996.

Mae adran 109 yn darparu ar gyfer ystyr prentisiaeth Gymreig amgen. Mae'r pŵer o dan adran 109(1) yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n darparu ar gyfer yr hyn a olygir wth brentisiaeth Gymreig amgen. Gellid defnyddio'r pŵer hwn i bennu trefniadau gweithio amgen er mwyn ystyried hunangyflogaeth neu ymdrin â sefyllfaoedd lle mae unigolion sy'n gweithio o dan gytundeb prentisiaeth wedi cael eu diswyddo yn ystod eu prentisiaeth, gan efelychu (yn rhannol) darpariaethau cyfatebol sy'n sylfaen i weithrediad y system brentisiaethau bresennol.

Mae adran 114 yn ei gwneud yn ofynnol i'r Comisiwn gadw cofrestr o'r fframweithiau prentisiaeth sy'n cael eu cyhoeddi o dan adran 113 o'r Bil. Bydd y pŵer o dan adran 114(6) yn galluogi Gweinidogion Cymru i ychwanegu gofynion gwybodaeth newydd at y gofrestr o fframweithiau prentisiaethau cyhoeddedig. Mae hyn yn sicrhau bod modd addasu'r gofrestr sy'n cael ei chadw gan y Comisiwn dros amser i ymateb i newidiadau economaidd neu gymdeithasol.

Mae adran 115 o'r Bil yn galluogi'r Comisiwn i gyhoeddi tystysgrif os yw unigolyn wedi cwblhau prentisiaeth Gymreig gymeradwy, a'i fod yn gwneud cais i'r Comisiwn am dystysgrif. Hefyd, mae'n darparu bod y Comisiwn yn gallu codi ffi am gyhoeddi tystysgrif brentisiaeth neu gopi o dystysgrif, ond dim ond os yw rheoliadau a wneir gan Weinidogion Cymru yn caniatáu codi ffi. Bydd y pŵer o dan adran 115(3) yn galluogi Gweinidogion Cymru i awdurdodi codi ffioedd gan y Comisiwn am gyhoeddi tystysgrifau prentisiaeth, neu gopi o dystysgrif, a phennu'r ffi y gellir ei chodi. Ar hyn o bryd, gall Gweinidogion Cymru godi ffi i gyflwyno tystysgrif brentisiaeth neu gopi o dystysgrif, ac mae'r pŵer hwn yn galluogi'r Comisiwn i barhau i wneud yr un peth.

Mae adran 120 o'r Bil yn darparu bod unigolyn sy'n cael ei gyflogi fel gwas y Goron yn gallu ymrwymo i gytundeb prentisiaeth Gymreig gymeradwy. Mae'r pŵer o dan adran 120(5) yn galluogi Gweinidogion Cymru i wneud rheoliadau mewn perthynas â chytundeb prentisiaeth Gymreig gymeradwy a gweision y Goron. Mae'r pŵer hwn yn caniatáu i reoliadau wneud darpariaeth ar sail statws cyflogaeth gwahanol gweision y Goron ac yn caniatáu i elfennau o Ran 4 o'r Bil fod yn berthnasol i weision y Goron, gydag addasiadau.

Cyfiawnhad dros ddirprwyo

Mae angen i brentisiaethau allu ymateb yn hyblyg i anghenion sy'n newid o safbwynt technoleg a'r farchnad. Mae'r pwerau i wneud rheoliadau o dan adrannau 107(4), 108(1)(c) a 109(1) yn ofynnol er mwyn galluogi Gweinidogion Cymru i gadw trosolwg strategol o'r hyn sy'n diffinio prentisiaeth Gymreig gymeradwy, cytundeb prentisiaeth Gymreig gymeradwy a phrentisiaeth Gymreig amgen. Bydd y pwerau hyn yn sicrhau bod ansawdd a chadernid system brentisiaethau Cymru yn cael eu cynnal yn y dyfodol drwy nodi unrhyw ofynion eraill y mae angen i brentisiaethau a chytundebau prentisiaeth eu bodloni er mwyn bod yn brentisiaethau Cymreig cymeradwy a chytundebau prentisiaethau Cymreig cymeradwy. Gallai'r gofynion hyn newid dros amser. Mae adran 120(5) yn angenrheidiol er mwyn galluogi elfennau o Ran 4 i fod yn berthnasol, gydag unrhyw addasiadau gofynnol, i weision y Goron ar sail eu statws cyflogaeth annodweddiadol. Mae nifer o'r pwerau i wneud rheoliadau sydd wedi'u cynnwys yn Rhan 4 o'r Bil yn datblygu, neu'n ailddeddfu, pwerau gwneud rheoliadau presennol yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 sy'n cael eu defnyddio i weithredu system brentisiaethau bresennol Cymru.

Mae'n bosibl y bydd angen i elfennau o'r system reoleiddio sy'n sylfaen i brentisiaethau Cymreig cymeradwy newid dros amser wrth i fframweithiau prentisiaethau ddatblygu er mwyn diwallu anghenion newidiol economi Cymru. Mae'r pwerau i wneud rheoliadau o dan adrannau 114(6) a 115(4) yn angenrheidiol i ganiatáu i Weinidogion Cymru wneud addasiadau i ofynion gwybodaeth y gofrestr prentisiaethau a'r ffioedd y gall y Comisiwn eu codi am gyhoeddi tystysgrifau prentisiaeth, sy'n gallu newid dros amser.

Cwynion dysgwyr

Adran	Ffurf	Darpariaeth	Gweithdrefn
124(2)	Rheoliadau	Diwygio adran 11 o Ddeddf Addysg Uwch 2004, gan fewnosod pŵer i bennu 'sefydliadau cymhwysol' yn ychwanegol i'r rhai a nodir ar wyneb y Ddeddf y gellir gwneud cwynion mewn perthynas â hwy gan fyfyrwyr a chyn-fyfyrwyr ac a ystyrir o dan y cynllun cwynion myfyrwyr o dan y Ddeddf honno.	Negyddol

Disgrifiad o'r pwerau

Tudalen y pecyn 164

Mae adran 13 o Ddeddf Addysg Uwch 2004 ("Deddf 2004") yn caniatáu dynodi corff i weithredu cynllun cwynion myfyrwyr. Swyddfa'r Dyfarnwr Annibynnol yw'r corff gweithredu dynodedig ar gyfer ymdrin â chwynion myfyrwyr nad ydynt wedi'u datrys yng Nghymru a Lloegr, a benodwyd gan Weinidogion Cymru a'r Ysgrifennydd Gwladol yn y drefn honno. Ar hyn o bryd, mae rôl Swyddfa'r Dyfarnwr Annibynnol yn ymestyn i 'sefydliadau cymhwysol' yn ôl y diffiniad yn adran 11 o Ddeddf 2004.

Mae adran 124(2) o'r Bil yn diwygio adran 11 o Ddeddf 2004 sy'n mewnosod, yn is-adran (2), bŵer i wneud rheoliadau sy'n galluogi Gweinidogion Cymru i bennu 'sefydliadau cymhwysol' ychwanegol at ddibenion y cynllun cwynion myfyrwyr.

Caiff Gweinidogion Cymru bennu mewn rheoliadau:

- darparwr cofrestredig, neu
- darparwr addysg drydyddol yng Nghymru (ac eithrio darparwr cofrestredig) sy'n cael adnoddau ariannol gan y Comisiwn o dan yr adrannau canlynol o'r Bil:
 - 86(3)(a) (cyrsiau addysg uwch),
 - 95(1)(a) (addysg bellach neu hyfforddiant), neu
 - 101(1)(a) (prentisiaethau)

Ni fydd Gweinidogion Cymru yn gallu pennu awdurdodau lleol mewn perthynas â'r ddarpariaeth chweched dosbarth mewn ysgolion gan nad ydynt yn cael eu hariannu o dan y darpariaethau penodedig

Diben a bwriad y polisi

Nod y polisi yw ymestyn cylch gwaith Swyddfa'r Dyfarnwr Annibynnol a'r ehangder mynediad i'r cynllun cwynion i ddysgwyr sy'n ymgymryd â'r holl gyrsiau a gyllidir gan y Comisiwn fel y nodir. Bydd ymgynghoriad yn cael ei gynnal gyda rhanddeiliaid ar fanylion ac ymarferoldeb ymestyn y cynllun cyn i'r rheoliadau gael eu gwneud.

Bydd hyn yn galluogi cyflwyno darparwyr i'r cynllun cwynion myfyrwyr yn raddol, gan roi amser i Swyddfa'r Dyfarnwr Annibynnol a darparwyr unigol adeiladu eu capasiti.

Rhannu data

Adran	Ffurf	Darpariaeth	Gweithdrefn
128(1)(l)	Rheoliadau	Pŵer i bennu personau heblaw'r rhai a nodir ar wyneb y Bil fel personau sy'n gallu rhannu gwybodaeth â'r Comisiwn.	Negyddol
130(5)	Canllawiau	Rhaid i Weinidogion Cymru gyhoeddi canllawiau ynghylch ffactorau i'w hystyried wrth benderfynu pa un ai i gymeradwyo corff neu unigolyn at ddibenion yr adran hon.	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae adran 128 yn cynnwys rhestr o personau, cyrff statudol a phersonau sy'n arfer swyddogaethau statudol a all rannu gwybodaeth gyda'r Comisiwn, at ddibenion arfer unrhyw un o swyddogaethau'r Comisiwn. Caiff y Comisiwn hefyd roi gwybodaeth, am unrhyw fater mewn perthynas â'i swyddogaethau, i'r rhai a restrir yn yr adran hon ac unrhyw berson arall y mae'n credu ei fod yn briodol. Caiff Gweinidogion Cymru, trwy reoliadau, bennu personau eraill y caniateir iddynt rannu gwybodaeth â'r Comisiwn o dan yr adran hon.

Mae adran 130 yn gwneud darpariaeth ar gyfer sut y caiff Gweinidogion Cymru ddefnyddio'r wybodaeth o gyflwyno'r cais i dderbyn y cynnig a geir o dan adran 129 ac mae'n darparu y gellir rhannu'r wybodaeth â "pherson cymeradwy". Person cymeradwy yw:

- corff a gymeradwywyd gan Weinidogion Cymru at ddibenion adran 130 o'r Bil, sy'n defnyddio neu'n lledaenu gwybodaeth at ddibenion ymchwil; neu
- unigolyn a gymeradwywyd gan Weinidogion Cymru neu gorff cymeradwy at ddibenion adran 130 o'r Bil.

Mae Gweinidogion Cymru'n ddarostyngedig i ddyletswydd i gyhoeddi canllawiau sy'n nodi'r ffactorau sydd i'w hystyried wrth benderfynu a ddylid cymeradwyo corff, neu ymchwilydd unigol, i fod yn "berson cymeradwy" mewn perthynas â defnyddio gwybodaeth o gyflwyno'r cais i dderbyn y cynnig at ddibenion ymchwil.

Diben a bwriad y polisi

Mae'r adran hon yn caniatáu i Weinidogion Cymru wneud rheoliadau i bennu personau eraill nad ydynt wedi'u crybwyll ar wyneb y Bil a fydd yn gallu rhannu gwybodaeth â'r Comisiwn. Byddai hefyd yn caniatáu pennu awdurdodau newydd.

Gallai enghreifftiau o'r math o ffactorau y gellir eu cynnwys mewn canllawiau o dan adran 130(5) mewn perthynas â chorff sy'n berson cymeradwy gynnwys:

- A yw'r corff yn sefydliad academaidd cydnabyddedig, yn sefydliad sector cyhoeddus neu'n sefydliad ymchwil ar restr Cynghorau Ymchwil y DU o sefydliadau ymchwil annibynnol cymwys (gan nodi na fyddai ymchwil at ddibenion masnachol);
- A yw'r corff yn cydymffurfio â deddfwriaeth diogelu data a deddfwriaeth, canllawiau ac arfer gorau perthnasol i sicrhau bod data'n cael ei ddefnyddio, ei drin, ei drosglwyddo a'i storio'n ddiogel gan gynnwys defnyddio amgryptio lle bo angen;
- A yw'r corff yn gweithredu o dan lywodraethiant priodol.

Gallai enghreifftiau o'r math o ffactorau y gellir eu cynnwys yn y canllawiau hyn o dan adran 130(5) mewn perthynas ag unigolyn sy'n berson cymeradwy gynnwys:

- A yw'r unigolyn yn gysylltiedig â sefydliad academaidd cydnabyddedig, sefydliad sector cyhoeddus neu sefydliad ymchwil ar restr Cynghorau Ymchwil y DU o sefydliadau ymchwil annibynnol cymwys at ddibenion ymchwil anfasnachol;
- A oes gan yr unigolyn arbenigedd perthnasol mewn cynnal ymchwil gyda data diogel/gweinyddol ac mewn amgylchedd diogel neu'n barod i gael hyfforddiant.

Llywodraethu AU – offerynnau ac erthyglau Llywodraeth ar gyfer Corfforaethau Addysg Uwch yng Nghymru

Adran	Ffurf	Darpariaeth	Gweithdrefn
133(2)	Rheoliadau	Pŵer i ddiwygio neu ddiddymu, trwy orchymyn, baragraffau 2 i 11 o Atodlen 7A i Ddeddf Diwygio Addysg 1988 sy'n ymwneud â chynnwys yr offerynnau llywodraethu ar gyfer Corfforaeth Addysg Uwch	Cadarnhaol
134(2)	Rheoliadau	Pŵer i ddiwygio neu ddiddymu, trwy orchymyn, adran 125(2) i (4) o Ddeddf Diwygio Addysg 1988 sy'n ymwneud â chynnwys yr erthyglau llywodraethu ar gyfer Corfforaeth Addysg Uwch	Cadarnhaol

Disgrifiad o'r pwerau

Mae adran 125(2) yn gwneud darpariaeth i'r pwerau gwneud gorchymyn sydd eisoes gan Weinidogion Cymru o dan adran 124A(9) o Ddeddf Diwygio Addysg 1988 (Deddf 1988) gael eu hystyngi i gynnwys Atodlen 7A yn gyfan ac eithrio paragraff 1. Mae Atodlen 7A yn nodi'r gofynion statudol ar gyfer cynnwys offerynnau llywodraethu Corfforaethau Addysg Uwch a wneir gan y Cyfrin Gyngor.

O dan adran 124A(9) o Ddeddf Diwygio Addysg 1988, mae Gweinidogion Cymru ar hyn o bryd yn gallu diwygio neu ddiddymu unrhyw rai o baragraffau 3 i 5 ac 11 o Atodlen 7A trwy orchymyn. Mae'r paragraffau hyn yn ymwneud ag aelodaeth o'r Gorfforaeth Addysg Uwch ac yn benodol, ei faint, ei gyfansoddiad a phenodiad ei aelodau. Mae paragraff 1 yn galluogi offeryn llywodraethu Corfforaeth Addysg Uwch i rymuso'r Gorfforaeth i newid ei henw gyda chydysniad y Cyfrin Gyngor.

Mae adran 134(2) yn cyflwyno gwelliannau a fydd yn galluogi Gweinidogion Cymru, trwy orchymyn, i ddiwygio neu ddiddymu adran 125(2) i (4) o Ddeddf 1988 sy'n ymwneud â chynnwys erthyglau llywodraethu Corfforaethau Addysg Uwch. Yn fras, mae'r erthyglau'n pennu dosbarthiad swyddogaethau rhwng bwrdd y llywodraethwyr, y Pennaeth a'r Bwrdd Academaidd ac yn rheoleiddio cyfansoddiad a swyddogaethau pwyllgorau'r gorfforaeth.

Diben a bwriad y polisi

Mae'r darpariaethau hyn yn diwygio Deddf 1988 ac yn gwneud diwygiadau mewn perthynas â phwerau Gweinidogion Cymru i ddiwygio neu ddiddymu'r gofynion statudol presennol a osodir ar gynnwys offeryn llywodraethu Corfforaeth Addysg Uwch. Y prif nod polisi y tu ôl i'r darpariaethau hyn yw mynd i'r afael â chanfyddiadau ac argymhellion adroddiad Comisiwn y Gyfraith ar faterion technegol mewn

Cyfraith Elusennau sy'n ymwneud â diwygio dogfennau llywodraethu ar gyfer sefydliadau addysg uwch yng Nghymru. Yn benodol, mae adroddiad Comisiwn y Gyfraith yn argymhell dileu'r gofynion statudol presennol a osodir ar ddogfennau llywodraethu Corfforaethau Addysg Uwch fel y gallant ymateb i ganllawiau llywodraethu da ac arfer gorau yn yr un modd â mathau eraill o sefydliad addysg uwch nad ydynt yn ddarostyngedig i ofynion deddfwriaethol cyfatebol.

O dan y trefniadau presennol, dim ond nifer cyfyngedig o'r gofynion a osodir ar ddogfennau llywodraethu Corfforaethau Addysg Uwch o dan Atodlen 7A o Ddeddf 1988 y gall Gweinidogion Cymru eu diwygio. Dyma'r gofynion o dan baragraffau 3 i 5 a pharagraff 11 o'r Atodlen. Mae hyn yn golygu na ellid gwneud unrhyw newidiadau yn y dyfodol i'r gofynion hynny sydd y tu allan i gwmpas y pwerau presennol yn yr un modd nac i'r un amserlen gan y byddai angen deddfwriaeth sylfaenol ar wahân arnynt. Bydd y darpariaethau hyn yn mynd i'r afael â'r mater hwn drwy ymestyn pwerau gwneud gorchymynion cyfredol Gweinidogion Cymru fel eu bod yn gymwys i'r holl ofynion statudol a osodir ar ddogfennau llywodraethu Corfforaeth Addysg Uwch o dan Atodlen 7A (ac eithrio paragraff 1) ac i'r gofynion o dan adran 125(2) i (4) o Ddeddf 1988.

Bwriad hyn fydd creu dull mwy hyblyg ac ymatebol a fydd yn:

- caniatáu i newidiadau yn y dyfodol i unrhyw un neu'r cyfan o'r gofynion statudol sydd o fewn cwmpas y pwerau estynedig newydd gael eu hystyried yn yr un modd a'u gwneud drwy orchymyn statudol a wneir gan Weinidogion Cymru;
- dileu'r angen am deddfwriaeth sylfaenol ar wahân i newid y gofynion hynny nad ydynt o fewn cwmpas y pwerau presennol fel sy'n digwydd ar hyn o bryd;
- caniatáu i unrhyw newidiadau yr ystyrir eu bod yn angenrheidiol gael eu gwneud yn gyflymach yn y dyfodol na phe bai angen deddfwriaeth sylfaenol ar wahân ar gyfer newidiadau i'r gofynion hynny sydd allan o gwmpas ar hyn o bryd.

Bydd gorchymyn a gyflwynir gan Weinidogion Cymru i ddiwygio neu ddiddymu darpariaethau rhagnodedig yn Atodlen 7A neu adrannau 125(2) i (4) gan ddefnyddio'r pwerau newydd hyn yn ddarostyngedig i'r weithdrefn gadarnhaol. Bydd hefyd yn ofynnol i Weinidogion Cymru ymgynghori â'r Comisiwn ac unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol cyn gwneud gorchymyn. Ar hyn o bryd, mae gorchymyn o dan adran 124A(9) o Ddeddf 1988 yn ddarostyngedig i'r weithdrefn negyddol. Mae'r newid yn y weithdrefn yn adlewyrchu cwmpas cynyddol y pwerau sy'n effeithio ar ddarpariaethau mewn Deddf Seneddol.

Y Brifysgol Agored

Adran	Ffurf	Darpariaeth	Gweithdrefn
140	Rheoliadau	Pŵer i wneud amod i'r Brifysgol Agored gael ei thrin fel sefydliad yng Nghymru at ddiben darpariaethau penodol o dan y Bil hwn	Cadarnhaol

Disgrifiad o'r pwerau

Nid yw'r Brifysgol Agored yn dod o fewn y diffiniad o "darparwr addysg drydyddol yng Nghymru" oherwydd nad yw ei gweithgareddau yn cael eu cynnal "yn gyfan gwbl neu'n bennaf yng Nghymru". Mae'r pŵer yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n darparu ar gyfer trin y Brifysgol Agored fel darparwr addysg drydyddol yng Nghymru at ddibenion unrhyw ddarpariaeth yn y Ddeddf, neu a wneir o dan y Ddeddf. O dan y rheoliadau, gall Gweinidogion Cymru addasu effaith unrhyw ddarpariaeth, a bennir yn y Rheoliadau hynny, i'r graddau y mae'n gymwys i'r Brifysgol Agored, boed hynny fel darparwr addysg drydyddol yng Nghymru neu fel darparwr cofrestredig, pe bai hynny'n digwydd.

Diben a bwriad y polisi

Y Brifysgol Agored yw'r darparwr addysg uwch mwyaf yn y DU, a'r unig ddarparwr addysg uwch mawr sy'n gweithredu ar draws pedair gweinyddiaeth y DU. Er bod gan y Brifysgol Agored bresenoldeb sylweddol yng Nghymru, nid yw'n ddarparwr addysg drydyddol yng Nghymru at ddibenion y Bil. Gallai newidiadau i'r cyllid a'r modd y rheoleiddir y Brifysgol Agored yng ngwledydd eraill y DU gael effaith ar y ffordd y mae'r Brifysgol Agored yn cael ei gyllido a'i reoleidido yng Nghymru.

Mae Llywodraeth Cymru ar hyn o bryd yn cynnal trafodaethau â'r Brifysgol Agored i benderfynu ar y ffordd fwyaf priodol o gymhwyso gwahanol ddarpariaethau'r Bil i'r Brifysgol Agored. Gallai hyn fod er mwyn cymhwyso'r amodau cofrestru, y cynlluniau diogelu dysgwyr a darpariaethau eraill i'r Brifysgol Agored er mwyn sicrhau cyllid a gwarchodaeth i ddysgwyr yng Nghymru sy'n dilyn cyrsiau astudio gyda'r Brifysgol Agored.

Felly, mae'n fwy priodol defnyddio is-ddeddfwriaeth i gymhwyso darpariaethau yn y Bil hwn i'r Brifysgol Agored mewn perthynas â darpariaeth y Brifysgol yng Nghymru ac i ddiwygio'r modd y mae'r Bil yn gymwys i'r Brifysgol Agored mewn ymateb i amgylchiadau sy'n newid ledled y DU.

Cyfarwyddyd cyffredinol i'r Comisiwn

Adran	Ffurf	Darpariaeth	Gweithdrefn
Atodlen 1 paragraff 15(1)(a)	Cyfarwyddyd	Rhaid i'r Comisiwn baratoi datganiad o gyfrifon mewn perthynas â phob blwyddyn ariannol yn unol â chyfarwyddyd a roddir gan Weinidogion Cymru.	Dim gweithdrefn

Disgrifiad o'r pwerau

Mae paragraff 15(1)(a) o Atodlen 1 i'r Bil yn galluogi Gweinidogion Cymru i roi cyfarwyddyd i'r Comisiwn ynghylch paratoi datganiad o gyfrifon. Pob blwyddyn ariannol rhaid i'r Comisiwn baratoi cyfrifon yn unol â'r cyfarwyddyd cyfrifon a gyhoeddir gan Weinidogion Cymru.

Erbyn diwedd mis Awst yn dilyn y flwyddyn ariannol y mae'r cyfrifon yn ymwneud â hi, rhaid i'r Comisiwn gyflwyno'r cyfrifon wedi'u llofnodi ynghyd â llythyr cynrychiolaeth i Archwilydd Cyffredinol Cymru. Rhaid i'r Comisiwn anfon dau gopi o'r cyfrifon wedi'u llofnodi at Lywodraeth Cymru.

Diben a bwriad y polisi

Ar hyn o bryd, gall Gweinidogion Cymru roi cyfarwyddyd i CCAUC mewn perthynas â pharatoi eu cyfrifon a'r bwriad yw rhoi cyfarwyddyd cyfatebol i'r Comisiwn ar ôl ei sefydlu.

Nodir sylwedd y cyfarwyddyd ym mharagraff 15(2)(b) o Atodlen 1 ac mae'n cynnwys:

- yr wybodaeth sydd i'w chynnwys yn y datganiad;
- y modd y mae'r wybodaeth i'w chyflwyno;
- y dulliau a'r egwyddorion y mae'r datganiad i'w paratoi yn unol â hwy; ac
- unrhyw wybodaeth ychwanegol sydd i ategu'r datganiad.

CYPE(6)-04-22 - Papur i'w nodi 21

Senedd Cymru Welsh Parliament

Y Gweinidog Cyfiawnder Cymdeithasol

Jane Hutt AS

Cc: Comisiynydd Plant Cymru

Sally Holland

31 Ionawr 2022

Amcangyfrif Cyllideb Comisiynydd Plant Cymru ar gyfer 2022-23

Annwyl Jane,

Mae Comisiynydd Plant Cymru ("y Comisiynydd") wedi ysgrifennu at y ddwy ohonom yn nodi ei phryderon ynghylch setliad cyllidebol ei swyddfa ar gyfer blwyddyn ariannol 2022-23, a'r setliad a ragwelir ar gyfer y ddwy flynedd ddilynol. Roedd y Comisiynydd wedi atodi i'w llythyr yr amcangyfrif statudol ar gyfer y gyllideb a gyflwynwyd gan ei swyddfa i Lywodraeth Cymru ym mis Hydref 2021.

Mae'r llythyr yn nodi bod y Comisiynydd wedi gofyn am gyfanswm o £1,695,765 o ran y gyllideb adnoddau ar gyfer blwyddyn ariannol 2022-23, cyfanswm o £1,652,444 ar gyfer 2023-24, a chyfanswm o £1,662,001 ar gyfer 2024-25. Fodd bynnag, gwrthododd Llywodraeth Cymru yr amcangyfrif hwnnw, gyda chyllideb adnoddau o £1,580,000 yn cael ei chynnig ar gyfer 2022-23, "a 'chyllideb wastad' yn cael ei chynnig ar gyfer y ddwy flynedd ddilynol yn ogystal." Mae'r Comisiynydd yn nodi ei phryderon ynghylch cyllideb arfaethedig Llywodraeth Cymru, gan ychwanegu ei bod wedi "gofyn i'r Llywodraeth am ymateb terfynol ynghylch sut gwnaed y penderfyniad i barhau i ddarparu'r un setliad ag mewn blynyddoedd blaenorol yn ystod cyfnod pan fo costau tu allan i reolaeth y swyddog cyfrifyddu yn codi."

Nid yw'n briodol inni wneud sylwadau am yr union lefelau o gyllid y mae Comisiynydd Plant Cymru yn eu cael gan Lywodraeth Cymru. Nid yw'n briodol ychwaith inni gymryd camau ar ran unrhyw gomisiynydd, oni bai ein bod yn dymuno gwneud hynny.

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddPlant@Senedd.cymru
senedd.cymru/SeneddPlant
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddChildren@senedd.wales
senedd.wales/SeneddChildren
0300 200 6565



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

Cysylltu@senedd.cymru
 0300 200 6565

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

Contact@senedd.wales
 0300 200 6565

Fodd bynnag, rydym yn pryderu am oblygiadau posibl setliad cyllidebol y Comisiynydd mewn perthynas â phlant a hawliau plant. Yn benodol, mae'r Comisiynydd yn honni y bydd y setliad arfaethedig:

- yn cyfyngu ar allu'r Comisiynydd i bennu rhaglen waith annibynnol sy'n cwmpasu'r holl feysydd sy'n bwysig i blant a phobl ifanc yng Nghymru heddiw, a chyflawni cylch gorchwyl cyfreithiol y swydd;
- yn amharu ar allu swyddfa'r Comisiynydd i roi cyngor i Lywodraeth Cymru ar ran plant, gyda'r nod o hyrwyddo hawliau plant, yn enwedig os yw, yng ngeiriau'r Comisiynydd, yr "arbenigedd o fewn y Llywodraeth i gyflawni rôl arbenigol o'r fath yn gyfyngedig"; ac
- yn cael effaith negyddol ar y modd y mae Llywodraeth Cymru yn cyflawni ei Rhaglen Lywodraethu i'r graddau y mae'n ymwneud â phlant a phobl ifanc.

Byddem yn ddiolchgar pe gallech:

1. egluro pam y gwrthododd Llywodraeth Cymru amcangyfrif y Comisiynydd ar gyfer y gyllideb;
2. rhannu gyda'r Pwyllgor yr Aseiad o'r Effaith ar Hawliau Plant a gynhaliwyd mewn perthynas â'ch penderfyniad; a
3. rhoi sicrwydd inni, mewn perthynas â phob un o'r tri phwynt bwled uchod, na fydd eich setliad arfaethedig ar gyfer y gyllideb yn cael effaith andwyol ar allu'r Comisiynydd Plant newydd i gyflawni ei rôl statudol a'i rolau eirioli a chynghori ehangach.

Byddem yn ddiolchgar pe gallech anfon eich ymateb atom erbyn dydd Llun 28 Chwefror fan bellaf.

Rwyf wedi anfon copi o'r llythyr hwn at Gomisiynydd Plant Cymru.

Yn gywir,



Jayne Bryant AS



Jenny Rathbone AS



Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac
Addysg

Cadeirydd y Pwyllgor Cydraddoldeb a
Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



CYPE(6)-04-22 - Papur i'w nodi 22

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Children, Young People and Education Committee

Elin Jones AS

Y Llywydd

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddPlant@senedd.cymru
senedd.cymru/SeneddPlant
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddChildren@senedd.wales
senedd.wales/SeneddChildren
0300 200 6565

03 Chwefror 2022

Adolygiad o amserlen a chylchoedd gwaith y pwyllgorau

Annwyl Elin,

Diolch am eich llythyr ar 7 Ionawr 2022 yn gofyn am ein barn ar yr adolygiad o amserlen a chylchoedd gwaith y pwyllgorau. Trafodwyd y llythyr hwn yn ein cyfarfod ar 20 Ionawr.

Nodwn nad ydych yn disgwyl i bwyllgorau ymgynghori â rhanddeiliaid. Fel rhan o'n hymgyngoriad ar flaenoriaethau'r Pwyllgor dros doriad yr haf, mynegodd y Ffederasiwn Busnesau Bach eu barn ar yr amserlen, ac mae'r farn honno wedi'i hamgáu.

Amserlen – y sefyllfa bresennol

I ba raddau y mae dull presennol amserlen y pwyllgorau yn rhoi digon o amser i bwyllgorau wneud eu gwaith yn effeithiol?

Fel y Pwyllgor cyntaf a gafodd y dasg o gynnal gwaith craffu Cyfnod 1 yn y Chweched Senedd, credwn ein bod yn dod â phersbectif pwysig o ran pa mor effeithiol y gall yr amserlen bresennol fod wrth gynnwys gwaith, a hynny o fewn amserlenni sydd y tu allan i reolaeth y Pwyllgor.

Mae'n werth nodi bod cyflwyno Bil Addysg Drydyddol ac Ymchwil (Cymru) wedi digwydd ar yr un pryd â darnau creiddiol eraill o waith, ac nid oedd gennym lawer o ddisgresiwn o ran pryd y gellid ei wneud:

- Craffu blynyddol ar Estyn;
- Craffu blynyddol ar Gomisinydd Plant Cymru;
- Craffu blynyddol ar Cymwysterau Cymru;
- Craffu ar Femorandwm Cydsyniad Deddfwriaethol y Bil Sgiliau ac Addysg;

- Gwrandawriad cyn penodi ar gyfer yr ymgeisydd a ffefrir i fod yn Gomisiynydd Plant nesaf Cymru; a
- Chraffu ar gyllideb ddrafft Llywodraeth Cymru;

Roedd hyn yn golygu ein bod wedi gorfod gofyn am nifer o gyfarfodydd ychwanegol (pump ers mis Hydref). Mae'r Pwyllgor Busnes wedi cytuno i'n cais bob tro. Roedd dau o'r ceisiadau hyn am gyfarfodydd yn ystod un o'r wythnosau "gwarchoddedig".

Ym mis Rhagfyr, roedd faint o waith oedd gennym yn golygu ein bod wedi cael tri chyfarfod o fewn 10 diwrnod, â dau ohonynt yn rhai hir, gan ddechrau gyda rhag-gyfarfodydd cyn 9am a pheidio â gorffen tan yn hwyrach yn y prynhawn. Roedd gan bob un o'r cyfarfodydd hyn bapurau Pwyllgor helaeth i gyd-fynd â'r cyfarfod.

Mae'r amserlen bresennol felly wedi rhoi'r cyfle i ni wneud ein gwaith. Fodd bynnag, dim ond oherwydd bod y Pwyllgor Busnes wedi cytuno i'n ceisiadau am gyfarfodydd ychwanegol ac oherwydd ein bod wedi defnyddio uchafswm y slotiau a neilltuwyd i ni y bu hyn.

[I ba raddau y mae dull presennol amserlen y pwyllgorau yn darparu digon o hyblygrwydd i fodloni cyfnodau brig yn llwythi gwaith y pwyllgorau a/neu ofynion busnes y dyfodol sydd angen capasiti ychwanegol gan bwyllgorau?](#)

Fel y nodwyd uchod, cafwyd hyblygrwydd, ond roedd hynny'n dibynnu ar y Pwyllgor Busnes yn cytuno i geisiadau unigol. Gall yr amser sydd ei angen ar y broses gymeradwyo achosi oedi wrth gwblhau'r flaenraglen waith. O'n profiad hyd yma, mae'r trefniant wedi gweithio gan ei fod wedi bod er mwyn darparu ar gyfer busnes lle mae gennym rybudd ymlaen llaw (er enghraifft craffu ar Fil). Fodd bynnag, rydym yn ymwybodol y gallai achosi problemau posibl pe bai angen inni gyfarfod ar frys.

Yn ogystal, os yw'r cyfarfodydd y tu allan i slot a drefnwyd gan y Pwyllgor gall hynny achosi problemau o ran gallu aelodau i fod yn bresennol, a thrafferthion cyffredinol o ran rheoli dyddiadur. Mae hyn yn llai o broblem pan fyddwn yn gwybod ddigon ymlaen llaw, ond os bydd materion yn codi'n annisgwyl, gallai hynny achosi heriau. Mae'n bwysig inni gael sicrwydd ynghylch dyddiadau cyfarfodydd pwyllgor, er mwyn sicrhau y gallwn gynllunio a rheoli ein llwythi gwaith a'n dyddiaduron yn unol â hynny. (Mae hyn hefyd yn berthnasol i'r cwestiwn nesaf.)

[I ba raddau y mae dull presennol amserlen y pwyllgorau yn darparu cydbwysedd priodol rhwng yr amser y mae Aelodau'n ei dreulio ar waith pwyllgorau \(mewn cyfarfodydd pwyllgorau a thu allan iddynt\) a'u cyfrifoldebau ehangach?](#)

Mae rhai ohonom yn eistedd ar sawl pwyllgor, ac eraill yn eistedd ar y Pwyllgor hwn yn unig. Felly mae gennym ystod o brofiadau. Fel y mae'r cwestiwn yn ei nodi, mae'n bwysig ystyried, yn ogystal â'r amser a dreulir mewn cyfarfod Pwyllgor, fod hefyd angen treulio amser yn paratoi (a all fod yn helaeth yn dibynnu ar yr eitemau sy'n cael eu hystyried) ac amser yn dilyn i fyny ar faterion ar ôl cyfarfodydd.

Wrth drafod, buom yn myfyrio ar heriau cyfarfodydd rhithwir hir, a'r effaith y gall hynny ei chael. Rydym wedi cyfarfod yn rhithwir yn bennaf, er bod dau o'n cyfarfodydd wedi bod mewn fformat hybrid. Ar hyn o bryd, rydym wedi bod yn defnyddio uchafswm ein slot yn amlach na pheidio, gyda'r rhan fwyaf o gyfarfodydd yn dechrau gyda rhag-gyfarfodydd cyn 9, ac fel arfer yn rhedeg tan o leiaf



2:30pm, ac weithiau ar ôl 3pm. Fe wnaethom i gyd nodi'r heriau sy'n dod gyda chyfarfodydd rhithwir hir, fodd bynnag, roeddem yn cydnabod bod faint o eitemau busnes craidd sydd angen eu trafod yn golygu nad oedd unrhyw opsiwn arall weithiau.

Buom yn trafod bod yr heriau ynghlwm wrth gyfarfodydd Pwyllgor hir yn wahanol i'r heriau ynghlwm wrth gyfarfodydd Cyfarfod Llawn hir, lle caiff Aelodau beidio â bod yn bresennol a pheidio cyfrannu at bob eitem. Fodd bynnag, mae maint y pwyllgorau yn golygu bod angen i bob Aelod fod yn bresennol a chymryd rhan yn rhagweithiol ym mhob eitem busnes. Gall hyn fod yn heriol, ac oherwydd y cyfrifoldebau ehangach sydd ar Aelodau, mae wedi golygu y bu adegau tua diwedd cyfarfodydd pan mai cworwm yn unig sydd yno.

Amserlen - dewisiadau amgen i'r sefyllfa bresennol

Pa newidiadau y gellid eu gwneud i amserlen y pwyllgorau i wella effeithiolrwydd pwyllgorau, a chadw hyblygrwydd i ddarparu ar gyfer busnes ychwanegol y pwyllgorau, a chydbwysedd priodol rhwng yr amser y mae Aelodau'n ei dreulio ar waith pwyllgorau (mewn cyfarfodydd pwyllgorau a thu allan iddynt) a'u cyfrifoldebau ehangach?

Ar ôl pwyso a mesur, ar ôl trafod, byddai'n well gennym gadw cyfarfodydd pwyllgor bob pythefnos, ond gyda'r opsiwn i gyfarfod yn ystod yr wythnosau "i ffwrdd" yn yr un slot wedi'i amserlennu, heb fod angen ceisio cytundeb y Pwyllgor Busnes. Credwn y byddai hyn yn rhoi mwy o hyblygrwydd i ni o ran sut rydym yn trefnu busnes, er enghraifft gallu addasu ein busnes mewn cyfarfod, ar fyr rybudd, a fyddai'n ein galluogi i ymateb i eitemau busnes brys, neu i sicrhau gwell cydbwysedd ar draws ein cyfarfodydd pwyllgor ac osgoi'r heriau a all ddeillio o gyfarfodydd a all bara hyd at chwe awr neu fwy.

Pa newidiadau bynnag a wneir i'r amserlen, byddem am sicrhau nad yw'n arwain at unrhyw leihad yn yr amser sydd ar gael i'n Pwyllgor ymgymryd â'n gwaith.

Os ydym am wneud newidiadau i'r amserlen, pryd y dylid gweithredu'r newidiadau hyn?

Rydym yn nodi'r heriau o ran penderfynu ar yr adeg orau i weithredu unrhyw newidiadau, a sut y gall hynny ystyried blaenraglenni gwaith y pwyllgorau. Mae mater penodol sydd angen ei ystyried gennym ni, gan fod angen gwneud trefniadau ar gyfer trafodion Cyfnod 2 y Bil Addysg Drydyddol ac Ymchwil (Cymru). Mae angen cytuno ar y dyddiadau cyn y ddadl Cyfnod 1 ddechrau mis Mawrth. Byddwn yn ysgrifennu ar wahân at y Pwyllgor Busnes ar y mater hwn, ond nodwn fod y dyddiadau a ffefrir ar hyn o bryd o safbwynt y Pwyllgor a Llywodraeth Cymru yn cyd-fynd â'r model gweithio yr ydym yn ei ffafrio

Cylchoedd gwaith

Ydych chi'n credu bod angen addasu cylch gwaith eich pwyllgor? Er enghraifft, cydbwysu gwaith ar draws pwyllgorau, a/neu wella llinellau atebolrwydd.

Rydym yn fodlon ar y cylch gwaith. Un o'n blaenoriaethau strategol yw gweithio gyda phwyllgorau eraill y Senedd, a hyd yn hyn, rydym wedi manteisio ar gyfleoedd i wneud hyn, hyd yn oed os nad yw wedi golygu cynnal cyfarfodydd ar y cyd.

Rydym yn nodi bod Cadeirydd blaenorol y Pwyllgor Plant, Pobl Ifanc ac Addysg wedi eistedd ar y Pwyllgor Iechyd, Gofal Cymdeithasol a Chwaraeon yn y Senedd ddiwethaf. Rydym ar ddeall y teimlwyd bod hyn yn ffordd arbennig o effeithiol o reoli'r meysydd o ddiddordeb a rennir ar draws y

ddau bwyllgor. Gan ein bod yn rhannu'r un slot Pwyllgor gyda'r Pwyllgor Iechyd a Gofal Cymdeithasol, mae hyn yn golygu nad oes unrhyw Aelodau'n eistedd ar y ddau bwyllgor. Er ein bod yn deall bod rhoi'r ddau bwyllgor yn yr un slot wedi'i wneud gyda'r bwriad o helpu i hwyluso mwy o gydweithio ar draws pwyllgorau, yn yr achos hwn, nodwn ei fod mewn gwirionedd wedi gwneud hyn yn anos. Mae hefyd wedi achosi problemau logistaidd ar rai adegau pan fo'r ddau bwyllgor wedi bod yn galw ar yr un Gweinidogion ar yr un pryd (megis ar gyfer craffu ar y gyllideb).

Rwy'n gobeithio y bydd y wybodaeth hon yn ddefnyddiol ar gyfer yr adolygiad, ac edrychwn ymlaen at y canfyddiadau.

Yn gywir,



Jayne Bryant AS
Cadeirydd

Amg: Llythyr oddi wrth y Ffederasiwn Busnesau Bach, 25 Awst 2021

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Arbenigwyr mewn Busnes
Experts in Business

25 August 2021

Children, Education and Young People Committee
Senedd
Pierhead St,
Cardiff
CF99 1SN

Dear Ms. Bryant

RE: Priorities for the Committee

FSB Wales is the authoritative voice of businesses in Wales, with around 10,000 members. It campaigns for a better social, political, and economic environment in which to work and do business. With a strong grassroots structure, a Wales Policy Unit and dedicated Welsh staff to deal with Welsh institutions, media and politicians, FSB Wales makes its members' voices heard at the heart of the decision-making process.

FSB welcomes the opportunity to respond to the Committee's call for views on its priorities. Committees serve a vital role in providing scrutiny of the government, in providing a key role in influencing policy development, and as a constructive engagement point for evidence and understanding between the legislature and civil society, including our role in representing small businesses.

With continuing issues arising from Covid-19, the possibility of further disruptions, and the legacy of the damage the pandemic has wrought alongside the impetus to build an economic recovery, the role of committees will be of even more importance this term.

As such, insofar as possible, it is important that the Senedd's capacity and abilities are used to the full in this process, and that the structure allows committees – and their Chairs - to be agile and able to respond quickly to events this Winter, as well as in providing scrutiny and policy development for the challenges ahead. It is in the spirit of supporting this democratic process and committees as the engine room of Welsh democracy that we respond to this consultation.

The Committee covers areas of priority for FSB Wales and we look forward to working with you over the coming term.

Ways of Working

We note that the new Committees structure includes the following:

- The Sixth Senedd has for the moment opted for smaller membership in committees (4-6).
- This should allow members to build more specialism, but at the cost of more diverse voices in each committee (as was the case with larger committees).
- It is important to push for the advantages of building focused specialism is nurtured and maximised, but the diversity and small pool is mitigated (e.g., through cross-committee working).



Arbenigwyr mewn Busnes
Experts in Business

Potentially, this structure could allow for more agility which as there may well remain issues arising requiring quick reaction, policy response and scrutiny over the next period, could be extremely useful. This would require significant autonomy for committees to pursue their own path and ways of working.

However, the decision has also been taken to cut the number of committee meetings to be fortnightly rather than weekly.

- Smaller committees should allow MSs being able to populate across them better, but fewer meetings do not seem to add value in this respect.
- There are also dangers to scrutiny and policy development – the role of scrutiny (legislative and non-legislative) as we open up after Covid is important, with myriad issues across all policy areas important. Committees have an important role in this respect and halving the time for scrutiny in a stroke makes little sense. This is a particular issue for small business issues, as we are concerned that vital areas of economic recovery may not be properly addressed or scrutinised.
- There is a danger that the pressure will force committees to focus on necessary legislative scrutiny alone, while relegating wider scrutiny and policy inquiries to the margins (including on business issues and day to day issues around Covid, for example).
- Some committees have wide and disparate subject areas, and there is a danger that whole policy areas will be relegated to the side-lines.
- As well as being the engine room of democratic scrutiny of Government, committees are a vital interface for contact and policy evidence from civil society – there is a danger that the pool of evidence is further narrowed, and a focus is on the narrower ‘usual suspects’ providing evidence posing a danger of group-think and less diverse views being taken in oral evidence.
- As noted above, committees will need to be agile in continuing to respond to Covid and the various issues raised by the pandemic will continue to impact for the Senedd term. These limits on their work may mitigate against that and undermine responsive policy development and scrutiny. As such, it makes sense to allow autonomy for Committees to pursue their own ways of working, including additional meeting and inquiries. As such, the two-week meetings should be seen as a baseline rather than a ceiling for activity and scrutiny.

Cross-committee working will be vital to mitigate against small committees meaning a greater focus but a danger of silo working and loss of diverse offices bringing in a range of policy field lenses and understanding how they intersect. We therefore encourage cross committee inquiries as a minimum (and suggestions later in paper on subjects that span committees).

It is also possible to look at ways as a regular way of working and ensuring policy span through MSs from different committees could sit as non-voting ‘guests’ or bringing committee expertise and lens to particular meetings (e.g., climate change members sitting in on discussions on housing capital spending policy).

This way of working will also be important in terms of scrutiny of the substance and operation of Welsh Government – through the Climate Change Ministry as a central organising department looking to ensure cross departmental and holistic working, it is important that Senedd is able to mirror this and provide adequate scrutiny across policy areas accordingly.



Arbenigwyr mewn Busnes
Experts in Business

Business concerns sit across many departments, and within intersecting policy subjects so cross-committee working is important for FSB and our members.

Recommendations

- *That committees are allowed freedom (as decided unanimously by all their members) to look at the fortnightly meetings as a baseline and so can organise more meetings as suits them or for specific inquiries.*
- *We would urge a view to cross committee working on intersecting subject areas and inquiries – and that these can be on top of the fortnightly meetings.*
- *To mitigate against small committees being a small pool we would urge that committees can co-opt other MSs (including possibly spokespeople retain a right to attend and question) as non-voting members for individual sessions, and to be encouraged and incentivised to do so. These could also be as members of other committees to encourage cross sectoral views.*
- *It is vital, with continuing uncertainty on Covid over the Winter months (as well as ongoing issues and its legacy) that Committees are able to react with agility to raise issues, conduct inquiries and scrutinise reactively and quickly as needed. Committees and their Chairs should be able to do this with as much autonomy as possible over their schedules and ways of working (with necessary checks of unanimity in committee as appropriate).*

FSB's key policy areas of work for the Committee

A key area of work here is scrutiny and policy development around the *Guarantee of Offer for Education, Employment or Training to under 25s* in the Programme for Government. Currently we are not aware of greater detail. It is important for our members to understand if this is to be a meaningful offer how it relates to training and apprenticeships and how any scheme would be easily accessed and used by SMEs across the whole of Wales, in order to ensure that opportunities are available to young people and to businesses with proper support.

The role of entrepreneurship in education, how it aligns with the wider curriculum and its aims of making 'informed and critical citizens' is an ongoing interest, as well as how we understand the changing needs of the next generation of young entrepreneurs and business support mechanisms required to help provide opportunities for them. The role of work-related experiences and the practical experiential side of education, as well as the fostering of key skills is also a key concern for SMEs, and in future entrepreneurship.

FSB have upcoming work on Generation Z entrepreneurship, which we will share with the committee when available.

Subject areas for Joint working with other committees

Ff/T 029 2074 7406
E wales.policy@fsb.org.uk
W fsb.wales

C/A 1 Cleeve House,
Lambourne Crescent,
Caerdydd, CF11 1EP

Tudalen y pecyn 135

Swyddfa Gofrestredig | Registered Office:
National Federation of Self Employed and Small Businesses Limited,
Sir Frank Whittle Way, Blackpool Business Park, Blackpool, FY4 2FE



Arbenigwyr mewn Busnes
Experts in Business

Our suggestions above advocate a dynamic and agile role in co-working and cross committee working, utilising all the backbench capacity and capabilities as much as possible, and reducing possible silos in policy scrutiny and development. The following list gives some indications of possible areas of work, although this is not exhaustive list, and priorities will be necessarily shaped by wider issues of Welsh Government priorities and external factors such as Covid-19 and Brexit. Working iteratively with other committees will also shape framing of subject areas, and we believe this would generally be positive for inquiries and scrutiny.

Subject area	Possible partner committee(s)
<i>Implications and opportunities of Guarantee of Offer for Education, Employment or Training to under 25s</i>	Economy, Trade and Rural Affairs Committee
Entrepreneurship and Young People – including Business Support, Entrepreneurship in Education and next generation of entrepreneurs	Economy, Trade and Rural Affairs Committee

FSB Wales would welcome the opportunity to discuss this issue with your officials, should you deem it useful.

Yours sincerely,

Ben Cottam
Head of Wales
FSB

CYPE(6)-04-22 - Papur i'w nodi 23

**Y Pwyllgor Llywodraeth
Leol a Thai**

**Local Government
and Housing Committee**

Jayne Bryant AS,
Cadeirydd
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

3 Chwefror 2022

Annwyl Jayne,

Diolch am eich llythyr ar 6 Ionawr ynghylch digartrefedd ymhlith pobl ifanc. Rydym wedi cytuno y bydd tai addas yn faes gwaith trosfwaol y byddwn yn ei flaenoriaethu. O fewn y maes hwn, rydym wedi nodi y bydd craffu ar bolisiau a chymau sy'n cael eu cymryd i roi terfyn ar ddigartrefedd yn un o'n prif flaenoriaethau dros dymor y Senedd hon, ac y byddwn yn ceisio adeiladu ar waith y Pwyllgor a'n rhagflaenodd.

Yn ddiweddar rydym wedi ysgrifennu at amrywiaeth o randdeiliaid yn eu gwahodd i rannu eu barn ar y sefyllfa bresennol ac i awgrymu materion penodol y gallem ganolbwyntio arnynt wrth ymgymryd â'n gwaith arfaethedig ar ddigartrefedd a chysgu ar y stryd. Byddwn yn ystyried yr ymatebion gan randdeiliaid a sut y gallwn fwrw ymlaen â'r gwaith pwysig hwn yn nhymor yr haf.

Yn gywir



John Griffiths AS

Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddTai@senedd.cymru
senedd.cymru/SeneddTai
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddHousing@senedd.wales
senedd.wales/SeneddHousing
0300 200 6565



Llywodraeth Cymru
Welsh Government

Russel George, AS
Cadeirydd, y Pwyllgor Iechyd a Gofal Cymdeithasol
Seneddlechyd@senedd.cymru

Jayne Bryant, AS
Cadeirydd, y Pwyllgor Plant, Pobl Ifanc ac Addysg
SeneddPlant@senedd.cymru

7 Chwefror 2022

Annwyl Russell a Jayne

Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Cenedligrwydd a Ffiniau ("y Bil")

Yr wyf yn ddiolchgar i chi a'ch aelodau am nodi'r materion y mae angen rhagor o wybodaeth amdanynt fel y disgrifir yn Atodiad 1 i'ch llythyr dyddiedig 18 Ionawr. Yr wyf yn ysgrifennu i ddarparu ymateb i'r pwyntiau a godwyd i helpu â'ch ystyriaethau mewn perthynas â'r Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil. Ymddiheuraf am yr oedi cyn ateb ac am fethu eich dyddiad cau ar 28 Ionawr.

Trafodaethau â Llywodraeth y DU

- Yr wybodaeth ddiweddaraf am drafodaethau â Llywodraeth y DU, gan gynnwys manylion unrhyw sicrwydd y mae Llywodraeth Cymru yn eu ceisio neu ddiwygiadau y mae'n eu cynnig, neu gytundebau a wnaed gyda Llywodraeth y DU. Byddem hefyd yn ddiolchgar o dderbyn copïau o unrhyw ohebiaeth berthnasol â Llywodraeth y DU ar y materion hyn.**

Mae Llywodraeth Cymru wedi codi pryderon dro ar ôl tro am effaith y Bil hwn ar Gymru ac wedi gofyn am fanylion y cymalau sy'n ymwneud ag asesu oedran o fis Mai 2021 ymlaen, heb lwyddiant. Mae'r prif bwyntiau a wnaed wedi'u nodi yn ein hymateb ffurfiol i'r *Cynllun Newydd ar gyfer Mewnfudo (a anfonwyd ym mis Mehefin 2021, ac y cafwyd ymateb iddo ym mis Medi 2021)*, yn y Datganiad Ysgrifenedig a gyhoeddwyd ar 6 Rhagfyr a rannwyd â swyddogion y Swyddfa Gartref, ac yn llythyr ar y cyd gan Lywodraeth Cymru a Llywodraeth yr Alban a anfonwyd ar 9 Rhagfyr. Mae copïau o'r dogfennau a'r ymatebion hyn ynghlwm wrth yr ymateb hwn fel dogfennau 1-3a yn y drefn honno.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Jane.Hutt@llyw.cymru
Correspondence.Jane.Hutt@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Nid yw Llywodraeth y DU wedi rhoi unrhyw sicrwydd boddhaol ac nid oes unrhyw welliannau wedi'u cyflwyno i fynd i'r afael â'r pryderon a godwyd gan Lywodraeth Cymru. Mae Llywodraeth y DU wedi cadw ei safbwynt bod y Bil Cenedligrwydd a Ffiniau yn ei gyfanrwydd yn ymwneud â meysydd polisi a gadwyd yn ôl, er bod y Bil yn gwneud darpariaeth ynghylch penderfyniadau awdurdodau lleol ynghylch a ddylid arfer swyddogaethau o dan "ddeddfwriaeth berthnasol i blant" a sut i'w harfer.

Byddai'r darpariaethau hyn yn gymwys i benderfyniadau awdurdodau lleol Cymru ynghylch a ddylid arfer eu swyddogaethau o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a sut i'w harfer.

Pryderon Llywodraeth Cymru ynghylch y Bil

2 Cyfansoddiad a swyddogaethau'r Bwrdd Asesu Oedran Cenedlaethol, a natur yr effaith negyddol bosibl ar Blant ar eu Pen eu Hunain sy'n Ceisio Lloches yng Nghymru.

Prin yw'r wybodaeth a ddarperir am gyfansoddiad y Bwrdd Asesu Oedran Cenedlaethol (NAAB). Mae'n ymddangos felly nad yw gwasanaethau sydd wedi'u datganoli i Gymru, megis gofal cymdeithasol a gwasanaethau'r Gwasanaeth Iechyd Gwladol, wedi eu hystyried. Nid oes unrhyw gynigion penodol ynghylch cynrychioli Cymru (na'r Alban na Gogledd Iwerddon) yn y Bil.

Yng Nghymru, rydym yn trin pob plentyn ar ei ben eu hun sy'n ceisio lloches fel plentyn sy'n derbyn gofal dan Ran 6 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Deddf 2014). O'r herwydd, mae ganddynt hawl i'r un gofal a chymorth â phob plentyn mewn gofal yng Nghymru. Mae Deddf 2014 hefyd yn darparu ar gyfer amrywiaeth o swyddogaethau asesu ac rydym yn trin asesiadau oedran fel rhan o swyddogaethau asesu 'yr hyn sy'n bwysig' y darperir ar eu cyfer yn Rhan 4 o Ddeddf 2014.

Mae'r holl swyddogaethau gwasanaethau cymdeithasol wedi'u datganoli'n llwyr i'r Senedd ac, o'r herwydd, y Senedd a Gweinidogion Cymru sy'n gyfrifol am wneud pob penderfyniad deddfwriaethol a pholisi sy'n ymwneud â gwasanaethau cymdeithasol. Byddai'r NAAB yn lleihau rôl arweiniol, awdurdodol gweithwyr cymdeithasol yng Nghymru yn y swyddogaeth hon.

Mae gwahaniaethau amlwg yn safbwyntiau Llywodraeth Cymru a Llywodraeth y DU ynghylch sut y dylid cynnal asesiadau oedran a chan bwy. Er enghraifft, yng Nghymru, mae gennym safbwynt polisi ar asesu oedran¹ nad yw'n argymhell nac yn cefnogi'r defnydd o archwiliadau meddygol fel ffordd o bennu oedran ac sy'n ystyried dulliau o'r fath yn foesol anghywir. Bydd y defnydd o 'dulliau gwyddonol' o bosibl yn peri anghytundeb sylfaenol a pharhaol rhwng safbwyntiau awdurdodau lleol Cymru a'r NAAB.

3 Y goblygiadau a ragwelir o ganoli'r broses asesu oedran ar y gwaith o asesu anghenion a darparu gofal a chymorth o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a pha swyddogaethau pellach, os o gwbl, y gellid eu gosod ar awdurdodau Cymru.

Gallai canoli'r broses asesu oedran fod yn rhwystr i sicrhau'r arferion gorau, gan mai gweithwyr cymdeithasol awdurdod lleol sy'n lleol i'r person ifanc sy'n destun anghydfod

¹ [42834 Age Assessment Toolkit for UASC \(Llywodraeth Cymru\)](#) Tudalen y pecyn 139

sydd yn y sefyllfa orau i weithredu dull cyfannol ac amlasiantaeth. Mae hyn yn mynd yn fwy dyrys yn sgil dull asesu oedran sy'n defnyddio "dulliau gwyddonol" ac sy'n pennu bod hygredd person yn cael ei ddifrodi os nad ydynt yn cydsynio i'r "dulliau gwyddonol" hyn. Yn ein barn ni, byddai dull gweithredu o'r fath yn gwrthdaro â rhwymedigaethau cyfreithiol rhyngwladol presennol (fel Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn ("CCUHP")) a deddfwriaeth gofal cymdeithasol yng Nghymru.

Fel y cyfeiriwyd uchod, rydym yn trin pob plentyn ar ei ben ei hun sy'n ceisio lloches fel plentyn sy'n derbyn gofal o dan Ddeddf 2014. O dan Ddeddf 2014, maent yn derbyn yr un gofal a chymorth â phob plentyn sy'n derbyn gofal yng Nghymru. Mae'r Bil hwn yn cyflwyno proses statudol ychwanegol ar gyfer asesiadau oedran i blant ar eu pen eu hunain sy'n ceisio lloches yng Nghymru sy'n mynd yn groes i gyfraith Cymru, a fydd yn achosi dryswch ac o bosibl yn dirymu'r gyfraith fel y mae yng Nghymru.

O ran swyddogaethau pellach a osodir ar Awdurdodau Cymru, nid yw'n glir a fydd disgwyl i gyrff Gwasanaeth Iechyd Gwladol (GIG) Cymru gynnal yr asesiad "dulliau gwyddonol" nteu a fydd hyn yn cael ei roi ar gontract allanol i ddarparwyr iechyd preifat. Os disgwylir i'r GIG yng Nghymru ddarparu'r asesiadau hyn, byddai hyn yn creu llwyth gwaith ychwanegol i fyrddau iechyd sydd eisoes dan bwysau sylweddol ac y mae'r pandemig yn parhau i effeithio'n ddifrifol arnynt. Noder, mae'n bosibl y bydd gwrthdaro rhwng gweithwyr iechyd proffesiynol, NAAB ac awdurdodau lleol eraill lle nad yw gweithwyr iechyd proffesiynol o blaid defnyddio 'dulliau gwyddonol'.

Dangosodd tystiolaeth a gyflwynwyd gennym yn ein hymateb i'r ymgynghoriad ar y 'Cynllun Newydd ar gyfer Mewnfudo' gan Lywodraeth y DU y gwahaniaeth sylweddol yng nghanlyniadau asesiadau oedran diweddar lle'r oedd y Swyddfa Gartref wedi canoli'r prosesau hyn.

Mae datganiad ystadegol Llywodraeth y DU ar 27 Mai 2021, mewn perthynas â phenderfynyddion asesiadau oedran, yn dangos canlyniadau posibl canoli'r swyddogaeth asesu oedran o dan reolaeth uniongyrchol y Swyddfa Gartref gan gynnwys cynnal asesiadau oedran. Mae asesiadau byr o'r fath wedi'u herio a chanfuwyd eu bod yn anghyfreithlon² ond maent yn parhau i ddangos bwriadau'r Swyddfa Gartref yn y maes hwn.

Dyddiad yr anghydfod ynghylch oedran	Blwyddyn yn dod i ben Mawrth 2020	Blwyddyn yn dod i ben Mawrth 2021	Newid yn y flwyddyn ddiwethaf	% y newid yn y flwyddyn ddiwethaf
Anghydfodau ynghylch oedran a godwyd ²	632	791	+159	+25%
Anghydfodau ynghylch oedran a ddatryswyd ^{3,4} (Cyfanswm)	679	693	+14	+2%
Dan 18 oed (Grŵp oed Anghydfodau ynghylch oedran a ddatryswyd)	420	258	-162	-39%
18+ (Grŵp oed Anghydfodau ynghylch oedran a ddatryswyd)	259	435	+176	+68%

² [Home Office age assessment policy to support seeking asylum in law | High Court rules | The Independent](#)

Yr effaith a ddisgwyliwn yn sgil asesiadau wedi'u canoli yw y gall plant gael eu lleoli mewn llety sydd i fod i oedolion yn unig, gan achosi pryderon o ran diogelwch, perygl y bydd achosion o gamfanteisio ar blant, ac achosion posibl o ddigartrefedd pan fo plant yn dianc rhag sefyllfaoedd peryglus.

Os bydd y plant hynny'n cyrraedd awdurdodau lleol Cymru yn ddiweddarach, rydym yn rhagweld gwrthdaro rhwng safbwyntiau swyddogion gwasanaethau cymdeithasol a fydd yn ystyried bod y person yn blentyn ag anghenion gofal a chymorth a swyddogion y Swyddfa Gartref a fydd yn ystyried bod y person yn oedolyn. Byddai'r gwrthdaro hwn yn arwain at ganlyniadau ariannol i'r awdurdod lleol a fyddai dan rwymedigaeth i ddarparu gofal a chymorth pe byddai asesiadau Deddf 2014 yn canfod bod hyn yn ofynnol, ond heb y cyllid y byddai'r Swyddfa Gartref fel arfer yn ei ddarparu i awdurdodau lleol sy'n gofalu am blant ar eu pen eu hunain sy'n ceisio lloches.

Darperir llety i geiswyr lloches sy'n oedolion ar sail 'dim dewis' gan y Swyddfa Gartref. Os ydynt yn 'dianc' o'r llety hwnnw (terminoleg y Swyddfa Gartref), gall hyn ddirymu eu hachos lloches. Felly, bydd plant sy'n cael eu lleoli mewn llety i oedolion oherwydd yr asesiadau canolog hyn mewn perygl mawr o gael eu hecsbloetio gan geiswyr lloches eraill sy'n oedolion y gallai fod angen iddynt rannu Tŷ Amffeddiannaeth â hwy (y math mwyaf cyffredin o dai lloches).

4 Pryderon Llywodraeth Cymru ynghylch defnyddio dulliau gwyddonol mewn asesiadau pennu oedran a rheoliadau ynghylch yr asesiadau, gan gynnwys:

- a. y broses apelio;
- b. unrhyw oblygiadau i weithrediad Llywodraeth Cymru o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn;
- c. unrhyw oblygiadau i iechyd meddwl unigolion sy'n destun technegau gwyddonol o asesu oedran;
- d. unrhyw oblygiadau i gydlyniant cymunedol a fyddai'n codi'n uniongyrchol o ganlyniad i roi unigolion drwy dechnegau asesu oedran gwyddonol.

Rydym yn gwrthwynebu defnyddio archwiliadau meddygol i bennu oedran. Mae'r wyddoniaeth sy'n sail i bennu oedran yn amhendant ac yn aneglur. Rydym yn credu bod rhoi pobl ifanc drwy archwiliadau meddygol a fydd yn aml yn defnyddio technegau mewnwthiol yn foisol anghywir. Er enghraifft, cyfeiriaf at yr ymateb uchod gan Gymdeithas Ddeintyddol Prydain i'r ymgynghoriad³. Mae Coleg Brenhinol Pediatreg ac Iechyd Plant⁴ a'r Coleg Nyrsio Brenhinol hefyd wedi mynegi pryderon yn ddiweddar am y cynigion hyn.⁵

Ar hyn o bryd, nid yw penderfyniadau ynghylch asesiadau oedran a wneir at ddibenion mewnfudo yn rhwymo awdurdodau lleol. Fodd bynnag, o dan gymal 53(5) o'r Bil mae penderfyniad gan Dribiwnlys Haen Gyntaf apêl yn rhwymo awdurdod lleol hyd yn oed pan fo'r apêl yn ymwneud â phenderfyniad gan y NAAB at ddibenion mewnfudo. Gallai hyn arwain at wrthdroi asesiadau cyfannol a manwl a gynhaliwyd yn unol â Phecyn Cymorth Asesu Oedran Llywodraeth Cymru, ar sail penderfyniadau a wnaed ar sail tystiolaeth a gasglwyd gan ddefnyddio prosesau sy'n mynd yn groes i ddull y Pecyn Cymorth, megis "dulliau gwyddonol" sy'n cael eu hamau'n fawr ac sydd â lwfans gwallau mawr. Byddai awdurdod lleol yng Nghymru sydd mewn sefyllfa o'r fath yn ddarostyngedig i ddwy ddyletswydd statudol sy'n gwrthdaro.

³ British Dental Association written response to the [Nationality and Borders Bill \(21st September 2021\) \(parliament.uk\)](#)

⁴ [Refugee and unaccompanied asylum seeking children and young people - guidance for paediatricians | RCPC](#)

⁵ [RCN expresses concern over Nationality and Borders Bill | News | Royal College of Nursing](#)

Bydd y Bil yn rhoi'r broses asesu oedran ar sail statudol ar wahân y tu allan i Ddeddf 2014. Sail statudol arall y mae'n ymddangos ei bod yn gwrthdaro â nodau Deddf 2014 a dyletswydd awdurdodau lleol o dan adran 7(2) o'r Ddeddf honno i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn wrth arfer swyddogaethau mewn perthynas â phlentyn a allai fod ag anghenion am ofal a chymorth.

Mae'n nodedig yn hyn o beth fod y Pwyllgor ar Hawliau'r Plentyn wedi rhoi arweiniad ar asesu oedran mewn Sylw Cyffredinol yn 2017 a oedd yn cynnwys cadarnhad y dylai Gwladwriaethau ymatal rhag defnyddio dulliau meddygol yn seiliedig ar, ymhlith pethau eraill, dadansoddi asesiadau esgyrn a rhai deintyddol, a all fod yn anghywir a chyda lwfans gwallau mawr, ac a all hefyd fod yn drawmatig ac arwain at brosesau cyfreithiol diangen⁶.

Mae awdurdodau lleol yng Nghymru yn defnyddio dull seiliedig ar drawma o gynnal asesiadau oedran. Y nod yw lleihau'r risg o achosi rhagor o drawma, gan geisio canlyniadau cadarnhaol a chefnogi lles meddyliol. Gwyddom o waith ymchwil yng Nghymru fod y profiadau niweidiol y mae plant ar eu pen eu hunain sy'n ceisio lloches wedi'i hwynebu yn cynnwys cael eu gwahanu oddi wrth rieni neu golli rhieni, cael eu cam-drin neu ddioddef o achosion o gamfanteisio, yn enwedig ar y daith, gweld neu brofi trais, a diffyg cymorth cymdeithasol ac emosiynol i ymdopi â'r trallod, sef cymorth y byddent wedi'i gael gan rieni.

O'r herwydd, credwn mai gweithwyr cymdeithasol lleol sydd wedi sefydlu cysylltiad â phlentyn a/neu berson ifanc sydd yn y sefyllfa orau i asesu oedran. Mae'r asesiadau hyn yn seiliedig ar asesiadau sy'n cydymffurfio â dyfarniad Merton (*R(B) v London Borough of Merton, 2003*) lle mae gweithwyr cymdeithasol yn debygol o fod wedi treulio cryn amser yn deall gallu'r person ifanc sy'n cael ei asesu. Er nad yw fformat yr asesiadau y byddai'r NAAB yn ei ddefnyddio wedi'i egluro eto, roedd y penderfyniad diweddar a oedd yn nodi bod gwneud asesiadau oedran yn ganolog i'r Swyddfa Gartref yn anghyfreithlon yn ei gwneud yn glir bod asesiadau'n aml yn cael eu cwblhau mewn awr gyda'r person ifanc.

Gall effeithiau o ran cydlyniant cymunedol godi heb droseddoldeb oherwydd gall safbwyntiau croes ynghylch oedran plentyn olygu bod pobl ifanc yn cael eu gadael mewn llety a ddarperir gan awdurdod lleol (a ddarperir oherwydd anghenion gofal a chymorth) oherwydd na fydd y Swyddfa Gartref yn cydnabod oedran y plentyn ac felly na fydd yn derbyn y math o gais am loches a gyflwynir. Mewn amgylchiadau o'r fath, mae plant yn debygol o fod yn fwyfwy ynysig a gallai hynny arwain at ddirywiad o ran iechyd meddwl a chanlyniadau eraill a fydd yn effeithio ar gydlyniant cymunedol dros amser.

Mae perygl hefyd y bydd pobl ifanc aros yn y lloches i oedolion a ddarperir gan y Swyddfa Gartref gan achosi i'r bobl ifanc ddod yn arbennig o agored i achosion o ecsbloetio gan eu bod yn poeni y byddai eu cais am loches yn cael ei ddirymu pe byddent yn gadael yr eiddo.

Pan fo'r Ysgrifennydd Gwladol yn anghytuno â chanfyddiadau asesiadau oedran awdurdodau lleol ac yn cyfeirio'r mater i'r NAAB ar gyfer asesiad oedran pellach, mae hyn yn debygol o danseilio ffydd y cyhoedd mewn sefydliadau. Gall achosion niferus o hyn arwain at brotestio.

Goblygiadau Ariannol

⁶ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23, para. 4, available at: <https://www.refworld.org/docid/5a11940a.html>.

5 Gwybodaeth bellach am y goblygiadau ariannol posibl sy'n gysylltiedig â'r darpariaethau yn y Bil, a sut y cânt eu cynnwys yng ngwaith cynllunio ariannol Llywodraeth Cymru.

Nid yw'r asesiad effaith a gynhaliwyd gan y Swyddfa Gartref yn cyfeirio at oblygiadau ariannol y Bil hwn.

Mae'n amlwg y bydd goblygiadau ariannol mewn perthynas â'r defnydd arfaethedig o 'ddulliau gwyddonol' i asesu oedran. Rhagdybir mai dim ond mewn lleoliad iechyd y gwneir hyn, naill ai wedi'i gomisiynu gan ofal iechyd preifat neu o fewn y Gwasanaeth Iechyd Gwladol. Gallai hyn fod â chostau uniongyrchol i awdurdodau lleol ac effeithiau canlyniadol ar gapasiti'r gwasanaeth iechyd.

Mae tebygolrwydd cryf o her gyfreithiol hir a chostus.

Mae'r Swyddfa Gartref yn darparu rhywfaint o arian i awdurdodau lleol i gefnogi plant ar eu pen eu hunain sy'n ceisio lloches. Fodd bynnag, ni fyddant yn ad-dalu pan fo awdurdod lleol yng Nghymru yn ystyried rhywun yn blentyn ond bod y Swyddfa Gartref yn anghytuno.

Byddwn yn ceisio rhagor o wybodaeth am y goblygiadau ariannol gan y Swyddfa Gartref pe byddai'r Bil yn cael ei basio.

Gobeithio y bydd yr ateb hwn o gymorth ichi.

Yn gywir



Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Welsh Government Response to the Home Office's New Plan for Immigration – June 2021

Introduction

1. The Welsh Government welcomes the opportunity to comment on proposed changes to refugee and asylum seeker policy. There is shared ground between our organisations – and many other stakeholders – that the system is currently not fit-for-purpose.
2. The following comments provide the Welsh Government's initial views on the Home Office's New Plan for Immigration consultation paper but the pre-election period in Wales which almost exactly coincided with the consultation period, has prevented us gaining a full understanding of the proposals. We would welcome meaningful engagement with the Home Office as we believe some areas of the proposals relate to devolved responsibilities, and other areas will have a significant impact upon Wales.
3. This response provides general reflections on the *New Plan for Immigration* proposals, before outlining specific proposals which the Welsh Government welcomes. This is followed by our significant concerns with the consultation paper proposals. In the final part of this paper we reflect on areas of the immigration system which are in urgent need for reform.
4. Welsh Government proposals to improve, extend or revise proposals will be written **in bold text**.

General reflections

5. The *New Plan for Immigration* sets out many proposals for reforming the immigration system but many of these are vague, and alternative options which could be considered are not explored.
6. We believe that this consultation has not followed the Gunning Principles¹ in several important ways and **the UK Government should further consider the proposals with reference to these Principles and provide a revised paper for consultation**.

¹ [Law Wales - What are the requirements for any consultation that is carried out? \(gov.wales\)](https://gov.wales/law-wales-what-are-the-requirements-for-any-consultation-that-is-carried-out/)

7. The paper uses several inaccurate claims about those claiming asylum in the UK. This includes the suggestion that asylum seekers “should be claiming asylum” in other European states, which is not a legal requirement. The paper repeatedly conflates the terms ‘illegal migration’, ‘foreign national offenders’ and ‘asylum seekers’ which are all different concepts which need a nuanced explanation (Gunning Principle 2).
8. The paper seems to overlook a major cohort of asylum seekers – those who arrive in the UK through clandestine methods but claim asylum at the first opportunity. The Refugee Convention and UK legislation recognise this type of entry and envisage circumstances where imposing penalties may not be appropriate. However, the consultation paper is silent about what provisions will be available to this large cohort. The paper claims that 62% of asylum claims are made by those entering illegally but this is false – individuals may have entered through clandestine methods but not necessarily unlawful. This misrepresentation prevents intelligent consideration and response (Gunning Principle 2).
9. The plan does not present any alternative options for consideration by stakeholders. There are many different ways which the asylum system could be reformed (we provide some throughout this paper) but the UK Government is not providing stakeholders with the information required to make their own judgements on appropriate courses of action (Gunning Principle 2).
10. The consultation paper also makes inappropriate conclusions based upon outlier data relating to 2020. The pandemic and associated travel restrictions means that the asylum estate was forced to swell in size (despite arrivals into the UK reducing) and returns of those refused asylum or foreign national offenders was also bound to reduce. The claim that there was a “rapid intake” of asylum seekers or that 42,000 refused asylum seekers living in the UK shows that the system is broken are misrepresentations of the facts (data from 2019 showed a downturn until the pandemic hit)(Gunning Principle 2).
11. The consultation paper makes frequent claims that individuals are abusing the asylum system, judicial reviews, or the Modern Slavery National Referral Mechanism, but this is only ever backed up by anecdotes. We need to be able to see the quantitative data underpinning these claims, as well as alternative proposals which could be considered, to make intelligent comment (Gunning Principle 2).
12. The lack of clarity in the proposals may suggest that these proposals are at a formative stage but Home Office officials have made clear that the Borders Bill will be introduced to Parliament before summer recess. Therefore, it seems unlikely that these proposals genuinely are at a formative stage, as required by Gunning Principle 1.

Positive aspects of *New Plan for Immigration proposals*

ILR for Refugees

13. We strongly welcome the Home Office's proposal to grant immediate Indefinite Leave to Remain (ILR) to refugees. We know that the vast majority of refugees resettled to Wales cannot return to their country of origin within 5 years of arrival and most will apply for ILR. The current delay in being able to apply for ILR causes uncertainty and prevents refugees from fully rebuilding their lives as quickly as possible in the UK.
14. We would welcome a commitment from the Home Office to **apply eligibility for this policy retrospectively to any resettled refugee already living in Wales.**
15. We would also welcome **this policy being extended to any former asylum seeker living in Wales who has been granted refugee status, as well as any future asylum seekers who are granted refugee status.**

Review of Family Reunion routes

16. We agree with the Home Office that 'safe and legal routes' to International Protection are improved. The proposal to review the refugee family reunion routes is welcome but we expected to see some firm proposals about how family reunion provisions would be strengthened.
17. It is crucial that refugees living in Wales are able to be reunited with family members who they may have been separated from for a variety of reasons. We know that where refugees are able to live in the UK as family units, their outcomes are generally better than those who are unaccompanied.
18. The European Court of Human Rights and UK courts have recognised that family unity is "an essential right of refugees and that family reunion is an essential element in enabling persons who have fled persecution to resume a normal life." Current Family Reunion rules do not reflect the diversity of family units which are likely to have formed due to the very nature of the war and persecution which refugees will be fleeing from. It is more common that dependent relationships will exist between siblings, aunts or uncles, or grandparents, due to the likelihood that parents may have been killed in the country of origin.
19. In our view, the **definition of "family members" must include (at least) a person's:**
 - (a) parent, including adoptive parent;
 - (b) spouse, civil partner or unmarried partner;

- (c) child, including adopted child, under the age of 18;
- (d) sibling, including adoptive sibling, under the age of 18;
- (e) aunt and/or uncle, where the individual's parent is no longer living or cannot seek International Protection;
- (f) grandparent, where the individual's parent is no longer living or cannot seek International Protection;
- (g) other persons the Secretary of State may determine as being an important member of the family unit who should be permitted to come to the UK in the best interests of the child.

20. The proposal to restrict family reunion rights to those granted 'temporary protection status' under these measures will also likely cause disastrous unintended consequences. Often male asylum seekers will first make dangerous journeys to the UK to seek International Protection, whilst women and children are more likely to follow on afterwards. The proposal to limit family reunion rights to those who enter the UK through clandestine methods will likely lead to more women and children making dangerous journeys into the UK, as there will be no other prospect of being reunited as a family.
21. We will talk about temporary protection status later in this paper but, at the very least, **we urge the UK Government to drop the proposal to limit family reunion rights**. We believe that this policy is incompatible with the 1951 Refugee Convention and the UK Government's own stated aim to reduce the number of dangerous crossings via these proposals.

Multi-year commitment to resettlement

22. We welcome the UK Government's proposal to develop multi-year resettlement programmes. The Syrian Vulnerable Persons Resettlement Programme was a remarkably successful project and we would welcome further similar schemes to be developed as a safe and legal route to resettlement.
23. We also support the principle of providing a route to settlement in the UK from regions where conflict is happening. Many of the most vulnerable refugees will not be able to make arduous and dangerous journeys to the UK.
24. Nevertheless, resettlement must not come at the expense of supporting the asylum system. Both routes must continue to operate in line with the spirit and letter of the Refugee Convention.
25. The consultation paper provides insufficient details about the multi-year commitment and introduces uncertainty where targets will be "guided by circumstances and capacity at any given time." Having a firm target to aim for was critical in ensuring Welsh local authorities were able to play a full part in this system under the Syrian scheme.

26. We propose that the UK Government sets an unwavering, indefinite minimum commitment for those it aims to resettle to the UK each year. The Syrian resettlement programme has shown that **the UK can support at least 4,000 people per year through this type of scheme** and we would urge the UK Government to be more ambitious than this.
27. The Welsh Government would be very happy to support the UK Government in promoting Welsh local authority participation in a scheme which had **similar financial and coordination support as the internationally renowned Syrian scheme**.

Exceptional discretionary assistance to people in country of origin

28. The consultation refers to building a more flexible system which enabled the UK Government to support those who are at very high risk around the globe. This will enable discretionary assistance to people still in their country of origin.
29. We welcome this proposal as we have seen numerous examples of persecuted minorities living in Internally Displaced People camps who are in need of support but cannot receive it. However, more details need to be provided about how this proposal would work in practice.
30. For those in this situation, there will be a time critical need for resettlement but the current resettlement schemes can take a significant amount of time for appropriate housing, medical and school needs to be assessed and catered for. The UK Government will need to ensure there is ready supply of accommodation and other services to ensure resettlement can happen quickly.
31. It is unclear whether those arriving under this method would be granted ILR or some form of temporary protection. This needs to be clarified.

Tailored support to help refugees to integrate

32. The Welsh Government strongly agrees with the principle that Government should support refugees to integrate more quickly and effectively into society. We are encouraged by the UK Government's proposal to develop tailored and flexible employment support arrangements and packages of support, such as language training and skills development, in England.
33. Responsibility for migrant integration including, amongst other things, language tuition, skills development, community cohesion, and similar integration activities, is **devolved** to the Welsh Government.

34. For several years, the Welsh Government has invested significantly in improving the integration of refugees in Wales, with a primary focus on English language tuition through the development of ESOL Hubs. Our ReStart: Refugee Integration Project has also developed employability programmes and supported the holistic assessment of refugee needs. Similar schemes would be considered by the Welsh Government if consequential funding was made available.
35. The consultation paper makes reference to the 'UK' rather than 'England' when discussing these measures, which we believe to be an oversight. **We understand from meetings with UK Government officials that the intention would be to provide this integration package in England and provide consequential funding to the Welsh Government. We would welcome this outcome.**

Problematic proposals

Temporary Protection Status

36. The consultation paper seemingly aims to redefine the interpretation of Article 31 of the 1951 Refugee Convention but without ever explicitly stating this. Article 31 prohibits the penalisation of refugees on account of their illegal entry or presence if they have come directly from a territory where their life or freedom was threatened, present themselves without delay, and show good cause for their illegal entry or presence. The proposal to introduce a 'temporary protection' status hinges on the definition of the word 'directly' in Article 31.
37. The UNHCR has made clear that the meaning of this word in Article 31 is that it was *"Refugees are not required to have come directly from territories where their life or freedom was threatened. Article 31(1) was intended to apply, and has been interpreted to apply, to persons who have briefly transited other countries or who are unable to find effective protection in the first country or countries to which they flee. The drafters only intended that immunity from penalty should not apply to refugees who found asylum, or who were settled, temporarily or permanently, in another country."*²
38. UK jurisprudence has similarly interpreted Article 31 in the same way as stated above by UNHCR.³ Reinterpreting this article with a literal or

² Paragraphs 10 (b) and 10(c), *Summary Conclusions: Article 31 of the 1951 Convention*, UNHCR, June 2003: [Refworld | Summary Conclusions: Article 31 of the 1951 Convention](#)

³ R v. Uxbridge Magistrates Court and Another, Ex parte Adimi [1999] EWHC Admin 765; [2001] Q.B. 667, United Kingdom: High Court (England and Wales), 29 July 1999, para. 18, available at: www.refworld.org/cases,GBR_HC_QB,3ae6b6b41c.html; R v. Asfaw [2008] UKHL 31, United Kingdom: House of Lords (Judicial Committee), 21 May 2008, para. 15, available at: www.refworld.org/cases,GBR_HL,4835401f2.html; R. and Koshi Pitshou Mateta and others [2013] EWCA Crim

geographical interpretation undermines the spirit and intent of the 1951 Convention.

39. The *New Plan for Immigration* does not explicitly state that the UK Government intends to reinterpret the meaning of the word 'directly' in Article 31. However, the consultation implies that those who arrive through clandestine methods and then seek asylum at the earliest opportunity will only be eligible for 'temporary protection' status and be considered to have illegally entered the UK. Current UK law recognises that individuals may have needed to travel to the UK through clandestine methods to seek international protection.
40. **If the UK Government intends to introduce a 'temporary protection' status it must only apply to those who could not be considered to have transited through other countries on their way to the UK in the manner which has been accepted as 'direct' through previous jurisprudence relating to the 1951 Convention.**
41. It is not clear whether the temporary protection status would confer any rights for recipients to work, claim homelessness assistance, social security payments or any other 'Public Funds'. **Our view is that those seeking asylum who have been granted this status should not be subject to a 'No Recourse to Public Funds' condition.** If such a condition is applied it will substantially undermine their ability to integrate with Welsh communities and undermine our ability to implement **devolved** responsibilities in this area.

Asylum Reception Centres

42. We have substantial concerns regarding proposals for 'asylum reception centres' in the UK. Whilst '*immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British citizens*' is a reserved responsibility of the UK Government, **the integration of migrants with host communities is devolved to the Welsh Government in Wales. With the detail provided in the *New Plan* we cannot see how the proposal for reception centres is compatible with our *Nation of Sanctuary Plan* which seeks to integrate asylum seekers into Welsh communities from day one of arrival.**
43. If asylum seekers are located in facilities which prevent easy formation of neighbourly relationships with those ordinarily resident in Wales and

1372, United Kingdom: Court of Appeal (England and Wales), 30 July 2013, LJ Leveson, para. 21(iv), available at: www.refworld.org/cases,GBR_CA_CIV,5215e0214.html; Decision KKO:2013:21, Finland: Supreme Court, 5 April 2013, available at: www.refworld.org/cases,FIN_SC,557ac4ce4.html; also see UNHCR, Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers, para. 39, September 2019, www.refworld.org/docid/5d8a255d4.html.

difficulties accessing mainstream services, **we would oppose the development of such facilities in Wales.**

44. The Planning system is devolved to the Welsh Government and **we would need further details of the proposed design and operation of these reception centres to understand how they would comply with our Planning Policy Wales** and associated Technical Advice Notes.
45. Our recent troubling experience of Home Office use of the Penally army training camp as asylum accommodation has given us serious cause for concern. Many individuals were inappropriately transferred into the site and welfare considerations were not given the paramount importance they merit. **Any reception centre would need to have ready and appropriate access to specialist services, from post-traumatic stress counselling, to legal advice, medical services and English language tuition, as well as internet access to connect with family and wider support services.**
46. The *New Plan* does not explain how those claiming to be children, those who have faced persecution due to their gender identity or sexual orientation, or those who claim to have experienced trauma would be considered for relocation to reception centres. **It would always be inappropriate to locate anyone where age is disputed in these centres, whilst many in the other cohorts should also not be accommodated in this way – with very carefully considered safeguards for those who are.**

Streamlining asylum claims and appeals

47. Firstly, it is important to state that the flowchart on page 25 gives an unhelpful and confusing picture which undermines any consultation responses which may have been received. The flowchart is titled '*Simplified typical asylum appeals process: at a glance*' and therefore gives the impression that this is how the Home Office intends the process to operate if *New Plan* proposals are implemented. In fact, the flowchart shows the existing system.
48. There is currently theoretically a 'one-stop' process for asylum claims but claimants' circumstances, access to good legal advice and expert evidence very often prevent full evidence being provided upfront. Though there are undoubtedly some unmeritorious or spurious claims put forward, many genuine claims are ultimately successful following submission of new evidence which could not be presented earlier. **In theory, providing more generous access to legal advice sounds positive but we need to understand what this would amount to in practice.**
49. The proposal to extend the 'Fixed Recoverable Costs' regime to immigration-related judicial reviews does not appear to be fair when it is considered that those bringing such claims are likely to be destitute. The risk of costs being

awarded against such individuals is likely to have a chilling effect on claimants and undermine the principle of an appeals process. **The UK Government should abandon this proposal.**

50. We are concerned by the proposal to introduce a “panel of pre-approved experts (e.g. medical experts) who report to the court or require experts to be jointly agreed by the parties.” It appears contradictory that the independence of experts would be put beyond doubt by the Home Office creating such a panel. If the panel of experts does not contain the necessary expertise required for a particular case, this could itself be grounds for a legal challenge, undermining the rationale for making such a change.

Inadmissible claims and removal

51. The *New Plan* proposals around inadmissible claims relate to the reinterpretation of Article 31 of the Refugee Convention, as detailed above. The UNHCR have stated that “international refugee law prohibits penalisation of irregular entry” and these proposals appear to flout this.

52. Where individuals have been considered to have inadmissible claims for UK asylum, the UK Government would seek to rapidly return them to ‘another safe country’. Part of the UK Government’s rationale for this is that those seeking asylum here could have claimed asylum in other EU Member States from where they have embarked. However, due to EU Withdrawal there are no return agreements in place with these countries and some countries have explicitly ruled this out without the UK adopting reciprocal arrangements.

53. The *New Plan* also states that ‘*we will also pursue agreements to effect removals to alternative safe third countries.*’ We do not agree with the general principle of the UK Government off-shoring our responsibilities to third countries. If this proposal was implemented, we would at least expect there to be clear connections between those seeking asylum in the UK and the third country where they may be relocated. A clear framework for when this could and could not be used would also be required. **International refugee law opposes the externalisation of international protection responsibilities without necessary safeguards.**

54. The *New Plan* proposes amending sections 77 and 78 of the Nationality, Immigration and Asylum Act 2002 to enable asylum claims and appeals to be processed outside the UK. The paper claims that this is simply to “*keep the option open, if required in the future, to develop the capacity for offshore asylum processing.*” The off-shoring of the UK’s asylum responsibilities to third countries would encourage other nations to do likewise and thereby undermine the international standing which the UK currently has in terms of providing international protection. It will be far harder for the UK to utilise ‘soft power’ in its foreign diplomacy if such policies are implemented.

55. Furthermore, we are concerned that such proposals may impact upon continuity of care or legal advice where asylum seekers who were located in Wales are transferred abroad.

56. As a general point of principle, legislation should be a last resort where other policy levers are insufficient. The consultation paper suggest that alternative levers have not been exhausted as this power would only be held in reserve for the future. If the legislative powers are not required now then statute should not be amended in such a far-reaching way now. **We urge the UK Government to withdraw this proposal, at least until such time that the evidence demonstrates that it is required and it has been developed further with alternative options put forward for consultation.**

Age assessment

57. We note the proposals to establish a National Age Assessment Board (NAAB) and the potential use of 'scientific' methods to determine age. There are references to legislating for age assessment criteria, staff who are not qualified social workers undertaking such assessments and potentially requiring social workers to refer to the NAAB in respect of age disputes. Also, for a new appeals process.

58. In Wales, we treat all unaccompanied asylum seeking children as looked after children in line with Part 6 of the Social Services and Well-being (Wales) Act 2014. The Act also provides for a range of assessment functions and we treat the assessment of age as part of the 'what matters' assessment functions provided for in Part 4 of the Act. **Social services, including social care is a devolved matter and as such, all legislative and policy decisions relating to social services are for Senedd Cymru and the Welsh Ministers.** The New Plan proposals as currently set out, do not recognise the devolved context therefore it is important for us to state that **any legislation to be made which impacts on these devolved functions would be subject to Legislative Consent Memoranda being made in the Senedd. And of course, any legislation UK Government creates is required to be informed by existing case law in this area**, not least *Merton* but also, for example, *AB v Kent County Council* (2020) EWHC 109 (Admin).

59. While we understand from our officials meeting with Home Office officials on 27 May, that the NAAB is to be an England-only body, we still feel it important to comment on the proposal. Little information is provided about the constitution and functions of the NAAB. Again, the full devolvement of social services functions to Wales appears not to have been considered in that there are no specific proposals about the representation of Wales (or Scotland and Northern Ireland). The function of assessment is a core duty for social workers and the assessment of age is part of this. **We do not support any diminution of the lead, authoritative role for social workers in this**

function and this includes legislating for officers without the required expertise, experience and skill in conducting these assessments. Over recent years, we have asked for information about the training immigration officers receive in assessing age in line with Welsh social services and UNCRC legislative requirements. This has never been provided. Overall, we are concerned about any UK Government centralising of processes which could diminish existing Welsh national duties and functions in this space. **We need to see detailed draft clauses to understand more about what you are trying to achieve and to enable a more detailed response.**

60. The UK Government’s statistical release on 27 May in respect of age assessment determinations, reveals an interesting picture. It demonstrates the potential consequences of centralising the age assessment function under the direct control of the Home Office including carrying out age assessments. We understand that such shorter form assessments are being challenged and the outcome of that challenge together with existing case law as mentioned above, will no doubt inform any future guidance you produce.

Date of age dispute	Year ending Mar 2020	Year ending Mar 2021	Change in the latest year	% change in the latest year
Age disputes raised ²	632	791	+159	+25%
Age disputes resolved ^{3,4} (Total)	679	693	+14	+2%
Under 18 (Age group of Age disputes resolved)	420	258	-162	-39%
18+ (Age group of Age disputes resolved)	259	435	+176	+68%

61. While we could consider supporting a legislative basis for guidance in respect of the age assessment function, any legislation would be made via the 2014 Act. Wales has its own Age Assessment Toolkit (first published in 2015) which is well recognised and used by social workers. An updated version is to be published imminently. In it, there are clear statements about the use of medical reports, specifically in respect of the unreliability of and lack of any evidential basis to medical examinations as a means of determining age. Such reports are not to be requested or used as part of the age assessment process unless in very narrow circumstances and then only as part of a multiagency, holistic process which draws on a wide range of factors. **We also strongly believe that such examinations are morally unjustifiable, degrading and are in conflict with individuals’ human rights.**

62. We also agree with the UNHCR’s view ‘that medical age assessment methods remain highly contested and are subject to a high margin of error.

The evidential value of such methods remains contested by UK courts and in other jurisdictions, and by medical professionals and associations. In addition to being subject to a high margin of error, medical methods used for age assessment can be potentially harmful (such as those that involve exposure to radiation through x-rays). For this reason, dental x-rays have previously been ruled out for use in assessing age in the UK by the UK Home Office citing the British Dental Association's views⁴ that they are "inaccurate, inappropriate and unethical". **The Committee on the Rights of the Child further confirmed in 2017 that "States should refrain from using medical methods based on, inter alia, bone and dental exam analysis, which may be inaccurate, with wide margins of error, and can also be traumatic and lead to unnecessary legal processes".**⁵

63. The Royal College for Paediatrics and Child Health further state: *"there is no single reliable method for making precise age estimates. The most appropriate approach is to use a holistic evaluation... It is therefore important for paediatricians, when contacted, to explain to social workers that dental x-rays, bone age and genital examination will currently **not** add any further information to the assessment process."*⁶ The College adds *"the margin of error can sometimes be as much as five years either side with medical tests."* And the British Medical Bulletin research⁷ highlights that the influence of ethnicity, genetic background, nutrition, deprivation, previous and current illnesses - especially endocrine diseases – can all have profound effects on physical development, skeletal and dental maturity.

64. Your Equality Impact Assessment will, we are sure, have established the same and other significant concerns in all of these regards.

65. In terms of a new appeals process, any new process which is or appears to have a lesser standing or is limited in any way by comparison with JR, would not be one we would support. Again, we need to see further detail by way of draft clauses to enable a more detailed response. We do, however, **agree that introducing an appeals process where currently none exists, is a desirable proposal.**

66. In conclusion, we agree with Refugee Rights Europe that the proposals are 'too concerned with the over-publicised myth of an adult being placed in a school...' and 'dangerously exacerbates existing narratives and myths that depict asylum-seeking adults posing as children as a common occurrence.'⁸ We also agree with UNHCR's view that 'policy or legislation which allows

⁴ <https://www.ein.org.uk/news/british-dental-association-says-x-rays-should-not-be-used-establish-age-young-asylum-seekers>

⁵ [UNHCR - UNHCR Observations on the New Plan for Immigration UK](https://www.unhcr.org/uk/2017/11/17/312555)

⁶ <https://www.rcpch.ac.uk/resources/refugee-unaccompanied-asylum-seeking-children-young-people-guidance-paediatricians#age-assessment>

⁷ <https://academic.oup.com/bmb/article/102/1/17/312555>

⁸ [New Age Assessment Rules for Asylum- Seeking Young People – Refugee Rights Europe \(refugee-rights.eu\)](https://www.refugeerights.eu/new-age-assessment-rules-for-asylum-seeking-young-people)

asylum-seekers to be treated as adults based on brief assessments of physical appearance and demeanour by immigration officials creates a considerable risk of children being subjected to adult procedures and of a violation of their rights under the Convention on the Rights of the Child and the 1951 Convention.⁹

67. Finally, we wish to remind you that the Rights of Children and Young Persons (Wales) Measure 2011 brought into Welsh domestic a requirement to have regard to the UNCRC. Welsh Ministers were clear in their Senedd election manifesto that they will ‘continue to uphold the rights and entitlements of unaccompanied asylum seeking children.’ We are proud to take a ‘child first, migrant second’ approach which upholds the best interests, rights and entitlements of children in Wales. **Any policy proposal which appears to diminish this statutory position is not one which we would support.** This includes the large majority of those set out in the New Plan.

Supporting victims of Modern Slavery

68. We do not oppose the proposal to consult on a definition of “public order grounds”. However, we urge the UK Government to reconsider the proposal to focus on “*serious criminality (specifically, where there is a prison sentence of 12 months or more) or risks to national security.*” Given that trafficking victims are likely to have been forced to participate in serious criminality in many cases, this seems wholly inappropriate.

69. The *New Plan* cites the example of Germany as an inspiration for consulting on a new definition of “public order grounds” but Germany chose to define this as “*the continued stay of the foreign national would be detrimental to public safety and order or other substantial national interests.*” **We would urge the UK Government to consult on a similar definition, rather than create an unfair barrier to victims who have committed serious criminality through duress.**

70. It is positive that temporary leave to remain will be possible for modern slavery victims and survivors who are helping the police with prosecutions but **we would urge UK Government to offer ILR instead to enable victims and survivors to finally rebuild their lives after the trauma they have experienced.** This will also likely undermine the ability of perpetrators to control victims by encouraging further victims to come forward.

⁹ [UNHCR - UNHCR Observations on the New Plan for Immigration UK](#)

Removal of failed asylum seekers

71. The *New Plan* states that the Home Office will be “*working with local authorities and partners [to] seek to enforce returns – including removing asylum support for individuals who fail to comply with our attempts to return them.*” It is unclear how local authorities are expected to support this objective but many functions undertaken by Welsh local authorities relate to devolved responsibilities – including community cohesion, homelessness and social services. **We need further information about how the Home Office intends Welsh local authorities to support their intention to remove refused asylum seekers.**
72. We agree that the current system too often leaves refused asylum seekers (who are appeal rights exhausted) in a limbo situation in Welsh communities, leaving them vulnerable to exploitation and destitution. However, **our suggestion would be for enhanced support for voluntary returns packages with increased funding support available.**

Opportunities for improvements which should not be missed

Asylum seeker Right to Work

73. The Immigration White Paper (2018) included a commitment to review the right to work for asylum seekers whilst they await a decision on their claim. **The Welsh Government fully supports a proposal to extend the right to work for all asylum seekers from 6 months of arrival in the UK, regardless of Shortage Occupation List roles or any other requirements.** It makes good economic, social and well-being sense to make this alteration – as articulated by the Lift the Ban campaign.
74. This Right to Work would extend until an individual has become Appeal Rights Exhausted or been removed from the UK. After three years, there appears no sign of the review promised in 2018. However, this legislative vehicle provides a golden opportunity to make this positive change. If UK Ministers are concerned about potential unintended consequences, **we propose that a sunset clause is added to the Borders Bill which enables this change to be reversed after 5 years or the sunset clause removed by secondary legislation if enacted before then.**

Case management system for asylum seekers

75. A major obstacle for a well-functioning asylum system is that many asylum seekers simply do not understand what the status of their case is. Many voluntary organisations devote substantial time and effort to help increase understanding and resolve issues but the job is difficult and time-consuming. **We propose the development of an accessible case management system which asylum seekers can utilise (along with their case workers**

with consent) to enable them to track the progress of their case and more easily understand if any actions are required.

British citizenship for children born to migrant parents

76. The *New Plan* includes a section seeking to end anomalies and deliver fairness in British Nationality laws. **The most significant improvement which we believe the UK Government should make – but which is missing from this paper – is to bestow a clear right to British citizenship to any child born in the UK to migrant parents.** From Windrush to the EU Settled Status system (and many other examples along the way), the current lack of a right to UK citizenship for children in these circumstances has led to unfair and unforeseen hardship.
77. ‘Birthright citizenship’ (also known as ‘*jus soli*’ citizenship) exists in many other countries (including the USA and Canada) but has not existed in the UK since the British Nationality Act 1981. Growing up in the UK without the guarantee of citizenship (or at least Settled Status) is not in the best interests of children and these members of society should not be penalised by any choices which were made before they were born.

‘Public Funds’ regime

78. It is clear that prohibiting access to specified ‘Public Funds’ in the Immigration Rules is a cornerstone of UK Government immigration policy and the principle is likely to be retained. We understand the policy intention behind the use of ‘No Recourse to Public Funds’ (NRPF) conditions but we urge the UK Government to revise the way it implements this concept.
79. The current system creates confusion because the list of Public Funds includes both specific funds and general areas of prohibited support. **We urge the UK Government to only feature specific funds in this list and make it clear that any support which is not listed is permitted.**
80. We have been prevented from exercising our powers sufficiently to fully implement our *Nation of Sanctuary Plan* (devolved integration strategy). This is because our strategy is to support integration from day one of arrival in Wales, regardless of immigration status. Although we have general legislative powers to support the well-being of anyone living in Wales, the (sometimes vague) prohibitions listed in the Immigration Rules make positive interventions sometimes incompatible with UK Government policy. Therefore, **we urge the UK Government to consult with Devolved Administrations to seek agreement before adding a specific Public Fund to the list in the Immigration Rules.**

81. The current NRPf regime creates negative outcomes which we do not believe was the UK Government's policy intent when drafting these rules. **Where an individual cannot be returned to their country of origin for no fault of their own, we do not believe that it is ethical or conducive to public health and community cohesion for these individuals to be subject to NRPf conditions.**

82. It is also imperative that children from migrant families living in Wales are not disadvantaged because of NRPf conditions. The Welsh Government has enshrined the United Nations Convention on the Rights of the Child in law and acting in the best interests of children guides all our work. NRPf conditions which prevent children accessing Free School Meals, Healthy Start vouchers or similar initiatives are opposed by the Welsh Government. **We urge the UK Government to ensure that such prohibitions are outlawed in future.**

Respect for Devolved Administrations

83. Immigration control is a reserved responsibility to the UK Parliament but migrant integration is not (the former is listed in Schedule 7A to the Government of Wales Act 2006¹⁰ but the latter is not). Unilateral UK Government decisions to add public funds to the NRPf regime or to spend funds on integration activities in Wales undermine the Welsh Government's devolved responsibilities.

84. The Welsh Government already spends considerable amounts to support the integration of migrants in our communities but sometimes the UK Government suggests it will fund potentially duplicate or contradictory schemes in Wales. In recent times, we have successfully managed to explain to Home Office colleagues that **this undermines the devolution settlement** and ensured that instead, consequential payments are made to the Welsh Government relating to integration activities implemented in England. Nevertheless, **the UK Government should ensure that their officials adopt this approach as standard.**

85. The UK Government will often refer to a 'tripartite relationship' in the delivery of its migration initiatives. This is intended to mean: (1) the Home Office; (2) Home Office-funded partners (e.g. Clearsprings Ready Homes); and (3) Local Authorities. Though we do not dispute the central importance of these partners, there is a fundamental lack of recognition of the Welsh Government's devolved responsibilities and support services provided to address shortcomings in the existing system.

86. We are very often not involved in the way we would expect. For example, we will be told of major policy changes via the Wales Strategic Migration

¹⁰ Paragraph 29 of Schedule 7A to the Government of Wales Act 2006 "Immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British Citizens".

Partnership rather than through Inter-Ministerial engagement between UK and Welsh Governments.

87. The Home Office will also develop policies with England-only departments (such as the Department of Health, Department for Education or Ministry for Housing, Communities and Local Government), before sharing these policies and expecting them to apply to Wales, despite divergent legislation, policies and structures operating in Wales. The Welsh Government should be involved at an earlier stage on policies and guidance which include or impact on devolved responsibilities.
88. When we request Home Office data to support the Welsh Government to develop policies and initiatives which we believe are necessary for migrant integration in Wales (a devolved responsibility), we are never provided with this in a timely manner. We are currently awaiting anonymised data on the demographic characteristics of asylum seekers in Wales and this process has so far taken well over a year.
89. In recent times, the Ministry of Housing, Communities and Local Government has been given inappropriate responsibilities to coordinate migrant integration initiatives in Wales. These are devolved responsibilities and the role of the MHCLG is not needed or understood.
90. **We request and expect a fundamental improvement in the way the UK Government engages with the Welsh Government in relation to migrant integration.** Initially we expect the issues above to be resolved and then to see improved timely collaboration between our two Governments.

Asylum accommodation

91. The quality of asylum accommodation is one of the most negative aspects of the asylum system at present. An inspection of asylum accommodation in 2018 by the Independent Chief Inspector of Borders and Immigration (ICIBI) showed serious inadequacies in the quality of accommodation in Wales and the implementation of new Asylum Accommodation and Support Contract (AASC) does not appear to have improved things in any meaningful way.
92. **We recommend that the UK Government transfers responsibility for routine inspections of asylum accommodations to either the ICIBI or the soon to be established Office of Migrants' Commissioner.** Such a transfer will need to be accompanied with sufficient resources to enable more regular inspections which includes photographic evidence of findings. Publication of findings should be made via the Home Affairs Select Committee, rather than the Home Secretary.

93. **We also recommend that the Office of Migrants' Commissioner be transferred the resources and operation of the 'independent complaints process' which is currently operated by Migrant Help under the AIRE contract.** The current process is not seen to be independent and the service has so far failed to live up to expectations in terms of service standards and applying accountability to the operation of the AASC contract.
94. **We further recommend that Clearsprings Ready Homes are required to submit photographs to the Home Office showing property conditions before and after asylum seekers have been living in each property and these should be made available on request where complaints are lodged.**
95. The Welsh Government was initially heartened with UK Government confirmation that the new asylum accommodation contracts would comply with the Welsh Housing Quality Standards. These standards make it clear that forced room sharing of adults is not acceptable (amongst other standards). However, despite several attempts to draw attention to this breach of the contract, forced room sharing remains a feature of asylum accommodation in Wales. **The UK Government must ensure Clearsprings Ready Homes discontinue the policy of forced room sharing of adults.**
96. The current arrangements make insufficient provision for asylum seekers who are likely to be exceptionally vulnerable. This particularly includes those who are LGBTQ+ and are forced to share properties with those who have discriminatory views on the basis of sexual orientation or transgender identity. It also includes those who have experienced domestic or sexual abuse, either in the UK or on the journey to the UK. Those with physical or mental impairments may also be disabled by the Home Office's failure to centrally consider these impairments in selecting the location of accommodation. Those who may have been forced to seek asylum due to apostasy or non-traditional religious beliefs may also be placed in a vulnerable position if forced to share properties with those who do not share their beliefs.
97. **We urge the UK Government to overhaul the policy for allocating accommodation – putting the well-being of asylum seekers at the heart of its allocation policy.** Ensuring a better compatibility between those living in shared properties will help the general well-being of all involved.
98. This would mean ensuring there are **LGBTQ+-only properties** available in each area, as well as ensuring **dedicated domestic or sexual abuse counselling and bedspaces** are made available as required. It means ensuring **reasonable adjustments** are made – not only to properties themselves, but also to the location of those properties – to ensure disabled people are properly supported. It also means **ensuring the situations which led to someone fleeing their country of origin are not replicated here in**

Houses of Multiple Occupation, by carefully considering the compatibility of religious views.

Widening asylum dispersal

99. The asylum system has long been founded on the principle of local authority cooperation and consent. Recent experience with the Penally army training camp in Wales was a concerning departure from this long-accepted principle. **We urge the UK Government to recommit to the importance of local authority consent for the placement of asylum seekers in their boundaries.**

100. The Welsh Government is actively involved in seeking to widen asylum dispersal to new areas in Wales. However, we have been clear with UK Government colleagues that the availability of funding to ‘pump-prime’ new areas to receive asylum seekers is essential. Funding would enable the local authority to build internal expertise and professional capacity, to build required partnerships with relevant local stakeholders, to assess gaps in key services and to bridge these gaps as quickly as possible. **We recommend that the UK Government creates a new fund which local authorities can access for at least the first few years of asylum dispersal to their area.**

The ‘Move On’ grace period

101. The UK Government provides a continuation of asylum support when someone is granted refugee status for a 28 day period. **We urge the UK Government to extend this period to ‘up to 56 days’, which would align with Homelessness legislation in both England and Wales.**

102. The current situation means that many recognised refugees fall into destitution and homelessness soon after leaving asylum accommodation. In turn, this undermines the ability of individuals to integrate into Welsh communities.

103. The Welsh Government specifically funds a ‘Move On’ service with comparable services missing in many parts of England, yet we still see these negative outcomes too often. This is a perverse situation where the UK Government recognises an individual’s right to international protection after many months of consideration but then expects them to rebuild their lives within 28 days.

104. **We believe that in most cases the full 56 day period will not be required** – newly granted refugees will be motivated to move onto Universal Credit or into employment at the earliest opportunity as asylum support rates are so low. However, 56 days will provide the necessary breathing space to find sustainable solutions for individuals.

Asylum support rates

105. Asylum support rates are set at an exceptionally low level which intends to meet “essential living needs.” Whilst the Home Office follows a methodology accepted by the Court of Appeal as lawful in setting these rates, that judgement was made in 2014. Since that time, there has been an inexorable change in the needs of all members of society to access online services – particularly but not exclusively during the Covid-19 pandemic.
106. The current setting of rates does not adequately address this fundamental change in circumstances. It seems impossible to claim that access to the internet for asylum seekers during the pandemic was not an essential living need – how else would individuals have accessed translated public health messaging, kept in touch with families, and been able to heed Covid-19 control measures through staying inside?
107. Despite a £20 top-up provided to Universal Credit claimants, this top-up was not provided to asylum seekers. The Welsh Government has intervened to provide free unlimited internet access in all asylum accommodation in Wales for the next stage of this pandemic, in the absence of Home Office provision.
108. The *New Plan* and other Home Office policies are also making a default move to remote hearings and reporting requirements for many situations. Without internet access delivery of this change will be difficult to achieve.
109. **We urge the UK Government to look again at the asylum support rates methodology – to add additional funds to ensure access to internet services and also to consider funds to support the integration of individuals in our communities (e.g. increased transport costs).**
110. The Immigration Act 2016 introduced a provision to enable the cessation of asylum support for families with children who had been refused asylum. A new Section 95A was introduced as an alternative form of support but had to be applied for within 90 days. Thankfully, this change has not been implemented but **we urge the UK Government to abandon it altogether at this opportune moment. We will not tolerate children sleeping rough in Wales** and should Home Office support stop, it is likely that Welsh Social Services duties would be engaged instead. However, this will incur costs on Welsh public services which are avoidable and are only necessary to abide by basic children’s rights requirements.

Data and information sharing

111. It is **imperative that where asylum seekers are transferred to a local area, the Home Office provides relevant information to the local authority and local health board** (Welsh principle local structure responsible for healthcare)

to ensure appropriate considerations can be made for care, well-being and integration support.

112. Information must be shared quickly on a confidential and secure platform to ensure this support is put in place quickly. Where the Home Office needs to move an individual to another area, they should update all relevant partners in both the receiving area and the area of departure – facilitating continuity of care.
113. Where individuals receive refugee status, the local authority housing team will need to be made aware urgently to start the move on process as quickly as possible. Similarly, where an individual is refused asylum local authority social services teams need to be made aware as they will need to consider whether alternative accommodation must be provided under the Social Services and Well-Being (Wales) Act 2015.
114. The Welsh Government does not need to receive details relating to personally identifiable individuals but **we do expect to receive anonymised data on asylum seeker demographics and trends in support required**. As yet, we have not been provided with the information we have been requesting for over a year.

Quality of decision-making

115. The *New Plan* does not discuss a crucial change which needs to be made to improve the asylum system – the quality of decision-making. In the year ending December 2020, 38% of appeals were allowed, demonstrating the high number of initial decisions which were not as robust as it should have been.
116. We acknowledge that focusing on a ‘one-stop’ legal process is intending to increase the availability of relevant evidence at the initial decision stage but the process of evidence gathering cannot be rushed. There is a dearth of good immigration legal advice in many parts of the UK, including much of Wales, and this needs to be enhanced to ensure the evidence at initial decision stage is improved.
117. **We recommend that the UK Government works with the Legal Aid Agency and Office of the Immigration Services Commissioner to increase the supply of immigration legal advisors and relevant Legal Aid to support better quality decision making in future.**
118. **We further recommend that the UK Government adopts a less adversarial approach to asylum interviewing.** LGBTQ+ individuals, those sexually assaulted and torture survivors have all previously expressed views

that interviews re-traumatised them and undermined the objective of building a complete case history at this initial stage.

John Davies
Head of Inclusion, Cohesion and Brexit Coordination
Communities Division
Welsh Government

By email:
John.Davies35@gov.wales

XX August 2021

Dear John,

Welsh Government Response to the Home Office's New Plan for Immigration

Thank you for your email of 22 June, which contained the Welsh Government Response to the Home Office's New Plan for Immigration. I apologise for the delay in replying.

I begin by thanking you and colleagues in the Welsh Government for the constructive discussions we have been having on the New Plan for Immigration and the Nationality and Borders Bill. I look forward to further discussions as the Bill moves through the UK Parliament.

The New Plan for Immigration policy statement and consultation

The New Plan for Immigration policy statement, which was published on 24 March, set out in detail proposals for controlling both legal and illegal migration to the United Kingdom. It contained multiple sources of analysis and evidence.

The Home Office considered carefully how to conduct the consultation and a detailed and thorough consultation exercise was conducted. In total, there were 8,590 respondents to the online consultation questionnaire, which included 7,399 individuals who identified themselves as members of the public and 1,191 who identified themselves as stakeholders. There were also extensive engagements, with stakeholder groups, with public focus groups and with groups of those with lived experience of seeking asylum in the UK and with those who were victims/survivors of modern slavery. The consultation was run in line with established principles, and legal duties. [The UK Government response to the consultation was published on 22 July.](#)

The Plan included evidence for particular proposals, including sufficient data, to allow those consulted to give intelligent consideration and an intelligent response. We do not agree that the Plan contains any misleading statements or inappropriate conclusions. We also do not agree that the Plan overlooks the position of those who enter the country illegally. Our intention is indeed to reduce the number of individuals who illegally enter the United Kingdom.

The Plan was published when policies were at a formative stage. The objective of the consultation was to listen to a wide range of views to further inform the proposals set out in the New Plan for Immigration, to enable us to reach a decision on the

content of legislation to be introduced to Parliament. Our consideration of all consultation responses took place before the introduction of the Bill.

The Bill was introduced into the House of Commons on 6 July and passed its Second Commons Reading on 20 July. Commons Committee Stage will commence following summer recess in the autumn. Those interested in the proposals contained in the Bill will of course be able to make representations on the detailed provisions in the Bill in the usual way as the Bill progresses through the UK Parliament.

ILR for Refugees

From October, refugees arriving through the UK Resettlement Scheme will be granted indefinite leave to remain upon their arrival to the UK. Once this change takes place, anyone resettled under the UK Resettlement and Community Sponsorship Schemes from March 2021 will have the option to benefit from the change, free of charge. This will only apply to resettled refugees.

The previous Vulnerable Persons Resettlement and Vulnerable Children's Resettlement Schemes both closed in February 2021. Refugees resettled through these schemes were granted five years' leave to remain, after which they can apply for indefinite leave to remain, free of charge.

Review of Family Reunion routes

The UK family reunion policy has seen over 29,000 family reunion visas issued in the last 5 years, with more than half issued to children. Our policy makes clear that there is discretion to grant visas outside the Immigration Rules, which caters for extended family members in exceptional circumstances – including young adult sons or daughters who are dependent on family here and living in dangerous situations. There are separate provisions in the Rules to allow extended family to sponsor children to come here where there are serious and compelling circumstances.

The UK Government committed to review safe and legal routes to the UK and had a statutory duty to conduct a public consultation on family reunion for unaccompanied asylum-seeking children (UASC) in the EU. This consultation was completed as part of the wider consultation on the New Plan for Immigration. We have carefully considered the responses. [A report on the outcome of the review of safe and legal routes was laid in Parliament on 22 July](#). This includes details of the UK Government's ambition to strengthen our existing policy by providing additional clarity in the Immigration Rules on the exceptional circumstances where we would grant leave to a child seeking to join a relative in the UK.

We will continue to allow those arriving in the UK via safe and legal routes to reunite with family in the UK. The UK Government's position is that reducing family reunion entitlements for those granted temporary protection status is a proportionate way of encouraging people to claim asylum in the first safe country they reach and not to undertake dangerous journeys to the UK. But importantly, these individuals will still be able to reunite with family where refusal would breach our obligations under Article 8 of the European Convention on Human Rights. These proposals comply with the 1951 Refugee Convention.

Multi-year commitment to resettlement

We are committed to continue welcoming refugees through resettlement in the years to come. This commitment will ensure we continue to offer safe and legal routes to the UK for vulnerable refugees in need of protection.

This is a multi-year commitment with number of refugees we resettle every year dependent on a variety of factors, including local authorities' capacity for supporting refugees and the extent to which Community Sponsorship continues to grow.

We are grateful to Welsh local authorities for their contribution to the success of our previous resettlement schemes and welcome your offer of help promoting future participation in the new UK Resettlement Scheme.

Our Afghanistan Citizens' Resettlement Scheme aims to welcome 5,000 Afghans in year one, with up to a total of 20,000 in the long-term. We are working urgently to open this route. Further details will be announced in due course.

Exceptional discretionary assistance to people in country of origin

Resettlement programmes provide protection in the UK to those who have been recognised as refugees outside their country of origin. But there can be circumstances whereby someone faces immediate danger whilst in their country of origin and is therefore not eligible under our refugee resettlement programmes. This proposal is designed for such circumstances. In truly exceptional and compelling cases, the Home Secretary will be able to act swiftly to allow internally displaced persons into the UK, using their discretion under Section 3 of the Immigration Act 1971 to grant leave outside the rules to enter the UK. More details regarding subsequent entitlements once in the UK will be set out in due course.

Tailored support to help refugees to integrate

We recognise that integration is devolved in Wales, and we are grateful for the work the Welsh Government has been undertaking over the past few years. We believe there is much that we can learn from each other. We note your comments about funding and look forward to further discussions.

Temporary Protection Status

In line with Article 31 of the Refugee Convention, we will pursue differential treatment of those who do not come directly to the UK, do not claim asylum without delay, or fail to show good cause for their illegal entry/presence in the UK. This is aimed at deterring dangerous journeys and upholding the first safe country principle.

A person granted temporary protection status will not be provided with recourse to public funds unless they are destitute or at risk of destitution.

Asylum Reception Centres

Clause 11 of the Bill would allow the Secretary of State to take account of the stage an individual's asylum claim has reached in deciding the particular type of accommodation that might be suitable for their needs. It also allows the Secretary of State to take account of their past compliance with bail conditions and other conditions attached to the provision of support. Full-board accommodation centres are already used to provide housing and other support to asylum seekers and failed asylum seekers who would otherwise be destitute. Expansion of their use will help to increase efficiencies within the asylum system, for example through onsite case working. Faster decisions are in the interests of those with a genuine claim for asylum and help to facilitate their integration into UK society. Individuals accommodated at the centres will have appropriate access to the services they need, either on site or locally.

Plans for accommodation centres are at an early stage of development. At present, however, there are no plans for couples and families to be accommodated at the centres. We welcome further dialogue with the Welsh Government as the proposals develop.

Streamlining asylum claims and appeals

We do not accept that the flowchart on page 25 of the policy document is misleading.

The current appeals system can be slow. As of May 2020, 32% of asylum appeals lodged in 2019 and 9% of appeals lodged in 2018 did not have a known outcome.

The Bill will seek to prevent sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.

There will be expanded access to civil legal aid for those in receipt of a Priority Removal Notice. There will also be expanded access to civil legal aid for potential victims of modern slavery, to enable advice on referral into the National Referral Mechanism (NRM) to be provided as 'add-on' advice where individuals are in receipt of civil legal services for certain immigration and asylum matters.

Proposals around Fixed Recoverable Costs will look to create certainty of costs for all parties, including claimants and their representatives. This will therefore also fix at a reasonable rate the amount of costs that the Home Office can potentially claim from other parties when it successfully defends litigation. The proposals are designed to create a fairer and more reasonable costs schedule for all parties involved in immigration litigation.

It should also be noted that most immigration Judicial Reviews are brought by legal representatives on behalf of claimants, rather than litigants in person, so the notion that the majority of litigants in Judicial Review proceedings are destitute or are without legal representation is not accurate.

We are also now giving further consideration to proposals regarding experts and can confirm that these proposals are not being taken forward through the Nationality and Borders Bill.

Inadmissible claims and removal

We remain committed to upholding our international obligations. The UK Government is clear that asylum seekers should claim in the first safe country they reach – that is the fastest route to safety and it is compliant with the 1951 Refugee Convention.

The UK Government expects our international partners to engage with us, building on our good current cooperation. We will continue to highlight the importance of having effective returns agreements to stop people making perilous crossings.

The UK and EU agreed a joint political declaration which made clear the UK's intention to engage in bilateral discussions with the most concerned Member States, to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration. We continue to engage in discussions with other countries.

In respect of proposals to permit the processing of claims outside the UK, the UK Government's position is that we must explore every option to tackle illegal migration. We will continue to work with our international partners to meet this joint challenge.

Age assessment

There are very serious safeguarding risks if people over 18 are treated as children and placed in settings with children. Local authority 'Merton' age assessments demand a significant amount of time and resources. Even when completed, assessments are frequently subject to costly legal challenges. In light of this we are committed to supporting local authorities to better achieve swift and sustainable assessment outcomes – including through the establishment of a National Age Assessment Board (NAAB).

The NAAB will be able to undertake age assessments upon the request of local authorities and will work with local authorities to set out the criteria, process and requirements to be followed to assess age.

Welsh colleagues will have noted the recent Supreme Court judgment in the case of *BF Eritrea* regarding initial age assessments carried out by immigration officers on the basis of a 'significantly over 18 threshold'.

The UK is one of very few European countries that does not currently employ scientific methods of age assessment. Assessing someone's age is an extremely challenging task and it is only right we explore how the current system can be improved by harnessing scientific evidence alongside existing methods.

Regarding the proposed introduction of a statutory right of appeal, we welcome the positive response from Welsh colleagues.

On the detailed substance of the proposed measures, Home Office officials have already initiated further discussions with Welsh counterparts and look forward to continued constructive engagement over the coming weeks and months.

Our current devolution analysis, which is set out in the explanatory notes to the Nationality and Borders Bill, is that the age assessment clause contained in the Bill as introduced deals with reserved matters. However, as the Home Secretary noted in her letter to the First Minister of 6 July, we intend to replace this clause with substantive clauses in due course, as policy is finalised. We will continue to engage with you on this, noting your comments about a Legislative Consent Memorandum.

Supporting victims of Modern Slavery

We welcome your engagement on the public order measure and note your concerns. We would like to reassure you that the circumstances of each case will be carefully considered when making decisions about withdrawing support or protections. We are conscious that potential and confirmed victims of modern slavery may be suspected or accused of committing criminal offences as part of their exploitation. The UK Government will continue to engage with partners when operationalising this measure.

We also welcome your positive views on the temporary leave to remain measure. This clause ensures that all confirmed victims without immigration status will be considered for a grant of temporary leave to remain in line with specific criteria. The provision provides for a grant of leave for those victims with ongoing recovery needs stemming from their exploitation, those assisting the authorities with investigations and prosecutions relating to their exploitation and those seeking compensation linked to their exploitation. Temporary Leave to Remain is one form of leave and individuals may be entitled to Indefinite Leave to Remain through other routes.

Removal of failed asylum seekers

We recognise that rough sleepers are some of the most vulnerable people we encounter, and therefore our approach to rough sleepers with insecure immigration status is firstly to engage with them and encourage their compliance with Immigration Rules, through either regularisation of their stay or to voluntary return.

We will indeed continue to signpost individuals to the Voluntary Returns Service (VRS) where support can be provided for their return home. VRS introduced an enhanced reintegration provision in April this year, increasing funding for those who are eligible to between £1500 and £3000. The support differs based on whether the returnee is returning to a country in receipt of overseas development funding or whether they have additional assistance needs. Both failed asylum seekers and those identified as rough sleepers are entitled to reintegration support. Rough sleepers should be referred to VRS by their support worker wherever possible.

The enforced return of rough sleepers would be pursued only as a last resort. The Department is keen to work with local authorities that are engaged with non-UK rough sleepers to work collaboratively in addressing their situation in the UK.

I understand you have an ongoing dialogue with the Home Office Homelessness team regarding the interaction between Welsh local authorities and Immigration Enforcement with regards to rough sleepers. We will be consulting with local authorities and look forward to further discussion with the Welsh Government and Welsh local authorities.

Asylum seeker Right to Work

Asylum seekers are allowed to work in the UK if their claim has been outstanding for 12 months or more, through no fault of their own. Those permitted to work are restricted to jobs on the Shortage Occupation List, which is based on expert advice from the independent Migration Advisory Committee.

It is important to distinguish between those who need protection and those seeking to work here, who can apply for a work visa under the Immigration Rules. Our wider policy could be undermined if migrants bypassed work visa rules by lodging unfounded asylum claims here. Unrestricted access to employment could act as an incentive for more migrants to choose to come here illegally, rather than claim asylum in the first safe country they reach.

The policy remains under review. We thank you for your suggestions and our findings will be communicated in due course.

Case management system for asylum seekers

The Home Office is currently undertaking significant changes to its case management system. This includes a transformation programme. We have no plans at the present time to develop a user interface along the lines you suggest, but the outcome of this programme of work – and the other changes we are making through the Plan – will be a streamlined asylum system with quicker outcomes for claimants.

British citizenship for children born to migrant parents

A child born in the United Kingdom will only be a British citizen if either parent is a British citizen or settled in the United Kingdom (or from 13 January 2010, a member of the armed forces). “Settled” is defined in the British Nationality Act 1981 as being ordinarily resident in the United Kingdom and not subject to an immigration time restriction on their stay. This effectively excludes those whose parents only have limited leave to remain or are here illegally. This means that children whose families have an ongoing connection with the UK can acquire citizenship, and will be able to pass that status on to their own children born overseas, but those whose parents are here temporarily will not.

However, a child born in the United Kingdom who is not a British citizen at birth has an entitlement to register as a British citizen if their parent becomes a British citizen

or settled, or the child lives here for the first 10 years of their life. If a child does not have an entitlement to registration, an application could be made under Section 3(1) of the Act, which is at the Home Secretary's discretion. Whilst we would normally expect one of the parents to be a British citizen, the child could be registered if there were compelling circumstances. In addition, there are provisions for children born in the UK who would otherwise be stateless to acquire citizenship, which enable us to meet our obligations under the Convention on the Reduction of Statelessness. The UK Government has no plans to amend this. Citizenship should be acquired by those with an ongoing connection with the UK. This is the approach taken by many European countries and Australia and New Zealand.

'Public Funds' regime

It is a well-established principle that migrants coming to the UK should be able to maintain and support themselves and their families without posing a burden on the welfare system. Successive UK Governments have taken the view that access to benefits and other publicly funded services should reflect the strength of a migrant's connections to the UK and, in the main, only become available to migrants when they have become settled here with indefinite leave to remain (ILR).

These restrictions are an important plank of immigration policy designed to ensure public funds are protected for the residents of the UK and assure the public that immigration brings real benefits to the UK.

The Home Office has published detailed guidance in respect of public funds at [Public Funds guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674242/public-funds-guidance.pdf). This provides clarity that benefits and services considered to be public funds are those listed at Section 115 of the Immigration and Asylum Act (1999) or Rule 6 of the Immigration Rules.

The Home Office is committed to consulting widely in understanding how No Recourse to Public Funds (NRPF) policy impacts different migrant groups, including all four nations. We have therefore set up a national NRPF stakeholder forum to work constructively and collaboratively with stakeholders in developing and reviewing policy. This forum includes representatives from the Welsh Local Government Association, other devolved administrations, central government, the NRPF Network, and other third sector organisations with a specific interest in the subject.

Free school meals are not listed as public funds under immigration legislation and the Home Office does not prevent migrants from accessing them. Rather, eligibility for free school meals policy is the prerogative of the Department for Education in England and of the devolved administrations in Wales, Scotland and Northern Ireland.

Respect for Devolved Administrations

We are committed to working with Welsh Government. Our dedicated Wales Team in Cardiff provides the strategic interface between Wales and Whitehall, so that due account is taken of the Welsh context in policy development and implementation, strategy and operations. As you will know, to ensure there is continued meaningful

engagement around immigration matters, the Deputy Director of the team is represented at your Ministerial Refugee and Asylum Seeker Taskforce and Wales Strategic Migration Partnership's Executive Board. The team also meets with you on a monthly basis. If you have any suggestions as to how to further strengthen our interaction, our Wales Team is happy to pick up with you.

Asylum accommodation

Planning to establish a Migrants' Commissioner is at an early stage and we welcome your views, both about the role of the new Commissioner and their relationship with the Independent Chief Inspector of Borders and Immigration. An independent working group is considering next steps and we will put you in touch with them so that you can feed in your views directly.

Clearsprings Ready Homes work with Rainbow International to support people who are LGBTQ+ and currently there are 6 such specific properties in Wales, with more being sourced. We do not currently room share anywhere in Wales, including initial accommodation and have no plans to do so. If you believe this is being breached, then we would welcome examples of where this is the case.

Widening asylum dispersal

The UK Government recognises the importance of working with local authorities in respect of asylum dispersal

We are grateful to local authorities in Wales for their response to the launch of the new National Transfer Scheme (NTS). Local authorities in Wales have committed to accepting a fair proportion of UASCs and have successfully delivered the necessary care placements for vulnerable new arrivals, since the launch of the new scheme on 26 July, in accordance with the new UK wide rota mechanism.

The 'Move On' grace period

The UK Government has no plans to increase the "move-on" period from 28 days to 56 days, but will consider any practical ideas to ensure those granted refugee status are able to access mainstream benefits if they need them and assistance to secure alternative housing.

We have already implemented a number of such changes over the past few years. Most importantly, Migrant Help were awarded the Advice, Issue Reporting and Eligibility (AIRE) contract, under which they are required to contact newly recognised refugees at the start of the move-on period to provide practical assistance. As your letter indicates, this service is arranged via the Refugee Council in Wales and our understanding is that it is working effectively.

Newly recognised refugees also receive their Biometric Residence Permit (BRP) before the 28-day period starts. The BRP provides evidence of their eligibility to apply for benefits and take up employment and the National Insurance Number, an issue in the past, is also printed on the back of the BRP. Further, integration loans can be applied for, which can be used for essentials to help people integrate into UK

society. For example, such a loan can be used to assist with access to housing, education or work.

Asylum support rates

The UK Government does not accept the support rates are set at an exceptionally low level. Last year, the standard allowance provided to each member of a supported household increased from £37.75 per week to £39.63 per week, an increase of around 5%, which was well over inflation.

Officials have commenced this year's review of the asylum support rate and as a first step have reached out to the main voluntary sector groups representing asylum seekers for their views. The costs of meeting needs related to travel and communication will be taken into consideration in the normal way. Currently, the £39.63 rate includes provision for the cost and maintenance of a mobile phone that provides access to the internet.

We plan to consult later this year on implementing the support provisions of the Immigration Act 2016 and will consider the impact on local authorities carefully. However, it is important to recognise that any failed asylum seekers who would otherwise be destitute, including those with children, will be able to obtain Home Office support if there is a genuine obstacle that prevents them from leaving the UK.

Data and information sharing

The Home Office are working on a data sharing agreement which will see Realtime move-on (departure following a grant of leave) data shared with Local Authorities via the secure Move IT portal.

Uploading data across circa 150 participating Local Authorities across the UK is challenging so we are developing an automated platform to do so.

In relation to demographic data, that is shared on a monthly basis with the Strategic Migration Partnership for Wales who should share that with Welsh Government and brief on developments.

Quality of decision-making

We know that some people who make a protection claim or who are identified as potential victims of modern slavery have complex needs and histories. Case Workers who interview individuals have guidance and the training required to assist them conducting interviews which makes it clear that trauma and other factors may be relevant in conducting the interview. We ask individuals before interview if they would be more comfortable talking to an interviewer / interpreter of the same gender, and where possible these wishes will be accommodated.

Under the new Bill, as noted, there will be expanded access to civil legal aid for those in receipt of a Priority Removal Notice. There will also be expanded access to civil legal aid for potential victims of modern slavery to enable advice on referral into the National Referral Mechanism (NRM) to be provided as 'add-on' advice where

individuals are in receipt of civil legal services for certain immigration and asylum matters.

I hope this letter has been helpful. I would welcome further discussions.

Yours sincerely,

**Dan Hobbs,
Director, Asylum, Protection and Enforcement Directorate
Migration and Borders Group
Home Office**



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG

GAN

LYWODRAETH CYMRU

TEITL Bil Cenedligrwydd a Ffiniau y DU

DYDDIAD 06 Rhagfyr 2021

GAN Jane Hutt AS, y Gweinidog Cyfiawnder Cymdeithasol, a Mick Antoni AS, y Cwnsler Cyffredinol

Mae Cynllun Mewnfudo Newydd Llywodraeth y DU a'i Bil Cenedligrwydd a Ffiniau, sydd ar hyn o bryd yn gwneud ei ffordd drwy ddau Dŷ Senedd y DU, yn llwyr danseilio ein gweledigaeth o Gymru fel Cenedl Noddfa.

Cytunwn fod y system lloches yn ddiffygiol ac mae llawer o wendidau y mae angen mynd i'r afael â hwy. Er hyn, mae'r Bil hwn yn mynd yn gwbl groes i'r hyn sydd ei angen a bydd yn hytrach yn gwaethygu'r annhegwch ac yn peri niwed i gymunedau.

Credwn y bydd llawer o'r darpariaethau yn y Bil yn torri confensiynau rhyngwladol ac egwyddorion cyfiawnder, gan osod amodau eithafol ac anorchfygol yn eu hanfod ar bobl sy'n troi atom i'w diogelu.

Bydd nifer o ddarpariaethau'r Bil yn effeithio ar weithrediad cyfrifoldebau datganoledig, a byddwn yn cyflwyno Cynnig Cydsyniad Deddfwriaethol mewn perthynas â'r rhain. Byddant hefyd yn effeithio ar ein gallu i arfer swyddogaethau sy'n ymwneud â chydarddoldeb, cynllunio, gwasanaethau cymdeithasol, cydlyniant cymunedol ac integreiddio mudwyr.

Mae'r Bil yn cynnig system dwy haen newydd a fydd yn cynnwys ffoaduriaid "grŵp un" a ffoaduriaid "grŵp dau". Ni chredwn fod y system hon yn gydnaws â chyfraith rhyngwladol o dan Gonfensiwn y Cenhedloedd Unedig ar Ffoaduriaid.

Bydd ffoaduriaid grŵp dau yn cael eu gwahardd rhag cael arian cyhoeddus, eu hatal rhag ailymuno â'u teuluoedd yn y DU, a'u cyfyngu i ddim ond 30 o fisoedd o loches yn y DU wrth aros am adolygiadau pellach o'u hamgylchiadau. Rhoddir y cyfyngiadau hyn arnynt ar sail eu dull o deithio i'r DU ac nid ar sail teilyngdod eu hachosion.

Bydd hyn yn achosi effeithiau anghymesur na ellir eu rhagweld ar bobl sy'n cyrraedd Cymru a'r DU ac yn effeithio'n andwyol ar ein gallu i ddarparu cymorth integreiddio yng Nghymru. Bydd yn gwaethygu cyni ac yn cynyddu achosion o ecsbloetio mudwyr a gwaith anghyfreithlon yn ein cymunedau – gan achosi i'r boblogaeth hon fod hyd yn oed yn fwy agored i niwed.

Bydd hefyd yn cynyddu achosion o ddigartrefedd ac o bosibl yn peryglu iechyd y cyhoedd, gan ei bod yn debygol y bydd y rhai nad ydynt yn cael cymorth arian cyhoeddus yn ofni ceisio gofal iechyd. Bydd darparwyr gwasanaethau yn wynebu penderfyniadau moesegol a chyfreithiol anodd o ran i bwy y dylent neu y gallent ddarparu gwasanaethau. Mae hi'n anorfod y bydd rhai yn cael eu gwrthod, yn amhriodol, wrth geisio ffynonellau cymorth hanfodol.

Yng nghyd-destun yr heriau hyn, bydd hi'n anos cynnal cydlyniant cymunedol a chefnogi'r gwaith o integreiddio mudwyr yn effeithiol. Bydd y newid hwn yn gymwys i bobl y mae Llywodraeth y DU eisoes wedi derbyn eu bod yn ffoi oherwydd pryder rhesymol o erledigaeth.

Mae'n anodd deall y rhesymeg dros beidio â darparu arian cyhoeddus i bobl sydd wedi cael lloches yn y DU, a'u hatal rhag bwrw gwreiddiau a chael cyfleoedd i ailymuno â theulu, a hynny dim ond oherwydd y ffordd y maent wedi teithio i'r DU.

Ar ôl y sgandal Windrush, sicrhaodd Llywodraeth y DU y byddai'n ystyried yr unigolion sydd y tu ôl i achosion ac yn gweithredu mewn ffordd fwy tosturiol. Nid yw hi wedi cadw at yr ymrwymiad hwnnw o ystyried goblygiadau'r Bil hwn.

Chwaraeodd y DU rôl allweddol o ran datblygu egwyddorion Confensiwn y Cenhedloedd Unedig ar Ffoaduriaid, a lofnodwyd ganddi 70 o flynyddoedd yn ôl. Bydd y Bil Cenedligrwydd a Ffiniau yn mynd yn groes i'r egwyddorion hyn ac yn chwalu hygredded a grym cymell tawel y DU o amgylch y byd.

Fel un o lofnodwyr Confensiwn y Cenhedloedd Unedig ar Ffoaduriaid, mae'r DU yn derbyn yn benodol y dylai pobl allu hawlio lloches yn y wlad hon. Er hynny, mae'r Bil hwn yn rhoi'r argraff anghywir bod ceiswyr lloches yn dewis a dethol y wlad fwyaf manteisiol i geisio lloches ynddi. Mewn gwirionedd, ac yn fwy aml na pheidio, mae unigolion sy'n ceisio lloches yma yn gwneud hynny am eu bod yn fwy tebygol o allu integreiddio'n heddychlon yn y DU nag yn unrhyw le arall.

Bydd cynnig y Bil i agor "canolfannau llety", gan gynnwys yng Nghymru, yn tanseilio ein gweledigaeth o Genedl Noddfa. Byddai'r ceiswyr lloches hynny'n cael eu lletya mewn cyfleusterau mawr – a hynny am gyfnod amhenodol o bosibl – ar wahân i'r gymuned ehangach yng Nghymru. Mae hyn yn eu hatal rhag datblygu rhwydweithiau cymorth cymdeithasol a chaffael iaith yn anffurfiol, ynghyd ag atal cyfleoedd i rannu diwylliannau, sy'n elfennau hanfodol wrth integreiddio.

Yn anffodus, rydym wedi gweld drosom ein hunain pa mor niweidiol y gall “canolfannau llety” o’r fath fod. Y llynedd, penderfynodd y Swyddfa Gartref ddefnyddio gwersyll hyfforddi’r Fyddin ym Mhenalun yn Sir Benfro fel canolfan loches. Tarfodd hyn ar gydlyniant cymunedol a chafwyd protestiadau y tu allan i’r gwersyll, gan achosi niwed i iechyd meddwl y bobl a oedd yn lletya yno. Rydym wedi gweld gwaddol gweithgarwch eithafiaeth asgell dde yn Sir Benfro ymhell ar ôl cau gwersyll Penalun.

Nid yw’r Bil yn gosod cyfyngiadau ar ddefnydd y canolfannau hyn. Byddai modd eu defnyddio i letya plant neu bobl â hanes o artaith neu gaethiwed gormesol, neu i letya pobl LHDTTC+ ar y cyd â phobl a chanddynt safbwyntiau atgas, ymysg canlyniadau annerbyniol eraill.

Mae’r Bil yn cynnig peidio â rhoi hawl apelio i geiswyr lloches, gan olygu eu bod yn ddibynnol ar adolygiad barnwrol. Mae hyn yn gyfystyr ag amddifadu pobl o hawl i achos teg o dan Erthygl 6 o Ddeddf Hawliau Dynol 1998.

Mae’r Bil yn ei gwneud yn ofynnol i bobl gyflwyno seiliau dros hawliadau hawliau dynol a gwarchodaeth o fewn cyfnod penodedig. Fodd bynnag, gall gymryd amser i bobl sy’n dianc rhag cyfundrefn ormesol nodi eu hachos yn llawn. Mae diffyg cynrychiolaeth gyfreithiol yn y DU er mwyn helpu ceiswyr lloches i lunio’r achosion hyn, ac nid yw pobl sydd wedi dioddef yn sgil achosion o fasnachu pobl bob amser yn datgelu eu hachosion yn syth.

Rydym yn cydnabod ac yn cefnogi ffocws Llywodraeth y DU ar gael gwared ar rwydweithiau troseddol sy’n arfer caethwasiaeth fodern. Er hyn, credwn y gallai’r cynigion sy’n ymwneud â chaethwasiaeth fodern yn y Bil achosi i bobl ddod yn fwy agored i niwed, gan beri rhagor o drawma a straen i ddiodefwyr, ynghyd â’i gwneud yn anos eu canfod. Yn hytrach na chael effaith ataliol ar rwydweithiau troseddol cyfundrefnol, mae’n bosibl y byddai’r Bil yn creu rhagor o rwystrau rhag mynd i’r afael â chaethwasiaeth fodern yng Nghymru, gan ein hatal hefyd rhag rhoi cymorth i ddiodefwyr a goroeswyr.

Rydym yn bryderus ynghylch y cynigion, sy’n bwriadu defnyddio’r broses asesu oedran. Gan fod y ffordd y cofrestrir genedigaethau yn amrywio o amgylch y byd, mae llawer o blant a ddaw i’r DU yn methu darparu dogfennaeth fel tystiolaeth. Mae hynny naill ai oherwydd nad ydynt erioed wedi cael y ddogfennaeth yn y lle cyntaf, neu oherwydd ei bod wedi’i dinistrio.

Profwyd hyn dros flynyddoedd lawer o gyfraith achosion, ond mae’r Bil yn diystyru’r achosion pwysig hyn. Rydym yn annog Llywodraeth y DU i ymgynghori â phwyllgorau moesegol y cyrff proffesiynol meddygol, deintyddol a gwyddonol perthnasol, a chyhoeddi adroddiad cyn gwneud rheoliadau.

Croesawn gynnig y Swyddfa Gartref i roi caniatâd amhenodol i aros i ffoaduriaid grŵp un. Ni fydd y rhan fwyaf o ffoaduriaid sy'n ailsefydlu yng Nghymru yn gallu dychwelyd i'w gwlad wreiddiol cyn pen pum mlynedd ar ôl cyrraedd yma, felly bydd y rhan fwyaf yn gwneud cais am ganiatâd amhenodol i aros. Mae'r oedi presennol o ran gallu gwneud cais am ganiatâd amhenodol i aros yn achosi ansicrwydd ac yn atal ffoaduriaid rhag ailadeiladu eu bywydau yn llwyr.

Fodd bynnag, dylai'r rhesymeg a argyhoeddodd Llywodraeth y DU i wneud y newid hwn hefyd fod yn gymwys i bobl yng nghategori grŵp dau, sydd â'r un angen. Byddai unrhyw ffordd arall o weithredu yn anwybyddu'n greulon wir natur trawma'r ffoaduriaid.

Nid yw'r Swyddfa Gartref yn llwyddo i fanteisio ar sgiliau ceiswyr lloches gan nad ydynt yn caniatáu iddynt weithio. Byddai'r newid hwn yn golygu y gallai ceiswyr lloches gyfrannu at ein heconomi, gan helpu i lenwi bylchau yn y farchnad lafur, ynghyd â'u helpu i ddal gafael ar eu sgiliau ac integreiddio. Mae achos moesegol, economaidd a chymdeithasol amlwg dros wneud y newid hwn.

Rydym yn ddiweddar wedi gweld pa mor gyflym y gall y DU weithredu i helpu'r rhai sydd angen lloches, wrth inni symud miloedd o bobl o Affganistan. Mae hyn yn pwysleisio'r anghysondebau yn y Bil.

Bydd unrhyw Affganiaid na chafodd le ar awyren achub ond a lwyddodd i wneud y daith hir ac anodd i'r DU drwy gyfrwng smyglwyr pobl yn dod yn droseddwyr yn ôl y cynigion yn y Bil, er iddynt ffoi oherwydd yr un bygythiad gan y Taliban.

Yng Nghymru, rydym yn falch o fod yn Genedl Noddfa. Rydym yn falch o'r holl asiantaethau ac unigolion sy'n cydweithio i greu profiad unedig a chroesawgar i bobl sydd wedi ailsefydlu yma.

Mae Cymru yn wlad groesawgar a byddwn bob amser yn sefyll gyda'r rhai sydd ein hangen ni fwyaf. Rydym am i Lywodraeth y DU newid cyfeiriad er mwyn gwella – nid gwaethygu – sefyllfa gyfreithiol, foesegol a chyfiawn y Deyrnas Unedig.

Ein cyf/Our ref MA/JH-/4169/21

Rt Hon Priti Patel MP
Home Secretary

By email only.

09 December 2021

Dear Home Secretary,

We write jointly following the tragedy which occurred in the English Channel on 24 November, where 27 people lost their lives seeking to cross to the UK. Whilst this is the biggest loss of life in one incident this year we know that there are numerous reports of other individual deaths, with the International Organisation for Migration, reporting that 166 people have been recorded as dead or missing after undertaking this perilous journey since 2014.

Our three Governments agree that we must ensure people do not attempt to make the English Channel crossing by small boats and that the influence of people smugglers must be curtailed. However, we do not believe that increased marine or beach patrols, diversion, criminalisation, changes to legal status or reduced support to those who arrive in the UK, that the UK Government proposes will solve this issue.

We therefore want to offer to work together constructively with you on proposals which can seek to end any further tragic waste of human life and ensure a humanitarian solution and seek an urgent meeting to fully discuss.

Safe and legal routes

People do not make dangerous journeys to the UK because they believe our welfare system will support them. They arrive because of existing family or kinship ties in the UK, their ability to speak English or as a consequence of cultural connections linked to former British colonialism. The UK has moral and international legal obligations to uphold the 1951 UN Refugee Convention, to which the UK was a founding signatory. The UK must recognise our moral duty to enable people to seek safety and also help ease pressure in countries of initial displacement with the highest numbers of refugees.

It is therefore clear that the UK Government must reconsider its hostile environment strategy and, vitally, develop sufficient safe and legal routes for asylum seekers to claim asylum from outside the UK, negating the need for perilous journeys and disrupting the business model of people smugglers. As Zoe Gardner from the Joint Council for the Welfare of Immigrants told the Home Affairs Committee “until we provide people with a regulated alternative means of travel to the UK, every round of security spending we throw at this and every attempt at this failed model of

deterrence and pushbacks will be celebrated by the smugglers, because it simply lines their pockets.”

The ‘Dubs Scheme’ was one such legal route which closed a number of years ago and we urge you to reopen – with an expanded offer to ensure the scheme is seen as accessible for those who need it. Properly funded successor schemes must support many thousands per year, as opposed to the 480 people who were accommodated through the previous scheme. Those considered to have meritorious claims can and should be brought safely to the UK, avoiding any further loss of life.

The Dublin Regulations also provided a safe and legal route for people seeking asylum to be reunited with family members they had become separated from and for their asylum application to be considered in the country their family were already living in. Home Office data shows that 882 people were transferred into the UK under Dublin Regulations in 2020. As the UK is no longer subject to Dublin regulations this safe route to be reunited with family and have an asylum claim considered here in the UK has been lost and a replacement is urgently required.

EU Withdrawal has made it harder to return migrants to France and other European countries. This was confirmed when the UK Minister for Immigration, Compliance and Courts told the Home Affairs Committee on 17 November that only five people have been returned so far this year compared to several hundred the previous year. As yet, no returns agreements have been made between the UK and other Member States. Progress requires a joint UK-EU response and we urge the UK Government to do more to work effectively with our European neighbours.

National Transfer Scheme

We recognise the pressure which various parts of the asylum system are currently operating under and note your recent decision to mandate local authority participation in the National Transfer Scheme to try to alleviate pressure to support unaccompanied asylum seeking children. We have unresolved concerns about the way the Scheme will operate but with Ministerial willingness, we believe that suitable compromises can be made to ensure the Scheme works effectively across the UK. Our governments and local authorities are keen to ensure our Nations play a full part, but we urgently need clarity that adequate funding and flexible arrangements will be put in place to ensure the operation of the Scheme works in a devolved context.

Asylum dispersal

We are extremely concerned by the Home Office’s recent approach to procuring contingency accommodation for asylum seeking adults and families without consultation with our Governments or local authorities. We understand the time pressures involved but there is ample time for proper consultation if these conversations are prioritised in the Home Office operational delivery. In Wales, we were recently able to avert a disaster, where the Home Office wanted to open a hotel very close to the office of a far-right organisation which would have caused major disruption and safeguarding risks. We can offer this local knowledge if involved early enough but this is not happening at present.

The current approach will undo all of our good work in the last year in bringing new local authorities into the asylum dispersal system and we urge you to take action to prevent this. Similar significant concerns about the procurement of hotels as contingency initial asylum accommodation in Scotland were set out in 21 October correspondence. The offer for our three Governments to have meaningful discussions on asylum dispersal with the Convention Of Scotland's Local Authorities (COSLA), the Welsh Local Government Association (WLGA) and our combined 54 local authorities remains.

Nationality and Borders Bill

Finally, we have far-reaching concerns about the impact of the provisions included in the Nationality and Borders Bill on our Nations. Although we understand that you have different policy intentions to our Governments, we also believe the current provisions will have a counter-productive effect in achieving the aims you have outlined. People seeking asylum should be accommodated within communities and have access to the support and services they need to rebuild their lives.

- The UK government claims that this legislation contains measures that will prevent migrants crossing the English Channel in small boats, including the barbaric suggestions for “push-back” exercises involving enforcement officials seeking to repel small boats. Rather than help matters, these measures will delay rescues and endanger lives. It is an obligation under maritime laws and conventions to guarantee people's safety. As reported by the UK Parliament's Joint Committee on Human Rights a “policy of pushbacks fails to comply with the obligations to save those in distress, contrary to the right to life and international maritime law.” Our governments wholeheartedly support the Joint Committee's position and call again for this policy to be urgently reviewed.
- Provisions which penalise Group 2 refugees will inevitably lead to more illegal working and exploitation of refugees (other Home Office priority areas to tackle) in our communities, a point reinforced by a range of experts who presented to the Public Bill Committee.
- Differentiation between refugees based on how they arrived rather than their protection needs is entirely counter to integration. Focus should be on improving the asylum system, not finding new ways to make the system more challenging and prolonged for people seeking safety.
- Restrictions on Family Reunion rights will lead more family members to attempt the Channel crossing.
- The provisions aimed at ensuring asylum seekers put their full case together at the first opportunity will lead to increased litigation for the Home Office if asylum seekers are dispersed to immigration legal advice ‘deserts’ unless there is a radical increase in Legal Aid support.
- Provisions relating to the operation of accommodation centres will lead to the rise in far-right extremism (another Home Office priority to address), as we saw in Penally in West Wales.

Our officials and ministers have repeatedly sought engagement on the matters raised in the Nationality and Borders Bill, the impact that they will have in our nations and the possible need for legislative consent. This includes key considerations on

issues relating to unaccompanied asylum seeking children and human trafficking but meaningful engagement on these matters has not been forthcoming. Welsh Ministers have now decided that a Legislative Consent Memorandum will be required to be laid at Senedd Cymru in relation to the age assessment clauses in the Bill, whilst Scottish Ministers still require urgent clarity from the Home Office to ascertain whether similar legislative competence issues need to be addressed in Scotland.

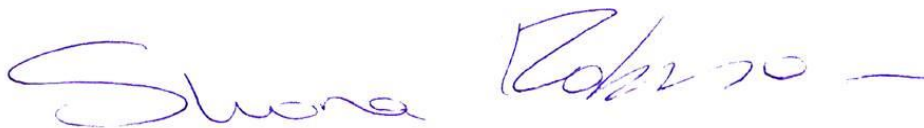
We further note that, on 1 December, less than a week before report stage, the Home Office have tabled some 80 amendments, again, without any advanced notice or meaningful engagement. This approach makes cooperative working virtually impossible and we would urge the UK government to engage constructively to address our real concerns.

Next steps

Scotland and Wales have always played their part in providing sanctuary to those fleeing conflict and persecution and we stand ready to do so again. We are committed to working with you to build cross-party support around revisions to the Bill which could make it workable and effective in achieving your policy aims whilst also ensuring effect integration of all arrivals within our Nations.

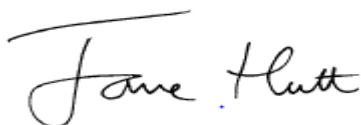
It is notable that we have had no Ministerial meetings in relation to these matters and we urge you to meet with us before the end of the year to discuss how we can work together on these vitally important issues.

We are keen to follow a Four Nations approach to this issue so we are also copying this letter to the First Minister and Deputy First Minister of Northern Ireland and we urge you to include us all when the meeting is convened.



Shona Robison MSP

Cabinet Secretary for Social Justice, Housing and Local Government
Scottish Government



Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice
Welsh Government



Shona Robison MSP
Cabinet Secretary for Social Justice, Housing and Local Government
Scottish Government

Jane Hutt AS/MS
Minister for Social Justice
Welsh Government

DECS Reference: MIN/0220001/21
Your Reference: MA/JH-/4169/21

18 January 2022

Dear Shona and Jane,

Thank you for your joint letter of 9 December to the Home Secretary about asylum and immigration. I also thank Shona for her letters of 4 November and 25 November, and Jane for her letters of 18 November and 10 December. I am replying as the Minister for Safe and Legal Migration.

Last November's tragic loss of life is yet another reminder of how lethally dangerous journeys across the Channel are, and why they must be stopped. The criminals who facilitate these journeys have no regard for life, and we will use every tactic in our disposal to break their business model. We must also recognise illegal immigration from safe and democratic countries in Europe undermines our efforts to help those most in need who are in the first safe country they can reach. Controlled resettlement via safe and legal routes is the best way to protect such people and disrupt the organised crime groups who exploit migrants and refugees.

This is a complicated issue and there is no simple fix. The Nationality and Borders Bill and the New Plan for Immigration are both essential elements in finding a multi-pronged solution to a long-term problem which successive Governments have faced over decades.

Safe and legal routes

The UK has a proud history of welcoming refugees through resettlement, and this will continue to be the case. Yet with worldwide displacement now standing at around 80 million people, we cannot help everyone. However, we will maintain clear, well-defined routes for refugees in need of protection. When they arrive in the UK, we will ensure refugees have the tools to properly integrate and contribute to society. The number of refugees we can resettle has to be based on the UK's capacity to support them.

Since 2015, we have resettled over 25,000 men, women and children seeking refuge from persecution across the world. This is more than any other European country. Our doors

remain open to the people who most need our help through our commitment to resettlement.

Following the successful completion of the Vulnerable Persons Resettlement Scheme in February 2021, we have launched the new global UK Resettlement Scheme. This builds on the success of previous schemes and sees the UK continue to welcome refugees in need of protection. Equally, the UK will continue to work closely with international partners such as the United Nations High Commissioner for Refugees to target those in greatest need of our support. This includes people requiring urgent medical treatment, survivors of violence and torture, and women and children at risk. We also continue to resettle refugees through our Community Sponsorship and Mandate Resettlement Schemes.

We have also relocated over 7,000 people under the Afghan Relocations and Assistance Policy (ARAP), with many more continuing to arrive. ARAP offers relocation to current or former staff, and certain others who worked alongside or in partnership with the UK Government. They are assessed to be at risk because of this work. In addition, on 6 January, the Afghan Citizens Resettlement Scheme (ACRS) formally opened. It will provide up to 20,000 women, children and others at risk with a safe and legal route to resettle in the UK.

The scheme will prioritise those who have assisted UK efforts in Afghanistan and stood up for British values such as democracy, women's rights, freedom of speech and the rule of law. Furthermore, we are also prioritising vulnerable people such as women and girls at risk, and members of minority groups (including ethnic/religious minorities and people who are LGBT+). The ACRS is a clear demonstration of the Government's New Plan for Immigration in action, as we expand and strengthen our safe and legal routes to the UK for those in need of protection.

In very exceptional circumstances, the Home Secretary can use her discretion to allow someone whose life is at direct risk to come to the UK, where the unique facts of the case merit this. As we committed to in the New Plan for Immigration, those coming to the UK through resettlement routes now receive immediate indefinite leave to remain.

It is also worth noting over 88,800 British Nationals (Overseas) (BN(O)) status holders and their family members have now applied for the BN(O) route we created in January 2021. It reflects the UK's historic and moral commitment to those people of Hong Kong who choose to retain their ties to the UK. The route offers a choice which affords long-term safety and stability for these individuals and their families via settlement in the UK.

Dubs Scheme

I note your comments about the Dubs Scheme. The Government met its one-off commitment to transfer 480 unaccompanied asylum-seeking children from Europe to the UK under the Dubs Scheme. We have no plans for a new transfer scheme specifically from countries in Europe, which are all safe and democratic nations, for unaccompanied asylum-seeking children (UASC), reflecting our new global approach to the Immigration system.

In addition to our resettlement schemes, since 2015 we have issued over 39,000 visas under the Refugee Family Reunion Rules. Around half of these were issued to children. Separately, we have already committed to provide additional clarity in the Immigration Rules on the exceptional circumstances where we would grant leave to a child seeking to join a relative in the UK.

Dublin Regulation and returns agreements

I also note your comments about the Dublin Regulation and about returns agreements with EU states.

All countries have a moral responsibility to tackle the issue of illegal migration. We expect our international partners to engage with us, build on our good current co-operation, and continue to highlight the importance of having effective returns agreements to stop people making perilous crossings.

The UK and EU have therefore agreed a joint political declaration which makes clear the UK's intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors and illegal migration. We also continue to work with other international partners to meet this joint challenge.

National Transfer Scheme (NTS)

A new voluntary National Transfer Scheme rota was launched on 26 July 2021 and was initially successful in enabling us to transfer children into the care of local authorities. However, the high number of UASC arrivals over recent months, particularly as a result of small boat crossings, alongside limited local authority participation, placed the scheme under unprecedented pressure. The NTS was unable to keep up with the demand and pace of new arrivals. Out of necessity, with the children's best interests in mind, we therefore accommodated UASC on an emergency and temporary basis in hotels whilst placements with local authorities were vigorously pursued.

Whilst many local authorities provided support under the voluntary scheme, this is a national issue which requires all local authorities to play their part. The Government therefore decided to direct local authorities to participate in the NTS, as a measure to address this current crisis. On 14 December 2021, participation in the scheme therefore became mandatory for the majority of local authorities in the UK with children's services.

We are continuing to consider remaining representations made by local authorities, including from those local authorities in Scotland and Wales, and expect to issue the outcome of those shortly. The scheme will be kept under review and the length of time it will remain mandatory will be determined by a range of factors, including intake levels and how long it takes to end the use of hotels for UASC.

We are very grateful to local authorities in Scotland and Wales, as well as the Convention of Scotland's Local Authorities (COSLA) and the Welsh Local Government Association (WLGA), for their commitment to the scheme and for providing vital care placements for UASC.

Wherever possible within the mandatory framework, we will support any nation or region wishing to make alternative local operating arrangements where it is in the best interests of the children. We have previously shown flexibility in this area and aim to continue discussions to ensure the best outcome for vulnerable children.

I recognise the importance of funding in this area. We have significantly increased the additional funding which the Home Office pays to local authorities in each of the past three years. In particular, from April 2021 local authorities receiving a child transferred under the NTS receive the higher rate of £143 per day for the child, to recognise the contribution made by the authority. In addition, I have made available a £3 million exceptional costs fund, to which I have invited local authorities to apply in relation to any additional costs they might incur.

Tudalen y pecyn 188

Details of the application process are included in the UASC funding instructions to local authorities and available at:

<https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-uasc-grant-instructions>

Asylum dispersal

I agree we need to limit the use of contingency accommodation such as hotels and the importance of local areas participation in accommodating asylum seekers and their dependants to help us do this.

It is therefore very disappointing only 1 out of 32 local authorities in Scotland currently participates in the national dispersal scheme. Whilst I am extremely grateful to Glasgow City Council for their immense work in this area, others need to step up and play their part.

It is further disheartening how some local authorities in Scotland are picking and choosing who they will support by taking in those resettled from Afghanistan, but not those resettled via other safe and legal routes. I hope we can in future ensure a more balanced approach.

Cessation of asylum support

It is important any support provided to those who receive a negative asylum decision is conditional on the individuals concerned taking reasonable steps to leave the UK or show there is a practical or legal obstacle which prevents their departure. This is why the legal framework means support is stopped ('negative cessations') if the individuals concerned are able to leave the UK but choose not to. Negative cessations were paused across the UK for most of the period since March 2020 because of COVID-19 factors, but have now resumed in England. It is important the same system is applied in the rest of the UK as soon as possible, but before any final decision is made, we will advise the devolved administrations.

Access to work

We allow asylum seekers to work if their claim has been outstanding for 12 months or more, through no fault of their own.

Those permitted to work are restricted to jobs on the Shortage Occupation List (SOL), which is based on expert advice from the independent Migration Advisory Committee. It is important to distinguish between those who need protection and those seeking to work here, who can apply for a work visa under the Immigration Rules. It is crucial to prevent our wider policy from being undermined by migrants seeking to bypass work visa Rules by lodging unfounded asylum claims.

Asylum seekers are provided with accommodation and support to meet their essential living needs if they would otherwise be destitute whilst their claim is considered. We strongly encourage all asylum seekers to consider volunteering, so long as it does not amount to unpaid work. Volunteering provides a valuable contribution to their local community and may help them to integrate into society if they ultimately qualify for protection.

Relaxing our right to work policy is not the correct approach as this would simply encourage more people to make dangerous journeys across the Channel in order to undercut our visa routes and gain unfair access to our labour market. We have been clear those in need of protection and who wish to come to the UK must do so through safe and legal routes, such as our resettlement schemes. Where reasons for coming to the UK include family or economic considerations, applications should be made via the relevant route; either through the new points-based immigration system, or via the refugee family reunion rules. Otherwise, asylum seekers should claim asylum in the first safe country they reach, which is their fastest route to safety.

Finally, comparing different jurisdictions is unhelpful. Our policy responds to circumstances unique to the UK and must complement our wider asylum and immigration system. The same goes for other European states, and looking more closely at European countries is instructive. Austria allows asylum seekers to work after three months, but they are restricted to seasonal roles on six-month visas in forestry, tourism, and agriculture. Meanwhile in France, the right to work is permitted after six months but is contingent on having a work permit, which itself requires a job offer. In practice, this means many asylum seekers in France cannot work.

Nationality and Borders Bill

The Nationality and Borders Bill has now been passed by the House of Commons and is before the House of Lords. The principle behind the Bill, and the wider New Plan for Immigration, is simple. Access to the UK's asylum system should be based on need, not on the ability to pay people smugglers to leave safe countries like France and Belgium. Those in genuine need will be protected, while illegal migration will be prevented and those with no right to be in the UK should be removed.

Differentiation

We are creating powers to differentiate entitlements between those refugees who came directly to the UK, claimed asylum without delay, and, where applicable, showed good cause for their illegal entry or presence, and those who did not. This is intended to deter migrants from undertaking dangerous journeys from safe countries facilitated by criminal smugglers and to uphold the first safe country principle. This policy complies with our international obligations under the Refugee Convention and the European Convention on Human Rights.

You say provisions in the Bill will “inevitably lead to more illegal working and exploitation of refugees”. All recognised refugees, regardless of whether they are in Group 1 or Group 2, will have the right to work in the UK. More broadly, I hope you would agree with me the best way to tackle illegal working and the exploitation of refugees is by tackling the criminal gangs who are doing the exploiting, which is exactly what we are doing through our New Plan for Immigration.

I would also like to clarify family reunion for refugees in Group 2 will be permitted where a refusal would breach our international obligations. Policy will be set out in guidance and in Immigration Rules in due course.

Accommodation centres

The Government has a statutory obligation to provide safe and secure accommodation whilst meeting the essential living needs of asylum seekers who would otherwise be destitute. Hotels are currently being used to meet some of these duties, but this is not sustainable in the longer term. Part of the solution is to increase the stock of dispersal accommodation (flats and houses), but accommodation centres are also a key part of our on-going work to build capacity in the asylum estate.

Those accommodated at the centres will receive support to cover their essential living needs – generally through ‘in-kind’ provision but supplemented by some cash where appropriate. People who are resident at the centres will also have the same access to services in the local community as those in other existing accommodation.

There are no plans to require all asylum seekers and failed asylum seekers to live in this type of accommodation. Those who can obtain accommodation with friends or family will continue to be able to do so. Individuals who require accommodation because they would

otherwise be destitute will have the opportunity to provide information and supporting evidence as to why they should not be housed in accommodation centres because of their particular circumstances. The normal 'dispersal accommodation' will be available for these cases.

I note your comments seeking to link the operation of accommodation centres with a rise in far-right extremism. I deplore the possibility there would be any attacks on those housed in the centres, and I reiterate the accommodation will be safe and secure, as has been seen in other European Countries.

Priority Removal Notices and legal aid

It is often the case those facing removal or deportation from the UK raise late protection or human rights claims which could have been made at an earlier juncture. This causes unnecessary delay and expense to the taxpayer.

We will therefore strengthen the existing one-stop process by establishing a Priority Removal Notice (PRN) which may be issued to a person who is liable to removal or deportation from the UK. The PRN will require a person to raise any new or additional grounds for why they should remain in the UK before the date specified in the notice. This includes information relevant to whether the person is a victim of modern slavery or trafficking. Any supporting evidence must be provided at the same time.

I note your questions about legal aid, which is devolved in Scotland and Northern Ireland. I would therefore respectfully suggest these are questions for the Scottish Government and the Northern Ireland Executive. I can, however, advise all recipients of a PRN in England and Wales will receive an additional provision of between 3-7 hours of legal aid advice, which may cover advice on anything relating to their immigration status and also include advice on the National Referral Mechanism process. This will ensure all claims can be considered sufficiently in advance of the person's removal, reducing the extent to which removal can be frustrated, and allow those in need of international protection to be identified and supported as early as possible.

The Legal Aid Agency monitor the legal aid market regularly and take concerns about capacity seriously. However, at the moment, to say there are not enough legal aid lawyers is simply not correct. Each procurement area in England and Wales has immigration legal aid providers, which in June 2021 totalled 263 offices.

Assisting people at sea

We are clear the Bill does not change the UK Government's approach to existing obligations under international maritime law, including the duty to protect lives at sea.

We tabled an amendment to the Bill at Commons Report Stage to make clear organisations such as HM Coastguard and RNLI will be able to continue to rescue those in distress at sea as they do now. I understand our officials are picking up your specific questions about the interaction of the Bill with the Human Trafficking and Exploitation (Scotland) Act 2015, and the further questions your officials have raised about the meaning of the term "danger and distress" as used in the Bill.

Maritime tactics

Our priority first and foremost is to save lives. This is why every action Border Force take is safe and in accordance with domestic and international law obligations. However, clearly it is important we have a maritime deterrent in the Channel. We are therefore strengthening Border Force maritime powers in response to the increased threat posed by

cross-Channel illegal migration over the past few years. Consequently, Border Force will gain additional powers to intercept vessels in international waters as well as UK seas.

If Border Force suspect a vessel is entering UK seas to facilitate the entry of illegal migrants, they are able to stop the vessel to investigate. Border Force would have the option to divert the vessel out of or away from UK seas or to return the vessel and those on board to the country they had left, subject to the country agreeing to their return.

Vessels used to facilitate illegal entry by sea to the UK will be liable to be seized and be quickly disposed of, including through donation to charities if appropriate.

Age assessment

The new National Age Assessment Board – with expert social workers specialising in age assessments – will improve the quality and consistency of decision making.

I did note your comments about scientific methods, yet we are one of the very few European countries which does not currently use such methods of age assessment. The Home Secretary will seek scientific advice directly from the Home Office Chief Scientific Adviser, and determine whether a method, or combination of methods, is appropriate for the purposes of an age assessment. The Home Office Chief Scientific Adviser will consult a wider group of experts on the accuracy and reliability of various scientific methods.

I note on 6 December 2021, the Welsh Government tabled a legislative consent memorandum before Senedd Cymru in respect of some of the age assessment provisions in the Nationality and Borders Bill. It remains our position the legislative consent of the devolved parliaments is not required, but I have asked my officials to write to you to provide more detail.

Working in UK waters

All foreign nationals require permission to work in UK territorial waters unless they are covered by an exemption.

The Bill clarifies the legal framework requiring foreign national workers to obtain permission to work in UK waters, therefore the effect of this clause should be negligible as this has always been the UK Government's position. Foreign nationals intending to work in UK territorial waters will need to apply for the appropriate visa under the points-based system, in the same way as when coming to work on the landmass. I

I note your comments about transit visas, particularly in respect of fisheries, and would reiterate our longstanding position. This position stipulates foreign nationals require permission to work in our territorial waters, including those working in fisheries. Transit visas do not give someone permission to work in the UK either on the landmass or within UK territorial waters. They can be used, however, to transit the UK to work outside of the UK.

Visa penalties

The UK accepts returning nationals who lose the right to be in a foreign country, and we expect other countries to do the same for their nationals. This is part of a functioning migration relationship between countries.

The Bill makes it clear when determining whether to impose visa penalties, the Secretary of State must consider factors relating to the lack of co-operation and "matters as the Secretary of State considers appropriate." If appropriate, this could also include matters raised by the devolved administrations.

Electronic Travel Authorisations

I welcome Shona's support in principle for the new Electronic Travel Authorisation scheme, which will strengthen our borders and enhance our ability to prevent the travel of those who pose a threat to the UK.

I agree we need to carefully consider how to operationalise the scheme and this work is making progress.

Engagement

I know our officials have been engaging regularly on the New Plan for Immigration and the Nationality and Borders Bill, most recently to address detailed questions your officials have had on age assessment and modern slavery.

The Minister for Justice and Tackling Illegal Migration has also been sending written updates on Government amendments to the Bill to the First Minister of Scotland, the First Minister of Wales and the First Minister and Deputy First Minister of Northern Ireland.

Legislative consent motions

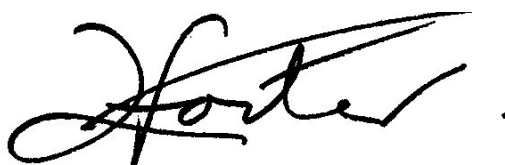
The Bill does not require the legislative consent of the Scottish Parliament, the Welsh Parliament or the Northern Ireland Assembly, and so we will not be seeking legislative consent motions.

Next steps

We stand by our moral and legal obligations to help innocent people fleeing cruelty around the world. Our long-term plan will prioritise bringing over the most vulnerable people currently living in refugee camps around the world through safe and legal routes. However, we must take action to address long-term pull factors and to smash the criminal gangs which treat human beings as cargo. We must send a clear message using dangerous, illegal routes is not the way to come to our country.

I note your letter of 9 December was copied to the First Minister and the Deputy First Minister of Northern Ireland, and so I am copying this letter to them as well. I am also copying this letter to the Secretary of State for Scotland, the Secretary of State for Wales, the Secretary of State for Northern Ireland, the Chancellor of the Duchy of Lancaster and the Secretary of State for Levelling Up, Housing and Communities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Safe and Legal Migration

Eitem 6

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

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