

Agenda – Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgor 3 (Senedd)	Rachael Davies
Dyddiad: Dydd Llun, 11 Medi 2023	Clerc y Pwyllgor
Amser: 09.30	0300 200 6565
	SeneddCydraddoldeb@senedd.cymru

Cofrestru cyn y cyfarfod (09:30 – 10:00)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**
(10.00)
- 2 Atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd: Sesiwn dystiolaeth 8**
(10.00 – 10.45) (Tudalennau 1 – 19)
Eluned Morgan AS, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Julie Morgan AS, y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Richard Desir, Swyddog Nyrsio Profiad y Claf
Alex Slade, Cyfarwyddwr Gofal Sylfaenol ac Iechyd Meddwl
Sue Tranker, Prif Swyddog Nyrsio
Alistair Davey, Dirprwy Gyfarwyddwr, y Gyfarwyddiaeth Galluogi,
Gwasanaethau Cymdeithasol ac Integreiddio
- 3 Cynnig o dan Reol Sefydlog 17.42 (vi) a (ix) i wahardd y cyhoedd o'r cyfarfod heddiw ar gyfer eitemau 4 a 7**
(10.45)
Egwyl (10.45 – 11.00)



- 4 Atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd: y grŵp cynghori**
(11.00 – 12.30) (Tudalennau 20 – 32)
- Cinio (12:30 – 13:30)**
- 5 Atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd: sesiwn dystiolaeth 9**
(13.30 – 14.30) (Tudalennau 33 – 46)
- Jeremy Miles AS, Gweinidog y Gymraeg ac Addysg
Sian Jones, Pennaeth Cefnogi Cyflawniad a Diogelu
Lloyd Hopkin, Pennaeth Diwygio'r Cwricwlwm
- 6 Papurau i'w nodi**
(14.30–14.35)
- 6.1 Gohebiaeth â'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip ynghylch adroddiad y Pwyllgor ar anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid**
(Tudalennau 47 – 52)
- 6.2 Gohebiaeth â'r Arglwydd Bellamy, yr Is-ysgrifennydd Gwladol Seneddol dros Gyfiawnder, ynghylch adroddiad y Pwyllgor ar anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid**
(Tudalennau 53 – 56)
- 6.3 Gohebiaeth â'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip ynghylch therapyddion lleferydd ac iaith ym maes cyfiawnder ieuenctid**
(Tudalennau 57 – 59)
- 6.4 Gohebiaeth gan Gadeirydd y Pwyllgor Cyllid at y Gweinidog Cyllid a Llywodraeth Leol ynghylch Amserlen y Gyllideb Ddrafft 2024–25**
(Tudalennau 60 – 62)
- 6.5 Gohebiaeth â Chwaraeon Cymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd**
(Tudalennau 63 – 65)

- 6.6 Gohebiaeth â Chyngor Cyllido Addysg Uwch Cymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 66 – 70)
- 6.7 Gohebiaeth â Chymdeithas Llywodraeth Leol Cymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 71 – 74)
- 6.8 Gohebiaeth ag Iechyd Cyhoeddus Cymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 75 – 84)
- 6.9 Gohebiaeth â Phlisma yng Nghymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 85 – 102)
- 6.10 Gohebiaeth â Choleg Brenhinol yr Ymarferwyr Cyffredinol Cymru ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 103 – 106)
- 6.11 Gohebiaeth â Byrddau Iechyd Lleol ac Ymddiriedolaethau GIG ynghylch y dull iechyd cyhoeddus o atal trais ar sail rhywedd
(Tudalennau 107 – 215)
- 6.12 Gohebiaeth gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol a'r Dirprwy Weinidog Gwasanaethau Cymdeithasol ynghylch dulliau Iechyd y Cyhoedd o atal trais ar sail rhywedd
(Tudalen 216)
- 6.13 Ymateb Llywodraeth Cymru i adroddiad y Pwyllgor Dyled ac effaith costau byw cynyddol
(Tudalennau 217 – 232)
- 6.14 Gohebiaeth gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg i Weinidog y Gymraeg a Addysg ynghylch canllawiau statudol ar addysg ddewisol yn y cartref
(Tudalennau 233 – 265)
- 6.15 Gohebiaeth gan Gadeirydd y Pwyllgor Llywodraeth Leol a Thai ynghylch sesiwn graffu gyda'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
(Tudalen 266)

- 6.16 Gohebiaeth gan y Prif Weinidog ynghylch Uwchgynhadledd y Cyngor Prydeinig–Gwyddelig yn Jersey
(Tudalen 267)
- 6.17 Gohebiaeth gan Gadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig i Weinidogion Llywodraeth Cymru ynghylch y gwasanaeth rhagnodi electronig ym maes gofal sylfaenol
(Tudalennau 268 – 269)
- 6.18 Gohebiaeth gan Dr Greg Davies ynglŷn â phleidleisio i garcharorion yng Nghymru
(Tudalennau 270 – 298)
[*Prisoner voting in Wales: devolved autonomy and human rights at the jagged edge*](#) (Papur ymchwil)
- 6.19 Gohebiaeth â'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip ynghylch craffu ariannol yn ystod y flwyddyn 2023–24
(Tudalennau 299 – 310)
- 6.20 Gohebiaeth gyda'r Gweinidog Newid Hinsawdd ynghylch y Rhaglen Cartrefi Clyd
(Tudalennau 311 – 314)
- 6.21 Gohebiaeth â'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip ynghylch y Strategaeth Ddrafft ar gyfer Tlodi Plant
(Tudalennau 315 – 318)
- 6.22 Gohebiaeth gan y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip ynghylch adroddiad y Pwyllgor ar y Memorandwm Cydsyniad Deddfwriaethol ar y Bil Dioddefwyr a Charcharorion
(Tudalennau 319 – 321)
- 6.23 Gohebiaeth gan y Comisiwn Cydraddoldeb a Hawliau Dynol ynghylch Cyflwyniad UKIM i Bwyllgor y Cenedloedd Unedig ar Hawliau Pobl ag Anableddau
(Tudalennau 322 – 324)
- 6.24 Gohebiaeth â Llywodraeth Cymru ynghylch cyfiawnder data
(Tudalennau 325 – 352)

6.25 Gohebiaeth â Phwyllgor Meddygon Teulu, BMA Cymru, ynghylch cyfiawnder data

(Tudalennau 353 – 357)

6.26 Gohebiaeth gyda'r Cyngor Meddygol Cyffredinol ynghylch cyfiawnder data

(Tudalennau 358 – 362)

7 Atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd: trafod y dystiolaeth

(14.35 – 15.00)

Mae cyfyngiadau ar y ddogfen hon

PAPUR TYSTIOLAETH YSGRIFENEDIG I'R PWYLLGOR CYDRADDOLDEB A CHYFIAWNDER CYMDEITHASOL Y Gweinidog Cyfiawnder Cymdeithasol, 17 Mehefin 2023

Rwy'n croesawu'r cyfle i ddarparu gwybodaeth i gefnogi ymchwiliad y Pwyllgor i *Atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd*.

Rwyf wedi mynd i'r afael â phob un o feysydd diddordeb y Pwyllgor isod ac edrychaf ymlaen at drafod ymhellach â'r Pwyllgor ddydd Llun 18 Medi.

Y Strategaeth Genedlaethol

Mae'n ofyniad statudol o dan a3(1) o Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 i Weinidogion Cymru, yn dilyn etholiad cyffredinol, baratoi a chyhoeddi Strategaeth Genedlaethol i atal trais ar sail rhywedd, cam-drin domestig a thrais rhywiol ac i amddiffyn a chefnogi dioddefwyr.

Y Strategaeth Genedlaethol yw'r cyfrwng ar gyfer cyflawni ymrwymadau'r Rhaglen Lywodraethu i:

- a) gryfhau'r Strategaeth Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol i gynnwys ffocws ar drais yn erbyn menywod ar y stryd ac yn y gweithle yn ogystal â'r cartref
- b) ehangu ymgyrchoedd hyfforddi ac ymwybyddiaeth 'Gofyn a Gweithredu' a 'Paid Cadw'n Dawel'
- c) sicrhau mai Cymru yw lle'r mwyaf diogel yn Ewrop i fod yn fenyw

Paratowyd y Strategaeth ddiwygiedig drwy ymgynghori'n helaeth â gweithgor o sefydliadau partner allweddol a goroeswyr, yn ogystal â'r Cynghorwyr Cenedlaethol ar Drais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol.

Amcanion y Strategaeth Genedlaethol

Amcan 1

Herio agwedd y cyhoedd tuag at drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ledled poblogaeth Cymru drwy godi ymwybyddiaeth ac ysgogi trafodaeth gyhoeddus gyda'r nod o leihau'r achosion ohono.

Amcan 2

Cynyddu ymwybyddiaeth plant, pobl ifanc ac oedolion o bwysigrwydd cydberthnasau diogel, cyfartal ac iach a'u grymuso i wneud dewisiadau personol cadarnhaol.

Amcan 3

Cynyddu'r ffocws ar ddwyn y rhai sy'n cam-drin i gyfrif a chefnogi'r rhai a all ymddwyn yn gamdriniol neu'n dreisgar i newid eu hymddygiad ac osgoi troseddu.

Amcan 4

Rhoi blaenoriaeth i ymyrryd yn gynnar ac atal.

Amcan 5

Hyfforddi gweithwyr proffesiynol perthnasol i ddarparu ymatebion effeithiol, amserol a phriodol i ddioddefwyr a goroeswyr.

Amcan 6

Rhoi mynediad cyfartal i bob dioddefwr at wasanaethau, a'r rheini'n wasanaethau croestoriadol o ansawdd uchel, y darperir adnoddau priodol ar eu cyfer, sy'n cael eu harwain gan anghenion, sy'n seiliedig ar gryfderau ac sy'n ymatebol ledled Cymru.

Yn ganolog i'r Strategaeth mae dull iechyd y cyhoedd o fynd i'r afael â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Ymhlith yr egwyddorion y tu ôl i'n Strategaeth, mynegir yr ymrwymiad craidd canlynol;

“Mae egwyddorion iechyd y cyhoedd yn cynnig fframwaith defnyddiol ar gyfer deall ein dull a'r 'theori newid' y byddwn yn ei ddefnyddio i roi terfyn ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae dull iechyd y cyhoedd yn deall achosion trais, cam-drin a rheolaeth, a'u heffeithiau. Mae'r dull yn seiliedig ar boblogaethau cyfan ac, fel y cyfryw, yn dibynnu ar ymdrech gydgysylltiedig sy'n cydnabod achosion problemau iechyd a chymdeithasol drwy ymatebion amlasiantaethol.

Mae dull iechyd y cyhoedd o atal trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn gwella diogelwch pawb drwy fynd i'r afael â'r ffactorau risg sylfaenol sy'n cynyddu'r tebygolrwydd y bydd unigolyn yn dod yn oroeswr neu'n mynd yn gyflawnwr. Mae pedwar cam i ddull iechyd y cyhoedd llwyddiannus sy'n hanfodol i'r Strategaeth hon:

- Diffinio'r broblem drwy fynd ati'n systematig i gasglu gwybodaeth am raddfa, cwrpas, nodweddion a chanlyniadau trais
- Sefydlu pam y mae trais yn digwydd gan ddefnyddio ymchwil i bennu achosion a ffactorau cydberthynol trais, y ffactorau sy'n cynyddu neu'n lleihau'r risg o drais, a'r ffactorau y gellid eu haddasu drwy ymyriadau
- Ymchwilio i'r hyn sy'n gweithio drwy ddylunio ymyriadau, eu rhoi ar waith a'u gwerthuso
- Rhoi ymyriadau effeithiol ac addawol ar waith mewn amrywiaeth eang o leoliadau, gan gynnwys monitro'r effeithiau ar ffactorau risg a chanlyniadau

Mae Cynghrair Atal Trais Sefydliad Iechyd y Byd yn disgrifio 'fframwaith ecolegol' sy'n cynrychioli'r cydadwaith rhwng ffactorau'n ymwneud ag unigolyn, cydberthynas, cymuned a chymdeithas sy'n rhyngweithio i bennu'r risg o drais. Wrth gyflawni'r Strategaeth hon, rydym yn disgwyl i bob penderfyniad gael ei lywio gan ddealltwriaeth o'r model hwn ac ymdrechu i sicrhau bod ymyriadau unigol yn cael yr effaith fwyaf bosibl ar y fframwaith.

Bydd atal yn rhan greiddiol o'r Strategaeth. Er bod cefnogaeth i oroeswyr a newid system er mwyn gwella canlyniadau i oroeswyr yn dal i fod yn arfau pwysig, rydym am symud y pwyslais oddi ar y symptomau a chanolbwyntio ar yr achos drwy ddull iechyd y cyhoedd. Nid yw hyn yn golygu y bydd goroeswyr yn cael, nac y dylent ddisgwyl cael llai o'r dull gweithredu hwn. Mae hyn yn ymwneud ag ehangu effaith yr

hyn a wnawn er mwyn sicrhau y caiff goroeswyr eu cefnogi'n gyfannol fel unigolion, a bod effaith ehangach ar y gymdeithas sy'n lleihau'r tebygolrwydd y byddant yn profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn y lle cyntaf. Yn y cyd-destun hwn, mae 'atal' yn derm mantell sy'n golygu bod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a'r niwed y mae'n ei achosi yn cael eu hatal dros y sbectrwm, gan gynnwys:

- atal cychwynnol: atal trais cyn iddo ddigwydd
- atal eilaidd: ymateb i drais i leihau niwed cymaint â phosibl, gwella gwasanaethau ac atal trais pellach
- atal trydyddol: atal atgwympo a chylchoedd trais sy'n pontio cenedlaethau

Bydd ein dulliau iechyd y cyhoedd yn codi ymwybyddiaeth rhan eang o'r boblogaeth o fesurau atal ac yn lleihau ac atal trais ar lefel y boblogaeth. Bydd hyn yn golygu y byddwn yn ceisio nodi unigolion a all ddod yn oroeswyr, neu fynd yn gyflawnwyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn gynharach, ond byddwn hefyd yn defnyddio ymyriadau ar draws y boblogaeth gyfan i 'ddadnormaleiddio' trais, rheolaeth drwy orfodaeth ac aflonyddu. Mae'r Strategaeth hon yn mabwysiadu dull cwrs bywyd at drais yn erbyn menywod, cam-drin domestig a thrais rhywiol, sy'n cynnwys plant ac oedolion o bob oed, gan gynnwys pobl hŷn, gan adnabod arwyddion cam-drin drwy gydol camau bywyd unigolyn."

Mae'r Strategaeth yn cael ei chyflawni drwy ddull Glasbrint sy'n dwyn ynghyd sefydliadau sydd wedi'u datganoli ac eraill nad ydynt wedi'u datganoli. Mae'r tîm trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn arwain y gwaith o gyflawni ar gyfer Llywodraeth Cymru ond, er mwyn llwyddo, mae'r Strategaeth yn gofyn am gydweithio ag adrannau eraill gan gynnwys addysg, iechyd, tai a throeddau. Mae mabwysiadu'r dull Glasbrint hwn wedi'i gwneud yn bosibl sefydlu strwythur llywodraethu newydd a rennir sy'n adlewyrchu'r gydberchnogaeth ar y flaenoriaeth gyffredin hon, sef mynd i'r afael â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Bydd mabwysiadu dull iechyd y cyhoedd ar gyfer ein gwaith yn sicrhau ein bod yn parhau i ganolbwyntio ar y pethau pwysig. Yr egwyddorion sylfaenol sy'n llywio ein hymdrechion ar y cyd yw:

- herio agweddau'r cyhoedd
- cynyddu ymwybyddiaeth ymhlith plant
- mwy o atebolrwydd gan y rhai sy'n cyflawni trais a cham-drin
- blaenoriaethu a chanolbwyntio ar atal
- gweithlu hyderus a gwybodus
- darparu gwasanaethau cynhwysol a hygyrch sy'n ystyriol o drawma ac yn cael eu harwain gan anghenion

Mae'r gwaith yn cyfrannu at gyflawni bob un o'r nodau llesiant. Mae hefyd yn cyfrannu at amcanion llesiant Llywodraeth Cymru, yn enwedig: hyrwyddo iechyd a llesiant da i bawb; creu cymunedau mwy iach ac amgylcheddau gwell; helpu pobl i wneud y mwyaf o'u potensial; datblygu uchelgais ac annog dysgu am oes; creu cymunedau, diwylliant ac iaith sy'n gydnerth; hyrwyddo a diogelu lle Cymru yn y byd.

Bydd ffrydiau gwaith y Glasbrint yn bwrw ymlaen â gwaith ar gamau allweddol a amlinellir yn Strategaeth Genedlaethol Trais yn erbyn Menywod, Cam-drin Domestig

a Thrais Rhywiol 2022-2026, ac yn ei oruchwylio, yn ogystal â nodi blaenoriaethau eraill wrth dynnu ar dystiolaeth/gwersi ehangach a ddysgwyd sy'n berthnasol i'r agenda trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Rhaid i hyn ddigwydd â chytundeb y Bwrdd Rhaglen Cenedlaethol. Gall y ffrydiau gwaith hyn newid dros amser wrth i gynnydd gael ei wneud ac wrth i flaenoriaethau ddatblygu. Fodd bynnag, yn y lle cyntaf, bydd y rhain yn ymdrin â'r canlynol:

- aflonyddu ar sail rhywedd ym mhob man cyhoeddus
- aflonyddu yn y gweithle
- mynd i'r afael â chyflawni trais
- comisiynu cynaliadwy: dull system gyfan
- anghenion pobl hŷn
- anghenion plant a phobl ifanc

Cynnydd a wnaed i weithredu Rhaglen y Glasbrint Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol hyd at 31 Mawrth 2023

- Bwrdd Partneriaeth Cenedlaethol wedi'i sefydlu
- Chwe ffrwd waith wedi'u sefydlu
- Recriwtio i Banel Craffu a Chynnwys Llais Goroeswyr wedi dechrau
- Recriwtio i dîm cyflawni Rhaglen y Glasbrint a ariennir ar y cyd wedi gorffen
- [Cynllun Gweithredu Lefel Uchel y Glasbrint](#) wedi'i gyhoeddi

Y camau allweddol sy'n sail i'r rhaglen waith

- Creu 'storfa ganolog o wybodaeth' ar ffurf corff â staff i gydgyssylltu a lledaenu gwybodaeth am drais yn erbyn menywod, cam-drin domestig a thrais rhywiol a'r hyn sy'n gweithio, ac i lywio gwaith ymchwil i'r dyfodol. Bydd hyn yn cynnwys data amlasiantaethol ar dueddiadau o ran trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yng Nghymru
- Bydd Llywodraeth Cymru yn adolygu'r Dangosyddion Cenedlaethol er mwyn sicrhau eu bod yn adlewyrchu'r Strategaeth hon, a bod modd eu defnyddio i fesur ein cynnydd o ran cyflawni ein nodau a'n hamcanion, a sefydlu patrwm adrodd ar gynnydd yn erbyn y Dangosyddion Cenedlaethol
- Datblygu model Theori Newid a fydd yn arddangos blaenoriaethau, gweithgareddau a chanlyniadau Rhaglen y Glasbrint
- Yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol, byddwn yn parhau â dull cydweithredol o weithredu'r Strategaeth hon i gynnwys pob rhanddeiliad a defnyddiwr gwasanaeth perthnasol
- Adeiladu ar y gwersi a ddysgwyd ac arferion gorau i ganolbwyntio ar ba gamau y mae angen inni eu blaenoriaethu, i ddatblygu ein dull gweithredu ymhellach

Amcan ymyrryd yn gynnar ac atal y Strategaeth

Mae'r Strategaeth Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol yn ymrwymo i sicrhau bod ymyrryd yn gynnar ac atal yn flaenoriaeth. Er bod cefnogaeth i oroeswyr yn dal i fod yn rhan bwysig o waith Llywodraeth Cymru yn y maes hwn, rydym am symud y pwyslais oddi ar y symptomau a chanolbwyntio ar yr achos drwy ddull iechyd y cyhoedd. Bydd y dull gweithredu hwn yn cael effaith gymdeithasol

ehangach sy'n ei gwneud yn llai tebygol y bydd pobl yn profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn y lle cyntaf. Mae hyn yn cynnwys:

- atal cychwynnol: atal trais cyn iddo ddigwydd
- atal eilaidd: ymateb i drais i leihau niwed cymaint â phosibl, gwella gwasanaethau ac atal trais pellach
- atal trydyddol: atal atgwympo a chylchoedd trais sy'n pontio cenedlaethau

Byddwn yn torri'r cylch ac yn mynd i'r afael ag achosion sylfaenol trais yn erbyn menywod, cam-drin domestig a thrais rhywiol drwy fynd i'r afael â thrais gan ddynion, a'r casineb at fenywod a'r anghydraddoldeb rhywiol sy'n sail iddo. Rhaid inni herio agweddau a newid ymddygiadau'r rhai sy'n ymddwyn yn gamdriniol. Ni ddylai fod angen i fenywod newid eu hymddygiad. Camdrinwyr ddylai fod yn newid eu hymddygiad nhw.

Dulliau iechyd y cyhoedd o atal trais ar sail rhywedd ac anghenion gwahanol grwpiau o fenywod, gan gynnwys pobl LHDTG+, pobl ethnig leiafrifol, a phobl ifanc a hŷn sydd mewn perygl o drais yn y cartref ac mewn mannau cyhoeddus

Fel y nodir uchod, mae strwythur y Glasbrint wedi'i gynllunio i gefnogi dull iechyd y cyhoedd o ymdrin â'r materion hyn drwy ddull cydweithredol sy'n cynnwys cyrff statudol sydd wedi'u datganoli a chyrff statudol sydd heb eu datganoli, partneriaid trydydd sector a goroeswyr. Mae'r ffrydiau gwaith sy'n ymwneud ag aflonyddu mewn mannau cyhoeddus ac yn y gweithle yn ehangu ein ffocws y tu hwnt i'r lleoliad domestig a oedd yn sail i'n dull gweithredu cyn yr ail fersiwn hon o'r Strategaeth. Mae'r ffrwd waith sy'n ymwneud â chyflawni trais yn darparu'r asgwrn cefn ar gyfer ein ffocws ar atal ac mae'r ffrydiau gwaith ar blant a phobl ifanc a phobl hŷn yn darparu ffocws ar gyfer datblygu polisi cydweithredol rhwng rhanddeiliaid gan ein galluogi i fynd i'r afael â'r materion hyn yn uniongyrchol.

Yn naturiol, mae pob rhan o'r Glasbrint yn gweithio i gyflawni'r Strategaeth sy'n nodi edau aur dull iechyd y cyhoedd, gwaith ataliol a chydnabyddiaeth o effeithiau croestoriadol ar y tebygolrwydd o brofi trais ar sail rhywedd yn ogystal â'r anghenion cymorth unigryw sy'n adlewyrchu'r nodweddion hyn.

Mae llawer nad ydym yn ei wybod o hyd am effeithiolrwydd dulliau iechyd y cyhoedd o fynd i'r afael â thrais ar sail rhywedd. Er hynny, mae ein dull strategol wedi'i adeiladu ar y dystiolaeth o effeithiolrwydd sydd ar gael ac mewn partneriaeth â chyrff fel Iechyd Cyhoeddus Cymru sydd wedi dod ag arbenigedd a dealltwriaeth academaidd i'r gwaith o ddatblygu'r Strategaeth. Mae partneriaeth y Glasbrint yn ein galluogi i ddysgu gyda'n gilydd wrth inni ddatblygu ein dull iechyd y cyhoedd a bydd creu'r storfa wybodaeth ganolog yn rhoi ffocws ar gyfer datblygu tystiolaeth a gwerthuso.

Fel y nodwyd uchod, mae'r Glasbrint wedi datblygu a chyhoeddi [Cynllun Lefel Uchel](#) sy'n nodi'r camau y bydd grwpiau yn mynd ar eu trywydd. Dywed y Cynllun;

“Bydd mabwysiadu dull iechyd y cyhoedd ar gyfer ein gwaith yn sicrhau ein bod yn parhau i ganolbwyntio ar y pethau pwysig. Yr egwyddorion sylfaenol sy’n llywio ein hymdrechion ar y cyd yw:

1. Herio agweddau'r cyhoedd
2. Cynyddu ymwybyddiaeth ymhlith plant
3. Mwy o atebolrwydd gan y rhai sy'n cyflawni trais a cham-drin
4. Blaenoriaethu a chanolbwyntio ar atal
5. Gweithlu hyderus a gwybodus
6. Darparu gwasanaethau cynhwysol a hygyrch sy'n ystyriol o drawma ac yn cael eu harwain gan anghenion.”

Rôl y sector cyhoeddus a gwasanaethau arbenigol

Mae'r Glasbrint wedi dod â'r ystod lawn o wasanaethau sector cyhoeddus ac arbenigol ynghyd i gyflawni ein Strategaeth i fynd i'r afael â thrais yn erbyn menywod a merched, cam-drin domestig a thrais rhywiol.

Mae'r Bwrdd Partneriaeth Cenedlaethol yn cael ei gydgadeirio gan y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip a Chomisiynydd Heddlu a Throsedd Dyfed-Powys. Mae aelodaeth yn cynnwys cynrychiolwyr yr Heddlu yn ogystal ag aelodau o asiantaethau arbenigol fel New Pathways, Cymorth i Ferched Cymru a Chymru Ddiogelach; Cyrff statudol fel Gwasanaeth Erlyn y Goron a Gwasanaeth Carchardai a Phrawf EF; Partïon eraill sydd â diddordeb fel Cyngor Ffoaduriaid Cymru, y Gyngres Undebau Llafur ac Iechyd Cyhoeddus Cymru yn ogystal â'r Comisiynwyr Plant, Pobl Hŷn a Cham-drin Domestig.

Yn amlwg, mae gwaith y Glasbrint yn adeiladu ar ystod o fesurau sydd eisoes ar y gweill i gefnogi goroeswyr a mynd i'r afael â thrais ar sail rhywedd.

Byddwn yn cyflawni hyn drwy gyllid, codi ymwybyddiaeth ac addysg.

Fel y nodwyd uchod, mae Llywodraeth Cymru yn cyllido sefydliadau arbenigol yn y sector trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Yn eu plith mae BAWSO, sefydliad blaenllaw yng Nghymru sy'n cefnogi goroeswyr anffurfio organau cenhedlu benywod, priodas dan orfod a cham-drin ar sail anrhydedd. Mae BAWSO, sy'n gweithio gyda chymunedau, yn defnyddio ymyriadau penodol ac yn darparu gwasanaethau allgymorth a gwasanaethau cymunedol i godi ymwybyddiaeth o effaith cam-drin a thrais gyda'r nod o'u hatal cyn iddynt ddigwydd.

Mae codi ymwybyddiaeth plant a phobl ifanc o gydraddoldeb, parch a chydysyniad yn hanfodol os ydym am roi terfyn ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Rydym am sicrhau bod gan bob plentyn a pherson ifanc fynediad at ddysgu o ansawdd uchel sy'n briodol i'w datblygiad ac sy'n ymateb i'w hanghenion a'u profiadau.

Mae'n orfodol i bob dysgwr gael gwersi Addysg Cydberthynas a Rhywioldeb, sy'n un o ofynion statudol Fframwaith y Cwricwlwm i Gymru. Mae gan ysgolion a lleoliadau rôl bwysig i'w chwarae wrth greu amgylcheddau diogel a grymusol sy'n cefnogi

hawliau dysgwyr i fwynhau cydberthnasau cadarnhaol, iach a diogel drwy gydol eu bywydau.

Cafodd Addysg Cydberthynas a Rhywioldeb ei chyflwyno mewn ysgolion cynradd, ysgolion meithrin a gynhelir a lleoliadau meithrin nas cynhelir o fis Medi 2022 ymlaen.

Ym mis Medi 2020, cafodd adnoddau ar gyfer athrawon eu datblygu a'u dosbarthu drwy rwydwaith Hwb i godi ymwybyddiaeth o anffurfio organau cenhedlu benywod a'r arwyddion y gallai merch ifanc fod yn wynebu risg o'r fath.

Ym mis Hydref 2020, dyfarnwyd contract hyfforddiant codi ymwybyddiaeth i Karma Nirvana, gwasanaeth arbenigol sy'n cefnogi dioddefwyr a goroeswyr cam-drin ar sail anrhydedd, i ddarparu 20 o 'sioeau teithiol' rhithwir am ddim i weithwyr proffesiynol sy'n gweithio yng Nghymru i feithrin eu hyder wrth herio achosion o gam-drin ar sail anrhydedd a phriodasau dan orfod.

Rydym yn parhau i gyllido prosiect Sbectrwm Hafan Cymru, sy'n hyrwyddo pwysigrwydd perthnasoedd iach ac yn codi ymwybyddiaeth o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae Sbectrwm hefyd yn darparu hyfforddiant i staff a llywodraethwyr ysgolion ar ddeall effaith cam-drin domestig ar blentyn ac yn hyrwyddo dull ysgol gyfan o fynd i'r afael â cham-drin domestig.

Mae 'Rhaglen Lywodraethu 2021-2026' Llywodraeth Cymru yn cynnwys ymrwymiad i ehangu ymgyrch hyfforddi ac ymwybyddiaeth 'Paid Cadw'n Dawel'. Mae swyddogion wrthi'n cwmpasu ac yn datblygu menter hyfforddiant ymyriadau Cymru gyfan ar gyfer y rhai sy'n dyst i drais a cham-drin a gaiff ei chyflwyno i ddinasyddion Cymru. Bydd y fenter hon yn cynnig hyfforddiant i'r cyhoedd sy'n hyrwyddo rhaglen ymyriadau rhag-gymdeithasol ar sail gwybodaeth i'r rhai sy'n dyst i drais a cham-drin a gaiff ei ddarparu ochr yn ochr â'n hymgyrchoedd cyfathrebu sefydledig presennol yn y maes hwn. Nod hyn yw creu newidiadau gwirioneddol a pharhaol i agweddau cymdeithasol tuag at drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Bydd y fenter hyfforddi hon yn adnodd allweddol o ran ein hymrwymiad i atal trais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac ymyrryd yn gynnar. Bydd yn mynd ati i ddatblygu sgiliau unigolion er mwyn galluogi'r rhai sy'n dyst i'r math hwn o drais a cham-drin i ymgysylltu'n ddiogel er mwyn ei atal neu ymateb iddo a bydd yn cefnogi ein nod o newid agweddau. Bydd hyn yn creu diwylliant newydd ac yn hyrwyddo annerbynioldeb pob math o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ymhellach.

Mae lleisiau goroeswyr yn hanfodol i'n gwaith a rhaid iddynt gael eu clywed ar y lefel uchaf er mwyn inni fynd i'r afael â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn effeithiol. Dyma pam rydym yn cynnig y bydd Fframwaith Ymgysylltu â Goroeswyr a llif gwaith dynodedig yn rhan o'r gwaith o gyflawni'r Strategaeth ar ei newydd wedd.

Dros y tair blynedd diwethaf, mae Llywodraeth Cymru wedi bod yn ymchwilio i'r ffyrdd mwyaf effeithiol a diogel o ymgysylltu â goroeswyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Yn fwyaf diweddar, cynhaliwyd prosiect ymchwil

dynodedig ar y rhwystrau sy'n atal pobl o gymunedau amrywiol rhag ymgysylltu â'r Llywodraeth. Caiff canfyddiadau ynglŷn â phob agwedd ar yr ymchwil eu hystyried mewn unrhyw waith a wneir gyda dioddefwyr a goroeswyr yn y dyfodol.

Cyllid trais yn erbyn menywod, cam-drin domestig a thrais rhywiol

Mae Llywodraeth Cymru yn cyllido rhanbarthau a gwasanaethau arbenigol trais yn erbyn menywod, cam-drin domestig a thrais rhywiol i ddarparu cymorth amhrisiadwy sy'n achub bywydau i holl dioddefwyr y math hwn o drais a cham-drin. Mae'r cymorth hwnnw'n cynnwys ymyriadau, cymorth ataliol ac addysgol, rhaglenni ymyriadau i gyflawnwyr, Eiriolwyr Trais Domestig Annibynnol ar gyfer dioddefwyr sy'n wynebu risg uchel yn ogystal ag ymyriadau adfer therapiwtig i roi cymorth parhaus i'r rhai y mae trais yn erbyn menywod, cam-drin domestig a thrais rhywiol wedi effeithio arnynt.

Addysg a'r Cwricwlwm

Mae canllawiau helaeth ar gael er mwyn helpu lleoliadau addysg i atal aflonyddu'n rhywiol ar blant a'u cam-drin yn rhywiol, ac ymateb i hynny, gan gynnwys ein canllawiau statudol, [Cadw Dysgwyr yn Ddiogel](#). Yn ogystal, mae gennym sawl llinell gymorth a ariennir gan Lywodraeth Cymru wedi'u sefydlu yng Nghymru, yn benodol Childline Cymru, Byw Heb Ofn a'r gwasanaeth MEIC.

Mae Addysg Cydberthynas a Rhywioldeb yn un o ofynion statudol Fframwaith y Cwricwlwm i Gymru ac mae'n chwarae rôl gadarnhaol a gwarchodol yn addysg dysgwyr.

Bwriad Addysg Cydberthynas a Rhywioldeb yw helpu plant i ddatblygu perthnasoedd ac ymddygiadau iach gyda'u ffrindiau a'u teuluoedd, yn seiliedig ar garedigrwydd, empathi a pharch. Mae hyn yn bwysig iddyn nhw ddatblygu fel 'unigolion iach, hyderus' gyda llesiant cymdeithasol, emosiynol a meddyliol cadarnhaol.

Mae Addysg Cydberthynas a Rhywioldeb hefyd wedi'i bwriadu i gadw plant yn ddiogel ac i ddiogelu eu llesiant. Mae hyn yn hanfodol wrth i dechnoleg a chymdeithas barhau i newid yn gyflym. Mae Addysg Cydberthynas a Rhywioldeb yn helpu plant i adnabod perthnasoedd a sefyllfaoedd a allai eu rhoi mewn perygl o niwed. Gall gefnogi pob plentyn gyda'r hyn y mae angen iddynt ei wybod a beth i'w wneud i gadw'n ddiogel a sut i ofyn am help.

Yn ogystal â gofynion y Cwricwlwm, rydym hefyd yn datblygu canllawiau ar gyfer lleoliadau addysg ynghylch sut i sicrhau bod eu hamgylchedd a'u diwylliant yn rhydd rhag syniadau niweidiol a chul ynghylch rolau rhywedd. Bydd y canllawiau hyn yn nodi dull lle mae plant a phobl ifanc yn cael eu clywed a'u grymuso i herio ymddygiadau annerbyniol. Bydd yn helpu i sicrhau nad oes unrhyw blentyn na pherson ifanc yn wynebu gwahaniaethu ar sail rhywedd neu rhywioldeb. Bydd y dull lleoliad cyfan hwn yn cwmpasu ystod eang o leoliadau, gan gynnwys lleoliadau cynradd ac uwchradd, lleoliadau Anghenion Addysgol Arbennig a lleoliadau Addysg Heblaw yn yr Ysgol. Gwyddom nad yw aflonyddu rhywiol rhwng cyfoedion wedi'i gyfyngu i ysgolion uwchradd ac mae deall sut y caiff hyn ei brofi ar wahanol

oedrannau yn bwysig er mwyn sicrhau ein bod yn ymateb gydag ymyriadau priodol ac wedi'u teilwra.

Canfu adolygiad gan Estyn ar aflonyddu rhywiol rhwng cyfoedion mewn ysgolion uwchradd bod y math hwn o aflonyddu rhywiol yn fwy cyffredin ar-lein a thu allan i'r ysgol nag yn yr ysgol. Drwy adran [Cadw'n ddiogel ar-lein](#) Hwb, rydym wedi datblygu adnoddau i arfogi ymarferwyr i addysgu dysgwyr am y mater hwn a'u cefnogi gydag ef. Yn dilyn cyhoeddi canllawiau ar gyfer lleoliadau addysg i'w helpu i ymateb i achosion o rannu delweddau noeth a hanner noeth, cyhoeddwyd [modiwl hyfforddiant](#) byr i gefnogi ysgolion i ymgorffori'r canllawiau hyn. Rydym yn annog uwch-arweinwyr ym mhob ysgol i ymgymryd â'r hyfforddiant hwn.

Rydym hefyd yn sefydlu panel cynghori plant a phobl ifanc ar gyfer cadernid digidol. Gwahoddir aelodau panel i rannu eu profiadau ar-lein a rhoi eu barn a'u syniadau a fydd yn llywio cyfeiriad ein gwaith a bydd yr holl negeseuon/cynnwys gweledol yn cael eu profi gyda phlant a phobl ifanc. Rydym yn gweithio gydag amrywiaeth o randdeiliaid, gan gynnwys yr Heddlu i ddatblygu cynllun gweithredu amlasiantaethol er mwyn mynd i'r afael ag aflonyddu rhywiol rhwng cyfoedion. Bydd y cynllun gweithredu yn amlinellu'r camau y bydd Llywodraeth Cymru a phartneriaid yn eu cymryd i fynd i'r afael ag aflonyddu rhywiol rhwng cyfoedion mewn lleoliadau addysg. Rydym yn bwriadu cyhoeddi'r cynllun gweithredu yn ystod tymor yr hydref.

Mae Llywodraeth Cymru yn cydnabod yr angen i rymuso plant a phobl ifanc i lywio ein gwaith, a rhaid i'w lleisiau a'u profiadau byw fod yn rhan annatod o bopeth a wnawn. Bydd hyn wrth wraidd ein holl waith yn y maes hwn.

Cynllun Gweithredu Cenedlaethol Atal ac Ymateb i Gam-drin Plant yn Rhywiol

Mae'r [Cynllun Gweithredu Cenedlaethol Atal ac Ymateb i Gam-drin Plant yn Rhywiol](#) yn nodi 33 o gamau gweithredu i Lywodraeth Cymru a phartneriaid y Byrddau Diogelu yn erbyn deg amcan allweddol. Nod yr amcanion hyn yw atal cam-drin plant yn rhywiol, diogelu plant sy'n wynebu'r risg o gael eu camfanteisio arnynt yn rhywiol a chefnogi adferiad plant sydd wedi cael eu cam-drin yn rhywiol. Mae'r cynllun yn cynnwys camau gweithredu ar gam-drin plant yn rhywiol, camfanteisio ar blant yn rhywiol ac ymddygiad rhywiol niweidiol.

Mae gan y Byrddau Diogelu gyfrifoldebau statudol i hyrwyddo adnoddau a hyfforddiant i ymarferwyr ar adnabod achosion o gamfanteisio ar blant yn rhywiol, ac ymateb iddynt.

Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol ym maes Iechyd a Gofal Cymdeithasol

Mae Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn newid y sector gwasanaethau cymdeithasol ac yn cynnwys newidiadau fel a ganlyn sy'n sicrhau bod:

- Gan bobl reolaeth ar y math o gymorth y mae'i angen arnynt
- Asesiad cymesur newydd yn canolbwyntio ar yr unigolyn
- Mynediad rhwydd at wybodaeth a chyngor ar gael i bawb
- Pwerau i ddiogelu pobl yn gryfach

- Dull ataliol o ddiwallu anghenion gofal a chymorth yn cael ei ddefnyddio
- Awdurdodau lleol a byrddau iechyd yn dod ynghyd mewn partneriaethau statudol newydd i sbarduno camau i integreiddio, arloesi a newid gwasanaethau

Yn y Ddeddf Gwasanaethau Cymdeithasol a Llesiant, mae Llesiant yn golygu bod person yn hapus, yn iach ac yn gyfforddus â'i fywyd a'r hyn mae'n ei wneud. Mae hyn yn golygu cael eich diogelu rhag camdriniaeth, niwed ac esgeulustod. Mae'r Ddeddf hefyd wedi rhoi mwy o bwerau i sicrhau bod oedolion a phlant yn cael eu diogelu rhag camdriniaeth neu esgeulustod yn gryfach a bydd bwrdd diogelu annibynnol cenedlaethol. Os oes achos i amau bod oedolyn neu blentyn mewn perygl, RHAIID adrodd hyn i'r awdurdod lleol.

Mae Byrddau Partneriaeth Rhanbarthol wedi'u sefydlu fel rhan o'r [Ddeddf Gwasanaethau Cymdeithasol a Llesiant](#) i:

- wella Llesiant y boblogaeth
- gwella sut mae gwasanaethau iechyd a gofal yn cael eu darparu

Rhaid i bob Bwrdd Partneriaeth Rhanbarthol:

- lunio asesiadau poblogaeth rhanbarthol
- llunio cynllun ardal rhanbarthol
- darparu adroddiad blynyddol rhanbarthol
- dangos ymgysylltiad â dinasyddion a chydgyngyrchu

Eitem 4

Yn rhinwedd paragraff(au) vii o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vii o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol - Ymchwiliad i ddulliau iechyd y cyhoedd o atal trais ar sail rhywedd

Tystiolaeth Gweinidog y Gymraeg ac Addysg

Sut mae gwaith i atal trais ar sail rhywedd yn cyd-fynd â'r Cwricwlwm newydd, Addysg Cydberthynas a Rhywioldeb (ACRh) a'r hyfforddiant, yr adnoddau a'r cymorth i athrawon ac ati.

Mae datblygu proffesiwn addysg o ansawdd a gefnogir gan gyfleoedd dysgu proffesiynol yn ganolog i wireddu ein gweledigaeth ar gyfer addysg yng Nghymru, ac yn un o amcanion 'Cenhadaeth ein cenedl: Safonau a dyheadau uchel i bawb'.

Mae strategaeth Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol Llywodraeth Cymru yn cyd-fynd â'r Cod Addysg Cydberthynas a Rhywioldeb newydd a'r canllawiau statudol, ac yn sail i hawliau dysgwyr i fwynhau cydberthnasau boddhaol, iach a diogel drwy gydol eu bywyd.

Y Cod Addysg Cydberthynas a Rhywioldeb

Mae'r dysgu gorfodol o fewn y Cod ACRh yn cynnwys, o 11 oed: *'Adnabod ymddygiad niweidiol, camdriniol neu orfodol mewn cydberthnasau personol, gan gynnwys rheoli, trais a thrais rhywiol a sut i ymateb a gofyn am gymorth i chi'ch hun a phobl eraill.'* Yn benodol, mae'r Cod ACRh yn ei gwneud yn ofynnol dysgu am drais ar sail rhyw a rhywedd, gan gydnabod y gall trais fod yn seiliedig ar rywedd, ac mae'n cyfeirio'n benodol at "*drais rhywiol a thrais ar sail rhywedd mewn ystod o gyd-destunau*".

Mae'r canllawiau ACRh statudol yn nodi'n glir y dylai'r dull o ddarparu ACRh fod yn gadarnhaol, gyda'r nod o ddiogelu unigolion ac atal achosion o drais a cham-drin, gan ystyried sut y gallai fod angen i ddysgwyr gael eu cefnogi i *'feddu ar yr wybodaeth i adnabod pob math o wahaniaethu, trais, camdriniaeth ac esgeulustod, gan gynnwys trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.'* Datblygwyd [pecyn cymorth o adnoddau Llywodraeth Cymru ar drais a cham-drin](#) i gefnogi ysgolion a lleoliadau i ymdrin â'r mater pwysig hwn, ac fe'i cyhoeddwyd fel rhan o ganllawiau statudol ACRh.

Cynllun Gweithredu Aflonyddu Rhywiol gan Gyfoedion

Rydym yn gweithio hefyd gydag amrywiaeth o randdeiliaid, gan gynnwys yr heddlu, er mwyn datblygu cynllun gweithredu amlasiantaethol. Bydd y cynllun gweithredu yn amlinellu'r camau sydd i'w cymryd gan Lywodraeth Cymru a phartneriaid i fynd i'r afael ag aflonyddu rhywiol gan gyfoedion mewn lleoliadau addysg. Bydd y camau yn adlewyrchu gwahanol brofiadau o aflonyddu rhywiol ac anghenion gwahanol grwpiau, er enghraifft effaith nodweddiol fel rhywioldeb, hunaniaeth o ran rhywedd, hil, anabledd ac ethnigrwydd, yn ogystal â heriau elfennau croestoriadol.

Un o brif elfennau'r cynllun gweithredu fydd dysgu proffesiynol. Mae'n bwysig bod holl staff a llywodraethwyr lleoliadau addysg yn wybodus am effaith aflonyddu rhywiol gan gyfoedion, yn gallu adnabod ymddygiad annerbyniol, ac yn hyderus i'w herio ac i fodelu ymddygiad priodol.

Rydym wedi comisiynu amrywiol bartneriaid ac arbenigwyr allanol i ddatblygu cyfleoedd dysgu proffesiynol pwrpasol er mwyn helpu ymarferwyr i fodloni gofynion y cwricwlwm newydd. Mae gwaith yn parhau mewn amrywiaeth o feysydd blaenoriaeth eraill, gan gynnwys addysg cydberthynas a rhywioldeb, hawliau plant, a chrefydd, gwerthoedd a moeseg. Mae'r holl adnoddau dysgu proffesiynol newydd ar gael trwy [Hwb](#).

Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol

Mae Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 yn ei gwneud yn ofynnol i Weinidogion Cymru baratoi a chyhoeddi Strategaeth Genedlaethol i atal trais ar sail rhywedd, cam-drin domestig a thrais rhywiol (adran 3(1)).

Cyhoeddwyd y strategaeth ddiwygiedig ar gyfer 2022-26 ym mis Mai 2022 yn dilyn ymgynghoriad â'r sector ac unigolion sydd wedi goroesi trais a cham-drin. Mae chwe amcan o fewn y strategaeth:

1. Herio agwedd y cyhoedd tuag at drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ledled poblogaeth Cymru drwy godi ymwybyddiaeth ac ysgogi trafodaeth gyhoeddus, gyda'r nod o leihau'r achosion ohono.
2. Cynyddu ymwybyddiaeth plant, pobl ifanc ac oedolion o bwysigrwydd cydberthnasau diogel, cyfartal ac iach a'u grymuso i wneud dewisiadau personol cadarnhaol.
3. Cynyddu'r ffocws ar ddwyn y rhai sy'n cam-drin i gyfrif a chefnogi'r rhai a all ymddwyn yn gamdriniol neu'n dreisgar i newid eu hymddygiad ac osgoi troseddu.
4. Rhoi blaenoriaeth i ymyrryd yn gynnar ac atal.
5. Hyfforddi gweithwyr proffesiynol perthnasol i ddarparu ymatebion effeithiol, amserol a phriodol i ddioddefwyr a goroeswyr.
6. Rhoi mynediad cyfartal i bob dioddefwr at wasanaethau, a'r rheini'n wasanaethau croestoriadol o ansawdd uchel, y darperir adnoddau priodol ar eu cyfer, sy'n seiliedig ar gryfderau, ac sy'n ymatebol ledled Cymru.

Mae'r Strategaeth Genedlaethol yn allweddol i gyflawni ymrwymadau'r Rhaglen Lywodraethu, gan gynnwys:

- Cryfhau'r Strategaeth Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol i gynnwys ffocws ar drais yn erbyn menywod ar y stryd ac yn y gweithle yn ogystal â'r cartref.
- Ehangu'r ymgyrchoedd hyfforddi ac ymwybyddiaeth 'Gofyn a Gweithredu' a 'Paid Cadw'n Dawel'.
- Sicrhau mai Cymru yw'r lle mwyaf diogel yn Ewrop i fod yn fenyw.

Mae atal trais a cham-drin yn greiddiol i'r strategaeth. Er bod cefnogi goroeswyr a gwneud newidiadau i'r system er mwyn gwella canlyniadau i oroeswyr yn dal i fod yn amcanion allweddol yng Nghymru, rydym hefyd yn symud y pwyslais oddi ar y symptomau i ganolbwyntio ar yr hyn sy'n achosi'r broblem drwy ddull gweithredu ar sail iechyd y cyhoedd. Nid yw hyn yn golygu y bydd goroeswyr yn disgwyl dim llai oddi wrthym. Yn hytrach, byddwn yn esblygu effaith yr hyn a wnawn i sicrhau bod goroeswyr fel unigolion yn cael eu cefnogi'n holistaidd. Byddwn yn gweithredu ar draws y system ac ym mhob rhan o gymdeithas i helpu i leihau'r tebygolrwydd o brofi trais a cham-drin yn y lle cyntaf.

Caiff y strategaeth ei rhoi ar waith drwy ddull Glasbrint sy'n dod â sefydliadau datganoledig ac annatganoledig at ei gilydd. Y tîm Trais a Cham-drin sy'n arwain y gwaith ar ran Llywodraeth Cymru mewn partneriaeth â gwasanaeth yr heddlu yng Nghymru, ond er mwyn bod yn llwyddiant, mae angen cydweithio ag adrannau eraill, gan gynnwys addysg, iechyd, tai a throsedd. Mae mabwysiadu'r dull Glasbrint hwn wedi ei gwneud yn bosibl sefydlu strwythur llywodraethiant newydd a rennir sy'n adlewyrchu'r gyd-berchnogaeth ar y flaenoriaeth gyffredin hon, sef mynd i'r afael â thrais a cham-drin. Bydd mabwysiadu dull gweithredu ar sail iechyd y cyhoedd yn sicrhau ein bod yn parhau i ganolbwyntio ar y pethau pwysig. Yr egwyddorion sylfaenol sy'n llywio ein hymdrechion ar y cyd yw:

- herio agweddau'r cyhoedd
- cynyddu ymwybyddiaeth ymhlith plant
- mwy o atebolrwydd gan y rhai sy'n cyflawni trais a cham-drin
- blaenoriaethu a chanolbwyntio ar atal trais a cham-drin
- gweithlu hyderus a gwybodus
- darparu gwasanaethau cynhwysol a hygyrch sy'n ystyriol o drawma ac yn cael eu harwain gan anghenion.

Bydd ffrydiau gwaith y Glasbrint yn cyflawni'r amcanion a nodir yn Strategaeth Genedlaethol Trais a Cham-drin, yn ogystal â nodi blaenoriaethau eraill wrth ystyried tystiolaeth/gwersi ehangach sy'n berthnasol i'r agenda, sy'n gorfod bod yn gydnaws â Bwrdd y Rhaglen Genedlaethol. Gall y Ffrydiau Gwaith hyn newid dros amser wrth i gynnydd gael ei wneud ac wrth i flaenoriaethau ddatblygu. Fodd bynnag, yn y lle cyntaf, bydd y rhain yn mynd i'r afael ag:

- aflonyddu ar sail rhywedd mewn mannau cyhoeddus
- aflonyddu yn y gweithle
- mynd i'r afael â chyflawni trais
- gweithredu ar draws y system wrth sicrhau cynaliadwyedd
- anghenion pobl hŷn
- anghenion plant a phobl ifanc

Cynnydd a wnaed i weithredu Rhaglen Glasbrint Trais a Cham-drin hyd at 31 Mawrth 2023

- Sefydlu'r Bwrdd Partneriaeth Cenedlaethol
- Sefydlu Bwrdd y Rhaglen Genedlaethol
- Sefydlu chwe ffrwd waith
- Dechrau recriwtio panel Craffu a Chynnwys Llais Goroeswyr
- Recriwtio tîm gweithredu Rhaglen y Glasbrint a ariennir ar y cyd
- [Cyhoeddi Cynllun Gweithredu Lefel Uchel y Glasbrint](#)

Camau allweddol i ategu'r rhaglen waith

- Bydd Llywodraeth Cymru yn adolygu'r Dangosyddion Cenedlaethol er mwyn sicrhau eu bod yn adlewyrchu'r strategaeth hon, a bod modd eu defnyddio i fesur ein cynnydd o ran ein nodau a'n hamcanion, a sefydlu patrwm o adrodd ar gynnydd yn erbyn y Dangosyddion Cenedlaethol.
- Datblygu model Damcaniaeth Newid a fydd yn egluro blaenoriaethau, gweithgareddau a chanlyniadau Rhaglen y Glasbrint.
- Yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol, byddwn yn parhau i gydweithio wrth weithredu'r Strategaeth hon, gan gynnwys yr holl randdeiliaid a'r defnyddwyr gwasanaethau perthnasol.
- Adeiladu ar y gwersi a ddysgwyd ac arferion gorau i ganolbwyntio ar ba gamau y mae angen inni eu blaenoriaethu i ddatblygu ein dull gweithredu ymhellach.

Byddwn yn torri'r cylch ac yn dod i waelod achosion sylfaenol trais a cham-drin drwy fynd i'r afael â thrais gan ddynion, a'r casineb at fenywod a'r anghydraddoldeb rhwng y rhywiau sy'n sail iddo. Rhaid inni herio agweddau a newid ymddygiad y rhai sy'n ymddwyn mewn modd camdriniol. Nid mater o ofyn i fenywod newid eu hymddygiad nhw yw hyn. Camdrinwyr yw'r rhai y mae angen iddynt newid eu hymddygiad.

Ein cyf/Our ref: MA/JH-/1229/23

Jenny Rathbone AS
Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

06 July 2023

Annwyl Jenny,

Diolch am eich llythyr, dyddiedig 14 Mehefin, ynghylch ymateb Llywodraeth Cymru i adroddiad y pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol, *60% - Rhoi llais iddyn nhw - Anghenion Lleferydd, iaith a Chyfathrebu yn y System Cyfiawnder Ieuencid.*

Diolch am roi adborth manwl ar ein hymateb cyn y drafodaeth yn y Cyfarfod Llawn ar 28 Mehefin.

O ran argymhelliad 1, gallaf gadarnhau bod Llywodraeth Cymru yn derbyn yr argymhelliad hwn. Yn ogystal â'r gwaith o ddatblygu Fframwaith Atal Troseddu ar gyfer Gwasanaethau Cyfiawnder Ieuencid, a nodwyd yn fy ymateb blaenorol, bydd swyddogion polisi Llywodraeth Cymru yn gweithio gyda'i gilydd i drefnu uwchgynhadledd o randdeiliaid allweddol, gan gynnwys Gwasanaeth Cyfiawnder Ieuencid Castell-nedd Port Talbot, i edrych yn benodol ar effaith anghenion lleferydd, iaith a chyfathrebu ar blant, a'r cysylltiad rhwng hynny a'r rhan fwyaf o blant y mae'r system cyfiawnder ieuencid yn ymwneud â nhw. Bydd yr uwchgynhadledd hon hefyd yn ystyried y pwynt a wnaed gan Jane Dodds yn nhrefodaeth y Senedd ar 28 Mehefin, o ran sut mae Castell-nedd Port Talbot wedi gallu ymgorffori darpariaeth lleferydd, iaith a chyfathrebu yn eu gwasanaeth, yng ngoleuni'r heriau staffio ehangach yn y sector. Bydd canfyddiadau a chanlyniadau'r uwchgynhadledd hon yn cael eu rhannu â Bwrdd Cyfiawnder Troseddol Cymru, ac yn ôl yr hyn a ddeallwn, dyma fwrriad yr argymhelliad.

O ran argymhelliad 2, mae sgiliau iaith yn rhan hanfodol o'r Cwricwlwm i Gymru. Mae'r sgiliau hyn wedi'u plethu drwy'r holl Ddatganiadau o'r Hyn sy'n Bwysig ym Maes Dysgu Ieithoedd, Llythrennedd a Chyfathrebu. Mae'r Disgrifiadau Dysgu ar Gam Cynnydd 3, sy'n

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 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.

ymwneud â dysgwyr 8-11 oed yn fras, yn cynnwys canllawiau manwl ar gyfer cynnydd fel bod pob dysgwr yn cael ei gefnogi i ddatblygu ei sgiliau iaith lafar a chyfathrebu. Mae rhagor o wybodaeth ar gael yn [Ieithoedd, Llythrennedd a Chyfathrebu: Cyflwyniad - Hwb \(gov.wales\)](#)

O ran argymhelliad 3, nid oes unrhyw drafodaethau wedi cael eu cynnal gyda'r Weinyddiaeth Gyfiawnder ynghylch yr angen am gyllid ar gyfer mwy o therapyddion lleferydd ac iaith, nac i ariannu lleoedd addysg yng Nghymru. Ar hyn o bryd, mae'r lleoedd addysg hyn a'r broses o gyflogi therapyddion lleferydd ac iaith yn digwydd drwy'r GIG, ac mae iechyd (gan gynnwys cyfrifoldebau cyllido) wedi'i ddatganoli. Mae gan Addysg a Gwella Iechyd Cymru gontractau gyda sefydliadau addysg uwch yng Nghymru ar gyfer addysg a darpariaeth hyfforddiant, gan gynnwys therapyddion lleferydd ac iaith. Mae'r niferoedd hyn yn seiliedig ar Gynlluniau Tymor Canolig Integredig Byrddau Iechyd ac asesiadau o'u gofynion i ddiwallu anghenion eu poblogaeth gyfan.

Un o'r ffactorau sy'n cyfyngu ar y gallu i gynyddu'n sylweddol nifer y gweithwyr gofal iechyd proffesiynol yw capasiti gwasanaethau presennol a gweithwyr proffesiynol i fodloni'r gofyniad i fyfyrwyr ymgymryd ag addysg seiliedig ar ymarfer mewn gwasanaethau iechyd a gofal, dan oruchwyliaeth therapydd lleferydd ac iaith cofrestredig, er mwyn cwblhau gofynion eu cwrs.

O ran argymhelliad 4, trefnwyd cyfarfod cychwynnol gyda rhanddeiliaid allweddol ar gyfer 29 Mehefin 2023 i drafod eiriolaeth annibynnol i bobl ifanc ag anghenion lleferydd, iaith a chyfathrebu o fewn y system cyfiawnder ieuencid, gyda'r bwriad o amlinellu'r dull llawn o ymdrin â'r argymhelliad hwn. Bydd natur a chwmpas adnoddau ychwanegol yn cael eu llywio drwy drafod a dadansoddi gyda'n partneriaid ar draws y system Cyfiawnder Ieuencid. Rydym yn cyd-fynd â chasgliad y Pwyllgor y dylid sicrhau bod plant yn cael eu cefnogi gan eiriolwr priodol.

O ran argymhelliad 5, nid yw Llywodraeth Cymru wedi bod yn rhan uniongyrchol o'r gwaith o edrych ar ganlyniadau'r Adroddiad Cyd-Arolygu. Fodd bynnag, rydym yn parhau i weithio gyda'n partneriaid yn y Weinyddiaeth Gyfiawnder yn dilyn cyhoeddi'r adroddiad. Rydym yn darparu rhaglen gwella gwasanaethau niwrowahaniaeth yng Nghymru, gan gefnogi datblygiad timau amlddisgyblaethol sy'n darparu gwasanaethau asesu a chymorth i blant a phobl ifanc ar sail yr angen. Mae hyn yn cynnwys sicrhau, lle bo angen, bod gwasanaethau lleferydd, iaith a chyfathrebu ar gael. Mae gan y rhaglen grŵp cynghori clinigol hefyd a all roi cyngor arbenigol ar ddiwallu anghenion lleferydd, iaith a chyfathrebu pobl niwrowahanol.

O ran argymhelliad 6, mae nifer y lleoedd addysg a hyfforddiant a gomisiynir ar gyfer therapyddion lleferydd ac iaith, fel ar gyfer pob gweithiwr gofal iechyd proffesiynol, yn seiliedig ar Gynlluniau Tymor Canolig Integredig y GIG o safbwynt y gweithlu, ynghyd ag ystyriaeth o'r sector iechyd a gofal ehangach, er enghraifft, yn achos therapyddion lleferydd ac iaith mewn perthynas â Dechrau'n Deg. Caiff y Cynlluniau Tymor Canolig Integredig eu cyflwyno i Addysg a Gwella Iechyd Cymru, sy'n gyfrifol am y broses flynyddol o gomisiynu addysg a hyfforddiant yng Nghymru, i fynd i'r afael â gofynion y gweithlu ar ran GIG Cymru. Mae 'cyd-fynd â'r galw am y gwasanaeth' yn cyfeirio at y broses bresennol i nodi'r galw am therapyddion lleferydd ac iaith mewn gwasanaethau iechyd a gofal yng Nghymru.

O ran argymhelliad 7, un cam yn y Cynllun Gweithredu Cenedlaethol ar gyfer y Gweithlu, a fydd wedi'i gwblhau erbyn Gorffennaf 2023, yw y "bydd AaGIC yn adolygu'r holl broffesiynau perthynol i iechyd i ddeall y sefyllfa bresennol a'r anghenion ar gyfer y dyfodol o ran cyflenwi ein gwasanaethau, gan arwain at gynllun ar gyfer cadw gweithwyr proffesiynol perthynol i iechyd". Rhoddir gwybod am y cynnydd ar y cam hwn i Fwrdd Gweithredu Strategol Llywodraeth Cymru ar y Gweithlu, dan gadeiryddiaeth Judith Paget, Prif Weithredwr GIG Cymru. Ar hyn o bryd, mae'r cynllun cadw gweithwyr ar y trywydd iawn,

ond mae angen gwneud gwaith paratoi, fel casglu data, fel cam cyntaf cyn cynnal adolygiad llawn.

Rwy'n gobeithio bod y wybodaeth hon wedi rhoi eglurder ar ein hymateb gwreiddiol.

Yn gywir,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first name.

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip

Jane Hutt AS

Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip

14 Mehefin 2023

Annwyl Jane

Adroddiad y Pwyllgor: 60% - Rhoi llais iddyn nhw - Anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid

Diolch am eich ymateb i'n hadroddiad ynghylch anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid, a drafodwyd yn ein cyfarfod ar 12 Mehefin 2023.

Roeddem yn falch o weld eich bod yn rhannu ein huchelgais i wella canlyniadau i bobl ifanc ag anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder troseddol. Fodd bynnag, roeddem yn siomedig ynghylch y diffyg camau manwl y mae Llywodraeth Cymru yn eu cymryd, ac felly byddem yn croesawu rhagor o eglurder mewn perthynas â'r pwyntiau a ganlyn:

- Roedd argymhelliad 1 yn galw ar Lywodraeth Cymru i gynnull uwchgynhadledd o randdeiliaid allweddol sy'n gweithio yn y sector gyda'r nod o ffurfio ffrwd waith newydd gan edrych yn benodol ar effaith anghenion lleferydd, iaith a chyfathrebu ar blant a phobl ifanc a'r cysylltiad â'r rhan fwyaf o bobl ifanc sy'n dod i gysylltiad â'r system cyfiawnder ieuenctid. Fodd bynnag, nid yw'r ymateb yn ymrwymo i gynnull uwchgynhadledd ac yn hytrach mae'n nodi'r gwaith sydd eisoes yn mynd rhagddo. A allech egluro a fydd uwchgynhadledd yn cael ei chynnal? Os na fydd, dylid newid yr ymateb i "Gwrthod" er mwyn bod yn fwy tryloyw.
- Roedd argymhelliad 2 yn cyfeirio'n benodol at "[b]obl ifanc wrth iddynt symud ymlaen o'r ysgol gynradd i'r ysgol uwchradd", ond mae eich ymateb yn cyfeirio at y cynllun "Siarad

gyda Fi", sydd wedi'i dargedu at blant 0-5 oed. A fyddech cystal â nodi sut y bydd anghenion lleferydd, iaith a chyfathrebu plant a phobl ifanc 10+ oed yn cael eu diwallu.

- Mae'r ymateb yn cydnabod y manteision sy'n deillio o argymhelliad 3, ond mae'n nodi nad oes digon o Therapyddion Lleferydd ac iaith yn cael eu cyflogi gan y GIG ar hyn o bryd i ddiwallu'r llwyth gwaith ychwanegol. A allech gadarnhau a allai Adrannau Gweinidogol eraill, fel Cyfiawnder Cymdeithasol, gomisiynu lleoedd hyfforddi ar gyfer Therapyddion Lleferydd ac iaith? Pa drafodaethau, os o gwbl, a gafwyd â'r Weinyddiaeth Gyfiawnder ynghylch yr angen am gyllid ar gyfer rhagor o therapyddion lleferydd ac iaith, o gofio nad yw cyfiawnder ieuencid yn wasanaeth datganoledig ar hyn o bryd?
- A allech egluro a yw Llywodraeth Cymru yn bwriadu rhoi *adnoddau ychwanegol i ehangu'r ddarpariaeth o wasanaethau eiriolaeth (pwyslais wedi'i ychwanegu)* ar gyfer yr holl blant a phobl ifanc ag anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuencid fel y nodir yn argymhelliad 4? Mae'r ymateb yn derbyn yr argymhelliad hwn mewn egwyddor, ond yn cyfeirio at waith presennol yn unig.
- Nid yw'n glir o'r ymateb i argymhelliad 5 a oes unrhyw gamau penodol yn cael eu cymryd neu a oes unrhyw wersi wedi'u dysgu o ganlyniad i'r Adroddiad Cyd-Arolygu i wella'r cymorth i blant a phobl ifanc ag anghenion lleferydd, iaith a chyfathrebu. A fyddech cystal â darparu gwybodaeth ychwanegol mewn perthynas â'r pwynt hwn?
- Cafodd y Pwyllgor dystiolaeth gref i gefnogi argymhelliad 6, ac er bod y manteision yn cael eu cydnabod, mae'r ymateb yn nodi y byddai hyn "yn gofyn am leoedd hyfforddi ychwanegol ac am greu swyddi". Ymddengys bod hyn yn gwrth-ddweud y wybodaeth a ddarparwyd mewn manau eraill, er enghraifft yn yr ymateb i argymhelliad 7, sy'n dweud, o ran nifer y lleoedd hyffordd i Therapyddion Lleferydd ac iaith yng Nghymru, mai "49 yw'r nifer o hyd ar gyfer 2023/24, i gyd-fynd â'r galw am y gwasanaeth".
- Mae'r ymateb i argymhelliad 7 yn cyfeirio at gynllun gweithredu cenedlaethol ar gyfer y gweithlu. Fodd bynnag, dywedodd Coleg Brenhinol y Therapyddion Lleferydd ac iaith y gwrthodwyd cynllun gweithlu ar gyfer proffesiynau perthynol i iechyd. A fyddech cystal â chadarnhau a yw hyn yn wir.

Yn olaf, hoffem roi rhagor o bwyslais ar argymhellion 3 a 6, yr ydym yn eu hystyried yn gasgliadau allweddol i'n hymchwiliad. Mae'r argymhellion hyn yn seiliedig ar dystiolaeth bod y dull gweithredu'n gweithio ac yn cadw pobl allan o'r system droseddu, ac maent yn mynd i'r afael â'r anghydraddoldebau y mae'r ffigurau yn ein hadroddiad yn dangos tystiolaeth ohonynt.

Mae dadl wedi'i threfnu ar gyfer 28 Mehefin, ac er bod yr amserlenni'n dynn, byddem yn gwerthfawrogi'n fawr pe gallech ymateb cyn y ddadl er mwyn llywio cyfraniadau'r Aelodau os yw'n bosibl.

Yn gywir

A handwritten signature in black ink on a light-colored background. The signature reads "Jenny Rathbone" in a cursive, flowing script.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol



Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Welsh Parliament
100 Parliament Street
London SW1A 2BQ

MoJ ref: ADR106996

17th July 2023

Dear Ms Rathbone,

Welsh youth justice system: speech, language and communication needs

Thank you for your email of 3 July, highlighting the overrepresentation of children and young people with speech, language and communication needs (SLCN) in the justice system.

The disproportionality of individuals with SLCN in the justice system is an issue that needs our collective attention. Research has consistently demonstrated that a significant number of young people involved in the criminal justice system experience these difficulties. The impact of these challenges can be profound, hindering their ability to effectively engage with the legal process, understand instructions, and communicate their thoughts and experiences. Such barriers exacerbate existing inequalities and undermine the principles of fairness in the justice system.

Recognising the importance of early intervention and support, the government is committed to addressing the needs of children and young people with SLCN. I note recommendation 3 in the Committee's report and will be interested to hear what comes out of the feasibility assessment looking at whether every police station could have an embedded NHS speech and language therapist (SLTs) in Wales. The National Health Service Liaison and Diversion (L and D) services also play a crucial role in identifying individuals with such needs and ensuring they receive appropriate support, and we are waiting to hear the findings of the evaluation looking at how these services are working for children across the country. An appropriate adult should also be in attendance whenever a child is in custody. Part of their role it is to protect the interests of the child and they should be aware of and able to support any learning and communication difficulties.

On recommendation 5, The Ministry of Justice published a six-month update to the Cross-Government Neurodiversity Action Plan on 25 January 2023. The update demonstrates the wide range of work that is in train to improve support for neurodivergent people in the criminal justice system. Most notably, we have introduced the Neurodiversity Support Manager (NSM) role in prisons. Over 100 NSM's have already been recruited and we are on track to have an NSM in all prisons in England and Wales by 2024. MoJ and HMPPS are also actively championing Autism Accreditation across the prison estate to make the prison environment more supportive for neurodivergent people. New neurodiversity specialist services

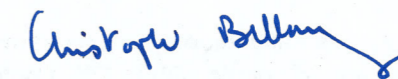
have been introduced in four probation regions, providing one-to-one interventions for people on probation and upskilling for probation practitioners to identify neurodivergent conditions. The MoJ is also working closely with health and justice partners, such as the police and the judicial college, to ensure that each stage of the offender journey considers neurodivergent need, including resettlement back into the community after serving their sentence. We are proactively working with Welsh Government colleagues to share best practice and identify further opportunities for engagement. We will publish a further update to the action plan this summer.

I also note recommendation 6 from the report regarding plans for embedding speech and language therapists within every Youth Offending Team in Wales by December 2023 and would be keen to hear more about progress on this. In England, the localised nature of service provision means that some Youth Offending Teams will have SLTs embedded in their service whilst others have outreach agreements with their community therapy teams. The Ministry of Justice-led Turnaround Programme has provided additional funding to Youth Offending Teams who can use the funding for local provision to support children, including commissioning or expanding the provision of SLT within the YOT setting, where appropriate.

To effectively tackle this issue, it is essential to foster partnership working between key stakeholders in both the UK and Welsh Governments. Collaborative efforts between these partners can facilitate the provision of SLTs to enable timely assessment, intervention and support to those who require it. We value the partnership between the Ministry of Justice, the Welsh government, and other relevant bodies, and we are committed to working together to ensure the provision of necessary resources for services.

By prioritising early intervention, strengthening liaison and diversion services, and fostering partnership working at local and national level, we can create a more inclusive and supportive justice system that empowers children and young people to reach their full potential.

Thank you again for raising this issue and I look forward to continued collaboration in this important area.



Lord Bellamy KC

Yr Arglwydd Bellamy CB
Yr Is-ystrifennydd Gwladol Seneddol
Y Weinyddiaeth Gyfiawnder

3 Gorffennaf 2023

Annwyl Arglwydd Bellamy

**Adroddiad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol: 60% – Rhoi llais iddyn nhw:
Anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid**

Diolch am eich ymateb i'n llythyr ynghylch ein hymchwiliad i brofiadau menywod yn y system cyfiawnder troseddol, a nodwyd gennym yn ein cyfarfod ar 19 Mehefin 2023.

Yn ddiweddar, gwnaethom gyhoeddi adroddiad arall, sy'n ystyried profiadau pobl sydd ag anghenion lleferydd, iaith a chyfathrebu yn y system cyfiawnder ieuenctid. Mae copi wedi'i atodi er gwybodaeth. Mae gan o leiaf 60 y cant o'r bobl ifanc sy'n ymwneud â'r system cyfiawnder ieuenctid – ac yn fwy tebygol, 80 y cant ohonynt – anawsterau lleferydd, iaith a chyfathrebu, o gymharu â thua 10 y cant o blant a phobl ifanc yn gyffredinol. Yn anffodus, mae gormod o bobl ifanc sy'n wynebu'r heriau hyn yn dod i gysylltiad â'r system cyfiawnder troseddol yn y pen draw, ac mae'r cymorth y maent yn ei gael yn y system honno'n dameidiog ac yn annigonol.

Mae eich llythyr dyddiedig 12 Mehefin yn nodi'r ffaith, er bod awdurdodau a gedwir yn ôl ac awdurdodau datganoledig yn cydweithio'n effeithiol er mwyn darparu'r gwasanaethau y maent yn gyfrifol amdanynt, fod y Weinyddiaeth Gyfiawnder yn ariannu'r holl wasanaethau y mae'n gyfrifol amdanynt. Byddem yn ddiolchgar, felly, am eich barn ynghylch yr egwyddor Buddsoddi i Arbed sydd wedi'i nodi yn yr adroddiad, ac yn benodol mewn perthynas ag Argymhellion 3 a 5.

Mae Argymhelliad 3 yn galw am leoli therapyddion lleferydd ac iaith penodedig mewn dalfeydd yng ngorsafodd heddlu ledled Cymru. Pa ystyriaeth y gallai'r Weinyddiaeth Gyfiawnder ei rhoi i leoli mwy o therapyddion lleferydd ac iaith mewn dalfeydd yng ngorsafodd heddlu? O ystyried y ffaith mai'r Weinyddiaeth Gyfiawnder fyddai'n elwa fwyaf ar y manteision a fyddai'n deillio o gadw pobl ifanc allan o garchardai, byddai'n ddefnyddiol pe gallech nodi eich safbwynt ar y mater hwn, gan gynnwys y posibilrwydd o fwy o gydgyssylltu a chydweithio rhwng Llywodraethau.

Mewn ymateb i'r adroddiad, cadarnhaodd Coleg Brenhinol y Therapyddion Lleferydd ac iaith ei fod mewn cysylltiad rheolaidd â'r Weinyddiaeth Gyfiawnder a'i fod yn rhoi arweiniad a chymorth i swyddogion ar gyfer yr offeryn sgrinio AssetPlus. Rydym o'r farn bod y cydweithio hwn yn hollbwysig. Nododd y Coleg Brenhinol hefyd fod hyfforddiant ar gyfer offeryn o'r fath yn hanfodol er mwyn



sicrhau ei fod yn cael ei ddefnyddio'n effeithiol. Felly, a fyddai modd i chi nodi pa hyfforddiant a gynigir at y diben hwn? Pa gyfraniad y gallai'r Weinyddiaeth Gyfiawnder ei wneud, o bosibl, er mwyn sicrhau bod therapyddion lleferydd ac iaith yn cael rhywfaint o ymwneud â Thimau Troseddau leuencid, a hynny er mwyn ymestyn yr arfer da a welsom gan dimau Castell-nedd Port Talbot a Bae Abertawe, a oedd yn destun canmoliaeth gennym?

Rydym yn ddiolchgar i chi am ystyried ein cais, ac edrychwn ymlaen at gael eich ymateb.

Yn gywir,

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J' and 'R'.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Senedd Cymru





Jenny Rathbone AS
Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN
SeneddCydraddoldeb@senedd.cymru

11 Awst 2023

Annwyl Jenny,

Diolch am eich llythyr dyddiedig 18 Gorffennaf yn dilyn dadl y Senedd yn y Cyfarfod Llawn ar therapyddion iaith a lleferydd o fewn cyfiawnder ieuenctid, a gynhaliwyd 28 Mehefin 2023. Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol sy'n gyfrifol am ddarpariaeth Lleferydd, iaith a Chyfathrebu, gan gynnwys yn y system gyfiawnder, ond rwy'n ymateb ar ran Gweinidogion Cymru o ystyried bod y mater hwn yn rhyng-gysylltu â fy mhortffolio i a Gweinidog y Gymraeg ac Addysg.

Gan nad yw cyfiawnder, gan gynnwys cyfiawnder ieuenctid, wedi'i ddatganoli ar hyn o bryd, ni fyddai'n briodol i mi ysgrifennu at fyrddau rheoli cyfiawnder ieuenctid mewn awdurdodau lleol yng Nghymru ynghylch eu defnydd o'r cyllid grant a gânt gan y Weinyddiaeth Gyfiawnder ar gyfer Gwasanaethau Cyfiawnder Ieuenctid.

Fodd bynnag, fel y dywedais yn y ddadl, bydd Llywodraeth Cymru yn cynnull uwchgynhadledd yn yr hydref gyda'r holl randdeiliaid allweddol gan gynnwys Gwasanaethau Cyfiawnder Ieuenctid, y Bwrdd Cyfiawnder Ieuenctid, Coleg Brenhinol y Therapyddion Iaith a Lleferydd a swyddogion o adrannau perthnasol Llywodraeth Cymru. Y bwriad yw gwahodd Gwasanaethau Cyfiawnder Ieuenctid Castell-nedd Port Talbot a rhanddeiliaid eraill i gyflwyno eu dull gweithredu ar gyfer darpariaeth Lleferydd, iaith a Chyfathrebu, arddangos / rhannu arfer gorau ac archwilio dulliau gweithredu rhanbarthol. Bydd canlyniadau'r uwchgynhadledd hon yn helpu i lunio dulliau gweithredu yn y dyfodol ar gyfer darparu gwasanaethau Lleferydd, iaith a Chyfathrebu mewn Gwasanaethau Cyfiawnder Ieuenctid.

Nodaf eich cais i Lywodraeth Cymru edrych ar ffyrdd eraill o gynyddu'r ddarpariaeth a lleoedd hyfforddi ar gyfer Therapyddion Iaith a Lleferydd. Ar hyn o bryd rydym yn wynebu heriau sefyllfa ariannol na welsom ei thebyg o'r blaen ac mae'n rhaid ystyried pob

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

penderfyniad yn y cyd-destun hwnnw nawr. Rwy'n anfon copi o'r llythyr hwn at y Gweinidog Iechyd a Gwasanaethau Cymdeithasol er mwyn sicrhau bod hithau hefyd yn gallu nodi'r cais.

Yn gywir,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter 'J'.

Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip

Jane Hutt AS
Y Gweinidog Cyfiawnder Cymdeithasol

18 Gorffennaf 2023

Annwyl Jane

Cyllid ar gyfer Therapyddion Lleferydd ac iaith o fewn Timau Cyfiawnder Ieuentid Cymru

Yn ystod y ddadl yng Nghyfarfod Llawn y Senedd ar 28 Mehefin 2023, gofynnodd un o Aelodau'r Pwyllgor – sef Jane Dodds AS – pam y mae rhai Timau Cyfiawnder Ieuentid awdurdodau lleol yn gallu sicrhau'n llwyddiannus bod cyllid ar gael i hyfforddi a chyflogi therapyddion lleferydd ac iaith, pan na all awdurdodau lleol eraill wneud hynny (gweler paragraffau 337 a 338 o'r Cofnod). Cafodd y Pwyllgor wybod bod Castell-nedd Port Talbot yn un awdurdod lleol sy'n rhoi blaenoriaeth i anghenion lleferydd, iaith a chyfathrebu yn ei dîm cyfiawnder ieuentid. Mae adroddiad y Pwyllgor yn tanlinellu'r angen i ddileu'r loteri cod post bresennol, ac felly rydym yn gofyn i Lywodraeth Cymru ystyried sut y gallai'r trefniadau ariannu yng Nghastell-nedd Port Talbot gael eu cyflwyno'n fwy eang, er mwyn sicrhau bod therapyddion lleferydd ac iaith yn rhan annatod o'r system cyfiawnder ieuentid mewn ardaloedd awdurdodau lleol eraill.

O ystyried pwysau'r dystiolaeth sy'n awgrymu nad yw anghenion pobl ifanc ag anghenion lleferydd, iaith a chyfathrebu yn cael eu diwallu'n ddigonol a'r diffyg adnoddau o fewn GIG Cymru i gynyddu darpariaeth a lleoedd hyfforddi ar gyfer Therapyddion Lleferydd ac iaith, byddem yn croesawu ymrwymiad gan Lywodraeth Cymru i ystyried ffyrdd eraill o gyflawni hyn. Dyma ofyn, felly, a allwch ymrwymo i ysgrifennu at bob awdurdod lleol a bwrdd rheoli cyfiawnder ieuentid yng Nghymru yn eu hannog i fuddsoddi yn y maes hwn, fel y gellir cyflwyno'r enghraifft hon o arfer gorau i bob awdurdod lleol yng Nghymru?

Diolch yn fawr am ein helpu i sicrhau gwell cefnogaeth i bobl ifanc sy'n ymwneud â Chyfiawnder Ieuentid.

Yn gywir,



Jenny Rathbone AS

Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Rebecca Evans AS,
Gweinidog Cyllid a Llywodraeth Leol

7 Gorffennaf 2023

Amserlen Ddrafft Gyllideb 2024-25

Annwyl Rebecca,

Nododd y Pwyllgor eich amserlen arfaethedig ar gyfer cyllideb 2024-25 yn ei gyfarfod ar 6 Gorffennaf 2023.

Rydym o'r farn bod y dull hwn yn hynod siomedig: Fel Pwyllgor rydym wedi galw'n rheolaidd am gael digon o amser i graffu ar gynigion cyllidebol Llywodraeth Cymru, ac i hynny fod yn unol â Protocol Proses y Gyllideb ('y Protocol'), y cytunwyd arno ar sail drawsbleidiol yn 2017.

Rydym wedi ysgrifennu atoch sawl gwaith ynghylch yr anawsterau ymarferol y mae byrhau amserlenni yn eu peri i Bwyllgorau wrth gyflawni eu swyddogaethau craffu, yn ogystal â'r pwysau y mae'n ei roi ar randdeiliaid sy'n dymuno cyflwyno tystiolaeth ac ymgysylltu â'n gwaith, yn enwedig pan fydd tair wythnos o'r cyfnod hwnnw yn disgyn dros doriad y Nadolig.

Yn fwyaf diweddar, ysgrifennais atoch ar 23 Mehefin 2023 yn nodi'r pryderon a fynegwyd gan y mwyafrif helaeth o Gadeiryddion Pwyllgorau ynghylch amseroldeb y broses gyllidebol a'r diffyg amser sydd ar gael ar gyfer craffu priodol. Rydym felly wedi'n digalonni na chafodd y safbwyntiau hyn eu hadlewyrchu pan gynigiwyd yr amserlen hon. Ar ben hynny, er ein bod wedi trafod yn gryno amserlen y gyllideb tua diwedd ein cyfarfod ar 20 Mehefin, ni wnaethom drafod dyddiadau penodol, fel y nodwyd yn eich llythyr, ac nid oedd cyfle i mi godi pryderon o ystyried y diffyg gwybodaeth a rannwyd bryd hynny ynghylch eich cynigion.

Rhesymau annigonol dros oedi

Mae paragraff 11 o'r Protocol yn nodi "ni fydd cyllideb/blwyddyn ariannol yn "arferol" pan fydd ansicrwydd sylweddol o ran sefyllfa ariannol Llywodraeth Cymru yn y dyfodol". Mae'n ychwanegu:

"Er nad yw hon yn rhestr hollgynhwysol, byddai enghreifftiau'n cynnwys pan nad yw Llywodraeth y DU wedi darparu ffigurau'r gyllideb ar gyfer y dyfodol; ceir digwyddiad cyllidol y DU fel yr Adolygiad Cynhwysfawr o Wariant neu Gyllideb Frys; neu newid sylweddol yn y rhagolygon cyllidol cyffredinol fel sioc economaidd neu newidiadau'n effeithio ar bolisi treth y DU."

Ym mhob un o'r pedair blynedd diwethaf, rydym wedi derbyn y dadleuon bod lefelau sylweddol o ansicrwydd cyllido yn arwain at oedi cyn gosod y gyllideb ddrafft. Er ein bod yn cydnabod nad yw Canghellor y Trysorlys wedi cyhoeddi dyddiad y digwyddiad cyllidol yn yr hydref eto, nid ydym yn ystyried hyn yn rheswm cryf ynddo'i hun i oedi rhag cyhoeddi cynigion cyllidebol Llywodraeth Cymru ac nid ydym yn cytuno mai dyma'r unig ddewis doeth sydd ar gael i chi.

Fel y gwnaethoch nodi, mae dyraniadau cyllidebol dangosol eisoes ar gael i Lywodraeth Cymru, ac er ein bod yn derbyn bod pwysau chwyddiant yn parhau'n uchel, nid ydynt, yn anffodus, yn syndod ac nid ydynt, yn ein barn ni, yn creu "llawer o ansicrwydd" yn eich sefyllfa gyllido a bod angen gwyro oddi wrth y broses 'arferol' a amlinellir ym mhrotocol y gyllideb.

Nid ydym ychwaith yn derbyn bod yr oedi yn gyfan gwbl o ganlyniad i faterion sydd y tu allan i'ch rheolaeth. Fel y Gweinidog sy'n gyfrifol am y gyllideb, mae gennych ddisgresiwn sylweddol i benderfynu pryd y cyhoeddir cynlluniau gwariant Llywodraeth Cymru sydd, yn eu tro, yn pennu faint o amser sydd gan Bwyllgorau'r Senedd i wneud y gwaith craffu gofynnol.

Fel y gwyddoch, dyma'r bumed flwyddyn yn olynol nad yw'r broses dau gyfnod a nodir yn y Protocol wedi'i dilyn ac mae'r cais i ohirio proses y gyllideb eto eleni, yn awgrymu mai prin yw'r amgylchiadau y gellid eu hystyried yn flwyddyn "arferol".

Bwriad y protocol oedd caniatáu i'r Pwyllgor Cyllid ymgymryd â rôl oruchwylio drwy ganiatáu rhagor o amser i bwyllgorau polisi wneud gwaith craffu a'u galluogi i gymryd rhagor o dystiolaeth gan randdeiliaid.

Mae eich parodrwydd i osgoi dilyn y broses hon unwaith eto yn cwestiynu eich ymrwymiad i'r arferion hyn y cytunwyd arnynt, o ystyried nad yw amseriad craffu ar y gyllideb yn y blynyddoedd diwethaf wedi gwneud hyn yn bosibl.

Diffyg ymgynghori

Rydym hefyd yn nodi eich bod wedi **ymgynghori** â'r Pwyllgor ar eich penderfyniad i ohirio cyhoeddi Cyllideb Ddrafft 2023-24 y llynedd. Mae'n resyn felly na chafodd dull tebyg ei fabwysiadu eto.

Mewn blynyddoedd pan fydd Llywodraeth Cymru yn ystyried gohirio cyhoeddi'r Gyllideb Ddrafft ac yn osgoi'r broses dau gyfnod a amlinellir yn y Protocol, mae'r Pwyllgor yn disgwyl trafodaeth aeddfed ac ymgynghoriad ystyrllon ar faterion o'r fath ac mae peidio â gwneud hynny yn bwrw amheuaeth ynghylch yr ymrwymadau a wnaethoch yn flaenorol i weithio'n adeiladol ac mewn partneriaeth i wella ein prosesau'r gyllideb.

Y camau nesaf

Rwy'n croesawu eich parodrwydd i ailedrych ar ddyddiadau cyhoeddi'r Gyllideb Ddrafft pe bai cyhoeddiad y Canghellor ynghylch dyddiadau digwyddiad cyllidol yr hydref yn ddigon cynnar i ganiatáu amser ychwanegol ar gyfer ei pharatoi a chraffu arni.

Byddwn yn cadw llygad barcud ar y datblygiadau hyn ac yn gobeithio y bydd eglurder pellach ynghylch amseru'r materion hyn yn arwain at ragor o amser i graffu ar eich cynigion cyllideb cyn gynted â phosibl yn nhymor yr hydref.

Rwy'n anfon copi o'r llythyr hwn at y Trefnydd a Chadeiryddion Pwyllgorau'r Senedd, o ystyried ei effaith ar eu rhaglenni gwaith ac yn sgil y pryderon a'r sylwadau a fynegwyd yn flaenorol ar y materion hyn.

Yn gywir,



Peredur Owen Griffiths MS, Cadeirydd y Pwyllgor Cyllid

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



Sport Wales National Centre

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CEO | Prif Weithredwr: Brian Davies

Jenny Rathbone AS
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

11.07.2023

Annwyl Gadeirydd,

Diolch i chi am eich llythyr dyddiedig 29 Mehefin mewn perthynas ag ymchwiliad y pwyllgor i'r dull iechyd y cyhoedd o atal trais ar sail rhywedd.

Fel rydych yn gwybod efallai, nid yw Chwaraeon Cymru yn gorff rheoleiddiol ac felly mae sefydliadau fel Cyrff Rheoli Chwaraeon Cenedlaethol, awdurdodau lleol a chlybiau a sefydliadau unigol mewn gwell sefyllfa o ran gwneud gwahaniaeth uniongyrchol.

Sector Chwaraeon Cynhwysol

Mae eich llythyr yn nodi'n gywir bod gan chwaraeon ran bwysig i'w chwarae wrth atal trais ar sail rhywedd. Er bod ymyriadau gan wylwyr, lle maent yn ddiogel ac yn effeithiol, yn cael eu nodi fel rhai sy'n gweithredu o bosibl i newid agweddau a chredoau rhywedd negyddol, rydym yn credu bod rhaid i ni ganolbwyntio ar fynd i'r afael ag achos trais ar sail rhywedd. Felly, datblygiad a chynaliadwyedd system chwaraeon gynhwysol yw prif ffocws Chwaraeon Cymru. Mae hyn yn cynnwys meithrin cyfleoedd chwaraeon diogel, cynhwysol, croesawgar a datblygiadol.

Mae amrywiaeth o ddulliau rydym yn eu defnyddio i hwyluso'r uchelgais hwn. Yn gyntaf, mae ein newidiadau diweddar i'r dull buddsoddi rydym yn ei weithredu wedi rhoi mynd i'r afael ag anghydraddoldebau mewn chwaraeon wrth galon ein partneriaethau. Un agwedd bwysig ar hyn yw buddsoddi mewn chwaraeon lle mae merched a genethod yn cymryd rhan yn y chwaraeon hynny ac eisiau eu gwneud. Ein huchelgais yw sicrhau bod chwaraeon yn darparu ar gyfer y ddemograffeg honno ac felly'n sefydlu cyfleoedd sy'n sicrhau bod merched a genethod yn cael eu croesawu a'u cefnogi.

Gwaith Partneriaeth

Un llwybr rydym hefyd yn ei ddatblygu a all effeithio ar yr agenda o atal trais ar sail rhywedd yw ein gwaith partneriaeth. Mae ein partneriaeth barhaus â'r Gweithgor Rhyngwladol (IWG) ar Ferched mewn Chwaraeon, a'n buddsoddiad ynddo, wedi galluogi'r sefydliad uchel ei barch hwn yn rhyngwladol i gael ei gynnal yn y DU yn ystod yr ysgrifenyddiaeth bresennol, 2022-2026. Gweledigaeth yr IWG yw sefydlu diwylliant chwaraeon cynaliadwy sy'n seiliedig ar gydraddoldeb rhywedd ac sy'n galluogi ac yn gwerthfawrogi cyfranogiad llawn gan ferched a genethod ym mhob agwedd ar chwaraeon a gweithgarwch corfforol.

Mae gan Chwaraeon Cymru nifer o bartneriaethau pwysig hefyd sy'n canolbwyntio ar sicrhau bod diogelu mewn chwaraeon yn flaenoriaeth. Mae'r rhain yn cynnwys ein gwaith gyda'r NSPCC a'i Huned Amddiffyn Plant mewn Chwaraeon (CPSU) yn ogystal ag Ymddiriedolaeth Ann Craft.

Mae gan y CPSU, sy'n rhan o'r NSPCC ac yn cael ei gyllido gan Sport England, Sport Northern Ireland, Chwaraeon Cymru, UK Sport a The Football Association, ystod o adnoddau ac ymgyrchoedd, fel eu hymgyrchoedd [Cadw eich plentyn yn ddiogel mewn chwaraeon](#) a [Listen Up, Speak Up](#). Mae'r rhain yn canolbwyntio ar rymuso oedolion i greu amgylcheddau chwaraeon diogel.

Mae Ymddiriedolaeth Ann Craft hefyd yn darparu adnoddau a chefnogaeth ar gyfer chwaraeon diogel a chynhwysol. Fel rhan o'i Hymgyrch #DiwylliantDiogelachChwaraeonDiogelach ar 12fed Mehefin, cynhaliodd yr Ymddiriedolaeth seminar ar-lein am ddim am Ymyriadau Gwylwyr.

Bydd Chwaraeon Cymru yn parhau i gefnogi datblygiad adnoddau, hyfforddiant ac arweiniad drwy gyfrwng y partneriaethau hyn.

Yn olaf, hoffem hefyd wneud y pwyllgor yn ymwybodol o gyhoeddiad diweddar dogfen gan UNESCO, '[Tackling violence against women and girls in sport: highlights](#)'. Mae'r ddogfen hon yn cynnig cyngor a her i ymarferyddion chwaraeon a llunwyr polisïau. Bydd Chwaraeon Cymru yn ystyried sut gallwn gefnogi'n uniongyrchol, a'n partneriaid, i ddefnyddio adnoddau i wella'r amgylchedd chwaraeon i ferched a genethod.

Yn Gywir,



Brian Davies

Prif Weithredwr

Chwaraeon Cymru

Brian Davies
Prif Swyddog Gweithredol Dros Dro
Chwaraeon Cymru

29 Mehefin 2023

Annwyl Brian

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd

Mae'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol yn cynnal ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Mae rhagor o fanylion am yr ymchwiliad, gan gynnwys ein cylch gorchwyl, ar gael ar ein [gwefan](#).

Mae'r dystiolaeth a ddaeth i law hyd yma wedi amlygu pwysigrwydd annog y rhai sy'n bresennol i ymyrryd a datblygu rhaglenni ymyrryd sy'n ei gwneud yn haws iddynt wneud hynny'n ddiogel ac yn effeithiol, ac sydd hefyd yn newid agweddau a chredoau negyddol am rywedd. O ystyried y gall chwaraeon fod yn faes pwysig ar gyfer y gwaith o atal trais yn erbyn menywod a merched, byddem yn ddiolchgar pe gallech roi'ch barn am rôl ymyriadau gan y rhai sy'n bresennol o safbwynt chwaraeon. Yn ogystal â hyn, a fydddech cystal â rhoi manylion unrhyw waith penodol sy'n cael ei wneud i helpu i godi proffil y mater pwysig hwn ac i annog pobl i ymwneud mwy ag ef yn fwy cyffredinol, a hynny ar bob lefel yn y byd chwaraeon, gan gynnwys gwaith sy'n mynd rhagddo ym maes llywodraethu.

Byddem hefyd yn ddiolchgar am unrhyw sylwadau ychwanegol yr hoffech eu cynnig mewn perthynas â'n cylch gorchwyl, sydd i'w weld ar ein gwefan.

Byddem yn falch o gael eich sylwadau erbyn 22 Gorffennaf 2023 os oes modd.

Yn gywir



Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

20 Gorffennaf 2023

Jenny Rathbone AS
Cadeirydd
Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

Annwyl Jenny Rathbone AS

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd mewn addysg uwch

Rwy'n ysgrifennu mewn ymateb i'ch llythyr dyddiedig 29 Mehefin 2023, ynghylch yr Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd.

Mae ein hymateb yn darparu'r wybodaeth y gofynnwyd amdani ynghylch: prifysgolion yn cyllido proses i gyflwyno ymyriadau gan bobl sydd wrth law; eu gwaith i roi ymyriadau ar waith megis y Fenter Ymyriadau; sut y caiff gweithgarwch o'r fath ei fonitro a'i werthuso; a'n sylwadau ni am gylch gorchwyl yr Ymchwiliad.

I fframio ein hymateb, rydym yn darparu peth cyd-destun polisi sy'n goleuo ystyriaethau prifysgolion. Rydym hefyd wedi amlinellu ymyriadau diweddar CCAUC yn y maes yma.

Cyd-destun polisi ar lefel y DU gyfan

Caiff camau gweithredu prifysgolion i fynd i'r afael â thrais ar sail rhywedd mewn addysg uwch eu goleuo gan gyfres o gyhoeddiadau Changing the Culture gan [Universities UK](#) rhwng 2016 a'r presennol sy'n cynnwys:

- [Changing the culture](#) 2016;
- [Changing the culture: directory of case studies](#) 2017;
- [Changing the culture: one year on](#) 2018;
- [Changing the culture: two years on](#) 2019;
- [Changing the culture: tackling staff-to-student sexual misconduct](#) 2022;
- [Changing the culture: sharing personal data in harassment cases](#) 2022.

Gweithgarwch CCAUC

Yn 2020, fe gyhoeddodd ni ganllawiau i brifysgolion ar [Fynd i'r afael â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol mewn AU](#). Tynnodd y cyhoeddiad hwn

Mr Rob Humphreys
Cadeirydd | Chair

Dr David Blaney
Prif Weithredwr | Chief Executive



syllw at ymgyrchoedd Llywodraeth Cymru ac Iechyd Cyhoeddus Cymru. Fe gyhoeddodd ni ddeg astudiaeth achos a ddarparwyd gan brifysgolion yng Nghymru o gamau gweithredu i fynd i'r afael â thrais, cam-drin domestig a thrais rhywiol ac fe wnaethom gynnwys dolen i [gyfeiriadur](#) ar lefel y DU gyfan o ddeg ar hugain o astudiaethau achos pellach.

Yn 2022, fe gynhaliom ni seminar cyfnewid gwybodaeth ar fynd i'r afael â thrais, cam-drin a thrais rhywiol mewn addysg uwch. Cyflwynodd Llywodraeth Cymru ei safbwynt strategol ac fe ddarparodd BAWSO, Iechyd Cyhoeddus Cymru a Cymorth i Ferched Cymru ddiweddariad ar ymgyrchoedd, gan gynnwys hyfforddiant i bobl sydd wrth law.

Yn 2023, fe gyhoeddodd ni [Addysg uwch ddiogel a chynhwysol: cefnogi addysg cydraddoldeb ac amrywiaeth](#). Mae'r cylchlythyr hwn:

- yn hyrwyddo'r prosiect [UniSAFE](#) Ewropeaidd, a gyllidir i gynhyrchu tystiolaeth ac offer gweithredol mewn perthynas â thrais ar sail rhywedd ac aflonyddu rhywiol ar gyfer sefydliadau addysg uwch, ymchwil a gwneuthurwyr polisïau;
- yn annog prifysgolion i gynnwys camau gweithredu i gryfhau dulliau ataliol o fynd i'r afael â thrais, aflonyddu a cham-drin ar bob ffurf mewn dogfennau corfforaethol, gan gynnwys cynlluniau cyflawni cydraddoldeb strategol a strategaethau llesiant, iechyd ac iechyd meddwl;
- yn disgwyl i gamau gweithredu prifysgolion gynnwys hyfforddiant priodol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol a hwnnw'n cael ei gyflwyno mewn modd cynhwysfawr ac effeithiol i'r holl staff a myfyrwyr, gyda champau gweithredu yn y dyfodol yn cynnwys hyrwyddo gwybodaeth ynghylch hysbysu am ddigwyddiadau difrifol, sut y bydd staff a myfyrwyr sy'n hysbysu am y digwyddiadau hyn yn cael eu cefnogi, ac ymrwymiad i beidio â defnyddio cytundebau peidio datgelu (CPD) mewn achosion o gamymddwyn rhywiol. Gweler [Prifysgolion Cymru'n cyhoeddi datganiad ar ddefnyddio CPD](#).

Mae ein datblygiadau polisi'n cydnabod materion o ran croestoriadedd sy'n effeithio ar drais, cam-drin a thrais rhywiol ar bob ffurf. Mae'r holl brifysgolion yng Nghymru wedi ymrwymo i ennill siarter cydraddoldeb hiliol erbyn 2025. I wneud cynnydd yn gyflym tuag at ennill y siarter, fe wnaethom ymrwymo i ddarparu £1m y flwyddyn ar gyfer prifysgolion, gyda chyllid cyfatebol yn cael ei ddarparu ganddynt hwy. Mae ein hymrwymiad i ddarparu cyllid yn para tan 2024/25 ar hyn o bryd ac yn rhoi ystyriaeth i sefydlu'r Comisiwn Addysg Drydyddol ac Ymchwil newydd a fydd yn goruchwyllo'r system addysg ôl-16 yn ei chyfanrwydd.

Camau gweithredu gan brifysgolion yng Nghymru

Mae prifysgolion yn defnyddio amrywiaeth o wybodaeth, canllawiau a hyfforddiant i gefnogi staff a myfyrwyr sy'n profi trais, cam-drin ac aflonyddu ar bob ffurf fel a nodir isod. Er nad ydym wedi cynnwys y Brifysgol Agored yng Nghymru yn y ffigurau isod, gan ei bod yn gweithredu dros y DU gyfan ac yn defnyddio dull gweithredu sy'n cwmpasu'r pedair gwlad wrth ymdrin â'r mater hwn, rydym wedi cynnwys gweithgareddau cysylltiedig y Brifysgol Agored yng Nghymru yn yr ymateb hwn.

Mae chwech allan o wyth prifysgol wedi neilltuo cyllid ar gyfer ymyriadau penodol gan bobl sydd wrth law yn 2022/23 a byddant yn parhau i wneud hynny yn 2023/24. Mae'r

ddwy brifysgol arall naill ai yn y broses o ddatblygu hyfforddiant e-ddysgu ar-lein i bobl sydd wrth law a/neu maent yn darparu ymyriadau eraill. Cadarnhaodd dwy brifysgol sy'n darparu hyfforddiant i bobl sydd wrth law y byddai'n gryn her parhau i gyllido hyfforddiant yn 2023/24 oherwydd cyfyngiadau ar gyllidebau.

Ni chadarnhaodd yr un o'r prifysgolion eu bod yn rhoi'r Fenter Ymyriadau ar waith ar hyn o bryd. O'r wybodaeth sydd ar gael i ni, nid yw'n glir i ni faint o brifysgolion yn Lloegr sy'n defnyddio pecyn cymorth y Fenter Ymyriadau a ddatblygwyd gan Brifysgol Caerwysg ac a gyllidwyd gan Public Health England. Nid yw'n ymddangos bod cyfeiriad at y Fenter Ymyriadau ar wefan Iechyd Cyhoeddus Cymru.

Mae'r holl brifysgolion yn darparu ystod o hyfforddiant a gweithgareddau i fynd i'r afael â thrais ar sail rhywedd. Mae'r enghreifftiau diweddaraf yr ydym wedi'u cael yn cynnwys, ymhlith eraill:

- datblygu strategaeth atal a chymorth benodol ar gyfer trais ac aflonyddu rhywiol;
- darparu hyfforddiant 'adnabod, ymholi a gweithredu' ar gyfer staff yn ogystal â hyfforddiant pobl sydd wrth law a chydysyniad i fyfyrwyr mewn partneriaeth gyda'r Undeb Myfyrwyr;
- darparu hyfforddiant asesu risg a achredir gan [DICES](#) ar gyfer yr holl staff sy'n ymdrin â myfyrwyr mewn Gwasanaethau Myfyrwyr a hwnnw'n cynnwys hyfforddiant a phecynnau cymorth asesu risg a chynlluniau rheoli risg ar gyfer ymosodiadau a thrais rhywiol;
- darparu ystod o weithgareddau hyfforddi a chodi ymwybyddiaeth, mewn cydweithrediad gydag asiantaethau yn y trydydd sector gan gynnwys Brook, New Pathways a Limeculture;
- darparu modiwl cydsyniad rhywiol dwyieithog fel rhan o raglenni sefydlu i fyfyrwyr;
- sefydlu gweithgor trais yn erbyn menywod, cam-drin domestig a thrais rhywiol;
- cyflogi staff cymorth arbenigol gyda hyfforddiant therapiwtig a phrofiad o weithio gyda'r rhai sy'n wynebu trais ar sail rhywedd;
- sefydlu grŵp awtistiaeth menywod ar gyfer 2023/24 i fynd i'r afael â phynciau megis perthnasoedd iach a diogelwch personol; ac
- ymrwymo i'r adduned Rhuban Gwyn gyda grŵp llywio i arwain ar gamau gweithredu.

Mae prifysgolion yn defnyddio ystod o brosesau i fonitro a gwerthuso'r ymyriadau uchod, gan gynnwys:

- adrodd trwy strategaethau trosfwaol megis cynlluniau cydraddoldeb strategol a strategaethau llesiant ac iechyd. Adroddir ar berfformiad yn erbyn y dogfennau corfforaethol hyn wrth bwyllgorau gweithredol prifysgolion;
- cydweithio gydag Undebau Myfyrwyr a sefydliadau trydydd parti, er enghraifft New Pathways a Brook;
- ystyried llais myfyrwyr a staff i oleuo gwaith cynllunio, er enghraifft trwy adborth mewn arolwg croesawu myfyrwyr;
- defnyddio adborth o werthusiadau ac adborth arall i fesur effaith hyfforddiant ar gyfer pobl sydd wrth law a hyfforddiant arall; a

- sicrhau bod yr holl achosion o drais, cam-drin ac aflonyddu'n cael eu cofnodi a'u monitro.

Cylch Gorchwyl y Pwyllgor

Yn olaf, mewn perthynas â chylch gorchwyl y pwyllgor, rydym yn awgrymu cynnwys y camau gweithredu canlynol:

- archwilio effeithiolrwydd cydweithio a dulliau cydgysylltiedig i gynyddu effaith i'r eithaf a sicrhau defnydd effeithiol o adnoddau dros Gymru gyfan;
- sicrhau bod y canfyddiadau'n cael eu goleuo gan brofiad personol goroeswyr a chyflawnwyr, gan gynnwys dealltwriaeth am brofiadau yn y gweithle a oleuwyd gan waith mewn partneriaeth gymdeithasol gydag undebau llafur;
- archwilio i ba raddau y mae hyfforddiant a darpariaeth ar gael yn Gymraeg.

Yn gywir



David Blaney

Dr David Blaney
Prif Weithredwr
Cyngor Cyllido Addysg Uwch Cymru

29 Mehefin 2023

Annwyl Dr Blaney

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd

Mae'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol yn cynnal ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Mae rhagor o fanylion am yr ymchwiliad, gan gynnwys ein cylch gorchwyl, ar gael ar ein [gwefan](#).

Yn ystod ein ymchwiliad, rydym wedi clywed am bwysigrwydd annog y rhai sy'n bresennol i ymyrryd ac, yn benodol, pwysigrwydd rhoi'r Fenter Ymyrryd ar waith. Mae [Pwyllgor Menywod a Chydraddoldeb](#) Senedd y Deyrnas Unedig wedi argymhell y dylai pob prifysgol roi'r fenter hon ar waith. Byddem yn ddiolchgar pe gallech gadarnhau a yw Prifysgolion Cymru wedi neilltuo unrhyw gyllid i gyflwyno mentrau i annog y rhai sy'n bresennol i ymyrryd a/neu a ydynt wedi rhoi mentrau o'r fath, fel y Fenter Ymyrryd, ar waith. Yn ogystal â hyn, a allech chi ddweud sut y caiff unrhyw gynlluniau eu monitro a'u gwerthuso.

Byddem hefyd yn ddiolchgar am unrhyw sylwadau ychwanegol yr hoffech eu cynnig mewn perthynas â'n cylch gorchwyl, sydd i'w weld ar ein gwefan.

Byddem yn falch o gael eich sylwadau erbyn 22 Gorffennaf os oes modd.

Yn gywir



Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol



Dr Chris Llewelyn

Prif Weithredwr / Chief Executive

**Cymdeithas Llywodraeth Leol Cymru
Welsh Local Government Association**

Un Rhodfa'r Gamlas

Heol Dumballs

Caerdydd

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Ffôn: 029 2046 8600

One Canal Parade

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Ein Cyf / Our Ref:

Dyddiad / Date: 25 Auguust 2023

Gofynnwch am / Please ask for: Karen Higgins

Llinell uniongyrchol / Direct line:

Ebost / Email: workforce@wlga.gov.uk

Jenny Rathbone AS

Cadeirydd, Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Senedd Cymru

Bae Caerdydd,

Caerdydd,

CF99 1SN

Annwyl Jenny

Ymchwiliad i ddull iechyd cyhoeddus i atal trais yn seiliedig ar ryw

Diolch am eich llythyr dyddiedig 7 Awst 2023 a'r cyfle i gyfrannu tuag at yr ymchwiliad uchod a gyflawnir gan y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol. Rwy'n falch o gynnig ymateb ar ran llywodraeth leol i'ch cwestiwn penodol ar sut mae sefydliadau yn delio â honiadau o drais yn seiliedig ar ryw yn fewnol ac yn fwy penodol pa weithdrefnau sydd mewn lle i ddelio â honiadau o drais yn seiliedig ar ryw a godir gan neu yn erbyn gweithwyr.

Mae cyflogwyr Llywodraeth Leol yng Nghymru wedi ymrwmo i gydraddoldeb, amrywiaeth a chynhwysiant o fewn y gweithle ac mae cynghorau yn weithredol wrth godi ymwybyddiaeth ymysg rheolwyr a staff cam-drin domestig, trais gan gynnwys trais yn seiliedig ar ryw a thrais rhywiol, gyda pholisïau a gweithdrefnau penodol mewn lle i reoli ac ymateb i faterion o'r natur hwn a godwyd gan neu yn erbyn gweithwyr. Mae polisïau cam-drin domestig, trais a thrais rhywiol yn bodoli ac yn aml wedi'u tanategu gan ganllawiau, cefnogaeth a hyfforddiant lle bo'n briodol, sydd oll yn unol â gofynion Deddf Trais yn erbyn Merched, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015.

Er mwyn dangos graddfa a natur y polisiau hyn, mae enghraifft penodol o Gyngor Caerdydd wedi'i ddarparu ac wedi'i atodi i'r llythyr hwn.

Yn dibynnu ar amgylchiadau unrhyw achos unigol, mae gan gyflogwyr llywodraeth leol nifer o bolisiau a gweithdrefnau eraill a all fod yn berthnasol ac y gellir eu defnyddio wrth reoli materion o gam-drin domestig, trais a thrais rhywiol, gan gynnwys delio â honiadau a godir gan neu yn erbyn gweithwyr, sy'n cynnwys:

- Camddefnyddio Alcohol a Sylweddau
- Rheoli Presenoldeb
- Cod Ymddygiad
- Urddas yn y Gwaith
- Disgyblu
- Cwynion
- Diogelu
- Cydraddoldeb Traws
- Rhannu pryderon

Yn fwy eang, mae materion a dulliau i fynd i'r afael â'r heriau sy'n gysylltiedig â thrais a cham-drin domestig yn aml yn destun trafodaeth ymysg rhwydweithiau a phartneriaethau proffesiynol yn llywodraeth leol, gyda'n hundebau llafur, Llywodraeth Cymru ac ar draws y gwasanaethau cyhoeddus. Mae partneriaid yn rhannu gwybodaeth ac arferion ac yn parhau i archwilio a mynd i'r afael â'r ffordd y gall ein gweithlu a gweithleoedd gael eu cefnogi a'u diogelu ymhellach drwy bolisiau a chefnogaeth. Un enghraifft o'r fath yw Cyngor Cyswllt Cymru, partneriaeth gymdeithasol rhwng cyflogwyr llywodraeth leol ac undebau llafur, sydd wedi trafod yn rheolaidd ac wedi cyhoeddi datganiad ar y cyd i godi ymwybyddiaeth o a dangos ymrwymiad i fynd i'r afael â cham-drin domestig a thrais (ynghlwm). Yn fwy diweddar, yn Ebrill 2023 gwahoddodd Cyngor Cyswllt Cymru, TUC Cymru i rannu manylion eu [Pecyn Gwaith Aflonyddu Rhywiol](#). Mae trafodaeth reolaidd a rhannu gwybodaeth ymysg gweithwyr proffesiynol a phartneriaid yn cynnal proffil y mater pwysig hwn, er mwyn adnewyddu ein dealltwriaeth a dulliau.

Gobeithiaf fod hyn yn bodloni eich cais am wybodaeth a bod yr enghraifft a ddarperir yn cynnig y manylion angenrheidiol mewn perthynas â pholisiau a gweithdrefnau penodol, gan gynnwys y canllawiau a chefnogaeth sydd ar gael. Fodd bynnag, mae croeso i chi gysylltu â mi os ydych angen mwy o fanylion neu'n dymuno trafod unrhyw un o'r pwyntiau a godwyd.

Yn ddiffuant,



Chris Llewelyn
Y Prif Weithredwr

Chris Llewelyn, Prif Weithredwr
Cymdeithas Llywodraeth Leol Cymru

7 Awst 2023

Annwyl Chris

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd

Mae'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol yn cynnal ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Ceir rhagor o fanylion am ein gwaith hyd yma, gan gynnwys y cylch gorchwyl, ar ein [gwefan](#).

Un cwestiwn sydd wedi'i godi yw sut y mae sefydliadau'n ymdrin â honiadau o drais ar sail rhywedd yn fewnol. Felly, byddem yn ddiolchgar pe gallech nodi pa weithdrefnau sydd ar waith ar draws gwasanaethau statudol, gan gynnwys gwasanaethau cymdeithasol ac addysg, ar gyfer trin honiadau o drais ar sail rhywedd a godir gan neu yn erbyn gweithwyr.

Byddem hefyd yn croesawu unrhyw sylwadau sydd gennych ar ein cylch gorchwyl yn ehangach.

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir



Jenny Rathbone AS

Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



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25 Awst 2023

Annwyl Ms Rathbone,

Diolch i chi am eich llythyr dyddiedig 25 Gorffennaf 2023, yn dilyn y sesiwn tystiolaeth lafar ar 19 Mehefin 2023, pan wnaethoch ofyn am wybodaeth ychwanegol mewn perthynas â'r canlynol:

- Y sylfaen dystiolaeth sy'n bodoli ar gyfer dulliau adferol, a pha mor effeithiol yw'r dulliau hyn o ran atal trais ar sail rhywedd?
- A oes digon yn cael ei wneud i ddarparu'r sgiliau i bobl ifanc i amddiffyn eu hunain rhag camdriniaeth a niwed ar-lein?

Rydym yn mynd i'r afael â'r ddau gwestiwn yn eu tro yn y papur sydd ynghlwm.

Yr eiddoch yn gywir



Alexa Gainsbury, Ymgynghorydd Gwella Iechyd
Emily van de Venter, Ymgynghorydd Gwella Iechyd

1. Dulliau Adferol

Mae arferion adferol, neu ddulliau adferol, yn ffyrdd o weithio sy'n canolbwyntio ar berthnasoedd a deall anghenion unigolion a chymunedau. Mewn sefyllfaoedd o wrthdaro neu niwed mae'r dull yn canolbwyntio ar atebolrwydd, datrysiadau a chyfleoedd i wneud iawn yn hytrach na phennu euogrwydd, bai, rhoi sylw i'r broblem neu geisio cosb.

Daeth dulliau adferol i'r amlwg gyntaf o fewn y sector Cyfiawnder Troseddol, gyda'r mudiad Cyfiawnder Adferol yn codi yng Ngogledd America yn y 1970au. Mae'r arfer wedi'i ddatblygu a'i gymhwyso mewn lleoliadau addysg ers y 1990au.

Nid yw arfer adferol yn rhaglen ar wahân gyda pharmedrau cyflawni diffiniedig, ond yn hytrach yn ffordd o weithio fel cymuned. Yn y DU, y Cyngor Cyfiawnder Adferol (RJC) yw'r corff aelodaeth annibynnol ar gyfer maes Arfer Adferol ac mae'n darparu sicrwydd ansawdd dros safonau hyfforddi. Mae'r RJC yn darparu Fframweithiau Ymarfer a Chanllawiau sy'n seiliedig ar dystiolaeth i gefnogi'r gwaith o gyflawni arfer adferol o safon.

Mae'r RJC yn rhestru chwe egwyddor arfer adferol fel:

- Adfer – prif nod arfer adferol yw mynd i'r afael â niwed a'i atgyweirio
- Gwirfoddoli – mae cymryd rhan mewn prosesau adferol yn wirfoddol ac yn seiliedig ar ddewis gwybodus
- Niwtraliaeth – mae prosesau adferol yn deg ac yn ddiuedd tuag at gyfranogwyr
- Diogelwch – nod prosesau ac arferion yw sicrhau diogelwch pawb sy'n cymryd rhan a chreu lle diogel i fynegi teimladau a safbwyntiau am y niwed a achoswyd
- Hygyrchedd – mae prosesau adferol yn anwahaniaethol ac ar gael i bawb yr effeithir arnynt gan wrthdaro a niwed
- Parch – mae prosesau adferol yn parchu urddas pawb sy'n cymryd rhan a'r rhai yr effeithir arnynt gan y niwed a achoswyd.¹

Mae **Ymgyrch Encompass** yn cymhwyso egwyddorion arfer adferol wrth ymdrin â digwyddiadau neu bryderon ynghylch trais neu gam-drin domestig, neu drais ar sail rhywedd, sy'n ymwneud â phlentyn a gweithio gyda rhieni/gofalwyr a lleoliadau addysg. Darperir hyfforddiant ac adnoddau i alluogi'r asiantaethau hynny sy'n gweithio gyda phlant a phobl ifanc i ddefnyddio dulliau adferol mewn ymateb i ddigwyddiadau penodol.

1.1 Arfer Adferol fel Dull Ysgol Gyfan

¹ [Principles of restorative practice - FINAL 12.11.15.pdf \(restorativejustice.org.uk\)](#)

Yn ddiweddar, mae Iechyd Cyhoeddus Cymru wedi adolygu'r sylfaen dystiolaeth ar gyfer defnyddio arfer adferol fel dull ysgol gyfan ac effeithiau ar ddeilliannau lles meddyliol. Er bod llawer o ffyrdd o roi Arfer Adferol ar waith mewn ysgolion, mae corff o dystiolaeth i awgrymu mai Dull Ysgol Gyfan sy'n debygol o fod fwyaf effeithiol.

Adolygwyd naw astudiaeth. Roedd tair o'r rhain o hap-dreial rheoli realaidd ar raddfa fawr yn y DU o ansawdd cryf (Bonell et. al. 2018, Melendez-Torres et. al. 2021, Warren et. al. 2019), roedd yr astudiaethau eraill o ansawdd cyfyngedig ac felly ni ellir dod i gasgliadau cadarn ar sail eu canfyddiadau (Acosta et. al. 2019, Gregory et. al. 2015, Hollands et. al. 2022, Norris et. al. 2019, Todic et. al. 2020, Wong et. al. 2011).

Canfu'r hap-dreial rheoli realaidd ar raddfa fawr o'r DU dystiolaeth o effaith gadarnhaol o ddull gweithredu ysgol gyfan ar gyfer pobl ifanc 11-15 oed. Roedd canlyniadau cadarnhaol yn cynnwys llai o fwlio, gwell gweithrediad seicolegol, cynnydd mewn lles ac ansawdd bywyd, a gostyngiad mewn ymddygiadau sy'n niweidio iechyd. Roedd yn ymddangos bod effeithiau ymyrraeth yn cryfhau dros amser. Mae'r dystiolaeth yn awgrymu bod angen cryn dipyn o amser i'r ymyriad achosi newid sefydliadol o fewn lleoliadau ysgol. Canfuwyd effeithiau cadarnhaol er gwaethaf ffyddlondeb amrywiol sy'n awgrymu gydag ymyriadau ysgol gyfan fod ffyddlondeb cyffredinol i fecanwaith gweithredu yn bwysicach na ffyddlondeb i ddarpariaeth/elfen ymyrraeth.

Cyflwynwyd canfyddiadau'r adolygiad tystiolaeth i Banel Arbenigol a oedd yn cynnwys academyddion, gweithwyr proffesiynol iechyd y cyhoedd ac addysg, a'u trafod ganddo. Consensws y panel arbenigol oedd bod **rhywfaint o dystiolaeth o astudiaethau bod yr ymyriad hwn yn debygol o gael effaith gadarnhaol ar iechyd a lles ond nid yw hyn yn bendant.**

Ystyriodd y panel fod y datganiad tystiolaeth hwn yn adlewyrchu'r sylfaen dystiolaeth ar gyfer dysgwyr oed uwchradd gan nad oedd digon o dystiolaeth ar gyfer lleoliadau cynradd. Mae'n ymddangos bod dulliau adferol yn addawol o ran gwella canlyniadau iechyd a lles lluosog ymhlith poblogaethau ysgolion uwchradd. Mae tystiolaeth yn awgrymu bod angen cryn dipyn o amser i sicrhau newid sefydliadol. O'i gymhwyso'n gynhwysfawr ac yn gyson, ceir effeithiau cadarnhaol, fodd bynnag gall y gweithredu fod yn amrywiol. Mae'n ymddangos bod mecanweithiau sy'n cefnogi llwyddiant yn cynnwys defnyddio data lleol i ddeall angen, cyfranogiad uwch arweinwyr ysgol, ymrwymiad ysgol gyfan ac ansawdd gweithredu parhaus ar draws ysgol.

1.2 Iechyd meddwl a chyflawni trais yn erbyn menywod a merched

Mae llai o astudiaethau sy'n archwilio'r berthynas rhwng trais yn erbyn menywod a merched a statws iechyd meddwl cyflawnwyr nag sydd ar effeithiau iechyd meddwl bod yn ddioddefwr trais a chamdriniaeth. Mae'r rhai sy'n bodoli yn tueddu i ddod o astudiaethau trawstoriadol neu ôl-weithredol felly dylid dehongli'r canfyddiadau yn ofalus. Fodd bynnag, mae astudiaethau sy'n bodoli yn awgrymu

cysylltiadau rhwng anhwylderau iechyd meddwl a chyflawni trais a cham-drin domestig (Oram et. al. 2017, Dutton a Karakanta, 2012). Mae'r canfyddiadau hyn yn awgrymu y gallai hybu iechyd meddwl cadarnhaol gyfrannu at lai o risg o drais yn erbyn menywod a merched.

2. Diogelwch ar-lein

2.1 Beth sy'n cael ei wneud yng Nghymru i roi'r sgiliau i bobl ifanc amddiffyn eu hunain rhag cam-drin a niwed ar-lein.

Mae'r Fframwaith Cymhwysedd Digidol yn un o dri fframwaith trawsgwricwlaidd gorfodol o fewn **Cwricwlwm i Gymru**. Mae'r fframwaith yn cynnwys cysyniadau o ddinasyddiaeth ddigidol gydwobodol ochr yn ochr â gwerthusiad beirniadol o'r byd digidol a lle'r unigolyn ynddo. Ymhellach, mae elfen benodol 'ymddygiad ar-lein a bwli ar-lein' o'r fframwaith cymhwysedd digidol sy'n cynnwys dilyniant sgiliau i atal (cynradd ac uwchradd) rhag cyflawni bwlio ar-lein.

Mae Tîm Cadernid Digidol ac Addysg Llywodraeth Cymru yn cefnogi ysgolion, gan gynnwys drwy ddarparu adnoddau, drwy wefan Hwb. Mae Maes Dysgu a Phrofiad Iechyd a Lles hefyd yn rhoi datblygiad sgiliau i ddysgwyr o ran ymgysylltu hollbwysig â dylanwadau cymdeithasol tra bod y Cod Addysg Cydberthynas a Rhywioldeb gorfodol yn ystyried gwybodaeth, rhyngweithiadau ac ymddygiadau ar-lein ac all-lein yn gyfatebol. Dechreuodd y broses o gyflwyno'r cwricwlwm yn orfodol o fis Medi 2022 ac felly mae'n rhy gynnar i werthuso ei effeithiolrwydd o ran rhoi'r sgiliau i bobl ifanc amddiffyn eu hunain rhag niwed ar-lein. Fodd bynnag, mae'r sylfaen dystiolaeth bresennol yn helpu i nodi strategaethau a allai fod yn effeithiol, y mae llawer ohonynt yn cyd-fynd ag uchelgeisiau o fewn y cwricwlwm newydd yn ogystal â dulliau ysgol gyfan ehangach at iechyd a lles a drafodwyd yn ystod y sesiwn tystiolaeth lafar (gweler isod).

Mae Fframwaith Cymru Heb Drais a gyhoeddwyd yn ddiweddar yn manylu ar naw strategaeth i atal trais ymhlith plant a phobl ifanc, gan gynnwys Trais yn Erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol. Mae cyfleoedd ar gyfer ymyriadau ar-lein y tu hwnt i'r cwricwlwm newydd yn y strategaethau hyn wedi'u rhestru isod gyda photensial amrywiol i gyfrannu at ddatblygu sgiliau pobl ifanc. Maent yn cynnwys:

- cynnig adnoddau a chynghor ar ddiogelwch ar-lein i rieni a gofalwyr;
- cysylltu staff allgymorth hyfforddedig ag aelodau o'r gymuned i gyfryngu unrhyw wrthdaro a helpu plant a phobl ifanc i gael mynediad at gymorth cymunedol (ar-lein ac all-lein);
- darparu hyfforddiant i staff addysg ar berthnasoedd iach, normau a gwerthoedd cymdeithasol, atal trais, a diogelwch ar-lein, gan gynnwys tueddiadau cyfredol;

- deddfwriaeth ar ddiogelwch ar-lein, gan gynnwys gorfodi dyletswyddau i amddiffyn plant a phobl ifanc rhag cynnwys treisgar ar-lein;
- ymgyrchoedd marchnata cymdeithasol sy'n ceisio herio a newid agweddau, credoau, normau cymdeithasol a stereoteipiau niweidiol sy'n cynnal braint, anghydraddoldeb a darostwng, cyfiawnhau trais a gwarthnodi goroeswyr.

Mae rhai ymyriadau eisoes yn weithredol yng Nghymru sy'n ymgorffori'r argymhellion hyn gan gynnwys 360 degree Safe Cymru, Riportio Cynnwys Niweidiol a mynediad gweithwyr proffesiynol at Linell Gymorth Diogelwch Ar-lein Proffesiynol y DU. Fodd bynnag, nid wyf yn ymwybodol o unrhyw werthusiadau o'u heffeithiolrwydd o ran cefnogi datblygiad sgiliau pobl ifanc.

2.2 Canfyddiadau pobl ifanc o ddiogelwch ar-lein ac agweddau tuag at ymyriadau

Yn ystod yr ymgynghoriad ar gyfer Fframwaith Cymru Heb Drais (Snowdon et al., 2023), siaradodd Uned Atal Trais Cymru a Peer Action Collective Cymru â dros 470 o blant a phobl ifanc am eu canfyddiadau o drais. Yn gyffredinol, teimlai 47% o'r plant a'r bobl ifanc a gymerodd ran yn yr ymgynghoriad mai bwlio, ar-lein ac wyneb yn wyneb, oedd y mater mwyaf cyffredin yn eu cymuned. Roedd ymatebion eraill a oedd yn berthnasol i'r ymchwiliad hwn yn cynnwys aflonyddu rhywiol, trais rhywiol, cam-drin domestig, stelcian a throseddau casineb gan gynnwys cam-drin traws a homoffobia.

Nid oedd y plant a'r bobl ifanc yr ymgynghorwyd â nhw yn gwahaniaethu rhwng trais a brofir wyneb yn wyneb, a thrais a brofir ar-lein. Awgrym cyffredin ar gyfer atal trais a gyflwynwyd gan ymgynghoreion ifanc oedd 'rheoleiddio deunydd ar y we i amddiffyn plant a phobl ifanc rhag y cynnwys niweidiol ar-lein' (Walker, 2023). Mae hyn yn cyd-fynd â thystiolaeth ehangach a gynhyrchwyd o arolwg cynrychioliadol o boblogaeth oedolion Prydain ynghylch profiad o niwed ar-lein ac agweddau tuag at ymyriadau diogelwch ar-lein (Enoch et al., 2023) a nododd fod dod i gysylltiad â niwed ar-lein ymhlith cyfranogwyr a bod y mwyafrif yn gefnogol o gamau rheoleiddio gan lwyfannau cyfryngau i ymateb i ddefnyddwyr sy'n cynhyrchu cynnwys niweidiol, a'r llywodraeth - i ymateb i lwyfannau sy'n methu ag ymdrin â chynnwys niweidiol ar-lein.

2.3 Beth sy'n gweithio i atal niwed ar-lein; y sylfaen dystiolaeth

Mae adroddiad WHO 'beth sy'n gweithio i atal trais ar-lein yn erbyn plant' (WHO, 2022) a gyhoeddwyd yn ddiweddar yn rhoi crynodeb defnyddiol ynghylch epidemioleg trais ar-lein yn erbyn plant a phobl ifanc yn ogystal â strategaethau a allai fod yn effeithiol ar gyfer atal. Maent yn nodi elfennau strwythurol, sgiliau a gwybodaeth a sgiliau lluosog sy'n gysylltiedig â llwyddiant o'r llenyddiaeth.

Mae'r elfennau strwythurol sy'n gysylltiedig â llwyddiant yn cynnwys strategaethau dysgu amrywiol; hwyluswyr neu athrawon sydd wedi'u hyfforddi'n dda; sicrhau ansawdd; sylw i boblogaethau arbennig a risg uchel; amlygiad

ailadroddus i negeseuon; darpariaeth ryngweithiol a rhaglenni a gyflwynir fel rhan o ddull ysgol gyfan.

Mae datblygiad sgiliau sy'n gysylltiedig ag effeithiolrwydd yn cynnwys datrys problemau, pendantsrwydd a hunan-effeithiolrwydd; datblygu empathi; hunan-reoleiddio a rheoli emosiwn; datrys gwrthdaro; ceisio cymorth ac ysgogi gwylwyr.

Mae'r elfennau gwybodaeth sy'n gysylltiedig ag effeithiolrwydd yn cynnwys normau cymdeithasol, addysg perthnasoedd a rhywioldeb ac addysg camddefnyddio sylweddau.

Mae WHO yn nodi bwlio fel rhagflaenydd datblygiadol i drais ar-lein ac felly'n argymhell y dylai sgiliau atal bwlio a meithrin parch fod yn gonglfaen datblygiadol ar gyfer atal mathau diweddarach o drais all-lein ac ar-lein. Yn olaf, o ystyried y gorgyffwrdd rhwng trais ar-lein ac all-lein, maent yn nodi'r angen i integreiddio cynnwys am beryglon ar-lein ag atal trais all-lein.

Yn y bôn, mae'r elfennau craidd, y sgiliau a'r wybodaeth hyn yn gyson â'r rhai y byddech chi'n eu blaenoriaethu i hybu lles meddyliol gydag un neu ddau o eithriadau penodol e.e. ymyriadau gan wylwyr. O ganlyniad, dylid eu hymgorffori mewn rhaglenni ehangach sy'n ymwneud ag iechyd a lles yn hytrach na datblygu ymyriadau annibynnol sydd â'r nod o atal trais fel yr argymhellir yn Fframwaith Cymru Heb Drais.

Mae'r 'Beth sy'n Gweithio i Atal Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol' (Addis a Snowdon, 2021) yn nodi bod angen i ymyriadau fod yn berthnasol yn gymdeithasol-ddiwylliannol er mwyn iddynt fod yn effeithiol (Nation et al., 2003) a bod y defnydd o blatfformau ar-lein a chyfryngau cymdeithasol i atal trais yn taro tant yn arbennig gyda chynulleidfaedd iau mewn gwledydd lle mae llawer o ddefnydd o'r rhyngwrdd.

Mae'r adroddiad hefyd yn defnyddio tystiolaeth o werthusiad Mennicke et al. (2018) o ymgyrch farchnata dros bum mlynedd o normau cymdeithasol atal trais rhywiol a gynlluniwyd yn benodol ar gyfer dynion mewn prifysgol fawr yn yr Unol Daleithiau. Dros bum mlynedd o gasglu data, gwelodd canfyddiad dynion o agweddau a chredoau eu cyfoedion, lleihaodd yr anghysondeb rhwng canfyddiadau a hunan-adrodd, a gwelodd eu credoau (yn fwy felly nag agweddau) eu hunain. Yn ogystal ag enillion ar fesurau credoau hunangofnodedig a chanfyddiad o agweddau a chredoau cyfoedion, fe wnaeth ymddygiad hunangofnodedig dynion hefyd wella trwy gydol yr ymyriad. Soniodd dynion am ymddygiad rhywiol ymosodol yn llai aml yn ystod blynyddoedd olaf yr ymyriad a gwnaethant nodi eu bod yn cymryd rhan mewn ymddygiad ymyrraeth gwylwyr yn amlach. Mae canlyniadau'r ymchwil hwn yn awgrymu y gellir defnyddio ymgyrchoedd marchnata normau cymdeithasol i ymgysylltu'n gadarnhaol â dynion o ran atal trais.

Gwybodaeth Ychwanegol y gofynnir amdani gan y Pwyllgor Cydraddoldeb a Chyfiawnder
Cymdeithasol gan Iechyd Cyhoeddus Cymru

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25 Gorffennaf 2023

Annwyl Alexa

Ymchwiliad i atal trais ar sail rhywedd drwy dulliau iechyd y cyhoedd

Diolch am roi tystiolaeth i'n hymchwiliad presennol i atal trais ar sail rhywedd. Yn dilyn y sesiwn honno, byddem yn ddiolchgar pe gallech ymateb i'r pwyntiau ychwanegol isod.

Dulliau adferol

Yn eu tystiolaeth ysgrifenedig, mae **Estyn** a **Plismona yng Nghymru** yn cyfeirio at y defnydd o ddulliau adferol ar gyfer trais ar sail rhywedd mewn ysgolion (yn benodol at Ymgyrch Encompass). A oes modd i chi roi gwybodaeth am y sylfaen dystiolaeth sy'n bodoli ar gyfer dulliau adferol, a pha mor effeithiol yw'r dulliau hyn o ran atal trais ar sail rhywedd? Os felly, a allech roi enghreifftiau o arfer gorau o unrhyw ymchwil neu werthusiadau rydych wedi'u cynnal?

Diogelwch ar-lein

Yn ystod ein sesiwn, gwnaethom ymdrin â diogelwch ar-lein yn gryno, a sut y gall cyfryngau cymdeithasol ddylanwadu ar agweddau ac ymddygiadau pobl eraill. Yn eich barn chi, a oes digon yn cael ei wneud i roi i bobl ifanc y sgiliau i amddiffyn eu hunain rhag camdriniaeth a niwed ar-lein? A ddylai'r ffocws fod ar ymdrechion i annog a hyrwyddo negeseuon cadarnhaol ac, os felly, sut rydym yn ymgysylltu â dylanwadwyr cyfryngau cymdeithasol? Byddem yn croesawu enghreifftiau sydd gennych o waith ar y mater hwn.

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir



Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

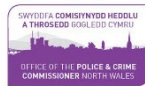
Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.





Plismona
yng Nghymru
Policing in Wales



South Wales
Police and Crime Commissioner
Comisiynydd yr Heddlu a Throseddau
De Cymru



Jenny Rathbone AS

Cadeirydd,
Pwyllgor Cydraddoldeb a
Chyfiawnder Cymdeithasol
Senedd Cymru/Welsh
Parliament

Emma Wools

Dirprwy Gomisiynydd yr Heddlu
a Throseddau De Cymru

25^{ain} Awst 2023

Annwyl Jenny

Parthed: Ymchwiliad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Dull Iechyd Cyhoeddus tuag at Atal Trais ar sail Rhywedd

(Cyflwyniad Plismona yng Nghymru)

Diolch am estyn gwahoddiad i'm cydweithwyr, Comisiynydd Heddlu a Throseddau Dafydd Llywelyn, Prif Gwnstabl Amanda Blakeman, a mi, i roi tystiolaeth gerbron eich ymchwiliad ar 10^{fed} Gorffennaf.

Gweler ynghlwm adroddiad ategol a baratowyd ar ein rhan gan Brif Uwch-arolygydd Ian Roberts, sy'n cynnwys gwybodaeth ychwanegol y gofynnwyd amdani yn eich llythyr dyddiedig 25^{ain} Gorffennaf 2023.

Er eich hwylustod, rydym wedi cyfuno'r wybodaeth mewn un ymateb ar ran Grŵp Gweithredol Plismona yng Nghymru.

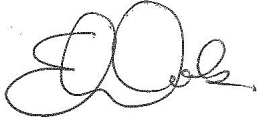
Tŷ Morgannwg, Pencadlys yr Heddlu
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Mae'r Comisiynydd a'i dîm yn croesawu gohebiaeth yn Gymraeg neu Saesneg
The Commissioner and his team welcomes correspondence in Welsh or English

Os oes angen unrhyw wybodaeth neu gymorth pellach arnoch chi, mae croeso i chi gysylltu â mi.

Yn gywir,



Emma Wools

Dirprwy Gomisiynydd yr Heddlu a Throseddau De Cymru

Ar ran Grŵp Gweithredol Plismona yng Nghymru

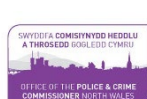
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Plismona
yng Nghymru
Policing in Wales



Senedd Cymru/Welsh Parliament

Ymchwiliad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Atal Trais ar sail Rhywedd

Cyflwyniad o Dystiolaeth Ategol

ar gyfer

Plismona yng Nghymru

Awdur	Prif Uwch-arolygydd Ian Roberts
Rôl	Arweinydd VAWDASV/VAWG a Gwrth-hiliaeth, Plismona yng Nghymru
Cyswllt	lan.w.roberts@gwent.police.uk
Dyddiad	25ain Awst 2023

Cefndir

Ar y 10fed Gorffennaf 2023, rhoddodd cynrychiolwyr o Grŵp Gweithredol Plismona yng Nghymru dystiolaeth gerbron Ymchwiliad y Senedd i Atal Trais ar sail Rhywedd. Rhoddwyd dystiolaeth ar lafar gan Gomisiynydd Heddlu a Throsedd Dafydd Llywelyn (Dyfed-Powys), Dirprwy Gomisiynydd Heddlu a Throsedd Emma Wools (De Cymru), a Phrif Gwnstabl Amanda Blakeman (Heddlu Gogledd Cymru).

Yn ystod y sesiwn, gwnaed ymrwymiad i ddarparu dystiolaeth ategol ysgrifenedig i'r ymchwiliad. Amlinellwyd y wybodaeth ychwanegol y gofynnwyd amdani mewn gohebiaeth gan gadeirydd yr ymchwiliad, dyddiedig 25ain Gorffennaf.

Er mwyn hwylustod, mae'r adroddiad hwn yn darparu ymateb cyfunol ar ran Grŵp Gweithredol Plismona yng Nghymru. Lle y rhoddir enghreifftiau, mae'r rhain yn dangos gweithgarwch ar draws ardaloedd heddlu yng Nghymru, ond nid yw'r rhestrau yn drylwyr. Gellir darparu gwybodaeth bellach os yw hynny o gymorth i'r ymchwiliad.

Rhybudd rhag Cam-drin mewn Perthynas (Rhaglen CARA)

Rhaglen ymyrraeth gynnar yw CARA sy'n targedu troseddwy'r cam-drin domestig. Mae'n bodloni meini prawf penodol a rhybuddiad amodol yw'r canlyniad cyfiawnder troseddol priodol.

Datblygwyd y rhaglen gan Hampton Trust, a chafodd ei rhoi ar brawf am y tro cyntaf dan amodau arbrofol yn 2012, mewn partneriaeth gyda Heddlu Hampshire a Phrifysgol Caergrawnt. CARA oedd y strategaeth blismona gyntaf yn y DU i gael ei gwerthuso dan amodau hap dreial rheoli.

Mae sesiynau CARA wedi cael eu cynllunio i godi ymwybyddiaeth ymysg troseddwy'r, gan gefnogi cyfleoedd i hunan ddatgelu a hybu mynediad i gymorth ychwanegol. Trwy waith ymgysylltu mewn dau weithdy, mae CARA'n galluogi troseddwy'r i ddeall beth yw cam-drin domestig, ei effaith, a'i ganlyniadau.

Mae sail dystiolaeth gadarn yn cefnogi manteision rhaglen CARA. Cynhaliodd Prifysgol Caergrawnt hap dreial rheoli yn Southampton rhwng 2012 a 2015. Nododd yr astudiaeth yma bod troseddwy'r a oedd wedi cymryd rhan yn y rhaglen 35% yn llai tebygol o ail droseddu na'r rhai nad oeddent wedi cymryd rhan. Nododd 63% o ddiodefwy'r newid cadarnhaol mewn ymddygiad, a nododd 85% o gyfranwyr bod CARA wedi newid eu hagwedd tuag at eu partner a/neu eu plant.

Yn 2021, cyhoeddodd Prifysgol Birmingham Astudiaeth Gwerthusiad o Effaith a Manteision Economaidd rhaglen CARA. Canfu bod yr ymyrraeth yn cael effaith sylweddol ar atgwmpo, gan nodi gostyngiad 81% yn y chwe mis cyntaf a gostyngiad 56% yn y 12 mis cyntaf. Am bob £1 a fuddsodwyd yn CARA, roedd y dystiolaeth yn dangos y byddai heddluoedd yn arbed £2.75 mewn costau eraill.

Ar hyn o bryd mae Prifysgol Southampton yn arwain astudiaeth CARA ar draws naw ardal heddlu. Bwriedir cyhoeddi'r adroddiad ym mis Rhagfyr 2023.

Mae cyflwyno rhaglen CARA yn genedlaethol wedi bod yn gyfyngedig tan yn ddiweddar oherwydd amodau caeth. Fodd bynnag, mae newid ym mholisi Llywodraeth y DU a chyflwyniad model dwy haen newydd ar gyfer Gwarediadau y tu Allan i'r Llys yn rhoi cyfle i bob heddlu fabwysiadu'r rhaglen.

Adeg ysgrifennu'r adroddiad yma, bwriedir cyflwyno CARA yn Heddlu De Cymru a Heddlu Gwent yn ystod yr hydref 2023. Mae trefniadau darparu lleol yn y broses o gael eu comisiynu, gyda chymorth gan Hampton Trust i sicrhau bod safonau ansawdd wrth wraidd y gwasanaeth.

Bydd Tasglu Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (VAWDASV) Plismona yng Nghymru yn monitro unrhyw broblemau sy'n codi wrth roi'r rhaglen ar waith ac yn cynghori comisiynwyr heddlu a throstedd a phrif gwnstabiliaid, er mwyn gallu mabwysiadu dull cyson a chydlynus ar draws Cymru.

Rhaglen Glasbrint VAWDASV - Gwybodaeth am y Ffrwd Waith Herio Cyflawnwyr

Cyfraniad comisiynwyr heddlu a throstedd at y Ffrwd Waith

Bydd trefniadau Glasbrint VAWDASV yn sicrhau ymateb system gyfan i VAWDASV. Caiff ymrwymiad Plismona yng Nghymru i hyn ei adlewyrchu yn y trefniadau cadeirio ar y cyd ar gyfer y Bwrdd Partneriaeth Cenedlaethol rhwng y Gweinidog dros Gyfiawnder Cymdeithasol a Chomisiynydd Heddlu a Throstedd Dyfed-Powys.

Ar lefel rheoli rhaglen, mae Dirprwy Gomisiynydd yr Heddlu a Throstedd Emma Wools yn un o ddau Uwch-swyddog Cyfrifol ac yn gyd gadeirydd Bwrdd Rhaglen Glasbrint VAWDASV, ynghyd â Mr Paul Dear, Dirprwy Gyfarwyddwr Is-adran Cymunedau Cydlynus Llywodraeth Cymru.

Mae chwe ffrwd waith y Glasbrint yn adlewyrchu blaenoriaethau darparu'r strategaeth ac yn y misoedd diwethaf cytunwyd ar gamau cyflawni lefel uchel. Y prif bwyntiau gweithredu ar gyfer Ffrwd Waith Herio Cyflawnwyr yw:

1. Cadarnhau a gwella'r sylfaen dystiolaeth a'r dadansoddiad ar gyflawni VAWDASV yng Nghymru
2. Datblygu dull system gyfan ar draws Cymru ar gyfer herio cyflawnwyr VAWDASV, sy'n cwmpasu ymyrraeth ac atal cynnar, trwy ymateb cyfiawnder troseddol
3. Egluro swyddogaethau a chyfrifoldebau pob asiantaeth sy'n ymwneud â herio cyflawnwyr sy'n gysylltiedig â Deddf VAWDASV
4. Cryfhau systemau atebolrwydd i sicrhau bod gwasanaethau cyhoeddus yn bodloni eu cyfrifoldebau i atal a herio cyflawnwyr VAWDASV.

Mae comisiynwyr heddlu a throsedd yng Nghymru'n cydweithio gyda'r pedwar Prif Gwnstabl trwy'r Grŵp Plismona yng Nghymru. Mae pob comisiynydd heddlu a throsedd a Phrif Gwnstabl yn gyfrifol am benderfyniadau sy'n effeithio ar eu hardal, ond pwrpas y grŵp yw cydweithio er mwyn sicrhau dull cyson er budd pob cymuned yng Nghymru.

Mae'r Grŵp Plismona yng Nghymru wedi buddsoddi mewn uwch-swyddog heddlu i weithio llawn-amser ar bortffolios VAWDASV a Gwrth-hiliaeth. Mae Prif Uwch-arolygydd Ian Roberts yn chwarae rhan flaenllaw yn rhaglen y Glasbrint ac mae'n gweithio gydag arweinwyr VAWDASV ym mhob heddlu i sicrhau cynrychiolaeth heddlu gweithredol ar draws y chwe ffrwd waith.

Effeithiolrwydd Rhaglenni i Gyflawnwyr

Mae tystiolaeth gadarn o blaid rhaglenni i gyflawnwyr fel rhan o ddull iechyd cyhoeddus tuag at atal VAWDASV¹. Credwn y dylai'r rhaglenni hyn fodoli ar bob un o'r tair haen o weithgarwch atal a dylai'r Glasbrint VAWDASV sicrhau bod trefniadau comisiynu effeithiol a chynaliadwy ar waith. Cydnabyddir bod y ddarpariaeth ar draws Cymru yn anghyson, ond mae llawer o resymau dros hyn, a'n nod yw defnyddio'r dystiolaeth o'r hyn sy'n gweithio, ynghyd â fframweithiau polisi newydd, i sbarduno gwelliannau.

Mae Comisiynydd Heddlu a Throsedd De Cymru wedi buddsoddi'n sylweddol yn y rhaglenni i gyflawnwyr yn ystod y blynyddoedd diwethaf ac mae prif swyddogion Heddlu De Cymru wedi sicrhau bod y rhain yn rhan annatod o arfer gweithredol. Mae tîm y Comisiynydd yn cynnal cyfarfod amlasiantaeth i ddwyn partneriaid a rhanddeiliaid at ei gilydd i rannu gwersi a ddysgwyr, ac i ganfod rhwystrau i weithio effeithiol, gan gynnwys bylchau mewn darpariaeth. Mae gwaith yn mynd rhagddo hefyd o fewn y Glasbrint i adolygu safonau ansawdd i gomisiynwyr ac i fapio darpariaeth bresennol ledled Cymru.

Lansiwyd rhaglen cyflawnwyr Drive yn 2016 er mwyn targedu cyflawnwyr risg uchel. Cynhaliwyd gwerthusiad rhwng 2016 a 2019 a dyma'r canlyniadau a nodwyd ar gyfer cyfranogwyr:

- Gostyngiad 82% mewn cam-drin corfforol
- Gostyngiad 88% mewn cam-drin rhywiol
- Gostyngiad 75% mewn ymddygiad sy'n aflonyddu a stelcio
- Gostyngiad 73% mewn ymddygiad cenfigennus ac ymddygiad sy'n rheoli

Mae rhaglen Drive ar gael ledled ardal Heddlu De Cymru ac mae'n cael ei threialu ar hyn o bryd mewn lleoliad carcharu yng Ngharchar ei Fawrhydi Abertawe.

Mae Comisiynydd Heddlu a Throsedd De Cymru wedi darparu cyllid ar gyfer rhaglenni eraill hefyd fel Rhaglen Clear, cwrs byr i godi ymwybyddiaeth ymysg dynion sy'n awyddus i newid eu hymddygiad. Mae'r cwrs hefyd yn rhoi cymorth i bartneriaid a chyn bartneriaid. Mae'n darparu cyllid ar gyfer y Rhaglen Teuluoedd hefyd, sy'n darparu ymyraethau therapiwtig i deuluoedd a effeithir gan gam-drin domestig. Mae'r ymyrraeth yn canolbwyntio ar ddiogelwch, effaith cam-drin domestig ar blant, profiadau niweidiol yn ystod plentyndod,

¹Fel yr amlygir yng ngwerthusiadau model CARA a Drive

cyfathrebu â pharch, ymlyniad, a chadernid emosiynol. Nod y rhaglen yw galluogi teuluoedd i gyd fyw yn ddiogel neu i hwyluso gwahanu cyfeillgar.

Canolfannau Cymorth Cynnar

Yn rhan o'r agwedd ymwybodol o drawma tuag at ddiogelu, mae heddluoedd ledled Cymru'n datblygu cytundebau partner er mwyn atgyfeirio pobl sy'n cael eu heffeithio gan VAWDASV at wasanaethau cymorth cynnar, lle na fodlonir trothwyon diogelu statudol. Cydnabyddir bod trefniadau lleol yn wahanol ym mhob ardal ar hyn o bryd, ond bydd strwythur y Glasbrint yn dylanwadu ar ddysgu a rennir a datblygiad modelau arfer da ledled Cymru.

Mae'r Rhaglen Newid Bregusrwydd yn Heddlu De Cymru yn enghraifft o sut mae'r heddlu'n rhan o atgyfeirio pobl at wasanaethau cymorth cynnar. Mae Swyddogion Cefnogi Cymuned yr Heddlu penodedig ym mhob ardal heddlu yn awr, gyda chyfrifoldebau penodol, sydd wedi derbyn hyfforddiant ychwanegol yn ymwneud â diogelu. Mae hyn wedi arwain at dros 3,500 o atgyfeiriadau at wasanaethau cymorth cynnar ers lansio'r rhaglen ym mis Medi 2020.

Prosiect Mynd i'r Afael â Throseddau ar y Stryd sy'n Gysylltiedig ag Alcohol (TASC) a Model Atal Trais Caerdydd

Datblygwyd prosiect TASC ar ddiwedd y 1990au a dechrau'r 2000au fel dull amlasiantaeth dan arweiniad yr heddlu i atal trosedd ac anhrefn sy'n gysylltiedig ag alcohol yng Nghaerdydd a Bae Caerdydd. Roedd yn cynnwys amrywiaeth o ymyraethau gan gynnwys dialog rhwng yr heddlu a busnesau trwyddedig, mesurau i wella ansawdd ac ymddygiad staff ar ddrysau, ymgyrchoedd plismona pwrpasol a chymorth i ddioddefwyr ymosodiadau sy'n gysylltiedig ag alcohol.

Heddiw, mae Model Atal Trais Caerdydd, a grëwyd gan yr Athro John Shepherd ym Mhrifysgol Caerdydd, wedi cael ei fabwysiadu gan ddinasoedd eraill yn y DU ac o gwmpas y byd. Yn sail i'r dull hwn mae'r darganfyddiad allweddol nad yw llawer o ddigwyddiadau treisgar sy'n arwain at driniaeth frys mewn ysbyty yn hysbys i'r heddlu. Felly, trwy gyfuno data gan adrannau achosion brys a'r heddlu gellir cael darlun llawer mwy cywir o bryd a lle y mae trais yn digwydd, a phwy sy'n gyfrifol. Defnyddir y wybodaeth yma i ganolbwyntio adnoddau cyfyng ar ymyraethau sy'n gweithio.

Mae'r dull iechyd cyhoeddus yn cynnwys pedwar cam:

- Mae cam un yn cynnwys mynd ati mewn modd systematig i gasglu data ar hyd a lled, nodweddion a chanlyniadau trais
- Mae cam dau yn cynnwys cynnal ymchwil i bennu'r ffactorau sy'n cynyddu neu'n lleihau'r risg o drais
- Mae cam tri yn defnyddio gwybodaeth o gamau un a dau i gynllunio, gweithredu a gwerthuso ymyraethau
- Mae cam pedwar yn golygu cynyddu a gweithredu ymyraethau y dangosir yng ngham tri eu bod yn effeithiol, a lledaenu gwybodaeth am atal yn eang.

Mae adroddiad o 2022 ar Fodel Atal Trais Caerdydd yn dangos buddiannau economaidd-gymdeithasol sylweddol ac mae'n gymeradwy gan Sefydliad Iechyd y Byd.

Nod dull Glasbrint VAWDASV yw dwyn partneriaid at ei gilydd fel y gellir defnyddio dull iechyd cyhoeddus ar gyfer pob ffurf ar drais yn erbyn menywod a merched, cam-drin domestig a thrais rhywiol. Er bod cysylltiadau clir rhwng trais yn yr economi liw nos a diogelwch menywod a merched, mae nifer o leoliadau eraill lle mae trais yn erbyn menywod a merched yn digwydd.

Rhaglen Upstander Y Coleg Plismona

Mae'r Coleg Plismona wedi datblygu cynllun i ddefnyddio ymyraethau ymddygiad seiliedig ar dystiolaeth i wella diwylliant. Nododd ymchwil y Coleg dros 200 enghraifft o ymddygiad a oedd yn dangos rhywiaeth a chasineb at fenywod mewn heddluoedd, a thros 100 o rwystrau i ymddygiad gwell. Dewiswyd amrywiaeth o ymyraethau wedyn, yn dilyn cyngor gan swyddogion benywaidd y dylid canolbwyntio ar rywiaeth 'o ddydd i ddydd' i atal yr ymddygiad rhag gwaethygu. Mae camau gweithredu'n amrywio o wneud pethau'n haws a mwy diogel i swyddogion adrodd am ymddygiad gwael gan gydweithwyr, i hyfforddi arweinwyr a hwb i yrfa swyddogion sy'n dangos cynhwysiant. Mae'r Coleg yn gweithio'n benodol gyda heddluoedd Cymru ar hyfforddiant trochi o fewn y cynllun. Gall hyn helpu swyddogion a staff gyda'r arfer sydd ei angen arnynt i fynd i'r afael â rhywiaeth a chreu diwylliant mwy cynhwysol.

Mae Tasglu VAWDASV a VAWG (trais yn erbyn merched) Plismona yng Nghymru yn sicrhau agwedd gyd-gysylltiedig tuag at waith y Glasbrint VAWDASV yng Nghymru gyda gwaith Cyngor Cenedlaethol Penaethiaid yr Heddlu a'r Coleg Plismona.

Rhaglen Heddlu Ysgolion Cymru

Mae Rhaglen Heddlu Ysgolion Cymru (Rhaglen Graidd Cyswllt Ysgolion Cymru Gyfan gynt) wedi bod mewn bodolaeth ers Medi 2004. Fe'i datblygwyd gyda'r ddealltwriaeth bod addysgu pobl ifanc yn rhan hanfodol o waith atal sylfaenol. Mae'r rhaglen wedi bod yn destun sawl adolygiad ers hynny, y mwyaf diweddar ohonynt ym mis Mawrth 2023. Mae Bwrdd Plismona yng Nghymru a Llywodraeth Cymru wedi derbyn canfyddiadau ac argymhellion yr adolygiad hwn. Mae ymchwil ar y cysylltiad rhwng addysg plant a lleihad mewn trosedd yn gyfyngedig, ond yn ôl y dystiolaeth anecdotaidd mae plant, staff dysgu a phartneriaid cysylltiedig yn gwerthfawrogi'r rhaglen yn fawr.

Ymgyrchoedd yr Economi Liw Nos

Isod ceir enghreifftiau o ymgyrchoedd atal dan arweiniad yr heddlu i leihau ac atal trais ar sail rhywedd yng Nghymru:

Rhaglen Strydoedd Saffach Wrecsam

Cafwyd cyllid o ychydig dan £1 miliwn o gronfeydd Strydoedd Saffach a Diogelwch Menywod yn y Nos i gefnogi mentrau fel gosod ac uwchraddio camerâu teledu cylch cyfyng a goleuadau stryd yng nghanol dinas Wrecsam, gan sicrhau delweddau da o'r prif lwybrau

trwy ganol y ddinas. Rhoddwyd blaenoriaeth i'r llwybrau hynny a ddefnyddir gan gerddwyr i fynd o ganol y ddinas i fannau heb lawer o olau.

Yn ogystal, rhoddodd y rhaglen nifer o fesurau atal eraill ar waith i leihau trais ar sail rhywedd. Roedd y rhain yn cynnwys hyfforddiant ymyrryd gyda mannau trwyddedig trwy'r ymgyrch cyfathrebu 'Good Night Out', a Chanolfan Les Hafan y Dref, sy'n darparu cymorth a chefnogaeth i bobl sydd wedi colli eu ffrindiau, wedi meddwi neu wedi dioddef mân anafiadau.

Rhoddodd y rhaglen gynllun bugeiliaid y stryd ar waith hefyd, a defnyddiwyd ymgyrch Vista i sicrhau presenoldeb amlwg gan yr heddlu yn y lleoliadau iawn ar yr amser iawn.

Prosiect Bws Diogelwch Caerdydd

Mae'r prosiect Bws Diogelwch yn wasanaeth sy'n defnyddio fan wedi'i llogi a chronfa a 60 o wirfoddolwyr. Mae'r gwasanaeth yn helpu aelodau'r cyhoedd, myfyrwyr yn bennaf, sydd mewn perygl oherwydd digwyddiadau'n ymwneud ag alcohol neu oherwydd eu bod yn agored i niwed am resymau eraill, i fynd adref yn ddiogel. Mae'r gwasanaeth yn lleihau'r perygl y bydd defnyddwyr yn dioddef trosedd, yn arbennig trais yn erbyn menywod a merched. Ers 15 Medi 2021, mae dros 1,800 o unigolion wedi cael eu cludo adref yn ddiogel.

Ymgyrch Minerva Heddlu De Cymru

Yn defnyddio gwersi a ddysgwyd mewn rhaglen beilot ddiweddar, mae tîm arbenigol o swyddogion mewn dillad plaen yn cael eu defnyddio yng nghanol y ddinas ar adegau allweddol rhwng 8pm a 4am ac ar benwythnosau. Nod y dacteg hon yw canfod ymddygiad rheibus ac anfon neges glir bod diogelwch benywod yn cael ei gymryd o ddifrif yng Nghaerdydd, gyda swyddogion mewn dillad plaen ar batrôl. Bydd yr ymgyrch hefyd yn hybu defnydd o bwytiau cymorth, gweithio gyda staff ar ddrysau a llywio hyfforddiant Club Corps.

Club Corps Caerdydd

Cynllun i hybu hyfforddiant diogelwch i staff mangreoedd trwyddedig yw Club Corps. Bydd y prosiect yn cyflwyno staff 'Club Corps' a fydd yn gweithredu fel hyrwyddwyr diogelwch, ac yn cael eu hyfforddi i fod yn ymwybodol o gamddefnydd alcohol a sylweddau a bregusrwydd mewn clybiau nos a bariau sydd ar agor yn hwyr yng nghanol dinas Caerdydd. Bydd staff 'Club Corps' yn cael eu recriwtio, eu hyfforddi a'u defnyddio gan dri lleoliad trwyddedig allweddol yng Nghaerdydd a byddant yn dod yn aelodau staff parhaol ar ôl tri mis o gyllid dechreuol. Yn ogystal, bydd pedwar cwrs diogelwch yn cael eu cynnal, a fydd yn cyrraedd rhyw 48 aelod o staff. Dechreuwyd yr ymgyrch yma yn dilyn cais gan Fforwm Trwyddedeion Caerdydd i ehangu'r fath o warchodaeth gyhoeddus a ddarperir gan Fugeiliaid y Stryd i gynnwys lleoliadau trwyddedig sy'n agored yn hwyr, er mwyn cysylltu gyda gwasanaethau fel Bugeiliaid y Stryd, canolfannau triniaeth alcohol, Bws Diogelwch Myfyrwyr a Cerdded Diogel.

Ymgyrch Dinas Ddiogel - Casnewydd

Mae economi liw nos prysuraf ardal Heddlu Gwent yng nghanol dinas Casnewydd. Nod y model plismona 'Dinas Ddiogel' yw rheoli a chydgysylltu plismona yng nghanol dinas Casnewydd ar nosweithiau Gwener a Sadwrn. Nod Ymgyrch 'Dinas Ddiogel' yw:

- Lleihau cyflenwad a defnydd o gyffuriau a sylweddau seicoweithredol anghyfreithlon
- Lleihau achosion o yfed alcohol yn beryglus
- Lleihau digwyddiadau o drais, lleihau ymddygiad gwrthgymdeithasol
- Sicrhau bod tafarndai a chlybiau trwyddedig yn darparu amgylchedd diogel, cyfreithlon y gall cwsmeriaid ei fwynhau.
- Sicrhau bod cwsmeriaid yr economi liw nos yn gallu gadael canol y ddinas yn ddiogel trwy system drafnidiaeth dda
- Gwella cyfathrebu rhwng yr holl randdeiliaid yng nghanol y ddinas.

Siarter Diogelwch Menywod yn y Nos Gwent

Mae Pecyn Cymorth Siarter Diogelwch Menywod yn y Nos wedi cael ei ddatblygu gan Ganolfan Datrys Problemau Heddlu Gwent fel ymrwymiad i greu mannau diogel i fenywod. Cafodd ei ddatblygu mewn partneriaeth gyda'r Cynllun Gwyllo Tafarndai a gyda chyfraniad gan dros 100 o fangreoddedig risg uchel ledled ardal yr heddlu. Mae cyfranogwyr yn derbyn newyddion misol gan yr heddlu trwy gyfarfodydd y Cynllun Gwyllo Tafarndai. Cam nesaf y rhaglen hon yw codi ymwybyddiaeth mewn prifysgolion a cholegau. Bydd negeseuon cyfathrebu'n hybu ymgyrchoedd fel Mannau Mwy Diogel, atal sbeicio diodydd, a chynlluniau adrodd diogel fel 'Gofyn am Angela'.

Ymgyrch Aberford Dyfed-Powys

Ymgyrch gan Heddlu Dyfed-Powys oedd Ymgyrch Aberford, a oedd yn defnyddio swyddogion mewn dillad plaen ar batrôl i gadw golwg yn Aberystwyth. Cawsant eu defnyddio liw nos ac yng Ngŵyl Big Tribute. Nod yr ymgyrch oedd targedu a nodi ymddygiad rhywiol rheibus, gan alluogi'r heddlu i ymyrryd yn gynnar i atal troseddau cyn iddynt ddigwydd.

Cronfa Strydoedd Saffach

Lansiwyd Cronfa Strydoedd Saffach gan y Swyddfa Gartref yn 2020. Estynnir gwahoddiad i heddluoedd, awdurdodau lleol, Heddlu Trafnidiaeth Prydain a grwpiau cymunedol cymwys ledled Cymru a Lloegr gyflwyno ceisiadau am arian ar gyfer prosiectau lleol i atal trais yn erbyn menywod a merched yn gyhoeddus, troseddau yn y gymdogaeth ac ymddygiad gwrthgymdeithasol.

Cyfanswm y cyllid Strydoedd Saffach a sicrhawyd gan Plismona yng Nghymru yn ystod rowndiau 1 - 4 yw £9,209,499.40, allan o gronfa gyfan o £120m².

²Ffynhonnell - Gwefan Llywodraeth y DU

Arolygon Hyder y Cyhoedd

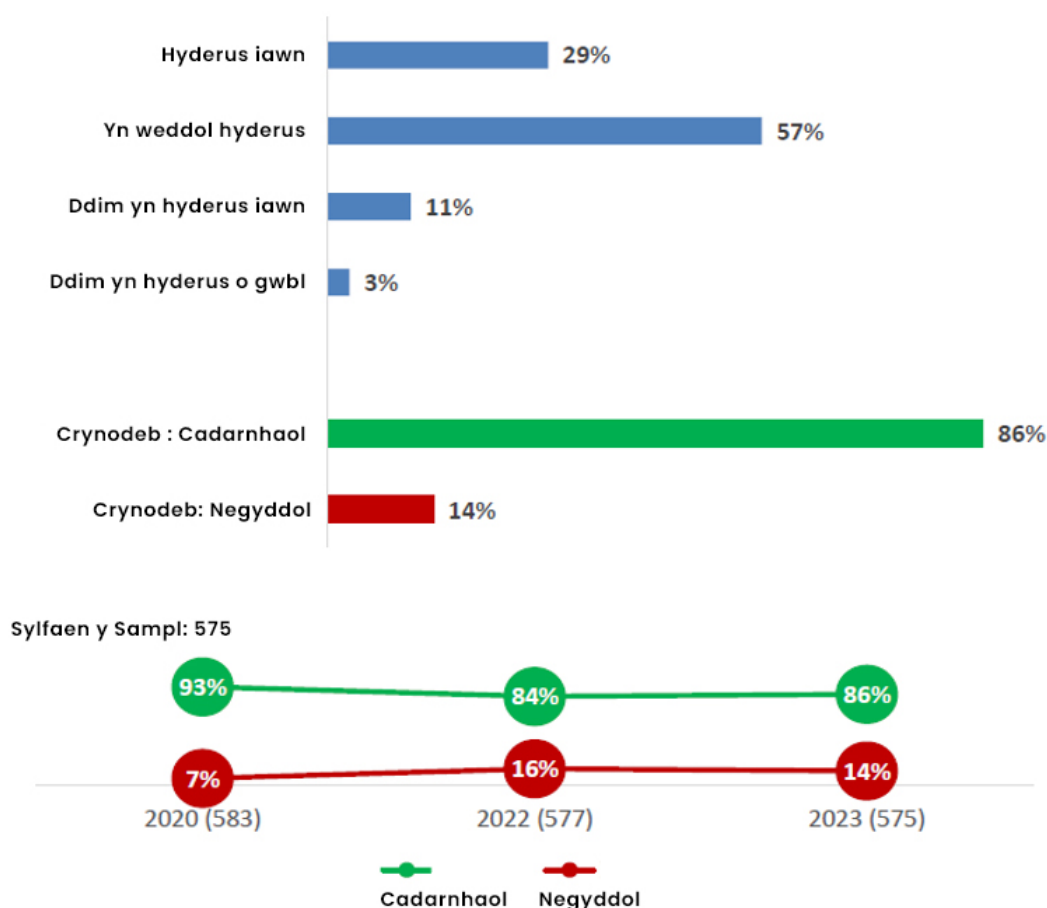
Mae arolygon hyder y cyhoedd yn rhoi mewnwelediad gwerthfawr, yn rhan o asesiad cyffredinol o berfformiad yr heddlu. Mae'r dyfyniadau isod o arolwg diweddar a gynhaliwyd ar gyfer Heddlu Gogledd Cymru yn enghraifft o lefelau hyder mewn plismona, a cheir rhywfaint o ddata defnyddiol yn ymwneud â throseddau trais yn erbyn menywod.

Ffigur 1 – Lefelau hyder cyffredinol yn Heddlu Gogledd Cymru

Hyder

Gofynnwyd i'r ymatebwyr pa mor hyderus yn gyffredinol ydyn nhw yn Heddlu Gogledd Cymru. Mynegodd 86% o'r ymatebwyr hyder yn yr heddlu, ac roedd tua thri o bob deg (29%) yn hyderus iawn yn Heddlu Gogledd Cymru. Mae 14% yn mynegi ychydig o hyder yn Heddlu Gogledd Cymru, a dim ond 3% yn dweud nad oes ganddyn nhw unrhyw hyder o gwbl. Mae argraffiadau wedi codi ychydig o'i gymharu â chanfyddiadau 2022, ond nid yn sylweddol (86% o 84%), ac maent yn parhau i fod yn is na chanfyddiadau 2020.

Ffigur 1: Felly, yn gyntaf, pa mor hyderus ydych chi yn Heddlu Gogledd Cymru yn gyffredinol? (Pob ymateb)

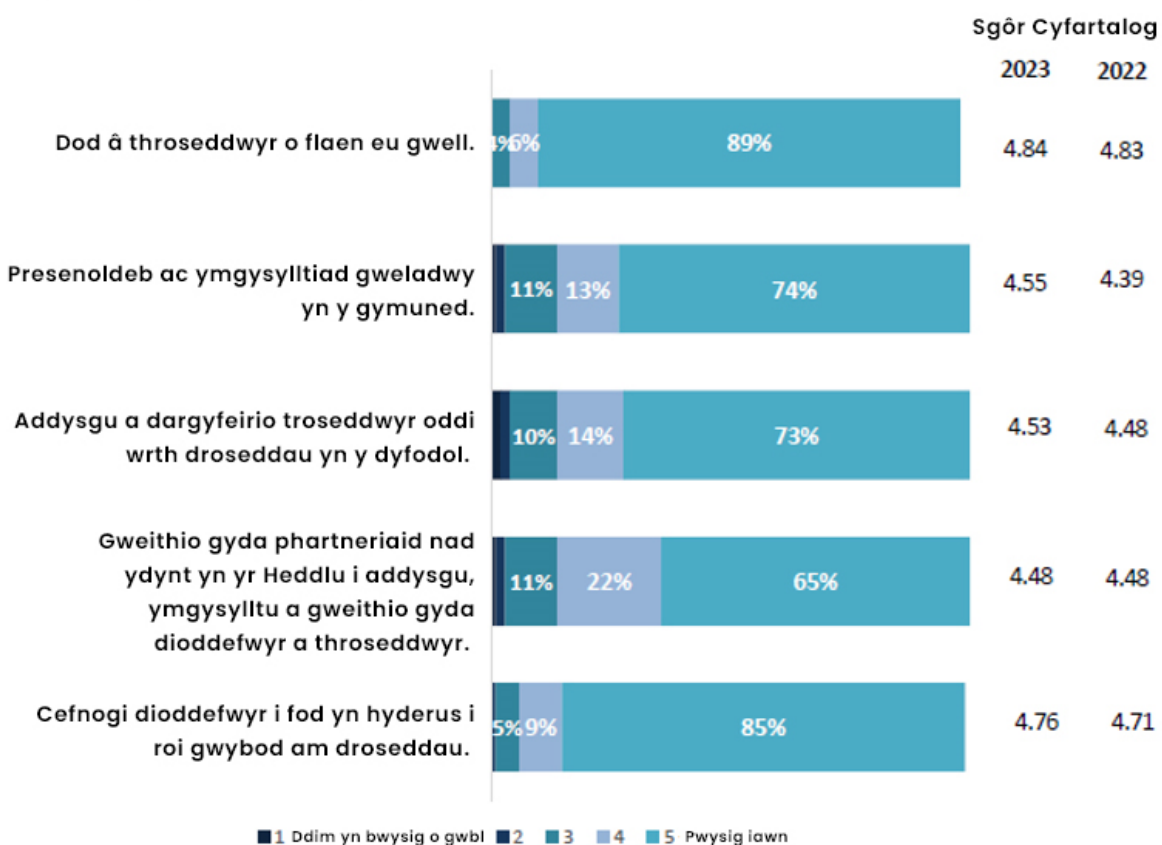


Ffigur 2 – Canlyniadau Arolwg Trais yn erbyn Menywod yng Ngogledd Cymru

Trais yn erbyn menywod

Gan ganolbwyntio ar drais a throseddau yn erbyn menywod, gofynnwyd i'r ymatebwyr am eu hargraffiadau ynghylch pa mor dda yr ymdriniodd Heddlu Gogledd Cymru â'r math hwn o droseddau. Gofynnwyd i'r ymatebwyr roi sgôr o 1 i 5, lle nad yw 1 yn bwysig o gwbl a 5 yn bwysig iawn, o ran lefel pwysigrwydd ymateb Heddlu Gogledd Cymru i'r troseddau hyn. Yn gadarnhaol, ar gyfer pob mesur, sgôr o 5 (pwysig iawn), oedd y mwyaf cyffredin ar gyfer pob mesur yn y cwestiynau hyn, gan dynnu sylw at bwysigrwydd delio â'r mathau hyn o droseddau yn erbyn menywod. Hyd yn oed yn fwy cadarnhaol fyth, mae'r sgoriau pwysigrwydd cyfartalog naill ai wedi aros yr un fath neu'n wir wedi cynyddu o'u cymharu â'r flwyddyn flaenorol, gan dynnu sylw at y ffaith bod materion yn dod yn bwysicach. Mae dod â throseddau o flaen eu gwell (89%) a chefnogi dioddefwyr i fod yn hyderus i adrodd am droseddau (85%) yn cael eu hystyried y pwysicaf ymhlith yr ymatebwyr.

Ffigur 17: Pa mor bwysig i chi yw pob un o'r ymatebion canlynol gan yr Heddlu i drais yn erbyn menywod a merched? (Pob ymateb)



Sylfaen y Sampl: 600

Ffigur 3 – Lefelau hyder yn Heddlu Gogledd Cymru i ddelio â throeddau trais yn erbyn menywod.

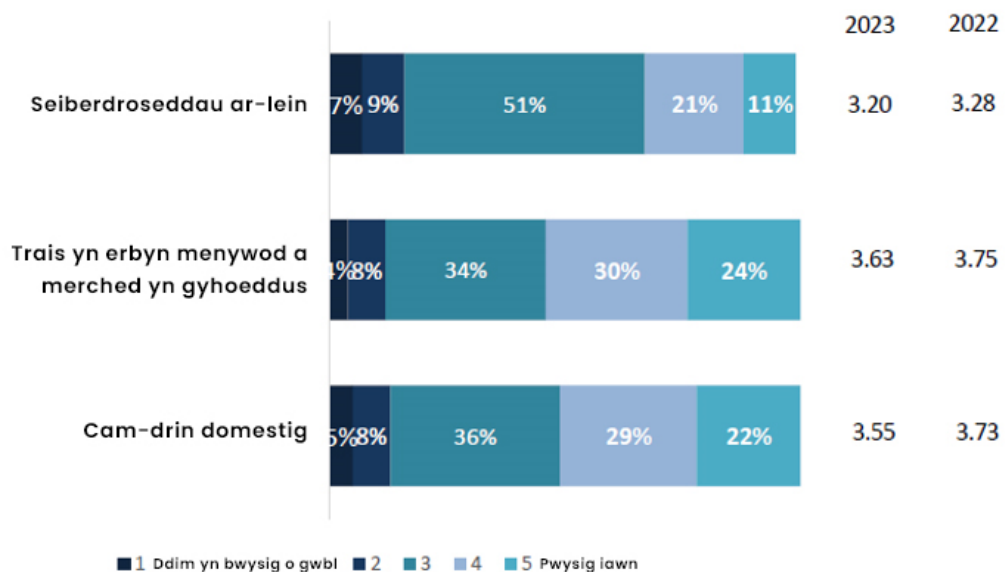
Hyder yn Heddlu Gogledd Cymru

Gofynnwyd i'r ymatebwyr am eu lefelau hyder yn Heddlu Gogledd Cymru i ddelio yn effeithiol â seiberdroseidd ar-lein, trais yn erbyn menywod mewn troeddau cam-drin cyhoeddus a domestig. Gofynnwyd i'r ymatebwyr roi sgôr o rhwng 1 a 5, lle nad yw 1 yn hyderus o gwbl ac mae 5 yn hyderus iawn.

Yn gadarnhaol, dim ond cyfran fach o'r ymatebwyr oedd yn teimlo nad oedd ganddyn nhw hyder o gwbl yn yr heddlu o ran delio â'r troeddau hyn yn effeithiol. Y gyfran fwyaf yn nodi nad oedd ganddynt hyder oedd mewn perthynas â seiberdroseidd ar-lein (sgôr cyfartalog 3.20). Roedd gan y mesur hwn gyfran sylweddol lai o'r rheini hefyd yn teimlo'n hyderus iawn o'i gymharu â thrais yn erbyn menywod ac achosion cam-drin domestig (sgoriau cyfartalog o 3.63 a 3.55).

O'i gymharu â chanfyddiadau'r blynyddoedd blaenorol, mae sgoriau hyder cyfartalog wedi gostwng ym mhob mesur, yn fwyaf nodedig ymhlith delio â cham-drin domestig.

Ffigur 19: Pa mor hyderus ydych chi fod Heddlu Gogledd Cymru yn delio'n effeithiol â'r mathau canlynol o droeddau... (Pob ymateb)



Sylfaen y Sampl: 600

Hyfforddiant Gofyn i Fi

Ymgyrch gan Cymorth i Ferched Cymru yw'r prosiect 'Gofyn i Fi', sy'n rhan o'r rhaglen 'Newid sy'n Para'. Mae'r prosiect yn rhoi hyfforddiant a chymorth parhaus i aelodau'r gymuned i'w galluogi nhw i ddechrau siarad am gam-drin domestig, chwalu'r mythau a stereoteipiau sy'n normaleiddio ymddygiad niweidiol, a chyfeirio pobl at lefydd lle gallant dderbyn y cymorth a'r gefnogaeth gywir.

Mae'r prosiect yn derbyn cyllid gan Gomisiynydd Heddlu a Throsedd De Cymru, Cyngor Abertawe a Waterloo Foundation. Mae cynnydd diweddar mewn cyllid wedi arwain at ehangu'r rhaglen i ogledd Cymru, ac mae'n uchelgais gan Cymorth i Ferched Cymru i sicrhau ei bod ar gael i bob cymuned yng Nghymru yn y dyfodol.

Ar hyn o bryd mae hyfforddiant yn digwydd ar-lein ac wyneb yn wyneb mewn lleoliadau yng Nghaerdydd a'r Fro, Castell-nedd a Phort Talbot, Abertawe, a Gogledd Cymru.

Datblygwyd hyfforddiant Gofyn i Fi trwy gydweithrediad helaeth gyda phobl sydd wedi goroesi cam-drin domestig.



Ian Roberts

Prif Uwch-arolygydd

Y Prif Gwnstabl Amanda Blakeman
Heddlu Gogledd Cymru

25 Gorffennaf 2023

Annwyl Brif Gwnstabl,

Diolch am roi tystiolaeth i'n hymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd.

Yn dilyn y sesiwn, byddem yn ddiolchgar pe gallech roi gwybodaeth ychwanegol i ni sy'n ymwneud â'r canlynol:

- prosiect Mynd i'r Afael â Throseddau ar y Stryd sy'n Gysylltiedig ag Alcohol Caerdydd, gan gynnwys manylion am yr effaith y mae'n ei chael;
- rhaglen waith Gwybod y Llinell, yn enwedig sut y mae'r Coleg Plismona'n bwrw ymlaen â hyn ac a yw Llywodraeth Cymru wedi ystyried hyn wrth ddatblygu'r rhaglen genedlaethol newydd ynghylch hyn;
- rhaglen cyswllt rhwng ysgolion a'r heddlu, ac a oes gwerthusiadau wedi'u cynnal gan ystyried ei heffaith a'i heffeithiolrwydd;
- mentrau economi gyda'r nos, yn enwedig enghreifftiau o arfer gorau, a'u gweithrediad ar draws Cymru;
- ffigurau o'r arolygon cyhoeddus a gynhaliwyd ar draws Cymru sy'n ymwneud â hyder y cyhoedd yn yr heddlu.

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir

A handwritten signature in black ink on a light yellow background. The signature reads "Jenny Rathbone" in a cursive script.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.



Dafydd Llywelyn
Comisiynydd Heddlu a Throseddau Dyfed-Powys

25 Gorffennaf 2023

Annwyl Dafydd

Diolch am roi tystiolaeth i'n hymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd.

Yn ystod ein sesiwn, gwnaethoch nodi y gallech roi rhagor o fanylion i ni ynghylch hyfforddiant Holwch Fi, yn benodol a yw hyn yn cael ei ddarparu yng nghanolbarth Cymru a beth yw lefel y cyfranogiad gan oroeswyr fel rhan o'r hyfforddiant hwn.

Byddem hefyd yn ddiolchgar pe gallech gadarnhau'r swm a gafwyd ar draws Cymru fel rhan o'r Gronfa Strydoedd Diogelach.

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir



Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.

Emma Wools
Dirprwy Gomisiynydd Heddlu a Throseddu De Cymru

25 Gorffennaf 2023

Annwyl Emma

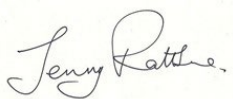
Diolch am roi tystiolaeth i'n hymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd.

Yn ystod y sesiwn, gwnaethoch nodi eich bod wrthi'n edrych ar raglen Rhybudd Rhag Cam-drin mewn Perthynas. A allech roi rhagor o fanylion am y rhaglen hon a'i gweithrediad yng Nghymru?

Byddem hefyd yn ddiolchgar pe gallech roi'r wybodaeth ddiweddaraf am ffrwd waith "Mynd i'r afael â chyflawni trais" yn y Glasbrint, a rhan yr heddlu a'r comisiynwyr heddlu a throseddu yn y ffrwd waith honno. A allech nodi barn comisiynwyr heddlu a throseddu ynghylch a yw rhaglenni cyflawnwr yn effeithiol wrth atal trais ar sail rhywedd ac ym mha ffyrdd, os o gwbl, y mae heddluoedd ar draws Cymru yn ymgysylltu â'r rhaglenni hynny. Ym mha ffyrdd y mae gwybodaeth yn cael ei rhannu rhwng Canolfannau Cymorth Cynnar gwasanaeth yr heddlu a rhaglenni cyflawnwyr yn y gymuned ac, ymhellach, a yw'r comisiynwyr heddlu a throseddu wedi darparu unrhyw gyllid i sefydliadau yng Nghymru ddarparu rhaglenni o'r fath?

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir



Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.



RCGP response to Equality Committee Question on Violence Against Women and Girls August 2023

Question 1: How confident and well supported do the health professionals you represent feel in being able to identify violence against women, domestic abuse and sexual violence?

Our members reported that the quality of training they receive equips them to recognise the signs and complete the necessary onward steps, that come as part of the consultation, when faced with a vulnerable patient. However, they also report that once a situation has been identified they face barriers to accessing the help and support that the vulnerable patient needs.

One member writes: "There were numerous times, I have referred to social services with concerns regarding patient safety on domestic abuse (come across many ethnic minorities & refugee women here in Wales) and adult male preying on schoolgirl via social media (one case): I felt social workers responding didn't take my concerns as seriously as I would have liked, no feedback from social services as to how they dealt with these cases (an updated feedback from social services would've been very helpful; many times we only have one chance in saving these patients or protecting them from harm). With regards to the school that I had called up to inform regarding safeguarding concerns, I was completely blocked from discussing the case. They didn't get back to me."

While another states: "I don't feel particularly supported and working virtually (phone consults) often worry about the more subtle signs over the phone. I will message often other GPs for a take on the home situation only to find often that there is little or no link up with Health visitors. I will flag a concern with the surgery and the safeguarding/clinical lead but think we are missing training for that specific need of safeguarding for non-face -to -face patient contact in all its guises. "

These issues come as part of a wider problem in which we see a lack of communication between different entities such as a local authorities, schools and social services with primary care. This is further exacerbated by the inability to share data between these same services and between primary and secondary care.

The GP members quoted above show that while reinforcing the skill of identifying a vulnerable patient is important, training on this subject is only helpful to the patient, sitting in the consulting room, if that GP has the support of onward services. At the moment, this seems inconsistent across Wales.

Question 2: Have health professionals received the "Ask and Act" training? If so, how useful is it at helping your members feel confident to ask about these issues and about providing an appropriate response and referral?

While members who have received Ask and Act training find it useful, many members were not aware what it was or where they could access it. RCGP was not able to find clear guidance on how GPs should avail themselves of this training and would welcome further information to circulate to members.

Question 3: Please could you also set out your views on the quality of other training your members receive. What more needs to be done to ensure the professional response to support all victims of gender-based violence is consistent throughout Wales.

As above the Ask and Act training would be helpful. We are also aware that HEIW runs safeguarding training and that violence against women and girls forms part of that syllabus. This includes mandatory training and CPD events. More information on that course can be found [here](#). The College also holds its own CPD events, which reinforce skills GPs need to provide the best care to vulnerable patients including women and girls who have been exposed to violence.

As GPs are expert generalists training tends to be focused on looking for signs of vulnerability and safeguarding concerns in all groups including but not limited to women, children, the elderly, the migrant population, those experiencing homelessness and those with disabilities. Training therefore tends to convey skills which can be transferred to all these situations which GPs unfortunately commonly face. An example of such a CPD event run by RCGP Cymru Wales can be found [here](#).

Coleg Brenhinol yr Ymarferwyr Cyffredinol Cymru

28 Gorffennaf 2023

Annwyl Rebecca Miller,

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd

Diolch am gyflwyno tystiolaeth ysgrifenedig i'n hymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Ceir rhagor o fanylion am ein gwaith hyd yma ar ein [gwefan](#).

Mae'r dystiolaeth yr ydym wedi'i chymryd hyd yma yn awgrymu ei bod yn ddyddiau cynnar o ran gweithredu dulliau iechyd y cyhoedd i atal trais ar sail rhywedd, gan gynnwys ymwybyddiaeth a hyfforddiant, er bod dealltwriaeth eang o'r mater. Fel y gwyddoch, mae "Gofyn a Gweithredu" yn bolisi gan Lywodraeth Cymru a weithredir drwy ganllawiau o dan Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015, sy'n ymdrin â phob math gwahanol o drais gan gynnwys cam-drin domestig ac anffurfio organau cenhedlu benywod. Byddem yn ddiolchgar pe gallech ymateb i'r pwyntiau a ganlyn:

- Pa mor hyderus y mae'r gweithwyr iechyd proffesiynol yr ydych yn eu cynrychioli yn teimlo, a pha mor dda yw'r gefnogaeth y maent yn teimlo eu bod wedi'i chael, wrth allu cydnabod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol?
- A yw gweithwyr iechyd proffesiynol wedi cael yr hyfforddiant "Gofyn a Gweithredu"? Os felly, pa mor ddefnyddiol ydy i helpu eich aelodau i deimlo'n hyderus i holi ynghylch y materion hyn ac i ddarparu ymateb priodol ac atgyfeiriad?
- A allech chi hefyd nodi eich barn am ansawdd yr hyfforddiant arall y mae eich aelodau yn ei gael? Beth arall y mae angen ei wneud i sicrhau bod yr ymateb proffesiynol i gefnogi pob dioddefwr trais ar sail rhywedd yn gyson ledled Cymru?

Gan fod ein cyfnod casglu tystiolaeth yn dod i ben, byddem yn ddiolchgar cael eich ymateb erbyn 25 Awst 2023 os yw'n bosibl.

Yn gywir

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Jenny Rathbone AS

Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.



Ann Lloyd CBE, Cadeirydd | Chair

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Eitem 6.11

Bwrdd Iechyd Prifysgol
Aneurin Bevan
University Health Board

Our ref: **ABUHB 23-204**

Tuesday 29 August 2023

Jenny Rathbone MS | Chair of the Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Sent by email to: SeneddEquality@senedd.wales

Dear Jenny Rathbone MS

Inquiry into the public health approach to preventing gender-based violence

Aneurin Bevan University Health Board (the Health Board) welcomes the opportunity to respond to the Senedd Equality and Social Justice Commission's requests to set out what procedures the Health Board has in place for handling allegations of gender-based violence (GBV) raised by or against employees, and to provide views on the Inquiry's terms of reference.

The Health Board recognises GBV is a major public health issue which cuts across the whole of society as well as being a fundamental violation of human rights. Although primarily experienced by women, the Health Board recognises that men too can experience abuse. This should not be neglected in response and prevention efforts.

The Health Board values all its employees and acknowledges that they have a right to work in an environment that is safe, promotes equality, dignity at work and encourages individuals to treat each other with respect. Furthermore, the Health Board expects a high standard of behaviour from its employees, treating patients, their families, and the public with dignity and respect at all times. Safeguarding is part of this expectation and is everybody's responsibility. It is an integral component of providing high quality services. This is reflected in professional codes of conduct, the Health Board's Values and Behaviour Framework and in job descriptions.

The Health Board has an ethical and legal responsibility to take reasonable steps to promote equality and reduce the risk of GBV and take action where incidents occur or allegations of abuse are raised. Supporting those who work for the Health Board, looking after each other and fostering a culture of inclusion and belonging is essential; and how we will do this is detailed in our Strategic Equality Plan 2020/24, Equality and Diversity Policy and People Plan for 2022/25. As part of this, we need to recognise that some staff may be the victims or perpetrators of GBV.

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Rydym yn croesawu gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg heb oedi.
Bwrdd Iechyd Prifysgol Aneurin Bevan yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Aneurin Bevan.

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We welcome correspondence in Welsh and we will respond in Welsh without delay.
Aneurin Bevan University Health Board is the operational name of Aneurin Bevan University Local Health Board.

Procedures the Health Board has in place for handling allegations of gender-based violence (GBV) raised by or against employees

The Health Board has a robust Framework of Policies and Procedures to enable appropriate action when these circumstances occur in order to discharge its statutory requirements and appropriate accountability for the safeguarding of children, young people and adults at risk of harm or abuse (this is relation to employees, patients and the public).

This Framework ensures that the Health Board:

- assists and supports employees requesting help in addressing problems arising from GBV; ensures confidential and sympathetic handling of situations arising from GBV;
- articulates a clearly that the actions of employees who perpetrate abuse, within or outside work, is unacceptable; and
- provides a framework for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees or patients within the context of their work.

The most significant items are included below:

- All-Wales Respect and Resolution Policy
- All-Wales Domestic Abuse Protocol
- Domestic Abuse and Sexual Violence: A workplace Policy for Supporting Employees
- Incident Reporting Policy
- Disciplinary and Procedure
- Procedure for NHS Staff to Raise Concerns
- Wales Safeguarding Procedures
- Handling Violence and/or Aggression (Internal Sanctions) Policy and Procedure
- Procedures on the Management of Concerns raised by patients and their representatives (Complaints)
- Upholding Professional Standards in Wales

Copies of any policy, procedure or plan are available to view by request.

Our Corporate Safeguarding Team provide support, training and organisational advice on policies and procedures for safeguarding, set out in the legislation and codes of conduct and behaviours required of employees of the Health Board.

In addition, all staff are required to complete mandatory *Violence Against Women, Domestic Abuse and Sexual Violence* eLearning every three years.

Views on the Inquiry's Terms of Reference

The Health Board is reassured that the Senedd Equality and Social Justice Commission recognise GBV as an intersectional issue and has widened its terms of reference to ensure full consideration of the specific challenges faced by individuals with intersecting protected characteristics experiencing abuse and the inequalities in experience of violence. Any approach to GBV must be explicitly inclusive.

Although it is widely recognised that GBV is disproportionately perpetrated by men, and women and girls are disproportionately victimised. Men and boys can also be the target of GBV, and is vital that the language used in the terms of reference reflects this point.

The Health Board look forward to reviewing the outcoming of the inquiry, as an opportunity to transform our organisational responses to GBV by considering how we can better systematise support for victims, early intervention, prevention and address related access and health inequality issues. Our aim is to work together

with partners to ensure the most efficient and effective response to preventing serious harm caused by such types of abuse for the wellbeing and safety of our staff, patients and the public, both now and in the future

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Nicola Prygodzicz
Prif Weithredwr | Chief Executive



Betsi Cadwaladr University Health Board (BCUHB) Response - Inquiry into the public health approach to preventing gender-based violence (CE23/815)	
Prepared by:	Siwan Jones, Principal Public Health Officer Louise Woodfine, Consultant in Public Health
Authors	Regional Safeguarding Midwifery Lead Head of Adult Safeguarding Equality & Inclusion Manager Senior Organisational Development Manager
Responsible Director	Michelle Denwood, Director of Safeguarding & Public Protection
Executive Director (overseeing report)	Teresa Owen, Executive Director of Public Health
Purpose of Report	To provide BCUHB's response to the Equality and Social Justice committee in relation to the inquiry into the public health approach to preventing gender-based violence.
Appendices	Appendix 1 - Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Workplace Procedure (SCH05A Version 3). Appendix 2 - Violence against Women, Domestic Abuse and Sexual Violence Service User Procedure (SCH05B Version 4).
Date	24/08/2023

Question posed: How do statutory services deal with allegations of gender-based violence internally and what procedures do you have in place for handling allegations of gender-based violence raised by or against employees

BCUHB supports the Welsh Government Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) Act 2015 in being committed to the resolution of domestic abuse and sexual violence.

BCUHB aims to create a work environment which encourages disclosure of domestic abuse and sexual violence within the health care setting and the

workplace, for employees and service users, and is committed to providing support and advice to all those affected.

1.0 Procedures for handling allegations of gender-based violence raised by or against employees

In BCUHB the Head of Safeguarding Children leads the VAWDASV agenda on behalf of the Director of Safeguarding & Public Protection.

BCUHB has a Workplace VAWDASV Procedure (appendix 1), and a VAWDASV Service User Procedure (appendix 2)

The Workplace VAWDASV Procedure contains information and advice for both staff and their managers on the processes that should be followed, following a disclosure of domestic abuse from a member of staff. This is underpinned by the BCUHB VAWDASV Service User procedure and may initiate referrals into the Sexual Assault Referral Centre (SARC), Multi-Agency Risk Assessment Conferences (MARAC¹) and/or At-Risk Reports into Local Authorities. Referrals into the Work Place Safety groups are monitored and are reported in the Corporate Safeguarding 6 monthly and annual reports. Of note there has been an increase in referrals which is reflective of the national picture. This is a potential outcome of these groups being implemented and a raised profile of the agenda.

A key feature in the BCUHB Work Place Safety procedure is the Work Place safety group. Workplace Safety Groups are successfully delivered in the East, Central and West areas of North Wales within the BCUHB structure. Staff members can be referred into these groups when the need is identified. The purpose of the collaborative Workplace Safety Groups is to ensure a robust risk management plan is in place for the victim, and perpetrator (if a member of BCUHB staff). The risk management plans are developed collaboratively, with input from corporate safeguarding, workforce, health and safety, line managers and violence and aggression managers.

BCUHB provides representation at all MARAC's¹ and ADAPT² panels, and attend with all the relevant information required regarding both the victim and the perpetrator. Staff members who are identified as victims or perpetrators during these processes, can be referred into the Workplace Safety Groups.

BCUHB Corporate Safeguarding deliver Group 1 and Group 2 VAWDASV training as part of staff mandatory training requirements. BCUHB also complies with the National Training Framework. This training includes information for staff around

¹ MARAC (Multi Agency Risk Assessment Conference) is a local, multi-agency victim-focused meeting where information is shared regarding high-risk cases of domestic violence & abuse between different statutory and voluntary sector agencies.

² ADAPT (Adult Domestic Abuse Perpetrator Tasking) is the process of identifying and tackling the most harmful and serial perpetrators of domestic abuse. The overarching objectives of ADAPT are to safeguard adults and children at risk of domestic abuse by changing or disrupting offender behaviour and to reduce the offending of domestic abuse perpetrators.

the Workplace VAWDASV procedure. Compliance with training is monitored via the area safeguarding forums and reported into the quarterly Safeguarding Governance and Performance Group, which is chaired by the Director of Safeguarding and Public Protection. Corporate Safeguarding recognises that awareness raising of VAWDASV processes, initiatives, and mandatory training could contribute to staff feeling more equipped to disclose domestic abuse.

The BCUHB Corporate Safeguarding Team develop a monthly safeguarding bulletin which incorporates all relevant safeguarding information including VAWDASV and is disseminated widely within BCUHB. A quarterly "Learning" bulletin is developed focussing on learning from reviews, which includes the learning/good practice identified from Domestic Homicide Reviews. These are disseminated to all staff via a variety of mechanisms including being added to the BCUHB intranet.

Routine Enquiry is carried out in high-risk service areas within the Health Board. Domestic abuse HITS³ questions are also included in the Symphony IT systems which are used in all Emergency Departments and Minor Injury Units.

BCUHB have three Health Independent Domestic Violence Advocates (IDVA) in post. These are based within the East, Central and West areas in North Wales. These posts are managed by the Domestic Abuse Safety Unit (DASU) and Gorwel, but are housed within BCUHB Corporate Safeguarding Team. The IDVA's are part of the Work Place Safety Groups and will support staff as needed.

Corporate Safeguarding participate in the regional VAWG group which is chaired by North Wales Police. Strong links have been made with VAWDASV third sector agencies and their contacts are shared within BCUHB.

In addition BCUHB employees are able to raise concerns via 'Speak Out Safely'. Employees can approach the Speak Out Safely Guardian for a conversation (anonymously) via telephone, email or discretely in person based on their preference/wishes.

Contact can also be made via the 'Work in Confidence' platform, allowing employees to engage in an anonymous two way conversation with a member of the Speak Out Safely team if they are fearful of escalation or repercussion.



Support for staff also includes the Gender Equality Network. An informal group in which issues affecting women, men and non-binary staff can be shared. During International Women's Day (8th March 2023) a virtual panel of speakers, including a representative from Victim Support specialising in sexual violence spoke to staff about the support available for victims of gender based violence.

³ HITS are a set of 4 questions asked as part of routine enquires with patients. HITS stands for; Hurt, Insult, Threaten and Shout / Safe. Answering 'yes' to any of these question indicate that possible abuse is occurring and would generate further enquire / action completion of Saferlives DASH risk assessment and/or a MARAC referral (Multi Agency risk assessment conference). MARAC meetings take place weekly for each LA and also Monthly for High-risk cases

2.0 Terms of reference

BCUHB have no further comment on the Terms of Reference. We are supportive of each area particularly bullet point 1 - adopting a preventative approach, and bullet point 3 - relating to any further role that the public sector and specialist services should undertake, particularly the NHS.

3.0 Appendices

Appendix 1	Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Workplace Procedure (SCH05A Version 3)  SCH05a- Violence against Women Dor
Appendix 2	Violence against Women, Domestic Abuse and Sexual Violence Service User Procedure (SCH05B Version 4)  SCH05b - Violence Against Women, Do

4.0 Contact information

Please contact Louise Woodfine, Consultant in Public Health louise.woodfine@wales.nhs.uk for any additional information required.

Betsi Cadwaladr University Local Health Board (BCUHB)



Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Workplace Procedure

Date to be reviewed:	June 2025		No of pages:	28	
			Author(s) title:	Head of Safeguarding Children	
Responsible Dept / Director:	Director of Safeguarding and Public Protection Executive Director of Workforce & Organisational Development				
Approved by:	Safeguarding Governance and Performance Group Clinical Policies and Procedures Group Patient Safety and Quality Group				
Date approved:	SGPG- 26th July 2022 CPPG- 16th August 2022 PSQG- 10 th October 2022				
Date activated (live):	27 th November 2020 (Current Version 26 th October 2022)				
Date EQIA completed:	01.07.2019 (reviewed 14.6.22)				
Documents to be read alongside this policy:	Wales Safeguarding Procedures (2019); Minimum Standards for Routine Enquiry into Domestic Abuse (WG, 2022); NHS Wales Managing Attendance at Work Policy (WP11); All Wales Capability Policy (WP3a); BCUHB Disciplinary Policy (WP9); BCUHB Procedure & Guidance Document for the Protection of Employees from Violence and Aggression; BCUHB Equality, Diversity and Human Rights Policy (WP8); Health & Safety Policy (HS01); All Wales Dignity at Work Process (WP5c) BCUHB Flexible Working Policy (WP13); All Wales Information Governance Policy; All Wales Special Leave Policy (WP146); Safeguarding People at Risk Training Strategy (SCH05); Statutory & Mandatory Training Policy (WP30); Drug & Alcohol (Substance) Misuse Procedure (WP19); Staff Mental Health Wellbeing & Stress Management				
Purpose of Issue/Description of current changes A requirement to update the procedure to meet the review timescales of June 2022					
First operational:	Date the procedure was first operational: September				
Previously reviewed:	03/09/20	13/11/20	date	date	date
Changes made yes/no:	No	Yes	Yes/no	Yes/no	Yes/n

PROPRIETARY INFORMATION

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1. Introduction

- 1.1** There are 2.3 million victims of domestic abuse a year aged 16 to 74, of which two-thirds are women (Office of the National Statistics (ONS), 2020). The number of domestic abuse crimes recorded by the police in England and Wales in the year ending March 2021 increased by 6%, from 798,607 in the year ending March 2020 to 845,734 (ONS, 2021). As many cases will not enter the criminal justice process police data can only provide a partial picture. Domestic abuse can affect anyone, regardless of their sex, age or race. Women are more likely to experience repeat victimisation, be physically injured or killed as a result of domestic abuse and experience non-physical abuse than men (ONS, 2018)
- 1.2** For the purpose of the procedure, whenever the term ‘domestic violence and abuse’ is used it means violence against women, domestic abuse and sexual violence as described by the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. It also includes any gender-based violence.
- 1.3** The effects and cost of domestic violence and abuse within the workplace remain relatively hidden and unidentified by most organisations. Research by the Equality and Human Rights Commission (2010) suggests that:
- Domestic abuse currently costs UK businesses over £2.7 billion a year.
 - In the UK, in any one year, more than 20% of employed women take time off work because of domestic abuse, and 2% lose their jobs as a direct result of the abuse.
 - 75% of women that experience domestic abuse are targeted at work – from harassing phone calls and abusive partners arriving at the office unannounced, to physical assaults.
 - 15% of men aged 16-59 say they have been physically assaulted by a current or former partner at some point in their lives.
- 1.4** In 2015, the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act (VAWDASV) came into force. The Act seeks an improved collective public sector response, strong leadership and a more consistent focus on the way these issues are tackled in Wales and helps victims. More importantly, it seeks to stop the abuse happening in the first place. The Act addresses domestic abuse and sexual violence perpetrated against all people in Wales, irrespective of gender, sexual orientation and gender identity. It also addresses violence perpetrated against woman or man arising directly or indirectly from values, beliefs, or customs relating to gender, sexual orientation and gender identity.
- 1.5** The Serious Crime Act (2015) Section 76, created a new offence criminalising controlling or coercive behaviour in an intimate or family relationship and where the behavior has a serious effect on the victim. It addresses repeated or continuous behaviour in relationships where incidents of domestic abuse might appear unexceptional but have a significant cumulative impact on the victim’s everyday life, causing them fear, alarm or distress.
- 1.6** The Social Services and Wellbeing (Wales) Act, 2014 with the focus being on the provision of preventative services and in promoting wellbeing. Part 7 of the Act describes the process of keeping “adults at risk” safe, including those that are at risk of domestic abuse. The Wales Safeguarding Procedures 2019 builds on statutory guidance in the Social Services and Well-being (Wales) Act 2014, Part 7 Safeguarding and specifically Working Together to Safeguard People: Volumes: 5 and 6. The procedures provide clear guidance for safeguarding adults and children.

- 1.7** Domestic Abuse Act (2021), further enhances the VAWDASV Act (2015), will include :
- Create for the first time, a cross-government statutory definition of domestic abuse which recognises children as victims in their own right.
 - Establish in law the office of the Domestic Abuse Commissioner.
 - Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.
 - Extend the controlling or coercive behaviour offence to cover post-separation abuse.
 - Extend the offence of disclosing private sexual photographs and films with intent to cause distress to cover threats to disclose such material.
 - Create a new offence of non-strangulation or suffocation of another person.
 - Place Clare's Law on a statutory footing.

2. Policy Statement

- 2.1** Betsi Cadwaladr University Health Board (BCUHB) recognises that within its workforce there will be employees who have experienced, or who are currently experiencing domestic violence and abuse, as well as employees, who are perpetrators or alleged perpetrators. There may also be employees who have experienced sexual violence and abuse.
- 2.2** BCUHB supports the Welsh Government Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 in being wholly committed to the resolution of domestic violence and abuse (WG, 2015). BCUHB is therefore committed to raising awareness and providing guidance and support for its employees and managers to address the occurrence of violence against women, domestic abuse and sexual violence and its effect on the workplace.

3. Purpose

- 3.1** The purpose of this procedure is to provide guidance/support to managers supporting employees who are victims or alleged perpetrators/perpetrators of domestic violence and abuse.

4. Scope

- 4.1** This procedure will apply to all employees/workers of BCUHB. This also includes students, volunteers, locum staff, agency and bank staff, contractors and trainees. Where appropriate, this procedure should be used in conjunction with other Health Board policies and procedures such as, WP9 Disciplinary Policy, WP3a All Wales Capability Policy, WP14b All Wales Special Leave Policy, WP13 Flexible Working Policy and VAWDASV Service User Procedure.
- 4.2** Where a case involves 'Child at Risk' concerns, managers should refer to the Wales Safeguarding Procedures (2019).
- 4.3** Where a case involves 'Adult at Risk' concerns, managers should refer to the Working Together to Safeguard People: Volume 6 - Handling Individual Cases to Protect Adults at Risk (issued under Section 131 of the Social Services and Wellbeing (Wales) Act (2014) and Wales Safeguarding Procedures (2019).

5. Aim

- 5.1 The aim of this procedure is to ensure Health Board employees, who are experiencing or have experienced domestic violence and abuse, are offered the appropriate response and support. It also aims to ensure that employees who are perpetrators or alleged perpetrators of domestic violence and abuse are risk assessed and supported appropriately.

6. Objectives

- 6.1 The aim will be achieved by:
- Assisting managers to provide confidential, sympathetic and supportive response to staff who experience domestic violence and abuse.
 - Assisting managers to appropriately address situations where staff are alleged perpetrators or are found to be perpetrators of domestic violence and abuse.

7. Procedure

7.1 Definitions:

'Violence against Women' has been defined by the United Nations as any act of gender-based violence that results in, or is likely to result in, physical sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The term violence against women is used to describe violence perpetrated against a woman because she is a woman, being recognised internationally as a violation of human rights.

'Domestic Abuse' definition is a cross- government statutory definition created by the Domestic Abuse Act (2021). Domestic abuse refers to abuse which takes place between two people aged over 16 who are personally connected to each other. This includes people who are or have previously been married, in civil partnerships or in relationships; who have a child together; or are relatives.) Abuse can be:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. This definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

7.2 Types of Abuse

7.2.1 Psychological - Obsessive behaviour, jealousy, blaming the individual for the abuse, minimising the abuse, threats to kill or harm self or others, humiliation, destroying possessions, stalking, and harassment.

7.2.2 Physical - Punching, head butting, biting, suffocation, hair pulling, kicking, slapping, strangulation, drowning, burning, sleep deprivation, using weapons, imprisonment, “Honour Based Violence” (HBV), Female Genital Mutilation (FGM), and murder.

7.2.3 Sexual - Rape, non-consensual sex, unwanted touch, penetration with objects, pornography, buggery, bestiality, not practising safe sex, trafficking, and prostitution.

7.2.4 Financial - Denied access to salary/benefits/inheritance, sole mortgage or tenancy arrangements (perpetrator), building up debt, theft and fraud.

7.2.5 Emotional - Exclusion, stigma, isolation, forbidden from socialising/working/education, undermining parental authority, leaving visible signs of injury to embarrass and deter from going out, racial abuse, homophobic/biphobic/transphobic abuse, and controlling behaviour such as ‘outing’ or the threat of ‘outing’.

7.3 Possible signs and/or symptoms of violence against women, domestic abuse and sexual violence. This list is non-exhaustive:

7.3.1 Physical

- Stress related ailments – headaches, irritable bowel syndrome
- Bruising to the body, bruising/injury at different stages of healing
- Injuries to the face head or neck
- Burns/scalds – consistent with cigarette/chemical/liquid or friction burns
- Hair loss – consistent with hair pulling
- Sexually transmitted diseases, vaginal infections or other frequent gynaecological problems
- Miscarriages/history of miscarriages/repeated termination of pregnancy
- Still births, premature labour, low birth weight babies
- Unexplained injuries or those inconsistent with history
- Unexplained “accidents” to children

7.3.2 Behavioural

- Evasive/ashamed/confused
- Late to work, poor performance/sudden change in performance
- Long/ frequent short term/intermittent absences from workplace
- Repeat attendances in areas such as General Practice/Minor Injury Units/Emergency Departments
- Repeated “failure to attend” appointments
- Presents in health settings complaining with vague symptoms
- Accompanied to all appointments – difficult to see individual alone
- Substance misuse
- Frequent use of pain medication
- Eating disorders

7.3.3 Psychological/Emotional

- Depression/anxiety/panic attacks
- Self-harm
- Attempted suicide

7.4 Reasons why it is difficult to identify violence against women, domestic abuse and sexual violence.

7.4.1 Often an employee who is experiencing domestic violence and abuse may be reluctant to tell people at work (colleague or manager) of their situation. It has been shown that, on average, an individual will experience 35 episodes of domestic violence and abuse before they decide to seek help.

7.4.2 Reasons for employee reluctance can include:

- Shame and embarrassment of their situation
- Cultural stigma
- Lack of knowledge of what help is available to them
- Unclear of where they can access help
- Fear of making the situation worse
- Fear that their children may be taken away from them
- Fear of seeing their partner prosecuted
- Belief that the abuse will not happen again
- Denial that the abuse is happening

7.5 Employees experiencing domestic violence and abuse

Employees who make it known to BCUHB that they are experiencing domestic violence and abuse will be treated in a sympathetic and supportive manner. They will not be judged by other employees and will be encouraged to help themselves out of their abusive circumstances, having due regard for their personal safety, and that of their children and vulnerable adults in the household if applicable.

Employees can seek advice and support from their line manager, Workforce and Organisational Department (WOD) and/or the Corporate Safeguarding Team. Trade Union representatives should also be able to provide advice and support. It must be remembered that the effects of abuse can impact on an employee's standard of work or attendance and should be considered with regards to formal management under the Health Board's WP11 NHS Wales Managing Attendance at Work Policy and WP3a All Wales Capability Policy. Employee rights to privacy must be respected at all times. Employees have a right to decline the offer of support but this must be communicated to the line manager and recorded in a risk assessment.

Employees who recognise or suspect that a colleague is living in an abusive situation at home should speak in confidence to their line manager or WOD. Employees should recognise that they are not trained counsellors and should be wary of promising more than they can deliver in terms of support. They should also consider their own well-being as they may be putting themselves in danger if the abuser becomes aware of their support.

The managers response should take into consideration BCUHB VAWDASV Service User Procedure as all relevant documents are included in this procedure, such as, Safe Lives Risk Indicator Checklist/MARAC Referral.

- Where a manager suspects that an employee is experiencing domestic violence and abuse, they have a duty of care towards the employee and should contact the safeguarding team and/or their WOD representative in their area for advice and support, before any discussion takes place with the employee.
- Where an employee discloses domestic violence and abuse to a manager, then the manager can contact the safeguarding team and/or their WOD representative in their area for advice and support, if required using this link: https://nhs.wales365.sharepoint.com/sites/BCU_Intranet_Safeguarding
- Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never feel pressured into disclosing any personal information that they do not feel comfortable sharing. A non-judgemental attitude is required.
- If an employee discloses that they are experiencing domestic violence and abuse, it is advised that an appropriate Domestic Abuse Workplace Risk Assessment Checklist (Appendix 2) should be carried out within 24 hours of disclosure, or at the first available opportunity and discussed fully with WOD.
- The manager must ensure that they keep full notes of any discussions and if required refer the member of staff to the Occupational Health and Wellbeing Service to ensure that adequate support is provided.
- The manager must refer to the 'Managers Flowchart following disclosure/report of Domestic Violence and Abuse involving BCUHB employee' (Appendix 1). This includes the manager, with the support of WOD, contacting the Area Safeguarding Manager who chairs the Workplace Safety Group (TORs Appendix 3). The case would then be discussed at the next meeting with the manager in attendance.
- Signpost to the Live Fear Free Helpline – 0808 80 10 800
- If the employee discloses sexual violence and abuse the manager can refer to the Amethyst Sexual Assault Referral Centre for support.
- If the employee does not wish to discuss the matter in detail with their manager, consideration must be given as to how the individual can be supported. This must be their preference alone, but could include a workplace colleague, their line manager/supervisor, a member of the Corporate Safeguarding Team, Workforce & Organisational Development, Trade Union Representative, a member of the Chaplaincy Department or the Occupational Health and Wellbeing Service. Consideration also needs to be given to the opportunity of a mentor to ensure that support is provided to the employee at all times.
- The manager may consider implementing short-term reasonable measures, which would protect the safety of the employee who is experiencing domestic violence and abuse. For example, an employee who is concerned for their safety while travelling to work and home, or whilst at work, may benefit from a temporary change in hours or place of work.
- The manager should offer ongoing support to the employee who is experiencing domestic violence and abuse including reasonable time off, for example, for counselling, visits to a solicitor or support agencies, for re-housing or re-organising childcare.
- Employees will be entitled to special leave to attend (up to 10 days), for example, civil or criminal court hearings as a witness or to attend court to seek an injunction against the alleged perpetrator or perpetrator.

- Applications must be made via the Application Form within WP146 All Wales Special Leave Policy. If the leave request relates to domestic violence and abuse then the record must be placed in a sealed envelope marked “**For Managers Access Only**” and filed within the personal file and recorded on ESR.
- Further advice may be sought from WOD relating to special leave requests.
- Support/advice can be provided by the Health Independent Domestic Violence Advisor.
- The manager should always consider safeguarding, either children and/or children.

7.6 Ensuring Health and Safety in the Workplace

7.6.1 The Workplace Safety Group (Domestic Violence and Abuse) acts as a specialist group to advise and support managers in ensuring the safety and well-being of staff, whilst also ensuring that procedures in relation to domestic violence and abuse are followed. The principles of these BCUHB guidance and procedure documents and current legislation underpin the function and remit of the Workplace Safety Group.

7.6.2 Immediate safety plans should be developed and implemented by Managers prior to the Workplace Safety Group.

7.6.3 Staff should be informed that the Workplace Safety Group is a supportive forum in ensuring their safety and well-being is paramount.

7.6.4 The following measures could be implemented as appropriate:

- If relevant, alert staff that the alleged perpetrator is to be refused access to the building/department, and if an attempt is made, what action is required by staff.
- Where appropriate improve security measures, such as changing keypad numbers or ensuring access to the building/department is not open to access from unauthorised staff or persons.
- Remind staff that they must not divulge information about employees, especially personal details such as addresses, telephone numbers or shift patterns etc.
- Where appropriate, consider offering temporary or permanent change of workplace, working times/patterns to reduce the risk to the employee on their way to and from work.
- Consider the environment layout to ensure the employee is not visible from the reception points or from windows, doors etc.
- Agreeing with the member of staff what to tell colleagues and how they should respond if the alleged perpetrator/perpetrator telephones or visits the workplace.
- Seek to ensure that the systems for recording the whereabouts of the employee during the working day are adequate and if their work requires them to work outside of the work area, consider how risks can be minimised by changing their duties or allowing another colleague to accompany them on certain journeys.
- Keeping a record of any incidents of domestic violence and abuse in the workplace, including where possible persistent telephone calls, emails or visits to the employee by the alleged perpetrator or perpetrator. These records may be used if the member of staff decides to make a formal complaint to the police, or apply for an injunction against the alleged perpetrator. These records may also be used by BCUHB should the organisation decide to apply for an injunction if the action of the alleged perpetrator impinges on the health and safety of the employee or service provision.

- A formal and documented risk management plan must be implemented. This is an ongoing assessment process and must be reviewed by the manager with the employee at least monthly or more frequently if any new information or changes in circumstances come to light.
- Notes of the meeting will be stored in a restricted access folder on the corporate drive for a maximum of 10 years. A copy will be stored securely within the employees personal file.

Disclosures to BCUHB Corporate Safeguarding via the Multi Agency Risk Assessment Conferences (MARAC'S)

- Safeguarding Specialists are a standing member at Weekly & Monthly MARACs on behalf of the Corporate Safeguarding Team. The Corporate Safeguarding Team continually engages in multi-agency meetings where concerns have been identified regarding children or adult at risks. Where victims and/or perpetrators of VAWDASV who are employees of BCUHB have been identified, the Area Safeguarding Manager will be notified.
- The Area Safeguarding Manager will liaise with WOD and confirm whether the victim and/or perpetrator are employed by BCUHB. If confirmed, the Area Safeguarding Manager will notify the responsible line-manager that a member of staff has been discussed at MARAC.
- The Manager will be responsible for discussing this information with the staff member and offering workplace support and undertaking a workplace risk assessment.

7.7 Employees who are alleged perpetrators or perpetrators of violence against women, domestic abuse and sexual violence.

The Health Board recognises that it has a duty of care in encouraging and supporting employees to address their violent and abusive behaviours. Violence against Women, Domestic Abuse and Sexual Violence perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. BCUHB have a duty to report any criminality.

If an employee approaches their manager or another manager in the Health Board about their abusive behaviour, the Health Board will provide them with information about the services and support available to them and will encourage the employee to seek support and help from an appropriate source. (See Appendix 3)

The Health Board will treat any allegation, disclosure or conviction of any abuse related offence on a case-by-case basis with the aim of reducing the risk to others including the victim and any identified children/adult at risk. Allegations of Harm/Abuse involving children or adults may be subject to the Wales Safeguarding Procedures (2019), Section 5, Safeguarding Allegations/Concerns about Practitioners and Those in Positions of Trust, which build on statutory guidance in the Social Services and Well-being (Wales) Act 2014, Part 7 Safeguarding and specifically Working Together to Safeguard People: Volumes: 5 and 6.

Any employee who is subject to a formal investigation by police or where guilt has been established in relation to a criminal offence may be subject to WP9 Disciplinary Policy.

However, there may also be occasions where police and/or courts impose specific conditions on alleged perpetrators/alleged perpetrators of VAWDASV which may be subject to WP9 Disciplinary Policy. The Health Board also reserves the right to consider the use of WP9 Disciplinary Policy should an employee's activities outside of work have had a detrimental impact on their ability to perform the role for which they are employed and/or considered to have brought the organisation into disrepute. Any BCUHB employee who is subject to a formal police investigation in relation to VAWDASV and wider related criminal activities, such as common assault, has a duty to inform the organisation of that. Failure to inform would lead to potential disciplinary action.

If an employee is also a member of a regulatory body, a notification will be required by the appropriate professional lead and supported by WOD, to the regulatory body as part of the investigative process. The Health Board also has a duty in law to report the incident to the Disclosure and Barring Service (DBS).

7.7.1 Manager's role/response

- Allegations will be dealt with fairly and in a way that provides support for the employee who is the subject of the allegation or disclosure.
- Seek advice and support from Corporate Safeguarding and WOD.
- A Workplace Risk Assessment (Appendix 3) must be completed to establish the risks to patients, staff and the individual. This will determine how the risks are to be managed.
- The cases where both the victim and alleged perpetrator/perpetrator are employed by, or contracted to BCUHB must be discussed in the Workplace Safety Group (Domestic Violence and Abuse). Workplace Risk Assessment (Appendix 2 & 3) requires completion.
- Confidentiality will be maintained and information restricted only to those who have a need to know.
- Disciplinary Investigations if indicated will be thorough, independent and timely in line with policy timeframes. All efforts will be made to resolve the matter within 12 weeks, although some cases will take longer due to their nature or complexity.
- The alleged perpetrator or perpetrator will be:
 - Treated fairly and honestly
 - Helped to understand the concerns expressed and processes involved
 - Kept informed of the process and outcomes of any investigation and the implications for any disciplinary process
 - Advised to contact their Trade Union or Professional organisation
 - Advised that they can seek advice from an appropriate source, such as, WOD, Corporate Safeguarding Team and Occupational Health & Wellbeing Services
 - In cases where both the victim and alleged perpetrator or perpetrator of abuse work in the same county/area/department, the Health Board will take action to minimise the potential for the alleged perpetrator or perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include, for example, a change in duties for one or both employees or withdrawing the alleged perpetrator's/perpetrator's access to certain computer programmes or offices
 - However, it is also recognised that in certain circumstances, those experiencing and perpetrating domestic abuse in a relationship, may choose to seek solutions jointly and in such situations, support should be given.

It is important to note that this procedure is intended to be safety focussed and supportive rather than punitive.

There are four important potential stages in the consideration of an allegation:

- Identifying risk
- A police investigation of a possible criminal offence
- Disciplinary action by the employer
- Providing specialist, safety focussed counselling

If a BCUHB employee is found to be knowingly assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as a telephone, email or a fax machine then they may face disciplinary action.

7.8 Malicious allegations

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse, then this may be treated as a disciplinary offence and action may be taken in line with WP9 Disciplinary Policy.

7.9 Child at Risk Issues

There is considerable overlap between violence against women, domestic abuse and sexual violence and the abuse of children. According to child protection experts, there is significant evidence that demonstrates that men who are abusive to their female partners are more likely to physically abuse their children. In some instances the children may also be injured in the course of an assault (Safe Lives 2015).

The Domestic Abuse Act 2021 defines domestic abuse as occurring where the victim and perpetrator are aged over 16. Abusive behaviour directed at a person under 16 would be dealt with as child abuse rather than domestic abuse.

However, for the first time, a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse in their own right. This will help to ensure that locally-commissioned services consider and address the needs of children affected by domestic abuse.

When dealing with suspected cases of violence against women, domestic abuse and sexual violence the manager should establish if the employee has children living at home and, if so, consider whether they are in immediate danger and if so take action to ensure their safety. In the instance of the involvement of children, the Wales Safeguarding Procedures (2019) must be adhered to. This includes making a Child at Risk Report. BCUHB Corporate Safeguarding Team can provide advice and support.

The issue of safeguarding children is everyone's business and is a shared responsibility.

7.10 Adult at Risk Issues

When dealing with suspected cases of violence against women, domestic abuse and sexual violence, the manager should establish if the employee has any adults who meet the definition of an Adult at Risk (Social Services and Well-Being (Wales) Act 2014: Working Together to Safeguard People; Volume 6 – Handling Individual Cases to Protect Adults at Risk) living at home and, if so, consider whether they are in imminent danger, and take appropriate action to ensure their safety. If adults are deemed to be at risk, the Health Boards Procedure should be adhered to. BCUHB's Corporate Safeguarding Team can provide advice and support.

8. Roles and Responsibilities

8.1 Chief Executive Officer

The Chief Executive of BCUHB has overall responsibility for the effective management of organisational policies/procedures relating to BCUHB employees.

8.2 Executive Director of Workforce and Organisational Development

Is jointly responsible for ensuring this procedure and any associated documentation relating to violence against women, domestic abuse and sexual violence are reviewed and updated in line with future guidance.

8.3 Executive Director of Nursing and Midwifery

Holds responsibility for this procedure and this is delegated to the Director of Safeguarding and Public Protection.

8.4 Head of Safeguarding Children

Is responsible for ensuring this procedure and associated documentation are reviewed and updated in line with future guidance.

8.5 Head of Occupational Health and Wellbeing

Has a responsibility to offer support to employees who are affected by violence against women, domestic abuse and sexual violence.

8.6 Managers and Heads of Services

Managers are responsible for raising awareness of the procedure to all employees. They are also responsible for ensuring that any staff who experience domestic violence and abuse, and employees who are perpetrators of domestic violence and abuse are treated fairly and offered appropriate support. This support needs to consider safety of the victim and management of risk to children and adults within the family. Any managers who require training as a result of this procedure should contact Learning and Development Department.

9. Monitoring, Escalation and Implementation Arrangements

Monitoring of this procedure will be the responsibility of the BCUHB Safeguarding Policy/Procedure Task Group with escalation to the Safeguarding Governance and Performance Group.

This procedure will be disseminated throughout the organisation via a 7 minute briefing, through the relevant forums and the safeguarding bulletin. Mandatory training will be provided for all staff employed by, and contracted to BCUHB as directed through the SCH08-Safeguarding People at Risk Training Strategy and WP30-Statutory and Mandatory Training Policy and Procedure.

10. Reference to Legislation

The legislation and guidance supporting this procedure includes: Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act (2015); Female Genital Mutilation Act (2003); Sexual Offences Act (2003); Forced Marriage (Civil Protection) Act (2007); Human Rights Act (1998); Social Services and Wellbeing (Wales) Act (2014); Domestic Abuse Act (2021); Wales Safeguarding Procedures (2019); Serious Crime Act (2015).

11. References

Wales Safeguarding Project Board (2019), *Wales Safeguarding Procedures*. Available from: www.safeguarding.wales

Home Office, (2015). Serious Crime Act.
Available at <http://www.gov.uk/government/collections/serious-crime-bill>

Office for National Statistics, (2016). Statistical bulletin: Domestic abuse in England and Wales: year ending March 2016. Available at: <https://www.ons.gov.uk>

Office for National Statistics (2021). Domestic abuse prevalence and trends, England and Wales: year ending March 2021. Available at <https://www.ons.gov.uk>

Research by the Equality and Human Rights Commission (2010)
Welsh Government, (2015). Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act (2015). Available at: <https://www.legislation.gov.uk>.

Welsh Government, (2014). Social Services and Wellbeing (Wales) Act 2014.
Available at: <https://socialcare.wales/hub/sswbact>

Welsh Government, (2014). Social Services and Wellbeing (Wales) Act 2014. Working Together to Safeguard People: Volume 6 – Handling Individual Cases to Protect Adults at Risk.

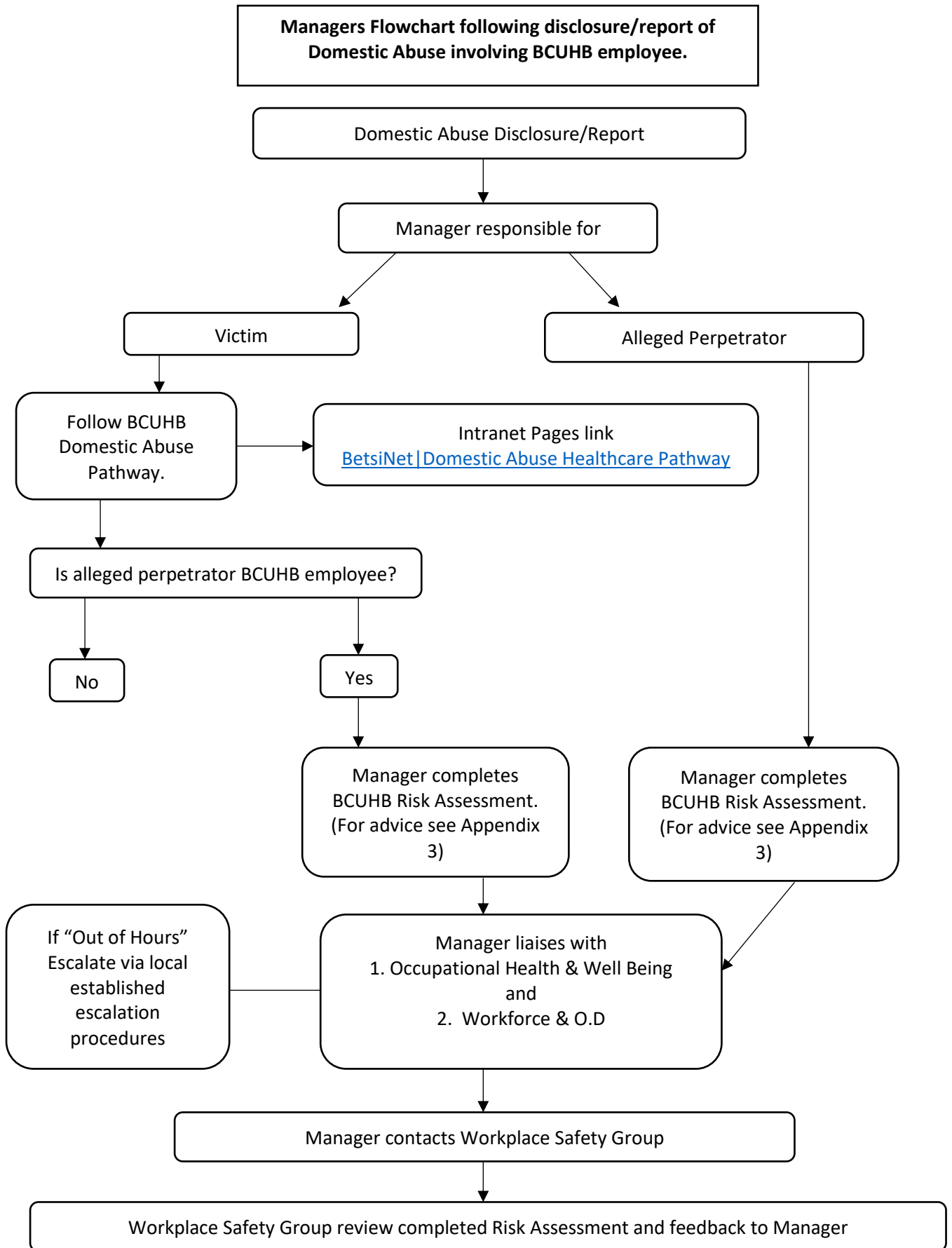
Members of the Working Group:

Title
Head of Safeguarding Children
HR Manager – West Locality and Women's

Engagement has taken place with:

Title		Date Consulted
Area Safeguarding Manager		27 th May 2022
Area Safeguarding Manager		27 th May 2022
Safeguarding Midwifery Lead		27 th May 2022
HR Manager – West Locality and Women's Services		28 th June 2022
Safeguarding Practice Development Lead		28 th June 2022
Safeguarding Practice Development Lead		28 th June 2022
Safeguarding Specialist - West		28 th June 2022
Safeguarding Specialist - Central		28 th June 2022
Director of Nursing Secondary Care		28 th June 2022
Senior Safeguarding Leads Meeting	Chaired by the Director of Safeguarding and Public Protection	19 th July 2022
HR Team		20 th July 2022
Workforce Policy Group		20 th July 2022
Safeguarding Governance and Performance	Chaired by the Director of Safeguarding and Public Protection	26 th July 2022

Appendix 1 – Management Flowchart



Appendix 2

Domestic Violence and Abuse of victim employed by BCUHB. Checklist to aid Risk Assessment completion				
Checklist				
		Yes	No	Notes
1.	Does the Victim require time away from duties, hospital treatment, solicitor appointment etc?			
2.	Arrange Occupational Health & Wellbeing referral.			
3.	Follow DA Pathway.			
4.	Are colleagues involved- e.g. as witnesses?			
5.	Are colleagues at risk?			
6.	Are patients at risk?			
7.	Are staff are aware of ALL security procedures for building?			
8.	Are doors/windows locked as necessary?			
9.	Does alleged perpetrator have knowledge of victims workplace i.e. routines, regular shift patterns, start & finish times, location,? Add 13			
10.	Is alleged perpetrator known to have access department i.e. via key codes, alternative entrances?			
11.	Are all local procedures robust, i.e. "buddy" system, diary tracking, staffing levels/skill mix, use of Lone Working Policy etc?			
12.	Is all safety equipment functional and in use, i.e. lone worker badge, alarm systems, mobile phones, closed/locked doors in use?			
13.	Does alleged perpetrator have knowledge of victim's base / lease vehicle and its usual parking location in workplace? (If applicable.)			
14.	Does alleged perpetrator work/employment put them in contact with victim?			
15.	Does alleged perpetrator has any health needs requiring access to victims place of work put them in contact with the victim?			

Tudalen y pecyn 130

Only with victims consent		Yes	No	Notes
16.	Are colleagues made aware of the situation?			
17.	Does the alleged perpetrator have access to victim's work (BCUHB) mobile telephone number – consider barring Alleged perpetrator number if known. Consider barring withheld numbers.			
18.	Do "switchboard/reception" staff handle calls? Do they ensure the validity/identity of caller if victim is requested? (Consider "call back" numbers)			
19.	Do staff give out personal details of victim (telephone number, extension number or when on duty or off duty.)			
20.	Are staff aware of right to terminate call during offensive telephone conversation and to report to manager immediately.			

Confidential Risk Assessment Worksheet

Must be stored in accordance with the Data Protection & Confidentiality Policy

https://nhs.wales365.sharepoint.com/sites/BCU_Intranet_IG/SitePages/Information-Governance.aspx

CPG/Corporate Function & Department:		Date:
Section/Area where task takes place:		
Task/Work Activity:		
Element:		
Assessor(s):	Job Title	

Consequence Score	Likelihood Score				
	1. Rare	2. Unlikely	3. Possible	4. Likely	5. Almost Certain
5. Catastrophic	5	10	15	20	25
4. Major	4	8	12	16	20
3. Moderate	3	6	9	12	15
2. Minor	2	4	6	8	10
1. Negligible	1	2	3	4	5

To obtain the risk rating multiply the appropriate consequence score by the appropriate likelihood score, e.g. Minor 2 x Likely 4 = 8

RISK RATING ACTION GUIDE TABLE

1 - 3	Low Risk- Action only if low cost remedy, easy to implement, re-assess if process/procedure, guidance or legislation changes, keep under review.
4 - 6	Moderate Risk- Action that is cost effective in reducing the risk and planned and implemented within a reasonable time scale.
8 - 12	High Risk- Urgent action to remove or reduce the risk. To be escalated to senior management.
15 - 25	Extreme Risk- Immediate action to remove or reduce risk to tolerable level. Consideration given to stopping process. Inform Senior Management & Risk management/Health & safety Departments at once.

Hazard	Risk Associated	Who Will Be Harmed? (how many)	Existing Control Measures	Current Risk Rating CXL	Action Required	Residential Risk Rating CXL	* Date Action to be Completed

Assessors Signature **Date:** **Managers Signature:**

Date:

Reassessment Date: / / / / / / / /

Note: Depending on the complexity of the Risk Assessment an Action Plan may be required

Appendix 3 – Alleged Perpetrator

Checklist to aid Risk Assessment completion				
Area for Concern		Yes	No	Notes
1.	Does employee require time away from duties, police interview, solicitor appointment, court appearance etc?			
2.	Arrange Occupational Health & Wellbeing referral.			
3.	Arrange WOD involvement and Corporate Safeguarding Team.			
4.	Are colleagues involved- e.g. as witnesses?			
5.	Are colleagues at risk?			
6.	Are patients at risk?			
7.	Is victim likely to come into contact with employee due to job			
	Is victim known to be a BCUHB employee?			
8.	Have you communicated with victim manager to discuss risk assessment?			
9.	Does alleged perpetrator have police/court bail conditions imposed that will have impact upon job role?			

Confidential Risk Assessment Worksheet

Must be stored in accordance with the Data Protection & Confidentiality Policy

https://nhs.wales365.sharepoint.com/sites/BCU_Intranet_IG/SitePages/Information-Governance.aspx

CPG/Corporate Function & Department:		Date:
Section/Area where task takes place:		
Task/Work Activity:		
Element:		
Assessor(s):	Job Title	

Consequence Score	Likelihood Score				
	1. Rare	2. Unlikely	3. Possible	4. Likely	5. Almost Certain
5. Catastrophic	5	10	15	20	25
4. Major	4	8	12	16	20
3. Moderate	3	6	9	12	15
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To obtain the risk rating multiply the appropriate consequence score by the appropriate likelihood score, e.g. Minor 2 x Likely 4 = 8

RISK RATING ACTION GUIDE TABLE

1 - 3	Low Risk- Action only if low cost remedy, easy to implement, re-assess if process/procedure, guidance or legislation changes, keep under review.
4 - 6	Moderate Risk- Action that is cost effective in reducing the risk and planned and implemented within a reasonable time scale.
8 - 12	High Risk- Urgent action to remove or reduce the risk. To be escalated to senior management.
15 - 25	Extreme Risk- Immediate action to remove or reduce risk to tolerable level. Consideration given to stopping process. Inform Senior Management & Risk management/Health & safety Departments at once.

Hazard	Risk Associated	Who Will Be Harmed? (how many)	Existing Control Measures	Current Risk Rating CXL	Action Required	Residential Risk Rating CXL	* Date Action to be Completed

Assessors Signature **Date:** **Managers Signature:**
Date:

Reassessment Date: / / / / / / / /

Note: Depending on the complexity of the Risk Assessment an Action Plan may be required

Appendix 4 - Area Domestic Abuse Workplace Safety Group ToR



Corporate Safeguarding Team

Area Domestic Abuse Workplace Safety Group

Terms of Reference

1.0 INTRODUCTION

1.1 Purpose

To provide support and to appropriately manage risk to all victims of domestic abuse and sexual violence, and perpetrators employed by BCUHB promoting a safe environment for patients and all staff members (Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017, Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015).

2.0 RESPONSIBILITIES

- 2.1 To provide advice/support to line managers and safeguarding advisor/ specialists who are supporting employees, perpetrators or victims, of domestic abuse.
- 2.2 To act as a reviewer for actions/recommendations advised by the criminal justice system, its partners, and Multi Agency Risk Assessment Conference (MARAC) if applicable
- 2.3 To review work place risk assessments/action plans, developed at area management level, in order to promote a safer working environment for victims of abuse, perpetrators and other staff members, promoting a safer environment.
- 2.4 To support the Area Safeguarding Forum and the Safeguarding Governance and Performance Group in discharging its responsibilities for Health, Safety and Wellbeing.

3.0 MEMBERSHIP

Standing Members:

Area Safeguarding Manager (Chair in each area)

Workforce Manager (Deputy Chair)

Health and Safety advisor.

Workforce Officer.

Violence and Aggression Case Manager.

Line Manager – for initial meeting, then updates requested by the chair to be submitted for the monthly reviews.

Consideration can be given to attendance from:

- Occupational Health and Wellbeing representative.
- Medical Workforce Manager.
- Information Governance representative.
- Safeguarding Advisor/Specialist.
- Head of Safeguarding Children/Safeguarding Specialist Midwife as required.

4.0 DELEGATED POWERS AND AUTHORITY

- 4.1 The Group is authorised by the Area Safeguarding Forum to investigate any activity within the Terms of Reference.
- 4.2 The Group is authorised to seek additional information from any employees of the Health Board. All employees are directed to co-operate with any such requests.
- 4.3 The Group is authorised to provide advice/recommendations to the managers of all grades/disciplines.

5.0 GROUP MEETING

- 5.1 **Quorum:** at least three individuals must be present to ensure that the Group is quorate (The Group should reflect professionals from different service areas).
- 5.2 **Frequency of meetings:** the Area Domestic Abuse Workforce Safety Group will meet on a monthly basis or if required an urgent/emergency meeting can be called in exceptional circumstances. A standard Agenda will structure the meeting. Minutes will be taken and disseminated to attendees and copies stored on the secure electronic Corporate Safeguarding drive. Access to this drive is restricted to the Area Senior Safeguarding Manager, and is password protected.
- 5.3 The Area Safeguarding Manager will ensure that a secure database of ongoing cases will be updated following each meeting with any actions assigned to an identified group member.
- 5.4 The Group will ensure that any cases discussed will be treated with respect and ensure the highest levels of confidentiality. However, information may need to be escalated where there is a perception of serious risk following discussion.
- 5.5 Any transfer of information between the group and outside agencies will be in accordance with Data Protection Act (2018) and BCUHB procedures.
- 5.6 Victims or perpetrators of domestic abuse discussed will not be in attendance at any meeting.
- 5.7 Line managers will be invited to the initial meeting; thereafter monthly updates will be required to be submitted to the Area Domestic Abuse Workplace Safety Group. Managers can request to attend a meeting to present/discuss any ongoing issues with cases they are dealing with.

- 5.8 Cases that have been brought to the Group will remain open/active until the manager of the staff member has been informed that the case is closed. Cases can only be closed following formal agreement at the meeting, where a note of closing has been made.
- 5.9 Cases in which the perpetrator, who is a BCUHB employee, will remain open until a court has disposed of the case or until the police have informed BCUHB that the investigation has been completed or any Professional Body investigation completed and outcome known. Cases can only be closed following formal agreement at the meeting, where a note of closing has been made.
- 5.10 Notes of the meetings will be stored in restricted access folders on the corporate drive for a maximum of 10 years. A copy will be stored in the employees personal file.
- 5.11 Should the Group's advice/recommendations not be acted upon by the local management then, this will be reported to the Area Safeguarding Forum. If required this can be escalated to the Strategic Safeguarding Governance and Performance Group as soon as possible.

6.0 REPORTING AND ASSURANCE ARRANGEMENTS

- 6.1 The Group, through the Chair (or nominated deputy), shall report quarterly activity, to the Area Quality and Safety Committee and the Area Safeguarding Forum and ultimately to the Safeguarding Governance and Performance Group.

7.0 REVIEW

- 7.1 These terms of reference will be reviewed on an annual basis.

Date Terms of Reference Approved:

Signed: (Chair)

Date:

Area Domestic Abuse Workforce Safety Group

Agenda:

1. Introductions/Apologies.
2. Confidentiality Statement: Information discussed by attendees, within the ambit of this meeting, is strictly confidential and must not be disclosed to third parties without the agreement of the Area Domestic Abuse Workplace Safety Group. It should focus on domestic abuse issues pertaining to the workplace, the management of risk and any vulnerable adult and child protection concerns and a clear distinction should be made between fact and professional opinion.
3. Actions from previous meeting.
4. Chronology and timeline of events and updates.
5. Any ongoing criminal proceedings actions/recommendations from Criminal Justice System.
6. Has professional body been notified in the case of employee perpetrator?
7. Review current workplace Risk Assessment.
8. Ensure staff support systems in place –
Ensure addresses/telephone no. safe for appointments
ESR updated NOK contacts correct
9. Set date of next meeting.

Appendix 5 – Workplace Safety Group Meeting Minutes Template



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

Workplace Safety Group Meeting Minutes

Date of Meeting	Time of Meeting	Venue
Attendees:		
Name	Designation	
	Area Safeguarding Manager Chair	
Apologies:		
Name	Designation	
Name of staff member:		
DOB:		
Address:		
Designation & Area of Work:		
Telephone Number:		
Details of Next of Kin:		
Staff member details correct on ESR:	Yes/No	
Victim/perpetrator:		
Details of any children/vulnerable adults:		
Name:		
DOB:		
Actions Taken:	Child at Risk Report YES/NO Adult at Risk Report YES/NO	
Additional information:		
Name of Line Manager:		
WOD Officer:	Tudalen y pecyn 139	

Case discussed in MARAC		Yes/No	Date of MARAC:		
Date of referral into Workplace Safety Group:					
Dates of previous discussion/s within Workplace Safety Group:					
Review actions from previous meetings:					
Summary/Background information:					
Summary of the case discussion					
Case subject to criminal proceedings:		Yes/No Update			
Professional Body Notification:		Yes/No NMC/GMC/SCW/HPCPC Other:			
Risk Assessment completed/reviewed		Yes/No			
Action Tracker					
No	Action	Responsible Lead	Timescales	Outcome/feedback	RAG Status
Date of Next Meeting:					
Date closed to Workplace Safety Group:					

Appendix 6 – Main Support Agencies

Support Agency	Contact Number
All Wales Domestic Abuse & Sexual Violence Helpline	☎ 0808 8010800
BAWSO (Black Association of Women Step Out)	☎ 0292 0644633
Broken Rainbow Domestic Abuse Helpline (Referral service for Lesbians, Gay, Bisexuals and Transgender LGTB)	☎ 0845 2604460
Childline	☎ 0800 11 11
Dyn Wales/Dyn Cymru Helpline (support for gay, bisexual & heterosexual men experiencing or who have experienced domestic violence)	☎ 0808 8010 800
Forced Marriage Unit	☎ 020 70080151
Foreign Commonwealth Office (forced marriages)	☎ 020 70081500
Freecall Message Home (for those who have left home but want to pass on message to family/friends without communicating directly)	☎ 0208 3924590
Legal Aid advisors (www.justask.org.uk/index.jsp)	☎ 0345 3454345
Male Advice Line and Enquiry Live Fear Free Helpline	☎ 0808 80 10 800
Live Fear Free Helpline by text	☎ 07860077333
National Child Protection Helpline (NSPCC)	☎ 0808 8005000
Immediate Safety – 999 101 NHS Direct Wales North Wales Police	☎ 0845 4647 Immediate Safety 999 - 101
Refuge Women's Aid (www.refuge.org.uk)	☎ 0808 2000247
Reunite (for those who have had or fear child abduction) Shelterline	☎ 0808 800444
The Samaritans	☎ 116123
Unison Welfare Support for members and dependants	☎ 0800 0857857
Victim Support (www.victimsupport.org.uk)	☎ 0808 1689111
Welsh Women's Aid (www.welshwomensaid.org)	☎ 0292 0541551
Local Helplines	Contact Number
Occupational Health and Well-being	☎ 01248 384384 / 01978 291100 / 01745 583910
Rape Crisis	☎ 0808 8010800
Sexual Assault Referral Centre (SARC)	☎ 0808 1563658
Safeguarding (Domestic Abuse)	☎ 0808 8010800
Unison (Members & Non-members)	☎ 01492 516102

Betsi Cadwaladr University Local Health Board (BCUHB)



SCH05b Violence Against Women, Domestic Abuse and Sexual Violence Service User Procedure

Date to be reviewed:	September 2025	No of pages:	61		
		Author(s) title:	Head of Safeguarding Children		
Responsible Dept / Director:	Director of Safeguarding & Public Protection				
Approved by and Date:	Corporate Senior Leads: 01/11/22 Safeguarding Governance and Performance Group [SGPG]: 24/01/23				
Date activated (live):	01/03/23				
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PROPRIETARY INFORMATION

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1.0 Introduction/Overview

- 1.1 There are 2.3 million victims of domestic abuse a year aged 16 to 74, of which two-thirds are women (Office of the National Statistics (ONS), 2020). The number of domestic abuse crimes recorded by the police in England and Wales in the year ending March 2021 increased by 6%, from 798,607 in the year ending March 2020 to 845,734 (ONS, 2021). As many cases will not enter the criminal justice process police data can only provide a partial picture. Domestic abuse can affect anyone, regardless of their sex, age or race. Women are more likely to experience repeat victimisation, be physically injured or killed as a result of domestic abuse and experience non-physical abuse than men (ONS, 2018).
- 1.2 The Domestic Abuse Report 2022: The Annual Audit states that nearly 60% of survivors accessing domestic abuse support services have children and 1 in 15 are pregnant. 59.7% of women in refuge services had children. The length of abuse experienced ranged from less than a month to 66 years; the average was six years. 88% of a sub-sample of service users had experienced emotional abuse and 66.6% had experienced jealous or controlling behaviour.
- 1.3 The Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) Act 2015 legislates to improve public sector response, through strong leadership and a more consistent focus on the way these issues are tackled in Wales and helps victims. Of equal importance the VAWDASV (Wales) Act 201) also legislates to prevent abuse happening in the first place. The VAWDASV (Wales) Act 2015 addresses domestic abuse and sexual violence perpetrated against all people in Wales, irrespective of gender or sexual orientation. It also addresses violence perpetrated against a woman or man arising directly or indirectly from values, beliefs, or customs relating to gender or sexual orientation.
- 1.4 The Social Services and Well-being (Wales) Act (SSWBA) 2014 with the focus being on the provision of preventative services and in promoting wellbeing. Part 7 of the Act describes the process of keeping Adults at Risk (SSWBA 2014) safe, including those that are at risk of domestic abuse and sexual violence, provision is also given for the same response for a Child at Risk (SSWBA 2014) who is experiencing or witnessing domestic violence, abuse or sexual violence.
- 1.5 Domestic Abuse Act 2021, further enhances the VAWDASV Act 2015, will include:
- Create for the first time, a cross-government statutory definition of domestic abuse which recognises children as victims in their own right.
 - Establish in law the office of the Domestic Abuse Commissioner.
 - Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.
 - Extend the controlling or coercive behaviour offence to cover post-separation abuse.
 - Extend the offence of disclosing private sexual photographs and films with intent to cause distress to cover threats to disclose such material.

- Create a new offence of non-strangulation or suffocation of another person.
- Place Clare's Law on a statutory footing.

1.6 For the purpose of the procedure, whenever the term 'domestic violence and abuse' is used it means Violence Against Women, Domestic Abuse and Sexual Violence as described by the VAWDASV (Wales) Act 2015. It also includes any gender based violence.

2.0 Procedure Statement

2.1 Betsi Cadwaladr University Health Board (BCUHB) is affected as both the provider of care for individuals subjected to or perpetrating domestic abuse and sexual violence, and as the employer of staff who may experience or perpetrate abuse. BCUHB is committed to creating an environment which encourages disclosures of domestic abuse and sexual violence within the health care setting and workplace, and is committed to providing support and advice to all those affected. This procedure provides guidance to staff to enable them to support service users, a further procedure has been developed to provide guidance on how to support staff (Sch05a).

2.2 BCUHB supports the Welsh Government Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 in being committed to the resolution of domestic violence, abuse and sexual violence (VAWDASV (Wales) Act 2015).

3.0 Aims/Purpose

3.1 Gender-based violence is a major public health issue. Having health practitioners trained in the identification and management of abuse is essential if we are to address not only today's health problems but those of future generations that originate from Adverse Childhood Experiences (Public Health Wales 2015).

3.2 This procedure identifies processes to support staff in the identification and management of domestic abuse and sexual violence, and seeks to:

- Ensure that staff are aware and alert to the signs of domestic violence, abuse and sexual violence.
- Ensure that staff are confident to make appropriate and timely Reports and referrals to support services within BCUHB, and externally to other partner agencies to ensure that those at risk of harm are protected.
- Enable staff to apply consistent, co-ordinated, evidence based approach to domestic violence, abuse and sexual violence whilst ensuring that perpetrators are prevented from instigating further harm.

- Ensure the needs of people from disadvantaged or under-represented groups are properly considered and that the services of BCUHB are fully accessible and culturally sensitive with regards to policy access, advice, and language needs when working with individuals who face additional difficulties.

4.0 Objectives

- 4.1 The aims and purpose of this procedure will be achieved by:
- Provision of this procedure to ensure a consistent approach in responding to cases involving VAWDASV.
 - Delivery of training relating to VAWDASV in order to educate staff in the delivery of this procedure.

5.0 Scope

- 5.1 This procedure will apply equally to all genders of service user above the age of 16 years who seeks support, advice or assistance in relation to domestic abuse and sexual violence. There is an acknowledgement that 16-18 year olds experience domestic violence, abuse and sexual violence has been in place since 2013 (United Kingdom Government 2013), those under the age of 16 years who are considered at risk of harm, would be referred and assessed as a Child at Risk (SSWBA 2014).
- 5.2 The term 'staff' is used throughout this document and includes all employees/workers as well as students.

6.0 Roles and Responsibilities

- 6.1 **Chief Executive Officer**
The Chief Executive Officer of BCUHB has overall responsibility for the effective management of organisational policies/procedures relating to BCUHB service users.
- 6.2 **Executive Director of Nursing and Midwifery**
Is jointly responsible for ensuring this procedure and any associated documentation relating to Violence Against Women, Domestic Abuse and Sexual Violence are reviewed and updated in line with future guidance, this is delegated to the Director of Safeguarding & Public Protection.
- 6.3 **Head of Safeguarding Children**
Has delegated responsibility from the Director of Safeguarding & Public Protection for ensuring this procedure and associated documentation are reviewed and updated in line with future guidance.
- 6.4 **Safeguarding Midwifery Lead**
Has delegated responsibility for ensuring this procedure and associated documentation is reviewed and updated in line with up to date guidance.

6.5 **Managers and Heads of Services**

Managers are responsible for raising awareness of the procedure to all employees. They are also responsible for ensuring that service users who experience domestic violence, abuse and sexual violence, or who are perpetrators, or family members are treated fairly and offered appropriate support. This support needs to consider safety of the victim and management of risk to children and adults within the family.

7.0 **Procedure**

7.1 **Definitions**

7.1.1 **'Violence against Women'** has been defined by the United Nations as any act of gender-based violence that results in, or is likely to result in, physical sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The term violence against women is used to describe violence perpetrated against a woman because she is a woman, being recognised internationally as a violation of human rights.

7.1.2 **'Domestic Abuse'** definition is a cross-government statutory definition created by the Domestic Abuse Act 2021. Domestic abuse refers to abuse which takes place between two people aged over 16 who are personally connected to each other. This includes people who are or have previously been married, in civil partnerships or in relationships; who have a child together; or are relatives. Abuse can be:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

7.1.3 **Controlling behaviour is:** a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

7.1.4 **Coercive behaviour is:** an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. This definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

7.2 **Types of Domestic Abuse**

7.2.1 **Psychological**

Obsessive behaviour, jealousy, blaming the individual for the abuse, minimising the abuse, threats to kill or harm self or others, humiliation, destroying possessions, stalking, and harassment.

7.2.2 **Physical**

Punching, head butting, biting, suffocation, hair pulling, kicking, slapping, strangulation, drowning, burning, sleep deprivation, using weapons, imprisonment, 'Honour Based Violence' (HBV), Female Genital Mutilation (FGM), and murder.

7.2.3 **Sexual**

Rape, non-consensual sex, unwanted touch, penetration with objects, pornography, buggery, bestiality, not practising safe sex, trafficking, and prostitution.

7.2.4 **Financial**

Denied access to salary/benefits/inheritance, sole mortgage or tenancy arrangements (perpetrator), building up debt, theft and fraud.

7.2.5 **Emotional**

Exclusion, stigma, isolation, forbidden from socialising/working/education, undermining parental authority, leaving visible signs of injury to embarrass and deter from going out, racial abuse, homophobic/biphobic/transphobic abuse, and controlling behaviour such as 'outing' or the threat of 'outing'.

7.3 **Possible signs and/or symptoms of Violence Against Women, Domestic Abuse and/or sexual violence.** This list is non-exhaustive (some apply to both males and females):

7.3.1 **Physical**

- Stress related ailments – headaches, irritable bowel syndrome.
- Bruising to the body, bruising/injury at different stages of healing.
- Injuries to the face head or neck.
- Burns/scalds – consistent with cigarette/chemical/liquid or friction burns.
- Hair loss – consistent with hair pulling.
- Sexually Transmitted Infections (STI's), vaginal infections or gynaecological problems.
- Miscarriages/history of miscarriages/repeated termination of pregnancy.
- Stillbirths, premature labour, low birth weight babies.
- Unexplained injuries or those inconsistent with history.
- Unexplained 'accidents' to children.

7.3.2 **Behavioural**

- Evasive/ashamed/confused.
- Late to work, poor performance/sudden change in performance.
- Long/ frequent short term/intermittent absences from workplace.
- Repeat attendances in areas such as General Practice/Minor Injury Units/Emergency Departments.
- Repeated non-attendance at appointments.
- Presents in health settings complaining with vague symptoms.
- Accompanied to all appointments – difficult to see individual alone.
- Substance misuse.
- Frequent use of pain medication.

- Eating disorders.

7.3.3 **Psychological/Emotional**

- Depression/anxiety/panic attacks.
- Self-harm.
- Attempted suicide.

7.4 **Systems of enquiry:**

7.4.1 **Routine Enquiry:** refers to the process of asking all service users over the age of 16 years direct questions about their experiences, if any, of domestic abuse regardless of whether there are signs or symptoms of abuse (see HITS questions in Appendix 3).

7.4.2 **Selective Enquiry:** refers to the process of asking individuals directly about their experience, if any, of domestic abuse where there are concerns or suspicions, including the presence of signs or symptoms.

7.4.3 **Ask and Act (VAWDASV (Wales) Act 2015):** The new Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 legislated in reference to Ask and Act as a statutory obligation. Ask and Act will be a national targeted enquiry across Public Authorities in Wales for Violence Against Women, Domestic Abuse and Sexual Violence and legislates that there is an:

- Organisational duty to encourage relevant professionals to “Ask” potential victims in certain circumstances (targeted enquiry); and
- to “Act” so that harm as a result of the violence and abuse is reduced.

‘Ask and Act’ is a principles based approach to targeted enquiry; it represents Groups 2 and 3 of the National Training Framework on Violence against Women, Domestic Abuse and Sexual Violence (Welsh Government 2016). The aim of Ask and Act is to increase identification and support for those who experience Violence Against Women, Domestic Abuse and Sexual Violence.

All staff members and managers of BCUHB should be conversant with routine, selective enquiry and the requirements of Ask and Act (VAWDASV (Wales) Act 2015) where there are concerns or suspicions regarding domestic abuse.

Enquiry into domestic abuse should not be undertaken if the person is not seen alone.

However, attempts should be made to see the person alone if there are concerns about domestic abuse, or if, in pregnancy, routine enquiry has not taken place.

To be read in conjunction with BCUHB Domestic Abuse Healthcare Pathway (Appendix 2) and All Wales Minimum Standards, Routine Enquiry into Domestic Abuse, Pregnancy and Early Years (Welsh Government 2022) (Appendix 1).

7.5 Managing a disclosure of domestic abuse

7.5.1 Believe the individual, do not ask for evidence and ensure you provide time for them ensuring you consider their immediate safety needs. Consider the location of the perpetrator and the potential for escalation. Staff must consider the safety of service users, themselves and others within the department/location/environment.

7.5.2 Carry out a risk assessment using the SafeLives Risk Assessment to establish the severity of risk posed to the individual (Appendix 5).

Validate what is being disclosed and reinforce that the abuse is not their fault.

7.5.3 Enquire regarding pregnancy, children and/or Adults at Risk (SSWBA 2014) in the household where domestic abuse occurs. Procedures and policies in relation to Adults and Children at Risk (SSWBA 2014) must also be followed. This includes the completion of a Child at Risk Report and consideration of an Adult at Risk Report. An Adult at Risk Report should not be completed instead of the completion of a MARAC Referral.

7.5.4 Record events using the victims own words and provide a written description/body map of any injuries sustained. Staff member or manager should contact the Safeguarding Team for support and advice in the event of a disclosure or if there is evidence of domestic abuse (injuries/home conditions) but a disclosure is not forthcoming.

7.5.6 Provide an interpreter as necessary. This must **not** be a family member, friend, or BCUHB staff member (unless otherwise recognised as an approved translator).

The use of Welsh Interpretation and Translation Service or other approved interpretation and translation services is advocated to ensure anonymity (see Interpretation Services on intranet or [BetsiNet | Interpretation Services](#)).

7.5.7 Consider arranging an advocate for individuals who face additional difficulties such as learning disability or mental health problems.

7.5.8 A confidential risk assessment worksheet (Appendix 14) should be completed for all health services that are working with the individual/family to ensure that risks are mitigated against for the victim, family, service users and staff.

- 7.5.9 The identified MARAC referral thresholds for visible *high risk* cases of domestic abuse is 14 or more **yes** ticks on the SafeLives Risk Assessment. In cases where 14 **yes** ticks are not achieved, but you determine the case to be high risk, based on professional judgement it is appropriate to undertake a MARAC referral to safeguard the individuals involved (Appendix 4). **High risk** is defined as individuals at risk of homicide or serious harm (SafeLives 2015).
- 7.5.10 In cases that are considered *medium or low risk* – where the outcome of a SafeLives Risk Assessment is less than 14 and the health professional does not consider there are grounds to refer to MARAC on professional judgement, clear communication with other health professionals involved in the care of the woman and family should take place. The GP should be provided with a copy of the SafeLives Risk Assessment. The health professional should revisit the SafeLives Risk Assessment after 1 month. Please refer to (Appendix 4 - Making a Referral to MARAC).
- 7.5.11 If there is a serious and immediate concern for an individual's safety call 999. Information in relation to domestic abuse enquiry should never be recorded in hand-held notes/hand held patient records. There should be clear rationale for any information documented (Data Protection Act 2018) and this should be stored securely in the relevant format used for each service.
- 7.5.12 Where a crime has been disclosed, consideration must be given as to BCUHB's duty of care and whether reporting to Police is required. The Corporate Safeguarding Team can support staff to consider their roles and responsibilities following a disclosure.
- 7.5.13 Where a disclosure has taken place in any of the three general Hospitals (Ysbyty Glan Clwyd, Ysbyty Gwynedd, Ysbyty Wrexham Maelor) staff can access specialist advice and support from the Health-IDVA.
- 7.5.14 A request for refuge accommodation should be taken seriously and immediate.
- 7.5.15 Actions to ensure a place of safety should be taken through discussion with the **Live Fear Free Helpline 0808 8010800**.

7.6 Managing a Disclosure of Sexual Violence

- 7.6.1 The response for dealing with a disclosure of sexual violence will depend upon the venue and health practitioner that is in receipt of the disclosure. As with a disclosure of domestic violence or abuse, believe the individual, do not ask for evidence and ensure you provide time for them ensuring you consider their immediate safety needs. Consider the location of the perpetrator and the potential for escalation. Staff must consider the safety of service users, themselves and others within the department, or if there are children within a family environment. Consideration to whether the individual or other adults are Adults at Risk (SSWBA 2014), or there are identified Children at Risk (SSWBA 2014) should be undertaken and appropriate referrals made to the relevant Local Authority.
- 7.6.2 There should also be consideration to if an individual has capacity to consent, (Appendix 10) details management of cases in the event of a disclosure from an Adult with Capacity, an Adult without Capacity would be managed and supported as an Adult at Risk (SSWBA 2014) and subject to an assessment in relation to the Mental Capacity Act 2005 and if indicated Deprivation of Liberty Safeguards Assessment implemented.
- 7.6.3 Consideration to if there is a need for a risk assessment is required, or signposting to relevant services is relevant, based on capacity and the wishes of the individual.
- 7.6.4 Each Emergency Department of BCUHB will follow the procedure for the management of sexual assault and this is available from: <http://howis.wales.nhs.uk/sitesplus/documents/861/YG%20SARC%20Pathway.pdf>. (Appendix 13). This should be used in conjunction with the SARC leaflet (Appendix 10).
- 7.6.5 **Barriers to disclosure:** This list is non-exhaustive:
- Language barriers.
 - Fear of death or serious harm.
 - Fear of repercussion should the abusive partner find out.
 - Fear of “outing”.
 - Fear that their children may be taken into care.
 - Fear that they may be deported.
 - Fear that they will not be believed.
 - Feelings of shame/guilt/embarrassment.
 - Fear that they will not be supported by professionals/managers or agencies following disclosure.

7.7 Information Sharing Without Consent (Department of Health 2012).

7.7.1 The Department of Health (2012) provides clear guidance in relation to the sharing of information:

'In terms of proportionality, the more serious the harm the greater the imperative to prevent it and the greater the justification for sharing information without consent.'

If the organisation holds information about an individual that could be shared appropriately to protect either the individual or others from harm it becomes an ethical dilemma. The decision to withhold information may in itself then become a contributory factor to harm being caused.

All organisations and individuals should seek to prevent harm proactively; decisions should therefore be proactively taken.

In practice this may mean that under certain circumstances it is recognised that both organisations and individuals have a professional responsibility to share information, and that this duty outweighs the duty of confidentiality owed to the individual'.

7.8 Informed Consent (Mental Capacity Act 2005)

7.8.1 Points to consider:

- Whether the individual understands the nature of the allegation and any potential risk to themselves and others.
- Whether the individual subjected to domestic abuse has the capacity to consent to the reporting process.

7.9 Referring a case to the Multi Agency Risk Assessment Conference (MARAC)

7.9.1 High risk cases of domestic abuse should be referred to MARAC immediately following disclosure using the MARAC referral form (Appendix 7). Consent form for disclosure of information (Appendix 6). The MARAC is a process that focuses on the safety and protection of those individuals most at risk of serious harm or homicide as a result of domestic abuse.

7.9.2 Effective protection of Adults and Children at Risk (SSWBA 2014) is a multi-agency responsibility. MARAC involves the participation of all key statutory and voluntary agencies who may be involved in supporting an individual who is experiencing domestic abuse. BCUHB is a statutory partner in the MARAC process and has identified designated Corporate Safeguarding health representatives attending the MARAC meetings.

7.9.3 The MARAC process involves the creation of a multi-agency action plan, which is put in place to support the individual who is experiencing domestic abuse. Links are also made with other public protection procedures, particularly those that manage perpetrators and safeguard Adults and Children at Risk.

7.9.4 MARAC Referral process:

- MARAC referral form, is sent, password protected with the standard safeguarding password to the North Wales Police Central Protecting Vulnerable Persons Unit:
publicprotectionreferralunit@nthwales.pnn.police.uk.
- A copy of the referral should be sent to
BCU.adultsafeguarding@wales.nhs.uk.
- The Live Fear Free Helpline (0808 8010800) will continue to be available to support low, medium and high risk victims and as a resource for BCUHB staff.
- The offer of private room and the use of a telephone to make contact with the Live Fear Free Helpline (0808 8010800) should be offered to all victims of domestic abuse at the point of disclosure.

If there is a serious and immediate concern for an individual's safety call 999.

7.10 MARAC representative

7.10.1 Representatives will be nominated by the appropriate management structures within the relevant Divisions or Corporate Function within BCUHB from a variety of health services, including:

- Safeguarding.
- Mental Health.
- Substance Misuse Services.
- Other health practitioners involved with the victim/perpetrator/family on an individual basis.

Representatives will be of an appropriate level of seniority so that they can commit to actions on behalf of BCUHB.

In the event that an identified representative cannot attend a MARAC meeting it is their responsibility to nominate a delegate to attend on their behalf. This delegate must be:

- At an appropriate level of seniority.
- Working within the Corporate Function that they are representing.
- Knowledgeable of the MARAC process and their role and responsibility within this process.
- GP practices are sent a letter from the MARAC coordinator informing them a case has been discussed.

7.11 Cases that have not met the MARAC Threshold

- 7.11.1 Remember that risk is dynamic. Following disclosure and completion of the SafeLives Risk Assessment form the health professionals involved with the case should ensure that the SafeLives Risk Assessment form is revisited after 4 weeks. This will monitor for any patterns of escalation, and also the effectiveness of any safety planning measures that may have been put in place.
- 7.11.2 The completed SafeLives Risk Assessment form may be shared with other agencies working with the victim (as required) to minimise the need to repeat the process each time they contact a service.
- 7.11.3 Victims should always be encouraged to make initial contact with the Live Fear Free Helpline (0808 8010800) to ensure the support of specialist support services following disclosure.

The identification and protection of Adults and Children at Risk is paramount and this must be considered at all times.

7.12 Additional Management of Cases

- 7.12.1 When VAWDASV has been perpetrated, the identification and MARAC process supports this process, however there are other processes that need to be considered in relation to these cases, which include:
- There may be an on-going police enquiry, or you may receive a disclosure and enquire if the victim wishes the incident to be reported to the police.
 - The victim may need to be supported in attendance at the Sexual Abuse Referral Centre (SARC), with the practitioner providing relevant information if required.
- 7.12.2 Where a victim or perpetrator has been identified and is an employee of BCUHB, the VAWDASV Workplace procedure should be utilised.

Where a perpetrator has been identified and is an employee of BCUHB, immediate escalation is required to the Corporate Safeguarding Team.

8.0 Resources

Staff will be required to attend safeguarding training that is specific to VAWDASV. This procedure outlines the individual staff responsibilities in relation to VAWDASV, there will be time commitments in undertaking roles in accordance with this procedure, and this is necessary in ensuring that safeguarding obligations are addressed for both adults and children.

9.0 Training

- 9.1 The Corporate Safeguarding Team is responsible for delivering training specific to VAWDASV.
- 9.2 Numbers of staff who attend VAWDASV training will be monitored through ESR and reported by the Corporate Safeguarding Team through the Annual Safeguarding Report and Safeguarding Forums.
- 9.3 All clinical staff should attend VAWDASV, Level 2 training every 2 years.

10.0 Monitoring, Escalation and Implementation

- 10.1 Monitoring of this procedure will be the responsibility of the BCUHB Safeguarding Policy/Procedure Task Group with escalation to the Safeguarding Governance and Performance Group.
- 10.2 This procedure will be disseminated throughout the organisation via a 7 minute briefing, through the relevant forums and the safeguarding bulletin. Mandatory training will be provided for all staff employed by, and contracted to BCUHB as directed through the SCH08-Safeguarding People at Risk Training Strategy and WP30-Statutory and Mandatory Training Policy and Procedure.

11.0 Equality Including Welsh Language

- 11.1 This procedure document strives to eliminate unlawful discrimination, harassment and victimisation of individuals who have experienced or are at risk of VAWDASV.
- 11.2 This procedure aims to promote equality of opportunity and/or good relations between different groups. The need for patient literature in a variety of languages is recognised and the need for translator services, to be assessed on an individual basis.
- 11.3 Information would be made available in Welsh on request.
- 11.4 The Corporate Safeguarding Team is committed to ensuring that, as far as is reasonably practicable, the way it supports BCUHB in providing services to the public and management of staff reflects their individual needs and does not discriminate against individuals or groups.
- 11.5 The Corporate Safeguarding Team has undertaken an Equality Impact Assessment on this procedure and the way it operates. The assessment has identified areas where there may be inequalities and identified initiatives to mitigate against these.

12.0 Environmental Impact

Has been considered and not deemed to be of impact to the environment.

13.0 Review

Will be reviewed three years following the date of approval.

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Appendix 1: Minimum Standards for Routine Enquiry



All Wales Minimum Standards Routine Enquiry into Domestic Abuse, Pregnancy and Early Years

Tudalen y pecyn 160

STANDARD ONE: CONFIDENTIALITY

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>All health professionals must recognise the duty to respect the woman's confidentiality but must be aware of its limitations in the wider public interest.</p>	<p>If the woman withholds consent, or if consent cannot be obtained, disclosures may be made where:</p> <p>They can be justified in the public interest.</p> <p>They are required by law or by order of a court.</p> <p>Where there are potential child protection issues.</p> <p>The professional is justified and has a duty to share information with social services, police or other agencies, where there is an increased risk of abuse/child protection concerns.</p> <p>It is good practice for professionals making a referral to have a discussion with the woman first.</p> <p><i>Extreme care should be taken to protect the safety of victims of abuse. Information should not be disclosed to any third party who may breach their safety.</i></p>	<p>NMC (2015) The Code – Professional Standards of Practice and Behaviour for Nurses, Midwives and Nursing Associates.</p> <p>Wales Safeguarding Procedures 2019 https://www.safeguarding.wales</p> <p>The Data Protection Act (2018) – UK's implementation of the General Data Protection Regulation (GDPR)</p> <p>Social Services & Wellbeing (Wales) Act 2014 https://www.legislation.gov.uk/anaw/2014/4/contents</p> <p>Data Protection Act 1998</p> <p>Human Rights Act 1998 https://www.legislation.gov.uk</p> <p>Serious Crime Act (2015) https://www.legislation.gov.uk</p> <p>SCIE (2019) Safeguarding Adults: sharing information http://www.scie.org.uk/safeguarding/adults/practice/sharing-information</p> <p>H.M Government (2018) Working Together to Safeguard Children www.gov.uk/government/publications</p>	<p>A safe and quiet environment.</p> <p>Support and Supervision for staff.</p> <p>Education & Training, either face to face or virtually.</p> <p>Access to a Translator Service.</p> <p>Access to Local Concerns Management Procedures/Information Governance Procedures.</p>

Tudalen y pecyn 161

STANDARD TWO: ROUTINE ENQUIRY

Tudalen y pecyn 162

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>All women will be routinely asked about domestic abuse at every opportunity during Pregnancy and Early Years, within Maternity, Neonatal Care and Health Visiting Services.</p> <p>If women are unable to be asked this then there should be a clear documented rationale.</p>	<p>Women should be alone when asked about domestic abuse in a safe and supportive environment.</p> <p>Be mindful of discussions with children and other family members present.</p> <p>Ensure lone contact with the woman at least once in pregnancy.</p> <p>If unable to see the woman alone then clearly document this and share this information with other professionals involved.</p> <p>When a disclosure is made the information should be shared between the Midwife, Health Visitor and GP. Any further disclosures or a change in the risk or circumstances should also be shared.</p> <p>Routine enquiry should not be a one off event. It should be at opportunistic intervals at every contact throughout the pregnancy within maternity, neonatal and health visiting services.</p> <p>All Wales and local information to be made accessible and available.</p> <p>Ensure effective updated communication takes place between Midwife/Health Visitor /GP e.g. “handover” exchange of information.</p> <p>Ensure access to an appropriate interpreter, if required.</p>	<p>MBRRACE –UK and Ireland Confidential Enquiries into Maternal Death and Morbidity 2019</p> <p>NICE (2008) Antenatal care – Clinical Guideline 62 www.nice.org.uk/guidance/cg62</p> <p>DOH (2004) National Service Framework for Children Standard 11 – Maternity Services</p> <p>WG (2001) Domestic Violence: A Resource Manual for Health Care Professionals in Wales http://www.wales.gov.uk/domesticviolence</p> <p>DHSE (2017) Domestic Abuse: a resource for health professionals. www.gov.uk/government/publications/domestic-abuse-a-resource-for-health-professionals</p> <p>Pastor-Moreno et al (2020) Intimate Partner Violence during pregnancy and risk of fetal and neonatal death: A Meta-analysis with socioeconomic context indicators. American Journal of Obstetrics and Gynaecology, Vol 222, Issue 2, pp123-133</p> <p>WG (2015) Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>RCN clinical resource page for domestic abuse can be found at rcn.org.uk/clinical-topics/domestic-violence-and-abuse</p> <p>Serious Crime Act 2015 https://legislation.gov.uk</p>	<p>All Wales and local information.</p> <p>Live Fear Free Helpline 0808 80 10 800</p> <p>Education & Training, either face to face or virtually.</p> <p>Safe and private environment.</p> <p>Access to appropriate interpreters.</p> <p>Information/ Communication protocols.</p> <p>Workplace Domestic Abuse Procedures for staff.</p> <p>Annual Audits to demonstrate compliance with this standard.</p>

STANDARD THREE: DISCLOSURE

Tudalen y pecyn 163

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>Women who disclose will be given appropriate support and information.</p> <p>Women will be offered referral to appropriate specialist services.</p>	<p>Provide time for the woman in a quiet and supportive environment.</p> <p>All staff to complete Risk Assessments in order to highlight the severity of risk and make appropriate referrals to specialist services or immediate contact with the Police.</p> <p>Respect the need for confidentiality, but staff must adhere to the Wales Safeguarding Procedures 2019.</p> <p>Give accurate up to date information of relevant agencies and the Live Fear Free Helpline.</p> <p>Discuss consent with the woman for referral to other agencies.</p> <p>If you are concerned about the welfare of a child/children then make a 'Child At Risk Report' in accordance with the Wales Safeguarding Procedures 2019.</p> <p><i>Consent is not essential where there are potential child protection concerns or imminent threats to her safety.</i></p> <p>Ensure access to an appropriate interpreter if required. Preferably the same gender.</p>	<p>Health Boards/Trusts Guidelines/Policies on Consent and Confidentiality.</p> <p>The Data Protection Act (2018) – UK’s Implementation of the General Data Protection Regulation (GDPR)</p> <p>Department of Health and Social Care (2017) Responding to Domestic Abuse A Resource for Health Professionals.</p> <p>Wales Safeguarding Procedures 2019 https://www.safeguarding.wales</p> <p>NMC (2015) The Code – Professional Standards of Practice and Behaviour for Nurses, Midwives and Nursing Associates Human Rights Act 1998 https://www.legislation.gov.uk</p> <p>Criminal Justice Act 2003 www.legislation.gov.uk</p>	<p>Access to appropriate Interpreters.</p> <p>Provision of a quiet environment.</p> <p>All Wales and Local Information.</p> <p>Live Fear Free Helpline 0808 80 10 800</p> <p>Education & Training, either face to face or virtually.</p> <p>Good record keeping updates.</p>

STANDARD FOUR: DOCUMENTATION

Tudalen y pecyn 164

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>All discussions around the Routine Enquiry question and/or disclosure of domestic abuse will be recorded clearly and contemporaneously.</p>	<p>Health Boards must ensure all staff working with pregnant women and during early years will be aware of the documentation process following Routine Enquiry into Domestic Abuse.</p> <p>Staff must not record any disclosure of domestic abuse in the Woman's handheld notes.</p> <p>Staff must ensure that digital information regarding Domestic Abuse/ Routine Enquiry cannot be viewed or accessed by third parties.</p> <p>Health Visitors should record the response in the family section of the Childs notes (electronic or paper notes) using 'SOAP'.</p> <p>Record sufficient, accurate details regarding any abuse using the woman's words in quotation marks.</p> <p>Record the relationship to the perpetrator.</p> <p>Record the presence of any children or other adults in the household.</p> <p>Include information provided on resources/services available and/or referrals made to statutory and/or support services.</p> <p>Record any contact with the police and document the police incident number.</p>	<p>NMC (2015) The Code – Professional Standards of Practice and Behaviour for Nurses, Midwives and Nursing Associates.</p> <p>Responding to Domestic Abuse A resource for Health Professionals (2017) Department for Health and Social Care.</p> <p>The Data Protection Act (2018) – UK's Implementation of the General Data Protection Regulation (GDPR)</p> <p>Wales Safeguarding Procedures 2019 https://www.safeguarding.wales</p>	<p>New staff should be made familiar with this standard and record keeping policy as part of their induction.</p> <p>Ensure all staff aware of policy and guidelines through regular mandatory training.</p> <p>Regular Supervision and access to Safeguarding Teams for guidance and advice in the event of disclosure.</p>

STANDARD FIVE: RISK ASSESSMENT

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>Undertake a risk assessment for the woman, unborn baby, and/or any other children in the household.</p> <p>Staff must consider the safety of the woman, themselves and others within the location/ environment including health settings and use appropriate risk assessment tools.</p>	<p>The practitioner should be familiar with relevant risk assessment procedures for domestic abuse.</p> <p>Assess level of risk using Risk Assessment Tools or Agreed Local Pathway Framework.</p> <p>Refer to Multi Agency Risk Assessment Conference (MARAC) for visible high risk cases of domestic abuse – 14 or more yes ticks on the SafeLives DASH Risk Checklist.</p> <p>Professional judgement can be used for a MARAC referral if deemed high risk.</p> <p>Consider not only the high-risk situation but also any <i>strange or unusual</i> behaviour reported by the woman.</p> <p>For cases of medium & standard risk clear communication with those Health Professionals involved in the care of the woman and family should take place, in agreement with the woman.</p>	<p>WG (2015) Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>Resources for SafeLives https://safelives.org.uk/practice</p> <p>Wales Safeguarding Procedures 2019 https://www.safeguarding.wales</p> <p>WG (2015) Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>Social Services & Wellbeing (Wales) Act 2014 https://www.legislation.gov.uk/anaw/2014/4/contents</p> <p>Domestic Abuse Act 2021 England & Wales</p>	<p>Education & Training, either face to face or virtually.</p> <p>Privacy and Safe environment.</p> <p>Regular supervision and access to Safeguarding Team for guidance and advice.</p> <p>Health Boards/Trusts Lone Working Policy.</p> <p>Access to Health Boards/Trusts Violence and Aggression Officer.</p> <p>Workplace Domestic Abuse Procedures for staff.</p>

STANDARD SIX: CHILD PROTECTION

Tudalen y pecyn 166

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>Where actual or the likelihood of harm is identified, a child at risk report (under the Wales Safeguarding Procedures 2019) must be made.</p> <p>The welfare of any child is paramount <i>including the unborn child.</i></p> <p>Consider also the implications for the pregnant teenager <18 years.</p>	<p>Establish whether children are present within the home when abuse is taking place.</p> <p>Assess level of risk.</p> <p>Consider other situations which may impact on the health and wellbeing of the child and take appropriate action.</p> <p>Seek support from the Named Nurse/Midwife for Safeguarding and/or Corporate Safeguarding Team.</p> <p>Involve Multi Agency Partnerships.</p> <p>Ask the woman for her (verbal) consent for referral to other specialist services.</p> <p><i>Consent is not essential where there are potential child protection concerns/imminent threats to her safety.</i></p>	<p>Wales Safeguarding Procedures 2019 https://www.safeguarding.wales</p> <p>All Wales Practice Guides – Safeguarding Children Affected by Domestic Abuse https://www.safeguarding.wales</p> <p>Social Services & Wellbeing (Wales) Act 2014 https://www.legislation.gov.uk/anaw/2014/4/contents</p> <p>Adverse Childhood Experiences (ACEs) http://www.wales.nhs.uk/sitesplus/888/page/88524</p> <p>UN Convention on the Rights of the Child https://www.unicef.org.uk</p>	<p>Access to Named Nurse/Midwife for Safeguarding.</p> <p>Regular Supervision and access to Corporate Safeguarding Team for guidance and advice.</p> <p>Education & Training, either face to face or virtually.</p> <p>Links with Advocacy Services for Children.</p>

STANDARD SEVEN: SAFETY PLANNING FOR STAFF AND VICTIM

Tudalen y pecyn 167

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>To ensure women, staff and practitioners are equipped with accurate and appropriate advice to stay safe.</p>	<p>Process of safety planning.</p> <p>Support the woman:-</p> <p>Build a trusting, non-judgemental relationship.</p> <p>Encourage the woman to assess her safety needs.</p> <p>Review current risk - risk of harm to herself and/or her children/unborn child.</p> <p>Ensure health professionals are not placed in situations of threat and danger.</p> <p>Offer appropriate, accurate information regarding support agencies.</p> <p>Be an advocate for the woman with other agencies (with consent).</p> <p>Undertake a risk assessment of your environment e.g. when visiting a woman in her home – Consider geographical location, can you get out safely.</p> <p><i>N.B. Ensure that you do not place yourself or your colleague at risk in a potentially violent situation when supporting someone else.</i></p>	<p>Resources for SafeLives https://safelives.org.uk</p> <p>Include Specialist Support Services and Welsh Women’s Aid</p>	<p>Suitable room.</p> <p>Counselling Service.</p> <p>Education & Training, either face to face or virtually.</p> <p>All Wales and Local Information.</p> <p>Live Fear Free Helpline 0808 80 10 800</p> <p>Black Association of Women Step Out (BAWSO) https://bawso.org.uk</p> <p>Health Board/Trust Policy for Staff Experiencing Domestic Abuse.</p> <p>Health Board/Trust Policy for Service Users Who are experiencing Domestic Abuse.</p> <p>Safety Policies as per Health Boards.</p> <p>Mobile Phones Rape Alarms Room Alarms Lone Worker Policies Violence and Aggression Training.</p>

STANDARD EIGHT: PROVISION OF INFORMATION & REFERRAL

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCE REQUIRED
<p>Provide woman with accurate information i.e. resources, help and agencies available.</p> <p>Ensure multi-agency working.</p>	<p>Adopt a calm, open and non-judgemental approach.</p> <p>Give accurate and up to date information of relevant specialist services and the Live Fear Free Helpline.</p> <p>Provide electronic resources available should the woman want.</p> <p>Display relevant information within the Health Board/Trust.</p> <p>Ensure information (especially telephone numbers and electronic links) are current, if not this could endanger the woman.</p> <p>Access to the UK Maternity Portal https://www.pregnotes.net</p>	<p>Social Services & Wellbeing (Wales) Act 2014 https://www.legislation.gov.uk/anaw/2014/4/contents</p> <p>WG (2015) Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>Serious Crime Act 2015 https://www.legislation.gov.uk/ukpga/2015/9/contents</p> <p>Resources for SafeLives https://safelives.org.uk/practice</p> <p>Welsh Assembly Government (2001) Domestic Violence resource manual for Health Care Professionals GBH</p> <p>RCN Clinical Resource Page for Domestic Abuse can be found at: rcn.org.uk/clinical-topics/domestic-violence-and-abuse</p> <p>Criminal Justice Act 2003 www.legislation.gov.uk</p>	<p>Training.</p> <p>Display Boards.</p> <p>Literature - Information and description of other agencies roles.</p> <p>Information in a range of different languages.</p> <p>Information as to where to seek help for the perpetrator as well as the victim.</p> <p>Access to Women's Aid/DAUs, Family Support Units, etc.</p> <p>Posters - Contact information may include telephone numbers of local agencies e.g. Legal Services – consider those who specialise in Domestic Abuse.</p> <p>All Wales and Local Information.</p> <p>Live Fear Free Helpline 0808 80 10 800</p> <p>Access to Safeguarding Ambassadors/Champions.</p>

Tudalen y pecyn 168

STANDARD NINE: SUPPORT & SUPERVISION OF STAFF

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCES REQUIRED
<p>To provide support to staff who are dealing with domestic abuse issues.</p>	<p>Safety and disclosure of information should be discussed with Line Manager and/or Named Nurse/ Midwife for Safeguarding.</p> <p>Access to Clinical Supervision to be provided in order to allow staff to debrief, seek further advice from Line Manager or other relevant personnel.</p> <p>Explore own issues which may influence practice and seek advice accordingly.</p> <p>Provide support to staff who are experiencing, managing domestic abuse issues and signpost to resources.</p> <p>Adherence to Minimum Standards and Principles.</p> <p>Develop skills and identify training needs.</p> <p>Consider advice and support from Local Specialist Services.</p>	<p>Resources for SafeLives https://safelives.org.uk/practice</p> <p>WG (2015) Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>Serious Crime Act 2015 https://www.legislation.gov.uk/ukpga/2015/9/contents</p> <p>NMC (2015) The Code – Professional Standards of Practice and Behaviour for Nurses, Midwives and Nursing Associates.</p>	<p>Education and Training Support/Supervision Training.</p> <p>Local Clinical Supervision Procedures.</p> <p>Access to Peer Supervision.</p> <p>Staff Counselling Service via Local Occupational Health Departments.</p> <p>Workforce and Organisation Development Policies. For example, Flexible Working Policy/Special Leave Policy.</p> <p>Workplace Domestic Abuse Procedures.</p>

Tudalen y pecyn 169

STANDARD TEN: EDUCATION AND TRAINING

STANDARD	PRACTICE GUIDELINES	EVIDENCE BASE	RESOURCES REQUIRED
<p>Staff will be confident and competent to deal with issues involving domestic abuse.</p> <p>Staff should be aware of basic legislation to help and reassure the woman.</p>	<p>Awareness of physical and general indicators.</p> <p>Midwives and Health Visitors to use Routine Enquiry as part of antenatal care.</p> <p>All Health Boards & Trusts to adopt the All Wales Pathway for Domestic Abuse as good practice.</p> <p>Domestic Abuse to be placed on all Health Boards & Trusts Agenda.</p>	<p>NICE (2008) Antenatal Care – Clinical Guideline 62 www.nice.org.uk/guidance/cg62</p> <p>WG (2015) Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/3/contents/enacted</p> <p>The National Training Framework on VAWDASV: statutory guidance under section 15 of VAWDASV (Wales) Act 2015 and Section 60 of the Government of Wales Act 2006 www.assembly.wales</p> <p>Ask and Act www.welshwomensaid.org.uk</p> <p>RCN Clinical Resource Page for Domestic Abuse can be found at rcn.org.uk/clinical-topics/domestic-violence-and-abuse</p> <p>Resources for SafeLives https://safelives.org.uk</p>	<p>Induction days for new staff to include awareness on issues relating to domestic abuse. For example VAWDASV Ask & Act Group 1 Training ELearning</p> <p>Specific mandatory in-service training days for all Midwives and Health Visitors, in relation to Routine Enquiry into Domestic Abuse – either virtual or face to face.</p> <p>Inclusion of Domestic Abuse on Pre and Post Registration Education Curriculum.</p> <p>Access to Champions, Ambassadors, Leads in VAWDASV.</p> <p>NHS Wales Group 2 Ask & Act Training and access details.</p> <p>Safeguarding Supervision Training.</p> <p>Multiagency Training both Regionally and Nationally.</p> <p>Include Audit Compliance and disseminate learning from findings.</p>

Tudalen y pecyn 170

Appendix 2: Domestic Abuse Health Care Pathway

This document is for guidance only and should not deter from taking immediate safety action. If a professional has serious concerns about a victim's situation, they should refer the case to MARAC even if they do not meet the MARAC referral threshold, based on professional judgement.

Routine / Selective Enquiry/
Ask and Act

Voluntary Disclosure

Undertake **Safe Lives** Risk Indicator Checklist

Less than 14 YES

- ❖ Consider the questions in bold relating to high physical harm or danger
- ❖ Rely on your professional judgement.
- ❖ Consider the patients perception of risk.

14 or more YES

Complete MARAC Referral form

Email the SafeLives Risk Assessment and MARAC Referral Form to:

North Wales Central PVPU via:
[publicprotectionreferralunit@nthwales.pnn.
police.uk](mailto:publicprotectionreferralunit@nthwales.pnn.police.uk)

- ❖ Include your name, delegation and the department/service that you are emailing from, provide a contact telephone number for the service.
- ❖ Provide a detailed account of the information disclosed by the victim.
- ❖ Send a copy of the referral to:
BCU.adultsafeguarding@wales.nhs.uk.

Case not going to MARAC?
Remember that risk is dynamic
Continue to monitor for evidence of escalation – repeat SafeLives Risk Assessment in 1 month.

Share information regarding the **Live Fear Free Helpline**.

Consider the need for referral to additional support services such as Counselling Service, Sexual Assault Referral Centre (SARC).

Are there unborn/Children or Adults at Risk involved?

Follow the Wales Safeguarding Procedures (2019), Local Safeguarding Guidelines/Procedures and BCUHB Adult at Risk Policy and Procedures.

Appendix 3: Routine Enquiry/RE1 (HITS) - The HITS Screening Questionnaire

		0	1
Hurt	Does your partner or anyone else at home physically hurt you?	No	Yes
Insult	Does your partner or anyone else at home insult, talk down to you, or control you?	No	Yes
Threaten	Do you feel threatened in your current relationship?	No	Yes
Shout /Safe	Does your partner, ex-partner or anyone else at home shout or swear at you so that you feel unsafe	No	Yes

Total Score		Score of 1 or more is highly suggestive of abuse occurring
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		0	1
Niwed	A yw eich partner neu unrhyw un arall yn eich cartref yn eich niweidio yn gorfforol?	Na	Ydi
Enllib	A yw eich partner neu unrhyw un arall yn eich cartref yn eich enllibio, siarad i lawr arnoch, ceisio eich rheoli?	Na	Ydi
Bygwth	A ydych yn teimlo o dan fygythiad yn eich perthynas?	Na	Ydw
Gweiddi/ Saff	A yw eich partner, cyn bartner neu unrhyw un arall yn eich cartref yn gweiddi neu regi arnoch, yn gwneud i chi beidio teimlo yn saff?	Na	Ydi

Cyfanswm Sgôr		Mae sgôr o 1 neu fwy yn rhoi awgrym uchel fod trais yn digwydd
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Appendix 4: Making a MARAC Referral

If a professional has serious concerns about a victim's situation based on completion of a SafeLives Risk Assessment or professional judgement, they should refer the case to MARAC. Email the referral form and SafeLives risk assessment directly to the North Wales Police Central Protecting Vulnerable Persons Unit:

publicprotectionreferralunit@nthwales.pnn.police.uk and the adult Safeguarding inbox: BCU.adultsafeguarding@wales.nhs.uk.

All information shared within the MARAC referral remains confidential and NO information should be withheld. The quality of the MARAC referral has a direct impact on the management and outcome of the MARAC process for all relevant parties affected, including the victim, perpetrator and any relevant family members, including children.

DISCLOSURE RECEIVED. Complete the SafeLives Risk Assessment with the victim; ensure all sections of the assessment are completed. Ensure that relevant details relating to the victim and perpetrator and any children (including unborn) or Adults at Risk are obtained, including names, addresses, dates of birth and contact details. Ensure relevant consent form is completed.



NEED FOR MARAC REFERRAL IDENTIFIED – based on SafeLives Risk Assessment reaching 14 or more yes responses, or professional judgement. Use your professional judgement in all cases and consider:

Potential Escalation: such as in the circumstances of repeat attendances/ previous disclosures.

Visible High Risk – 14 or more yes ticks on the SafeLives Risk Assessment indicates the case has met threshold for a MARAC referral.

The findings of the SafeLives Risk Assessment are not definitive reaching an assessment of risk; they should provide a structure to inform a practitioner's judgement. If the case has not met 'visible high risk' threshold, based on professional judgement of assessment of risk, the case can be referred to MARAC – supporting information must be provided and included in the practitioners notes.



When all relevant forms are completed, email the MARAC referral form and SafeLives risk assessment to the North Wales Police, Protecting Vulnerable Persons Unit at: publicprotectionreferralunit@nthwales.pnn.police.uk. As well as the adult safeguarding inbox: BCU.adultsafeguarding@wales.nhs.uk.

Ensure that you have all the relevant forms attached, so that all information is available to support your referral, NO information should be withheld. Please provide North Wales Police with a contact number to contact you on in the event further information is required.

Before sending the MARAC referral to North Wales Police please ensure you have:		√
1.	SafeLives Risk Assessment (24 questions).	
2.	Perpetrator's details (name, address, date of birth).	
3.	Details of children/unborn and or Adults at Risk (name, address and date of birth/ estimated date of delivery).	
4.	Details of victims GP.	
5.	Whether the victim is aware of the referral and if consent has been given.	
6.	Details of a safe contact number and time to call the victim.	
7.	Additional relevant information – practitioners notes.	



Appendix 5: SafeLives (Dash) Risk Assessment (RIC)



Ending domestic abuse

SafeLives Dash risk checklist

Risk Checklist should be sent by secure email or other secure method to:

✉ publicprotectionreferralunit@nthwales.pnn.police.uk

And a copy to ✉ BCU.Adultsafeguarding@wales.nhs.uk

Aim of the form

- To help front line practitioners identify high risk cases of domestic abuse, stalking and 'honour'-based violence.
- To decide which cases should be referred to Marac and what other support might be required. A completed form becomes an active record that can be referred to in future for case management.
- To offer a common tool to agencies that are part of the Marac¹ process and provide a shared understanding of risk in relation to domestic abuse, stalking and 'honour'-based violence.
- To enable agencies to make defensible decisions based on the evidence from extensive research of cases, including domestic homicides and 'near misses', which underpins most recognised models of risk assessment.

How to use the form

Recommended referral criteria to Marac

1. **Professional judgement:** if a professional has serious concerns about a victim's situation, they should refer the case to Marac. There will be occasions where the particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. ***This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers particularly in cases of 'honour'-based violence.*** This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria 2 and/or 3 below.
2. **'Visible High Risk':** the number of 'ticks' on this checklist. If you have ticked 14 or more 'yes' boxes the case would normally meet the Marac referral criteria.
3. **Potential Escalation:** the number of police callouts to the victim as a result of domestic violence in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the list, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at Marac. It is common practice to start with 3 or more police callouts in a 12 month period but **this will need to be reviewed** depending on your local volume and your level of police reporting.

Before completing the form for the first time we recommend that you read the full practice guidance and FAQs. These can be downloaded from:

<http://safelives.org.uk/sites/default/files/resources/FAQs%20about%20Dash%20FINAL.pdf>. Risk is dynamic and can change very quickly. It is good practice to review the checklist after a new incident.

¹ For further information about Marac please refer to the 10 principles of an effective Marac:

<http://safelives.org.uk/sites/default/files/resources/The%20principles%20of%20an%20effective%20MARAC%20%28principles%20only%29%20FINAL.pdf>

Please pay particular attention to a practitioner's professional judgement in all cases. The results from a checklist are not a definitive assessment of risk. They should provide you with a structure to inform your judgement and act as prompts to further questioning, analysis and risk management whether via a Marac or in another way. **The responsibility for identifying your local referral threshold rests with your local Marac.**

What this form is not

This form will provide valuable information about the risks that children are living with but it is not a full risk assessment for children. The presence of children increases the wider risks of domestic violence and step children are particularly at risk. If risk towards children is highlighted you should consider what referral you need to make to obtain a full assessment of the children's situation.

SafeLives Dash risk checklist for use by Idvas and other non-police agencies² for identification of risks when domestic abuse, 'honour'- based violence and/or stalking are disclosed

Please explain that the purpose of asking these questions is for the safety and protection of the individual concerned. Tick the box if the factor is present. Please use the comment box at the end of the form to expand on any answer. It is assumed that your main source of information is the victim. If this is not the case, please indicate in the right hand column	YES	NO	DON'T KNOW	State source of info if not the victim (eg police officer)
1. Has the current incident resulted in injury? Please state what and whether this is the first injury.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are you very frightened? Comment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. What are you afraid of? Is it further injury or violence? Please give an indication of what you think [name of abuser(s)] might do and to whom, including children. Comment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Do you feel isolated from family/friends? ie, does [name of abuser(s)] try to stop you from seeing friends/family/doctor or others? Comment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are you feeling depressed or having suicidal thoughts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Have you separated or tried to separate from [name of abuser(s)] within the past year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is there conflict over child contact?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Does [name of abuser(s)] constantly text, call, contact, follow, stalk or harass you? Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Are you pregnant or have you recently had a baby (within the last 18 months)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Is the abuse happening more often?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Is the abuse getting worse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Does [name of abuser(s)] try to control everything you do and/or are they excessively jealous?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

² Note: This checklist is consistent with the ACPO endorsed risk assessment model DASH 2009 for the police service.

For example: in terms of relationships; who you see; being 'policed' at home; telling you what to wear. Consider 'honour'-based violence (HBV) and specify behaviour.				
13. Has [name of abuser(s)] ever used weapons or objects to hurt you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Has [name of abuser(s)] ever threatened to kill you or someone else and you believed them? If yes, tick who: You <input type="checkbox"/> Children <input type="checkbox"/> Other (please specify) <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Has [name of abuser(s)] ever attempted to strangle / choke / suffocate / drown you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tick the box if the factor is present. Please use the comment box at the end of the form to expand on any answer.	YES	NO	DON'T KNOW	State source of info
16. Does [name of abuser(s)] do or say things of a sexual nature that make you feel bad or that physically hurt you or someone else? If someone else, specify who.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Is there any other person who has threatened you or who you are afraid of? If yes, please specify whom and why. Consider extended family if HBV.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Do you know if [name of abuser(s)] has hurt anyone else? Consider HBV. Please specify whom, including the children, siblings or elderly relatives: Children <input type="checkbox"/> Another family member <input type="checkbox"/> Someone from a previous relationship <input type="checkbox"/> Other (please specify) <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Has [name of abuser(s)] ever mistreated an animal or the family pet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20. Are there any financial issues? For example, are you dependent on [name of abuser(s)] for money/have they recently lost their job/other financial issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21. Has [name of abuser(s)] had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life? If yes, please specify which and give relevant details if known. Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Mental health <input type="checkbox"/>				
22. Has [name of abuser(s)] ever threatened or attempted suicide?				
23. Has [name of abuser(s)] ever broken bail/an injunction and/or formal agreement for when they can see you and/or the children? You may wish to consider this in relation to an ex-partner of the perpetrator if relevant. Bail conditions <input type="checkbox"/> Non Molestation/Occupation Order <input type="checkbox"/> Child contact arrangements <input type="checkbox"/> Forced Marriage Protection Order <input type="checkbox"/> Other <input type="checkbox"/>				
24. Do you know if [name of abuser(s)] has ever been in trouble with the police or has a criminal history? If yes, please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Domestic abuse	<input type="checkbox"/>				
Sexual violence	<input type="checkbox"/>				
Other violence	<input type="checkbox"/>				
Other	<input type="checkbox"/>				
Total 'yes' responses					

For consideration by professional

<p>Is there any other relevant information (from victim or professional) which may increase risk levels? Consider victim's situation in relation to disability, substance misuse, mental health issues, cultural / language barriers, 'honour'- based systems, geographic isolation and minimisation. Are they willing to engage with your service? Describe.</p>	
<p>Consider abuser's occupation / interests. Could this give them unique access to weapons? Describe.</p>	
<p>What are the victim's greatest priorities to address their safety?</p>	

<p>Do you believe that there are reasonable grounds for referring this case to MARAC?</p>		<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>If yes, have you made a referral?</p>		<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Signed</p>		<p>Date</p>
<p>Do you believe that there are risks facing the children in the family?</p>		<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>If yes, please confirm if you have made a referral to safeguard the children?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Date referral made</p>
<p>Signed</p>		<p>Date</p>
<p>Name</p>		

Appendix 6: Consent forms for Disclosure of Information and Information Sharing Without Consent (ISWC).

Affix Patient Label

I _____ hereby **authorise** the appropriate sharing of my personal information with partner agencies involved in the Multi-Agency Risk Assessment Conference [MARAC] (Voluntary Sector (e.g. Welsh Women’s Aid), Statutory Sector (e.g. Social Services and / or the Police) in order to ensure that my safety and well-being remains paramount.

I _____ hereby **do not authorise** the appropriate sharing of my personal information with partner agencies involved in the Multi Agency Risk Assessment Conference [MARAC] (Voluntary Sector (e.g. Welsh Women’s Aid), Statutory Sector (e.g. Social Services and / or the Police).

I understand that the information will be processed in accordance with the Data Protection Act 1998.

I am aware that I can withdraw my consent at any time, however if I withdraw or withhold my consent there may be circumstances where part or all of my information may be shared to ensure my safety and well-being or the safety and well-being of another person.

Signed: _____ Date: _____

Print Name:

Name and designation of healthcare professional completing this form:

Signed: _____ Date: _____

Designation:

Part 2 - Information Sharing Without Consent (ISWC)

(Only to be completed when consent is not given by the victim)

Part 2 ISWC should be sent by secure email or other secure method to:

publicprotectionreferralunit@nthwales.pnn.police.uk

And a copy to BCU.Adultsafeguarding@wales.nhs.uk

Legal Authority to Share

Protocol relevant	Y / N	If yes, please detail	

Or

Legal grounds (If yes, please tick one or more grounds below)	Y / N
Prevention and detection of crime	
Prevention / detection of crime and/or apprehension or prosecution of offenders (DPA, sch 29)	
To protect vital interests of the data subject; serious harm or matter of life or death (DPS, sch 2 & 3)	
For the administration of justice (usually bringing perpetrators to justice (DPA, sch 2 & 3)	
For the exercise of functions conferred on any person by or under any enactment (police / Social Services) (DPA, sch 2 & 3)	
In accordance with a court order	
Overriding public interest (common law)	
Child protection – disclosure to social services or police for the exercise of functions under the children act, where the public interest in safeguarding the child's welfare overrides the need to keep the information confidential (DPA, sch 2 & 3)	
Right to life (Human Rights Act, art. 2 & 3)	
Right to be free from torture, of inhuman or degrading treatment (HUMAN RIGHTS ACT, ART. 2 & 3)	
Please confirm you have considered GDPR guidance and restrictions	

Rationale for your decision to share	
--------------------------------------	--

Client Notification

Client notified	Y/ N	Date notified	
If not, why not			

Record the following information-sharing in Case File:

Date information shared	
Agency & named person informed	
Method of contact	
Legal authority for each agency	
Signature of caseworker Date:	
Signature of manager/or person in charge Date:	

Appendix 7: MARAC Referral form



Restricted when completed

MARAC REFERRAL TO POLICE

Referrals should be sent by secure email or other secure method to:

✉ publicprotectionreferralunit@nthwales.pnn.police.uk

and a copy to ✉ BCU.Adultsafeguarding@wales.nhs.uk

Referring agency			
Contact name(s)			
Telephone / Email			
Date			
Victim name		Victim DOB	
Address			
What is the status of the tenancy?	Private owned <input type="checkbox"/>	Private rented <input type="checkbox"/>	Shared tenancy <input type="checkbox"/>
Telephone number		Is this number safe to call?	Y / N
Please insert any relevant contact information, eg times to call			
GP Details			
Diversity data (if known)	B&ME <input type="checkbox"/> Disabled <input type="checkbox"/> LGBT <input type="checkbox"/> Literacy or Numeracy Difficulties <input type="checkbox"/> Gender M / F		
Perpetrator(s) name		Perpetrator(s) DOB	

Perpetrator(s) address		Relationship to victim (carer?)	
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Children (please add extra rows if necessary)	DOB	Relationship to victim	Relationship to perpetrator	Address	School (If known)

Reason for referral / additional information

Visible high risk (14 ticks or more on Safe Lives - DASH RIC)	Y / N	Volume and escalation (3 or more domestic incidents in 6 months, with evidence of escalation – are the gravity of the incidents becoming more serious)	Y / N
MARAC repeat <i>(further incident identified within twelve months from the date of the last referral)</i>	Y / N	If yes, please provide the date listed / case number (if known)	
Professional judgement <i>(include rationale)</i> <i>(this is where you deem the risk to be High)</i> <i>N.B you are not using your Professional Judgement to ask for the case to be heard at MARAC, it is only your Professional Judgement to declare the case High Risk</i>			

<p>Rationale notes – why you feel this case needs to be heard at MARAC</p>		
<p>Is the victim aware of referral?</p>	<p>Y / N</p>	<p>If no, why not?</p>
<p>Has consent been given? <i>(If no please complete the ISWC section (page 4))</i></p>	<p>Reminder - Consent – Please read this statement to the victim <i>We ask you for information about yourself so that we can make sure that we can put a safety plan in place that will provide the most appropriate services, protection or support that you may need</i></p> <p><i>To make sure it is the most appropriate and effective service for you, it may mean that we will be sharing this information or obtaining information about you, from other agencies such as your GP, Health worker and Housing</i></p> <p>Y / N</p>	
<p>Does the victim want to talk to the Police?</p>	<p>North Wales Police comply with Home office Crime recording general rules; Crimes are often reported by individuals acting on behalf of victims. These may be referred to as ‘Third Party’ reports and commonly such reports include the following:</p> <ul style="list-style-type: none"> • Persons acting in a professional capacity e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age; <p>When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes. Such recording must occur regardless of whether the victim is aware of the relevant third party’s intention(s) or has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.</p> <p>Y/N</p>	
<p>Who is the victim afraid of? <i>(to include all potential threats, and not just primary perpetrator)</i></p>		
<p>Who does the victim believe it safe to talk to?</p>		
<p>Who does the victim believe it not safe to talk to?</p>		
<p>Has the victim been referred to any other MARAC previously?</p>	<p>Y / N</p>	<p>If yes where / when?</p>

List sources of information used including any risk assessment tools	
What is your role/involvement with the individual	
Please indicate the duration of your contact with the individual	
Please detail safeguarding actions carried out based on the information you have received. Detail any referral pathways completed (Where there is an immediate need for Police response please follow reporting protocol by calling 999 or 101)	

Name and position	
Please ensure the MARAC referral has been completed to a satisfactory standard it is the responsibility of the referring agency to be satisfied that the threshold for MARAC is reached	
Signed – (e-sign or initial if electronic)	
Date	

Appendix 8: MARAC Research Form

Consistent and accurate research will help attendees at MARAC to build up as comprehensive a picture as possible of a case at the meeting. In practice, most agencies will frequently be unaware of information held by others. If research is done before the meeting, it can be shared where appropriate and an action plan can be established in the timeliest way possible.

- When undertaking research in advance of the meeting, it is important that agencies do not automatically contact the victim unless they need to take immediate actions to address risk. In most cases, the IDVA service will contact the victim in advance of the meeting and agencies should contact either the IDVA service or the referring agency in the first instance;
- Some agencies will be working with either children or the perpetrator; in this case the research form may need to be adapted to reflect their particular source of information;
- The research form should be completed by the designated agency representative themselves or they may contact the relevant officer or support / key worker;
- The information within the research form should be current, accurate and, where necessary make a distinction between fact and professional opinion;
- Expectations about the use of a common research form by agencies should be addressed in the MARAC Operating Protocol (MOP). SafeLives would recommend that research forms are internal documents for use by the relevant agency and the information contained within them should be shared verbally at the MARAC meeting, where relevant and proportionate.
- It is possible that you will record info on the research form that you decide is not relevant to share at the MARAC. You may wish to write this and the reasons for not sharing the information on the research form.

MARAC research form

Name		Agency: Betsi Cadwaladr University (BCUHB) Health Board
Designation		
Telephone / Email		
Date		

Victim name	
Victim DOB	
Victim address	
MARAC case number (from list)	
Details of Children	

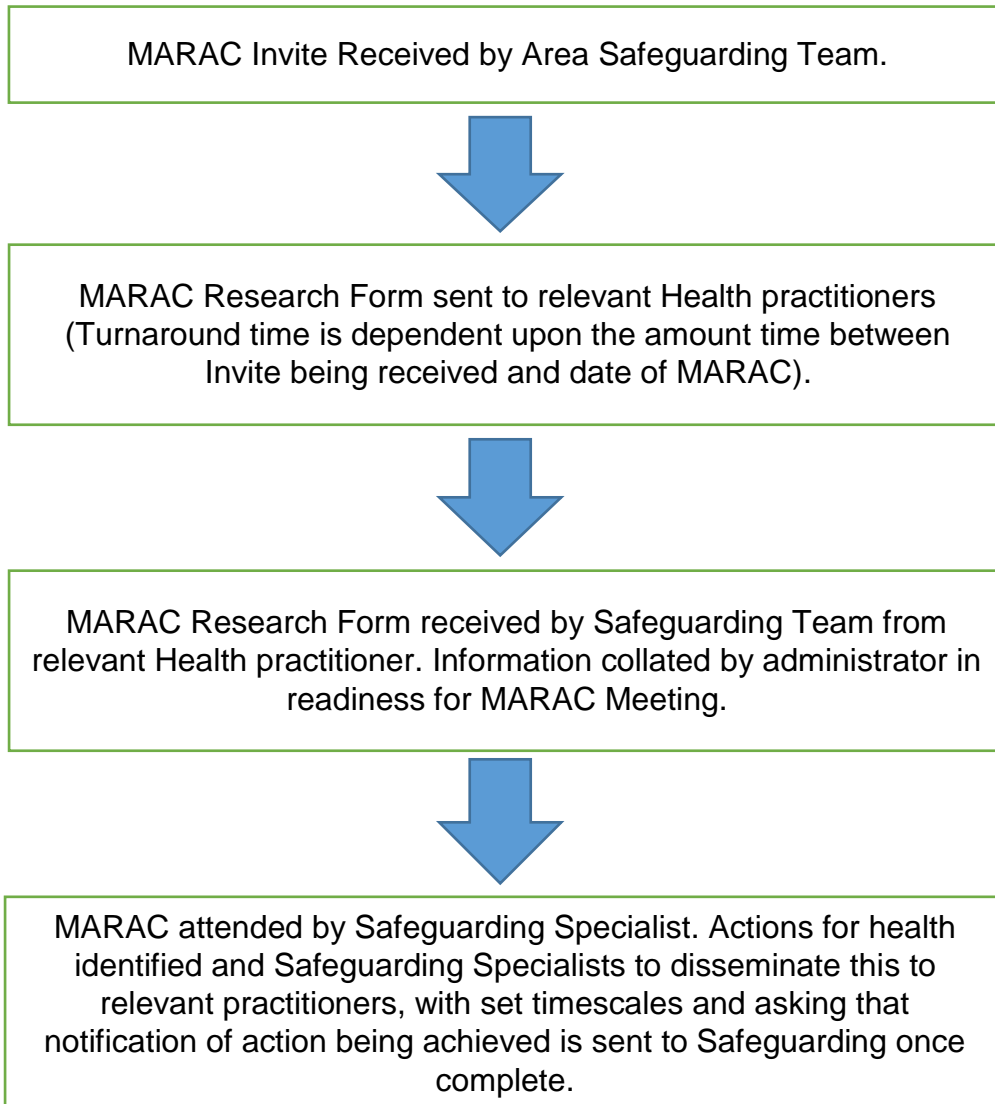
Please insert any changes / errors / other information (e.g. aliases or nicknames) below

Are the victim details on the MARAC list accurate?	Y / N	
Are the children(s) details on the MARAC list accurate?	Y / N	
Are the perpetrator details on the MARAC list accurate?	Y / N	

Note records of last sightings, meetings or phone calls.	
Note recent attitude, behaviour and demeanour, including changes.	
Highlight any relevant information that relates to any of the risk indicators on the checklist (e.g. <i>the pattern of abuse, isolation, escalation, victim's greatest fear etc.</i>).	

Other information (e.g. actions already taken by agency to address victim's safety).	
What are the victim's greatest priorities to address their safety?	
Who is the victim afraid of? To include all potential threats, and not just primary perpetrator.	
Who does the victim believe it safe to talk to?	
Who does the victim believe it not safe to talk to?	
Please include below any relevant and significant information regarding the children	
Name/School	
GP Name and Surgery	

Appendix 9: Safeguarding Team Responsibilities throughout the MARAC Process Flowchart





Amethyst.

**North Wales Sexual
Assault Referral Centre**

*Sexual assault can be a terrifying,
humiliating and traumatic experience.*

*We aim to provide choice and confidential
support following sexual assault or rape.*

What is Amethyst?

Amethyst is a Sexual Assault Referral Centre (SARC) for North Wales, where a range of specially trained professionals give help, support and information to individuals who have been raped or sexually assaulted, whether recently or in the past.

We have been developed in partnership with the police, health and voluntary services to ensure that victims of these crimes get the best possible care.

How can we help?

We can explain the various options that may be available to help you make the right decision for your situation. You can talk to a crisis worker about the options available to you.

If you need information about our services call **0808 156 3658**. Office hours are Monday to Friday 9am to 5 pm (excluding bank holidays). At all other times you will be connected to our out of hours service and a trained crisis worker will call you back as soon as possible.

You can also access further information about the choices you have by visiting www.amethystnorthwales.org.uk

What are my choices?

If you want to discuss what is available to you or what to do, call to speak to a crisis worker confidentially.*

Police Referrals

You can make a formal report to the police, we can explain how this works. If appropriate the police may then arrange for you to have a forensic examination. The police can access the centre 24 hours a day and a crisis worker will also attend to support you. An interview will be arranged at a convenient time for you.

Self Referrals

You can choose not to report to the police.

- We can advise you about other services available to help you, and either offer an appointment to attend the centre to discuss this or arrange referral as required. Your concerns may be about sexual health issues, emotional support or wider health and social care issues. We have links with other services that may be able to support you.
- If relevant you may decide to have a forensic medical so that potential evidence can be taken and stored, in case you decide to report to the police. You can also choose to share forensic evidence anonymously with the police.

- You may not wish to have a forensic examination, but you might want to share information about the assault anonymously with the police, we can help with this.

What happens during the forensic examination

This is a medical examination carried out by a specially trained doctor or nurse to collect evidence. Specimens such as swabs or a blood/urine test may also be taken. It is important that these are taken as soon as possible after the assault to ensure that vital evidence is not lost. You will be fully supported by a trained crisis worker throughout the forensic examination. The crisis workers role is to ensure you make informed choices, and are supported throughout the medical examination and are cared for with dignity and respect.

What about emotional support?

There are usually a lot of different emotions after sexual assault. Confusing thoughts, emotions, and sensations are normal reactions to stress and assault. We can offer information and arrange referral for support to cope with these normal responses.

We can inform you about other services that can help with support or counselling.

What about sexual health concerns?

We can give you advice on how to access screening for sexually transmitted infections and when would be the most appropriate time to be tested. An appointment can be made for you to attend the Amethyst Sexual Health clinic or we can help arrange for you to attend a clinic convenient to your local area.

Contact details:

Telephone: 0808 156 3658

It is important that you contact the Amethyst Centre to make an appointment as we are not able to see you without one.

Email us at: BCU.Amethyst@wales.nhs.uk Please note this will only be monitored during office hours.

Visit our website: www.amethystnorthwales.org.uk

**Amethyst is a confidential service. It is up to you if you decide to tell anybody about what has happened. However we may need to break confidentiality if we believe you or someone else is at risk of serious harm. We would keep you informed of this wherever possible. We need to share information with other agencies if we believe a child or vulnerable person is at risk of serious harm.*



Amethyst.

**Canolfan Atgyfeirio Dioddefwyr
Troseddau Rhywiol**

*Gall trais rhywiol fod yn brofiad
brawychus, erchyll a thrawmatig.*

*Ein nod yw darparu dewis a chymorth cyfrinachol
yn dilyn ymosodiad neu achos o drais rhywiol.*

Tudalen y pecyn 193

Beth yw Amethyst?

Canolfan Atgyfeirio Dioddefwyr Troseddau Rhywiol (SARC) ar gyfer Gogledd Cymru yw Amethyst, lle mae amrywiaeth o weithwyr proffesiynol yn rhoi cymorth, cefnogaeth a gwybodaeth i unigolion sydd wedi cael eu treisio neu eu hymosod arnynt yn rhywiol boed hynny'n ddiweddar neu yn y gorffennol.

Datblygwyd y Ganolfan mewn partneriaeth â'r heddlu a gwasanaethau iechyd a gwirfoddol eraill er mwyn sicrhau bod dioddefwyr y troseddau hyn yn cael y gofal gorau posibl.

Sut allwn ni helpu?

Gallwn egluro'r gwahanol opsiynau a allai fod ar gael i chi er mwyn eich helpu chi i wneud y penderfyniad cywir ar gyfer eich sefyllfa. Gallwch siarad â gweithiwr argyfwng am yr opsiynau sydd ar gael i chi.

Os oes angen gwybodaeth am ein gwasanaethau arnoch ffoniwch **0808 156 3658**. Mae'r swyddfa ar agor o ddydd Llun i ddydd Gwener 9am i 5pm (gan eithrio gŵyl y banc). Os ydych yn ffonio ar unrhyw amser arall byddwch yn cael eich cysylltu i'n gwasanaeth tu allan i oriau swyddfa a bydd gweithiwr argyfwng yn eich ffonio'n ôl cyn gynted â phosibl.

Gallwch ddod o hyd i fwy o wybodaeth am y dewisiadau sydd gennych drwy fynd i: www.amethystnorthwales.org.uk

Pa ddewisiadau sydd gennych?

Os ydych eisiau trafod beth sydd ar gael i chi neu beth ddylech wneud, ffoniwch i siarad yn gyfrinachol â gweithiwr argyfwng.*

Atgyfeiriadau'r Heddlu

Gallwch wneud adroddiad ffurfiol i'r Heddlu, gallwn egluro i chi sut mae hyn yn gweithio. Os yn briodol, efallai y bydd yr Heddlu yn trefnu i chi gael archwiliad ffrensig. Gall yr heddlu gael mynediad i'r ganolfan 24 awr y dydd a bydd gweithiwr argyfwng hefyd yn mynychu er mwyn eich cefnogi. Bydd cyfweiliad yn cael ei drefnu ar amser sy'n gyfleus i chi.

Hunan atgyfeiriadau

Gallwch ddewis peidio â riportio'r mater i'r heddlu.

- Gallwn eich cynghori am wasanaethau eraill sydd ar gael i'ch helpu chi ac un ai cynnig apwyntiad i chi fynychu'r ganolfan i drafod hyn neu drefnu atgyfeiriad yn ôl yr angen. Efallai eich bod yn brwyderus am faterion iechyd rhyw, bod angen cymorth emosiynol arnoch neu eich bod yn poeni am faterion iechyd neu gymdeithasol ehangach. Mae gennym gysylltiadau â gwasanaethau eraill a allai eich helpu.
- Os yn berthnasol, efallai y byddwch yn penderfynu cael archwiliad meddygol ffrensig er mwyn i unhyw dystiolaeth allu cael ei chymryd a'i storio, rhag ofn y byddwch yn penderfynu riportio'r

digwyddiad i'r heddlu yn ddiweddarach. Gallech ddewis rhannu tystiolaeth ffrensieg â'r heddlu yn gyfrinachol.

- Efallai na fyddwch yn dymuno cael archwiliad ffrensieg ond efallai yr hoffech rannu gwybodaeth am yr ymosodiad yn ddiennw â'r heddlu, gallwn helpu â hyn.

Beth sy'n digwydd yn ystod yr archwiliad ffrensieg?

Archwiliad meddygol yw hwn a gynhelir gan feddyg neu nyrs sy'n gymwys i gasglu tystiolaeth. Efallai y bydd swabiau neu brofion gwaed/troeth hefyd yn cael eu cymryd. Mae'n bwysig bod y rhain yn cael eu cymryd cyn gynted â phosib yn dilyn yr ymosodiad er mwyn sicrhau nad yw tystiolaeth hanfodol yn cael ei golli. Byddwch yn cael eich cefnogi'n llawn gan weithiwr argyfwng cymwys drwy gydol yr archwiliad ffrensieg. Rôl y gweithiwr argyfwng yw sicrhau eich bod chi'n gwneud penderfyniadau gwybodus, yn cael eich cefnogi drwy gydol yr archwiliad meddygol a'ch gofalu amdanoch a'ch trin ag urddas a pharch.

Beth am gefnogaeth emosiynol?

Fel arfer, mae yna nifer o wahanol emosiynau yn dilyn ymosodiad rhywiol. Mae teimlo'n ddryslyd ac yn emosiynol yn ymatebion cyffredin i straen a chael eich ymosod arnoch. Gallwn gynnig gwybodaeth a threfnu atgyfeiriad am gymorth i ymdopi â'r ymatebion cyffredin hyn.

Gallwn eich hysbysu am wasanaethau eraill sy'n gallu eich helpu chi â chymorth neu gwrsela.

Beth am bryderon iechyd rhywiol?

Gallwn roi cyngor i chi ar sut i gael eich sgrinio am heintiau a drosglwyddir yn rhywiol a phryd fyddai'r amser mwyaf priodol i gael eich profi. Gellir gwneud apwyntiad i chi fynychu clinig iechyd rhyw Amethyst neu gallwn drefnu i chi fynychu clinig sy'n gyfleus i chi'n lleol.

Manylion cyswllt:

Rhif Ffôn: 0808 156 3658

Mae'n bwysig eich bod chi'n cysylltu â Chanolfan Amethyst er mwyn gwneud apwyntiad gan na allwn eich gweld heb i chi wneud hynny.

E-bost: BCU.Amethyst@wales.nhs.uk Noder mai dim ond yn ystod oriau swyddfa y byddwn yn monitro'r gwasanaeth e-bost.

Ewch i'n gwefan: www.amethystnorthwales.org.uk

** Mae Amethyst yn wasanaeth cyfrinachol. Eich penderfyniad chi yw divedd wrth rwydd beth sydd wedi digwydd ai peidio. Fodd bynnag, efallai y bydd rhaid i ni dorri cyfrinachedd os yr ydych chi'n credu eich bod chi'n rwydd arall mewn perygl o niwed difrifol. Byddem yn eich hysbysu am hyn ble bynnag yn bosibl. Fodd bynnag, i ni ni ddigwybodaeth ag arsanetaethau eraill os ydych chi'n farnu bod rhwydd niwed i bwydd neu wasanaeth agored i niwed.*

Appendix 11

Amethyst Sexual Assault Referral Centre (SARC) NW
Self referral line: 0808 156 3658

Live Fear Free 24/7 Helpline: 0808 80 10 800

C.A.L.L. Mental Health Helpline: Freephone 0800 132 737 or text 'help' to 81066

Childline: 0800 1111

LGBT Cymru helpline:
Mondays 7pm—9pm: 0800 980 4021

NAPAC (National Association for People Abused In Childhood): Call free from all landlines and mobiles on 0808 801 0331 or email to support@napac.org.uk

NSPCC, 24/7 helpline: 0808 800 5000

Rape & Sexual Abuse Support Centre (NW):
24/7 Helpline: 0808 80 10 800
Counselling Service: 01248 670628

Samaritans, 24/7 helpline: 116 123

Stepping Stones North Wales Counselling Services:
01978 352 717

Survivors UK, Male Rape and Sexual Abuse:
Office hours Mon-Fri 020 3598 3898

The Survivors Trust Cymru Helpline
08088 01 0818

Emergency Contraception Services:
NHS Wales Direct 24/7 helpline: 08 45 46 47

NHS Sexual Health Services Appointments:
Wrexham Mon 09:30-14:00, Tues—Friday Fri 9.30am—17.00pm - 01978 727 197
Conwy, Denbighshire & Flintshire Mon to Fri 09:00—15.00pm - 03000 856 000
Gwynedd & Anglesey
Mon to Fri 9.30am—15:00pm -01248 384054

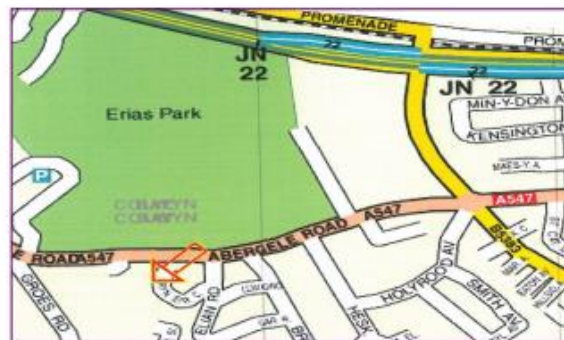
DIRECTIONS TO AMETHYST

A55 EAST BOUND

Leave the A55 at junction 22.
Turn right, go up the hill.
At the mini roundabout take the 4th exit onto Abergele Road—A547.
Turn left into Elian Road
Turn right into Bryn Eirias Close. Amethyst is on the right hand side.

A55 WEST BOUND

Leave the A55 at junction 22.
Turn left, go up the hill.
At mini roundabout take the 4th exit onto Abergele Road A547.
Turn left into Elian Road.
Turn right into Bryn Eirias Close.
Amethyst is on the right hand side.



Amethyst,
1-3 Bryn Eirias Close,
Off Elian Road,
Colwyn Bay, Conwy
LL29 8AB



Updated 02/16



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WALES

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Betsi Cadwaladr
University Health Board

Independent Sexual Violence Advisor Service (ISVA)



North Wales

Anglesey, Conwy, Gwynedd, Flintshire,
Denbighshire and Wrexham
01492 805384

www.BCUHB.nhs.wales/health-advice/sexual-health-advice/Amethyst-sexual-assault-referral-centre/

A free and independent service for
adults, young people and children in
North Wales

What is an ISVA/CYPSVA?

An ISVA is a specially trained Independent Sexual Violence Advisor. A CYPSVA is a specially trained ISVA who works with children and young people. The ISVA service for North Wales offers both ISVA and CYPSVA support to adults, young people and children, regardless of gender, who have experienced sexual violence, now or in the past. You do not have to report to the police to seek support.

The ISVA is independent of the police and criminal justice services. They are a source of impartial advice and up-to-date information, and can help you consider your options and make decisions that are right for you.

The ISVA/CYPSVA can offer flexible working outside of normal office open hours, but on a needs basis and where appropriate.

How can an ISVA/CYPSVA help?

The ISVA works flexibly to support you in your particular circumstances. This can include help with:

- * Health
- * Housing
- * Work
- * Education
- * Benefits
- * Criminal Justice matters

The ISVA can refer you to other agencies to ensure you receive the practical support and services you are entitled to.

ISVA office and outreach services in North Wales

The ISVA service in North Wales is based at the Amethyst Sexual Assault Referral Centre (SARC) in Colwyn Bay. It covers Gwynedd, Anglesey, Conwy, Denbighshire, Flintshire, and Wrexham.

It includes regular outreach work at community venues in central and safe locations across North Wales and at the **Amethyst SARC** in Colwyn Bay.

Your health and wellbeing

If you are not ready to make a complaint to the police, the ISVA can help you to access confidential medical, forensic and sexual health services at the **Amethyst SARC**, without police involvement.

To help you emotionally, the ISVA can make referrals to access appropriate counselling, including pre-trial counselling with either the **Rape and Sexual Abuse Support Centre (North Wales)** or **Stepping Stones North Wales**

RASASC (NW) provides specialist counselling and support to persons who have experienced any form of sexual violence, whilst **Stepping Stones North Wales** offers specialist individual counselling and group work to adult survivors of childhood sexual abuse.

Going through the criminal justice system

If you have made a formal complaint to the police, the ISVA can help you to understand different aspects of the criminal justice system.

Following a police investigation, if your case goes to court the ISVA can:

- Liaise with criminal justice agencies on your behalf, including the Crown Prosecution Service.
- Navigate you through the criminal justice process to help to keep you informed
- Ensure you have appropriate support if you need to attend court, and afterwards as necessary
- Assist with injury claims to the Ministry of Justice's Criminal Injuries Compensation Authority (CICA)
- Help ensure that your rights are met.

For more information about the specialised support we offer please contact our Self-Referral Telephone Line 0808 156 3658

ISVA Service North Wales contact details:

Office hours: Mon to Fri 9am-5pm

Amethyst, SARC

1-3 Bryn Eirias Close,

Colwyn Bay, Conwy, LL29 8AB

Office no: 01492 805384

www.BCUHB.nhs.wales/health-advice/sexual-health-advice/Amethyst-sexual-assault-referral-centre/

Amethyst is a confidential service. It is up to you if you decide to tell us about what has happened. However we may need to

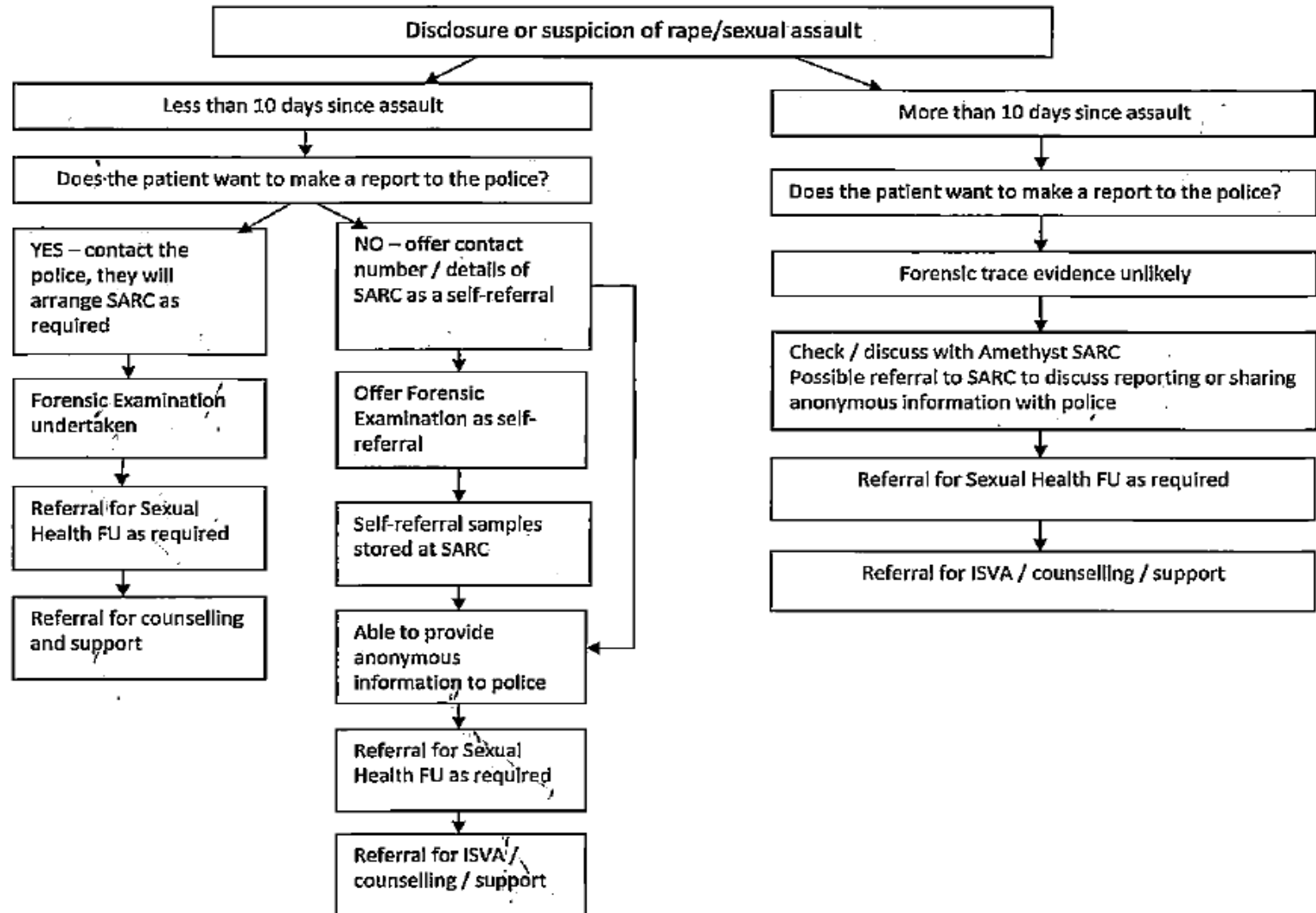
Appendix 12

Amethyst Sexual Assault Referral Centre ALGORITHM FOR ADULTS WITH CAPACITY

INDEPENDENTLY BY CYT 150

In all cases consideration must be given to:

1. General welfare of the complainant
2. Medical Needs Including:
 - Injuries
 - Emergency Contraception
 - Post Exposure Prophylaxis
 - Advice on STI screening
3. Safeguarding Issues including possible child protection issues. Retaining forensic evidence e.g. sanitary wear/underwear



Appendix 13

BCUHB East, Central and West Emergency departments



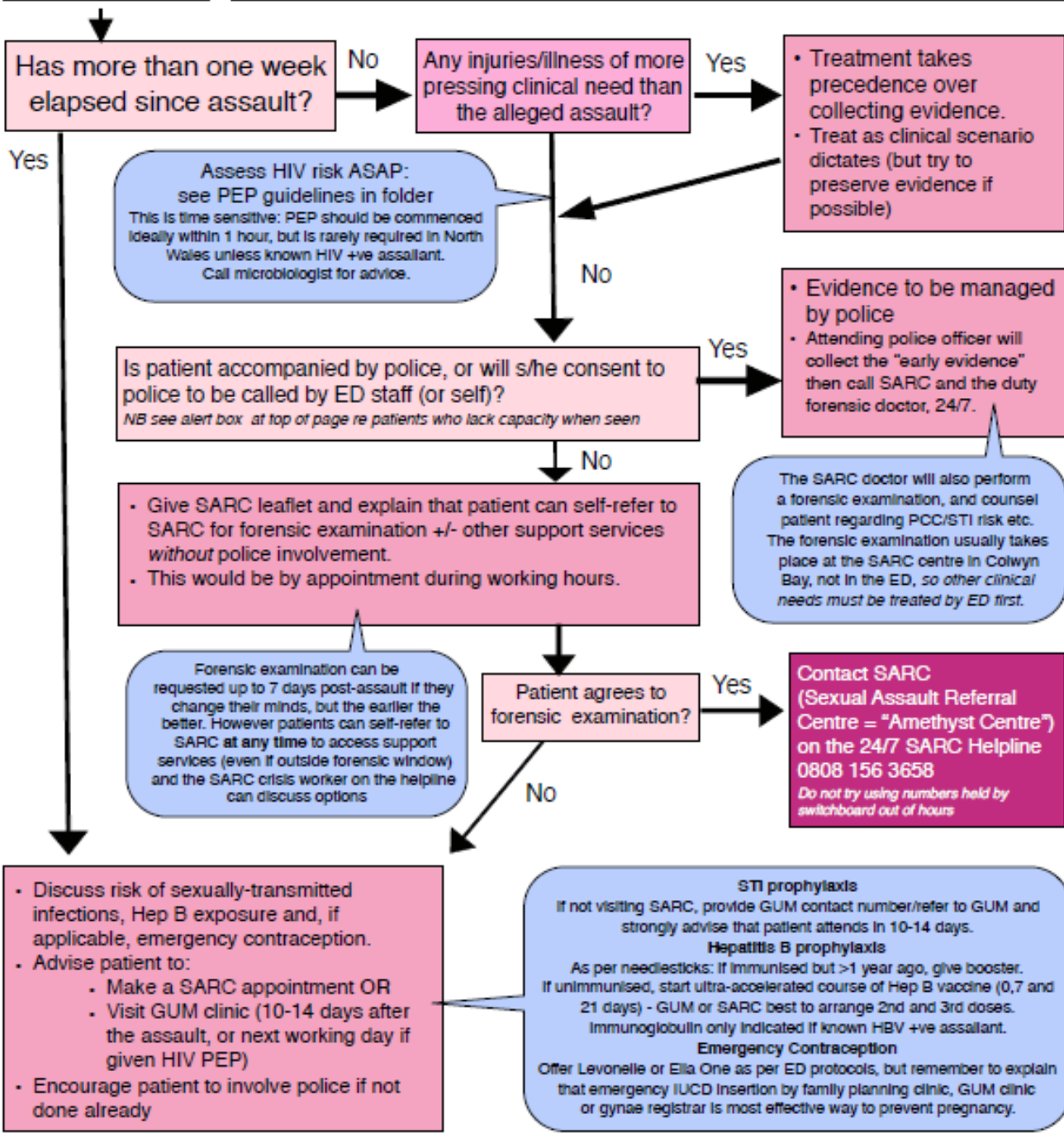
Sexual Assault

Use this pathway in conjunction with the SARC leaflet (download from www.amethystnorthwales.org.uk)

- Involve ED middle grade or consultant. Be tactful - use private room.
- Patients with capacity should be supported in their decisions whether or not to involve the police.
- However, ED staff *must* inform police of an alleged sexual assault if the patient lacks capacity or is under 16 (call paediatric reg/consultant too) and should *consider* informing police if vulnerable adult.
- SARC will take patients from their 17th birthday onwards (16s and under via Paediatric consultant on-call)

START HERE

Triage nurses: if police are being called, ask patients not to eat/drink or use toilet prior to "early evidence" samples being taken (mouth/gum swab and urine sample).



v2.0 - April 2017 - Dr Rhiannon Talbot (ED Forensic Liaison Lead & SARC FME) & Dr Linda Dykes, YG ED
 Review by January 2020. Contact Rhiannon.Talbot@wales.nhs.uk

Appendix 14

Simplified General Risk Assessment Form RA4

Simplified General Risk Assessment Form

Directorate / Area or Corporate Function:		Date:	Assessment Ser No:
Section/Area where task takes place:			
Task/Work Activity			
Assessor(s):		Job Title	

Tudalen y pecyn 200

Consequence Score	Likelihood Score				
	1. Rare	2. Unlikely	3. Possible	4. Likely	5. Almost Certain
5. Catastrophic	5	10	15	20	25
4. Major	4	8	12	16	20
3. Moderate	3	6	9	12	15
2. Minor	2	4	6	8	10
1. Negligible	1	2	3	4	5

To obtain the risk rating multiply the appropriate consequence score by the appropriate likelihood score,
 e.g. Minor 2 x Likely 4 = 8

RISK RATING ACTION GUIDE TABLE

1 - 3	Low Risk- Action only if low cost remedy, easy to implement, re-assess if process/procedure, guidance or legislation changes, keep under review.
4 - 6	Moderate Risk- Action that is cost effective in reducing the risk and planned and implemented within a reasonable time scale.
8 - 12	High Risk- Urgent action to remove or reduce the risk. To be escalated to senior management.
15 - 25	Extreme Risk- Immediate action to remove or reduce risk to tolerable level. Consideration given to stopping process. Inform Senior Management & Risk management/Health & safety Departments at once.

Hazard	Risk Associated	Who Might Be Harmed	Existing Control Measures	Current Risk Rating C X L	Additional Controls Required	Residual Risk Rating C X L	* Date Action to be Completed

Tudalen y pecyn 201

Assessors Signatures:

Date:





















Managers Signature:

Date:

Reassessment Date: / / / / / / / / / /

* Note: Depending on the complexity of the Risk Assessment an Action Plan may be required (Use RA 3)

Appendix 15: Main Support Agencies

Support Agency	Contact Number
All Wales Domestic Abuse & Sexual Violence Helpline	 0808 8010800
Amethyst Sexual Assault Referral Centre (SARC)	 0808 156 3658
BAWSO (Black Association of Women Step Out)	 0292 0644633
Broken Rainbow Domestic Abuse Helpline (Referral service for Lesbians, Gay, Bisexuals and Transgender LGTB)	 0845 2604460
Childline	 0800 11 11
Dyn Wales/Dyn Cymru Helpline (support for gay, bisexual & heterosexual men experiencing or who have experienced domestic violence)	 0808 8010 800
Forced Marriage Unit	 020 70080151
Foreign Commonwealth Office (forced marriages)	 020 70081500
Freecall Message Home (for those who have left home but want to pass on message to family/friends without communicating directly)	 0208 3924590
Legal Aid advisors (www.justask.org.uk/index.jsp)	 0345 3454345
Male Advice Line and Enquiry Live Fear Free Helpline	 0808 80 10 800
Live Fear Free Helpline by text	 07860077333
National Child Protection Helpline (NSPCC)	 0808 8005000
Immediate Safety – 999 101 NHS Direct Wales North Wales Police	 0845 4647 Immediate Safety 999 - 101
Refuge Women's Aid (www.refuge.org.uk)	 0808 2000247
Reunite (for those who have had or fear child abduction) Shelterline	 0808 800444
The Samaritans	 116123
Unison Welfare Support for members and dependants	 0800 0857857
Victim Support (www.victimsupport.org.uk)	 0808 1689111
Welsh Women's Aid (www.welshomensaid.org)	 0292 0541551

Apps

Bright Sky App – downloadable on Google Play and Apple App Store.

Objectives:

- To increase identification of those experiencing violence against women, domestic abuse, and sexual violence.
- Recognise that older people are also victims of domestic abuse.
- To offer referrals and interventions for those identified which provide specialist support based on the risk and need of the victim.
- To create a culture across the Health Board where addressing violence against women, domestic abuse and sexual violence is an accepted area of business and where disclosure is expected, supported, accepted, and facilitated.
- To improve the response to those who experience violence against women, domestic abuse and sexual violence with other complex needs such as substance misuse and mental health.
- To proactively engage with those who are vulnerable and hidden, at the earliest opportunity, rather than only reactively engaging with those who are in crisis or at imminent risk of serious harm.

The Health Board has a robust training programme in place for staff to complete Group 1 and Group 2 training in accordance with the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) National Training Framework to recognise and respond to violence against women, domestic abuse, and sexual violence. We have commissioned Group 6 training for our strategic leaders.

Staff are expected to assess immediate risk or likelihood of serious harm based on their observations and discussions with a patient/staff member.

The Health Board Referral Pathway requires the completion of the DASH/RIC (Domestic Abuse, Stalking and Honour Based Violence Risk Checklist) to assess if the patient/staff member (the victim/survivor) is at moderate or high risk of harm. All high-risk victims must be referred to a Multi-agency Risk Assessment Conference (MARAC) within 48 hours. This referral aims to initiate timely contact with an Independent Domestic Violence Advocate (IDVA). The IDVA will further assess the patient's (the victim) level of risk, discuss the range of suitable options, and develop safety plans.

Midwives and Health Visitors are required to conduct Routine Enquiry at every contact in accordance with the All-Wales Minimum Standards, Routine Enquiry into Domestic Abuse, Pregnancy and Early Years (2021). Should they receive a positive response, they should conduct a DASH/RIC and consider if it meets the criteria for referral to MARAC. If it does not, they should offer support and signpost to access resources.

Routine Enquiry is also being implemented as opposed to targeted enquiry in Emergency Departments and Minor Injury Units to enable early recognition and appropriate intervention to prevent violence escalating.



Policies and Procedures

The Health Board has a range of policies in place to assist with the support for those who may have experienced gender-based violence, and a quality impact assessment would be undertaken for all policy documents.

[311 – Domestic abuse and sexual violence workplace policy](#)

Provides guidance to staff and managers in identifying and dealing with domestic abuse and sexual violence both in and outside of the workplace, and assists managers to appropriately address situations where staff are victims or perpetrators of domestic abuse and/or violence.

The Health Board believes that every employee who is experiencing, or has experienced, domestic abuse, sexual violence and/or stalking should be able to disclose such behaviour(s) to their employer. This Policy provides employees with a safe place to disclose and is also aimed at helping those who have concerns that a colleague or peer may be experiencing abuse. The Health Board is committed to dealing with any such disclosure in a supportive and, where possible, confidential manner and takes seriously the need to create and maintain a safe and secure environment in which staff can reach their full potential.

Where allegations against staff have been reported internally, related to violence or abuse which are gender based or otherwise, and indicate they may have behaved in a way that has harmed or may have harmed a child or adult at risk; may have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult at risk or behaved towards a child, children or adults at risk in a way that indicates they are unsuitable to work with both children and adults, they are managed under Section 5 of the Wales Safeguarding Procedures 2019. The Health Board cooperates fully with these procedures in collaboration with our statutory partners – relevant Local Authority and Police.

Thereafter, the Health Board will treat any allegation, disclosure or conviction of any abuse related offence on a case-by-case basis with the aim of reducing risk to others including the victim and any identified children/adult at risk. The Health Board recognises that it has a role in encouraging and supporting employees to address their violent and abusive behaviours.

[592 Ask and Act – Violence against women, domestic abuse and sexual violence policy](#)

Provides clear guidance to all staff in relation to the Welsh Government National Training Framework “Ask and Act” (Welsh Government 2016) issued as statutory guidance Under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

[285 – Violence and aggression Policy](#)

Policy and procedure for the prevention and management of all work-related violence, aggression and abuse of all NHS staff and unacceptable behaviour at Health Board premises.

[995 Respect and Resolutions Policy](#)

Recognises conflict and disagreements in the workplace happen but should not always be viewed negatively. When conflict is managed well, it leads to healthy, resilient, and positive working relationships. We strive for a workplace where everyone can engage with each other constructively and use the toolkit available to seek their own resolution as far as possible.

[201 All Wales Disciplinary Policy and Procedure](#)

Ensures that fair and effective arrangements exist for dealing with disciplinary issues and to ensure that expected standards of conduct and behaviour are observed. The policy should be regarded as a valuable tool to promote good employee relations and to correct standards of behaviour, and not as a punitive measure against staff.

[435 All Wales NHS Staff to Raise Concerns Policy](#)

Procedure for staff to raise any concerns of malpractice or wrong doing at an early stage.

[350 Supporting Transgender staff policy](#)

Outlines workplace support guidelines for when a trans or non-binary employee is recruited or transitions during their term of employment. It also aims to ensure that staff who are considering, are transitioning or who have transitioned are fully supported at all stages.

[122 Special Leave Policy](#)

Recognises the wide ranging effects of domestic abuse and contains guidance relating to staff who may need special leave to access specialist services.

Partnerships

The Health Board are core members of the following multi-agency partnerships:

- Serious Violence and Organised Crime Board
- Community Safety Partnerships for each of the Local Authority areas within the Hywel Dda University Health Board footprint.
- Local Crime Justice Board, to support prevention and reduction of violent crime.
- Dyfed Area Planning Board for Drug and Alcohol Misuse Partnership which has representation from Dyfed Powys Police, Police and Crime Commissioner, His Majesty's Prison and Probation Service (HMPPS) and other criminal justice and crime prevention organisations.
- Mid and West Wales Regional Safeguarding Board
- Mid and West Wales Regional Violence Against Women, Domestic Abuse and Sexual Violence(VAWDASV) Strategic Board
- Mid and West Wales Regional Violence Against Women, Domestic Abuse and Sexual Violence(VAWDASV) Delivery Group
- NHS Wales Safeguarding Network VAWDASV Steering Group

Awareness Raising

Swyddfeydd Corfforaethol, Adeilad Ystwyth,
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job,
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

Corporate Offices, Ystwyth Building,
Hafan Derwen, St Davids Park, Job's Well Road,
Carmarthen, Carmarthenshire, SA31 3BB

Cadeirydd /Chair
Miss Maria Battle
Prif Weithredwr/Chief Executive
Mr Steve Moore

The Diversity and Inclusion Team links in with Victim Support each year and shares opportunities for awareness raising and staff training on hate crime towards all protected characteristics, including violence against women.

Active Bystander training events also occur four times a year, for all staff to be able to attend. This training gives staff the confidence to report (and intervene when safe to do so) situations when someone is being treated inappropriately and where to seek help and support.

I trust this response provides the detail you require.

Yours sincerely



Steve Moore
Chief Executive

Carl Cooper, Cadeirydd / Chair
Ffon / Phone: 01874 712502
E-bost / Email: carl.cooper@wales.nhs.uk

Hayley Thomas, Prif Weithredwr Dros Dro/ Interim Chief Executive
Ffon / Phone: 01874 712725
E-bost / Email: hayley.thomas@wales.nhs.uk



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Bwrdd Iechyd
Addysgu Powys
Powys Teaching
Health Board

30th August 2023

Ms Jenny Rathbone
Chair, Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Email: SeneddEquality@Senedd.Wales

Dear Ms Rathbone

Thank you for your letter dated 9th August 2023 regarding the above. Please find attached our response from Powys Teaching Health Board.

Yours sincerely

H Thomas

Hayley Thomas
Interim Chief Executive Officer

Enc

Pencadlys
Tŷ Glasbury, Ysbyty Bronllys,
Aberhonddu, Powys LD3 0LY
Ffôn: 01874 712730



Headquarters
Glasbury House, Bronllys Hospital
Brecon, Powys LD3 0LY
Tel: 01874 712730

Rydym yn croesawu gohebiaeth Gymraeg
Bwrdd Iechyd Addysgu Powys yw enw gweithredd Bwrdd Iechyd Lleol
Addysgu Powys

Tudalen 2 o 2
CYMRU
CYFLOGWR YSTYRIOL
MINDFUL EMPLOYER

We welcome correspondence in Welsh
Powys Teaching Health Board is the operational name of
Powys Teaching Local Health Board

Carl Cooper, Cadeirydd / Chair
Ffon / Phone: 01874 712502
E-bost / Email: carl.cooper@wales.nhs.uk

Hayley Thomas, Prif Weithredwr Dros Dro/ Interim Chief Executive
Ffon / Phone: 01874 712725
E-bost / Email: hayley.thomas@wales.nhs.uk



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Bwrdd Iechyd
Addysgu Powys
Powys Teaching
Health Board

Inquiry into the public health approach to preventing gender-based violence

1. What procedures you have in place for handling allegations of gender-based violence raised by or against employees

PTHB Position

Powys Teaching Health Board is committed to ensuring safeguarding and Public Protection is part of its core business. The Health Board takes its responsibility seriously and is committed to ensure all services fully meet their statutory responsibilities for preventing harm, and act in a timely way on concerns raised about the welfare of people who reside, work, or visit Powys.

Powys Teaching Health Board has in place a Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Policy, a Safeguarding Policy and a Domestic Abuse and Sexual Violence Policy which has specifically been written to support employees who are victims of abuse. All documents are available on the Health Board's intranet page. The Health Board's Safeguarding Team are available to provide advice, support and supervision to staff regarding safeguarding incidents and concerns, this includes undertaking Domestic Abuse Sexual Harm Risk Assessment, development of a safety plan and referral to appropriate statutory and third sector services when required. All Safeguarding reports are quality assured by a Safeguarding Lead Professional. The Health Board is both open and transparent in reporting and responding to any form of harm and abuse. If PTHB Safeguarding Team becomes aware of harm against or perpetrated by an employee, a proportionate response is taken to manage the concerns and issues.

Recording of Incidents

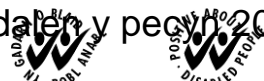
All incidents of violence and aggression against a patient, staff or visitor must be reported via the Health Board's RL DATIX Incident Reporting system. The reporter will classify the incident on submission, the Quality & Safety Team which have access to all incidents along with any other relevant person. Data is recorded by place/location, type of assault, level of harm, people affected, outcome, action and learning.

All incidents relating to behaviour, violence and assaults are reported to the Health Board's, Health and Safety Team. The Prevention and Management of

Pencadlys
Tŷ Glasbury, Ysbyty Bronllys,
Aberhonddu, Powys LD3 0LY
Ffôn: 01874 712730



Headquarters
Glasbury House, Bronllys Hospital
Brecon, Powys LD3 0LY
Tel: 01874 712730



Violence and Aggression Advisor (PMVA) reviews all incidents on a Health and Safety PMVA dashboard, they may also receive referrals.

Powys Teaching Health Board have a dedicated resource page on the main Health and Safety intranet site, which provides a range of information to help staff [Violence and Aggression at Work \(sharepoint.com\)](#)

When a Datix or a contact is made for staff who have experienced a threat or an assault in the workplace and/or in a domestic setting which may impact their work, the PMVA trainer/advisor will contact the staff member or department to assess the case. They will provide support to the staff member, liaise with the police and assist with developing a personal protection plan.

For patient-on-patient assaults this is also overseen by the PMVA trainer/advisor who will deal directly with the team manager and the individual service.

Cases are reported as part of the wider POMVA data set at the Health and Safety Group meetings.

Security

The Health Board is just completing an update to its CCTV policy to strengthen the guidance for services considering the use of CCTV.

There is a dedicated Estates and Mental Health Estates meeting to raise and manage matters relating to buildings and the environment.

Departments should undertake an environmental risk assessment and raise concerns via the Facilities Management System and RL Datix reporting system where they can be considered. This is triangulated against the incident data and changes are then made to improve the environment.

Managing Allegation of those in a Position of Trust

The Health Board follows the Wales Safeguarding Procedures (2019) Safeguarding Allegations/Concerns about Practitioners and those in a Position of Trust and has a policy which includes a risk assessment that must be undertaken when the Health Board is made aware of a concern about a practitioner/someone in a position of trust. The Health Board always works openly and transparently with Police, Local Authority partners and professional bodies.

Training

Powys Teaching Health Board deliver Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) training in line with the VAWDASV Training Framework 2015. Compliance across the Health Board is monitored and reported quarterly into the Health Board's Strategic Safeguarding Group.

Violence and Aggression Training is mandatory for all staff.

2. We would also welcome any views you may have on our terms of reference more broadly.

Terms of reference

- Put a spotlight on what works in preventing gender-based violence before it occurs (primary prevention) and intervening earlier to stop violence from escalating (secondary prevention).
- Consider the effectiveness of a public health approach to preventing gender-based violence and what more needs to be done to address the needs of different groups of women, including LGBT+, ethnic minorities, young and older people at risk of violence at home and in public spaces.
- Consider the role of the public sector and specialist services (including the police, schools, the NHS, the third sector and other organisations that women and girls turn to for support) in identifying, tackling and preventing violence against women, and their role in supporting victims and survivors.

General comment on ToR

Will the review;

Consider how we understand what is important for individuals, families and communities;

Consider how we share learning to inform practice and policy improvements at a local, regional and national level.

Consider the additional challenges being faced;

The Covid 19 pandemic impacted on our daily lives and freedom in ways that we had never previously experienced. For those living with domestic abuse, the consequences were even greater, specialist and statutory services who provided life-saving support and safety to individuals and families throughout the pandemic have been unfaltering.

Whilst the height of the pandemic has passed, we now face further significant political, economic and societal challenges. Families are experiencing a cost-of-living crisis, Public Services are taking industrial action and our specialist services are facing what has been called a *perfect storm* in terms of high demand for services, lack of sustainable funding and recruitment and retention challenges.

The title of the inquiry refers to gender-based violence yet the TOR has a strong focus on women. Should the TOR not single out one gender in this way, given it is about gender-based violence and there are different experiences of gender.



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NHS
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Cwm Taf Morgannwg
University Health Board



Cyfeiriad Dychwelyd/ Return Address:

Bwrdd Iechyd Prifysgol	Cwm Taf Morgannwg
Cwm Taf Morgannwg	University Health Board
Pencadlys	Headquarters
Parc Navigation,	Navigation Park
Abercynon	Abercynon
CF45 4SN	CF45 4SN

Ffôn/Tel: 01443 744803

Eich cyf/Your Ref:

Ein cyf/Our Ref:

Ebost Email:

Dyddiad/Date:

PM/KB

Paul.Mears@wales.nhs.uk

1 September 2023

Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay,
Cardiff
CF99 1SN

SeneddEquality@senedd.wales

Dear Jenny

Inquiry into the public health approach to preventing gender-based violence

Thank you for the opportunity to contribute to the inquiry into the public health approach to preventing gender-based violence and in particular provide detail of the policies and procedures that the organisation has in place to manage such allegations. Cwm Taf Morgannwg University Health Board has a number of clinical, corporate and employment policies and procedures in place to identify and handle allegations of gender-based violence raised by or against our employees. We have set out below the titles of these policies etc. under the following policy categories.

Clinical

- Allegations made against healthcare professional protocol
- Child exploitation protocol
- Children and young people admission policy
- Deprivation of liberty safeguarding (DoLS) protocol

Cadeirydd/Chair: Jonathan Morgan **Prif Weithredwr/Chief Executive:** Paul Mears

Croeso i chi gyfathrebu â'r bwrdd iechyd yn y Gymraeg neu'r Saesneg. Byddwn yn ymateb yn yr un iaith a ni fydd hyn yn arwain at oedi. You are welcome to correspond with the Health Board in Welsh or English. We will respond accordingly and this will not delay the response.

<https://ctmuhb.nhs.wales>

- Looked after children protocol
- Guide to completing a multi-agency suspected adult at risk report form
- Lone Worker Policy
- Mental capacity protocol
- Violence against women, domestic abuse and sexual violence Policy
- Safeguarding of Adults and Children Protocol

Corporate

- Incident reporting policy

Employments Policies

- Disciplinary policy
- Disclosure and barring policy
- Domestic abuse, violence and sexual violence policy
- Modern slavery statement
- Personal relationships at work policy
- Procedure for NHS staff to raise concerns

I trust this is helpful. Should you however require any further information regarding our procedures, please do not hesitate to contact me and I will direct arrange for a member of my team to advise in more detail.

Yours sincerely



Paul Mears
Prif Weithredwr/Chief Executive

Prif Weithredwr, Bwrdd Iechyd Prifysgol Aneurin Bevan
Prif Weithredwr, Bwrdd Iechyd Prifysgol Betsi Cadwaladr
Prif Weithredwr, Bwrdd Iechyd Prifysgol Caerdydd a'r Fro
Prif Weithredwr, Bwrdd Iechyd Prifysgol Cwm Taf Morgannwg
Prif Weithredwr, Bwrdd Iechyd Prifysgol Hywel Dda
Prif Weithredwr, Bwrdd Iechyd Addysgu Powys
Prif Weithredwr, Bwrdd Iechyd Prifysgol Bae Abertawe
Prif Weithredwr, Ymddiriedolaeth GIG Iechyd Cyhoeddus Cymru
Prif Weithredwr, Ymddiriedolaeth GIG Prifysgol Felindre
Prif Weithredwr, Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru

9 Awst 2023

Annwyl Gyfaill,

Ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd

Mae'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol yn cynnal ymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Mae rhagor o fanylion am ein gwaith hyd yma, gan gynnwys y cylch gorchwyl, ar gael ar ein [gwefan](#).

Un cwestiwn penodol sydd wedi'i godi yw sut mae gwasanaethau statudol yn ymdrin â honiadau o drais ar sail rhywedd yn fewnol. Byddem yn ddiolchgar, felly, pe gallech nodi pa weithdrefnau sydd gennych yn eu lle ar gyfer ymdrin â honiadau o drais ar sail rhywedd a wneir gan gyflogeion neu yn erbyn cyflogeion.

Byddem hefyd yn croesawu unrhyw sylwadau sydd gennych ar ein cylch gorchwyl yn fwy cyffredinol.

Gan ein bod yn nesáu at ddiwedd ein proses o gasglu tystiolaeth, byddem yn ddiolchgar pe gallai eich ymateb ddod i law erbyn 29 Awst 2023, os yn bosibl.

Yn gywir





Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

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



Llywodraeth Cymru
Welsh Government

Jenny Rathbone AS/MS
Cadeirydd/Chair
Y Pwyllgor Cydraddoldeb a Cyfiawnder Cymdeithasol
Equality & Social Justice Committee

31 Awst/August 2023

Annwyl/Dear Jenny,

Diolch i chi am ofyn i ni ddarparu tystiolaeth ar ddulliau lechyd y Cyhoedd o atal trais ar sail rhywedd. Mae tystiolaeth eisoes wedi'i darparu gan y Gweinidog dros Gyfiawnder Cymdeithasol, gan gynnwys cyfraniadau ar iechyd, felly nid oes tystiolaeth ysgrifenedig bellach i'w hychwanegu. Edrychwn ymlaen at gyfarfod y pwyllgor ddydd Llundun 11 Medi 2023.

Thank you for asking us to provide evidence on Public Health approaches preventing gender-based violence. Evidence has already been provided by the Minister for Social Justice, including contributions on Health, so there is no further written evidence to add. We look forward to meeting the committee on Monday 11th September 2023.

Yn gywir/Yours sincerely

Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau
Cymdeithasol
Minister for Health and Social Services

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau
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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.

Ymateb Ysgrifenedig gan Lywodraeth Cymru i adroddiad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol – Anghynaliadwy: dyled o ganlyniad i gostau byw cynyddol

Ar hyd a lled Cymru, mae pobl yn profi'r gostyngiad mwyaf mewn safonau byw ers dechrau cadw cofnodion.

Rydym yn cefnogi aelwydydd sy'n ei chael yn anodd ac aelwydydd difreintiedig yng Nghymru, er mwyn lliniaru effaith yr argyfwng costau byw, drwy fuddsoddi mewn ffordd bwrpasol i gefnogi rhaglenni i leddfu pwysau ariannol, helpu pobl i wneud y gorau o'u hincwm a chadw arian ym mhocedi dinasyddion Cymru.

Hoffwn ddiolch i aelodau'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol am eu hadroddiad ar ddyled anghynaliadwy o ganlyniad i'r argyfwng costau byw cynyddol. Rwyf wedi nodi fy ymateb i argymhellion unigol yr Adroddiad isod.

Argymhelliad 1

Dylai Llywodraeth Cymru weithio gyda chymheiriaid yn Llywodraeth y DU i fonitro effaith prisiau cynyddol yn agos, ynghyd â'r effaith anghymesur ar grwpiau sy'n agored i niwed. Dylai'r cymorth a roddir i aelwydydd i'w helpu gyda'r cynnydd brawychus mewn costau byw fod yn destun adolygu parhaus.

Ymateb: Derbyn

Gan mai yn nwylo Llywodraeth y DU y mae llawer o'r opsiynau o ran ymateb i'r argyfwng costau byw, mae angen i holl adrannau Whitehall ymgysylltu'n adeiladol â'r llywodraethau datganoledig mewn modd sy'n parchu'r egwyddorion a'r dull gweithredu a nodir yn [yr Adolygiad o Gysylltiadau Rhynglywodraethol](#).

Yn ei gyfarfod ar 1 Chwefror 2023, comisiynodd y Pwyllgor Sefydlog Rhyngweinidogol weithgor i gydlynu gwaith rhwng Llywodraeth y DU a'r llywodraethau datganoledig mewn ymateb i bwysau costau byw, ac i gytuno ar y camau nesaf ac ymgysylltiad y Gweinidogion. Cafodd y Pwyllgor Sefydlog yr wybodaeth ddiweddaraf yn ei gyfarfod ar 17 Mai ac mae'r gwaith yn mynd rhagddo.

Mae Llywodraeth Cymru yn parhau i bwysu am well ymgysylltu, ac mae'r trafodaethau yn parhau er mwyn cytuno ar y strwythur gorau ar gyfer y grŵp hwn.

Sefydlwyd Is-bwyllgor Cabinet ar Gostau Byw i ddarparu cyfeiriad strategol i ymateb Llywodraeth Cymru i'r argyfwng costau byw. Caiff ei waith ei lywio gan dystiolaeth arbenigwyr, darparwyr gwasanaethau a sefydliadau sy'n cefnogi pobl sy'n wynebu trafferthion gyda chostau cynyddol, gan gynnwys llais y rhai sydd â phrofiad uniongyrchol.

Gofynnwyd i Grŵp Arbenigol annibynnol, dan gadeiryddiaeth yr Athro Rachel Ashworth, sy'n dwyn ynghyd ystod o arbenigwyr, gan gynnwys y Sefydliad Astudiaethau Cyllid, Cyngor ar Bopeth Cymru, National Energy Action, Sefydliad Bevan a Shelter Cymru, i ystyried y ffordd orau o gefnogi pobl sy'n wynebu'r argyfwng. Bydd y grŵp yn gwneud argymhellion ym mis Gorffennaf.

Yn ôl [dadansoddiad o gefnogaeth Llywodraeth Cymru](#) i aelwydydd yr effeithiwyd arnynt gan yr argyfwng costau byw yn ystod 2022-23, roedd y rhaglenni allweddol yn targedu'r rhai oedd angen cymorth fwyaf.

Mae'r gefnogaeth a ddarperir gan Lywodraeth Cymru i aelwydydd difreintiedig mewn ymateb i'r argyfwng costau byw yn seiliedig ar amrywiol adnoddau. Mae'r rhain yn cynnwys gwaith ymchwil a dadansoddi gan Wasanaethau Gwybodaeth a Dadansoddi Llywodraeth Cymru yn ogystal â gwaith ymchwil a dadansoddi gan sefydliadau allanol megis y Swyddfa Ystadegau Gwladol, yr Asiantaeth Safonau Bwyd, National Energy Action, a data amrywiol gyrff sy'n dadansoddi'r farchnad. Ym mis Rhagfyr 2022, cyhoeddwyd [blog gan y Prif Ystadegydd](#) yn cyfeirio at y prif ffynonellau data sy'n berthnasol i'r argyfwng costau byw.

Caiff y dystiolaeth hon ei hadolygu'n gyson yn ogystal ag effaith yr ymyriadau amrywiol.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 2

Dylai Llywodraeth Cymru ddatblygu Cynllun Gweithredu tymor hir yn amlinellu sut y bydd yn blaenoriaethu newid tuag at fesurau ataliol sydd â'r nod o fynd i'r afael â'r ffactorau sylfaenol sy'n achosi tlodi ac anghydraddoldebau cyfoeth ac incwm. Dylai'r Cynllun Gweithredu gynnwys mesurau i helpu pobl i wella eu sefyllfa yn wyneb pwysau costau byw a gwella gwydnwch economaidd drwy fuddsoddi mewn meysydd fel ynni gwyrdd, sgiliau a diogeledd bwyd. Er mwyn llywio ei ddull gweithredu dylai wneud y canlynol:

- comisiynu gwerthusiad annibynnol, allanol o effaith economaidd y cymorth costau byw a gynigiwyd gan Lywodraeth Cymru yn ystod blwyddyn ariannol 2022-23;
- cynnal asesiad o i ba raddau y mae dulliau gweithredu ar gyfer y dyfodol yn cydbwysu mesurau rhagweithiol a rhai ymatebol i gefnogi'r broses o liniaru a lleihau tlodi.

Byddem yn disgwyl i'r gwaith paratoi gael ei gwblhau erbyn diwedd 2023 ac i'r Cynllun Gweithredu gael ei gyhoeddi erbyn mis Mai 2024 fan bellaf.

Ymateb: Derbynn mewn egwyddor

Mae [Rhaglen Lywodraethu 2021-26](#) Llywodraeth Cymru, sydd wedi'i diwygio yn unol â'r cytundeb cydweithio gyda Phlaid Cymru, yn amlinellu'r ffordd y byddwn yn gweithredu ar ein blaenoriaethau. Mae hyn yn cynnwys camau i

gefnogi pobl sy'n agored i niwed; adeiladu economi gryfach, decach, a gwyrddach; ymateb i'r argyfwng hinsawdd a natur; diwygio addysg; mynd i'r afael ag anghydraddoldeb; hyrwyddo'r Gymraeg a diwylliant Cymru; gwella'r lleydd rydyn ni'n byw; arwain sgwrs genedlaethol am ein dyfodol cyfansoddiadol; a chodi proffil Cymru yn y byd.

Rydym yn adrodd ar y cynnydd a wneir tuag at gyflawni'r ymrwymadau hyn yn ein Rhaglen Lywodraethu a'n hamcanion llesiant drwy [Adroddiad Blynyddol Llywodraeth Cymru](#). Mae [Adroddiad Llesiant Cymru](#) hefyd yn darparu asesiad blynyddol o'n cynnydd fel cenedl o ran cyflawni'r nodau llesiant tymor hirach.

Ym mis Mawrth 2022, cyhoeddodd Llywodraeth Cymru adroddiad yn manylu ar effaith ein polisiau i fynd i'r afael â'r argyfwng costau byw ar incwm aelwydydd (nid yw'n ymddangos bod cyfeiriad at hyn yn adroddiad y pwyllgor).

Roedd yr adroddiad hwn yn darparu dadansoddiad o gymorth Llywodraeth Cymru yn 2022-23 ar gyfer aelwydydd yr effeithiwyd arnynt gan yr argyfwng costau byw yn ystod 2022-23. Mae'n dangos bod y rhaglenni allweddol - y Taliad Costau Byw o £150, Cynllun Cymorth Tanwydd Llywodraeth Cymru gwerth £200, a'r Gronfa Cymorth Dewisol - yn targedu'r rhai oedd angen cymorth fwyaf. Mae'r dadansoddiad yn dangos y disgwylid y byddai tua 75% o aelwydydd yn cael cymorth mewn rhyw ffordd. O'r rhai a gefnogwyd, byddai bron i ddwywaith cymaint yn mynd i'r aelwydydd hynny yn hanner gwaelod y dosbarthiad incwm o gymharu â'r rheini yn yr hanner uchaf, a theirgwaith cymaint i'r rheini yn y pumed isaf o gymharu â'r rheini yn y pumed uchaf.

O ran argymhelliad y Pwyllgor y dylai Llywodraeth Cymru gynnal asesiad o'r graddau y mae dulliau gweithredu ar gyfer y dyfodol yn cydbwysu mesurau rhagweithiol ac ymatebol i gefnogi'r broses o liniaru a lleihau tlodi, rwyf wedi gofyn i'm swyddogion ystyried opsiynau ar gyfer sut y gellid cyflawni hyn.

Mae Strategaeth Tlodi Plant ddrafft Llywodraeth Cymru yn nodi ein hamcanion tymor hirach ar gyfer mynd i'r afael â thlodi plant, ac mae'n cynnwys ailedrych ar y cydbwysedd tuag at gamau ataliol mwy rhagweithiol. Lanswyd yr ymgynghoriad ar y Strategaeth ddrafft ar 19 Mehefin 2023 gyda'r bwriad o gyhoeddi'r Strategaeth derfynol erbyn diwedd y flwyddyn. Mae'r ymgynghoriad yn ymrwymo Llywodraeth Cymru i geisio cyngor ymchwil annibynnol ar ddangosyddion tlodi cenedlaethol addas, darpariaeth data a fframwaith i fonitro ac arddangos atebolrwydd tryloyw wrth adrodd ar ein cynnydd tuag at drechu tlodi. Mae hyn yn cynnwys ymgynghori â phobl sydd â phrofiad uniongyrchol ynghylch p'un a ydym yn taro'r nod. Mae sgysiau am y ffordd orau o fwrw ymlaen â'r gwaith hwn yn digwydd ar hyn o bryd.

Bydd yr ymatebion i'r ymgynghoriad yn llywio ein ffordd ymlaen ymhellach.

Rydym hefyd yn aros am argymhellion gan y Grŵp Arbenigol Costau Byw a fydd yn adrodd ym mis Gorffennaf ac a allai hefyd lywio'r opsiynau ar gyfer asesiad o'r fath.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 3

Dylai Llywodraeth Cymru amlinellu pa gamau y mae'n eu cymryd i helpu i leihau'r ddibyniaeth ar Daliadau Cymorth mewn Argyfwng gan aelwydydd y mae angen sawl taliad brys arnynt. Dylai hyn gynnwys cyhoeddi dadansoddiad terfynol o'r cymorth a ddarparwyd yn ystod blwyddyn ariannol 2022-23.

Ymateb: Derbyn

Mewn ymateb i bandemig Covid-19 a'r argyfwng costau byw sy'n parhau, mae'r Gronfa Cymorth Dewisol wedi bod yn hyblyg wrth addasu i ddiwallu anghenion pobl sy'n agored i niwed yn ariannol yng Nghymru mewn amgylchiadau eithriadol. Fodd bynnag, yn ystod 2022/23 nododd rhanddeiliaid allweddol fod cael dwy set o reolau yn mynd yn ddryslyd, ac y croesewid dychwelyd i un set o reolau ar gyfer pob ymgeisydd. Mewn ymateb i'r adborth hwn, ers 1 Ebrill 2023, mae pob unigolyn sy'n gwneud cais i'r Gronfa Cymorth Dewisol bellach yn gallu gwneud cais am hyd at dri Taliad Cymorth mewn Argyfwng o fewn cyfnod treigl o ddeuddeg mis. Bellach, dim ond saith diwrnod o fwllch sydd eu hangen rhwng taliadau (yn hytrach na bwlch o 28 diwrnod fel y pennwyd yn wreiddiol), ac mae gwerth y taliadau hefyd wedi cynyddu 11%. Mae cynnig taliadau gwerth uwch dros gyfnod byrrach yn darparu cymorth mwy dwys mewn cyfnod o argyfwng, gyda'r nod o leihau'r angen i ddychwelyd at y gronfa.

Mae'r Gronfa Cymorth Dewisol yn parhau i weithio gyda Chyngor ar Bopeth Cymru, a chaiff yr ymgeiswyr sydd fwyaf agored i niwed yn ariannol eu cyfeirio at y Gronfa Cynghori Sengl am gyngor mwy cyfannol ynghylch gwneud y gorau o incwm, dyled a materion ariannol eraill.

Yn ystod 2022/23, gwnaed mwy na 557,000 o geisiadau i'r Gronfa Cymorth Dewisol, a gwnaed dros 355,000 o ddyfarniadau. O'r rhain, roedd mwy na 344,000 yn Daliadau Cymorth mewn Argyfwng, a ddarparwyd cyfanswm o dros £25m mewn grantiau.

Cyhoeddir nifer y ceisiadau a'r dyfarniadau yn fisol yn [nhabl StatsCymru ar gyfer Cronfa Cymorth Dewisol Cymru](#).

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 4

Dylai Llywodraeth Cymru ymrwymo i wneud y canlynol:

- cyhoeddi data wedi'u dadgyfuno yn ôl grŵp demograffig ar y nifer sy'n defnyddio'r Gronfa Cymorth Dewisol;
- cynnal asesiad o ba ddata ychwanegol wedi'u dadgyfuno y gall eu cyhoeddi ar gyfer grantiau prawf modd eraill y mae'n eu cynnig.

Dylai'r Gweinidog roi'r wybodaeth ddiweddaraf i'r Pwyllgor hwn am y gwaith hwn erbyn diwedd mis Medi 2023.

Ymateb: Derbyn

Ar hyn o bryd mae swyddogion polisi yn gweithio gyda chydweithwyr yn y Gwasanaethau Gwybodaeth a Dadansoddi ac NEC (y contractwr sy'n darparu'r Gronfa Cymorth Dewisol yng Nghymru) i ganfod pa ddata sydd ar gael ac ym mha ffurf y gellir eu cyhoeddi. Cyflwynir y wybodaeth i'r pwyllgor ym mis Medi.

Ar hyn o bryd mae cydweithwyr yn y Gwasanaethau Gwybodaeth a Dadansoddi yn dadansoddi data'r Gronfa Cymorth Dewisol o 2022/23 fel sail i adroddiad, a fydd yn cael ei gyhoeddi yr haf hwn.

Ar gyfer grantiau prawf modd eraill, bydd cydweithwyr yn y Gwasanaethau Gwybodaeth a Dadansoddi yn ymchwilio i ymarferoldeb adolygu pa ddata y cynllunnir eu cyhoeddi eisoes, i nodi ble mae'r bylchau a beth arall y gallai fod yn bosibl ei ddarparu.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 5

Dylai Llywodraeth Cymru droi ei gweledigaeth ar gyfer system fudd-daliadau Cymru yn realiti a mandadu dull cyson, Cymru gyfan o basbortio aelwydydd sy'n cael un o fudd-daliadau Cymru i fudd-daliadau eraill y maent yn gymwys i'w cael. Gan weithio gydag awdurdodau lleol, y Ganolfan Gwasanaethau Cyhoeddus Digidol, ac eraill, dylai Llywodraeth Cymru roi'r wybodaeth ddiweddaraf am waith yn y maes hwn erbyn diwedd mis Medi 2023, ac anfon gwybodaeth reolaidd yn ei gylch ar ôl hynny.

Ymateb: Derbyn

Mae gweithio gyda phartneriaid fel y Ganolfan Gwasanaethau Cyhoeddus Digidol a Sefydliad Bevan yn rhan annatod o'n gwaith i symleiddio'r broses o ddarparu Budd-daliadau Cymru. Byddwn yn datblygu cynllun gweithredu i sicrhau bod grantiau/taliadau yn cael eu gweinyddu yn yr un ffordd, a hynny ar sail argymhellion adroddiad Policy in Practice a gomisiynwyd gan Sefydliad Bevan ac eraill.

Mae Llywodraeth Cymru yn cydnabod bod angen cyflymu'r gwaith i symleiddio system Budd-daliadau Cymru er mwyn i aelwydydd wneud y gorau o'u hincwm a mynd i'r afael â thlodi yng ngoleuni'r argyfwng costau byw. Ni fu erioed yn bwysicach sicrhau bod pobl yng Nghymru yn gwybod beth mae ganddynt hawl iddo a sut y gallant fanteisio ar eu hawliau. Yn dilyn gwaith ymgysylltu pellach, ein nod yw cyhoeddi'r Siarter ar gyfer darparu Budd-daliadau Cymru erbyn diwedd y flwyddyn hon, a fydd yn ymgorffori'r cydymrwymiad i ddull cyson, tosturiol a chydlynol o ddarparu budd-daliadau datganoledig.

Byddwn yn harneisio'r dull cydweithredol y mae Awdurdodau Lleol a phartneriaid gweithredu eraill wedi'i roi ar waith dros y blynyddoedd diwethaf

wrth ymateb i'r pandemig a'r argyfwng costau byw, gan weithio'n gyflym i ddarparu gwasanaethau amhrisiadwy i bobl o grwpiau difreintiedig neu ar y cyrion, i roi'r egwyddorion hyn ar waith a chytuno ar ddull o symleiddio'r ffordd y gweinyddir budd-daliadau Cymru.

Byddwn yn darparu diweddariad pellach ar hyn ym mis Medi 2023, a bob dwy flynedd wedi hynny.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 6

Dylai Llywodraeth Cymru fabwysiadu dull mwy cynaliadwy ac ataliol o fynd i'r afael â thlodi bwyd drwy gefnogi mentrau cymdeithasol sy'n gweithredu i gyflawni nodau ehangach megis gwella sgiliau coginio mewn cymunedau lleol a darparu prydau iach. Er mwyn gwneud hyn, dylai Llywodraeth Cymru fapio'r ddarpariaeth bresennol o gymorth ar gyfer mynd i'r afael â thlodi bwyd yn ôl y math o gefnogaeth ym mhob ardal awdurdod lleol, gyda'r bwriad o ddatblygu strategaeth fwy cynaliadwy ar gyfer mynd i'r afael ag ansicrwydd bwyd ledled Cymru. Dylid cwblhau'r ymarfer mapio cychwynnol erbyn diwedd 2023 a'i rannu â'r Pwyllgor hwn.

Ymateb: Derbyn

Mae Llywodraeth Cymru yn darparu cyllid tuag at brosiect Busnes Cymdeithasol Cymru sy'n rhoi cyngor arbenigol mewn perthynas â mentrau cymdeithasol ac yn gweithredu ochr yn ochr â Busnes Cymru. Mae Busnes Cymdeithasol Cymru yn darparu gwasanaeth arbenigol cydweithredol pwrpasol ar gyfer mentrau cymdeithasol, sy'n canolbwyntio ar gyflawni'r deilliannau a nodir yn y Cynllun Gweithredu a'r Weledigaeth ddeng mlynedd, 'Trawsnewid Cymru drwy fentrau cymdeithasol'. Mae hyn yn cynnwys cymorth busnes un-i-un i fusnesau cymdeithasol cymwys newydd ac sy'n tyfu, cymorth pwrpasol ar gyfer perchnogaeth gan y gweithwyr a chymorth mentora cymheiriaid.

Ym mis Rhagfyr 2022, darparodd Llywodraeth Cymru £2.5 miliwn i helpu i ddatblygu partneriaethau bwyd traws-sector ym mhob ardal awdurdod lleol. Mae'r cyllid yn helpu i fynd i'r afael ag achosion sylfaenol tlodi bwyd drwy gefnogi ymdrechion i gydgyssylltu gweithgarwch sy'n gysylltiedig â bwyd ar lawr gwlad.

Mae'n cefnogi cydweithio rhwng y partneriaethau bwyd, awdurdodau lleol, a phartneriaid fel Iechyd Cyhoeddus Cymru, cyrff sector cyhoeddus, sefydliadau'r trydydd sector, busnesau a sefydliadau academaidd, a sefydliadau megis cymdeithasau tai a gwasanaethau cynghori i sefydlu partneriaeth amlasiantaethol. Mae manteisio ar gymorth ac arbenigedd lleol yn helpu'r partneriaethau i ddeall a mynd i'r afael ag angen lleol, sicrhau effeithiolrwydd mwyaf posibl prosiectau, a sicrhau bod adnoddau yn targedu'r meysydd lle mae'r angen mwyaf.

Yn annibynnol ar gyllid Llywodraeth Cymru, mae naw o'r partneriaethau bwyd presennol eisoes wedi ennill statws [Lleoedd Bwyd Cynaliadwy](#) ac mae ganddynt ddealltwriaeth dda o'r gweithgarwch yn eu hardaloedd. Mae'r cyllid yn cefnogi'r partneriaethau hyn i ddatblygu eu gwaith ac mae'n helpu partneriaethau newydd i ymgymryd â gwaith mapio, gwneud cysylltiadau a gwneud y gwaith sylfaen sydd ei angen i helpu i ddatblygu partneriaeth.

Mae ymddangosiad nifer o sefydliadau bwyd cymunedol annibynnol - yn enwedig mewn ymateb i gynnydd yn y galw am fwyd brys o ganlyniad i'r pandemig a'r argyfwng costau byw - wedi arwain at ddarlun sy'n newid o ran gweithgarwch bwyd, un sy'n gyfnewidiol, ond hefyd heb ei gydgysylltu'n gryf. Un o anawsterau mapio'r ddarpariaeth bresennol o ran cymorth i fynd i'r afael â thlodi bwyd yw bod angen diweddarau'r map yn barhaus.

Mae gan y partneriaethau bwyd lleol fwy o gapasiti ac maent mewn sefyllfa well na Llywodraeth Cymru i nodi a mapio gweithgarwch sy'n gysylltiedig â bwyd yn eu hardaloedd, a fydd yn eu cefnogi i ddeall a mynd i'r afael ag angen lleol mewn ffordd strategol, gydgysylltiedig.

Mae Llywodraeth Cymru yn edrych ar ffynonellau cyllid a all helpu i feithrin gallu partneriaethau bwyd lleol ymhellach i sicrhau bod ganddynt ddarlun cywir bob amser o'r gweithgarwch yn eu hardaloedd trwy eu rhwydweithiau. Fel partner gweithredu Lleoedd Bwyd Cynaliadwy yng Nghymru, bydd Synnwyr Bwyd Cymru yn cynnal gwerthusiad o effaith y cyllid ar y partneriaethau bwyd.

Mae sylfaen dystiolaeth hefyd wedi'i datblygu ar gyfer y Strategaeth Bwyd Cymunedol sy'n nodi ystod eang o weithgarwch yn gysylltiedig â bwyd ledled Cymru. Mae gan y Strategaeth Bwyd Cymunedol y potensial i ddarparu llawer o fanteision cymdeithasol amrywiol a all wella sefyllfa pobl, gan gynnwys manteision economaidd, adfywio cymunedau lleol, gwella lles a iechyd meddwl a chorfforol, a manteision o ran yr amgylchedd a chynaliadwyedd i'r dyfodol.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 7

Dylai Llywodraeth Cymru hyrwyddo'r dull a fabwysiadwyd yn Sir y Fflint, o droi llety gwarchod yn Ganolfannau Clyd, ymhlith awdurdodau lleol eraill drwy ymgysylltu â'r arweinwyr lleol. Dylid bwrw ati mewn da bryd cyn gaeaf 2023-24.

Ymateb: Derbynn

Rydym yn ymwybodol bod rhai Awdurdodau Lleol yn parhau i adeiladu ar y cysyniad o Ganolfannau Clyd, gan ddarparu gwasanaethau mewn mannau cyffredin trwy'r gwanwyn/haf, ac rydym yn gweithio gyda nhw i werthuso effeithiolrwydd y dull gweithredu hwn. Er mai cyllid Llywodraeth Cymru a gefnogodd y broses o ddatblygu cysyniad y Canolfannau Clyd, mae'n rhaid cydnabod, a dros 800 o ganolfannau clyd yn gweithredu ar ryw ffurf neu'i

gilydd yn ystod gaeaf 22/23, bod y cysyniad yn un a ddatblygwyd yn wirioneddol ar lefel leol yn ôl anghenion ac amgylchiadau lleol. Bydd Awdurdodau Lleol a Llywodraeth Cymru yn parhau i edrych ar yr arferion gorau ac i hyrwyddo'r arfer o ledaenu a mabwysiadu'r rhain lle bo hynny'n briodol.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 8

Rhaid i Lywodraeth Cymru fynd ati ar frys i egluro nifer o faterion sy'n ymwneud â disodli'r Rhaglen Cartrefi Clyd gan gynnwys:

- pam mae'r gwaith o ddatblygu Rhaglen Cartrefi Clyd newydd yn destun oedi;
- a yw'n bwriadu gwneud unrhyw ddiwygiadau i'r rhaglen Nyth bresennol gan ei bod bellach wedi'i hystreyn hyd at ddiwedd mis Mawrth 2024;
- a fydd y rhaglen newydd yn cynnwys elfen yn seiliedig ar ardaloedd, ac os felly, a fydd hyn yn dechrau ddiwedd y gaeaf.

Ymateb: Derby

Y Gweinidog Newid Hinsawdd sy'n gyfrifol am y Rhaglen Cartrefi Clyd. Mae datblygu'r Rhaglen Cartrefi Clyd newydd wedi golygu cyfnewid darnau enfawr o dystiolaeth ar ffurf adroddiadau Pwyllgor, ymgynghoriad ffurfiol a phrofiad o weithredu cynlluniau tlodi tanwydd ers dros ddegawd. Mae'r argyfwng costau byw presennol hefyd wedi dylanwadu ar y broses. Mae angen i unrhyw gynllun i'r dyfodol adlewyrchu system ynni ddiwygiedig. Rhaid iddo hefyd gydbwysu'r rheidrwydd i leihau tlodi tanwydd a lleihau allyriadau carbon ar yr un pryd, a darparu ysgogiad i farchnadoedd carbon isel a sgiliau cysylltiedig. Felly, mae nifer fawr o opsiynau wedi'u dadansoddi i sicrhau bod y cynllun newydd yn cydbwysu ystod o amcanion.

Cyhoeddwyd rhagor o fanylion am sail polisi'r cynllun newydd ar 14 Mehefin 2023. Bydd y cynllun newydd yn ymateb i'r galw gan mwyaf, ond ni fydd hyn yn golygu na fyddwn yn gweithredu ar sail ardal, mewn partneriaeth â llywodraeth leol. Mae disgwyl i'r cynllun gael ei roi ar waith y gaeaf hwn.

Yn y cyfamser, mae cynllun presennol Cartrefi Clyd Nyth yn gwneud gwaith ardderchog i helpu nifer fawr o aelwydydd i leihau eu hallyriadau a'u biliau ynni. Rydym wedi gwneud newidiadau i'r cynllun presennol, megis darparu mwy o baneli ffotofoltaig solar a batris, ond nid oes cynlluniau i wneud newidiadau pellach.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 9

Dylai Llywodraeth Cymru nodi pa drafodaethau y mae wedi'u cael ag Ofgem i leisio ei phryderon y byddai ailddechrau'r arfer o orfodi aelwydydd i gael mesuryddion rhagdal yn dilyn adolygiad Ofgem o fesuryddion rhagdal yn rhoi

amddiffyniad annigonol i aelwydydd sy'n agored i niwed. Dylai hefyd nodi manylion unrhyw gamau pellach y bydd yn eu cymryd i amddiffyn grwpiau o gwsmeriaid sy'n agored i niwed. Dylai'r Gweinidog roi'r wybodaeth ddiweddaraf i'r Senedd am waith yn y maes hwn ac adrodd yn ôl erbyn diwedd mis Medi 2023.

Ymateb: Derbyn

Mae'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip wedi cwrdd ag Ofgem a chyflenwyr ynni yn aml yn ystod y misoedd diwethaf. Roedd y cyfarfod diweddaraf ag Ofgem ar 26 Ebrill i drafod Cod Ymarfer newydd Ofgem, a gyhoeddwyd ar 18 Ebrill.

Mae'r Gweinidog wedi codi pryderon ynghylch cynlluniau Ofgem i godi'r gwaharddiad ar orfodi aelwydydd i gael mesuryddion. Er bod diweddarau'r Cod yn gam i'w groesawu, pwysodd y Gweinidog ar Ofgem i fynd ymhellach o lawer i amddiffyn aelwydydd sy'n agored i niwed, a phwysleisiodd fod yn rhaid i'r Cod fod yn orfodol ac yn amod rhoi trwydded i gyflenwyr. Mae'r Gweinidog hefyd wedi pwysleisio bod yn rhaid i ddeiliaid tai sydd wedi'u gorfodi yn ddiweddar i ddefnyddio mesurydd rhagdalau gael cynnig y cyfle i ddychwelyd eu mesurydd heb gost.

Mynegodd y Gweinidog bryderon hefyd, o gyflwyno'r Cod, y gallai cyflenwyr ynni ailgychwyn gorfodi aelwydydd i gael mesuryddion rhagdalau, a phwysleisiodd bod yn rhaid sicrhau na fyddwn yn gweld y broses o ganiatáu gwarant gyffredinol i'w gosod yn dechrau eto, fel ag a welwyd o'r blaen.

Rhaid inni sicrhau bod gan Ofgem y pŵer a'r ewyllys rheoleiddiol i sicrhau bod cyflenwyr ynni yn amddiffyn yr aelwydydd mwyaf agored i niwed yn hytrach na dibynnu ar gyflenwyr ynni i stopio.

Mae Ofgem wedi cynnig eu cefnogaeth i alwad Llywodraeth Cymru am dariff cymdeithasol ac i gasglwyr dyledion a gyflogir gan gyflenwr ynni gael eu hachredu gan y Bwrdd Ymddygiad Gorfodi (ECB).

Mewn llythyr gan Neil Kenward, Cyfarwyddwr Strategaeth Ofgem ar 15 Mai, cadarnhaodd fod Ofgem wedi annog cyflenwyr i geisio achrediad allanol yr ECB ar gyfer cynrychiolwyr sy'n delio â chasglu dyledion. Fodd bynnag, gan nad ydynt yn rheoleiddio'r cwmnïau hyn, dim ond y cyflenwyr, ni allant orfodi achrediad.

Mae'r Gweinidog hefyd wedi galw ar Lywodraeth y DU i ddilyn yr enghraifft a osodwyd gan y diwydiant dŵr, lle mae cwmnïau yn cael eu gwahardd gan y gyfraith rhag datgysylltu neu gyfyngu cyflenwadau dŵr i aelwydydd sydd yn eu dyled.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 10

Dylai Llywodraeth Cymru gyhoeddi ffigurau terfynol ynghylch y nifer sy'n manteisio ar ei Chynllun Talebau Tanwydd yn unol ag argymhelliad 6 o adroddiad y Pwyllgor hwn ar Gyllideb Ddrafft 2023-24 cyn gynted ag y bydd y wybodaeth hon ar gael.

Ymateb: Derbyn

Yn 2022-23, ariannodd Llywodraeth Cymru y Sefydliad Banc Tanwydd i gyflwyno Cynllun Talebau Tanwydd a Chynllun Cronfa Wres cenedlaethol yng Nghymru a fyddai'n ymateb i'r galw, i gefnogi cwsmeriaid a oedd yn ei chael yn anodd talu ymlaen llaw am eu tanwydd. Roedd hyn yn cynnwys cyllid i ddatblygu ei rwydwaith partneriaid yng Nghymru yn sylweddol.

Ers mis Awst 2022, tan ddiwedd mis Mawrth 2023, mae'r Sefydliad Banc Tanwydd wedi adeiladu ar ei 8 partner atgyfeirio gwreiddiol i ddatblygu rhwydwaith o 101 o bartneriaid, sydd wedi cynyddu capasiti pob ardal awdurdod lleol yn sylweddol i wneud atgyfeiriadau a darparu cyngor a chefnogaeth. Ddiwedd mis Mawrth 2023, roedd 46 o sefydliadau eraill wrthi'n hyfforddi ac yn paratoi i lansio.

Hyd at ddiwedd mis Mawrth 2023, roedd y Sefydliad Banc Tanwydd wedi rhoi 19,561 o dalebau i gefnogi aelwydydd na allent fforddio rhoi mwy o arian yn eu mesuryddion rhagdalau. Cafodd 200 o aelwydydd eraill gymorth i brynu tanwydd oddi ar y grid. Mae'r ymyriadau hyn wedi cefnogi dros 50,000 o bobl, 43% ohonynt yn blant.

Roedd nifer y talebau tanwydd a ddyrannwyd wedi cynyddu'n sylweddol yn sgil datblygu'r rhwydwaith partneriaid atgyfeirio. Ar ddiwedd mis Mawrth 2023, defnyddiwyd gweddill yr arian i brynu talebau mesuryddion rhagdalau, a rennir yng Nghymru drwy gydol 2023 yn ôl y galw.

Cytunodd Llywodraeth Cymru hefyd y gallai'r Sefydliad Banc Tanwydd gynnal peilot i brynu blancedi gwres fel dull amgen o gefnogi pobl mewn tldi tanwydd. Nod y peilot oedd cynhesu'r person, yn hytrach na'r cartref, a gwelwyd 968 flancedi gwres wedi'u dyrannu i gartrefi yng Nghymru.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 11

Dylai Llywodraeth Cymru roi'r wybodaeth ddiweddaraf ynghylch cynnydd mewn perthynas ag argymhellion 1, 3, 4, 5, a 7 o'n hadroddiad yn 2021 ar ddyled a'r pandemig a ddylai gynnwys, lle bo'n berthnasol, unrhyw gamau a gymerwyd mewn ymateb i'r argyfwng costau byw. Dylai'r wybodaeth hon gael ei chyflwyno erbyn diwedd mis Mehefin 2023.

Gwnaed yr argymhellion canlynol yn adroddiad y Pwyllgor ar Ddyled a'r Pandemig yn 2021. Darperir sylwebaeth fer ar y cynnydd o ran gweithredu. (Cynhwyswyd hyn yn Atodiad 4 yr Adroddiad.)

Ymateb: Derbyn

Argymhelliad 1

Dylai uned data cydraddoldeb Llywodraeth Cymru weithio gyda sefydliadau yn y sector i gasglu a chyhoeddi data blynyddol ar ddyled yng Nghymru gan ddechrau yn y flwyddyn ariannol nesaf, sef 2022-23, a dadansoddi'r data hynny yn ôl nodweddion gwarchoddedig.

Ymateb: Derbyn mewn egwyddor

Statws

Wedi'i nodi yn y ddogfen blaenoriaethau uned data cydraddoldeb 2022-27, ond yn aros am fanylion pellach. **Gofyn am y wybodaeth ddiweddaraf.**

Y diweddaraf

Cafodd archwilio ymarferoldeb coladu a chyhoeddi data blynyddol ar ddyled yng Nghymru, yn ôl nodweddion gwarchoddedig ei gynnwys yn y rhestr flaenoriaethau a gyhoeddwyd gan Unedau Tystiolaeth Cydraddoldeb, Hil ac Anabledd, ac ar hyn o bryd mae'n cael ei ystyried fel rhan o broses flynyddol yr Unedau Tystiolaeth o gynllunio a blaenoriaethu gyda swyddogion polisi. Bydd hyn yn penderfynu pa brosiectau, o'r rhestr flaenoriaethau, fydd y rhai mwyaf dylanwadol ac ymarferol, ac a oes cyllid ar gael i ddechrau yn y flwyddyn ariannol nesaf.

Fel rhan o'r ymarfer dichonoldeb, bydd yr Unedau Tystiolaeth yn cydweithio â swyddogion y Gwasanaethau Gwybodaeth a Dadansoddi ac Is-adran Tystiolaeth a Chymorth Cydraddoldeb, Tlodi a Phlant ar y llinynnau gwaith perthnasol yn y maes hwn. Er enghraifft, mae tîm ystadegau Cyfiawnder Cymdeithasol y Gwasanaethau Gwybodaeth a Dadansoddi yn cydweithio â'r Adran Gwaith a Phensiynau ar elfen Cymru o'r Arolwg o Adnoddau Teulu. O fis Mawrth 2024, byddwn yn cael ein data cyntaf am flwyddyn gyfan lle cafodd nifer fwy eu holi yng Nghymru, sy'n golygu y bydd nifer uwch o unigolion wedi ymateb, gan roi gwell cyfle inni ddadansoddi ymhellach bynciau fel dyled. Yn gyffredinol, rydym yn rhagweld y dylai'r data hyn ei gwneud yn haws dadansoddi data mewn ffordd fwy dibynadwy, yn ôl nodweddion gwarchoddedig, dros y blynyddoedd nesaf. Bydd yr Unedau Tystiolaeth yn cydweithio â'r Gwasanaethau Gwybodaeth a Dadansoddi i sicrhau bod tystiolaeth ynghylch dyled yn cael ei chydlynu ar draws y sefydliad.

Argymhelliad 3

Yn ei hymateb, dylai Llywodraeth Cymru nodi pa fesurau ychwanegol y bydd yn eu rhoi ar waith i hyrwyddo gwasanaethau cyngor ar ddyled i grwpiau sy'n agored i niwed ac sydd mewn mwy o berygl o fynd i ddyled, er mwyn gallu gwneud dewisiadau gwybodus am yr opsiynau sydd ar gael iddynt.

Ymateb: Derbyn

Statws

Angen edrych eto arno yn wyneb pwysau costau byw – gofyn am y wybodaeth ddiweddaraf.

Y diweddaraf

Cyflwynodd Llywodraeth Cymru y Gronfa Gyngori Sengl ym mis Ionawr 2020 er mwyn sicrhau ei bod yn rhoi arian i wasanaethau cyngori integredig sy'n adnabyddus, ac sydd ar gael i bobl o gymunedau difreintiedig ac sydd ar y cyrion. Ers i'r Gronfa gael ei chyflwyno ym mis Ionawr 2020 (hyd fis Mawrth 2023), mae ei gwasanaethau wedi helpu mwy na 200,000 o bobl i fynd i'r afael â dros 920,000 o broblemau o ran lles cymdeithasol. Cawsant gymorth i hawlio incwm ychwanegol gwerth £116.6 miliwn a chafodd dyledion gwerth £30.7 miliwn eu dileu.

Mae model darparu gwasanaethau'r Gronfa Gyngori Sengl, sy'n cynnwys Partneriaid Cyngori a Mynediad, yn parhau i fod yn ffordd hynod lwyddiannus o ddefnyddio arbenigedd sefydliadau cenedlaethol a lleol o ran cyrraedd y bobl fwyaf anghenus. Mae'r wybodaeth rheoli perfformiad yn dangos bod dros 80% o bobl a ddefnyddiodd un o wasanaethau'r Gronfa Gyngori Sengl yn ystod y flwyddyn ariannol ddiwethaf yn perthyn i un o'r grwpiau blaenoriaeth sy'n cael eu taro galetaf gan yr argyfwng costau byw, gan gynnwys pobl hŷn, pobl anabl, a phobl o'r Cymunedau Du, Asiaidd ac Ethnig Leiafrifol. Bydd swyddogion yn parhau i gefnogi sefydliad arweiniol y Gronfa Gyngori Sengl i ehangu eu rhwydweithiau Partneriaid Mynediad i gynnwys mwy o sefydliadau a all dargedu grwpiau poblogaeth allweddol.

Yn ystod y cyfnod rhwng Hydref 2021 a Mawrth 2022, cyflwynodd Llywodraeth Cymru ei thrydedd ymgyrch genedlaethol i annog pobl i hawlio budd-daliadau, sef Hawliwch yr Hyn sy'n Ddyledus i Chi. Gwelwyd ffrwydradau proffil uchel o negeseuon creadigol ar ystod o gyfryngau, gan gynnwys teledu, radio, papurau newydd, taflenni, negeseuon post a digidol ac ati. Dim ond rhan o'r daith i sicrhau arian ychwanegol yn y boced yw codi ymwybyddiaeth. Mae angen cymorth ymarferol ar lawer o bobl hefyd, ac felly un o negeseuon canolog yr ymgyrch oedd y dylai pobl gysylltu ag Advicelink Cymru lle, ynghyd â chymorth i hawlio budd-daliadau lles, gallai pobl hefyd gael cyngor ar ddyledion.

Argymhelliad 4

Dylai Llywodraeth Cymru gyhoeddi cynlluniau diwygiedig o fewn y tri mis nesaf i fynd i'r afael â thlodi tanwydd, er mwyn sicrhau eu bod ar waith ymhell cyn y cynnydd nesaf i'r cap ar brisiau ynni a fydd yn dod i rym o fis Ebrill 2022.

Ymateb: Derbyn mewn egwyddor

Statws

Cyhoeddwyd y Cynllun Gweithredu ar gyfer Trechu Tlodi Tanwydd ym mis Mawrth 2021 ac mae ymateb y Llywodraeth yn nodi ei bod yn

bwriadu ei adolygu bob dwy flynedd, sy'n golygu bod adolygiad yn hwyr - gofyn am y wybodaeth ddiweddaraf.

Y diweddaraf

Mae'r argyfwng costau byw, sy'n cael ei yrru i raddau helaeth gan brisiau ynni, wedi rhoi mwy byth o ffocws ar y **camau gweithredu** sy'n ofynnol i helpu aelwydydd mewn tlodi tanwydd. Er enghraifft, bwriad datblygu rhaglen Cartrefi Clyd newydd â gwasanaeth cyngor ynni cysylltiedig yw canolbwyntio'r gefnogaeth ar gyfer y rhai lleiaf cefnog yn y cartrefi lleiaf thermol-effeithlon. Cynhelir adolygiad o'r Cynllun Gweithredu ar gyfer Trechu Tlodi Tanwydd maes o law, er mwyn dysgu gwersi o'r prisiau ynni digynsail a welsom yn ystod y deunaw mis diwethaf. Yn y cyfamser, bydd ymdrechion Llywodraeth Cymru yn canolbwyntio ar gamau y gallwn eu cymryd nawr.

Argymhelliad 5

Dylai Llywodraeth Cymru roi eglurder yn ei Chyllideb Ddrafft ynglŷn â sut y bydd yn dyrannu digon o arian hyd at 2024-25 i gyflymu cynlluniau i sicrhau bod pob cartref cymdeithasol yn cyrraedd Sgôr Effeithlonrwydd Ynni A i liniaru'r cynnydd mewn tlodi tanwydd o ganlyniad i gostau ynni sy'n cynyddu.

Ymateb: Derbynn

Statws

Cynhaliwyd ymgynghoriad ar Safon Ansawdd Tai Cymru newydd ym mis Mai-Awst 2022 ond ni wnaed unrhyw gyhoeddiadau pellach, gan gynnwys ymateb y Llywodraeth i'r ymgynghoriad. Gofyn am y wybodaeth ddiweddaraf.

Y diweddaraf

Yn dilyn ymgynghori ac ymgysylltu dwys â'r sector, rydym yn disgwyl cyhoeddi Safon Ansawdd Tai newydd Cymru yr hydref hwn. Eifen allweddol o'r safon newydd fydd uchelgais beiddgar i godi effeithlonrwydd ynni ein stoc tai cymdeithasol i'r lefel uchaf bosibl. Drwy Ofynion Ansawdd Datblygu Cymru (cartrefi cymdeithasol newydd) a Safon Ansawdd Tai Cymru (cartrefi cymdeithasol presennol), rhaid i bob tŷ cymdeithasol newydd fod â thystysgrif perfformiad ynni A neu safon gyfatebol bellach, a rhaid bod gan dai cymdeithasol presennol Lwybr Ynni pwrpasol gyda'r nod o sicrhau tystysgrif perfformiad ynni A erbyn 2033 neu erbyn dyddiad ar ôl 2033 a awdurdodir gan Lywodraeth Cymru.

Ar gyfer Safon Ansawdd Tai Cymru 2023 byddwn yn ei gwneud yn ofynnol i ddarparwyr tai cymdeithasol gynnal asesiad o'u stoc gyfan, gan nodi'r sgôr bresennol ar gyfer cynhesrwydd fforddiadwy ac allyriadau carbon ar draws y stoc, a byddwn yn gofyn am lwybr ynni pwrpasol ar gyfer pob cartref. Mae'r dull

hwn yn cael ei gefnogi a'i atgyfnerthu gan ofynion cam 3 y Rhaglen Ôl-osod er mwyn Optimeiddio.

Gyda'i gilydd, mae'r dyraniadau cyllideb ar gyfer Safon Ansawdd Tai Cymru a'r Rhaglen Ôl-osod er mwyn Optimeiddio yn dod i ryw £200m yn 2023/24 a 2024/25.

Argymhelliad 7

Dylai Llywodraeth Cymru ystyried dichonoldeb cyflwyno 'coelcerth dyledion' mewn perthynas ag agweddau ar ddyled sector cyhoeddus, gan ddefnyddio tystiolaeth o Gymru a thu hwnt, a dylai ysgrifennu at y Pwyllgor gyda'i chasgliadau erbyn diwedd Mehefin 2022.

Ymateb: Derbyn

Statws

Wedi'i gwblhau'n rhannol - mae gwaith ymchwil gan Wasanaethau Gwybodaeth a Dadansoddi Llywodraeth Cymru wedi'i rannu â'r Pwyllgor ym mis Mehefin gyda diweddariad pellach ym mis Tachwedd 2022. Tynnodd Llywodraeth Cymru sylw at yr adolygiad ansolfedd gan Wasanaeth Ansolfedd Llywodraeth y DU sydd i fod i gyflwyno adroddiad yn 2023. Gofyn am y wybodaeth ddiweddaraf.

Y diweddaraf

Mae'r Gwasanaeth Arian a Phensiynau yn dal i ystyried beth maent am ei wneud, ac nid ydynt eto wedi cyhoeddi'r ymateb i'w hymgyngoriad ar ddiffyg cyllidebol. Ni chyhoeddwyd chwaith ganlyniad cais y Gwasanaeth Ansolfedd am dystiolaeth ar addasrwydd yr opsiynau ffurfiol sydd ar gael i bobl yng Nghymru (a Lloegr) sydd mewn dyled. Mae swyddogion yn parhau i ymgysylltu â'r Gwasanaeth Arian a Phensiynau a'r Gwasanaeth Ansolfedd.

Ym mis Mehefin, cyhoeddodd yr Awdurdod Ymddygiad Ariannol ei fod yn gosod gwaharddiad ar gwmnïau sy'n derbyn ffioedd atgyfeirio gan ddarparwyr datrys dyled. Wrth gyflwyno'r gwaharddiad, mae'r Awdurdod yn nodi, er bod cwmnïau yn ennill arian o'r ffioedd a delir pan gaiff pobl eu cyfeirio at Ymarferydd Ansolfedd ar gyfer Trefniant Gwirfoddol Unigol, fod opsiynau eraill, fel Gorchmynion Rhyddhau o Ddyled (lle caiff dyledion eu dileu) nad ydynt yn darparu unrhyw ffioedd i asiant atgyfeirio, yn fwy addas i lawer o bobl. Mae cyhoeddiad yr Awdurdod Ymddygiad Ariannol yn cael ei groesawu, a bydd yn sicrhau bod mwy o bobl yng Nghymru yn cael manteisio ar yr opsiwn gorau iddyn nhw o ran eu dyled.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 12

Dylai Llywodraeth Cymru weithio gyda Cyngor ar Bopeth Cymru i fonitro lefel y galw am gyngor ar ddyled a chyngor arall o dan y Gronfa Gyngori Sengl ac ymrwymo i adolygu'r dyraniadau cyllid yng Nghyllideb Ddrafft 2023-24 os oes

angen. Dylid darllen yr argymhelliad hwn ochr yn ochr ag argymhelliad 3 o'n hadroddiad ar Gyllideb Ddrafft 2023-24.

Ymateb: Derbyn

Mae Llywodraeth Cymru wedi ymrwymo i ddyrannu cyllid ar gyfer gwasanaethau cynghori yn ôl yr angen a aseswyd. Bydd dadansoddiad annibynnol o'r angen am gyngor lles cymdeithasol (gan gynnwys ar broblemau dyled) ym mhob awdurdod lleol yng Nghymru yn cael ei gwblhau yn ystod haf 2023. Bydd yr ymchwil hwn yn darparu sylfaen dystiolaeth gyfredol a chadarn o'r angen i lywio dyraniad unrhyw gyllid gan Lywodraeth Cymru ar gyfer gwasanaethau cynghori yn y dyfodol. Rydym hefyd yn cynnal gwerthusiad o'r Gronfa Gyngori Sengl gan ei bod yn bwysig penderfynu'n wrthrychol a yw ei nodau allweddol yn cael eu cyflawni, a dysgu gwersi o'r ffordd yr ymatebodd gwasanaethau i bandemig Covid19 ac, yn fwy diweddar, i'r argyfwng costau byw.

Bydd swyddogion hefyd yn parhau i weithio gyda Cyngor ar Bopeth Cymru, sefydliad arweiniol y Gronfa Gyngori Sengl, i fonitro lefelau'r galw ac ystyried mesurau y gellid eu rhoi ar waith i gyrraedd pobl mewn angen i'w helpu i ymdopi trwy'r argyfwng, a sut y gallwn weithio gyda'n gilydd i helpu gwasanaethau cynghori i ymdopi'n well â'r cynnydd yn y galw.

Fodd bynnag, mae'n bwysig nodi bod y Gronfa Gyngori Sengl yn cael ei defnyddio ar gyfer gwasanaethau sy'n targedu'r bobl fwyaf anghenus. Mae'n hanfodol bod cyllidwyr eraill gwasanaethau cynghori yn chwarae eu rhan gan nad oes modd disgwyl i Lywodraeth Cymru ariannu gwasanaethau i ddiwallu'r holl angen am gyngor yng Nghymru.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Argymhelliad 13

Rhaid i Lywodraeth Cymru weithio gyda chynghorau i roi sylw i'r diffygion a nodwyd yn yr adolygiad o'r Protocol Treth Gyngor, ynghyd â phryderon rhanddeiliaid fel y'u hamlygwyd gan y Pwyllgor hwn, fel rhan o'i rhaglen ddiwygio ehangach. Dylai hyn gynnwys rhoi Protocol cryfach ar sail statudol. Dylid bwrw ymlaen â'r gwaith hwn yn gyflym a rhoi diweddariad i'r Senedd cyn diwedd mis Medi 2023.

Ymateb: Derbyn

Yn dilyn cyhoeddi'r gwerthusiad o ymyriadau mewn perthynas â'r dreth gyngor a oedd yn cynnwys adolygiad o'r protocol treth gyngor, mae swyddogion eisoes wedi sefydlu cyfres o weithgorau gyda llywodraeth leol a rhanddeiliaid trydydd parti i fwrw ymlaen â'r argymhellion: mae hyn yn cynnwys adolygu dyledion a chasgliadau'r dreth gyngor. Bydd hyn yn golygu adolygu'r prosesau gorfodi presennol a datblygu cynigion polisi i ddiwygio deddfwriaeth i ddileu'r gofynion i wneud unigolyn yn atebol am falans blynyddol eu bil treth gyngor os methir un taliad. Bydd hyn hefyd yn cynnwys

adolygiad o'r protocol treth gyngor ac ystyried opsiynau polisi i gryfhau'r protocol a'i wneud yn statudol. Bwriad y mesurau hyn yw canolbwyntio camau gweithredu awdurdodau lleol ar ddarparu cefnogaeth i ddinasyddion agored i niwed fel rhan annatod o gasglu taliadau.

Goblygiadau Ariannol – Dim i Lywodraeth Cymru. Caiff unrhyw gostau ychwanegol eu talu o gyllidebau rhaglenni sy'n bodoli eisoes. Bydd y cynigion polisi yn ystyried a allai diwygio Rheoliadau greu goblygiadau ariannol i awdurdodau lleol.

Argymhelliad 14

Dylai Llywodraeth Cymru roi'r wybodaeth ddiweddaraf am y camau y bydd yn eu cymryd yn ystod blwyddyn ariannol 2023-24 i godi ymwybyddiaeth o undebau credyd a hyrwyddo credyd fforddiadwy, gan gynnwys y nodau a'r disgwyliadau ar gyfer cyflwyno'r Cynllun Benthyciadau Di-Log ar raddfa fwy eang. Dylid rhoi'r diweddariad hwn cyn i'r broses o'i gyflwyno ar raddfa fwy eang ddechrau ym mis Mehefin 2023.

Ymateb: Derby

Mae Llywodraeth Cymru yn darparu cymorth ariannol i Undeb Credyd Cambrian tan 31 Mawrth 2026 i gyflwyno ymgyrch farchnata genedlaethol ar ran Undebau Credyd Cymru, gan godi ymwybyddiaeth o'r gwasanaethau y maent yn eu darparu, gan gynnwys credyd fforddiadwy.

Mae cyllid pellach ar gael tan 31 Mawrth 2026 i hyrwyddo Moneyworks Wales [Money Works \(moneyworkswales.com\)](http://Money Works (moneyworkswales.com)), sy'n gydweithrediad o saith undeb credyd i gefnogi lles ariannol gweithwyr Cymru.

Mae'r Cynllun Benthyciadau Di-Log wedi cynyddu ers lansio Credyd Cymdeithasol Cymru ddiwedd mis Rhagfyr 2022. Mae'n parhau i fod ar y trywydd iawn i ddarparu'r benthyciadau y cytunwyd arnynt erbyn mis Awst 2024. Yn ogystal â benthyciadau'r Cynllun Benthyciadau Di-Log trwy Gredyd Cymdeithasol Cymru a Fair for You, mae trydydd benthyciwr, Salad Money, i fod i ddechrau benthycia yng Nghymru o fis Gorffennaf 2023.

Mae Purple Shoots yn gyfrifol am ehangu'r atgyfeiriadau i Gredyd Cymdeithasol Cymru, a'r disgwyl yw y bydd y llwybrau atgyfeirio hyn yn dechrau yn ystod mis Awst 2023. Gan mai pilot sy'n profi'r cynnyrch yw hwn, mae Fair4All Finance yn gweithio'n agos gyda phob un o fenthycwyr y Cynllun Benthyciadau Di-Log i adolygu'r lefelau. Mae tîm dealltwriaeth o ymddygiad wedi'i gomisiynu i helpu benthycwyr i sicrhau budd mwyaf yr atgyfeiriadau ac, yn ogystal, fel rhan o broses y Cynllun Benthyciadau Di-Log, bydd rhai cwsmeriaid yn derbyn hyfforddiant ariannol i wella eu sefyllfa yn y tymor hirach.

Goblygiadau Ariannol – Dim. Caiff y costau eu talu o gyllidebau rhaglenni sy'n bodoli eisoes.

Jeremy Miles AS

Gweinidog y Gymraeg ac Addysg

12 Gorffennaf 2023

Canllawiau statudol ar addysg ddewisol yn y cartref

Annwyl Jeremy,

Diolch i chi am eich llythyr diweddar ar addysg ddewisol yn y cartref, dyddiedig 2 Mehefin, yn rhoi eglurder o ran amserlenni ar gyfer y rheoliadau drafft a'r Llawlyfr i rai sy'n Addysgu yn y Cartref. Gwnaethom ystyried y llythyr hwn yn ein cyfarfod ar 14 Mehefin.

Yn y cyfarfod hwn, gwnaethom hefyd ystyried gohebiaeth gan nifer o bobl a oedd yn mynegi pryderon am y canllawiau statudol a gyhoeddwyd yn ddiweddar ar addysg ddewisol yn y cartref. Trafodwyd y rhain yng nghyd-destun eich datganiad diweddar ar y canllawiau a wnaed yn y Cyfarfod Llawn.

Fel y gwelwch o'r copïau amgaeedig, mae rhai o'r ceisiadau y tu allan i bwerau neu gylch gwaith unrhyw un o bwyllgorau'r Senedd. Gofynnodd ambell un a fu'n gohebu â ni ein bod yn edrych ar gyfreithlondeb y canllawiau, ond fel y gwyddoch, mater ar gyfer y llysoedd yw cyfreithlondeb. Tra bod eraill wedi gofyn i'r Pwyllgor neu'r Senedd oedi cyn gweithredu'r canllawiau nes bod rhagor o waith craffu wedi'i gyflawni. Fel y gwyddoch hefyd, nid yw hwn yn bŵer sydd ar gael naill ai i'r Senedd nac i un o bwyllgorau'r Senedd. Fodd bynnag, byddem yn croesawu eich barn ar y materion eraill a godwyd gan rhai a fu'n gohebu â ni.

Cytunwyd y bydd materion yn ymwneud â theuluoedd yn teimlo nad oes ganddynt ddewis ond symud i addysg yn y cartref oherwydd diffyg cefnogaeth gywir o fewn y system ysgolion yn cael eu hystyried yn ein dau ymchwiliad perthnasol. Yr ymchwiliadau hyn yw: [A yw plant a phobl ifanc anabl yn cael mynediad cyfartal at addysg a gofal plant?](#); a [Gweithredu diwygiadau addysg](#).

Yn benodol, hoffem dynnu eich sylw at y sylwadau am y broses ymgynghori a'r broses ymgysylltu mewn cysylltiad â datblygu'r canllawiau (gweler, er enghraifft, gyflwyniadau 3, 15 a 24.) Rydym yn

pryderu nad oedd y rhai a ysgrifennodd atom yn teimlo bod eu lleisiau na'u profiadau wedi cael gwrandawriad fel rhan o'r gwaith o ddatblygu'r canllawiau hyn. Byddem yn ddiolchgar pe gallech ymateb i'w pryderon. Pa waith pellach y gellir ei wneud, neu y bwriedir ei wneud, i helpu i wella perthnasoedd rhwng y rhai sydd yn addysgu yn y cartref sy'n teimlo'n gryf am y canllawiau newydd â Llywodraeth Cymru?

Byddem yn gwerthfawrogi cael ymateb erbyn 14 Medi.

Rwy'n copio'r llythyr hwn at gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad; a chadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol gan fy mod yn credu eu bod hwythau wedi cael gohebiaeth debyg.

Yn gywir,



Jayne Bryant AS
Cadeirydd

Wedi'i hatodi: Gohebiaeth ynghylch addysg ddewisol yn y dartref

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Gohebiaeth a gyflwynwyd i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ynghylch canllawiau ar addysg ddewisol yn y cartref.

Correspondence submitted to the Children, Young People and Education Committee regarding guidance on elective home education.

Cyflwyniad / Submission 1

I am writing with regards to the new home education guidance that has been published on Friday.

As a home educating parent in Wales, I am deeply concerned about the new guidance, as is every home educator we know. The new regulations are very intrusive and the wording of the guidance is very negative towards home education, which will not help to develop positive working relationships between parents and the LA. The new guidance is disproportionate. There is no evidence that home educated children are at risk, and the millions of pounds that this intrusive monitoring is proposing is a complete waste of money, which I am sure could be much better used to improve the quality of children's lives and education.

Please see the legal advice that was sought on the matter by the home educating community here.

[LJC6-07-23 - Paper 18 - Letter from Families First in Education Wales 21 February 2023.pdf \(senedd.wales\)](#)

I can understand visits if there is a concern about a child or family, but for us parents who dedicate our lives to ensuring that our children are happy and receive an excellent education, this is not only unnecessary and of no benefit to us whatsoever, but completely intrusive and detrimental to their education. As I am sure you can appreciate, it is pretty full-on home educating and our time is very precious. Trying to fit in their school work each day, along with their groups that they attend every day and meeting with their friends etc. Having to waste precious hours on gathering evidence, writing reports and preparing things for a stranger (likely without teaching qualifications) to judge is of no benefit to our children and will waste a huge amount of time that should be spend on educating our children instead. The beauty of home education is that their education is for them and not to show someone else. I work with them every day so I know exactly what they know or need extra work on, without the need for recorded evidence of this. I feel our right to a private family life is being invaded.

There are also those children with special educational needs or other complex issues, who do not want to talk to strangers entering their homes and this will cause a great deal of anxiety and stress to those families unnecessarily.

I hope that the guidance can be fully debated and that a lot of this can be changed. I believe that the current guidance already serves the needs of ensuring children are receiving a suitable education in a far less intrusive and negative way than the new proposed guidance.

Cyflwyniad / Submission 2

I am writing with my concerns about the new home education guidance, I have highlighted a few points but feel that the guidance needs further review throughout and as such should be paused and not implemented.

Firstly, how will the register be created? Will it be a legal requirement? I fear that there are some data protection issues to address with the current proposals.

The guidance seems to undermine parental primacy in our children's lives as the education of a child is the responsibility of the parents.

I question the EHE officers' ability to assess the suitability of a child's education with an once a year visit and wonder not only how this will be implemented, but if it will lead to further invasion of our family lives and alter the way that many educators support their children once there is the need for evidence. In addition to that what is deemed suitable evidence and progress, who determines this?

The insistence that the child/children participate in the meetings is also unwarranted, if there are no concerns why would an individual have the right to demand a meeting with them? Does the child/children and their parents not have the right to decide who they meet with?

The local authorities are already over stretched how will they be able to support home education or is this just an exercise to create a register and an assessment process? If so what benefit is this to anyone?

The guidance even goes as far to say that there is no appeals process upon assessment, this is also very concerning.

The home education community is a vibrant and active community providing enriching, fulfilling lives for our children. Home education is not missing in education and I object home education being treated as a red flag. There are so many ways that

the local authority could choose to support this community and yet choose to register and check them. I feel the money spent on this register should be put to better use helping children in need through our underfunded and over stretched social services, schools and NHS.

Cyflwyniad / Submission 3

I write to formally request that your committee fully investigates the newly published Welsh Government guidance on Elective Home Education,

There are many areas that required investigation by the CYPEC including the impact on families and children in Wales. However in the first instance I request that the CYPEC investigate the areas of unlawfulness, including how it would place duties on Welsh Local Authorities to act unlawfully, as that surely has to be a priority for the Senedd to establish for this secondary legislation.

I request that, as well as your own deliberations, the CYPEC draws on legal advice in scrutinising the guidance and fulfilling the responsibilities of the Senedd to hold the Welsh Government to account.

This will necessarily take some time to allow adequate scrutiny and to ensure that Welsh Government does not proceed with unlawful statutory legislation.

Therefore I request that the Committee instruct that **this guidance is not implemented or progressed until there has been full and formal scrutiny of is by the Senedd.**

I request that in scrutinising the guidance, you give full consideration to the **two reports of David Wolfe QC**, which, for example, clearly and repeatedly demonstrate how insistence that every child has to be "seen" is unlawful.

Likewise, I ask for full consideration of any subsequent legal reports submitted to Welsh Government and/or the Committee.

In addition I ask you to full appropriate the legal points in the **formal rebuttal** of the former CCfW report on EHE in Wales.

I request that the Committee's investigations also address

- the issues of the requirement to provide evidence in every case to prove innocence in the absence of specific concerns in individual cases. How the guidance is based on the assumption that parents are considered to be not honouring their children's rights, not allowing their voices to be heard and not providing a suitable education until the parent and child prove themselves to be.

- the mistaken assumption that the State has a duty to ensure every child has a suitable education, which was explicitly stated in multiple communications from the Welsh Government in trying to justify these proposals and which is implicit throughout. This misassumption leads to a reversal of the lawful principle that education is the responsibility of the parent, not the state.
- the implications for the state becoming liable for failures in education if it is shifting the balance of power and assuming the role of being the one that is responsible. At present parents cannot sue schools for failures because education is the responsibility of the parent not the state and if a child is in school it is because the parent has chosen to put them there.
- how parents and children are not "free" to decline meetings when under threat of legal proceedings and social services involvement if they do so. coercion is not informed consent.
- the assumption that choosing not to accept a coerced meeting deemed necessary purely because of a lawful choice of educational approach is an automatic safeguarding concern requiring social service involvement; please investigate the lawfulness and the significant impact of this on law-abiding families and on the diversion of already overstretched social service resources away from those children who are genuinely in need.
- how the expectations of what has to be provided for a EHE child are significantly different from LA provision for EOTAS children.
- the discriminatory aspects of how school children will not be similarly interviewed about their feelings, opinions and beliefs of their school-based education and moves put in place to transition them to home education if they express that is their preference, as treating EHE as lesser than school based education is contrary to the Education Act.
- how children's rights, including those to privacy, are being misinterpreted or ignored.
- the lack of advocacy for families and children coerced into non-consensual interviews that have major legal and personal implications for each child, the lack of appeals process.
- the lack of due process for insisting on non-consensual or coerced interviews. At present, a child can only be interviewed without free parental consent if there is a court order demonstrating significant and reasonable risk of harm in that individual case. Generic non-consensual coerced interviews with whole sections of society purely on the basis of their lifestyle choice or philosophical ethos are not lawful.

Furthermore I ask you to investigate **if due process has been followed** in preparing and laying out this guidance. for example:

- The consultation process was not completed, with meetings cancelled due to Covid and not rescheduled and complaints from home educators regarding the conduct of those meetings that were held not addressed.

- Likewise could the Committee investigate if all the appropriate assessments have been conducted and to an appropriate standard, such as RIA.

- I am also aware that the present CCfW had requested a full evaluation plan would be conducted and published in association, however this has not been the case.

I also ask you to give due consideration to the following points and questions regarding **data protection and data sharing issues** - This list of data issues is also attached as a separate document.

1. 3.7 – are routine ISPs for LAs to share data about children in other LAs lawful if the child is NOT deemed at specific risk? That is, it is lawful to share data between LAs in the absence of specific risk and purely because they are home educated?

2. 3.11 – is it lawful for police and “professionals” to share data about children with other agencies purely because they are home educated and in the absence of any specific risk of harm?

3. 3.11 Is the wording on “*professionals*” too loose here? Does that mean that it is acceptable for doctors, dentists etc to inform the LA that a child is home educating in the absence of any specific concerns of risk but purely because they are home educating?

4. 3.13 is it lawful for LAs to “***have data sharing agreements to facilitate cross checking of children entering statutory provision against partner databases (such as early years, childcare teams and health)***” and to do so routinely for all children rather than in specific cases if there were evidence of concerns about individual children? Please note that they intend to cross reference HEALTH databases with educational ones without consent. This would be a deterrent from those who wish to avoid coerced, mandatory and likely unlawful meetings with LAs from placing themselves and their children onto health databases and thus accessing health care.

5. 3.14 and 3.15 – these points conflate the concepts of CME with an EHE child where the LA know that the child is EHE not CME but then may not know the location of that child if they move homes. Is data sharing acceptable and lawful if the EHE child who has moved home is not deemed a child at risk?

6. 3.16-3.19 – are these measures lawful and is it lawful for LAs to use them routinely to identify any children who are home educated in the absence of risks about individual children?

7. 4.19-4.30 –

a. Is it lawful for the LA to request such large volumes of data and information from families in the absence of specific risk or concern in each case? Please note they would routinely request information from **every** child and parent (not only where there is specific consideration of risk) on

i. Education

ii. Socialisation and
social opportunities

iii. The child's beliefs
and opinions about their family life in terms of their
choice of educational approaches.

b. It is lawful for LAs to do so when the families are providing this information not "freely" but under coercion of threats of legal proceedings such as school attendance orders and social services involvement if they do not agree to meetings and to providing whatever information the LA request?

c. 4.28- 4.29. Whose property is whatever is done by the child in the course of their learning? (Sometimes termed "work" in the guidance, although many forms of home education do not involve "work" in terms of replicating school-like "work" as is alluded to earlier in the guidance).

i. Should a child of
the age of consent be forced or coerced into sharing
information about or examples of their learning or "work".

ii. Should a child who
is not able to give consent due to age or ALNs be forced
or coerced into sharing information about or examples of
their learning or "work"?

iii. Should a parent be
forced or coerced into sharing examples of learning or
"work" that their child has done?

8. 4.39-4.41 – should there be any protections on

a. In terms of what this written report contains - should there be an independent body to assess any disputes about the relevance, validity and accuracy of the content?

b. Who this report can be shared with and how it can be used?

i. especially how can the information in such a report be used when the parents and children would not have consented to provide the information but for coercive effect of threats of legal action such as SAOs and social services involvement

ii. and/or if the LA plan to use the report without consent of the family?

9. (side point 6.9-6.12 – is there any need for clarity that data should not be shared with these bodies without consent?)

10. 7.21 "Data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. One of the specific circumstances which provides for information sharing is to prevent abuse or serious harm to others. When information is not shared in a timely and effective way, decisions made may be ill informed and lead to poor safeguarding practice and leave children at risk of harm."

a. What data legislation are they referring to? Is this phrasing likely to lead LA employees to disregard laws and rules on data sharing and privacy? Is this phrasing mean that data sharing without consent to be used as a general principle rather than an exception in individual cases where there is a justifiable and demonstrable reason to do so?

b. Is there evidence of clarity of what is meant by "serious harm" either in this guidance or in an appropriately rigorous training programme for LA employees utilising this guidance?

c. Should the public have sight of all training and procedures for when data sharing is and is not considered appropriate? Should that information be clarified by Welsh Government in their guidance or left to individual LAs? If the latter, who is accountable to ensuring all are compliant with the law?

Cyflwyniad / Submission 4

I am emailing to ask that the Senedd ensures the Welsh Government guidance on Elective Home Education is paused and not implemented until the Senedd has had full chance to scrutinise the unlawfulness and impact of the guidance.

Cyflwyniad / Submission 5

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here

<https://business.senedd.wales/documents/s134220/LJC6-07-23%20-%20Paper%2018%20-%20Letter%20from%20Families%20First%20in%20Education%20Wales%2021%20February%202023.pdf>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023.

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in

order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 6

I am writing to you to ask if you would launch an enquiry into the recently published guidance Elective Home Education.

I am extremely concerned about the negative impact this will have on home educated children especially in the area of respecting privacy and home life. Children may be expected to have face to face meetings without their consent to ensure suitability of education, with the added pressure of feeling if they don't perform well they will be sent to school.

This will threaten their entire way of life and the personalised education that they are currently receiving.

Cyflwyniad / Submission 7

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities

I have sent the following email to the Education Minister, can you help with this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister concerning proposals for new Home Education Guidance for Local Authorities.

How are you expecting Local Authorities will implement their duties regarding the new ALN Act for Home Educated Children when they are already under immense pressure within the state system. Waiting times for support are already too long to support families.

How will authorities comply with the new ALN code and Home Education proposals?

What funding has been allocated for ALN within Home Education?

How are Welsh Government expecting Local Authorities will implement their duties regarding the new ALN Act for Home Educated Children when they are already under immense pressure within the state system. Waiting times for support are already too long to support families.

How will Authorities comply with the new ALN code and Home Education proposals?

What funding has been allocated for ALN within Home Education?

Cyflwyniad / Submission 8

Whilst I am pleased to note that WG have recognised in paragraph 1.12 the alternative approach home educators take to that of a state education and in paragraph 4.20 that any enquiry the Local Authority conduct should be sensitive to the family circumstances, the guidance has limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship. I, and hundreds of other home educating families, are very concerned about the content of the guidance. In particular the requirement in paragraph 4.28

"meetings that state Local Authorities should ask to see examples of learning, a variety of work both complete and incomplete in varying standards".

Also paragraph 4.21 is particularly conflicting.

Welsh Government are taking **some** of the rights of children and implying that children are **obligated** to meet with the Local Authority and that the authority have greater jurisdiction over a child than a parent. They are combining the child's right to voice their opinion, with the suitability of education which section 436a of the education act does not require. Welsh Government are implying that it is only the state that can hear the voice of a child and not a parent. We are parents taking care of our own children.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here <https://business.senedd.wales/.../LJC6-07-23%20-%20Paper...>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of]

an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Submission 8a

General Comment No. 12 (2009) The right of the child to be heard.

16. The child, however, has the right not to exercise this right. Expressing views is a choice for the child, not an obligation. States parties have to ensure that the child receives all necessary information and advice to make a decision in favour of her or his best interests.

https://resourcecentre.savethechildren.net/document/general-comment-no-12-2009-right-child-be-heard/?fbclid=IwAR3_5jpkjuo1UvVyS09oqwQfsqAohYV4FpSCYP46k5xFJuWHPRDV3CyAilo

Cyflwyniad / Submission 9

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I have sent the following email to the Education Minister, can you help with this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister concerning proposals for new Home Education Guidance for Local Authorities. Why has there been no review, assessment or evaluation of the effectiveness of the current Non Statutory home education guidance for Local Authorities that was issued in 2016?

Why has there been no review, assessment or evaluation of the effectiveness of the current Non Statutory home education guidance for Local Authorities that was issued in 2016?

Cyflwyniad / Submission 10

It has come to my attention that the Welsh government have published the elective home education guidance (may 2023).

The exiting non statutory guidance is already working well and allows for positive relationships to be formed by local authority , so this will not benefit home educated children in any way. I also believe that this will be damaging to the good relationships with the la that many home educators currently have.

I am concerned that these new regulations threaten children's rights and hope that they will be adequately debated in the Senedd.

Cyflwyniad / Submission 11

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in it's current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here <https://business.senedd.wales/.../LJC6-07-23%20-%20Paper...>

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The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 12

Request for an enquiry to be launched into the recently published home ed guidance

We request the above for the following rationale:

1) the workability of the guidance, putting more pressure on the Local Authority when they already have resource and capability issues. Resourcing should be used to support families in crisis due to the education departments lack of knowledge, expertise and care, pushing them into crisis while children attended mainstream (for those children who have been removed from mainstream because of the failure of the LA)

2) Increasing numbers of home educated children have negative experiences of the education body due to the LAs lack of understanding of anything from attachment difficulties, trauma, to ASD.

Having them in the home, interrogating children as to what they have done, whether they are 'happy' and the general traumatic experience of having someone new involved in their lives would be inappropriate for most children in this situation and probably result in a backlash of negative behaviour and harmful anxiety attacks, self harm and depression.

It is not workable, appropriate or necessary.

3) I would add that while the children are obviously the main consideration, the pressure and stress that such visits would put on parents and carers could be huge. This would be both in the respect of the suggested meetings etc and the aftermath of supporting the children and helping them manage their behaviours, where they had been settled and building strategies to help anxieties.

4) lawfulness of such actions

Cyflwyniad / Submission 13

As you know, the Minister of Education has released new Statutory Guidance for Home Education (12th May 2023). Whilst the guidance has some limited understanding of home education, the document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider.

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023. The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful, the guidance appears rushed with many errors that are most questionable in this regard and so we ask that the committee launch an **urgent** enquiry into the home education statutory guidance that has been published, for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

Cyflwyniad / Submission 14

It has come to my attention that the Welsh government have published the elective home education guidance (may 2023).

The existing non statutory guidance is already working well and allows for positive relationships to be formed by local authority, so this will not benefit home educated children in any way. I also believe that this will be damaging to the good relationships with the la that many home educators currently have.

I am concerned that these new regulations threaten children's rights and hope that they will be adequately debated in the Senedd.

Cyflwyniad / Submission 15

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities I have sent the following email to the Education Minister, can you help with this? Regarding references to an "agreed core offer" in standard copy and paste letters received from WG/education department, - Exactly who has "agreed" either the content or the acceptance of this offer of services for Home Educators like taking out more books from Libraries or Access to CADW sites that we can already access for free? Have the home educating community agreed to either the content or the acceptance of the offer?

Cyflwyniad / Submission 16

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I am most grateful for your insight and understanding of the situation we are facing as Home Educators. I have sent the following question to the Education Minister. What is your opinion on this?

Dear Mr Miles

I am contacting you in your capacity as Education Minister in Wales, concerning proposals for new Home Education Guidance for Local Authorities.

What problems are solved by current Welsh Government proposals for statutory guidance for Elective Home Education, that cannot be solved under the existing EHE guidance?

What problems are solved by current Welsh Government proposals for statutory guidance for Elective Home Education, that cannot be solved under the existing EHE guidance?

Cyflwyniad / Submission 17

It has come to my attention that the Welsh Government has published the Elective Home Education Guidance (May 2023). This is incredibly important to all families who have chosen to home educate, and it is deeply concerning, confusing and in many areas very contradictory. The existing statutory guidance has been working well, to date. Many families have a positive relationship with their local authority, but this has the potential to undo all of that in its entirety.

We all hope that these new regulations can be adequately debated in the Senedd within sufficient time.

Once we have had more time to consider the Welsh Government papers in more detail, I will further contact you with my comments, of which I hope will be helpful.

Cyflwyniad / Submission 18

I am a XXXXXXXXXXXXXXXX home educated person and I request that you please launch an urgent inquiry into the damaging Welsh Government guidance on elective home education.

Please use this email and the email below to consider something of the damage that this guidance would cause.

I have tried to put in a complaint to the Welsh Government, but they have refused to consider it. I have tried to explain the damage that their ideas would cause to young people like me, but all I get are copy and paste responses (that I know other people have had too) including a response that openly tell me that if I, or anyone like me, refuse to be interviewed about my personal and private life and education then legal proceedings would result against my family unless I went to school.

I cannot begin to tell you how second rate, how mistrusted this makes me feel.

I cannot begin to tell you how much damage would have been done to my life and education if I had been forced to be regularly interviewed about my education and give an account of my "progress". Because "progress" in home education does not look like "progress" in school. Home education is much better than school education, but we don't jump through the same hoops at the same times - in fact that is exactly what makes it better.

School was so traumatic. It has been quite a few years since I last went to school and the way it crushed me still crushes me now.

I would not be here now if I had been forced to stay in, or go back to school.

I would not have survived it.

There will be suicides of young people if the Government insists in bullying them into interviews and forcing them into school if they refuse. I am not being overly dramatic saying that. These are real lives we are talking about. Don't push young people to the edge of that to have to prove in each case that interviews are damaging.

I do not want to explain further to you how dreadfully damaging school can be.

Please believe me and listen to me even though the Government does not.

My parents listened to me and supported me throughout my education, the Government do not.

Having my own Government use SCHOOL and legal action to make us go there as threat to coerce me and young people and children like me to conform to be interviewed and observed as if I have no rights or opinions and as if it knows better than I or my family is the most abhorrent thing I can imagine.

To use the thing I dread the most as a threat to make me dance and perform like a puppet - it is despicable.

I love being home educated. I love learning. Why deprive me of my education? If my parents say I am being home educated why would you not believe them? Why do you assume all home educating parents are liars unless we all jump through hoops to prove we are not?

Those hoops you would make us jump through are fiery ones. Those hoops would damage us. They would traumatise us. Not just DURING the interviews. The whole thought of having to please someone else would take over my education.

Now - I am free to learn for the way learning enhances me as a person, for the way it benefits me, for the way it interests me.

I refuse to let my self worth and my education be overtaken by the concept of having to please other people.

I left school when I was X. I did not learn to read properly probably until I was maybe X - not because my parents were not encouraging me and helping me but because it just did not click. Plus I did not want to read because trying gave me terrible flashbacks of school. But when reading clicked, I loved it. I started to devour encyclopaedias. I have had work I have written published nationally and have several GCSEs and other similar qualifications before the age that these are taken in school. IF I had been forced to be interviewed and my "progress" assessed when I was younger, I could easily have been forced into school. That would have ruined my education and I would either not have gone or not have survived it. Home education gives long term not short term results. My parents would have been placed under pressure to MAKE me learn more quickly or in a different way. Thankfully they had the patience and wisdom to not force me but to gently and continually encourage, guide and support me but never to pressurise me, never to make me feel bad if what I was doing wasn't as "good" in other people's eyes as the gold standards that schools are meant to reach. and the result of that is that in the long term I have done far "better" than friends at school. But it is not "better" - it is where I should be, at the time I should be. But it is far far far "better" than it ever would have been if I had been forced into school.

I cannot begin to tell you how awful, how traumatic the thought would have been of being threatened with, let alone being forced into school.

My voice has always been that I want to be home educated and that I do not want to have to explain that perfectly reasonable and lawful choice to strangers. Why ignore my voice?

Learning is like a flower opening from a bud. Force it before it is ready, pressurise it, rip it open to see what is inside and you will damage it beyond repair.

We are not performing monkeys to dance to someone else's ideas. To make an animal do that is cruel. So why force us under threat of taking our parents to court and then try to pretend it is a "positive experience"?

My parents discuss issues of consent with me as a young person. How can going on a date be happy and positive if the person you are on the date with threatens you with things you dread, threatens to do things that would harm your children and family unless you do what they want?

I am not a data chip. I do not consent to my data being shared. Just being home educated is not a risk factor and is not a reason to be sharing my data.

The Government pretends it wants to "support" us. That is just such a ridiculous claim. It wants to control us, inspect us like some kind of animals in a laboratory - except those animals' sense of self worth and esteem would not be damaged anywhere near as much as ours would by implying that we have to meet other people's expectations and by implying our family are liars.

I want to do four A levels, I have the subjects selected that would work best for me. I cannot do those through school, there is no way I would manage a classroom environment - plus school simply would not allow me the options I choose or to study in the way that suits me best. But each A level EXAM costs over £2000 - that's just to sit the exams, not any other costs of studying. but will the Government support me with that? no. Will the LA? no - we've asked, nothing at all. Support? Nonsense.

Want to "support" us? Take that money they are wasting on paying people with no real training to carry out another Spanish inquisition and let us home educators explain how it could be used to REALLY support us.

But that would mean listening to us which is something that the Welsh Government just does not do.

We would far rather really do without a lot of nice things as a family to be able to keep the rights to education than sell out that right for the odd voucher or to be told we can go and see a CADW castle (which we already can for free by the way).

SO please, please urgently ensure there is a full inquiry into this horribly damaging guidance. Please make sure you examine all the ways it is unlawful. but also please please ensure you look at all the ways it is damaging too, because I suspect that the Welsh Government is so determined to try to have its way that they will just try to play legal tricks to pretend it has the right and power to do whatever it wants regardless of what we young people and families say. We really need the Senedd in Wales to do its job of standing up for the people of Wales and ensuring that only what is right and lawful happens to us. We need the Senedd to stop us being so bullied and threatened.

Please help us.

Dear Mr Miles,

XXX XXXXXX, XXXXXXX XXXXX XXX XX XXXXXX XXXXX XXXX XXXXXX.

When revising today about the McCarthy Era in the USA in the 1950s, I was intrigued to read how the textbook, to depict the bullying and unjust nature of the interview methods used by McCarthy, stated how,

"any refusal to answer was taken as a sign of guilt".

Yet Mr Miles, isn't that the approach Welsh Government are taking with their ideas of forcing children, like myself, into mandatory meetings with authorities against our wills, without consent of us young people, or consent of our parents?

Doing so purely because we continue to be home educated rather than taking the Government up on its offer of being educated by them instead?

*Isn't this what the Government are wanting to do by forcing our families into meetings, and we if do not comply then forcing us into courts or schools –by taking **"any refusal to answer as a sign of guilt"** to automatically presume that education cannot therefore be considered suitable.*

Mr Miles, I do not consent to invasion of my personal life with unwanted meetings. Does that make my family criminals?

The irony however also made me laugh. Many families have tried to engage with yourself and with the Education Department, only to be effectively ignored or palmed off with copy and paste replies that either do not answer the points and questions, or in effect say, "we're not talking to you, just go away and be quiet".

Is **"any refusal to answer"** by Welsh Government also **"a sign of guilt"** on their part?

Of **"guilt"** of being paternalistic or autocratic?

Of **"guilt"** of assuming that any group that they do not understand must need **"regulating"**?

Of **"guilt"** of assuming that any group they do not understand must automatically need **"monitoring"**?

Of **"guilt"** of, like McCarthy, being suspicious of any minority group and assuming know better than them?

Of **"guilt"** of proceeding like some 1950s B movie robot that once it has been mistakenly set on a course just keeps going oblivious to the damage it is causing?

Of **"guilt"** of continuing with what it knows is unlawful?

Please, Mr Miles, listen to us.

Please stop this damage and chaos.

The present guidelines work. Why try to fix what isn't broken?

Why not just keep these? If you genuinely want to add "support", why not just add "support" to these?

Wouldn't that be such a popular move?

Please chart a better course, set a higher level of conduct by not automatically following plans that even your predecessor knew were full of problems and did not have a lawful basis.

Be the one to set the standard for listening to and serving the community that elected you.

Cyflwyniad / Submission 19

We are writing to express our grave concern about the recent changes to Elective Home Education (EHE) Guidance in Wales. As dedicated Home Educators of our children XXXX X XXX X, we believe the new legislation undermines not only our children's rights to a suitable education based on their needs and preferences but

also the entire legal basis under ECHR Article 8 under which all government regulations and guidance has previously been drafted and regulated.

The ideological and philosophical views which we feel are better promoted through Elective Home Education are grounded in the European Convention on Human Rights Article 8 which protects family life and children's rights from the overt intrusion by Social Services and Government Departments which this new legislation actively promotes.

The range of reasons listed by the British Government for Elective Home Education include not only these ideological or philosophical views, but also a dissatisfaction with the school system, mental health, bullying and children unwillingness to go to school. All of which are in our view systemic issues in the school system itself.

As it is also clear from Elective Home Education (EHE) Guidance that the government curriculum is new, this new guidance seems to attempt through the back door to impose government guidance as to what is taught how and when. The change from Educational regulation through school to educational regulation by LA/Social Services will lead to unqualified personnel making decisions over what is an appropriate education for children who are being Home Educated.

The [GOV.UK](https://www.gov.uk) guidance clearly states:

"2.11 There are no legal requirements for you as parents educating a child at home to do any of the following:

Acquire specific qualification for the tasks

Have premises equips to any particular standard

Aim for the child to acquire any specific qualification

Teach the National Curriculum

Provide a "broad and balance" curriculum

Make detailed lesson plans in advance

Give formal lessons

Mark work done by the child

Formally assess progress, or set development objectives

Reproduce school type peer group socialisation

Match school base, age specific standards"

As it would appear that the new Welsh Government legislation directly contradicts the above listed provisions, it is questionable how the courts of England and Wales will decide upon the matter until which time this leaves parents in limbo with no time to adjust or properly address their legal and educational concerns.

As there has been no effort prior to this legislation to consult constructively with the numerous and dedicated Elective Home Education Families in Wales and beyond, it is entirely understandable that Home Educated feel this legislation to be unsupportive of the underlying educational basis not only of our own educational approaches but also of the rights to Home Education per se.

As Home Education is a huge commitment for our family and others alike and in the absence of any negative outcome for Home Educated children, it is deeply questionable why the Welsh Government does not engage into a constructive dialogue as to how Home Educated can be supported than undermine and if their concerns are regarding the increase removal of children from school to be Home Educated then their time and the extensive resources that the legislation will require would be far better spent reforming what issues parents feel led to their disenfranchisement with the school system as it stands.

Surely obtaining such insight and reforming schools where necessary would be far more fruitful and constructive than giving LA/Social Services carte blanche to coerce children back to school against their own and parents/carers wishes.

Home Education is about so much more than not attending school, and this legislation provides little scope for understanding and holistic educational approach and children's wider welfare. School classes of up to 30 children do not represent either an optimal education environment or the healthy socialisation of children. Such an environment and educational approach encourages bullying, competition and fear of failure as well as not being responsive to children's individual rates of learning nor their specific interest.

It is unfathomable how Social Services are meant to interpret and enact this new legislation, given their limited resources without grossly undermining the safeguarding provided by ECHR Article 8 upon which the basis of our civil society in post war Britain has been built.

XX X XXXX XXXXXXXXXX XXX XXXXXXXXXXXXXXX XXXXXX who lived and worked in both Wales and England as well as having family abroad, travel is a central and valuable part of our children's education. For these purposes, Home Education is clearly far more suitable than school based education where unfortunately travel is not an option and race can very often be the basis of bullying and prejudice.

To sum up, it would appear this new legislation has been poorly thought through and swiftly enacted with little consideration for the basis on which Home Education has been successfully based upon since its inception and the protection granted to Home education under existing laws and ECHR Article 8. We as a family together with others in the Home Education Community will continue to Home Educate in the best interest of our children and seek protection from the courts if necessary to challenge any unlawful intrusion or imposition of this legislation which contradict the existing law and protection quoted above.

Submission 20

Attached is an open letter organised by a fellow home educator signed by a number of people of significance and experience in the realms of progressive education and safeguarding, objecting to the new WG guidance on home education in Wales.

To:

Re: Elective Home Education Guidance May 2023 (288/2023)

Parents and carers – not local authorities – bear responsibility for provision of a child's education. This is established both in primary legislation¹ and in human rights frameworks as the UN Special Rapporteur on education stated in 1999:²

"The objective of getting all school-aged children to school and keeping them there till they attain the minimum defined in compulsory education is routinely used in the sector of education, but this objective does not necessarily conform to human rights requirements. In a country where all school-aged children are in school, free of charge, for the full duration of compulsory education, the right to education may be denied or violated. The core human rights standards for education include respect of freedom. The respect of parents' freedom to educate their children according to their vision of what education should be has been part of international human rights standards since their very emergence."

This ill-thought through guidance upends this principle, requiring local authorities to assess the provision of education and a child's progress, relegating the views of

¹ s7 Education Act 1996

² <https://www.ohchr.org/en/statements/2009/10/statement-special-rapporteur-right-education>

parents and carers as secondary to that of the state. Assuming assessment duties is no minor administrative updating of guidance but instead represents a fundamental shift in the relationship between state and family, the repercussions of which are seismic.

Nor does the guidance address the practicalities of how local authorities are to meaningfully take this responsibility from parents. While parents and carers know their children, see their progress or struggles up close, know what they are interested in and what they want to do local authority staff do not know these children. Within a school setting, children are able to be assessed because of the uniformity of provision and expectations, this is not the case for home educated children where what a suitable education is will look different for every child. How are local authority teams – especially given a widespread lack of qualifications and experience in alternative educational approaches - to evaluate a child's education? How are they to judge if perhaps a child on one particular day might be tongue-tied or shy? How on a brief meeting are the views of local authority officers to be given more weight than that of the parent or carer? This is the reality of what is mandated by this guidance and the practical implications to the lives of children are huge.

Home education is an important freedom for families. Not only as it is for some - a choice made on the basis of parental or carer philosophical beliefs about education - but also as a vital safety net for the increasing numbers of children failed by the school system.

Governmental guidance must not – as this guidance does - undermine parental and carer responsibility for children in contravention of primary legislation and of human rights principles

Undersigned

Dr Chris Bagley, Institute of Education, UCL

Dr Beth Bodycote, Not Fine in School

Dr Ian Cunningham, Self-Managed Learning College

Charlotte Church, AWEN

Jonathan Field, co-founder AWEN

Tristram C. Llewellyn Jones, Home educator and civil liberties campaigner

Dr Harriet Pattison, Liverpool John Moore University

Heidi Mavir, author 'Your Child is Not Broken'

Alison Sauer, Trustee, Centre for Personalised Education

Dr Kevin Smith, Education, Cardiff University

Jo Symes, Progressive Education

W. Charles Warner, Education Otherwise

Lord Wei of Shoreditch

Stephanie Yorath, The Victoria Climbié Foundation UK
Rose Arnold, Suitable Education

Submission 21

I am writing to ask that you launch an inquiry into the new home education guidance which I believe to be illegal and discriminatory.

The intention to move the responsibility for education from parents to the State and the implication that children can be forced into meetings are not within the scope of the current law. Applying such intrusion into family life and parental responsibility only to a certain group of people based on a parenting decision seems to me to be a form of discrimination.

Please ensure that these issues are properly looked into and that the guidance is paused until it is done so.

Submission 22

I am writing to you in your capacity as chair of CYPEC concerning proposals for new Home Education Guidance for Local Authorities.

I have sent the following email to the Education Minister, can you help with this?

On 04/05/2022 Jeremy Miles answered written question WQ85029 with the following:

“In September 2021, I agreed to progress the proposals for elective home education (EHE) consulted on in 2019 and 2020, with the aim of ensuring that children and young people receive a suitable education, whilst making progress on identifying children missing an education.”

Submission 22a

Why did The Education Minister agree to recommence work on Home Education?

My journey as a home educator began nearly XXX XXXXX XXX when my eldest son, a wonderful, musical, knowledgeable history buff XXXX XX told me he wanted his life to end.

He had suffered bullying, torment and discrimination at school due to being autistic (undiagnosed at that time) and the school was incapable of providing a suitable education in safety.

My son suffered humiliation and disrespect from other children whilst in state education due to being neurodivergent, but of course, sadly, society in general can

also be intolerant of diversity. Most families who home educate have, at some time or other, experienced being treated with disrespect and suspicion simply for being different – simply for exercising our right under the law to choose how our children are educated. The Welsh government appears intent on causing us further harm by stigmatising our situation through repeatedly conflating our educational approach with safeguarding issues and implying that there is an inherent problem with us simply due to our children’s learning not taking place in school. This is discriminatory and insulting and clearly projects that Wales is a country that does not value or respect diversity in individuals, family life or in education.

However, this guidance really does mark a new low in the lack of respect and understanding towards home educators and home education from a Welsh government which has repeatedly asserted the belief that all children should be in school. The WG guidance has its basis in a presumption that home educating parents are not putting their child’s education first and that parents have to provide evidence to prove that they are not guilty of neglecting their duty. This effectively sets us up as guilty until proven innocent.

The state’s right to intervene is only lawful when there is reason to believe that suitable education is not taking place; this guidance effectively calls for parents to be examined by the state for evidence of failure, using our children as the source of that evidence. This mandate is accompanied by a fundamental disrespect and ignorance of home education philosophies and diversity of approach. It is not sufficient or acceptable to merely pay lip-service to an understanding of this – the Welsh government just acknowledging that there are varied approaches to education outside of the institution of school is not sufficient to even begin to approach empathising with the lived experiences of home educating families. It is also very difficult to remove an inbuilt bias towards what to expect to see or hear from a child when most council EHE officers have had previous careers as school teachers.

This school-biased thinking was highlighted in the Senedd Plenary of 6th June by the Minister for Education himself when he referred to us as parents who “teach at home” – most home educators in the UK would rigorously object to their role being described as teaching their children, in the same way that we repeatedly have to explain that most of us do not “home-school”; we are enablers, facilitators, mentors and supporters of our children’s education and we often learn collaboratively alongside our children. But how would the education minister know that when he and other influencers (e.g. Estyn) only have experience of the school system where children are taught and schooled and produce a predictable, measurable output?

The Minister for Education also spoke in a contradictory manner about meetings with children not being mandatory but then emphasised that seeing and talking with the

child is how the suitability of an education is to be judged. And of course if the parent/child do not consent then prosecution and a school attendance order can follow. As I'm sure you are aware, there is no appeals process in place.

Is this supportive? My youngest child, XXXX XX certainly does not feel supported by this guidance – he feels threatened and fearful of it and those who are behind the thinking. He is aware of being part of a minority in society and how governments in the past have been guilty of huge injustices towards minorities.

I find it somewhat ironic that I had observed, in recent years, the beginnings of a more friendly and supportive role from our local education authority through provision of a variety of events, workshops and activities for home educating families. Unfortunately, in the last 12 months these provisions have largely disappeared (I assume that funds are now redirected in readiness for the new monitoring roles) and our local college, XXXXX XX XXXXX XXXXXXXX XXX XXXXX XXXXX, has announced that it is no longer accepting external exam candidates.

In light of the above, do you believe it possible, as has been suggested by Trefnydd Leslie Griffiths, that the new guidance "will provide an opportunity for the local authority to develop a positive relationship with families"?

Submission 23

The Minister of Education has released new Statutory Guidance for Home Education (12th May 2023).

Whilst the guidance has some limited understanding of home education. The document contains many contradictions, and questionable requirements for Local Authorities making it an unworkable, counterproductive document for both Local Authorities and home educators.

Local Authorities and home educators would like to have a mutually respectful co-operative relationship. The underlying tone and content of this document, in its current form, does not aid in that relationship.

The community has previously funded legal opinion and a rebuttal, which we ask you to consider. This has previously been sent to the Legislation, Justice and Constitution Committee can be viewed here

<https://business.senedd.wales/documents/s134220/LJC6-07-23%20-%20Paper%2018%20-%20Letter%20from%20Families%20First%20in%20Education%20Wales%2021%20February%202023.pdf>

The Chair of the LJCC wrote to the CYPE Committee regarding this matter on 7th March 2023

The Education Department's civil servants are unable to tell us which sections of the guidance are statutory and which are non-statutory, despite drafting the guidance.

The Children's Commissioner has voiced she was 'disappointed [with the lack of] an evaluation plan to be published alongside any new guidance' (The Children's Commissioner for Wales, 16th May 2023)

Whilst we as parents and carers do not have appropriate legal knowledge on what is considered lawful. The guidance appears to be rushed with many errors that are most questionable in this regard and so we ask that the committee launch an urgent enquiry into the home education statutory guidance that has been published, in order for the document to be thoroughly scrutinised to ensure it has been appropriately assessed and due process has been followed.

I would be most grateful if you could launch an urgent investigation into the newly published guidance as there are many concerns regarding the guidance including how this is going to affect HE Children's mental health.

Submission 24

Whilst there are some positive paragraphs, the overall tone, is a document that has many contradictions, and is unworkable for both the Local Authority and the home education community. It appears to be rushed.

It is positive to note that Welsh Government recognise that 'Learning can take place in a range of locations...[and the importance of its] ability to be flexible and adapt to events and circumstances on a daily basis (4.8.)

Also that Welsh Government is 'mindful that home educators are **not** required to, among other things, have formal lessons, and mark work done by their child (See 4.13, for the full list)

However, despite a few sections demonstrating a limited understanding of home education. The document is completely incompatible with home education, and hundreds of families across Wales are very concerned.

The key issues are

- The local authority decides what is a suitable education (4.6,4.11, 4.16,4.17, 4.18, 4.28)
- The local authority has the right to mandatory meetings with the child and parent, and failure to comply could ultimately lead to the child being removed from the family home, under a care order (4.21, 4.34, 4.35, 4.37, 7.16, 7.17)

- There is no appeals process, nor is there any requirement for a local authority to ensure that staff are trained or understand bias, discrimination, or protected identities. (4.39,4.40,4.41)

It's important to note that the logical assumption of a family refusing to meet with the local authority could ultimately lead to a care order, has been verified by people far more knowledgeable than I am.

We are aware that Kirsty Williams on 11.12.19 told the Senedd that '...prior to final publication of the guidance and coming into force for the regulations, they will be subject to robust process and scrutiny, such as data protection impact assessment, integrated impact assessment and a regulatory impact assessment to ensure both are lawful' (Kirsty Williams, 11.12.19) However, we believe this hasn't been done.

Nor has a consultation response been issued by the Education Minister, only a summary of comments, by the previous Education Minister.

There are many contradictions within the guidance, suggesting it has not been fully scrutinised by relevant parties. This may allow the document to be legally challenged, which will not only cause embarrassment to the Welsh Government but will also be costly for the local authorities.

Contradictions, drafting mistakes and power grab points.

1.12 and 4.30 contradicts 4.4

3.13 Finding reception aged children by cross referencing live birth records.

4.7 contradicts 4.6, 4.4

4.12 makes no sense

4.21 contradicts itself and 4.34 and 4.37

4.28 contradicts 4.9

4.33 case law quoted makes no sense with heading

5.12 The wrong section is quoted to refer to. 4.21, which is about meeting the child

Submission 25

I was writing to you in your capacity as chair of the Children, Young People and Education Committee.

Mandatory meeting with LA representative

(Please bear in mind when reading this that our situation, like many families who opt for EHE, is complex. For the sake of brevity I will summarise but this summary merely scratches the surface of what I could say here.)

I am not currently home educating my daughter, but her needs are such that we may need to consider it in the near future. Her anxiety regarding appointments with professionals is extremely high and my experiences talking to other parents and professionals (particularly in the worlds of mental health and trauma informed practise) demonstrate we are not alone in this situation. Apart from the other issues raised in my first email, it is a very great concern to me that, if we were to opt for EHE at some point in the near future, the requirement to meet with a member of the LA would be a massive source of stress and anxiety for her, even with me present, but to be told she is not allowed to have me present would be even worse, very likely leading to further traumatisation. Advice from trauma specialists is to prioritise felt safety and building relationships with key people. This would not be possible in the scenario which is being proposed by the government. Furthermore, advice from chronic fatigue specialists is that stress is to be avoided where possible, as it can cause flare ups or relapses. (I can provide you with relevant sources on these issues if that would be of help.) Our GP and other adoption specialists also agree that to have multiple different professionals dipping in and out is detrimental to her well-being and her recovery process. There is no provision being made within the current proposals to address this type of problem. **If the proposals go ahead I could be forced to make a choice between safeguarding my daughter's mental health and well-being and breaking the law.**

Can you see that this is a very frightening situation to be in?

Mental health crisis and attendance policies are exacerbating the situation

I am certain I am not alone in this situation. Levels of anxiety in children are clearly rising and I hear all the time how attendance figures have dropped drastically since the pandemic. Parents are being forced to consider educational alternatives for their children when they would not otherwise have chosen. Even just in my circle of close friends and family, I know of at least X children from X families who are experiencing anxiety around school - ranging from KS1-4. None of these are families who would previously have considered EHE, but some are coming to the conclusion they may not have much choice because of the detrimental effects they observe school attendance is having on their children. If I am representative of the general population, we are looking at a problem on a massive scale. Increasing the pressure on parents to comply with a system which is not working for their child is not a compassionate or even a pragmatic way forward. Attendance "targets" and rewards/punishments only make the problem worse because they do not address the underlying causes. They put pressure on schools, which is then transferred to parents and children. Increasing pressure is unhealthy for everyone. As a teacher I can speak from personal experience at both ends.

Please understand, I am not referring to parents who are negligent or children who are truanting. These are parents who are deeply concerned for their children's health and well-being and feel stuck between a rock and a hard place. For people like this, EHE sometimes becomes their only option. We may soon be one of those families.

Can you see how this wider context exacerbates the problems posed by the legislation?

A plea for help

Please, please, please will you, as chair of the Children, Young People and Education Committee, listen to our pleas for a wiser and less heavy handed approach. To make visits with a "stranger" mandatory for a child who is emotionally, physically or mentally fragile is not wise or kind and may not be for those who are more resilient either. To prevent them from having their primary carer present at such a meeting could cause huge distress, even more so because there is the potential for the results of such a meeting being that their parents/carers' provision could be judged as inadequate - and all on the basis of what they say. This is a burden that should not be placed on children. I urge you to rethink this.

These are very real concerns and I don't think it is an exaggeration to say that they constitute safeguarding concerns. I know each case will be different, but that is exactly the reason that a blanket mandatory requirement is inappropriate and potential harmful to many children like my daughter.

Can you see the kind of risks I am describing associated with what the government is proposing?

Are you happy to expose families, such as ours, to those risks?

I would be happy to talk to you further about these issues if that would be of help. As I say, I am not alone in these very real concerns and the feelings of threat that they pose to us. Please do not leave us or our children without a voice in this.

Local Government and Housing Committee

Jenny Rathbone AS
Cadeirydd
Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

18 Gorffennaf 2023

Annwyl Jenny

Efallai eich bod yn ymwybodol bod y Pwyllgor wedi cyhoeddi adroddiadau yn ddiweddar ar ddarparu safleoedd ar gyfer cymunedau Sipsiwn, Roma a Theithwyr ac ar ddarparu cartrefi i ffoaduriaid o Wcráin. Mae'r Pwyllgor wedi ymrwmo i wneud gwaith dilynol ar y cynnydd a wnaed gan Lywodraeth Cymru ar y materion pwysig hyn, ac felly bydd yn cynnal sesiwn graffu gyda'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip.

O ystyried diddordeb eich Pwyllgor yn y meysydd hyn, hoffem wahodd eich Aelodau i ymuno â ni ar gyfer y sesiwn dystiolaeth ar 5 Hydref. Cynhelir y sesiwn rhwng 13.30 – 15.00 a bydd Aelodau'n gallu mynychu'n bersonol neu drwy Zoom. Byddwn yn ddiolchgar pe gallai Clercod y Pwyllgor gydgysylltu ynghylch presenoldeb yr Aelodau.

Yn gywir



John Griffiths AS

Cadeirydd

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

Huw Irranca-Davies AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Senedd Cymru

19 Gorffennaf 2023

Annwyl Huw,

Y Cytundeb Cysylltiadau Rhyngsefydliadol: Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig yn Jersey

Ymhellach at fy llythyr ar 12 Mehefin ynghylch y cytundeb cysylltiadau rhyngsefydliadol, Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig yn Jersey a'r drafodaeth ynghylch polisi tai ac ynni, hoffwn dynnu eich sylw at fy [natganiad ysgrifenedig](#) a gyhoeddwyd heddiw, ac at [hysbysiad](#) y Cyngor Prydeinig-Gwyddelig sy'n crynhoi canlyniadau'r Uwchgynhadledd.

Tra oeddwn yn yr Uwchgynhadledd, manteisiais ar y cyfle i gael cyfarfodydd anffurfiol, dwyochrog â Phrif Weinidog Jersey, y Cynrychiolydd Kristina Moore; y Taoiseach Leo Varadkar TD; y Tánaiste Micheál Martin TD; Prif Weinidog yr Alban, y Gwir Anrhydeddus Humza Yousaf ASA; a'r Ysgrifennydd Gwladol dros Ffyniant Bro, Tai a Chymunedau a'r Gweinidog Cysylltiadau Rhynglywodraethol, y Gwir Anrhydeddus Michael Gove AS.

Rwyf hefyd wedi anfon copi o'r llythyr hwn at y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith, y Pwyllgor Llywodraeth Leol a Thai, y Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol, a'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol.



MARK DRAKEFORD

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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.

Eitem 6.17

**Pwyllgor yr Economi,
Masnach a Materion Gwledig**

**Economy, Trade and
Rural Affairs Committee**

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Y Gweinidog Iechyd a Gwasanaethau
Cymdeithasol

Lesley Griffiths AS
Y Gweinidog Materion Gwledig a
Gogledd Cymru, a'r Trefnydd

Vaughan Gething AS
Gweinidog yr Economi

13 Gorffennaf 2023

Gwasanaeth Rhagnodi Electronig Gofal Sylfaenol

Annwyl Eluned, Lesley a Vaughan

Mae Fferylliaeth Gymunedol Cymru wedi mynegi pryderon i'r Pwyllgor ynghylch cyflwyno'r gwasanaeth rhagnodi electronig gofal sylfaenol yng Nghymru. Mae Fferylliaeth Gymunedol Cymru yn poeni y bydd newid i ragnodi electronig yn cael effaith negyddol ar fferyllfeydd cymunedol, gan na fyddant yn gallu cystadlu â fferyllfeydd yn Lloegr sy'n gwerthu nwyddau dros bellteroedd mawr. Mae Fferylliaeth Gymunedol Cymru wedi dweud y bydd gostyngiad yn nifer y presgripsiynau sy'n cael eu cyflenwi mewn fferyllfeydd cymunedol, ynghyd â gostyngiad yn nifer y nwyddau ychwanegol sy'n cael eu prynu pan fo unigolion yn casglu eu presgripsiynau yno, yn debygol o arwain at golli incwm a fydd yn arwain at gau fferyllfeydd.

Mae'r Pwyllgor yn pryderu am gau fferyllfeydd cymunedol gan eu bod yn ganolbwynt pwysig i gymunedau gwledig a all hefyd ddenu ymwelwyr i'r stryd fawr a thrwy hynny ddarparu lefel o ysgogiad economaidd i ardal.

Gofynnwn i chi ateb y cwestiynau a ganlyn:



- Pa asesiad a wnaed mewn cysylltiad â rhoi'r trefniadau rhagnodi electronig ar waith a'r effaith o ran cau fferyllfeydd?
- A wnaed unrhyw ddadansoddiad o'r effaith benodol ar gymunedau gwledig?

Rwy'n anfon copi o'r llythyr hwn at Russell George AS yn rhinwedd ei rôl fel Cadeirydd y Pwyllgor Iechyd a Mark Isherwood AS yn rhinwedd ei rôl fel Cadeirydd y Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus.

Cofion cynnes,



Paul Davies AS

Cadeirydd: Pwyllgor yr Economi, Masnach a Materion Gwledig

Croesewir gohebiaeth yn Gymraeg neu Saesneg

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Jenny Rathbone MS
Equality and Social Justice Committee
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27 July 2023

Annwyl Jenny Rathbone MS,

My name is Dr Greg Davies; I am a Lecturer in Law at the University of Liverpool. I write on behalf of myself and Dr Rob Jones who is a Lecturer in the Welsh Criminal Justice System at Cardiff University's Wales Governance Centre. Since 2017, Dr Jones and I have engaged with the Committee on several occasions concerning the topic of prisoner voting in Wales. The purpose of this letter is to inform you of our latest research on this topic (attached to the email with this letter) and the possible implications of our findings.

Our paper analyses the Welsh Government's proposal in 2019 to enfranchise prisoners serving under four-year sentences, following the principal recommendation of the Equality, Local Government and Communities Committee. These plans were abandoned at the outset of the Covid-19 pandemic, but Welsh ministers have since indicated that legislation on prisoner voting will be introduced in the current Senedd term. Our research examines the complexities of reforming electoral rights for prisoners in Wales against the backdrop of the 'jagged edge' of criminal justice competences.

Our main conclusion is that, under current constitutional arrangements, any Welsh prisoner voting policy based on sentence length will be conditioned and, crucially, undermined by criminal law and sentencing policy for which Welsh devolved institutions have no control. This is demonstrated by the significant changes within the prison population which have already taken place since the Welsh Government first consulted on prisoner voting in 2017. For example, we show that the number of Welsh prisoners serving up to four-year sentences has fallen by almost a third in that time (31%). Meanwhile, since 2019 the UK Government has increased the use of longer sentences. As a result, the number of prisoners who would be able to vote in Welsh elections under the Welsh Government's 2019 proposals has already shrunk significantly and is likely to reduce further in future, regardless of the decisions on electoral policy taken at the devolved level. In effect, the approach envisaged by the Welsh Government would outsource an important aspect of Welsh democracy to the UK Ministry of Justice.

A narrow majority of the Committee in 2019 favoured the full enfranchisement of the Welsh prison population for devolved elections. In light of our analysis, we believe that this is the only approach which would not tie the Welsh electoral franchise to fluctuations in sentencing policy at the UK level; it therefore deserves reconsideration when the Welsh Government introduces prisoner voting legislation during this term. As part of the Committee's continuing work in this area, we would be happy to provide further written or oral evidence about our latest and ongoing research.

Thank you once again for taking the time to engage with our work. If you wish to discuss this subject further, please do not hesitate to contact us.

Yn gywir,



Dr Greg Davies



Dr Robert Jones



Prisoner voting in Wales: devolved autonomy and human rights at the jagged edge

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University of Liverpool

Robert Jones
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ABSTRACT

In light of recent contestation between the UK Government and devolved institutions over legal human rights protections, this article examines the acute challenges that arise in the Welsh context for the implementation of article 3 of the First Protocol to the European Convention on Human Rights (ECHR), namely the right to free and fair elections. The European Court of Human Rights has held repeatedly that a blanket prohibition on convicted prisoner voting is a violation of the ECHR. Following the devolution of competences over devolved and local elections, the fundamental question for Wales is not merely whether prisoners *should* get the vote, but *how* a more progressive policy can be delivered within the current structures of Welsh devolution. We argue that the Welsh Government's proposals for reform – partial enfranchisement based on sentence length – will be conditioned and undermined by criminal law and sentencing policy over which it has no control. Meanwhile, other options are either beyond devolved competence or entirely contingent upon the cooperation of a UK Government which opposes prisoner enfranchisement. In tackling these issues, we aim to demonstrate the profoundly limited nature of 'devolved autonomy' in an area ostensibly within the competence of Welsh institutions. The case study of prisoner voting thus brings into focus the unique and significant limitations on Welsh devolution and the considerable scope for complexity at the intersection of devolved governance and international human rights obligations.

Keywords: prisoner voting; Wales; human rights; Welsh devolution; devolved autonomy.

INTRODUCTION

In recent years, the territorial politics of the United Kingdom (UK) have been marked by significant contestation between Westminster and the devolved institutions.¹ The legal protection of human rights has

1 Roger Masterman, 'Brexit and the United Kingdom's devolutionary constitution' (2022) 13(S2) *Global Policy* 58

become a focal point of this conflict, with devolved governments and political parties opposing UK Government plans for a 'Bill of Rights' to replace the Human Rights Act 1998 and developing their own human rights frameworks.² In this context, the scope for devolved institutions to implement international human rights standards is under increasing academic scrutiny.³ In this article, we contribute to these debates using a case study of prisoner voting in the Welsh devolution context.

Over the last two decades, prisoner voting has been one of the most controversial human rights issues in the UK. Between 2004 and 2017, the European Court of Human Rights (ECtHR) held repeatedly that the disenfranchisement of convicted prisoners for the duration of their sentences under UK electoral law was incompatible with the right to free and fair elections under article 3 of the First Protocol (A3P1) of the European Convention on Human Rights (ECHR).⁴ Successive UK governments refused to implement the ruling, but the matter was formally resolved in 2018 after the UK Government made several administrative changes which included granting prisoners on temporary release the right to vote while outside of prison.⁵ Just as the matter was reaching a resolution, however, prisoner voting became a *devolved* issue, creating 'new dimensions to an old dispute'.⁶

With the enactment of the Scotland Act 2016 and the Wales Act 2017, the Scottish Parliament and the Senedd (Welsh Parliament) acquired control over their respective devolved and local electoral

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- 2 Emma Sheerin, 'British Government must not threaten our rights or our peace' (*Sinn Féin* 22 June 2022); Welsh Government, 'The Welsh Government's response to the UK Government consultation on replacing the Human Rights Act 1998' (Welsh Government 2022); Scottish Government, 'The Human Rights Act and the British Bill of Rights' (Scottish Government 2022); UK Ministry of Justice, 'Consultation outcome. Human Rights Act Reform: A Modern Bill of Rights – consultation' (UK Government 2022).
- 3 Katie Boyle and Nicole Busby, *Human Rights and Devolution: Devolution as a Vehicle for Human Rights Protection and Progress* (Human Rights Consortium Scotland 2021); Simon Hoffman, Sarah Nason, Rosie Beacock and Ele Hicks (with contribution by Rhian Croke), *Strengthening and Advancing Equality and Human Rights in Wales* (Welsh Government 2021); Kasey McCall-Smith, 'Making rights real through human rights incorporation' (2022) 26(1) *Edinburgh Law Review* 87.
- 4 *Hirst v United Kingdom* (No 2) (2006) 42 EHRR 41; *Greens and MT v United Kingdom* (2011) 53 EHRR 21; *McLean and Cole v United Kingdom* (2013) 57 EHRR SE8; *Firth and others v United Kingdom* (2016) 63 EHRR 25; *McHugh and others v United Kingdom* [2015] ECHR 155; *Millbank and others v United Kingdom* [2016] ECHR 595.
- 5 UK Government, 'Secretary of State's oral statement on sentencing' (Ministry of Justice 2017); Committee of Ministers, 'Resolution CM/ResDH(2018)467' (Council of Europe 2018).
- 6 Colin R G Murray, 'Prisoner voting and devolution: new dimensions to an old dispute' (2021) 25(3) *Edinburgh Law Review* 291.

arrangements.⁷ Public consultations and parliamentary inquiries on prisoner voting swiftly ensued in both countries.⁸ In 2020, the Scottish Parliament legislated to enfranchise prisoners serving up to one-year sentences.⁹ In Wales, by contrast, matters have proven more complicated.

Following recommendations from the Senedd's Equality, Local Government and Communities Committee, in March 2020 the Welsh Government announced plans to grant Welsh prisoners serving sentences under four years the right to vote in devolved and local elections.¹⁰ Using 'home address' to establish a Welsh 'connection', the plans would extend to all eligible prisoners irrespective of where they are being held across the England and Wales prison estate. By the Welsh Government's estimation, 1,900 prisoners – more than a third of the Welsh prison population – would acquire the right to vote under these proposals.¹¹ If enacted, this would be the most significant reform of electoral rights within UK prisons in more than five decades.¹²

Bringing Welsh prisoners within the franchise, however, is far more complicated than the decision to enact legislation. Beyond the challenges facing a prison system engulfed in various crises and the hostility of most London-based newspapers,¹³ the Welsh devolution dispensation contains significant legal and constitutional barriers to the enfranchisement of Welsh prisoners. Unlike in Scotland and Northern Ireland, Welsh devolved institutions inhabit a single 'England

7 Scotland Act 2016, ss 3–11; Wales Act 2017, ss 5–10. Murray (n 6 above) 300.

8 Welsh Government, 'Electoral Reform in Local Government in Wales' (Welsh Government 2017); Scottish Government, 'Consultation on prisoner voting' (Scottish Government 2018); Equalities and Human Rights Committee, *Prisoner Voting in Scotland* (Scottish Parliament 2018); Equality, Local Government and Communities Committee, *Voting Rights for Prisoners* (National Assembly for Wales 2019).

9 Representation of the People Act 1983, s 3, as amended by Scottish Elections (Franchise and Representation) Act 2020, s 5.

10 Equality, Local Government and Communities Committee, *Voting Rights for Prisoners* (n 8 above); Welsh Government, 'Prisoner voting plans unveiled' (Welsh Government 8 March 2020).

11 Ibid.

12 Between 1967–1969, no category of prisoner in the UK was explicitly excluded from the franchise. All convicted prisoners became subject to a statutory ban on voting with the enactment of the Representation of the People Act 1969. Colin R G Murray, 'A perfect storm: Parliament and prisoner disenfranchisement' (2013) 66(3) *Parliamentary Affairs* 511, 519–520.

13 D McNulty, N Watson and G Philo, 'Human Rights and Prisoners' Rights: The British Press and the Shaping of Public Debate' (2014) 53(4) *Howard Journal of Crime and Justice* 360; C R G Murray, 'Monsterring Strasbourg over prisoner voting rights' in M Farrell, E Drywood and E Hughes (eds), *Human Rights in the Media: Fear and Fetish* (Routledge 2019).

& Wales' justice system and legal jurisdiction which continues to be the principal responsibility of the UK Government and Westminster Parliament. Absent a justice system and jurisdiction of its own, the Welsh context is highly anomalous. As the Welsh Government has argued, 'every "devolved" legislature in the common law world has an accompanying legal jurisdiction'.¹⁴

Operating within a system with some but not all of the necessary levers over prisoner voting, Welsh devolved institutions are caught in the grip of legal obligations which they do not have the powers to fulfil. On the one hand, they are required to respect the electoral rights of prisoners under A3P1 ECHR.¹⁵ However, they must do so without control of the criminal law, sentencing, the courts or prisons.¹⁶ For Wales, therefore, the fundamental question is not whether prisoners *should* get the vote, but *how* a more progressive policy can be delivered within these structures.

To date, a considerable body of legal scholarship has addressed the UK's response to the ECtHR's rulings on prisoner voting.¹⁷ Recent work has also examined the implications of devolution, focusing in particular on the prohibitive effects of the 'super-majority' requirement for devolved electoral reforms.¹⁸ In this article, we add to this literature by focusing on the far-reaching implications of the 'jagged edge' for prisoner enfranchisement in the Welsh context, drawing attention to the considerable scope for complexity at the intersection of devolved governance and international obligations.

The article proceeds as follows. First, we situate our discussion of prisoner voting within existing literatures on Welsh devolution and 'devolved autonomy'. Even while there is considerable scope for

14 Welsh Government, 'Commission on Justice in Wales: Supplementary evidence of the Welsh Government to the Commission on Justice in Wales' (Welsh Government 2018).

15 Government of Wales Act 2006, ss 81–82, 108A(2)(e); Human Rights Act 1998, s 6.

16 Government of Wales Act 2006, sch 7A, pt 1, para 8(1) and pt 2, para 175.

17 Eg Sophie Briant, 'Dialogue, diplomacy and defiance: prisoners' voting rights at home and in Strasbourg' (2011) 3 *European Human Rights Law Review* 243; Danny Nicol, 'Legitimacy of the Commons debate on prisoner voting' [2011] *Public Law* 681; Colin R G Murray, 'Playing for time: prisoner disenfranchisement under the ECHR after *Hirst v United Kingdom*' (2011) 22(3) *King's Law Journal* 309; Murray, 'A perfect storm' (n 12 above); Ed Bates, 'Analysing the prisoner voting saga and the British challenge to Strasbourg' (2014) 14(3) *Human Rights Law Review* 503; Kanstantsin Dzehtsiarou, 'Prisoner voting saga: reasons for challenges' in Helen Hardman and Brice Dickson (eds), *Electoral Rights in Europe: Advances and Challenges* (Routledge 2017); Elizabeth Adams, 'Prisoners' voting rights: case closed?' (*UK Constitutional Law Blog* 30 January 2019); Ergul Celiksoy, 'Execution of the judgments of the European Court of Human Rights in prisoners' right to vote cases' (2020) 20(3) *Human Rights Law Review* 555.

18 Murray, 'Prisoner voting and devolution' (n 6 above).

strengthening rights-protection in Wales, we suggest that the concept of ‘autonomy’ is inappropriate given the significant constraints on Welsh devolved institutions’ powers, particularly in matters that straddle the jagged edge of criminal justice. The remainder of the article develops this argument through an examination of legal complexities involved in the implementation of voting rights for Welsh prisoners. Here we argue that current arrangements in Wales are incompatible with A3P1 ECHR and that Welsh devolved institutions are required to take steps to remedy this situation. We then consider different measures which the Welsh Government might consider to ensure that Welsh electoral law is compatible with the ECHR. Here it will be argued that the Welsh Government’s preferred option – partial enfranchisement based on sentence length – will be conditioned and undermined by criminal law and sentencing policy for which it has no control. Meanwhile, other reform options are either beyond devolved competence or entirely contingent upon the cooperation of a UK Government which opposes prisoner enfranchisement. Welsh devolution, as presently constituted, provides only limited, contingent scope to observe and enhance the protection of prisoners’ rights under A3P1 ECHR. We conclude our discussion by considering the implications for the future of devolution in Wales.

DEVOLVED ‘AUTONOMY’: A CRITIQUE

The scope for home-grown human rights policy

Prisoner voting in Wales is tied to fundamental questions about the nature of devolved power within the UK’s constitutional structures. In public law and multilevel governance literature, the concept of ‘devolved autonomy’ is invoked habitually to describe the devolved institutions’ powers and decision-making. The term implies the primacy, control and self-direction of these institutions over devolved policy areas. In an influential account of the concept, Elliott argues:

the devolution schemes both acknowledge and conjure into life a constitutional principle—that of devolved autonomy—whose fundamentality is increasingly difficult to dispute. This demands, among other things, that the authority of devolved institutions be respected, and implies the general impropriety of UK legislation impinging upon self-government within the devolved nations.¹⁹

From this perspective, the concept of devolved autonomy has both normative and descriptive dimensions. Normatively, it refers to a

19 Mark Elliott, ‘The principle of parliamentary sovereignty in legal, constitutional and political perspective’ in Jeffrey Jowell, Dawn Oliver and Colm O’Cinneide (eds), *The Changing Constitution*, 8th edn (Oxford University Press 2015) 42–43.

principle, counterposed to the legislative supremacy of the Westminster Parliament, which conditions and restrains UK-level interference with decision-making at the devolved level. In this respect, the Sewel Convention, whereby the UK Parliament does not ‘normally’ legislate with respect to devolved competences or policy areas without the consent of the devolved institution(s) concerned, played an important role, historically.²⁰

To the extent that the devolution schemes ‘acknowledge’ devolved autonomy, however, it appears that the term also purports to describe devolved institutions’ powers empirically. Here, researchers generally recognise that the autonomy concerned is not absolute: instead, devolved competences need to be understood within the context of not only the legal but also the political, financial and practical constraints to which they are subject. Trench, for example, observes that ‘it is easy to misread the formal division of powers to assume that devolved autonomy is greater than it actually is’.²¹

In both its normative and empirical dimensions, the concept of devolved autonomy is under increasing strain following a range of unilateral, centralising reforms undertaken by the UK Government in the context of the UK’s withdrawal from the European Union.²² Greene argues that ‘Brexit ... has demonstrated the fragility of this “fundamental” constitutional Principle’.²³ As an empirical description, however, the concept of devolved autonomy has always downplayed and obscured the various ways in which the devolved institutions’ powers are contingent and constrained, particularly in the Welsh context.

As a matter of constitutional theory, the term ‘devolved autonomy’ is paradoxical. The legal doctrine of parliamentary sovereignty provides that the UK Parliament may legislate on any matter, devolved or reserved – a power also guaranteed under the devolution statutes²⁴

20 Aileen McHarg, ‘Constitutional change and territorial consent: the Miller case and the Sewel Convention’ in Mark Elliott, Jack Williams and Alison L Young, *The UK Constitution after Miller: Brexit and Beyond* (Hart 2018).

21 Alan Trench, ‘Un-joined-up government: intergovernmental relations and citizenship rights’ in Scott L Greer (ed), *Devolution and Social Citizenship in the UK* (Bristol University Press 2009) 119.

22 In particular, the United Kingdom Internal Market Act 2020. Thomas Horsley, ‘Constitutional reform by legal transplantation: the United Kingdom Internal Market Act 2020’ (2022) 42(4) *Oxford Journal of Legal Studies* 1143.

23 Alan Greene, ‘Parliamentary sovereignty and the locus of constituent power in the United Kingdom’ (2020) 18(4) *International Journal of Constitutional Law* 1166, 1172. Similarly, the Institute for Government concludes that Brexit has ‘exposed the limitations of the consent process as a guarantor of devolved autonomy’. Akash Paun and Kelly Shuttleworth, *Legislating by Consent: How to Revive the Sewel Convention* (Institute for Government 2023).

24 Scotland Act 1998, s 28(7); Northern Ireland Act 1998, s 5(6); Government of Wales Act 2006, s 107(5).

– and that Acts of the UK Parliament take precedence over all other laws. The UK Supreme Court has described this as ‘the essence of devolution’,²⁵ in contrast to a federal system based on the formal division of powers between the central and sub-state legislatures. From this perspective, devolved powers and decision-making are defined not by their autonomous character, but rather the legal omnipotence of the Westminster Parliament to set them aside at will. Even at a theoretical level, therefore, the ‘devolved’ prefix is not only a qualification of ‘autonomy’, but its latent negation.

The governance of legal human rights at the devolved level demonstrates the limitations on devolved power more concretely. Devolved legislatures are required to abide by the ECHR: unlike Acts of the UK Parliament, devolved legislation which violates the Convention rights can be declared ‘not law’ by the courts.²⁶ This has already proven to be a significant limitation on devolved powers.²⁷ However, the devolved institutions do not have a general competence to determine the minimum human rights standards within their respective territories (ie for reserved, as well as devolved, matters), nor do they have any formal influence on the content of those standards.²⁸ They are entitled to build upon UK-wide human rights obligations within areas of devolved competence, but here they face significant constraints.

For instance, devolved institutions can only subject *themselves* to additional human rights obligations; they cannot place the same obligations on either the UK Parliament or UK ministers, even in respect of devolved matters, nor can they create schemes which could subject UK-level institutions to judicial scrutiny and non-binding declarations on human rights grounds.²⁹ According to the UK Supreme Court, even non-binding schemes would ‘impose pressure’³⁰ on the UK Parliament

25 *The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill – A Reference by the Attorney General and the Advocate General for Scotland* [2018] UKSC 64, [2019] AC 1022, [41].

26 Scotland Act 1998, ss 29(1) and 29(2)(d); Northern Ireland Act 1998, ss 6(1) and 6(2)(c); Government of Wales Act 2006, ss 108A(1) and 108A(2)(e).

27 *Eg Recovery of Medical Costs for Asbestos Diseases (Wales) Bill – Reference by the Counsel General for Wales* [2015] UKSC 3, [2015] AC 1016.

28 Despite the long-standing opposition of the devolved governments to the repeal of the Human Rights Act 1998, the UK Government seeks to replace the legislation with a ‘Bill of Rights’ which weakens or removes several of the Act’s protections. Both governments also favoured the retention of the EU Charter of Fundamental Rights in UK law, but this was rejected by the UK Government.

29 *Reference by the Attorney General and the Advocate General for Scotland – United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* [2021] UKSC 42, [2021] 1 WLR 5106.

30 *Ibid* [52].

and thereby undermine its freedom to legislate on devolved matters, as guaranteed by the devolution statutes. Since the UK Parliament retains the legal authority to alter devolved competences and intervene in any devolved matter, devolved human rights policy is also contingent upon Westminster's self-restraint. In general, devolved legislation perceived as an impediment to UK Government policy aims can simply be legislated away.³¹

The UK Government also has a power to veto devolved legislation, even when its provisions are within the competence of the devolved legislatures. Overlaps between cross-cutting devolved and non-devolved competences thus provide further scope for the UK Government to frustrate devolved policies which it disagrees with. In the Welsh case, section 114 of the Government of Wales Act 2006 gives the UK Government a power to prevent a Senedd Bill from receiving royal assent if it 'has reasonable grounds to believe' that the legislation would have an 'adverse effect' on reserved matters, on 'the operation of the law as it applies in England' or if it would conflict with international obligations or the interests of defence or national security. The UK Government recently exercised the equivalent power for the first time under the Scotland Act 1998, section 35, in order to block the Scottish Government's Gender Recognition Reform Bill.³² The power under section 114 of the 2006 Act, however, is not only broader but subject to more permissive statutory conditions. It is broader to the extent that, unlike Scottish Bills, Senedd legislation can be blocked where the UK Government has reasonable grounds to believe that it would adversely affect the operation of the law as it applies in England.

The statutory threshold is lower because, unlike section 35 of the Scotland Act 1998, there is no requirement that Senedd legislation modifies the law on reserved matters. All that is required is that the UK Government has 'reasonable grounds to believe' the legislation would have the adverse effects specified. The role of the courts here appears to be confined to an assessment of whether the UK Government's judgement is reasonable in the *Wednesbury*³³ sense. If this is the case, judges would be unlikely to intervene to uphold devolved legislation in all but the most extreme cases. While the section 114 order may be annulled by either the House of Commons or the House of Lords,

31 Note, for example, the UK Government's recent plans to repeal provisions of the Trade Union (Wales) Act 2017. 'Rail strike: UK ministers to scrap Senedd ban on agency staff' (*BBC News* 27 June 2022).

32 David Torrance and Doug Pyper, *The Secretary of State's Veto and the Gender Recognition Reform (Scotland) Bill* (House of Commons Library 2022).

33 Namely, 'so unreasonable that no reasonable authority could ever have come to it': *Associated Provincial Picture Houses Ltd v Wednesbury* [1948] 1 KB 223, 230 (Lord Greene MR).

it remains an expansive veto power over Senedd legislation, with significant consequences for the exercise of devolved competences. As Trench notes, ‘the practical exercise of devolved autonomy depends on the ability to reach an accommodation with the UK Government – which, given the inequality of bargaining power of each level, means at least ensuring that the UK Government does not obstruct devolved proposals’.³⁴ Given that successive UK governments have vehemently opposed the enfranchisement of convicted prisoners, this is particularly significant in the present context.

Devolved institutions must also find the resources for additional human rights protections in the absence of any specific funding for such measures in the block grant allocated by the UK Government. With limited powers to generate their own funds through borrowing and taxation, their dependency on the block grant means that devolved human rights policy can be affected by variations in UK Government spending in England. Major spending reductions in England can precipitate the same policy shifts by the devolved governments, irrespective of their own policy agendas.³⁵ The effects of this arrangement are particularly severe in Wales, where ‘UK government fiscal policy remains an overwhelmingly important determinant of the size of the Welsh budget’.³⁶

In addition to these general limitations, Welsh devolved institutions have always been subject to a unique set of constraints. The Senedd (then National Assembly for Wales) did not acquire full legislative powers over matters devolved to it until 2011.³⁷ Further, for almost two decades, the guiding principle of Welsh devolution was that all powers would remain with Westminster unless and until ‘conferred’. The Wales Act 2017 introduced a reserved powers ‘model’ of sorts, whereby all powers would be devolved unless subject to an explicit reservation. Superficially, this reform brought Wales in line with Scotland and Northern Ireland, but is unprecedented in the number and breadth of matters which are reserved to Westminster. To the extent that a reserved powers model emphasises sub-state autonomy ‘by specifying *only* those powers to be retained by the central (Westminster) legislature’,³⁸ the Welsh example is a poor fit. Less

34 Trench (n 21 above) 122.

35 For example, the UK Government’s decision to discontinue funding for Covid-19 testing in England in early 2022. Ruth Mosalski, ‘Welsh Government issues statement on future of free Covid testing in Wales’ (*WalesOnline* 22 February 2022).

36 Guto Ifan, Cian Siôn and Daniel Wincott, ‘Devolution, independence and Wales’ fiscal deficit’ (2022) 261(1) *National Economic Review* 16, 19.

37 Following a referendum on primary law-making powers on 3 March 2011, held in accordance with the Government of Wales Act 2006, pt 4.

38 Masterman (n 14 above) 61.

an exercise in autonomy-enhancement, the latest iteration of Welsh devolution is but ‘another constitutional scheme of bits and pieces’.³⁹

In the context of the present discussion, by far the most significant constraint is the single England & Wales justice system and legal jurisdiction, which dates back to the Laws in Wales Acts 1536–1542 (sometimes referred to, euphemistically, as the ‘Acts of Union’). Five centuries on, despite legislative devolution to Wales and the increasing differentiation of Welsh and English laws, it remains the steadfast view in Westminster and Whitehall that this arrangement should persist.⁴⁰ Indeed, the only discernible logic of the most recent iteration of Welsh devolution is the Whitehall imperative that Welsh devolved institutions should not have control over the justice system. The 2017 Act not only reserves justice and jurisdiction to Westminster, it even introduces a requirement on Welsh ministers to conduct ‘justice impact assessments’ for new Senedd Bills,⁴¹ stipulating how new Welsh policies will affect the workings of the England & Wales legal system. Despite the regular and profound changes, Welsh devolution has been consistently characterised not by notions of self-rule and autonomy but restriction and control.

The ‘jagged edge’ of justice in Wales

The area of criminal justice in Wales provides one of the clearest examples of the paradox between autonomy and restriction. While the responsibility for criminal justice remains formally reserved to the UK level, policy decisions taken by successive Westminster governments have, rather inadvertently, provided the Welsh Government with a considerable role to play in delivering justice services.⁴² In areas such as health, education, housing, social services, and tackling substance misuse, for example, it has responsibility for developing and implementing its own strategies aimed at reducing crime and supporting those in conflict with the law. Even if there remains a nominally singular England & Wales jurisdiction, the criminal justice system in post-devolution Wales is not the same as that which operates in England.

39 Richard Rawlings, ‘The strange reconstitution of Wales’ [2018] Public Law 62, 68.

40 HC Deb 22 January 2020, vol 670, col 156WH; D Wolfson, ‘Lord Wolfson speech: Legal Wales Conference’ (Ministry of Justice 2021). The UK Government reiterated this standpoint in a Westminster Hall debate on 29 November 2022. The Parliamentary Under-Secretary of State for Justice, Mike Freer MP, said: ‘We disagree with Lord Thomas and with the Welsh Government, and do not think that justice should be devolved.’ HC Deb 29 November 2022, vol 723, col 274WH.

41 Government of Wales Act 2006, s 110A.

42 Robert Jones and Richard Wyn Jones, *Criminal Justice in Wales: On the Jagged Edge* (University of Wales Press 2022).

Arguably the clearest illustration of the ‘different Welsh perspective’ to criminal justice in post-devolution Wales is the creation of distinct Welsh-only strategies and initiatives that form part of the Welsh Government’s own policy agenda.⁴³ In the area of youth justice, for example, the devolved government has led on a rights-based approach to the treatment of children in conflict with the law. Its *Children First, Offender Second* strategy has been widely heralded for its inclusive and progressive approach to children’s rights.⁴⁴ In response to the outbreak of Covid-19 in 2020, the Welsh Government used its powers over healthcare to require Welsh police forces to enforce different public health regulations in Wales to those in England.⁴⁵ It has also devised alternative approaches to supporting homeless prison leavers,⁴⁶ tackling substance misuse,⁴⁷ improving domestic abuse services,⁴⁸ and legislating to remove the defence of ‘reasonable chastisement’.⁴⁹

Despite the ‘considerable autonomy’⁵⁰ that the devolved government enjoys over key policy areas in Wales, however, the nature of the Welsh devolution dispensation presents several obstacles and challenges to policy implementation.⁵¹ In post-devolution Wales, absent a separate criminal justice system, those charged with the responsibility for conceiving and operationalising justice policy and wider areas of social policy are working across a *jagged edge* between devolved and reserved responsibilities. The UK Government’s criminal justice policies intersect with and indeed are reliant upon the Welsh Government’s responsibilities for many areas of social policy. Likewise, devolved policy-making is fundamentally impacted by criminal justice policies being pursued by the UK Government, over which devolved institutions have little or no formal influence. Despite

43 NOMS Cymru, Welsh Government and Youth Justice Board, *Joining Together in Wales: An Adult and Young People’s Strategy to Reduce Reoffending* (National Offender Management Service Cymru 2006) iii.

44 Mark Drakeford, ‘Devolution and youth justice in Wales’ (2010) 10(2) *Criminology and Criminal Justice* 137.

45 Robert Jones, Michael Harrison and Trevor Jones, ‘Policing and devolution in the UK: the “special” case of Wales’ (2022) *Policing: A Journal of Policy and Practice* 1–13.

46 HM Inspectorate of Prisons, ‘Report on a full unannounced inspection of HMP Altcourse’ (HMIP 2014).

47 David Brewster and Robert Jones, ‘Distinctly divergent or hanging onto English coat tails? Drug policy in post-devolution Wales’ (2019) 19(3) *Criminology and Criminal Justice* 364–381.

48 Jones and Wyn Jones (n 42 above).

49 Welsh Government, ‘Ending physical punishment in Wales’ (Welsh Government, 2022).

50 NOMS Cymru et al (n 43 above) 8.

51 Brewster and Jones (n 47 above).

having a progressive vision for youth justice, for example, it is the UK Government which is responsible for setting the age of criminal responsibility. Likewise, while the Welsh Government has set out its own vision for a future Welsh criminal justice system, including its intention to ‘reduce the size of the prison population’,⁵² this ambition will ultimately be contingent on the UK Government’s control over criminal law and sentencing policy.

Following a two-year investigation into the state of the justice system in Wales, the Commission on Justice in Wales, chaired by the former Lord Chief Justice, Lord Thomas of Cwmgiedd, concluded that the arrangements for criminal justice in Wales are not only highly unorthodox but ‘overly complex’.⁵³ A research report commissioned by the Welsh Government also noted that this setup is ‘bound to have an impact on the Welsh Government’s capacity to strengthen and advance equality and human rights’, and that some rights-enhancing measures ‘may require cooperation from UK Government’.⁵⁴

Prisoner voting in devolved elections falls squarely within this complex set of arrangements. The current rule excluding convicted prisoners from voting is found in electoral law, but its effects are determined by criminal law and sentencing policy. While the 2017 Act transferred powers over Welsh electoral arrangements to Wales, thereby providing space for home-grown democratic reform,⁵⁵ criminal law, sentencing, prisons and the courts remain reserved to the UK level.⁵⁶ It seems that the UK Government simply did not consider the full implications of devolving competences over the electoral franchise. Indeed, when Secretary of State for Justice, David Lidington MP, first announced the changes to prisoner voting rules in 2017, he remarked:

we will of course work with the three devolved administrations on this issue, in particular to reflect the differences in law and practice in Scotland and Northern Ireland, and we have informed them of our plans to resolve this for the whole of the UK.⁵⁷

The statement underscored, first, the UK Government’s preference for a statewide approach to prisoner voting. Second, it showed obliviousness to the fact that the devolution of competences over Scottish devolved elections had already taken place, and that the same changes were also imminent in the Welsh context. Third, the statement suggests that the

52 Welsh Government, *Delivering Justice for Wales* (Welsh Government 2022) 9.

53 Commission on Justice in Wales, *Justice in Wales for the People of Wales* (Commission on Justice in Wales 2019) 10.

54 Hoffman et al (n 3 above) 77.

55 Wales Act 2017, ss 5–10.

56 Government of Wales Act 2006, sch 7A, pt 1, para 8(1) and pt 2, para 175.

57 UK Government, ‘Secretary of State’s oral statement on sentencing’ (n 5 above).

single England & Wales legal jurisdiction led to a particular neglect of the Welsh dispensation.

The Senedd has thus inadvertently acquired control over a significant criminal justice policy, but it does not exercise ‘autonomy’ over this issue. Instead, Welsh devolved institutions find themselves in a legal bind: obliged to uphold the ECHR, yet lacking the powers necessary to protect and enhance prisoners’ A3P1 rights independently of Whitehall’s supervision; required to act lawfully, even while the routes to legality are either cluttered or shut off entirely by reservations.

THE CONTINUING DISENFRANCHISEMENT OF WELSH PRISONERS, POST-*HIRST*

The limitations of the ‘Lidington compromise’

So far, we have questioned the merits of the concept of ‘devolved autonomy’ in light of the various constraints on Welsh devolved institutions. We turn now to examine the interaction between those constraints and the matter of prisoner voting. Our aim here is to demonstrate how, on the one hand, there are powerful legal incentives for the Welsh Government to introduce legislation to enfranchise the Welsh prison population. In the subsequent part of the paper, we will demonstrate how these incentives are stifled by the existing dispensation.

The legal dimensions of the prisoner voting dispute between the UK and the ECtHR are well known. Section 3 of the Representation of the People Act 1983 provides that all convicted prisoners are ‘legally incapable’ of voting for the duration of their sentences. When this was challenged in Strasbourg in *Hirst v UK*, the ECtHR held that this ‘general, automatic and indiscriminate’⁵⁸ rule was a disproportionate restriction on the right to vote which violated A3P1 ECHR. While it refrained from specifying how UK electoral law could be brought in line with the Convention, it called repeatedly on the UK to introduce a *legislative* change.⁵⁹ In 2018, however, the Council of Europe’s Committee of Ministers, responsible for the supervision of the Strasbourg court’s judgments, closed the matter after the UK Government introduced a set of minor administrative reforms: the ‘Lidington compromise’⁶⁰ – named after then Secretary of State for Justice, David Lidington MP.⁶¹ Convicted prisoners would be

58 *Hirst* (n 4 above) para 82.

59 *Greens and MT* (n 4 above) para 115; *Firth* (n 4 above) para 14; *McHugh* (n 4 above) para 10; *Millbank* (n 4 above) para 9. Celiksoy (n 17 above) 573.

60 Murray, ‘Prisoner voting and devolution’ (n 6 above) 299.

61 UK Government, ‘Secretary of State’s oral statement on sentencing’ (n 5 above).

informed at or close to the time of sentencing that they would lose their right to vote, thereby addressing a minor point in the *Hirst* judgment that disenfranchisement was being imposed upon prisoners without informing them.⁶² Second, prisoners on temporary release would be entitled to vote while physically outside of prison. This added to the list of categories who were already able to vote under UK electoral law, including unconvicted, unsentenced and civil prisoners.⁶³ Third, the administrative guidance would be clarified to make clear that prisoners released on home detention curfew – who were already eligible – were also allowed to vote.

Lidington's compromise has been described as 'minimalist compliance'⁶⁴ and the Committee of Minister's decision to accept it 'hard to comprehend'.⁶⁵ Despite the ECtHR's insistence on legislative change, section 3 of the 1983 Act is still in force and convicted prisoners remain overwhelmingly disenfranchised. Even those enfranchised by the UK Government's changes face additional restrictions compared with other eligible categories. Temporary release prisoners cannot vote while inside prison.⁶⁶ They cannot be released for the purpose of voting, nor can they register to vote using the address of the prison. They can only register and vote if released for other permitted purposes, such as employment, childcare, or compassionate leave.⁶⁷ In many cases, these individuals will be on temporary release from a prison outside of their normal constituency, further complicating voter registration. Murray suggests that this particular change 'if anything increases the level of arbitrariness in the process'.⁶⁸ All in all, it is difficult to see what has changed since the *Hirst* ruling.

Further to the limitations of the Lidington reforms, prisoners who have a legal right to vote face a risk of *administrative* disenfranchisement – an issue which has not been subject to adequate political and judicial scrutiny. The limited evidence available suggests that very few prisoners are registering to vote. The Electoral Commission's report on the 2021 Scottish Parliament election

62 'it may be noted that, when sentencing, the criminal courts in England and Wales make no reference to disenfranchisement': *Hirst* (n 4 above) para 77.

63 UK Ministry of Justice, 'Restrictions on prisoner voting policy framework' (Ministry of Justice 2020).

64 Andreas von Staden, 'Minimalist compliance in the UK prisoner voting rights cases' (*ECHR Blog* 16 November 2018).

65 Celiksoy (n 17 above) 575.

66 UK Ministry of Justice, 'Restrictions on prisoner voting policy framework' (n 63 above).

67 UK electoral law requires individuals to be 'resident' at an address within a given constituency for the purposes of electoral registration. Representation of the People Act 1983, s 4.

68 Murray, 'Prisoner voting and devolution' (n 6 above) 311.

revealed that just 38 prisoners had registered to vote in that election – despite the Scottish Government’s estimation that an additional 1000 prisoners had acquired the vote in 2020.⁶⁹ In a recent empirical study of prisoner voting rights in the UK, we found that applications from eligible prisoners are extremely rare: less than a third (28%) of electoral administrators surveyed for our study indicated that they had ever received an application from a prisoner.⁷⁰ Almost all of those (96%) had received just one to five applications during the course of their careers.⁷¹

Even where prisoners seek to vote, there are serious problems in the administration of their voting rights. For instance, although remand prisoners are eligible to vote, a 2012 review by HM Inspectorate of Prisons (HMIP) found that two out of five prisons visited had ‘no arrangements to facilitate this entitlement’.⁷² Further, prisoners are often unaware of their voting rights and may also lack the necessary information and documentation for the registration process, such as their date of birth, national insurance number, a passport or driver’s licence, and a fixed or regular address.⁷³ These difficulties are compounded by the pressures that electoral administrators have faced in recent years: budget cuts to local authorities, loss of experienced staff, and high workloads, resulting in staff in UK electoral services having ‘amongst the highest stress rates in the world’.⁷⁴ In these conditions, encouraging eligible prisoners to register to vote is unlikely to be a priority.

We identified further problems in the administration of prisoner voting rights in our empirical study with electoral administrators,

69 Electoral Commission, *Report on the Scottish Parliament Election on 6 May 2021* (Electoral Commission 2021); Scottish Government, *Consultation on Prisoner Voting* (n 8 above).

70 Robert Jones and Greg Davies, ‘Prisoner voting in the United Kingdom: an empirical study of a contested prisoner right’ (2022) 86(4) *Modern Law Review* 900–926.

71 Ibid.

72 HM Inspectorate of Prisons, *Remand Prisoners: A Thematic Review* (HMIP 2012).

73 Ibid; House of Commons and House of Lords Joint Committee on the Draft Voting Eligibility (Prisoners) Bill, *Draft Voting Eligibility (Prisoners) Bill* (HL 103 2013–2014) 75, 77; Equality, Local Government and Communities Committee, *Voting Rights for Prisoners* (n 8 above) 45; Equality, Local Government and Communities Committee, ‘Inquiry into Voting Rights for Prisoners: Evidence Session 5’ (National Assembly for Wales 2019); Mandeep Dhani and Paula Cruise, ‘Prisoner disenfranchisement: prisoner and public view of an invisible punishment’ (2013) 13(1) *Analysis of Social Issues and Public Policy* 211.

74 Toby S James, ‘Written evidence submission to the House of Lords Select Committee Inquiry on the Electoral Registration and Administration Act 2013’ (House of Lords 2019) 138.

including poor communication between prison and electoral services, the potential for prisoner transfers and dispersal to disrupt electoral correspondence and registration, and a prevalence of incomplete or erroneous registration applications, potentially indicative of a lack of support within prisons.⁷⁵ Electoral administrators' responses to the survey also suggested that the electoral guidance on prisoner voting lacks sufficient clarity to be applied consistently, particularly regarding the registration criteria for remand and temporary release prisoners.⁷⁶ In light of these problems, we concluded that the scale of prisoner disenfranchisement in the UK is likely to be far more severe than the rules on voting eligibility suggest.⁷⁷

In summary, the Lidington compromise not only deviated from the requirements of A3P1 ECHR, as interpreted in *Hirst* and subsequent cases. By focusing exclusively on the question of legal eligibility, at the expense of the administration of voting rights, neither the UK Government nor the Strasbourg institutions fully appreciated the precarious position of prisoners who already have voting rights. Despite all the litigation and political wrangling, therefore, there is yet to be a full legal evaluation of the A3P1 ECHR rights of UK prisoners based on a comprehensive treatment of the relevant facts.

The severity of prisoner disenfranchisement in Wales

If current electoral law and administration continues to infringe the A3P1 rights of UK prisoners, the effects of this are arguably felt most acutely in the Welsh context. While England & Wales combined boast one of the highest imprisonment rates in Western Europe, Wales has consistently recorded a higher rate for the best part of a decade.⁷⁸ As the Fifth Senedd's Equality, Local Government and Communities Committee observed, 'people in Wales are more likely to be imprisoned than people in England'.⁷⁹ What is more, Wales' imprisonment rate eclipses all other countries in Western Europe listed in the most recent *World Prison Population Brief*.⁸⁰ At the same time, convicted – as opposed to unconvicted/remand – prisoners make up a much larger proportion of the prison population in England & Wales compared

75 Jones and Davies (n 70 above).

76 Ibid.

77 Ibid.

78 Jones and Wyn Jones (n 42 above).

79 Equality, *Local Government and Communities Committee, Voting Rights for Prisoners* (n 8 above) 37.

80 Helen Fair and Roy Walmsley, *World Prison Population List* 15th edn (Institute for Crime and Justice Policy Research, 2021).

to Scotland and Northern Ireland.⁸¹ The result is that Welsh people, particularly those from the most deprived areas⁸² and Black, Asian and Minority Ethnic backgrounds,⁸³ are more likely to be disenfranchised by the Representation of the People Act 1983, section 3. Moreover, given the differences in the number of remand prisoners, a higher proportion of the Welsh prison population is subject to the statutory ban, compared with Scotland and Northern Ireland.

From a Welsh perspective, however, Lidington's reforms were inconsequential. The UK Government estimated that 'up to 100 prisoners on any given day'⁸⁴ would benefit from the administrative changes. As a proportion of the UK prison population, this would equate to around six Welsh prisoners on any given day, in an average

81 Remand prisoners comprise a much larger proportion of the prison population in Northern Ireland (37%), while more than a quarter of prisoners in Scotland (28%) are on remand, compared to 16% of the prison population in England and Wales. Northern Ireland Prison Service, *Northern Ireland Prison Population 2021–22* (Northern Ireland Prison Service 2022); Scottish Prison Service, *Scottish Prison Population: Statistics 2021 to 2022* (Scottish Prison Service 2022); UK Ministry of Justice, *Prison Population: 31 March 2022. Offender Management Statistics Quarterly: October to December 2021* (Ministry of Justice 2022).

82 A wide body of research demonstrates the 'clear positive relationship' between income inequality and higher levels of imprisonment. Diane Caddle and Debbie Crisp, 'Imprisoned women and mothers' Research Study 162 (Home Office 1997); Tim Newburn, 'Social disadvantage, crime, and punishment' in Dean Hartley and Lucinda Platt (eds), *Social Advantage and Disadvantage* (Oxford University Press 2016) 329; Jeffrey Reiman and Paul Leighton, *The Rich Get Richer and the Poor Get Prison: Ideology, Class and Criminal Justice* 9th edn (Routledge 2010); Social Exclusion Unit, *Reducing Re-offending by Ex-prisoners* (Office of the Deputy Prime Minister 2002); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Duke University Press 2009); Kim Williams, Jennifer Poyser and Kathryn Hopkins, *Accommodation, Homelessness and Reoffending of Prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) Survey* (Ministry of Justice 2013). Analysis of Welsh imprisonment data alongside the Welsh Index of Multiple Deprivation shows that the rate of imprisonment is around three times greater in the five most deprived local authorities in Wales than the rate recorded for the five least deprived. Although less than a third (28%) of Wales' population live in the five most deprived areas, almost half (49%) of all Welsh prisoners recorded a 'home address' in these places in 2017: Greg Davies and Robert Jones, 'Deprivation and Imprisonment in Wales by Local Authority Area' (Wales Governance Centre at Cardiff University 2019).

83 In 2020, for every 10,000 White people living in Wales, 14 were in prison. This compared to 79 people from a Black ethnic background, 44 people from a Mixed background, and 21 per 10,000 from an Asian background. These data were obtained from the UK Ministry of Justice under the Freedom of Information Act 2000.

84 UK Government 'Secretary of State's oral statement on sentencing' (n 5 above).

Welsh prison population of 4,682:⁸⁵ alternatively, around 0.1 per cent of the Welsh prison population. Developments since the reforms were introduced have also meant that the minor changes made to the franchise in 2018 have largely been undone. In the wake of the Covid-19 pandemic, the temporary release of prisoners in England and Wales was suspended in 2020 for all prisoners except those deemed to be 'key workers' and those released on compassionate grounds. With a 44 per cent decrease in temporary releases between 2019 and 2021,⁸⁶ the number of additional prisoners entitled to vote in the Senedd election on 6 May 2021 is likely to have been negligible. On this basis, it could be argued that the election failed to meet the requirements of A3P1 ECHR, as set out in *Hirst* and subsequent cases.

To what extent, then, are Welsh devolved institutions required to act to address this situation? Murray observes that, although the devolved legislatures can 'legislate to rectify human rights breaches resultant from Westminster legislation ... within their areas of competence, ... questions remain over the extent to which they are *compelled* to do so'.⁸⁷ In an analysis of relevant case law,⁸⁸ however, he argues that it is 'incumbent'⁸⁹ upon them to address breaches falling within the scope of their powers.⁹⁰ Although not obliged to legislate, if they do, they must do it in a way which is compatible with the Convention rights.⁹¹ On this basis, Murray concludes that the Welsh Government's recent electoral reforms are problematic: 'In legislating to reform the franchise without addressing the issue of the ongoing breach of prisoners' voting rights, ... the Welsh Government risks having its competence to enact these measures challenged on human rights grounds.'⁹²

In summary, there remains a compelling case for the Senedd to legislate in order to meet its human rights obligations. The UK Government's reforms have done nothing to address prisoner disenfranchisement in the UK; indeed, the situation is likely to be

85 These data were obtained from the UK Ministry of Justice under the Freedom of Information Act 2000.

86 Ibid.

87 Murray, 'Prisoner voting and devolution' (n 6 above) 296 (emphasis added).

88 Ibid 296–297. *In re G (Adoption: Unmarried Couple)* [2008] UKHL 38, [2009] 1 AC 173; *In the matter of an application by the Northern Ireland Human Rights Commission for Judicial Review (Northern Ireland)* [2018] UKSC 27, [2019] 1 All ER 173.

89 Murray, 'Prisoner voting and devolution' (n 6 above) 297.

90 *In re G* (n 88 above) [46] (Lord Hope).

91 Murray, 'Prisoner voting and devolution' (n 6 above) 297.

92 Ibid 308. Murray also notes that the Senedd legislated to enable 16 and 17-year-olds held in the secure estate to register to vote for devolved and local elections (Senedd and Elections (Wales) Act 2020, s 19). However, freedom of information requests to all 22 local authorities in Wales suggest that no one in this category had registered for the 2021 Senedd election.

worse than previously thought. The effects of current UK government policy are most acute in Wales, yet the Lidington reforms had no discernible impact on Welsh prisoners. Despite the formal resolution of the *Hirst* cases, it could therefore be argued that recent electoral reforms in Wales and the 2021 Senedd election fell short of A3P1 ECHR's requirements.

BARRIERS TO PRISONER ENFRANCHISEMENT IN WALES

Having acquired competences over devolved electoral arrangements, the Welsh Government and Senedd can now initiate a process of prisoner enfranchisement. As the preceding discussion made clear, there are compelling legal reasons for them to do so. If and when that happens, however, they will face a considerable set of constitutional, political and practical obstacles. After setting out these obstacles, we consider their likely impact on four different reform options and the implications for the Senedd's legislative competence in this space.

Constitutionally, the Welsh Government lacks the powers to facilitate prisoner voting by itself. Under the devolution statutes, changes to electoral and institutional arrangements are subject to a 'super-majority' requirement: they require the approval of two-thirds of the Senedd membership, or 40 out of 60 members.⁹³ In practice, this means that the Welsh Government will need the support of other political parties to extend the franchise. The UK Government considered the threshold necessary to prevent electoral changes being implemented for party-political advantage.⁹⁴ However, the super-majority requirement has arguably hampered reform in this area. The Welsh Government had initially included provisions in the Local Government and Elections (Wales) Bill to grant prisoners serving up to four-year sentences the right to vote in local elections. However, it chose to abandon these amid the outbreak of the Covid-19 pandemic and criticism from opposition parties over the timing of the changes.⁹⁵ Murray therefore argues that the super-majority requirement exerted

93 Under the Government of Wales Act 2006, s 111A the regulation of 'persons entitled to vote as electors at an election for membership of the Senedd' is a protected subject matter to which the super-majority requirement applies.

94 Murray, 'Prisoner voting and devolution' (n 6 above) 301, citing Constitution Committee, *Proposals for the Devolution of Further Powers to Scotland* (2015) HL 145, para 92.

95 'Coronavirus: prisoner votes in Welsh local elections plan shelved' (*BBC News* 8 April 2020). Tudalen y pecyn 290

‘a telling effect’: ‘the Welsh Government was not confident it could meet the 40 votes that would be required to get these proposals passed’.⁹⁶

A bigger constitutional obstacle, however, is the jagged edge of criminal justice in Wales. Since the UK Government retains control over the prison estate, enfranchisement will require the cooperation of the Ministry of Justice and His Majesty’s Prison and Probation Service (HMPPS). As an official for the Electoral Commission told the Senedd Committee inquiry on prisoner voting, ‘this can only be done through the co-operation and engagement of the prison service itself’.⁹⁷ Further, because the UK Government is still responsible for the criminal law, sentencing and the courts, it will continue to have a profound influence over the number of prisoners which benefit from any Welsh Government changes to the franchise.

This constitutional setup gives rise to a major political obstacle: the long-standing opposition of UK governments to prisoner enfranchisement.⁹⁸ With the legal dispute over prisoner voting with the Council of Europe formally resolved, there is little incentive for it to revisit the issue, particularly given the fervent opposition of most of the English media to enfranchising convicted prisoners.⁹⁹ Indeed, it seems likely that the more far-reaching the Welsh Government’s proposals, the less likely it is that the UK Government will facilitate the desired change. In other words, an attempt to use devolved competences to their full extent will render UK Government obstruction all the more probable. ‘Devolved autonomy’, however qualified, is not an appropriate description for this arrangement.

The single ‘England & Wales’ justice system also gives rise to a significant practical complication, namely the dispersal of Welsh and English prisoners across the prison estate. In 2021, more than a quarter (27%) of Welsh prisoners were held in England, in over 100

96 Murray, ‘Prisoner voting and devolution’ (n 6 above) 307.

97 Equality, Local Government and Communities Committee, ‘Inquiry into Voting Rights for Prisoners’ (n 73 above) para 154. Similarly, powers given to the Welsh Language Commissioner under the Welsh Language (Wales) Measure 2011 to ensure compliance with standards of conduct on the Welsh language are limited with respect to the criminal justice system in Wales. Under s 43 of the Measure, the Commissioner is only able to impose duties on crown bodies, or ministers of the crown, with the consent of the Secretary of State. In 2018 the Welsh Language Commissioner told Westminster MPs that it is likely that ‘most UK Government institutions’ will continue to operate schemes set up outside of the Welsh Language Measure ‘for some time to come’. Welsh Language Commissioner, ‘Written evidence submitted to the House of Commons Welsh Affairs Committee on Prison Provision in Wales’ (Welsh Language Commissioner 2018) 3.

98 Former Secretary of State for Justice, David Lidington MP, described the disenfranchisement of convicted prisoners as an expression of ‘British values’. UK Government, ‘Secretary of State’s oral statement on sentencing’ (n 5 above).

99 McNulty et al (n 13 above); Murray, ‘Monstrosity Strasbourg’ (n 13 above).

English prisons, while English prisoners made up almost a third (32%) of the prison population in Wales.¹⁰⁰ This situation creates a further incentive for the UK Government not to use its powers to facilitate a more progressive Welsh policy. Whether the Welsh Government seeks to enfranchise prisoners on the basis of the location of the prison in which they are held or their home address, it would be asking the UK Government to make significant concessions on its policy of disenfranchisement for convicted prisoners. Given the nature of the prison population, any Welsh policy of prisoner enfranchisement for devolved elections inevitably involves either convicted Welsh prisoners casting votes inside English prisons or convicted English prisoners casting votes inside Welsh prisons – neither of which a UK Government is likely to greet with much enthusiasm.

No matter how the Welsh Government proceeds, these constraints are likely to have decisive implications for the realisation of its chosen policy. One option is to tie disenfranchisement to sentence length. This is the Welsh Government's preferred approach, having proposed to enfranchise prisoners sentenced to less than four years. This, it argued, 'strikes the right balance between sending strong and positive messages to prisoners that they continue to have a stake in society and acknowledging the nature, gravity and circumstances of the offending'.¹⁰¹

On the one hand, this step might be enough to discharge its human rights obligations. A number of institutions in recent years have concluded that the enfranchisement of prisoners serving up to one-year sentences would satisfy the ECtHR.¹⁰² However, without the corresponding powers over criminal justice policy, and thus the size of the Welsh prison population, any threshold based on sentence length is likely to be devoid of principle and coherence. In effect, this aspect of Welsh electoral policy will be conditioned by the changing currents of criminal justice policy in Westminster. In this respect, it is worth noting that significant changes have already taken place. Since the Welsh Government first consulted on prisoner voting in 2017, for example, the number of Welsh prisoners serving up to four-year sentences has fallen by almost a third (31%).¹⁰³ Following the 2019

100 Welsh prisoners could be found within 104 different prisons in England in 2021. These data were obtained from the UK Ministry of Justice under the Freedom of Information Act 2000.

101 Welsh Government, 'Prisoner voting plans unveiled' (n 10 above).

102 Joint Committee on the Draft Voting Eligibility (Prisoners) Bill (n 73 above); Scottish Elections (Franchise and Representation) Act 2020, s 5.

103 The number of Welsh prisoners serving sentences up to four years fell by 31% between 2017 (1,803) and 2022 (1,238). While 38% of the Welsh prison population had been sentenced to less than four years in 2017, this number had fallen to 26% in 2022.

general election, the UK Government also acted upon its commitment to increase the use of longer sentences.¹⁰⁴ As a result, the number of prisoners who would be able to vote in Welsh elections under the Welsh Government's proposals has already shrunk and is likely to reduce further in future.¹⁰⁵

Another issue with the Welsh Government's preferred approach is that it will require the UK Government, more specifically HMPPS, to permit and facilitate prisoner voting across the prison estate, including potentially in over 100 English prisons. Additionally, it will create differentiated rights inside of prisons, thereby sharpening a division between those prisoners with rights and those without them. This is not without consequence. When the Welsh Government legislated to include unintentionally homeless prison-leavers amongst the list of those given automatic priority need status for accommodation in 2001, the policy was cited as a cause of friction between English and Welsh prisoners in English prisons.¹⁰⁶ Similarly, in this instance, prisoners serving comparable sentences, within the same legal jurisdiction, officially the same criminal justice system, even within the same prisons, would hold different rights of democratic participation. In a prison cell in HMP Berwyn in north Wales, for example, it would be possible to have two prisoners – one from Caernarfon, the other from Coventry – sentenced for the same criminal offence and serving the same sentence length. The former would have the right to vote in a local election, the latter would not. In this way, we see how the jagged edge in constitutional arrangements expresses itself in territorial fault lines and policy differentiation even at the scale of the prison cell.

Alternatively, the Senedd could attempt to enfranchise all prisoners held within Welsh prisons, using the prison as their address and the surrounding area as their voting constituency. It might do so on the grounds that these prisoners receive essential devolved services such as healthcare for which the Welsh Government is responsible and ought to be electorally accountable. This, however, would exclude imprisoned Welsh women from the franchise, since they are currently held

104 Police, Crime, Sentencing and Courts Act 2022.

105 Conversely, if the UK Government were to do the opposite, and increase the use of shorter sentences, the proportion of prisoners with voting rights would accordingly *increase*, yet without needing any sanction from Welsh devolved institutions.

106 Specifically, HMP Altcourse in Liverpool, which then operated as the 'local prison' to north Wales: Robert Jones, 'The Hybrid System: Imprisonment and Devolution in Wales' (PhD Thesis, Cardiff University, 2017).

exclusively in English prisons.¹⁰⁷ Concerns over constituency inflation are also likely to make this approach unpalatable to politicians at both the devolved and UK levels. On the one hand, it would enfranchise up to 1,500 English prisoners held inside Welsh prisons.¹⁰⁸ Given that it took 13 years and multiple adverse ECtHR judgments before the UK Government conceded to grant ‘up to one hundred prisoners’ the vote, such a dramatic change in policy does not appear likely. Welsh politicians are also uneasy with this approach. The Fifth Senedd’s Equality, Local Government and Communities Committee expressed concern that the use of the prison as a registration address could have ‘a disproportionate effect on a small number of wards and constituencies where prisoners would make up a significant proportion of the electorate’.¹⁰⁹

A third option would be to grant judges the discretion to disenfranchise individuals sentenced to prison on a case-by-case basis, depending on the nature and seriousness of the offence. Previous case law of the ECtHR indicated that this approach would satisfy the requirements of A3P1:

there should be a direct link between the facts on which a conviction is based and the sanction of disenfranchisement; and such a measure should preferably be imposed not by operation of law but by the decision of a judge following judicial proceedings.¹¹⁰

Subsequent case law has made clear that this is not a requirement under the ECHR.¹¹¹ Nonetheless, it highlights one such measure which could help to ensure compatibility with A3P1.¹¹² Since the Welsh Government and Senedd do not control sentencing policy, however, this policy choice is not available to it. It would therefore need to ask

107 The UK Ministry of Justice announced in May 2022 that a 12-bed women’s residential centre will be built at a site in Swansea. Once operational, the Centre will work with around 50 women a year: Ministry of Justice, ‘[Location of first-ground breaking residential women’s centre revealed](#)’ (Ministry of Justice 2022). In addition to women, the plan would also exclude all Category A Welsh prisoners. Due to the fact that there are no Category A places in Wales, all sentenced Category A Welsh prisoners are held in one of five high-security prisons in England. On average, there were 35 Welsh prisoners being held as Category A in 2021.

108 These data were obtained from the UK Ministry of Justice under the Freedom of Information Act 2000.

109 Equality, Local Government and Communities Committee, *Voting Rights for Prisoners* (n 8 above) 41. In 2021, there were, on average, 1,783 prisoners being held at HMP Berwyn in Wrexham and 1,625 prisoners at HMP Parc in Bridgend. Ministry of Justice, ‘[Prison population figures: 2021](#)’ (Ministry of Justice 2022).

110 *Frodl v Austria* (2011) 52 EHRR 5, para 28.

111 *Scoppola v Italy (No 3)* (2013) 56 EHRR 19, para 99.

112 ‘the intervention of a judge is in principle likely to guarantee the proportionality of restrictions on prisoners’ voting rights’ *ibid.*

the UK Government to legislate on its behalf or grant the Senedd the competence¹¹³ to give judges the discretion to disenfranchise. Such a request would almost certainly be rejected by a UK government, for three reasons. First, a case-by-case approach would present an inversion of the current position: it would replace automatic legislative disenfranchisement, favoured by the UK Government, with a presumption of continuing enfranchisement. Second, given the UK Government's staunch commitment to retaining a common criminal justice system for England & Wales, it is unlikely it would contemplate such a significant divergence in sentencing policy. Third, English and Welsh prisoners are sentenced at courts across the England and Wales border, meaning that judges in both countries would need to have the discretion to disenfranchise with respect to Welsh devolved elections.¹¹⁴ Again, it seems highly unlikely that a UK government would facilitate such a significant change in England for the sake of a policy with which it profoundly disagrees.

A fourth, non-legislative, option would be to enhance coordination between electoral and prison services. Given the risk of administrative disenfranchisement facing prisoners with voting rights, discussed above, such an intervention could have a similar practical effect to the formal expansion of the franchise. This has been adopted successfully in other contexts.¹¹⁵ Once again, however, UK government acquiescence would be needed. This was recognised explicitly by the Equality, Local Government and Communities Committee in 2019, which called for a memorandum of understanding between the Welsh and UK Governments to facilitate better coordination between services.¹¹⁶

Having considered the implications of these reform options, it is necessary to return to the question of legislative competence. It cannot be taken for granted that Welsh legislation on prisoner voting rights would survive a referral to the UK Supreme Court. An Act of the Senedd is 'not law' so far as its provisions 'relate to' reserved matters.¹¹⁷ Whether a provision of devolved legislation relates to a reserved matter is 'determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances'.¹¹⁸ The UK Supreme Court has stipulated that there

113 Government of Wales Act 2006, s 109.

114 Flora Thompson, 'Courts backlog: MPs raise concerns over government plan' (*The National* 9 March 2022).

115 The Sentencing Project, *Voting in Jails* (*The Sentencing Project* 2020).

116 Equality, Local Government and Communities Committee, *Voting Rights for Prisoners* (n 8 above) 47.

117 Government of Wales Act 2006, ss 108A(1) and (2)(c).

118 Government of Wales Act 2006, s 108A(6).

needs to be ‘more than a loose or consequential connection’.¹¹⁹ Crucially, this assessment is not confined to a provision’s *legal* effects. As the Court’s President, Lord Reed, has said: ‘a provision does not have to modify the law applicable to a reserved matter in order to relate to that matter’.¹²⁰ Rather, a provision also needs to be considered in light of its ‘practical effects’¹²¹ and ‘political consequences’.¹²² The question therefore would be whether Senedd legislation purporting to allow prisoners to vote in devolved and local elections would have more than a loose or consequential connection to criminal proceedings, sentencing, the courts, prisons or offender management, having regard to its legal, practical and political effects. Given the extensive, cross-cutting implications of prisoner enfranchisement in Wales, discussed above, it is conceivable that the UK Supreme Court would find that such legislation fell outside of the Senedd’s legislative competence, even if the legislation did not purport to modify the law on the relevant reserved matters.

Of course, this would produce an absurd outcome. In effect, there would be a two-tiered system for Welsh devolved and local elections, in which the Westminster Parliament retained a regulatory role, but only with respect to prisoners. Given the Supreme Court’s expansive approach to ‘purpose and effect’, however, this possibility cannot be discounted. Even if the UK Government refrained from making a referral to the Supreme Court, it would still be free to prevent the legislation from becoming law using the power available to it under the Government of Wales Act 2006, section 114. It would merely need to demonstrate that it had ‘reasonable grounds to believe’ that the legislation would adversely affect either reserved matters or the law as it applies in England. Again, given the cross-cutting effects of prisoner enfranchisement for Welsh elections, this would not be difficult to justify.

We thus see how the devolved level is ‘responsible without power’:¹²³ responsible for fulfilling the human rights obligations which arise from control over electoral arrangements, yet lacking the necessary powers over the justice system to discharge them. This lack of constitutional autonomy, compared to Scotland, has very real implications for the

119 *Martin v Most* [2010] UKSC 10, [49] (Lord Walker).

120 *Reference by the Lord Advocate of devolution issues under paragraph 34 of schedule 6 to the Scotland Act 1998* [2022] UKSC 31, [2022] 1 WLR 5435, [74], citing *Christian Institute v Lord Advocate* [2016] UKSC 51, [33] and [63] (Lady Hale, Lord Reed and Lord Hodge).

121 *Agricultural Sector (Wales) Bill – Reference by the Attorney General for England and Wales* [2014] UKSC 43, [2014] 1 WLR 2622, [53] (Lord Reed and Lord Thomas CJ).

122 *Reference by the Lord Advocate* (n 120 above), [81] (Lord Reed).

123 *Jones and Wyn Jones* (n 42 above).

implementation of prisoners' human rights. The Scottish Government has been able to use the Scottish Parliament's powers over devolved elections to enfranchise around 1,000 Scottish prisoners, and it remains free to go much further. Many Scottish prisoners have therefore seen their rights enhanced, if only very modestly. By contrast, Wales' devolved institutions enjoy the same powers over devolved elections but are unable to use those powers to enhance prisoner rights in the same way, at least not without UK government approval. In practice, and to a greater extent than prisoners elsewhere in the UK, Welsh prisoners' A3P1 ECHR rights are conditioned by conflicting political imperatives.

CONCLUSION

The issue of prisoner voting highlights basic flaws in the design of Welsh devolution, confronting the devolved institutions with human rights obligations which they cannot fulfil without UK government facilitation. Under these constitutional conditions, the devolved institutions face a stark choice: do nothing, and risk legal challenges to their recent and ongoing electoral reforms, or act, and still face legal challenges (albeit on different grounds), or the potential frustration of their chosen policy by Whitehall.

In these circumstances, what should be done will depend on the priorities of the Welsh Government. If its aim is to engage in box-ticking 'minimalist compliance' purely to shield itself from legal action, it need only legislate to enfranchise some convicted prisoners and request the UK Government to implement the necessary changes. Clearly, it cannot bear legal responsibility for any attempt by the UK Government to frustrate its policy. The incoherence presented by the criminal justice system in Wales, however, cannot be ignored if a durable policy is to be constructed within current arrangements. As we have seen, granting voting rights based on sentence length will effectively outsource this area of devolved electoral policy to the UK Ministry of Justice. The only policy choices which would not be the full enfranchisement of all prisoners with a Welsh address, the enfranchisement of all prisoners held in the Welsh prison estate, or a combination of these options. Whichever approach it adopts, the possibility of the UK Government either referring the legislation to the UK Supreme Court or exercising its section 114 veto power cannot be discounted.

Wyn Jones and Scully argue that the idea of a devolution 'settlement' is 'wholly inappropriate'¹²⁴ in the Welsh context, given

124 Richard Wyn Jones and Roger Scully, *Wales Says Yes: Devolution and the 2011 Welsh Referendum* (University of Wales Press 2012) 150

the constant changes which have characterised it.¹²⁵ Similarly, we contend that ‘devolved autonomy’ is a flawed empirical description for Welsh devolved competences, particularly where those competences sit at the jagged edge. This is not to downplay the scope which exists for the Welsh Government to strengthen human rights protection within the devolved system.¹²⁶ However, the case study of prisoner voting offers a powerful illustration of the difficulties of doing so in the context of an unorthodox and unusually complex Welsh justice system. The problems explored here are not confined to voting rights; other prisoner rights falling at the jagged edge of devolved and reserved competences – whether relating to health, housing or Welsh language provision – are also likely to be adversely affected by current arrangements. The involvement of two different governments within the Welsh criminal justice policy space, each with their own mandate, policy vision and agenda, will therefore continue to raise significant questions over the sustainability of the Welsh dispensation. Unless and until this anomalous situation is resolved, devolved institutions will face considerable challenges to the enhancement of legal human rights protections. Even modest progressive aspirations are likely to be thwarted.

125 Between the two Government of Wales Acts (1998 and 2006) and two Wales Acts (2014 and 2017), the basic structures of Welsh devolution have changed three times since 1999.

126 Boyle and Busby (n 3 above); Hoffman et al (n 3 above).

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31 Gorffennaf 2023

Annwyl Jenny,

Diolch am adroddiad y Pwyllgor ar y gwaith craffu ariannol yn ystod y flwyddyn: 2023-24, yn amlinellu 12 cwestiwn ar gyfer Llywodraeth Cymru.

Amgaeir ymateb Llywodraeth Cymru i'r cwestiynau hynny.

Yn gywir

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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.

Tudalen y pecyn 299

Ymateb i'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol: Gwaith craffu ariannol yn ystod y flwyddyn: 2023-24

Costau Byw

Parodrwydd Llywodraeth Cymru ar gyfer heriau costau byw a fydd yn codi'r gaeaf hwn ac unrhyw gamau ychwanegol y gallech eu cymryd i helpu'r aelwydydd sydd fwyaf agored i niwed?

- Sefydlwyd Is-bwyllgor Cabinet ar Gostau Byw i ddarparu cyfeiriad strategol mewn perthynas ag ymateb Llywodraeth Cymru i'r argyfwng costau byw. Caiff ei waith ei lywio gan dystiolaeth arbenigwyr, darparwyr gwasanaethau a sefydliadau sy'n cefnogi pobl sy'n cael trafferth gyda chostau cynyddol, gan gynnwys lleisiau'r rheini sydd â phrofiad byw personol, i helpu i lywio ein paratoadau ar gyfer y gaeaf.
- Rydym yn parhau i gefnogi aelwydydd difreintiedig yng Nghymru i liniaru effaith yr argyfwng costau byw drwy raglenni sy'n darparu cymorth wedi'i dargedu i liniaru pwysau ariannol. Mae'r rhain yn cynnwys: y Gronfa Cymorth Dewisol; camau gweithredu i wneud y mwyaf o incwm, gan gynnwys ein hymgyrch Yma i Helpu; a mentrau i gyflawni'r cyflog cymdeithasol yng Nghymru fel ein Cynllun Gostyngiadau'r Dreth Gyngor, sy'n helpu i gadw arian ym mhocedi pobl. Yn ystod 2022-23 a 2023-24, roedd y gefnogaeth hon werth mwy na £3.3bn.
- Mae ein [datganiad polisi](#) ar y Rhaglen Cartrefi Clyd newydd yn nodi ein hymrwymiad hirdymor i gyflawni sero net mewn ffordd gyfiawn – trwy'r ddau amcan o fynd i'r afael â thlodi tanwydd a'r argyfwng hinsawdd.
- Roedd llawer o'r mentrau a oedd wedi helpu pobl â phwysau costau byw yn 2022-23, fel Cynllun Cymorth Tanwydd Cymru, dim ond yn bosibl oherwydd bod cyllid sylweddol wedi'i ddyrannu drwy gyllideb 2022-23. Roeddem wedi ailbwrpasu ein cyllidebau i flaenoriaethu cyllid ar gyfer cartrefi a gafodd eu taro galetaf gan yr argyfwng.
- Yn anffodus, nid yw ein dyraniad cyllid gan Lywodraeth y DU yn ddigonol i'n galluogi i ailgynnal llawer o'r cynlluniau hyn yn 2023-24. Yn ogystal, mae ein cyllidebau yn werth cryn dipyn yn llai na phan gyhoeddwyd ein cynlluniau yn wreiddiol ym mis Rhagfyr 2021.
- Rydym yn ystyried pa gamau ychwanegol y gellir eu cymryd y gaeaf hwn yng ngoleuni'r sefyllfa ariannol heriol yr ydym ynddi. Bydd ein penderfyniadau yn cael eu llywio gan argymhellion y Grŵp Arbenigol ar Gostau Byw mewn perthynas â beth y gallwn ei wneud i gael yr effaith fwyaf.
- Yn y tymor hwy, mae ein Strategaeth Tlodi Plant ddrafft, ar gyfer cyfnod o 10 mlynedd, yn nodi ein hamcanion ar gyfer gwella canlyniadau i blant a theuluoedd. Mae'r Strategaeth ddrafft yn destun [ymgynghoriad](#) ar hyn o bryd a byddem yn croesawu eich barn.

A yw'r Grŵp Arbenigol ar Gostau Byw wedi gwneud ei argymhellion i Lywodraeth Cymru eto? Os felly, pryd y gallwn ddisgwyl iddynt gael eu rhannu â'r Pwyllgor (gweler hefyd yr ymateb i'r adroddiad ar Gyllideb Ddrafft 2023-24).

- I ddechrau, rhagwelwyd y byddai'r Grŵp Arbenigol yn adrodd i Is-bwyllgor y Cabinet ar Gostau Byw ym mis Mehefin. Cyfarfu'r Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip a'r Prif Weinidog â'r Grŵp Arbenigol ym mis Mai 2023 i drafod y cynnydd. Yn y cyfarfod hwnnw gofynnodd y Grŵp Arbenigol am amser ychwanegol i lunio eu hargymhellion.
- Disgwylir y bydd y Grŵp Arbenigol yn cyflwyno eu hargymhellion mewn adroddiad erbyn diwedd Gorffennaf 2023.
- Bydd Is-bwyllgor y Cabinet ar Gostau Byw yn ystyried yr adroddiad hwnnw yn ffurfiol yn dilyn y toriad.

A fydddech cystal a darparu manylion monitro'r gyllideb ar alw'r Gronfa Cymorth Dewisol (neu'r DAF)? A yw'r dyraniadau a wnaed yn y gyllideb ddrafft ar gyfer 2023-24 wedi'u diwygio mewn ymateb i ganlyniad y gwaith monitro hwnnw?

- Mae'r ffigurau misol yn dangos bod y Gronfa Cymorth Dewisol yn gweithredu o fewn y gyllideb. Y gwariant *targed* chwarterol yw £8.5m, ac ar gyfer y chwarter cyntaf (Ebrill - Mehefin 2023) mae ffigurau *gwirioneddol* yn dangos gwariant o £8.1m. Fodd bynnag, mae swyddogion yn ymwybodol bod y galw ar y Gronfa Cymorth Dewisol yn debygol iawn o gynyddu yn ystod yr hydref/gaeaf yn sgil disgwyl y bydd costau tanwydd yn codi. Mae swyddogion yn monitro gwariant y Gronfa yn agos iawn. Nid yw dyraniadau'r Gronfa Cymorth Dewisol a wnaed yn y gyllideb ddrafft ar gyfer 2023-24 wedi'u diwygio.

A yw gwerthusiad y Gronfa Gyngori Sengl wedi'i gwblhau, ac os felly a ellir ei rannu â'r Pwyllgor?

- Mae'r gwerthusiad o'r Gronfa Gyngori Sengl yn mynd rhagddo ar hyn o bryd. Mae'r adolygiad yn defnyddio dulliau cymysg. Trwy ddulliau meintiol bydd yr ymchwil yn penderfynu a yw model cyflawni cydweithredol y Gronfa Gyngori Sengl wedi cyrraedd grwpiau mwy difreintiedig ac ymylol na ffrydiau ariannu gwasanaeth cyngori hanesyddol Llywodraeth Cymru, ac a yw pobl â nifer o broblemau lles yn cael eu helpu.
- Bydd y dulliau ansoddol yn cynnig canfyddiadau gwerthfawr gan bobl sydd wedi cael mynediad at wasanaethau'r Gronfa Gyngori Sengl. Er enghraifft, eu profiadau o ddefnyddio'r gwasanaeth ac effeithiau gwneud hynny, h.y. a ddaethon nhw o hyd i'r ateb i'w problemau, a ydyn nhw wedi magu mwy o hyder yn eu gallu eu hunain i ddelio â phroblemau lles yn y dyfodol, ac ati. Bydd yr adolygiad yn cael ei gwblhau yn yr hydref, a byddaf yn rhannu'r canfyddiadau â'r Pwyllgor.

Yn unol ag argymhelliad 10 yn ein hadroddiad Anghynaliadwy: dyled o ganlyniad i gostau byw cynyddol, ac argymhelliad 6 yn ein hadroddiad ar Gyllideb Ddrafft 2023-24, pryd rydych chi'n disgwyl y byddwch yn cyhoeddi ffigurau terfynol ynghylch y nifer sy'n defnyddio'r Cynllun Talebau Tanwydd yn erbyn y targedau a osodwyd pan lansiwyd y cynllun, mewn perthynas â mesuryddion rhagdalau ac aelwydydd oddi ar y grid?

- Fel y nodir yn ein hymateb i argymhelliad 10 yn adroddiad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol, *sef Anghynaliadwy: dyled o ganlyniad i gostau byw cynyddol*, hyd at ddiwedd mis Mawrth 2023 roedd y Sefydliad Banc Tanwydd wedi dosbarthu 19,561 o dalebau er mwyn cefnogi aelwydydd na allent fforddio gwneud taliadau ychwanegol i'w mesuryddion rhagdalau. Cynyddodd y dyraniadau o dalebau tanwydd yn sylweddol wrth i rwydwaith atgyfeirio Cymru ddatblygu. Ac fe gynyddodd y rhwydwaith o fod yn un â chwe phartner ar yr adeg pan ddyrannwyd yr arian, i un â dros 100 o bartneriaid erbyn diwedd mis Mawrth 2023. Ar ddiwedd mis Mawrth 2023, defnyddiwyd gweddill yr arian i brynu talebau ar gyfer mesuryddion rhagdalau a gaiff eu dosbarthu yng Nghymru drwy gydol 2023 yn ôl y galw. Mae'r nifer a ddosbarthwyd ers i'r prosiect ddechrau bellach yn 25,202. Ni fyddwn yn gwybod y ffigur terfynol ar gyfer y Cynllun Talebau Tanwydd tan 2024.
- Cytunodd Llywodraeth Cymru hefyd y gallai'r Sefydliad Banc Tanwydd gynnal peilot i brynu blancedi cynnes fel dull amgen o gefnogi pobl mewn tlodi tanwydd. Nod y cynllun peilot oedd cynhesu'r unigolyn ac nid y cartref, ac mae 968 o flancedi cynnes wedi'u dyrannu i aelwydydd Cymru.
- Erbyn diwedd mis Mawrth, cafodd 184 o aelwydydd eraill gymorth i brynu tanwydd oddi ar y grid. Mae'r Sefydliad Banc Tanwydd yn parhau i ddarparu olew ychwanegol i'r rheini mewn argyfwng ledled Cymru sydd â thanciau olew. A hynny, yn rhinwedd ei rôl fel elusen. Ond mae'r galw yn llai ar hyn o bryd oherwydd tywydd yr haf a'r gostyngiad tymhorol mewn prisiau olew.
- Hyd yma, mae'r ymyriadau hyn wedi cefnogi 63,614 o bobl ac y mae 43% ohonynt yn blant.

Trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (VAWDASV) a menywod mudol

Derbyniodd Llywodraeth Cymru argymhelliad 3 o'n hadroddiad Trais yn Erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol: menywod mudol i gefnogi menywod mudol sydd Heb Hawl i Gyllid Cyhoeddus, ac rydym yn croesawu eich datganiad ar 4 Gorffennaf 2023 sy'n cadarnhau cynllun peilot y Gronfa Gymorth i Fudwyr sy'n Ddiodefwyr Trais.

Derbyniodd Llywodraeth Cymru hefyd argymhelliad y Pwyllgor yn ei adroddiad ar y Gyllideb Ddrafft ar gyfer 2023-24, y dylai egluro sut caiff y gronfa argyfwng ei hariannu. Rydym yn deall y bydd adnoddau'n cael eu dargyfeirio o'r gyllideb trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (VAWDASV) bresennol.

A fyddech cystal â chadarnhau faint sydd wedi'i ddyrannu i'r gronfa a'r sylfaen dystiolaeth ar gyfer pennu'r ffigur hwnnw. Pa asesiad, os yn berthnasol, y mae Llywodraeth Cymru wedi'i gynnal i asesu effaith dargyfeirio adnoddau o wasanaethau a gweithgarwch VAWDASV presennol. Fel arall, a fyddech cystal â rhoi manylion o ble y gwnaed y toriadau.

- Mae'r cynllun peilot i gefnogi menywod mudol sydd Heb Hawl i Gyllid Cyhoeddus wedi'i ariannu ar sail fforddiadwy, gan ddefnyddio £150k o'r gyllideb VAWDASV bresennol. Felly ni fu angen dargyfeirio cyllid o weithgareddau a gwasanaethau presennol eraill.
- Cytunwyd ar y gyllideb ar gyfer y peilot yn dilyn asesiad cynhwysfawr o'r data sydd ar gael mewn perthynas ag angen. Roedd swyddogion wedi gallu defnyddio adborth a dysgu o'r cynllun Cymorth i Fudwyr sy'n Ddiodefwyr Trais a amlygodd, ymhlith pethau eraill, a oedd y cyllid yn ddigonol, er enghraifft i dalu am gostau llety lloches. Yn sgil hynny, roedd gan swyddogion well syniad o faint o gyllid oedd ei angen i gyflawni elfennau hanfodol y cynllun, a datblygu opsiynau ar gyfer y cynllun peilot cychwynnol yn ystod y flwyddyn.
- Mae'r cynllun peilot wedi ystyried materion fforddiadwyedd ac wedi cydnabod hefyd fod lechyd Cyhoeddus Cymru (ICC) wrthi'n cynnal ymchwil yn y maes hwn. Bydd y cynllun peilot, er nad yw'n llenwi'r holl fylchau a nodwyd, yn gwneud cryn dipyn tuag at wneud hynny ac yn darparu tystiolaeth ychwanegol o'r buddion a'r angen sy'n weddill, i lywio penderfyniadau cyllido yn y dyfodol. Bydd hyn hefyd yn rhoi cyfle i ddysgu o waith ymchwil ICC pan fydd wedi'i gwblhau, yn ogystal â chymryd i ystyriaeth gamau gweithredu gan Lywodraeth y DU yn y dyfodol mewn perthynas â'r cynllun Cymorth i Fudwyr sy'n Ddiodefwyr Trais.
- Ar sail hyn, dyrannwyd £150k i BAWSO fel grant i gynnal y cynllun peilot yn ystod 2023/23, er mwyn ceisio gwneud y canlynol:
 - Ychwanegu at gyllid cynhaliaeth i ddiodefwyr o dan y cynllun Cymorth i Fudwyr sy'n Ddiodefwyr Trais fel ei fod yn cyfateb i swm y cymorth ariannol sydd ar gael o dan Gonsesiwn Diymgeledd Trais Domestig (DDVC).

- Rhoi cymhorthdal o gyllid ychwanegol i ymestyn hyd y cyfnod y gall goroeswyr aros mewn llety â chymorth tra byddant yn ceisio cael cymorth cyfreithiol a thra bo statws mwy parhaol yn cael ei brosesu (tua 4 wythnos ar gyfer pob dioddefwr).
- Darparu cyllid ychwanegol os bydd angen (os nad yw'n gymwys o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014), ar gyfer teuluoedd nad ydynt yn gymwys i gael llety lloches (e.e. dioddefwyr â thri neu fwy o blant).
- Darparu cyllid i gefnogi hyd at 15 o ddiodeswyr/teuluoedd ychwanegol a chynnwys trefniant iddynt gael aros yn eu cartref eu hunain os bydd modd symud y cyflawnwr.
- Darparu tua 5% o gostau ychwanegol ar gyfer llety ychwanegol mewn perthynas ag achosion eithriadol sydd angen llety am gyfnodau hirach na'r amserlenni safonol.

Cydraddoldeb a hawliau dynol

Nodwch effaith y gostyngiad yng nghyllid yr UE ar sefydliadau sydd wedi'u lleoli yng Nghymru, yn benodol Chwarae Teg a Chyngor Gweithredu Gwirfoddol Cymru. Pa asesiad a wnaed o'r effaith ar gyflawni cynlluniau Llywodraeth Cymru ar gydraddoldeb. Pa ystyriaeth a roddwyd i ddatblygu ffrydiau ariannu newydd i lenwi'r bwch yng nghyllid yr UE?

- Roedd Cyngor Gweithredu Gwirfoddol Cymru (CGGC) yn rheoli tua £5/6m y flwyddyn mewn grantiau i sefydliadau drwy'r Gronfa Cynhwysiant Gweithredol a'r Gronfa Tyfu Busnesau Cymdeithasol. Mae colli'r rhaglenni hyn wedi arwain at gollu tua 30 o rolau, sef staff sy'n gweithio'n gyfan gwbl ar raglenni a ariennir gan yr UE yn ogystal â staff eraill o golli cymorth ar gyfer costau gorbenion. Mae hyn wedi golygu bod CGGC wedi colli nifer o staff profiadol iawn o'r sector cyflogadwyedd a roddodd gyngor ar ystod o bynciau megis llywodraethu, caffael, rheolaethau ariannol a monitro a gwerthuso, yn ogystal â chymorth grant.
- Yn fwy cyffredinol, mae CGGC hefyd wedi bod yn rhan annatod o gefnogi'r trydydd Sector i gael cymorth ariannol yr UE, gan sicrhau bod llais a barn y trydydd Sector yn rhan o weithdrefnau llywodraethu cronfeydd yr UE. Rydym yn ymwybodol nad oes unrhyw gronfeydd, rolau na threfniadau llywodraethu cyfatebol yn bodoli ar hyn o bryd o dan Gronfa Ffyniant Gyffredin y DU.

Y cefndir

- O dan raglenni Cronfeydd Strwythurol Ewropeaidd 2000-2006, amcangyfrifwyd bod y trydydd sector wedi manteisio ar dros £224 miliwn, ac yng nghylch cyllido 2007-2014 dyfarnwyd dros £105 miliwn i'r sector hwnnw. O dan raglenni presennol 2014-2020, mae'r trydydd sector wedi arwain mentrau sydd gwerth dros £138 miliwn.
- Mae sefydliadau'r trydydd sector wedi cymryd rhan sylweddol mewn rhaglenni cyflogadwyedd a sgiliau a ariennir gan Gronfa Cynhwysiant Gweithredol CGGC, a helpodd sefydliadau gwirfoddol i gefnogi rhai o'r bobl fwyaf ymylol a difreintiedig mewn cymdeithas ar eu taith tuag at gael gwaith. Ers 2015 dyfarnodd y Gronfa Cynhwysiant Gweithredol dros £30 miliwn mewn cyllid grant i fwy na 180 o

sefydliadau, gan gefnogi dros 23,000 o bobl ddifreintiedig i symud i mewn i waith neu'n nes ato. Cyfrifwyd bod 'adenillion cymdeithasol o fuddsoddi' o oddeutu £3.37 o fudd yn cael ei gynhyrchu am bob £1 a wariwyd.

- Dros y ddau ddegawd diwethaf mae'r Cronfeydd Strwythurol wedi cael eu defnyddio'n llwyddiannus i ysgogi twf a datblygiad y sector busnes cymdeithasol yng Nghymru gyda chymorth Cronfa Datblygu Rhanbarthol Ewrop. Yn y rhaglen ariannu gyfredol, dyfarnodd Cronfa Tyfu Busnesau Cymdeithasol CGGC a Chronfa Datblygu Asedau Cymunedol £4.8 miliwn ar draws 59 o fusnesau cymdeithasol a greodd 282 o swyddi.

Profiadau menywod yn y system cyfiawnder troseddol

Fel y cyfeiriwyd ato yn ein hadroddiad Profiadau menywod yn y system cyfiawnder troseddol, a allwch gadarnhau a oes unrhyw gostau wedi'u datblygu ar gyfer cynllun peilot y Ganolfan Breswyl i Fenywod arfaethedig, gan gynnwys yr effaith ariannol ar wasanaethau cyhoeddus lleol?

- Bydd y Weinyddiaeth Gyfiawnder yn ysgwyddo cost cynllun peilot y Ganolfan Breswyl i Fenywod arfaethedig. Bydd y 12 o breswylwyr benywaidd yn parhau i gael mynediad at wasanaethau cyhoeddus lleol tra byddant yn y Ganolfan. Gan y bydd y menywod eisoes yn byw yn yr ardal leol, nid ydym yn disgwyl i hyn gael effaith ar gostau. Bydd unrhyw wasanaethau ychwanegol a ddarperir yn cael eu hariannu gan y Weinyddiaeth Gyfiawnder.

A allwch chi gadarnhad p'un a oes ffrwd ariannu gynaliadwy ar gyfer canolfannau menywod bellach yn ei lle?

- Blaenoriaeth allweddol ar gyfer cam nesaf y gwaith ar gyfer Glasbrint Cyfiawnder i Fenywod yw datblygu dull cadarn o ymdrin â chanolfannau dibreswyl i fenywod ledled Cymru. Mae canolfannau fel Canolfan Merched Gogledd Cymru yn y Rhyl a Chanolfan Ymddiriedolaeth Nelson yng Nghaerdydd yn darparu ystod werthfawr o wasanaethau, gan gynnwys cymorth i reoli a goresgyn camddefnyddio sylweddau, cymorth gofal plant, eitemau ar gyfer y mislif a help gyda chostau byw. Ar hyn o bryd rydym yn ystyried gwahanol fodolau o ganolfannau i fenywod i ddeall y dull gorau ar gyfer Cymru. A bydd y gwaith hwnnw'n cael ei lywio gan ganfyddiadau ymchwiliad y Pwyllgor i brofiad menywod o'r system gyfiawnder.

A yw'r tendr ar gyfer Manyleb Dull System Gyfan y Rhaglen Fraenaru i Fenywod newydd, a grybwyllwyd mewn ymateb i argymhelliad 5, bellach wedi'i gyhoeddi?

- Mae'r tendr ar gyfer Manyleb Dull System Gyfan y Rhaglen Fraenaru i Fenywod wedi cyrraedd cam terfynol y broses, ac yn cael ei wirio a'i gymeradwyo ar hyn o bryd. Rydym yn disgwyl i'r tendr gael ei gyhoeddi dros yr haf.

Gwella'r gyllideb

A fyddech cystal â rhoi diweddariad ar argymhelliad 10 yn adroddiad Cyllideb Ddrafft 2023-24? A allwch nodi pa gamau a gymerwyd i ddatblygu eich gwaith ar atal?

- Mae Llywodraeth Cymru yn cydnabod bod atal yn rhan annatod o'r broses o bennu cyllidebau. Mae'r gwaith ataliol yr ydym wedi'i wneud yn cael ei ystyried yn rhan o waith ehangach Cynllun Gwella'r Gyllideb sy'n cael ei ddiweddarau a'i gyhoeddi'n flynyddol ochr yn ochr â'r Gyllideb Ddrafft. Mae ein Cynllun Gwella'r Gyllideb yn amlinellu'r camau yr ydym yn eu cymryd mewn perthynas ag atal.
- Drwy ein Grŵp Cynghori ar Wella ac Asesu Effaith y Gyllideb, rydym yn ymgysylltu â rhanddeiliaid allweddol ynghylch gwella prosesau'r gyllideb. Ym mis Ionawr 2023, roeddem wedi rhoi cyflwyniad ar y rhaglen atal i rhanddeiliaid y Grŵp Cynghori ar Wella ac Asesu Effaith y Gyllideb, fel y gallai rhanddeiliaid ddeall y maes cymhleth hwn yn well. Mae atal yn rhan allweddol o gynllun gwaith y Grŵp Cynghori ar gyfer 2023 ac mae is-grŵp wedi'i sefydlu i edrych yn benodol ar sut y gallwn ofalu bod atal yn rhan annatod o'n proses ar gyfer y gyllideb. Mae'r broses hon yn parhau i fynd rhagddi, ac fe fydd yn cael ei chwblhau fis nesaf.
- Rydym hefyd yn ystyried pa gamau pellach y gallem eu cymryd fel rhan o'n paratodau ar gyfer Cyllideb 2024-25.
- Byddwn yn darparu diweddariad pellach yn ein Cynllun Gwella'r Gyllideb yn unol â'n harfer sefydlog pan gaiff ei gyhoeddi ochr yn ochr â Chyllideb Ddrafft 2024-25.

Gofynnwn i chi ailystyried eich safbwynt ar argymhellion 11 a 12 yn adroddiad Cyllideb Ddrafft 2023-24, a wrthodwyd ar y pryd. Rydym yn pryderu nad yw cyhoeddi crynodeb o dystiolaeth ysgrifenedig yr holl Weinidogion i bwyllgorau craffu'r Senedd ar ddyraniadau o fewn pob Prif Grŵp Gwariant yn ymateb digonol i'n hargymhelliad.

Hoffem weld sut ydych chi'n bwriadu darparu mwy o eglurder a thryloywder yn y ffordd y cyflwynir cyllideb y flwyddyn nesaf. Sut ydych chi'n bwriadu mynd i'r afael â beirniadaeth o'r dull presennol o gynnal Asesiadau Effaith Strategol? A wnewch chi ymrwymo i gyhoeddi dadansoddiad dosbarthiadol gyda Chyllideb Ddrafft 2024-25?

- O ran argymhelliad 12, rydym yn dal i fod am ei wrthod.
- O ran argymhelliad 11, rydym yn barod i dderbyn hyn mewn egwyddor ar y sail ein bod yn parhau i amlinellu'r camau yr ydym yn eu cymryd i ddiwygio gwelliannau i broses y gyllideb a threthi fel rhan o'n Cynllun Gwella'r Gyllideb a gyhoeddir ochr yn ochr â'r Gyllideb Ddrafft. Eleni, rydym wedi cydweithio â'r Grŵp Cynghori ar Wella ac Asesu Effaith y Gyllideb er mwyn ystyried sut i gynnal yr Asesiad Effaith Integredig Strategol; mae hyn wedi cynnwys rhai newidiadau yn yr Asesiad Effaith Integredig Strategol a gyhoeddwyd fel rhan o Gyllideb Ddrafft

2023-24. Mae rhagor o gamau tymor hwy yn cael eu hystyried drwy barhau i weithio gyda'r Grŵp Cyngori i adolygu ein dull o asesu effeithiau penderfyniadau cyllidebol fel rhan o Gynllun Gwella'r Gyllideb.

- Ar hyn o bryd, yn ystod y cam cynnar hwn o broses Cyllideb 2024-25, a'r ansicrwydd sy'n ein hwynebu, nid ydym mewn sefyllfa i roi'r wybodaeth ddiweddaraf am eglurder a thryloywder mewn perthynas â sut y bydd Cyllideb y flwyddyn nesaf yn cael ei chyflwyno.
- Hefyd, mae'n dal i fod yn bwysig cydnabod bod yr Asesiad Effaith Integredig Strategol hwn yn amlinellu'r dystiolaeth gyd-destunol sydd wedi ategu ein penderfyniadau gwario. Dim ond un o gyfres o ddogfennau a gyhoeddwyd fel rhan o'n Cyllideb Ddrafft ydyw, ac mae effaith penderfyniadau gwario yn cael ei hamlinellu fel rhan o'r prif naratif ym mhennod pedwar, a ategir gan yr Asesiad yn Atodiad A. Yn dilyn cyhoeddi'r Gyllideb Ddrafft, roeddem wedi cyhoeddi crynodeb helaeth o holl dystiolaeth ysgrifenedig y Gweinidogion i bwyllgorau craffu'r Senedd ar y dyraniadau ym mhob Prif Grŵp Gwariant. Mae'r dystiolaeth honno'n rhoi cyfrif manylach o effaith penderfyniadau ynghylch y Gyllideb Ddrafft ar grwpiau gwahanol.
- Cyhoeddir dadansoddiad dosbarthiadol diwygiedig o wariant cyhoeddus datganoledig yng Nghymru ochr yn ochr â Chyllideb Ddrafft 2024-25.

Jane Hutt AS

Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip

5 Gorffennaf 2023

Annwyl Jane,

Gwaith craffu ariannol yn ystod y flwyddyn: 2023-24

Diolch i chi am dderbyn ein cais i ddefnyddio ein sesiwn graffu a drefnwyd ym mis Medi ar gyfer eich cyfraniad i'n hymchwiliad i atal trais ar sail rhywedd drwy ddulliau iechyd y cyhoedd. Fodd bynnag, mae hynny'n golygu na fydd ein sesiwn graffu gyffredinol arfaethedig yn mynd yn ei blaen mwyach. Byddem felly'n croesawu cael ymateb ysgrifenedig i'r canlynol, gan gynnwys diweddariadau i'r argymhellion a wnaed yn ein hadroddiad ar [Gyllideb Ddrafft 2023-24](#), ac adroddiadau eraill:

Costau byw

- Parodrwydd Llywodraeth Cymru ar gyfer yr heriau costau byw a fydd yn codi'r gaeaf hwn ac unrhyw gamau ychwanegol y gallech eu cymryd i helpu'r aelwydydd sydd fwyaf agored i niwed?
- A yw'r Grŵp Arbenigol ar Gostau Byw wedi gwneud ei argymhellion i Lywodraeth Cymru eto? Os felly, pryd y gallwn ddisgwyl iddynt gael eu rhannu â'r Pwyllgor (gweler hefyd yr [ymateb](#) i'r adroddiad ar Gyllideb Ddrafft 2023-24).
- A fydddech cystal a darparu manylion monitro'r gyllideb ar alw'r Gronfa Cymorth Dewisol (neu'r DAF)? A yw'r dyraniadau a wnaed yn y gyllideb ddrafft ar gyfer 2023-24 wedi'u diwygio mewn ymateb i' ganlyniad y gwaith monitro hwnnw?
- A yw gwerthusiad y Gronfa Gyngori Sengl wedi'i gwblhau, ac os felly a ellir ei rannu â'r Pwyllgor?
- Yn unol ag argymhelliad 10 yn ein hadroddiad [Anghynaliadwy: dyled o ganlyniad i gostau byw cynyddol](#), ac argymhelliad 6 yn ein hadroddiad ar Gyllideb Ddrafft 2023-24, pryd rydych chi'n disgwyl y byddwch yn cyhoeddi ffigurau terfynol ynghylch y nifer sy'n defnyddio'r Cynllun Talebau Tanwydd yn erbyn y targedau a osodwyd pan lansiwyd y cynllun, mewn perthynas â mesuryddion rhagdalau ac aelwydydd oddi ar y grid?



Trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a menywod mudol

- Derbyniodd Llywodraeth Cymru argymhelliad 3 o'n hadroddiad [Trais yn Erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol: menywod mudol](#) i gefnogi menywod mudol sydd Heb Hawl i Gyllid Cyhoeddus, ac rydym yn croesawu eich datganiad ar 4 Gorffennaf 2023 sy'n cadarnhau cynllun peilot y Gronfa Gymorth i Fudwyr sy'n Ddiodefwr Trais. Derbyniodd Llywodraeth Cymru hefyd argymhelliad y Pwyllgor yn ei adroddiad ar y Gyllideb Ddrafft ar gyfer 2023-24, y dylai egluro sut caiff y gronfa argyfwng ei hariannu. Rydym yn deall y bydd adnoddau'n cael eu dargyfeirio o'r gyllideb trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (VAWDASV) bresennol. A fyddech cystal â chadarnhau faint sydd wedi'i ddyrannu i'r gronfa a'r sylfaen dystiolaeth ar gyfer pennu'r ffigur hwnnw. Pa asesiad, os yn berthnasol, y mae Llywodraeth Cymru wedi'i gynnal i asesu effaith dargyfeirio adnoddau o wasanaethau a gweithgarwch VAWDASV presennol. Fel arall, a fyddech cystal â rhoi manylion o ble y gwnaed y toriadau.

Cydraddoldeb a hawliau dynol

- Nodwch effaith y gostyngiad yng nghyllid yr UE ar sefydliadau sydd wedi'u lleoli yng Nghymru, yn benodol Chwarae Teg a Chyngor Gweithredu Gwirfoddol Cymru. Pa asesiad a wnaed o'r effaith ar gyflawni cynlluniau Llywodraeth Cymru ar gydraddoldeb. Pa ystyriaeth a roddwyd i ddatblygu ffrydiau ariannu newydd i lenwi'r bwlch yng nghyllid yr UE?

Profiadau menywod yn y system cyfiawnder troseddol

- Fel y cyfeiriwyd ato yn ein hadroddiad [Profiadau menywod yn y system cyfiawnder troseddol](#), a allwch gadarnhau a oes unrhyw gostau wedi'u datblygu ar gyfer cynllun peilot y Ganolfan Breswyl i Fenywod arfaethedig, gan gynnwys yr effaith ariannol ar wasanaethau cyhoeddus lleol.
- Allwch chi gadarnhad p'un a oes ffrwd ariannu gynaliadwy ar gyfer canolfannau menywod bellach yn ei lle.
- A yw'r tendr ar gyfer y Fanyleb Dull System Gyfan y Rhaglen Fraenaru i Fenywod newydd, a grybwyllwyd mewn ymateb i argymhelliad 5, bellach wedi'i gyhoeddi?

Gwella'r gyllideb

- A fyddech cystal â rhoi diweddariad ar argymhelliad 10 yn adroddiad Cyllideb Ddrafft 2023-24? A allwch nodi pa gamau a gymerwyd i ddatblygu eich gwaith ar atal?
- Gofynnwn i chi ailystyried eich safbwynt ar argymhellion 11 a 12 yn adroddiad Cyllideb Ddrafft 2023-24, a wrthodwyd ar y pryd. Rydym yn pryderu nad yw cyhoeddi crynodeb



o dystiolaeth ysgrifenedig yr holl Weinidogion i bwyllgorau craffu'r Senedd ar ddyraniadau o fewn pob Prif Grŵp Gwariant yn ymateb digonol i'n hargymhelliad. Hoffem weld sut ydych chi'n bwriadu darparu mwy o eglurder a thryloywder yn y ffordd y cyflwynir cyllideb y flwyddyn nesaf. Sut ydych chi'n bwriadu mynd i'r afael â beirniadaeth o'r dull presennol o gynnal Aseidiadau Effaith Strategol? A wnewch chi ymrwymo i gyhoeddi dadansoddiad dosbarthiadol gyda Chyllideb Ddrafft 2024-25?

Edrychaf ymlaen at gael eich ymateb

Yn gywir

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J'.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol



Jenny Rathbone
Cadeirydd, Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Senedd Cymru

3 Awst 2023

Annwyl Jenny

Diolch am eich llythyr ar 5 Gorffennaf, ynglŷn â'r Rhaglen Cartrefi Cynnes a thariff cymdeithasol am ynni.

O ran y cynllun newydd sy'n cael ei arwain gan y galw, y cerrig milltir allweddol rydym yn gweithio iddynt yw:

Cyhoeddi Gwahoddiad i Dendro
Dewis y cynigydd a ffefrir
Porth Sicrwydd
Llythyrau Bwriad i Ddyfarnu (cyfnod segur o 2 wythnos)
Dyfarnu Contract
Dechrau Paratoadau

Awst
Canol Hydref
w / c 23 Hydref
Canol Tachwedd
Diwedd Tachwedd
Diwedd Tachwedd

Bydd cymhlethdod y pontio rhwng y contractau hen a newydd yn dibynnu i raddau helaeth ar a oes cyflenwyr newydd ai peidio. Mae fy swyddogion mewn trafodaethau â'r cyflenwyr Nyth presennol i ddechrau trefniadau ar gyfer dod â Nyth i ben. Bydd yr estyniad i'r contract Nyth presennol hyd at diwedd mis Mawrth 2024 yn sicrhau na fydd bwlch yn y ddarpariaeth rhwng y rhaglenni newydd a'r rhaglenni presennol.

Byddwn yn gweithio gyda'r cynigwyr llwyddiannus yn ystod y flwyddyn gyntaf i ddatblygu'r cynllun ymhellach i gynnwys cynlluniau cymunedol ac ar raddfa fach o fewn ardal, megis trin teras o dai neu floc o fflatiau lle mai dyna'r ymyrraeth fwyaf priodol. Ni fydd hyn yn galw am ymarfer caffael ychwanegol.

Rhoddyd mwy o gyngor i aelwydydd yn ystod gaeaf 2022/23, a oedd yn cynnwys ariannu nifer cynyddol o gynghorwyr ynni sy'n rhoi cymorth drwy ein gwasanaeth rhadffôn Nyth. Mae'r cynnydd hwn yn y capasiti wedi'i gadw eleni i wasanaethu'r galw ychwanegol. Byddwn yn gweithio gyda partneriaid ar ein Grŵp Cyngori ar Dlodi Tanwydd i ledaenu gwybodaeth am y cymorth sydd ar gael.

Rydym hefyd wedi lansio ein gwefan Gweithredu ar Newid Hinsawdd, gan ddangos y camau y gall pobl eu cymryd bob dydd i leihau ein heffaith ar y blaned. Mae hyn yn cynnwys

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Correspondence.Julie.James@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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ffyrdd o arbed arian ac ynni gartref drwy ymddygiadau a dewisiadau mwy gwyrdd ac effeithlon o ran ynni.

Llywodraeth y DU sy'n gyfrifol am ddatblygu tariff cymdeithasol a pholisïau eraill i sicrhau amddiffyniad i gwsmeriaid bregus. Mae Llywodraeth Cymru wedi galw'n gyson ac yn uchel am ystod o fesurau i gefnogi'r rhai mewn angen yn well, gan gynnwys tariff ynni cymdeithasol. Rwy'n deall bod yr Adran Diogelwch Ynni a Sero Net wedi gwrando ac yn bwriadu cyhoeddi ymgynghoriad ar y mater hwn yn ddiweddarach eleni.

Rwy'n copïo'r ymateb hwn i'r Gweinidog Cyfiawnder Cymdeithasol, Jane Hutt AS.

Yn gywir



Julie James AS/MS

Y Gweinidog Newid Hinsawdd

Minister for Climate Change

Julie James AS

Y Gweinidog Newid Hinsawdd

5 Gorffennaf 2023

Annwyl Julie

Datganiad Polisi y Rhaglen Cartrefi Clyd a'r Gwersi a Ddysgwyd

Diolch am eich llythyr ynghylch y Rhaglen Cartrefi Clyd a nodwyd gennym ar 26 Mehefin 2023. Er ein bod yn croesawu eich cyhoeddiad ar 20 Mehefin ar y cyfan, mae ein gallu i ddwyn y llywodraeth i gyfrif yn cael ei rwystro gan ddiffyg manylder ac eglurder o ran amserlenni ar gyfer trosglwyddo i'r cynllun olynol. Byddem yn ddiolchgar o gael ymateb i'r materion a ganlyn:

- A fydddech cystal â nodi'r amserlen o ddyddiadau ar gyfer y cerrig milltir allweddol yr ydych yn gweithio tuag atynt o ran caffael y cynllun newydd sy'n ymateb i'r galw. Yn benodol, byddem yn gwerthfawrogi eglurder ynghylch y dyddiadau targed ar gyfer y camau caffael: mynd allan i dendr; gwerthuso tendrau a dewis y cynigydd a ffefrir; dyfarnu contract; a gweithredu.
- O ran cynllun newydd yn seiliedig ar ardal, a fydddech cystal â nodi amserlen o ddyddiadau ar gyfer y cerrig milltir allweddol yr ydych yn gweithio tuag atynt. Yn benodol, byddem yn croesawu eglurder ynghylch y dyddiadau targed ar gyfer cyhoeddi datganiad polisi rhan 2: mynd allan i dendr; gwerthuso tendrau a dewis y cynigydd a ffefrir; dyfarnu contract; a gweithredu.
- Cyngor i aelwydydd y gaeaf hwn: pa gamau yr ydych yn eu cymryd i hyrwyddo cyngor am ddim ar arbed ynni i aelwydydd dros yr haf ac i mewn i aeaf heriol 2023-24? A fydddech cystal â nodi manylion am unrhyw sefydliadau yn y sector cyhoeddus, y sector preifat neu'r trydydd sector yr ydych yn partneru â hwy er mwyn sicrhau bod neges gyson yn cyrraedd cymaint o aelwydydd â phosibl.
- Pa gynnydd sy'n cael ei wneud i gael OFGEM i gyflwyno tariff cymdeithasol ar gyfer ynni a phryd y gallwn ddisgwyl i aelwydydd sy'n agored i niwed elwa?

Rydym yn gwerthfawrogi'n llwyr yr angen i gael y cynllun olynol yn iawn. Fodd bynnag, mae'r diffyg brys wrth drosglwyddo i gynllun olynol wedi bod yn rhwystredig, o'i ystyried yn erbyn cefndir o gostau ynni cynyddol. Gobeithiwn felly y gallwch roi'r eglurder a'r sicrwydd yr ydym yn eu ceisio ynghylch yr amserlenni ar gyfer y camau nesaf.

Rwyf wedi anfon copi o'r llythyr hwn at Jane Hutt AS, y Gweinidog Cyfiawnder Cymdeithasol.

Yn gywir

A handwritten signature in black ink on a light-colored background. The signature reads "Jenny Rathbone" in a cursive, flowing script.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Senedd Cymru



Ein cyf/Our ref

Jenny Rathbone, AS
Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

SeneddCydraddoldeb@senedd.cymru

10 Awst 2023

Annwyl Jenny

Diolch am eich llythyr, dyddiedig 28 Gorffennaf, ynghylch eich bwriad i lansio ymchwiliad byr ar Strategaeth Ddrafft Tlodi Plant Cymru 2023. Rwy'n ddiolchgar bod y Pwyllgor yn parhau i roi sylw i'r mater pwysig hwn. Roedd yr ymchwiliadau blaenorol yn fuddiol dros ben wrth inni ddrafftio'r strategaeth ar gyfer ymgynghoriad.

Mae'r strategaeth ddrafft wedi'i datblygu ar sail tystiolaeth, yn benodol gan Ganolfan Polisi Cyhoeddus Cymru, ac ar ôl holi 3,300 o bobl sydd â phrofiad perthnasol a'r sefydliadau sy'n eu cefnogi. Roedd hyn yn cynnwys 1,402 o blant a phobl ifanc. Daw'r ymgynghoriad i ben ar 11 Medi, ac rydym yn rhagweld nifer iach o ymatebion.

Er y byddaf yn croesawu canfyddiadau'r Pwyllgor yn fawr, caiff y strategaeth ei hystyried gan y Cabinet ym mis Tachwedd. Byddai o fudd mawr, felly, pe gallai'r Pwyllgor rannu canfyddiadau eich ymchwiliad erbyn 27 Hydref fan bellaf, er mwyn caniatáu amser i'm swyddogion roi ystyriaeth ddyledus iddynt wrth gwblhau'r strategaeth yn derfynol.

Rwy'n mawr obeithio bod y dyddiad hwn yn realistig i'r Pwyllgor. Rwyf am eich sicrhau chi a'r pwyllgor y bydd unrhyw wybodaeth a ddarperir ar ôl y dyddiad hwn yn dal i gael ei hystyried yng nghyd-destun ehangach ein gwaith ar dlodi plant. Er enghraifft, rwy'n nodi bod rhai o'r meysydd rydych yn bwriadu ymchwilio iddynt yn ymwneud ag asesu cynnydd o ran mynd i'r afael â thlodi plant ac effeithiolrwydd ymyriadau i fynd i'r afael â thlodi plant o fewn grwpiau penodol. Fel y nodir yn y strategaeth ddrafft, byddwn yn ceisio cyngor annibynnol

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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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ar ddangosyddion addas a fframwaith i fonitro ac adrodd ar gynnydd. Bydd eich canfyddiadau chi hefyd yn cyfrannu at y gwaith hwnnw yn ystod yr hydref.

Yn gywir,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a horizontal line above the first few letters.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip

Jane Hutt AS
Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif

28 Gorffennaf 2023

Annwyl Jane,

Strategaeth Ddrafft Tlodi Plant Cymru 2023 Llywodraeth Cymru

Yn ein cyfarfod ar 10 Gorffennaf, cytunodd y Pwyllgor i lansio ymchwiliad byr ar Strategaeth Ddrafft Tlodi Plant Cymru 2023. Nodwn eich bod ar hyn o bryd yn ymgynghori ar y Strategaeth Ddrafft, ac roeddem am fachu ar y cyfle i gasglu tystiolaeth gyda golwg ar ddylanwadu ar y strategaeth derfynol.

Rydym yn bwriadu gwneud y gwaith hwn ar y dyddiadau a ganlyn:

- | | |
|----------|--|
| 25 Medi | Tri phanel i glywed tystiolaeth lafar gan dystion |
| 2 Hydref | Digwyddiad grŵp trafod gyda rhanddeiliaid yng Nghaerdydd |
| 9 Hydref | Ymweliadau ag elusennau gwrth-dlodi plant ym Mae Abertawe. |

Nodwn y bydd yr ymgynghoriad ffurfiol yn dod i ben ym mis Medi. Yn anffodus, oherwydd ymrwymadau blaenorol, ni fydd yn bosibl i ni wneud ein gwaith arfaethedig yn gynharach na'r dyddiadau a nodir uchod. Byddem yn ddiolchgar pe gallech nodi a fyddai canfyddiadau'r Pwyllgor yn dal i gael eu hystyried pe baem yn eu cyflwyno erbyn diwedd mis Hydref.

Mae'r cylch gorchwyl ar gyfer ein gwaith wedi'i nodi yn yr atodiad. O gofio nad yw'r manylion hyn wedi'u cyhoeddi eto, byddwn yn ddiolchgar pe gallech drin y llythyr hwn yn gyfrinachol nes y caiff yr ymchwiliad ei lansio.

Yn gywir,

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Atodiad

Hoffai'r Pwyllgor ddylanwadu ar y gwaith o ddatblygu'r strategaeth derfynol, drwy ystyried:

- I ba raddau y bydd y strategaeth ddrafft yn cefnogi Llywodraeth Cymru a'i sefydliadau partner i sicrhau'r cyfraniad mwyaf posibl ganddynt tuag at leihau tlodi plant o fewn ffiniau'r setliad datganoli.
- Pa arfer gorau sy'n bodoli yng Nghymru a thu hwnt wrth fynd i'r afael â thlodi plant, a pham mae'r ymyriadau hyn yn gweithio. I ba raddau mae'r dull a amlinellir yn y strategaeth yn cyd-fynd â hyn.
- Pa rwystrau sy'n bodoli i weithredu atebion sy'n mynd i'r afael â thlodi plant yng Nghymru yn llwyddiannus, a sut y gellir goresgyn y rhain.
- Pa ddangosyddion y dylid eu defnyddio i fesur cynnydd wrth fynd i'r afael â thlodi plant. Pa dargedau penodol a mesuradwy y dylid eu gosod i asesu hyn.
- Pa mor effeithiol fydd y strategaeth wrth fynd i'r afael â thlodi plant o fewn grwpiau penodol o'r boblogaeth.
- I ba raddau y mae hawliau plant yn cael sylw clir yn y strategaeth a'r asesiad effaith.



Huw Irranca-Davies AS
Cadeirydd y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad

Jenny Rathbone AS
Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

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SeneddCydradd@senedd.cymru

11 Awst 2023

Annwyl Huw a Jenny,

Diolch am adroddiad eich Pwyllgorau ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Dioddefwyr a Charcharorion, a osodwyd ar 19 Mai 2023.

Rwy'n nodi'r pedwar argymhelliad gan y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad a'r un argymhelliad gan y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol ac rwyf wedi ymateb iddynt isod:

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Argymhelliad 1. Rydym o'r farn bod y cymalau o'r Bil a nodir yn y Memorandwm o fewn diben sydd o fewn cymhwysedd deddfwriaethol y Senedd, fel y'i disgrifir yn Rheol Sefydlog 29, a bod angen cydsyniad y Senedd ar eu cyfer o ganlyniad i hynny.

Ymateb:

Rwy'n croesawu'r argymhelliad hwn gan y Pwyllgor sy'n cadarnhau'r safbwynt ar gymhwysedd a nodir yn y Memorandwm.

Argymhelliad 2. Dylai'r Gweinidog egluro a yw Llywodraeth Cymru wedi cynnal unrhyw drafodaethau â Llywodraeth y DU ynghylch cymal 28 o'r Bil a pham yn y mae'n ymddangos bod gwahaniaeth barn ynghylch a ddylid ceisio cydsyniad y Senedd ar gyfer y cymal hwn ai peidio.

Ymateb:

Rwyf wedi trafod hyn gyda Llywodraeth y DU, sydd wedi cadarnhau eu bod yn cytuno â'm hasesiad nad oes angen cydsyniad y Senedd ar gyfer cymal 28 o'r Bil a bod y nodiadau

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

esboniadol presennol yn anghywir. Maent wedi cytuno i adolygu'r geiriad yn y nodiadau esboniadol a gyhoeddir gyda fersiwn derfynol y Bil er mwyn adlewyrchu hyn yn gywir.

Argymhelliad 3. Dylai'r Gweinidog gadarnhau neu gywiro ein dealltwriaeth o'r sefyllfa, sef yw nad oedd Llywodraeth Cymru yn ymwybodol o'r darpariaethau a gynhwysir yn Rhan 3 o'r Bil ynghylch y system barôl, y Bwrdd Parôl ac atal carcharorion sy'n bwrw dedfryd oes rhag priodi neu ymgymryd â phartneriaeth sifil nes i'r Bil gael ei gyflwyno yn Senedd y DU.

Ymateb:

Nid oeddwn yn ymwybodol o'r darpariaethau a gynhwysir yn Rhan 3 o'r Bil er i'm swyddogion ofyn am gael golwg gynnar ar y Bil cyflawn ar sawl achlysur, gan gynnwys y diwrnod cyn i'r Bil gael ei gyflwyno i Dŷ'r Cyffredin.

Argymhelliad 4. Os nad oedd Llywodraeth Cymru yn ymwybodol o'r darpariaethau yn y Bil ynghylch y system barôl, y Bwrdd Parôl ac atal carcharorion sy'n bwrw dedfryd oes rhag priodi neu ymgymryd â phartneriaeth sifil nes i'r Bil gael ei gyflwyno yn Senedd y DU, dylai'r Gweinidog egluro sut a phryd y gwnaeth Llywodraeth y DU dynnu sylw Llywodraeth Cymru at hyn, a pha esboniad a roddwyd am gynnwys y darpariaethau hyn.

Ymateb :

Mae fy swyddogion wedi bod yn ymgysylltu â chydweithwyr yn y Weinyddiaeth Gyfiawnder a chyda f'arweinwyr cyfreithiol a pholisi sydd â diddordeb yn y Bil, ynghlŷn â'r cymalau y disgwylir eu cyflwyno fel rhan o'r Bil. Fodd bynnag, nid oedd fy swyddogion wedi gweld y Bil terfynol yn ei gyfanrwydd na'i Nodiadau Esboniadol cyn iddo gael ei gyflwyno, nac wedi cael gwybod bod teitl a darpariaethau'r Bil wedi'u newid i 'Bil Dioddefwyr a Charcharorion'.

Efallai y bydd y Pwyllgor yn dymuno nodi nad oedd Pwyllgor Cyfiawnder Tŷ'r Cyffredin wedi cael gweld y newidiadau i'r Bil. Ar 27 Mehefin 2023, ysgrifennodd cadeirydd y Pwyllgor Cyfiawnder at yr Ysgrifennydd Gwladol dros Gyfiawnder gan ddweud *“By introducing two new substantive parts to the Bill that were not included in the original draft bill would appear to be evidence of a fairly dysfunctional policy process. We appreciate that these decisions were taken before you took up your post and welcome the open-minded tone of your speech on Second Reading. We hope that in the future the Government will approach pre-legislative scrutiny with a spirit that reflects the underlying purpose of the exercise, which is to enable Members with a special interest and expertise in justice issues to contribute to examine a Bill before it is formally introduced.”*

Y tro cyntaf i'r newidiadau gael eu codi'n ffurfiol gan Lywodraeth y DU oedd drwy ymgysylltu ar 29 Mawrth 2023, y diwrnod y cyflwynwyd y Bil i Dŷ'r Cyffredin. Roedd hyn drwy e-bost a oedd yn nodi *“The Bill has been expanded to introduce an Independent Public Advocate (Part 2) to support victims of major incidents and their families. It also introduces parole reforms to put public protection at the heart of decision-making (Part 3), and prohibits prisoners who are serving a whole life order from entering into a marriage or civil partnership (Part 4).”*

Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Argymhelliad 1. Rydym yn argymhell bod y Senedd yn atal cydsyniad deddfwriaethol mewn perthynas â'r Bil Dioddefwyr a Charcharorion.

Yn ogystal, gwrthwynebodd un Aelod mewn egwyddor i unrhyw ddeddfwriaeth sy'n effeithio ar faterion datganoledig Cymru gael eu deddfu drwy Fil Llywodraeth y DU

Ymateb:

Rwy'n croesawu gwaith y Pwyllgorau ac yn cadarnhau y bydd trafodaethau'n parhau gyda Llywodraeth y DU ar fanylion llawn eu cynigion ynghylch y cymalau perthnasol sydd angen Memorandwm Cydsyniad Deddfwriaethol cyn inni ddarparu argymhellion pellach i'r Senedd ynghylch cydsyniad.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first name.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip



Jenny Rathbone AS

Cadeirydd

Pwyllgor Cydraddoldeb a Chyfiawnder

Cymdeithasol

D.lau 17 Awst 2023

Annwyl Jenny,

Testun: Cyflwyniad UKIM i Bwyllgor y CU ar Hawliau Pobl ag Anableddau

Heddiw fe gyhoeddodd Mekanwaith Annibynnol y DU (UKIM)¹ – grŵp sy'n cynnwys y Comisiwn Cydraddoldeb a Hawliau Dynol (CCHD), Comisiwn Hawliau Dynol yr Alban (SHRC), Comisiwn Cydraddoldeb Gogledd Iwerddon (ECNI) a Chomisiwn Hawliau Dynol Gogledd Iwerddon (NIHRC) - [adroddiad yn asesu hawliau pobl anabl ar draws y DU](#). Cyflwynwyd yr adroddiad hwn i Bwyllgor y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau (y Pwyllgor) ym mis Gorffennaf, fel rhan o'r adolygiad o'i ymchwiliad i'r DU, a gynhelir y mis hwn.

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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Tudalen y pecyn 322



Canfu ymchwiliad y Cenhedloedd Unedig, a gyhoeddwyd yn 2016, droseddau 'difrifol a systemig' o'r Confensiwn ar Hawliau Pobl ag Anableddau (CRPD), a gwnaeth 11 o argymhellion ar gyfer gwelliant. Yn benodol, archwiliodd y Pwyllgor effeithiau diwygiadau lles ers 2010 ar hawliau pobl anabl i fyw'n annibynnol; gwaith a chyflogaeth; a safon byw ac amddiffyniad cymdeithasol.

Drwy gadarnhau'r CRPD, mae'r DU wedi'i rhwymo gan gyfraith ryngwladol i barchu, amddiffyn a chyflawni'r hawliau sydd ynddo. Y sefydliadau DU gyfan a'r sefydliadau datganoledig sy'n gyfrifol am weithredu cytuniadau hawliau dynol y Cenhedloedd Unedig.

Mae adroddiad UKIM yn asesu cynnydd yn erbyn 11 o argymhellion yr ymchwiliad ac yn dadansoddi camau gweithredu'r llywodraeth a'r cyd-destun yn ymwneud â hawliau anabledd ers 2016. Mae asesiadau UKIM yn dangos, er gwaethaf rhywfaint o gynnydd mewn rhai meysydd, y bu cynnydd cyfyngedig neu ddim cynnydd yn erbyn llawer o argymhellion. Un maes a amlygwyd yw'r diffyg cynnydd i wreiddio asesiadau effaith cronol yn y broses o wneud penderfyniadau cyllidebol.

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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Mae adroddiad UKIM yn amlygu rhywfaint o gynnydd a wnaed o ran dull Llywodraeth Cymru o gydgyhyrchu â phobl anabl wrth ffurfio'r Tasglu Hawliau Anabledd.

Bydd yr adolygiad sydd i ddod yn gyfle i weithio i wella bywydau pobl anabl ar draws y DU. Byddem yn hapus i drafod y materion hyn, a'n hadroddiad, gyda chi pan fydd yn gyfleus i chi.

Yr eiddoch yn gywir,

Parch. Ruth Coombs

Pennaeth Cymru

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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Ein cyf: MA/EM/2066/23

Llywodraeth Cymru
Welsh Government

Jenny Rathbone AS
Cadeirydd
Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

SeneddCydraddoldeb@senedd.cymru

18 Awst 2023

Annwyl Jenny

Diolch am eich llythyr dyddiedig 20 Gorffennaf at Jane Hutt AS, y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip, ynghylch yr ymchwiliad i gyfiawnder data. Gan fod y pwnc yn ymwneud yn agosach â fy maes portffolio i, fi sy'n ymateb i'ch llythyr.

Diolch am roi o'ch amser i nodi cwmplas eich ymchwiliad ac am wahodd Llywodraeth Cymru i rannu ein sylwadau mewn perthynas â'r themâu yr ydych wedi'u nodi. Gweler isod grynodedb o ba gamau y mae Llywodraeth Cymru yn eu cymryd i fynd i'r afael â'r materion a godwyd.

1. Dealltwriaeth y cyhoedd o ddata gofal iechyd

Rydym yn ymwybodol o'r canlynol o ymchwil flaenorol¹ a gynhaliwyd i agweddau'r cyhoedd ynghylch casglu a defnyddio data Iechyd a Gofal Cymdeithasol:

- Yn gyffredinol, mae lefelau isel o ymwybyddiaeth (gan y cyhoedd a chan ddarparwyr gwasanaethau) o sut mae gwybodaeth bersonol yn cael ei storio a'i rhannu.
- Mae awydd i wybod mwy am yr hyn sy'n digwydd i ddata iechyd a gofal.
- Mae canran sylweddol o bobl yn credu bod cofnodion iechyd yn cael eu rhannu yn ehangach nag y maent mewn gwirionedd.
- Yn gyffredinol, cefnogir rhannu data lle gwelir bod hyn yn cyfrannu at well gofal, triniaethau neu wasanaethau.
- Diogelwch data yw'r pryder mwyaf cyffredin.
- Mae lefel eithaf uchel o ymddiriedaeth mewn perthynas â sut mae gwybodaeth yn cael ei defnyddio yn y Gwasanaeth Iechyd Gwladol (GIG).
- Byddai'r rhan fwyaf o bobl yn hoffi gallu gweld eu cofnodion eu hunain a chael cyfle i gywiro unrhyw gamgymeriadau.

¹[Iechyd Ar-lein: agweddau'r cyhoedd at rannu data yn y GIG \(scot.nhs.uk\)](#)

- Mae pobl eisiau rhywfaint o reolaeth dros bwy sydd â mynediad i'w cofnodion.
- Roedd awydd am fesurau rheoli tynnach ar gyfer gwybodaeth iechyd arbennig o sensitif (iechyd meddwl, iechyd rhywiol ac ati)

Canfu ymchwil a gynhaliwyd gan Gofal Cymdeithasol Cymru² fod llawer yn ei gweld yn ddiflas gorfod ailadrodd yr un wybodaeth i lawer o weithwyr iechyd a gofal cymdeithasol, yn enwedig mewn sefyllfaoedd pan fo'r claf ar nifer o feddyginiaethau gwahanol ac o bosibl yn ei chael yn anodd cofio.

Mae angen teilwra gwaith ymgysylltu â'r cyhoedd ar y defnydd o ddata i'r dibenion arfaethedig ar gyfer cyrchu a defnyddio data. Bydd priodoldeb trefniadau, a disgwyliadau'r cyhoedd ynghylch trefniadau o'r fath yn amrywio yn seiliedig ar y dibenion y defnyddir y data ar eu cyfer – mae gan drefniadau ar gyfer rhannu a defnyddio data i gefnogi gofal uniongyrchol set wahanol o amodau a disgwyliadau o gymharu â defnydd eilaidd o'r data hyn, fel cynllunio ac ymchwil.

Er enghraifft, mae Cymru ar flaen y gad o ran sicrhau bod data cysylltiedig sy'n ddiennw ac ar raddfa fawr ar gael at ddibenion ymchwil mewn ffordd ddiogel drwy fanc data Cyswllt Diogel Gwybodaeth Ddiennw (SAIL). Mae'r dull hwn yn seiliedig ar fodel 'preifatrwydd drwy gynllunio' sydd wedi'i ddatblygu gan weithgareddau ymgysylltu â'r cyhoedd a gweithgareddau cynnwys y cyhoedd helaeth, a hynny dros nifer o flynyddoedd. Mae SAIL wedi ymgymryd â'i weithgarwch cynnwys y cyhoedd ei hun, gan gynnwys creu Panel Defnyddwyr SAIL – fforwm chwarterol gyda 15 o gyfranwyr cyhoeddus sy'n helpu i gynghori tîm SAIL ar ei weithrediadau a'r rhai hynny â diddordeb mewn cyrchu data SAIL.

Mae tîm SAIL hefyd yn manteisio ar y gweithgarwch ymgysylltu â'r cyhoedd helaeth a'r adnoddau a ddatblygwyd gan Ymchwil Data Iechyd (HDR) y DU, y mae Llywodraeth Cymru yn aelod craidd o'i bwyllgor cyllido (drwy Ymchwil Iechyd a Gofal Cymru). Mae hyn yn cynnwys bod yn rhan o'r [Fenter Ymgysylltu â'r Cyhoedd mewn Ymchwil Data](#) (PEDRI), drwy ein haelodaeth graidd o HDR y DU ac Ymchwil Data Gweinyddol, gyda swyddogion Llywodraeth Cymru yn rhoi mewnbwn arbenigol i ddatblygiadau ac yn cynghori ar sut y gellir cyflwyno a mabwysiadu mentrau a gweithgareddau perthnasol yng Nghymru.

Mae cynnwys y cyhoedd ac ymgysylltu â'r cyhoedd mewn perthynas â defnyddio data ar gyfer ymchwil yn ymdrech barhaus. Mae Llywodraeth Cymru, mewn partneriaeth â'r byd academaidd a SAIL, wrthi'n ymgymryd â gwaith ymgysylltu â'r cyhoedd i lywio'r broses o ddarparu [rhaglen waith arfaethedig 2022-2026 ar gyfer Ymchwil Data Gweinyddol \(YDG\) Cymru](#), sy'n cynnwys ymchwil yn defnyddio data iechyd. Rydym yn cydnabod pwysigrwydd dangos dibynadwyedd cyhoeddus a sicrhau'r budd mwyaf posibl i'r cyhoedd o ran ymchwil data gweinyddol. Mae'r gweithgareddau'n cynnwys paneli cyhoeddus (gan gynnwys [panel defnyddwyr SAIL](#)), gweithio gyda'r trydydd sector (ee fe wnaethom weithio mewn partneriaeth â'r [Weinyddiaeth Gyfiawnder a gwasanaethau camddefnyddio sylweddau trydydd sector](#) i ddeall safbwyntiau gwrthrychau data), deialog gyhoeddus (ee rydym yn cyfrannu at [adroddiad y Swyddfa Rheoleiddio Ystadegau ac ADR y DU](#)), a digwyddiadau (ee roedd gennym bresenoldeb yn y Sioe Frenhinol ym mis Gorffennaf 2023).

Mae Llywodraeth Cymru wedi ymrwmo i wneud gwell defnydd o'n data iechyd a gofal. Mae'r byd yn troi'n ddigidol, ac mae disgwyliadau pobl o wasanaethau cyhoeddus yn newid. Bydd cynyddu ein defnydd o ddata yn hanfodol er mwyn cynnal trawsnewidiad digidol gwasanaethau yr ydym i gyd am ei weld yng Nghymru:

- symud i ffwrdd o gofnodion papur i rai digidol y gellir eu rhannu'n hawdd gyda'r gweithwyr proffesiynol priodol ym maes iechyd a gofal i ddarparu'r gofal gorau,
- defnyddio technolegau dysgu peirianyddol a deallusrwydd artiffisial i gynorthwyo gweithwyr iechyd proffesiynol gyda diagnosisu,
- rhoi mynediad i gleifion at eu cofnodion iechyd eu hunain yn ddigidol (bydd y rhai nad ydynt yn gallu gwneud hynny'n ddigidol yn gallu cael gafael ar eu cofnodion papur yn gyflymach hefyd) a
- sicrhau bod ymchwilwyr yn gallu cyrchu'r data sydd eu hangen arnynt i ddatblygu triniaethau achub bywyd.

Rydym yn gwybod mai po fwyaf o wybodaeth sydd gan gleifion, gweithwyr iechyd proffesiynol ac ymchwilwyr, y gorau mae'r penderfyniadau, y diagnosisau a'r canlyniadau iechyd yn debygol o fod.

Felly, rydym yn bwriadu gwella'r ffordd yr rydym yn storio, rhannu a defnyddio data iechyd a gofal. Fodd bynnag, rydym yn benderfynol o sicrhau bod y cyhoedd yn fodlon ar sut yr ydym yn defnyddio, a sut yr ydym yn bwriadu defnyddio, data iechyd a gofal. Cyn bo hir, byddwn yn cychwyn ar gyfres o weithgareddau ymgysylltu â'r cyhoedd, er mwyn sicrhau y gall dinasyddion fynegi eu barn ar sut yr ydym yn rhannu data o fewn iechyd a gofal cymdeithasol, ac fel y gallwn nodi pryderon dinasyddion ynghylch y defnydd o'u data iechyd a gofal.

Bydd y deilliannau ymgysylltu â'r cyhoedd hyn yn llywio ein polisi ar rannu data iechyd a gofal yng Nghymru. Byddant hefyd yn ein helpu i ddatblygu ymgyrch wybodaeth ar gyfer gweithwyr proffesiynol o fewn y gwasanaeth, a'r cyhoedd, i'w hysbysu am unrhyw newidiadau arfaethedig i'r ffordd yr ydym yn rhannu data iechyd a gofal. Mae'r data hyn yn cynnwys y data personol mwyaf sensitif y gellir eu dychmygu, felly mae'n hanfodol ein bod yn sicrhau bod pobl yn deall buddion gwell defnydd o'r data hyn a bod ganddynt dawelwch meddwl o ran diogelwch data ac yn hyderus y bydd eu data yn cael eu trin yn foeseogol ac yn briodol.

2. Y rhesymau dros gasglu data

Ar hyn o bryd mae data iechyd a gofal cymdeithasol yn cael eu casglu pryd bynnag y bydd person yn rhyngweithio â'r gwasanaeth. Mae eu data yn cael eu storio mewn llawer o ffolderi papur, cronfeydd data a systemau digidol. Nid yw'r systemau digidol hyn fel arfer yn gysylltiedig â'i gilydd, gan ei gwneud yn anodd sicrhau bod yr wybodaeth gywir ar gael ar yr adeg iawn ar gyfer gofal cleifion.

Felly, rydym am wella'r ffordd yr ydym yn rhannu data ar draws a rhwng lleoliadau gofal a systemau clinigol, i gefnogi gofal uniongyrchol. Rydym hefyd am wella'r defnydd o ddata at ddibenion eilaidd, er enghraifft i helpu i gynllunio a rheoli'r gwasanaeth iechyd a gofal, i ddadansoddi iechyd y boblogaeth er mwyn targedu cymorth, i gynnal ymchwil (ee i driniaethau newydd) ac i sicrhau ansawdd y gwasanaeth iechyd a gofal a ddarperir.

Mae Llywodraeth Cymru yn cefnogi datblygiad yr [Adnodd Data Cenedlaethol](#), y cyfeiriwyd ato gyntaf yn y cynllun [Cymru Iachach](#). Mae'r Adnodd Data Cenedlaethol yn rhaglen trawsnewid digidol ddeng mlynedd a fydd yn ei gwneud yn haws cysylltu data iechyd a gofal cymdeithasol o wahanol ffynonellau. Mae'r rhaglen wedi ymrwmo i fabwysiadu egwyddorion 'saerniaeth agored', 'platform agored' a 'safonau data cyffredin', gan ei

gwneud yn haws i'n systemau TG a'n gwasanaethau digidol 'siarad' gyda'i gilydd, drwy'r Adnodd Data Cenedlaethol. Bydd platform yr Adnodd hefyd yn galluogi un cofnod iechyd a gofal digidol (hy y data sylfaenol y gellir eu gweld drwy sawl system wahanol ar draws arbenigeddau a lleoliadau). Bydd hyn yn gwella'r gallu i gyrchu, rhannu, cysylltu a defnyddio data o fewn iechyd a gofal cymdeithasol yng Nghymru.

Unwaith y bydd yr Adnodd wedi'i ddatblygu'n llawn, bydd mynediad i'w ddata iechyd a gofal yn cael ei reoli'n ofalus i sicrhau bod unrhyw rannu data yn briodol, yn foesegol ac yn gyfreithlon. Ar hyn o bryd rydym yn gweithio gydag Iechyd a Gofal Digidol Cymru i ddatblygu fframwaith Llywodraethu Gwybodaeth mewn perthynas â'r Adnodd i archwilio'r ffordd orau o roi mynediad i'r data mewn ffordd ddiogel, a hefyd i gytuno ar y mesurau diogelu sy'n ofynnol a'r meini prawf y mae rhaid eu bodloni cyn cael mynediad.

Fel a nodwch yn gywir yn eich llythyr, gall sefydliadau ymchwil fel SAIL a phrifysgolion chwarae rhan allweddol o ran cynyddu'r data cleifion a gesglir a'r defnydd ohonynt, ac maent yn gwneud hynny. Rydym yn bwriadu adeiladu ar lwyddiant ein partneriaeth YDG Cymru yn y blynyddoedd nesaf, gan gaffael setiau data newydd a chynnal ymchwil bellach gan ddefnyddio data iechyd cysylltiedig heb fod yn adnabyddadwy a setiau data eraill, i lywio penderfyniadau'r llywodraeth. Mae ein rhaglen waith arfaethedig yn cyd-fynd yn ofalus â'r Rhaglen Lywodraethu.

3. Ansawdd a chyflawnrwydd data iechyd

Mae gennym ninnau hefyd bryderon am ansawdd a chyflawnrwydd data iechyd. Fel yr ydych wedi'i amlygu, mae cofnodi gwael a data coll yn golygu na ellir defnyddio data i'w llawn botensial a gall unrhyw ddadansoddiadau neu ddefnydd o'r data hynny arwain at ganlyniadau rhagfarnlyd. I gydnabod hyn, sefydlwyd Unedau Tystiolaeth Cydraddoldeb, Hil ac Anabledd Llywodraeth Cymru yn 2022 i fynd i'r afael â rhai o'r materion hirsefydlog o ran tystiolaeth gan gynnwys ansawdd, cyflawnrwydd a manylder. Mae'r Unedau hyn yn archwilio'r ffordd orau o gynnwys cymunedau yn eu gwaith, ac yn cefnogi dadansoddwyr i wneud hynny hefyd, yn enwedig gyda grwpiau llai o faint neu grwpiau nad oes digon o adrodd amdanynt.

Tynnwyd sylw arbennig at y ffaith bod data ethnigrwydd wedi'u cofnodi'n wael yn ystod y pandemig COVID-19. Er bod materion sy'n ymwneud â chofnodi data ethnigrwydd gan weithwyr gofal iechyd proffesiynol, mae'r amharodrwydd i ddarparu gwybodaeth ethnigrwydd oherwydd pryderon ynghylch defnydd o'r data hefyd yn cyfrannu at y broblem hon. Mae gan Unedau Tystiolaeth Cydraddoldeb, Hil ac Anabledd (ERDEU) Llywodraeth Cymru flaenoriaeth wedi'i chynnwys yn [eu rhestr o flaenoriaethau \(a gyhoeddwyd ochr yn ochr â'u strategaeth\)](#) a fydd yn archwilio hyn. Disgwylir iddynt archwilio'r hyn sy'n gweithio i gynyddu parodrwydd i ddarparu data ethnigrwydd ar draws ystod o leoliadau gan gynnwys maes gofal iechyd.

Credwn y dylai cofnodion iechyd digidol, sy'n defnyddio safonau data cyffredin, sy'n gysylltiedig â'u cofnod demograffig, leihau gwallau posibl wrth gofnodi gwybodaeth ethnigrwydd a gwella cyflawnrwydd a chysondeb cofnodi data. Bydd Ap GIG Cymru (gweler adran 7) hefyd yn rhoi cyfle i gleifion adolygu eu cofnod iechyd eu hunain a chywiro neu gwblhau unrhyw wybodaeth sydd ar goll, a fydd hefyd yn gwella ansawdd y data.

Rydym yn gweithio'n agos gyda Bwrdd Safonau Gwybodaeth Cymru i sicrhau cysondeb data, gan gynnwys gosod safonau, tymor hwy ar gyfer y cofnod demograffig gyda'r nod o wella ansawdd a chyflawnrwydd yr holl ddata iechyd a gofal yn sylweddol. Mae'r lluo o systemau etifeddiaeth a'u dulliau dargyfeiriol o reoli data wedi golygu bod rhaid inni fabwysiadu dull graddol ac ystyrlon o ddatblygu, a fydd i ddechrau yn diffinio is-set graidd o ddata sy'n canolbwyntio ar gleifion, yn ogystal â'r defnydd ymarferol o safonau

rhyngweithredu mandadol i sicrhau bod y systemau etifeddiaeth presennol yn gallu defnyddio a rhannu'r data craidd hyn mewn ffordd ystyrlon.

Mae ein partneriaeth YDG Cymru yn falch o fod wedi caffael data Cyfrifiad 2021 i SAIL sydd wedi creu mwy o gyfleoedd i gysylltu data heb fod yn adnabyddadwy ag ymchwil sy'n ystyried nodweddion gwarchoddedig fel ethnigrwydd. Pan fydd bylchau data yn bresennol yng Nghyfrifiad 2021, bydd yn bosibl i ymchwilwyr achrededig sydd â phrosiectau cymeradwy fanteisio ar setiau data eraill yn SAIL (ee Cyfrifiad Ysgolion Blynyddol ar Lefel Disgyblion) a chynnwys data iechyd yn eu hymchwil. Mae hyn wedi'i gynnwys ym mhrosiectau arfaethedig YDG Cymru.

Mae'r Uned Tystiolaeth Gwahaniaethau ar Sail Hil (sy'n rhan o'r Unedau) yn gweithio gydag ystod o feysydd polisi ar draws Llywodraeth Cymru, sy'n cynnwys iechyd, i helpu i fonitro'r [Cynllun Gweithredu Cymru Wrth-hiliol](#). Mae'r gwaith hwn yn cynnwys cefnogi'r meysydd hynny ar ddsbarthiad ethnigrwydd, casglu data a therminoleg i sicrhau eglurder, cysondeb ac ansawdd. Disgwylir yn y dyfodol y bydd yr Unedau yn gwneud gwaith tebyg ar draws ystod o grwpiau lleiafrifol pan fo angen gwella data. Er enghraifft, mae [Cynllun Gweithredu LHDTG+ Cymru](#) yn tynnu sylw at anghenion data penodol yn y lleoliad gofal iechyd ar gyfer pobl draws, anneauidd a rhyngryw (gweler cam gweithredu 25).

Rydym wedi ymrwymo i wella ansawdd a chyflawnrwydd yr holl ddata iechyd a gofal, yn enwedig ar gyfer grwpiau lleiafrifol, gan fod hynny'n hanfodol ar gyfer mynd i'r afael â gwahaniaethau iechyd a sicrhau darpariaeth gofal iechyd deg.

4. Y sbardunau ar gyfer casglu data

Fel y soniwyd yn adran 2 uchod, unwaith y bydd yr Adnodd Data Cenedlaethol wedi'i ddatblygu'n llawn, bydd mynediad i'w ddata iechyd a gofal yn cael ei reoli'n ofalus i sicrhau bod unrhyw brosesau rhannu data yn ddiogel, yn briodol, yn foesebol ac yn gyfreithlon er mwyn diogelu preifatrwydd unigolion a chynnal ymddiriedaeth y cyhoedd. Fodd bynnag, bydd y data ar gael gyda mesurau diogelu priodol i'r rhai sydd â gofyniad cyfiawn iawn am y data. Rydym yn disgwyl y bydd y mwyafrif o'r ceisiadau am fynediad data yn dod oddi mewn i'r GIG a gofal cymdeithasol, ond gellir rhoi mynediad hefyd i gyrff cyhoeddus eraill ac i ymchwilwyr allanol - ar yr amod bod eu cais yn bodloni'r meini prawf penodedig.

I gyflwyno'r Adnodd Data Cenedlaethol rydym ar hyn o bryd yn gweithio gydag Iechyd a Gofal Digidol Cymru i gytuno ar y broses a'r meini prawf ar gyfer rhoi mynediad i'r data a sut i flaenoriaethu'r ceisiadau hynny. Unwaith y bydd y broses hon wedi'i chytuno, bydd yn cael ei chyhoeddi ar wefan yr Adnodd Data Cenedlaethol i gefnogi tryloywder ac ymddiriedaeth y cyhoedd.

Mae YDG Cymru yn gweithio gyda chyrff cyhoeddus eraill i'w helpu i gynyddu gwerth y data sydd ganddynt drwy rannu a chysylltu data ar gyfer ymchwil. Er enghraifft, yn ystod y flwyddyn ddiwethaf rydym wedi cynnal dau weithdy gydag awdurdodau lleol i ofyn iddynt sut y gallwn eu cefnogi'n well. Rydym hefyd wedi gofyn iddynt pa gwestiynau ymchwil sydd ganddynt y gallwn helpu i'w hateb gan ddefnyddio ein capasiti dadansoddi a ariennir yn allanol. Mae swyddogion a ariennir fel rhan o YDG Cymru hefyd yn cefnogi cyrff cyhoeddus eraill (ee Iechyd Cyhoeddus Cymru) i drosoli cyllid ychwanegol (ee Cyllid Canlyniadau a Rennir Trysorlys EF) ar gyfer ymchwil yng Nghymru a fydd yn eu helpu i gyrchu a defnyddio data yn effeithiol wrth gynllunio a datblygu gwasanaethau iechyd a gofal cymdeithasol (ee gwasanaethau iechyd meddwl).

5. Cymhlethdod data

Ar hyn o bryd mae data iechyd a Gofal yn cael eu storio mewn ystod eang o systemau a fformatau a all ei gwneud yn anodd rhannu data a sicrhau eu bod ar gael i ddarparu gofal. Bydd yr Adnodd Data Cenedlaethol yn gwella'r gallu i gyrchu, rhannu, cysylltu a defnyddio data o fewn Iechyd a Gofal Cymdeithasol.

Mae ein partneriaeth YDG Cymru wedi cefnogi'r gwaith o greu Catalog Data YDG y DU a lanswyd ym mis Mehefin 2023 i'w gwneud yn haws i gyrff cyhoeddus ac eraill ddarganfod y casgliad cynyddol o setiau data gweinyddol sydd ar gael, gan gynnwys data iechyd a gofal cymdeithasol, ar gyfer ymchwil nwydd cyhoeddus. Mae hyn yn ategu [Porth Ymchwil Data Iechyd y DU](#), sef offeryn ar-lein sy'n darparu amlinelliad manwl, gan gynnwys metaddata perthnasol, ar setiau data yng Nghymru sydd ar gael i ymchwilwyr drwy fanc data SAIL.

6. Diogelwch data

Mae'r data hyn yn cynnwys y data personol mwyaf sensitif y gellir eu dychmygu; felly diogelwch data yw'r brif flaenoriaeth. Fel y soniwyd yn adran 2 uchod, bydd mynediad at ddata iechyd a gofal yn cael ei reoli'n ofalus i sicrhau bod unrhyw rannu data yn ddiogel, yn briodol, yn foesebol ac yn gyfreithlon er mwyn diogelu preifatrwydd unigolion a chynnal ymddiriedaeth y cyhoedd.

Mae holl system YDG Cymru sy'n hwyluso'r broses o sicrhau nad yw data ar lefel yr unigolyn yn adnabyddadwy a'r broses o storio'r data hynny ar gyfer ymchwil ddiogel wedi ei hachredu yn unol â Deddf yr Economi Ddigidol. Caiff hyn ei asesu gan Awdurdod Ystadegau y DU. Mae hyn yn golygu bod SAIL a Gofal Iechyd Digidol Cymru wedi cwblhau asesiadau cydymffurfio ar sail tystiolaeth i ddangos mesurau rheoli diogelwch a thechnegol digonol, mesurau rheoli galluogrwydd data, ac mae gan eu staff y sgiliau a'r profiad priodol i gael eu hachredu fel prosesydd data o dan y Ddeddf honno. Caiff hyn yn cael ei asesu'n rheolaidd. Mae cadarnhad o'r achrediad hwn ar gael ar y [gofrestr gyhoeddus](#).

Rydym yn benderfynol o sicrhau bod y cyhoedd yn fodlon ar sut yr ydym yn defnyddio, a sut rydym yn bwriadu defnyddio, data iechyd a gofal. Fel y soniwyd yn adran 1 uchod, byddwn cyn bo hir yn cychwyn ar gyfres o weithgareddau ymgysylltu â'r cyhoedd, er mwyn sicrhau y gall dinasyddion fynegi eu dymuniadau a'u safbwyntiau ynghylch sut yr ydym yn rheoli ac yn darparu mynediad at eu data o fewn maes iechyd a gofal cymdeithasol, fel y gallwn ystyried y dymuniadau hynny.

7. Datblygiadau o ran casglu a defnyddio data

Fel y gwyddoch, mae Llywodraeth Cymru wedi bod yn cefnogi datblygiad Ap GIG Cymru a fydd yn rhoi mynediad i gleifion at wybodaeth a gwasanaethau'r GIG, a hefyd at eu cofnodion meddygol eu hunain. Fe wnes i ddatganiad i'r Senedd ar argaeledd yr Ap ar 9 Mai 2023.

Mae'r Ap hwn bellach ar gael i ddinasyddion Cymru ei lawrlwytho, gyda swyddogaeth ychwanegol ar gael mewn ffordd a reolir dros y misoedd nesaf. Mae rhai o swyddogaethau'r Ap, fel mynediad ynddo i wirwyr symptomau 111 a gwasanaethau rhoi organau, eisoes ar gael i bawb; ond bydd rhai eraill, fel trefnu apwyntiadau, presgripsiynau rheolaidd, a gweld cofnodion meddygol, canlyniadau profion, presgripsiynau, ond ar gael unwaith y bydd y meddygfa'r sawl sy'n defnyddio'r Ap wedi galluogi'r swyddogaeth.

Rydym wrth gwrs yn ymwybodol o'r ffaith na fydd gan bob dinesydd ffôn clyfar, felly bydd yr un wybodaeth sydd ar gael drwy'r Ap hefyd ar gael drwy wefan GIG Cymru. Mae'r Ap a'r wefan wedi'u cynllunio i weithio gyda'r feddalwedd hygyrchedd bresennol, yn unol â chenhadaeth Cynhwysiant Digidol ein Strategaeth Digidol a Data ddiwygiedig.

Mae'r rhaglen Gwasanaethau Digidol i Gleifion a'r Cyhoedd yn lechyd a Gofal Digidol Cymru, sy'n datblygu Ap GIG Cymru, yn gweithio gyda Cymunedau Digidol Cymru i ddarparu cymorth digidol ychwanegol mewn cymunedau i'r rhai sy'n llai abl i ddefnyddio'r Ap neu'r wefan. I'r rhai sydd wedi'u hallgáu'n ddigidol, nid yn unig o ran mynediad at ddyfeisiau ond hefyd o ran mynediad i'r rhyngwyd a'u hyder digidol, byddant yn gallu cael mynediad at eu cofnod cleifion drwy ofyn amdano yn eu meddygfa fel a wnânt heddiw. Wrth i ragor o gleifion (sy'n gallu gwneud hynny) ddefnyddio gwasanaethau a ddarperir yn ddigidol, bydd hyn yn cynyddu capasiti i'r rhai heb fynediad digidol barhau i ddefnyddio dulliau traddodiadol o ryngweithio (ee dros y ffôn, wyneb yn wyneb ac ati).

8. Ymgysylltu â chleifion

Fel y soniwyd yn adran 1 uchod, byddwn yn cychwyn ar gyfres o weithgareddau ymgysylltu â'r cyhoedd, er mwyn sicrhau y gall dinasyddion fynegi eu dymuniadau a'u safbwyntiau ar sut yr ydym yn rheoli ac yn darparu mynediad at eu data o fewn maes iechyd a gofal cymdeithasol, fel y gallwn ystyried y dymuniadau hynny.

Un o genadaethau craidd ein [Strategaeth Digidol a Data ar gyfer Iechyd a Gofal Cymdeithasol](#) a gyhoeddwyd yn ddiweddar yw darparu gwasanaethau sy'n canolbwyntio ar y defnyddiwr. Mae hyn yn cynnwys darparu gwasanaethau sy'n cael eu llywio gan ymchwil ar ddefnyddwyr, cynllunio ar gyfer defnyddwyr ac adborth gan ddefnyddwyr. Rydym hefyd wedi ymrwmo i gefnogi sefydliadau eraill i fabwysiadu'r dull hwn.

Mae'r Strategaeth ddiwygiedig yn nodi'r disgwyliad i bob sefydliad iechyd a gofal cymdeithasol a'n partneriaid cyflenwi sicrhau bod anghenion y defnyddiwr bob amser wrth wraidd y ffordd y caiff gwasanaethau eu cynllunio a'u darparu. Hefyd, bydd ein gwasanaethau digidol yn cydymffurfio â'r gyfraith sy'n ymwneud â hygyrchedd i leihau anghydraddoldebau o ran mynediad at iechyd a gofal cymdeithasol.

Mae ein hymrwymiad i roi defnyddwyr wrth wraidd ein taith trawsnewid digidol wedi'i osod yn glir yn ein Strategaeth Digidol a Data ddiwygiedig. Mae'n datgan fel a ganlyn: "Bydd ein gwasanaethau digidol yn gyson, yn hawdd eu defnyddio ac yn hygyrch i bawb, a byddant yn cynnig systemau adborth er mwyn i bobl allu rhoi gwybod inni am eu profiadau. Mae hyn yn cynnwys cleifion, defnyddwyr gwasanaethau, defnyddwyr, a staff. Yr elfen hanfodol wrth ddarparu gwasanaethau digidol yw rhoi'r defnyddiwr wrth galon a chraidd y modd y cynllunnir y gwasanaeth trwy ddefnyddio Dylunio sy'n Canolbwyntio ar y Defnyddiwr. Bydd ein gwasanaethau digidol yn cael eu seilio ar ddealltwriaeth benodol o'n defnyddwyr, eu hanghenion a'u hamgylchedd. Byddant ein gwasanaethau'n cael eu hysgogi a'u mireinio gan waith gwerthuso ac adborth sy'n canolbwyntio ar y defnyddiwr, a byddant yn ymdrin â phrofiad cyfan y defnyddiwr. Bydd ein proses yn cynnwys defnyddwyr drwy gydol y camau dylunio a datblygu, a bydd yn broses ailadroddol."

At ddibenion ymchwil, mae ffocws cynyddol ar sut y gellid defnyddio data iechyd a gofal i gefnogi recriwtio mwy effeithiol a chynhwysol ar gyfer treialon ymchwil. Mae'r dulliau hyn yn gofyn am fynediad priodol at ddata adnabyddadwy felly nid ydynt yn wasanaethau y gellir eu darparu'n uniongyrchol gan SAIL (sy'n seiliedig ar ddata dienw). Mae Llywodraeth Cymru ac Iechyd a Gofal Digidol Cymru yn gweithio gyda'i gilydd ar sut y gellir creu'r mathau hyn o wasanaethau, gyda gwaith cynnwys y cyhoedd wrth wraidd datblygiadau. Mae hyn yn cynnwys cyfranwyr cyhoeddus ar y gweithgor 'Data ar gyfer Ymchwil' sy'n goruchwylio'r gwaith hwn, cynlluniau ar gyfer gweithgarwch cynnwys y cyhoedd pwrpasol wrth weithredu

unrhyw wasanaethau o'r fath, a gwaith parhaus i ddylunio a chyflwyno deialog gyhoeddus ddeallusol ar gyrchu a defnyddio data ar gyfer nodi a mynd at unigolion ynghylch cyfleoedd ymchwil.

9. TG a datblygu'r gweithlu

Mae Bwrdd Tystiolaeth Strategol Llywodraeth Cymru yn ystyried gweledigaeth 10 mlynedd ar gyfer seilwaith data i sicrhau y bydd yn cyflawni'r uchelgeisiau a nodwyd gennym, gan edrych ar y goblygiadau ariannol cysylltiedig ochr yn ochr â hyn. Mae'r cyfyngiadau presennol ar gyllidebau cyhoeddus yn heriol, ond rydym yn gwerthfawrogi y gall buddsoddiadau mewn TG a seilwaith data arwain at welliannau o ran effeithlonrwydd, effeithiolrwydd a deilliannau polisi, cyflawni a phrosesau gwneud penderfyniadau deddfwriaethol, ac felly yn darparu gwerth am arian.

Rydym yn cefnogi datblygiad y Gwasanaeth Data Integredig newydd trawslywodraethol a arweinir gan y Swyddfa Ystadegau Gwladol, ond rydym yn awyddus i gadw sofraniaeth data Cymru.

Wrth inni symud i ddibynnu mwyfwy ar wasanaethau digidol, rydym yn ymwybodol iawn o'r angen i fuddsoddi yn sgiliau TG a digidol sylfaenol ein gweithlu iechyd a gofal. Mae Strategaeth Ddigidol Cymru yn cydnabod pwysigrwydd sgiliau digidol er mwyn cyflawni ei gweledigaeth o wella bywyd pawb drwy gydweithio, arloesi a gwell gwasanaethau cyhoeddus.

Un o genadaethau craidd eraill ein [Strategaeth Digidol a Data ar gyfer Iechyd a Gofal Cymdeithasol](#) a gyhoeddwyd yn ddiweddar yw gwella sgiliau digidol. Mae'r strategaeth yn nodi y byddwn yn gwneud y canlynol:

- Darparu hyfforddiant a chymorth i greu 'gweithlu sy'n barod ar gyfer y byd digidol' ar draws iechyd a gofal cymdeithasol, gweithlu sydd â'r sgiliau a'r hyder i ddefnyddio gwasanaethau digidol a gwasanaethau data i'w llawn botensial ar bob lefel, o weithlu'r dyfodol hyd at uwch-arweinwyr. Un enghraifft yw datblygiad Fframwaith Gallu Digidol gan Addysg a Gwella Iechyd Cymru, a ddyluniwyd i gefnogi ein staff nad oes ganddynt allu digidol i nodi'r sgiliau sydd eu hangen i ddatblygu hyder digidol
- Cefnogi'r cyhoedd a chleifion drwy hyrwyddo llythrennedd digidol a gwneud gwasanaethau digidol yn haws, wedi'i llywio gan gynllunio ar gyfer y defnyddiwr.
- Cryfhau'r proffesiwn iechyd a gofal cymdeithasol digidol yng Nghymru drwy hyfforddiant a recriwtio sy'n targedu anghenion y dyfodol.
- Defnyddio dull Canolfan Ragoriaeth i ddatblygu arbenigedd proffesiynol dwfn mewn meysydd allweddol: proses gynllunio ystwyth sy'n canolbwyntio ar y defnyddiwr, Microsoft 365, y Cwmwl, mewnwelediadau data a llywodraethu gwybodaeth.
- Ymrwymo i feithrin sgiliau ar draws meysydd iechyd, gofal cymdeithasol a'r sector cyhoeddus ehangach gan ddefnyddio meistrfynegai staff i olrhain ac archwilio sgiliau, galluoedd ac arbenigedd.

Rydym yn bwriadu datblygu'r gallu a'r sgiliau sydd eu hangen ar gyfer y pum mlynedd a mwy nesaf drwy ail-broffilio ein proffesiwn digidol drwy recriwtio a hyfforddiant wedi'u targedu ar draws maes iechyd a gofal cymdeithasol Cymru. Dim ond pan fyddwn yn mabwysiadu dull safonol o ddarparu gwasanaethau digidol y gellir eu defnyddio yn effeithiol. Gall partneriaeth rhwng Addysg a Gwella Iechyd Cymru, Iechyd a Gofal Digidol Cymru, yr Academi Dysgu Dwys, Gofal Cymdeithasol Cymru, YDG Cymru a Sefydliad Gwybodaeth Ddigidol Cymru helpu i ddatblygu sgiliau ledled y wlad drwy wneud diagnosisu a llenwi bylchau mewn sgiliau digidol, dadansoddeg a thechnoleg ar draws sefydliadau. Gan weithio gyda'n gilydd, byddwn yn cynllunio ac yn gweithredu rhaglenni datblygu sgiliau digidol ar gyfer gweithlu'r dyfodol. Yna gall Iechyd a Gofal Digidol Cymru ac

awdurdodau lleol annog sefydliadau ar draws y system gyfan i fabwysiadu hyfforddiant sgiliau digidol eang. Gellir addasu'r rhain, yn seiliedig ar anghenion gweithwyr, a gellir eu darparu gan eu sefydliadau penodol.

Diolch am rannu themâu eich pryderon ynghylch cyfiawnder data o fewn y gwasanaeth iechyd a gofal. Rwy'n gobeithio y bydd crynodeb o'r camau y mae Llywodraeth Cymru yn eu cymryd i fynd i'r afael â'r materion hyn yn eich sicrhau ein bod yn rhannu llawer o'r pryderon a godwyd ac eisoes yn gweithio i ymdrin â hwy.

Yn gywir

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Jane Hutt AS

Y Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip

20 Gorffennaf 2023

Annwyl Jane,

Ymchwiliad i gyfiawnder data

Yn ddiweddar, cynhaliodd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol ymchwiliad undydd i gyfiawnder data. Gyda'r bwriad o gynnal ymchwiliad byr, wedi'i dargedu, rydym wedi canolbwyntio ar y defnydd o ddata personol yn GIG Cymru, pa mor ddiogel yw'r data hyn, a sut y cânt eu defnyddio a'u rhannu pan gaiff rhagnodi electronig (e-ragnodi) ei gyflwyno. Mae rhagor o fanylion, gan gynnwys y cylch gorchwyl ar gael ar ein [gwefan](#).

Daeth y themâu allweddol a ganlyn i'r amlwg wrth i ni gasglu tystiolaeth ac rydym yn eu tynnu at eich sylw i'w hystyried wrth i Lywodraeth Cymru symud ymlaen yn y maes hwn. Mae crynodeb manylach o'r dystiolaeth a gasglwyd ynghlwm fel atodiad.

Dealltwriaeth y cyhoedd o ddata gofal iechyd

Mae GIG Cymru yn cynhyrchu symiau sylweddol o ddata cleifion, yn dibynnu ar y rhain, yn eu cadw ac yn adrodd arnynt. Fodd bynnag, clywsom fod angen i negeseuon cyhoeddus am ddata gael eu cydbwysu'n well rhwng diogelwch data, risg a phryderon a'r potensial ar gyfer defnyddio data ym maes ymchwil a gwella gofal i gleifion.

A fyddechystal ag amlinellu effeithiolrwydd rhaglenni ymgysylltu â chleifion a'r cyhoedd i wella a rhannu dealltwriaeth o'r pryderon a'r manteision posibl ynghylch casglu a defnyddio data iechyd.

Y rhesymau dros gasglu data

Er bod lefel dda o ymddiriedaeth yn y GIG a sefydliadau ymchwil, mae'r dystiolaeth yn awgrymu bod cleifion yn fwy petrusgar ynglŷn â rhannu data â sefydliadau yn y sector preifat.

Gall y GIG, sefydliadau ymchwil fel SAIL a phrifysgolion chwarae rhan allweddol o ran gwneud y gorau o gasglu a defnyddio data cleifion, ac maent yn gwneud hynny. Fodd bynnag, mae'r pandemig diweddar wedi dangos gwerth posibl gwaith gweithredol gyda'r sector masnachol, gyda mesurau



diogelu priodol. Gall y partneriaethau hynny chwarae rhan arwyddocaol o ran gwella gofal i gleifion cyn belled â bod mesurau diogelu ar waith yn erbyn cynaeafu data at ddibenion masnachol.

Ansawdd a chyflawnrwydd data iechyd

Clywsom bryderon penodol am y tangofnodi posibl o ddata sy'n ymwneud â grwpiau lleiafrifoedd ethnig, y rheini sydd dan anfantais gymdeithasol neu economaidd, a menywod. Gall tan-gynrychiolaeth o'r fath olygu nad yw eu hanghenion yn cael eu hadlewyrchu'n ddigonol wrth ddatblygu a darparu gwasanaethau. At hynny, codwyd cwestiynau ynghylch anghydbwysedd mewn gwaith ymchwil oherwydd ansawdd y data sydd ar gael.

Er bod safonau codio ethnigrwydd yn bodoli ar gyfer ymchwilwyr, cânt eu defnyddio'n anghyson ar draws y DU. Mae data anghyflawn, cofnodi gwael a data coll yn golygu nad oes modd defnyddio data i'w lawn botensial.

Efallai eich bod yn ymwybodol o'r pryderon a godwyd yn ddiweddar gan Gynghrair Ymchwil Data Iechyd y DU, sydd wedi galw am weithredu i wella'r gwaith o godio data ethnigrwydd ac wedi nodi nifer o argymhellion drafft i ddatblygu hyn, gan gynnwys:

- yr angen i gofnodi data ethnigrwydd yn gyson ar draws pedair gwlad y DU; ac
- yr angen i gyflwyno canllawiau a/neu hyfforddiant safonol ar gyfer casglwyr data yn lleoliadau'r GIG a gofal cymdeithasol.

Yn ogystal, mae Uned Gwahaniaethau ar sail Hil Llywodraeth y DU wedi cyhoeddi safonau diwygiedig ar gyfer data ethnigrwydd yn ddiweddar sy'n rhoi arweiniad ar arfer gorau wrth gasglu, dadansoddi ac adrodd ar ddata ethnigrwydd.

Mae'r angen i sicrhau bod pob grŵp yn cael ei gynrychioli'n effeithiol wrth gasglu a defnyddio data yn un o egwyddorion allweddol cyfiawnder data. Mae'r gallu i gasglu a defnyddio setiau data mawr yn hanfodol, ond dylid ei gydbwysio hefyd â'r angen i weithio gyda grwpiau llai neu grwpiau nad ydynt yn cael eu hadrodd yn **Byddem yn croesawu barn Llywodraeth Cymru ar sicrhau gwaith mwy cyson a chyflawn o gasglu a defnyddio data ethnigrwydd.**

Yr hyn sy'n sbarduno prosesau casglu data

Un o'r prif bethau a allai sbarduno mathau penodol o gasglu data, yn enwedig y rhai sy'n gysylltiedig ag ymchwil, yw argaeledd adnoddau neu gyllid sy'n gysylltiedig â phrosiectau neu raglenni penodol. Mae'n amlwg bod gan hyn y potensial i wyro blaenoriaethau ac ar ben hynny, i dynnu'r ffocws oddi ar grwpiau sydd heb gynrychiolaeth ddigonol yn y data sydd ar gael, fel y trafodwyd uchod.

Mae angen sicrhau bod casglu a defnyddio data yn gwasanaethu blaenoriaethau penodol. Dylai gwella gofal i gleifion a gwella rhannu gwybodaeth ar draws lleoliadau gofal a ffiniau sefydliadol fod yn sbardun allweddol ar gyfer datblygiadau ym meysydd ymchwil a data, fel e-ragnodi. **A fyddech cystal â nodi barn Llywodraeth Cymru ar gynyddu gwaith gyda chyrff cyhoeddus i sicrhau eu bod yn gallu cyrchu a defnyddio'r ystod lawn o ddata yn effeithiol wrth gynllunio a datblygu gwasanaethau iechyd a gofal cymdeithasol.**

Cymhlethdod data

Mae data i'w cael yn aml mewn amrywiaeth eang o systemau a fformatau ac, oherwydd hynny, gall fod yn anoddach eu hintegreiddio a'u defnyddio.

Dywedodd Mr Rhidian Hurle o Lechyd a Gofal Digidol Cymru: "the delivery of a health and care record should be available wherever the patient presents", ond mae rhannu data rhwng un corff a'r llall yn parhau i fod yn her sylweddol i GIG Cymru.¹ Mae e-ragnodi a'r cofnod meddyginiaeth a rennir yn gyfle i rannu data yn well ar draws lleoliadau gofal, ond mae angen gwneud cynnydd sylweddol o hyd.

Diogelwch data

Mae diogelwch data a llywodraethu gwybodaeth effeithiol yn parhau i fod yn flaenoriaeth allweddol mewn amgylchedd gofal cynyddol ddigidol. Mae angen i fesurau diogelu ddatblygu ochr yn ochr â systemau, a rhaid i ddymuniadau a safbwyntiau cleifion ynghylch rheoli eu data iechyd, a mynediad atynt, gael eu hadlewyrchu a'u parchu.

Datblygiadau o ran casglu a defnyddio data

Mae'n amlwg bod potensial i ddatblygiadau ym maes technoleg ddigidol a data, fel Ap GIG Cymru, ei gwneud yn haws i gleifion weld data am wasanaethau a'u cofnodion iechyd eu hunain. Clywsom fod y pandemig diweddar wedi ysgogi newid a datblygiad offer a dulliau gweithredu newydd. Ac eto mae'n bwysig parhau i fod yn ymwybodol o allgáu digidol, nid yn unig o ran mynediad at ddyfeisiau ond hefyd mynediad at wi-fi a'r ystod ddilynol o wasanaethau a rhaglenni digidol y mae hyn yn eu cynnig. **A fyddechystal â nodi cynlluniau Llywodraeth Cymru ar gyfer rhoi mynediad digidol uniongyrchol i gleifion i'w cofnodion.**

Ymgysylltu â chleifion

Cafwyd cydnabyddiaeth eang yn ein tystiolaeth fod ymgysylltu â chleifion a llais y claf yn dal i chwarae rhan gyfyngedig o ran datblygu a rheoli data a systemau data. Prin yw'r dystiolaeth a glywsom am ymdrechion penodol i ymgysylltu â grwpiau heb gynrychiolaeth ddigonol, ac roeddem yn pryderu nad oedd yn ymddangos bod gan Lechyd a Gofal Digidol Cymru ddull clir nac eang o ymgysylltu â'r cyhoedd yn ei raglenni. **A fyddechystal â nodi barn Llywodraeth Cymru ar sut mae modd rhoi ymgysylltu â chleifion yn fwy pendant wrth wraidd y gwaith o ddatblygu data a systemau data.**

TG a datblygu'r gweithlu

Er na chawsant eu trafod yn fanwl yn ein hymchwiliad, rydym yn ymwybodol o bryderon a godwyd ynghylch buddsoddi mewn TG sylfaenol a datblygu'r gweithlu o ran sgiliau data a llythrennedd, yn fwyaf diweddar gan y Pwyllgor Lechyd a Gofal Cymdeithasol a'r Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus yn eu gwaith craffu ar Lechyd a Gofal Digidol Cymru.² Rydym yn nodi'r farn a nodir yn eu hadroddiad bod cael y sgiliau a'r capasiti cywir yn y gweithlu yn allweddol i

¹ Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol, [27 Mawrth 2023](#), Cofnod y Trafodion, paragraff 191

² Y Pwyllgor Lechyd a Gofal Cymdeithasol a'r Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus, [Craffu ar Lechyd a Gofal Digidol Cymru](#), Gorffennaf 2023



gyflawni. Dylai Llywodraeth Cymru ystyried y mater hwn yn ystod ei thrafodaethau cyllidebol sydd ar y gweill.

Y camau nesaf

Byddem yn croesawu eich sylwadau mewn perthynas â'r themâu a nodir uchod a'n canfyddiadau interim ar gyfiawnder data yn ehangach. Yn benodol, byddem yn croesawu crynodeb o'r camau y mae Llywodraeth Cymru yn eu cymryd i fynd i'r afael â'r materion a godwyd.

Rydym yn bwriadu dychwelyd at yr ymchwiliad hwn yn nhymor yr hydref, pan fyddwn yn clywed gan banel yn cynrychioli llais y claf, er mwyn caniatáu inni drafod y mater hwn ymhellach.

Rwy'n anfon copi o'r llythyr hwn at y Gweinidog Iechyd a Gwasanaethau Cymdeithasol.

Yn gywir,

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J'.

Jenny Rathbone AS

Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Atodiad 1: Crynodeb o themâu allweddol a materion sy'n codi o dystiolaeth cyfiawnder data a gafodd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

Gorffennaf 2023

Tudalen y pecyn 338

1. Pennu'r cyd-destun: deall cyfiawnder data

Mae angen dealltwriaeth a diffiniad clir a chydgyssylltiedig o gyfiawnder data. Roedd adroddiad cwmpasu gan gynghorwyr arbenigol y Pwyllgor yn rhoi cefndir gan gynnwys sawl diffiniad a thema allweddol:

Mae **Cyfiawnder Data Iechyd wedi cael ei ddiffinio** fel a ganlyn: "an orientation to the study and use of health-related data in ways that aim to redress the exclusions of structurally marginalized communities from systems of healthcare and public health, the oppressions faced by communities when participating in such systems, and the institutions responsible for governing participation.[...]"

Mae'r modd y mae ein gweithgareddau yn cael eu trosglwyddo yn ddata ym maes gofal iechyd yn effeithio ar y drefn o ran cyflawni gwaith ymchwil a darparu gofal. Gallai newid y ffordd mae cleifion yn cael gafael ar



wasanaethau, pa driniaeth sydd ar gael a phwy sy'n gymwys i'w chael. Gan fod algorithmau yn cael eu defnyddio i gyfrifo a rhagweld sut y defnyddir y gwasanaethau hyn, mae'n bosibl y gallai unrhyw wall neu ogwydd yn y systemau achosi niwed corfforol a meddyliol difrifol. Mae gwaith ymchwil wedi dangos, er y gall systemau o'r fath effeithio arnom i gyd, nid ydynt yn effeithio arnom yn gyfartal. **Wrth galon y dull cyfiawnder data iechyd, mae ffocws ar anhydraddoldeb a'r effaith ar gymunedau sydd ar y cyrion.**

... mae dadleuon cyfiawnder data wedi tynnu sylw at y graddau y gallai cyflwyno **arloesedd sy'n seiliedig ar ddata**, yn enwedig yn y gwasanaethau cyhoeddus, **newid blaenoriaethau o ran polisi cyhoeddus** yn seiliedig ar ddehongliadau cyfrifiadurol o faterion cymdeithasol sydd â chanlyniadau o ran cyfiawnder cymdeithasol. [...]

Tynnodd yr adroddiad cwmpasu sylw hefyd at y potensial i dechnoleg waethygu anhydraddoldebau data, gan nodi mai **man cychwyn unrhyw algorithm yw dewis y broblem y mae wedi'i chynllunio i'w datrys**, a gall:

y penderfyniad i fynd i'r afael â mater gofal iechyd gan ddefnyddio technoleg sydd wedi'i llywio gan ddata ddod yn fater o gyfiawnder cymdeithasol pan fydd yn canolbwyntio ar anghenion grŵp breintiedig, gyda'r risg y gallai hynny waethygu anghyfiawnderau economaidd-gymdeithasol, hiliol neu ryweddol. [...] Gall y penderfyniad i fynd ar drywydd y defnydd o dechnolegau sy'n cael eu llywio gan ddata mewn gofal iechyd arwain at gyfeirio adnoddau at grwpiau penodol o gleifion pan fydd ffocws ar agwedd benodol ar y dechnoleg.

2. Dealltwriaeth y cyhoedd o ddata gofal iechyd

Mae GIG Cymru yn cynhyrchu, yn dibynnu ar, yn cadw ac yn adrodd ar symiau sylweddol o ddata cleifion. Drwy **Borth Clinigol Cymru**, gall clinigwyr gael gafael ar gofnodion digidol miliynnau o gleifion, a gellir eu rhannu â miloedd o ddefnyddwyr y GIG. Nid yw llawer o'r data yn 'weladwy'. Clywodd y Pwyllgor y gellir hefyd gael negeseuon cymysg am ddata: dylid cydbwysu ffocws cryf ar ddiogelwch data, colli data, risg a phryderon ynghylch pwy sy'n defnyddio'r data â negeseuon mwy cadarnhaol efallai ynghylch sut y gellir defnyddio data ar gyfer ymchwil a gwella gofal cleifion. Cyfeiriodd papur yr ymgynghorwyr arbenigol at Bwyllgor Caldicott gan nodi:

Mae sicrhau preifatrwydd hefyd yn dibynnu ar gyfyngu mynediad at ddata i leihau'r risg o dor diogelwch. Fodd bynnag, mae pwysigrwydd rhannu data er budd diogelwch cleifion a gofal clinigol yn egwyddor sydd wedi hen ennill ei phlwyf ym maes gofal iechyd.

Clywodd y Pwyllgor bryderon ynghylch faint yw ymwybyddiaeth y cyhoedd a'r angen i feithrin gwell gwybodaeth gyhoeddus am ddata gofal iechyd a'i ddefnydd. Dywedodd Chris Carrigan o useMYdata:

Mae diffyg dealltwriaeth yn gyffredinol ymhlith pobl ynghylch sut mae eu data gofal iechyd yn cael ei ddefnyddio—mae'n anodd i glaf ddeall beth sydd yn eu data gofal iechyd oherwydd ni allant, ar y cyfan, weld popeth—a diffyg dealltwriaeth ymhlith y cyhoedd am y gwir fanteision posibl sy'n gysylltiedig â defnyddio data gofal iechyd i'r GIG, ar gyfer gwaith cynllunio ac ymchwil. Yr hyn y mae'r cyhoedd yn tueddu i'w glywed i raddau helaeth yw negeseuon negyddol am golli data, hacio data a risg, ac felly mae hynny'n ennyn canfyddiad y cyhoedd bod data yn rhywbeth na ellir ymddiried ynddo, pan ydym, mewn gwirionedd, yn awyddus i symud yr agenda at rywbeth sy'n dweud, 'Gellir ymddiried mewn data. O'u defnyddio'n gywir, gallwn wir eu defnyddio i achub bywydau.' (para.8)

Amlinellodd hefyd gyfranogiad UseMY data mewn gweithdai gyda chleifion, y cyhoedd a staff clinigol i archwilio cwestiynau ynghylch defnyddio data.

Nododd yr Athro Ann John o Brifysgol Abertawe rôl allweddol ymwybyddiaeth y cyhoedd o werth data gofal iechyd:

[...]gwelwyd yn glir iawn yn ystod COVID mai ar sail ymddiriedaeth y mae pobl yn gwneud y penderfyniadau hyn. Yn aml iawn, y bobl fwyaf agored i niwed, ymylol, sy'n cael eu gwasanaethu leiaf—yr union bobl rydym am wneud hyn ar eu cyfer a gyda hwy—yw'r rhai fydd yn dewis optio allan, sy'n golygu na fydd ganddynt lais. (para.19)

Yn yr un modd, nododd bapur cwmpasu'r ymgynghorydd arbenigol yr angen i fod yn glir ynghylch y defnydd o ddata:

Fel gwasanaeth iechyd a gaiff ei ariannu gan drethdalwyr, mae'r cyhoedd yn teimlo'n gryf y dylai penderfyniadau am ddefnyddio data'r GIG ystyried y manteision hirdymor posibl i genedlaethau'r dyfodol yn hytrach nag elw ariannol yn y tymor byr.

3. Y rhesymau dros gasglu data

Ynghyd â gwella dealltwriaeth cleifion a'r cyhoedd, mae meithrin a sicrhau ymddiriedaeth yn allweddol wrth ddatblygu a defnyddio data. Er bod lefel dda o ymddiriedaeth yn y GIG a sefydliadau ymchwil, mae'r dystiolaeth a glywodd y Pwyllgor a sefydliadau ymchwil yn awgrymu bod cleifion yn fwy petrusgar ynglŷn â rhannu data â sefydliadau yn y sector preifat.

Mae gwaith a wnaed gan Understanding Patient Data yn ategu hyn, fel y gwnaeth Chris Carrigan (useMYdata) mewn tystiolaeth i'r Pwyllgor:

[...]y pellaf y mae rhywun yn mynd oddi wrth y clinigydd sy'n eu trin, y lleiaf yw'r ymddiriedaeth sydd ganddynt yn pwy sy'n defnyddio ei ddata. Felly, ymddiriedaeth uchel mewn meddygon teulu ac yna ysbytai, ac yna'r byd academaidd, prifysgolion, ac yna allan i gwmnïau masnachol. (para.28)

Yn yr un modd, nododd yr Athro Ann John:

Mae pobl yn ymddiried yn y GIG, maen nhw'n ymddiried yn y bobl sy'n ymwneud â'u gofal uniongyrchol, maen nhw'n ymddiried mewn academyddion. Gall fod ychydig mwy o ddrwgdybiaeth gyda diwydiant. Ond mae'n credu ei fod yn gysylltiedig â chyfranogiad gweithredol, tryloywder ac ymgysylltiad ar bob lefel, a chyfathrebu â phobl (para.63)

Pwysleisiodd MrRhidian Hurle, Cyfarwyddwr Meddygol Gweithredol Iechyd a Gofal Digidol Cymru

Dewis y claf yw datgelu ei hanes clinigol, ei hanes meddygol, ei hanes personol, a'r dewis hwnnw'n llwyr. Mae'r berthynas rhwng gweithiwr gofal iechyd proffesiynol ac unigolyn yn seiliedig ar ymddiriedaeth. (para.219)

Cyffyrddwyd â'r ymdeimlad hwn o berchnogaeth a dealltwriaeth cleifion o'r rhesymau dros gasglu data hefyd mewn tystiolaeth gan yr Athro Ronan Lyons o Fanc Data SAIL ym Mhrifysgol Abertawe. Soniodd yr Athro Lyons am fanteision diriaethol casglu data sy'n ymwneud â brechlyn COVID-19 ac mewn treialon clinigol llai:

[...] mai'r gallu i ddod â data at ei gilydd o lawer o wahanol ffynonellau, oedd yn eu galluogi i ddeall pwy oedd yn cael eu heintio a pham y gallent fod yn cael eu heintio. Roedd yn caniatáu iddynt edrych ar gyd-destun heintiau, boed hynny yn y gymuned yn gyffredinol, mewn lleoliadau gofal iechyd, mewn cartrefi gofal, ac mewn poblogaethau ysgolion hefyd. Ac yna, roedd hefyd yn caniatáu iddynt edrych ar effeithiolrwydd ymyriadau. Y mwyaf amlwg o'r rheini fyddai wrth gyflwyno'r brechlyn: pa mor dda oedd y brechlynnau yn gweithio wrth amddiffyn pobl... (para.250)

Ac yn aml, cynhelir treialon clinigol mewn grwpiau o bobl sydd ag un cyflwr, neu hyd yn oed fersiwn ysgafn ohono, oherwydd mae'n haws dangos a yw'r driniaeth yn gweithio ai peidio. Ond yna, defnyddir y cyffuriau a'r brechlynnau hynny yn y boblogaeth gyfan, ac mae angen i chi hefyd edrych ar yr hyn a elwir yn ddata tystiolaeth y byd go iawn, o ran pa mor dda y maent yn gweithio, ai peidio. (para.250)

Mewn tystiolaeth ysgrifenedig, dywedodd BMA Cymru Wales

[...] bydd rhannu data ar lefel cleifion yn hanfodol er mwyn sicrhau proses gynllunio a arweinir gan ddata ar gyfer y GIG a Gofal Cymdeithasol yn y dyfodol. Mae croeso i ddatblygiadau fel yr Adnodd Data Cenedlaethol a banc data SAIL weithredu fel storfa i alluogi gwaith cynllunio ac ymchwil effeithlon a chywir. Dim ond pan fydd data cyfrinachol

cleifion yn cael eu rhannu a'u cysylltu â setiau data eraill mewn Gofal Sylfaenol, Gofal Eilaidd, a Gofal Cymdeithasol y gall hyn weithredu.

Mae hyn yn ei gwneud yn ofynnol i lywodraethu a diogelwch data gael eu saernio'n rhan o'r broses o'r cychwyn cyntaf a dadl onest gyda'r cyhoedd yn cael ei chynnal fel eu bod yn ymwybodol y bydd eu cofnodion meddygol yn cael eu defnyddio at y diben hwn gyda mesurau diogelu a chyfrinachedd unigolion yn cael eu cynnal.

4. Ansawdd a chyflawnrwydd data iechyd

Clywodd y Pwyllgor bryderon am hyn, gan gynnwys y posibilrwydd nad yw data'n cael eu cofnodi'n ddigonol ar gyfer pobl o grwpiau ethnig lleiafrifol a grwpiau cymdeithasol difreintiedig, yn ogystal â phobl sydd â chyswllt cyfyngedig â gwasanaethau iechyd. Gallai hyn olygu na fyddai eu hanghenion yn cael eu hadlewyrchu wrth gynllunio, datblygu a darparu gwasanaethau. Yn ogystal â hyn, roedd rhai'n amau a oedd yr holl ddata a oedd ar gael o ansawdd digonol i'w defnyddio'n effeithiol, a bod llawer iawn o ymchwil yn seiliedig ar naill ai seiliau poblogaeth mawr iawn neu fach iawn.

Nododd y cynghorwyr arbenigol:

Mae gwahardd menywod o rai meysydd ymchwil feddygol a gwahaniaethau yng ngofal iechyd cleifion benywaidd wedi'i gofnodi'n dda ac yn ymddangos yn y data. [...] Os yw'r math hwn o waharddiad yn cael ei gario drosodd i ddylunio algorithm, fel y dengys yr enghraifft hon, gall achosi niwed difrifol i fenywod.

Nodwyd hefyd:

Mae'r diffyg hanesyddol o gofnodi ethnigrwydd ar dystysgrifau marwolaeth wedi methu â rhoi darlun clir i'r awdurdodau o'r effaith anghyson a gafodd COVID ar boblogaethau ethnig leiafrifol a'r rhai a oedd yn gweithio mewn swyddi wyneb yn wyneb yng nghyfnod cynnar y pandemig. Oherwydd hyn, bu oedi cyn cyflwyno mesurau diogelu a allai fod wedi achub bywydau.

Nododd yr Athro Ann John yr angen i feithrin ymddiriedaeth ynghylch casglu data ar lefel poblogaeth, ond hefyd gwaith penodol iawn gyda phoblogaethau nad ydynt wedi'u gwasanaethu'n ddigonol (para.19):

Yr hyn rydyn ni wedi'i ddarganfod gyda phoblogaethau penodol, ac rydyn ni wedi gweld llawer ohono yn ystod COVID, yw bod gwaith cofnodi gwael o ran data ethnigrwydd yn broblem wirioneddol. (para.22)

Nododd yr Athro Ronan Lyons o SAIL:

Mae casglu gwybodaeth am ethnigrwydd wedi bod yn orfodol ers sawl blwyddyn yn y GIG ar draws y DU, ond nid yw'n wych o hyd, felly mae'n rhywbeth sydd angen ei wella [...], ac nid yw'n hyderus y byddai mesur y GIG o ran ethnigrwydd yn dda iawn. (para.307)

Nododd yr Athro John ei bod yn bwysig iawn deall yr adnoddau sydd eu hangen i gyrraedd grwpiau sydd heb eu gwasanaethu'n ddigonol, ond hefyd canfod y ffyrdd o sicrhau bod ganddynt lais yn y data a'r angen am gyllid cyson i wneud y gwaith hwnnw a chadw pobl wedi ymgysylltu (para.81).

Nododd Dr Robert French o useMYdata ei bod yn debygol nad yw wahaniaeth i ymchwilyr sy'n cynnal ac yn defnyddio setiau data mawr wrth chwilio am effeithiau cyfartalog, os yw rhai pobl ar goll o'r data. Mae hyn, fodd bynnag yn pwysleisio pwysigrwydd edrych yn fwy gweithredol am y grwpiau llai hynny (para.108). Ategodd y cynghorwyr arbenigol hyn:

Mae'r ymgyrch i ganoli'r gwaith o gasglu data iechyd mewn cronfeydd fel yr Adnodd Data Cenedlaethol a banc data SAIL yng Nghymru yn adlewyrchu'r ffaith bod angen symiau mawr o ddata er mwyn datblygu a phrofi algorithmau'n ddiogel. Hyd yn oed os bydd ymdrechion i sicrhau bod data yn gynrychioladol, gall arwain at ogwyddo canlyniadau'r claf oni chaiff y broses gynllunio ei monitro'n ofalus.

Nododd yr Athro Lyons fod llawer o ymchwil yn dibynnu'n llwyr ar ba mor dda yw ein data gofal iechyd (para.250) ond tarodd nodyn ychydig yn fwy cadarnhaol i'r Pwyllgor:

Un o'r pethau sy'n cael ei ddefnyddio fel nodwedd poblogaeth ar gyfer eu gwaith yw, yn y bôn, system gofrestru'r GIG, y mae pawb yng Nghymru yn gysylltiedig â hi, ac yna maent hefyd wedi edrych ar y defnydd o wasanaethau ar draws llawer iawn o wahanol ffactorau, ac mae'n syndod pa mor fach yw'r grŵp sydd ar goll.. Ond nid yw, mewn unrhyw fodd, yn dangos y darlun cyfan, a gwelir, felly, bod dynion ifanc, yn arbennig, yn tueddu i fod ar goll o lawer o bethau. (para.299)

Ac felly mae darn o waith cydweithredol nawr gydag Iechyd Cyhoeddus Cymru sy'n edrych ar frechlyn, moeseg brechu a'r nifer sy'n manteisio ar hyn mewn gwahanol grwpiau, ac mae data'r cyfrifiad yn eu galluogi i ddangos bod grwpiau penodol mewn gwirionedd yn wynebu mwy o risg o ran rhai afiechydon, ac nad yw'r nifer yn rhai o'r grwpiau hyn sy'n manteisio ar frechlyn cystal â phosibl. (para.300)

Barn Ifan Evans, Cyfarwyddwr Gweithredol Strategaeth yn Iechyd a Gofal Digidol Cymru oedd:

Ni allai feddwl bod unrhyw reswm i feddwl bod grwpiau wedi'u heithrio o'r data hynny a ddefnyddir ar gyfer cynllunio strategol o fewn y byrddau iechyd o ran ffurf a siâp y gwasanaethau sydd ar gael. Mae o'r farn bod rhai

enghreifftiau o ddefnyddio'r wybodaeth yn y data yn effeithiol iawn er mwyn targedu gwasanaethau mewn grwpiau sydd mewn angen neu sy'n agored i niwed. (para.183)

Tynnodd Mr Rhidian Hurle o Iechyd a Gofal Digidol Cymru sylw at bwysigrwydd sicrhau cofnod cydgysylltiedig o gleifion :

O ran cysylltu'r gofal, dylai'r ddarpariaeth cofnod iechyd a gofal fod ar gael lle bynnag mae'r claf yn cyflwyno. Nid mater sy'n benodol i'r cyd-destun ydyw. Nid meddygfa meddyg teulu, neu ofal eilaidd, trydyddol neu ofal cymunedol ydyw. Dylai fod ar gael. (para.151)

Wrth nodi y cydnabyddir yn eang mai cofnod y meddyg teulu yw'r cofnod mwyaf cyson a gydol oes i gleifion yn y sector iechyd, pwysleisiodd **BMA Cymru**, hefyd fod angen cysylltiadau ar gyfer cynllunio effeithlon a chywir ar draws gofal sylfaenol, eilaidd a chymdeithasol.

5. Yr hyn sy'n sbarduno casglu data

Mae GIG Cymru yn cynhyrchu, yn dibynnu ar, yn cadw ac yn adrodd ar nifer sylweddol o ddata cleifion, a gaiff eu sbarduno'n uniongyrchol o ganlyniad i gyswllt cleifion â gwasanaethau iechyd.

Fodd bynnag, clywodd y Pwyllgor dystiolaeth y gallai'r prif sbardun ar gyfer rhywfaint o gasglu data - sy'n arbennig o gysylltiedig ag ymchwil a chyllid - fod ar gael yn bennaf o adnoddau neu gyllid sy'n gysylltiedig â phrosiectau neu raglenni penodol. Roedd posibilrwydd i hyn ddylanwadu ar flaenoriaethau, ond gall hefyd symud y pwyslais oddi ar grwpiau nad yw eu hanghenion yn cael eu cynrychioli'n ddigonol yn y data sydd ar gael.

Roedd yr Athro Ronan Lyons o SAIL yn cydnabod y bartneriaeth waith gyda chwmnïau masnachol a dibyniaeth SAIL ar gyllid o grantiau ymchwil a ddarperir gan sefydliadau y tu allan i'r GIG a'r sector prifysgolion:

Yn y bôn, mae'r ymchwil a wneir gyda hwy yn cael ei wneud gan academyddion a, hefyd, ymchwilwyr cymdeithasol y Llywodraeth, fel rhan o grant y Cyngor Ymchwil Economaidd a Chymdeithasol. Nid ydynt yn caniatáu i gwmnïau gael mynediad uniongyrchol at ddata, ond yr hyn sy'n digwydd yw bod cwmnïau'n aml yn partneru â phrifysgol ac yn ariannu'r ymchwil drwy brifysgol—dyna sut mae hynny'n gweithio. Ond mae'n credu bod hwn yn faes fydd yn tyfu'n sylweddol dros y blynyddoedd. (para.272)

Maent yn edrych ar y cystadlaethau sydd ar gael ar gyfer cyllid, [...] ac yn gwneud ceisiadau mewn modd gystadleuol iawn i ateb y cwestiynau hynny. Maent wedi bod yn llwyddiannus iawn ers blynyddoedd, ac wedi dod â miliynau

lawer o bunnoedd o arian i mewn i Gymru ac wedi cyflogi cryn dipyn o bobl wrth wneud hynny. Felly, mae llawer o'r hyn a wnânt, yn y bôn, yn cael ei bennu gan y cwestiynau a ofynnodd y cyllidwyr ymchwil, oherwydd mae angen iddynt gael pobl i allu ateb y cwestiynau. (para.291)

Nododd yr Athro Ann John bod tystiolaeth sy'n dangos, lle mae ymchwil yn weithgar iawn, ac ymchwil data hefyd, mae hynny'n gwella'r gofal i bobl (para.87). Roedd Rhidian Hurle hefyd yn dadlau dros fanteision cofnod cadarn o feddyginiaethau a rennir, gan nodi y bydd gallu darparu un ffynhonnell o'r gwirionedd, sy'n cael ei ddiweddarau, yn sicrhau manteision enfawr o ran diogelwch cleifion (para.204).

Nododd BMA Cymru fodd bynnag:

Mae SAIL wedi dangos ei fod yn amgylchedd ymchwil dibynadwy gyda mesurau a phrosesau diogelu effeithiol sy'n caniatáu mynediad diogel i ddata, gan arwain at lefelau uchel o ymgysylltiad â meddygfeydd. Fodd bynnag, prin y mae'r defnydd diriaethol o SAIL gan feddygon teulu wedi bod o fudd i'w poblogaethau'n uniongyrchol, o ystyried y lefel honno o ymgysylltu hyd yn hyn. Dylai Llywodraeth Cymru (fel y corff cyllido) fynd i'r afael â hyn er mwyn gwneud y defnydd yn fandadol at ddibenion cynllunio'r GIG lle bo angen.

6. Cymhlethdod data

Mae data i'w cael yn aml mewn amrywiaeth eang o systemau a fformatau a gall hynny ei gwneud yn fwy anodd eu hintegreiddio a'u defnyddio. Mae gan y GIG yng Nghymru gymysgedd o gofnodion papur a digidol, ac maent wedi'u lledaenu ar draws amrywiaeth o systemau a sefydliadau gan gynnwys ysbytai, sefydliadau gofal cymunedol a chontractwyr gofal sylfaenol annibynnol. Mae hyn yn creu problemau o ran gweld taith gyfan y claf a'r boblogaeth gyfan.

Tynnwyd sylw at y broblem gan Ifan Evans o Iechyd a Gofal Digidol Cymru:

[...] mae blynyddoedd cyn y bydd gennym gofnodion cynhwysfawr, cwbl gywir gyda'r holl hanes a chofnodion iechyd digidol amserol. Mae'r GIG yn llawn data ac yn brin o wybodaeth o safbwynt digidol. Mae llawer yn dal ar bapur, ac mae llawer sydd ar bapur cyn iddo gyrraedd y cofnod digidol, achos mae'n rhaid i wybodaeth ddigidol gael ei mewnbynnu gan rywun rywle. (para.133)

Ychwanegodd Rhidian Hurle o Iechyd a Gofal Digidol Cymru y dylai cofnod y claf fod ar gael lle bynnag mae cleifion yn dod i gysylltiad â gwasanaethau, waeth beth yw'r cyd-destun gofal iechyd, (para.191) ond hefyd:

[...] mae cymhlethdod o systemau digidol ar draws y cyd-destun gofal iechyd, a bydd data yn cael eu cadw yn y systemau hynny nad ydynt ar gael, ar hyn o bryd, yn y cofnod cenedlaethol. Eu huchelgais yw cyd-osod y systemau fel eu bod yn coladu'r data hwnnw wrth symud ymlaen. (para.177)

Nododd Chris Carrigan o useMYdata y materion hyn gan nodi po fwyaf o systemau, o dechnoleg a systemau cyfrifiadurol sy'n rhan o'r broses, y mwyaf anodd yw dod â'r data hynny at ei gilydd (para.39) ond tynnodd sylw hefyd at y ffaith bod gallu rhywbeth fel e-bresgripsiynu i rychwantu gofal sylfaenol, gofal eilaidd a chymuned wedi bod o fudd i gleifion (para.95). Mynegodd BMA Cymru y dylid bod yn ofalus wrth gyflwyno mynediad gwell i gleifion at gofnodion, gan nodi bod llawer o'r data fyddai ar gael i gleifion yn hynod gymhleth.

Mae'r berthynas â data gofal cymdeithasol yn ychwanegu haen arall o gymhlethdod. Mae'r cynnydd o ran System Gwybodaeth Gofal Cymunedol Cymru - a ddylai gysylltu data iechyd a gofal cymdeithasol yn y gymuned - wedi bod yn anghyson ac mae [Archwilio Cymru wedi nodi](#) meysydd sy'n peri pryder.

7. Diogelwch data

Mae dulliau diogelu, diogelwch, a dulliau effeithiol o lywodraethu gwybodaeth yn parhau i fod yn rhan hanfodol o'r gwaith o gasglu a rheoli data, ac mae'n ddealladwy y gall cleifion fod yn bryderus ynghylch pwy sy'n gweld, yn defnyddio ac yn rhannu data. Mae angen bod systemau a fframweithiau priodol ar waith. Nodwyd sensitifrwydd arbennig mewn meysydd fel gwasanaethau iechyd meddwl. Ar yr un pryd, clywodd y Pwyllgor sicrwydd am y dulliau o reoli diogelwch gwybodaeth mewn perthynas â data'r GIG a data ymchwil.

Tynnodd y cynghorwyr arbenigol sylw at faterion llywodraethu gwybodaeth a diogelwch sy'n wynebu gofal iechyd:

Mae'r sector iechyd yn ofod rheoledig iawn sy'n canolbwyntio ar ddiogelu cleifion a'r rheini sy'n eu trin rhag niwed. Wrth i dechnegau a chynhyrchion newydd gael eu datblygu'n gyflym, mae eu cyflwyno i'r maes gofal iechyd wedi arwain at heriau moesegol a chyfreithiol newydd, ac mae'n anodd i'r rheini sy'n gyfrifol am lywodraethu gwybodaeth ac ymatebion cyfreithiol gadw i fyny â hyn.

Fe wnaethant hefyd nodi cyfyng-gyngor deublyg sy'n gysylltiedig â'r cydbwysedd simsan rhwng amddiffyn hawliau dinasyddion a'r awydd i gefnogi arloeswyr a allai fynd i'r afael â'r defnydd o ddata iechyd gyda nodau a sensitifrwydd gwahanol a'r awydd i feithrin ymddiriedaeth wrth rannu data sydd wedi arwain at ffocws ar fesurau preifatrwydd a diogelwch.

Dywedodd Cydffederasiwn y GIG mewn [blog o fis Mehefin 2022](#) ynglŷn â defnyddio data i wella canlyniadau i gleifion:

Rhaid i dimau llywodraethu data gofnodi rhesymeg dros eu penderfyniad ar yr un pryd ag y maent yn caniatáu i ddefnyddwyr gael gafael ar ddata. Yn yr un modd, rhaid i berchnogion data gofnodi rhesymeg pan fyddant yn cymeradwyo defnydd o set ddata at ddiben.

Mae [Blog arall cydffederasiwn y GIG o fis Medi 2022](#) yn dadlau dros well data mewn gwasanaethau iechyd cymunedol ond sy'n deall taith gyfan y claf mewn amser real.

Mae llywodraethu data'n effeithiol hefyd yn fater allweddol ar gyfer data iechyd yng Nghymru. Roedd [tystiolaeth ysgrifenedig a gyflwynwyd](#) gan Iechyd a Gofal Digidol Cymru i [Sesiwn graffu ar y cyd rhwng Iechyd a Gofal Cymdeithasol/Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus](#) yn nodi:

Fodd bynnag, mae trefniadau llywodraethu rhaglenni amrywiol ar gyfer rhaglenni digidol cenedlaethol, [...] Byddai cysondeb a symleiddio darparu rhaglenni yn helpu i sicrhau atebolrwydd clir.

Rhoedd Chris Carrigan (useMYdata) yn [cydnabod yr angen](#) am fesurau diogelu data a rôl ganolog y claf wrth ddewis yr hyn sydd yn eu data iechyd a phwy all ei ddefnyddio ond gofynnodd:

[...] Ble mae'r data'n eistedd, pwy sy'n ei reoli, pwy sy'n penderfynu pa ymchwil sy'n bwysig neu beth sy'n cael ei wneud a beth yw'r mesurau diogelu? Ac mae hynny'n ymwneud â thryloywder a chynnwys cleifion a'r cyhoedd yn y sgwrs honno. Felly, mae e-bresgripsiynu yn enghraifft ddiddorol, lle mae'n rhychwantu sawl sector ar wahân yn draddodiadol o ofal sylfaenol, gofal eilaidd a'r gymuned o fudd gwirioneddol i gleifion, ac mewn gwirionedd gall fod manteision gwirioneddol i lywio ymchwil hefyd. (para.95)

Tynnodd yr Athro Ann John sylw at y pryderon ynghylch diogelwch ynghylch gwybodaeth a allai fod yn fwy sensitif am gleifion:

Mae yna ymdeimlad bod pobl yn teimlo bod data iechyd meddwl yn fwy sensitif. Mae rhywfaint o hynny'n ymwneud â stigma; mae rhywfaint yn ymwneud â'r ffaith eich bod, wrth gymryd hanes iechyd meddwl, yn gofyn llawer mwy o fanylion personol nag y byddech, weithiau, o ran hanes iechyd corfforol. (para.63)

Pwysleisiodd Mr Hurle (Iechyd a Gofal Digidol Cymru) fod y rhaglen lywodraethu gwybodaeth ledled Cymru yn gryf, eich bod yn cael eich gwyllo'n ofalus pan fyddwch wedi cael caniatâd i ddefnyddio'r cofnod (para.225) ac mae pethau y gellir eu gwneud i sicrhau mai dim ond y bobl sydd angen gweld y cofnod sydd wirioneddol yn gallu gweld y cofnod. Fodd bynnag, tynnodd Darren Lloyd o Iechyd a Gofal Digidol Cymru [sylw at rai](#) o'r heriau wrth sicrhau diogelwch data ar draws lleoliadau gofal:

Mae Iechyd a Gofal Digidol Cymru yn sicrhau bod y rheolaethau mynediad o fewn y systemau hynny yn ddigonol i anghenion y gweithwyr iechyd proffesiynol hynny a'r unigolion hynny sy'n cael gafael ar y data, fel mae'n briodol ar yr

adeg y maent eu hangen. Ac mae gofyn am gryn nifer o ffactorau gwahanol ar gyfer hynny, ac elfen benodol o ddeallusrwydd o fewn y systemau hynny a'r gwasanaethau hynny i ganiatáu i hynny ddigwydd, ond mae hynny wedyn yn golygu bod cofnod cwbl gynhwysfawr ar gael ar y pwynt gofal o dan amgylchiadau gwahanol, oherwydd bod y rheolaethau hynny o fewn y systemau a'r gwasanaethau hynny. (para.195)

Nododd BMA Cymru Wales bod partneriaid meddygon teulu, o dan reoliadau GDPR, (sydd â chontractau GMS) yn cael eu hystyried yn rheolwyr data ar gyfer unrhyw ddata sydd ganddynt am eu cleifion. Mae'n hanfodol bod meddygon teulu yn deall yr angen am ddiogelwch cadarn o ran data cleifion ac yn sicrhau bod diogelwch o'r fath ar waith.

Fodd bynnag, mae angen nodi hyn hefyd yng nghyd-destun symudiadau tuag at y gallu fydd gan gleifion i gael gafael ar eu cofnodion a'u data meddygol eu hunain a'u rheoli. Roedd y dystiolaeth hefyd yn cyffwrdd â gallu cleifion i ddewis optio allan o adael i'w gwybodaeth gyfrinachol am gleifion gael ei defnyddio ar gyfer ymchwil a chynllunio. Mae gan GIG Lloegr bolisi optio allan cenedlaethol ar waith ar gyfer data, er bod hynny wedi digwydd o ganlyniad i roi'r gorau i bolisi trafferthus blaenorol. Mewn ymateb i gwestiwn ynghylch a oedd yn credu y dylai cleifion yng Nghymru allu optio allan o rai mathau o rannu data, a pham, atebodd Mr. Hurleyn gwyno:

'Ydw'. Y cwestiwn yw, ym mha gyd-destun. Er enghraifft, yng nghyd-destun treialon ymchwil, dyweder, mae cydsyniad gwybodus claf sydd â galluedd yn rhoi'r opsiwn i'r unigolyn dan sylw ddileu eu cydsyniad ar unrhyw adeg o'r daith. [...] Felly, mae yna fecanweithiau y gellir eu defnyddio fel unigolyn. Pan fydd gwybodaeth wedi'i chasglu a'i gwneud yn ddienw, sef bod eich hunaniaeth wedi diflannu o'r data, yna gan fod eich hunaniaeth wedi diflannu o'r data, mae'n anodd eich tynnu o'r data. (para.170)

Dyweddodd BMA Cymru eu bod yn cyd-fynd yn llwyr â'r cysyniad damcaniaethol o fynediad diogel a chyfreithiol i gleifion at eu gwybodaeth feddygol eu hunain. Serch hynny, nodwyd ganddynt hefyd y byddai'n debyg y byddai cynlluniau ar gyfer mynediad at gofnodion llawn yn gorfod bod ar fodel 'OPTIO I MEWN' a chydsyniad gwybodus, sydd ei hun yn ôl pob tebyg yn ddwys iawn o ran llafur, a galwodd am fframwaith llywodraethu effeithiol, dull fesul cam o gael mynediad at ddata cleifion, a dileu priodol o ran unrhyw ddata trydydd parti o fewn cofnodion.

Mewn perthynas â diogelwch data mewn ymchwil, nododd yr Athro Lyons:

fod darparu data i SAIL yn weithgaredd gwirfoddol; nid yw'n ofynnol gan unrhyw un. Dros y blynyddoedd, maent wedi dangos bod y system sydd wedi'i dylunio ganddynt yn gadarn ac yn ddiogel. Mae'n rhaid cael achrediadau gan nifer o sefydliadau. (para.278)

Yn ôl Health Data Research UK mae Banc Data SAIL yn flaenllaw ar gyfer cadernid diogelwch storio a defnyddio data dienw sy'n seiliedig ar unigolion ar gyfer ymchwil i wella iechyd, llesiant a gwasanaethau.

8. Datblygiadau o ran casglu a defnyddio data

Clywodd y Pwyllgor dystiolaeth am botensial datblygiadau mewn technoleg ddigidol a data fel Ap GIG Cymru, a allai ei gwneud yn haws i gleifion weld data am wasanaethau a'u cofnodion iechyd eu hunain. Ar yr un pryd, roedd angen ystyried yr angen i reoli disgwyliadau ynghylch cyflymder y newid. Nodwyd hefyd effaith y pandemig ar gasglu data, a oedd wedi arwain at wella ychydig ar y data oedd ar gael am grwpiau nad oeddent, cyn hynny, yn cael eu cynhrychioli'n ddigonol mewn data.

Dywedodd Mr Rhidian Hurle o Iechyd a Gofal Digidol Cymru:

ei fod wedi gweld cynnydd cynyddol yn nifer ac argaeledd data cleifion ar gyfer darparu gofal i'r pwynt y gall, erbyn hyn, weld cofnod meddyg teulu pob dinesydd, gyda'u caniatâd, a gall weld pob un prawf gwaed ym mhobman yng Nghymru. Gall weld pob un pelydr-x a wnaed ym mhobman yng Nghymru o liniadur, naill ai o bell neu o fewn yr ysbyty. Mae hynny wedi sicrhau manteision enfawr o ran lleihau dyblygu, dechrau sgysiau â chleifion am yr hyn sy'n bwysig iddyn nhw yn hytrach na cheisio dilysu eu hanes, cysoni meddyginiaethau'n gywir, lleihau niwed trwy allu gweld pethau. (para.117)

Tynnodd Ifan Evans o Iechyd a Gofal Digidol Cymru sylw hefyd at y ffordd yr oedd pandemig COVID-19 wedi sbarduno newid a datblygu offer a dulliau gweithredu newydd:

Roedd olrhain cysylltiadau yn rhywbeth newydd ac roedd yn ffurfweddiad safonol syml iawn ledled Cymru, wedi'i gyflwyno o'r cwmwl, gyda chytundeb rheolwr data ar y cyd y tu ôl iddo. Nid oedd yn ofynnol i unrhyw un ollwng gafael ar unrhyw beth, mewn gwirionedd, er bod gan awdurdodau lleol eu trefniadau eu hunain i olrhain cysylltiadau. Roedd hynny wedi eu helpu i ddarparu rhaglen effeithiol iawn o gyflenwi brechlynau ac olrhain cysylltiadau, o'i gymharu â rhannau eraill o'r DU (para.238)

Ar yr un pryd, cydnabu ac ailadroddodd sawl gwaith yr anawsterau sylweddol y mae newid digidol yn eu peri i Iechyd a Gofal Digidol Cymru, gan nodi na fydd digidol fyth wedi'i 'wneud' (para.237) ac mai:

[...] yr her fwyaf yw bod llywio newid sylweddol mewn system ddigidol gymhleth yn anodd iawn i'w wneud, ac nad oes prinder rhaglenni trawsnewid digidol sydd wedi cymryd amser hir i'w cyflwyno, ac mae symud pobl i'r systemau newydd hynny a'u hyfforddi yn her. (para.205)

Mynegodd BMA Cymru rywfaint o rybudd ynghylch Ap GIG Cymru, gan nodi:

ei fod yn dawel ei feddwl y bydd ap GIG Cymru [...] ond yn bwrw ymlaen â mynediad crynodeb at gofnodion unwaith y bydd practis meddyg teulu wedi galluogi'r gweithrediad. Roedd yn cynghori'n gryf mai dim ond data wedi'u crynhoi a'u codio gan gynnwys brechiadau, fyddai yn eu lle ar gyfer ap GIG Cymru nes bod yr holl faterion hyn wedi'u datrys.

Wrth i dechnolegau'n seiliedig ar ddata ddod yn rhan gynyddol o wasanaethau gofal, gall mathau newydd o ddata - a niwed i ddata - ddod i'r amlwg. Rhybuddiodd Chris Carrigan (useMYdata) am yr hyn roedd yn ei ystyried yn dwf cyflymach mewn data iechyd:

[...] Rydyn ni nawr ar y ffin lle, os edrychwn ni ar ein plant a'n pobl iau yn y wlad hon, maen nhw'n cynhyrchu data amdany'n nhw eu hunain, boed hynny ar fitbits neu apiau, neu beth bynnag. Mae ganddyn nhw ôl troed digidol fydd yno nad ydym erioed wedi'i gael. Nawr, bydd y data'n anferth, enfawr, enfawr—y tu hwnt i bob adnabyddiaeth. (para.113)

Yn yr un modd, bydd heriau gwirioneddol o ran sicrhau gwell integreiddio data rhwng iechyd a gofal cymdeithasol.

Fodd bynnag, nododd Chris Carrigan yr hyn roedd yn ei ystyried yn flaenoriaeth fwy cyfyngedig a gaiff ei rhoi i wella mynediad cleifion at eu cofnod:

Yr hyn nad yw i'w weld eto yn yr hafaliad yw lle mae unigolyn o fewn hynny. Felly, mae'r holl arian yn mynd i feysydd ymchwil, technoleg, amgylcheddau ymchwil mawr. Ychydig iawn sy'n mynd tuag at alluogi rhywun i weld beth sydd yn ei gofnod iechyd llawn. (para.41)

Yn yr un modd, siaradodd Chris Carrigan (para.59) a'r Athro Ann John am yr angen i fynd i'r afael ag allgáu digidol; nid yn unig o ran cael dyfeisiau, ond gallu defnyddio Wi-Fi a thrwy hynny yr ystod ehangach o wasanaethau a rhaglenni digidol. (para.63)

9. Ymgysylltiad cleifion

Roedd cydnabyddiaeth gyson yn y dystiolaeth bod ymgysylltiad cleifion a llais y claf yn dal yn chwarae rhan gyfyngedig yn y broses o ddatblygu a rheoli data a systemau data, ac roedd y pwyslais yn hanesyddol yn aml yn seiliedig ar ddarparwyr gwasanaethau, cyllidwyr ymchwil a staff clinigol yn bennaf. Roedd cydnabyddiaeth bod hyn yn parhau i fod yn gryn her o ran datblygu systemau a data sy'n canolbwyntio mwy ar gleifion ac sy'n cael eu harwain gan gleifion.

Roedd gwaith gan y King's Fund wedi pwysleisio pwysigrwydd hanfodol ymgysylltu â chleifion a'r cyhoedd wrth feithrin ymddiriedaeth ar ddata; sicrhau hygyrchedd, tryloywder a chyd-ddatblygiad wrth ddefnyddio data, a darparu rheolaeth i gleifion.

Nododd adroddiad cwmpasu'r cyngorwyr arbenigol:

Mae gwaith cyfiawnder data wedi tynnu sylw arbennig at yr angen i ganolbwyntio ar gymunedau yr effeithir arnynt mewn penderfyniadau ynghylch cynhyrchu, casglu a defnyddio data. [...] Mewn rhai achosion, mae hyn wedi llywio dulliau dylunio ac ymgysylltiad â'r amodau y mae seilwaith data yn dod i'r amlwg ynddynt, gan alw am arferion dylunio mwy cyfranogol sy'n pwysleisio cyfranogiad cymunedau.

Mae gan y GIG hanes hir o ymgysylltu ac ymgynghori â'r cyhoedd ynghylch darparu gwasanaethau iechyd. Mae'r diwylliant hwn wedi cael ei estyn i faes arloesedd sy'n seiliedig ar ddata o ran cynnwys cleifion a dinasyddion wrth wneud penderfyniadau ynghylch y ffordd y defnyddir data iechyd y tu hwnt i'w gofal uniongyrchol. Mae gwaith ymchwil wedi dangos bod pobl eisiau lleisio eu barn o ran y ffordd y caiff eu data eu defnyddio am fod y data hynny'n dod o'u hymgysylltiad â'r gwasanaeth iechyd.

Dywedodd yr Athro Ann John bod angen cynnwys y cyhoedd wrth ddylunio a defnyddio data yn ystyrllon. Felly, mae angen iddynt fod yn rhan o'r holl gyrff sy'n cymeradwyo data ar gyfer ymchwil a defnyddio (para.19). Nododd Chris Carrigan mai un o nodau allweddol useMYdata oedd sicrhau mwy o gyfranogiad cleifion a'r cyhoedd wrth symleiddio mynediad at ddata a sicrhau mwy o dryloywder data.

Nododd Mr Hurle o Iechyd a Gofal Digidol Cymru mai eu dull o ran data oedd meithrin ymddiriedaeth gyda'u partneriaid allweddol, yn enwedig cleifion (para.146):

Yr ap, fodd bynnag, yw'r prif offeryn ymgysylltu ar gyfer cleifion. Yn hanesyddol, ar gyfer Gwasanaeth Gwybodeg GIG Cymru ac Iechyd a Gofal Didigol Cymru yn ei flynyddoedd cyntaf, y sylfaen defnyddwyr yw clinigwyr a sefydliadau

iechyd a phobl sy'n darparu gwasanaethau iechyd, nid, yn hanesyddol, gwasanaethau uniongyrchol i gleifion. Ond mae hynny'n newid ac, wrth symud i'r meysydd hynny, mae'n ymgysylltu mwy â chleifion. (para.166)

Fodd bynnag, nododd Ifan Evans mai eu hymgysylltiad ar yr Adnodd Data Cenedlaethol - llwyfan data cenedlaethol newydd sy'n dwyn ynghyd ddata am wasanaethau iechyd a gofal cymdeithasol o bob cwr o Gymru - fu defnyddwyr y data hynny sy'n glinigwyr a datblygwyr, nid y cyhoedd. (para.164)

Dywedodd hefyd:

[...] nad yw Iechyd a Gofal Digidol Cymru wedi ymgysylltu'n uniongyrchol iawn â chleifion yn hanesyddol, oherwydd bod eu holl wasanaethau wedi'u cyfeirio at glinigwyr ac yn gyffredinol, yn hanesyddol, fe'u defnyddiwyd mewn gofal eilaidd. (para.222)

Gan droi at SAIL, disgrifiodd yr Athro Lyons eu hymgysylltiad â chleifion a'r cyhoedd; panel defnyddwyr, aelodau lleyg ar y panel annibynnol sy'n ystyried ceisiadau prosiect, cynnwys y cyhoedd mewn timau ymchwil ac astudiaethau, defnyddio paneli arbenigol sy'n cynnwys aelodau lleyg yn edrych ar ba algorithmau ymchwil a gaiff eu defnyddio. (para.253,257)

Maent yn cael cymaint ag y gallant o weithgareddau ymgysylltu â'r cyhoedd. Y farn yw bod ganddynt ddau aelod llawn amser o staff a dyma beth maen nhw'n ei wneud yn gyfan gwbl. Mae'n anodd ei wneud ar sail haniaethol. Felly, mae'n tueddu i gael ei wneud fwy ynghylch cwestiwn penodol. Felly, er enghraifft, pe baent yn gwneud rhywfaint o waith ar glefyd fel sglerosis ymledol, byddent bob amser yn ymgysylltu â Chymdeithas Sglerosis Ymledol y DU, ac yn defnyddio eu grwpiau eiriolaeth cleifion i gymryd rhan yn hynny, yn hytrach na cheisio recriwtio rhywun o'r cyhoedd gyda'r clefyd penodol hwnnw ar yr adeg honno. (para.287)

Yn ei dadl dros lais cryfach i gleifion wrth ddatblygu data, rhoddodd yr Athro Ann John enghraifft uniongyrchol o pan mae budd cleifion, gofal effeithiol a rheoli data effeithlon yn rhyng-gysylltu:

Mae'n gwneud llawer o waith atal hunan-niweidio a hunanladdiad, ac mae'r cysyniad hwnnw o bobl mewn trallod yn gorfod adrodd yr un stori dro ar ôl tro yn rhywbeth lle gall y mathau hyn o systemau data unedig helpu i wella ansawdd y gofal mewn perthynas ag ailadrodd y straeon hynny dro ar ôl tro, ond hefyd rhannu gwybodaeth o un maes i'r llall. (para.52)

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Equality and Social Justice Committee

Senedd Cymru
Cardiff Bay
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29 August 2023

Equality and Social Justice Committee inquiry: Data justice – GPC Wales response

Dear Chair

Many thanks for your letter of 7 August with some further questions stemming from my submission to the Committee's short inquiry on data justice in NHS Wales. In this response I'll address some of these questions individually.

How GPs fulfil their data controller responsibilities

GP practices are data controllers for the data they hold about their patients. Although almost all practices will have data that are processed on their behalf by third parties, for example their IT system suppliers, it is the practice as data controller that has the responsibility for compliance under GDPR.

Under the GDPR, a data processor processes personal data 'on behalf of the controller', for example IT system suppliers are data processors. A processor can only act in response to an instruction from the data controller. Any change in the processing arrangements or significant decisions about the data can only be made by or with the agreement of the data controller.

The data controller has a legal responsibility to control the way in which a data processor processes data on their behalf. A contract must exist between the data controller and data processor that sets out these responsibilities and should include a range of specific criteria, for example, assurances that the data processor has adequate security measures in place. This would be particularly important should a data breach

Cyfarwyddwr Cenedlaethol (Cymru)/National director (Wales):

Rachel Podolak

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Swyddfa gofrestrdig: BMA House, Tavistock Square, Llundain, WC1H 9JP.
Rhestrwyd yn Undeb Llafur o dan Ddeddf Undebau Llafur a Chysylltiadau Llafur 1974.
Registered as a Company limited by Guarantee. Registered No. 8848 England.
Registered office: BMA House, Tavistock Square, London, WC1H 9JP.
Listed as a Trade Union under the Trade Union and Labour Relations Act 1974.



occur. The prospective suppliers of GP clinical systems to Welsh practices must demonstrate that they have appropriate security measures and information governance safeguards to be included within the **NHS Wales GP IT Systems Procurement Framework** process.

As data controllers, practices retain responsibilities for handling all requests for access to the data, for example, subject access requests made by patients or requests from third parties such as insurance companies and solicitors. GP data controllers may delegate these activities but remain responsible for the final output. As we outlined in our previous response, GP partners are ultimately liable for any sanction levied by the Information Commissioner's Office in the event of any data breaches or release of inappropriate information.

Under the GMS contract, practices are required to periodically complete the **Welsh Information Governance Toolkit**ⁱ, a self-assessment process which has been developed by Digital Health & Care Wales in conjunction with GPC Wales. This helps organisations to measure their compliance with current IG standards and to identify areas of improvement.

With the advent of GDPR in 2018, public authorities (including GP practices), are required to have a Data Protection Officer in place. GPC Wales entered into discussions with Digital Health and Care Wales, known as NWIS at the time, to develop the **NHS Wales Data Protection Officer Support Service**ⁱⁱ. This service provides a number of activities including knowledge sharing; template documents; bespoke advice; training and learning materials; regular information sharing on relevant developments. This service is subscription based, as practices are entitled to appoint their own DPO, with the fees reviewed and agreed annually by a national governance board which includes representation from GPC Wales.

[Accelerated Access to Patient Records in England](#)

It would not be appropriate for me to comment in great detail upon the issue of access to records in England, which colleagues in the General Practitioners Committee England (GPCE) are leading upon.

However, recent information on the situation in England can be found on the BMA websiteⁱⁱⁱ. This outlines that following imposition of their GP contract which was opposed by GPCE), practices in England - once they receive a contract variation notice - are required contractually to provide prospective record access to coded information, documents, and free text by 31 October 2023. The main exception is where a patient has expressly opted out.

Given the ongoing concerns (similar to those outlined in our previous letter to committee), GPCE are exploring how best to move forward ahead of the planned switch on date. Further information will be provided in due course.

Alternative models

Given the statutory obligations of GDPR, it is difficult to see how any alternative models could allow for GPs to share/delegate their responsibilities and/or accelerate increased patient record access.

Our experience of subject access requests tells us that the likelihood of third-party information being held in an individual's GP record is high. This requires manual redaction by clinician in the absence of any technological solutions, and this is extremely time consuming as a result. This renders the general aim of safe data sharing outside of minimal coded datasets (such as allergies, medication information and diagnosis codes) impractical, and ultimately undeliverable given the critical workforce and sustainability challenges currently facing general practice (as per our recent Save Our Surgeries campaign^{iv}).

We are supportive of patient access to their own record in principle and have had positive discussions about displaying structured clinical data such as medicines, allergies and diagnoses on the NHS Wales App with Digital Health and Care Wales and Welsh Government. However, this must be done in a considered, phased manner underpinned by robust Information Governance and access processes built into technological and legislative developments.

On behalf of GPC Wales, I would be happy to discuss these issues with you and colleagues in person or virtually if it would be helpful to enhance the understanding around information governance concerns of GPs.

Yours sincerely



Dr Ian Harris
Deputy Chair,
General Practitioners Committee Wales

ⁱⁱ DHCW - *Welsh Information Governance Toolkit* <https://dhw.nhs.wales/ig/information-governance/welsh-information-governance-toolkit/>

ⁱⁱ DHCW - *Data Protection Officer Support Service* <https://dhw.nhs.wales/ig/information-governance/data-protection-officer-support-service/>

ⁱⁱⁱ BMA (July 2023) *Updated guidance on accelerated access to GP-held patient records* <https://www.bma.org.uk/advice-and-support/gp-practices/gp-service-provision/updated-guidance-on-accelerated-access-to-gp-held-patient-records>

^{iv} BMA Cymru Wales (June 2023) *Save Our Surgeries* <https://www.bma.org.uk/advice-and-support/nhs-delivery-and-workforce/pressures/wales-save-our-surgeries-campaign>

Dr Ian Harris
Dirprwy Gadeirydd
Pwyllgor Ymarferwyr Cyffredinol Cymru

7 Awst 2023

Annwyl Dr Harris

Ymchwiliad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol: Cyfiawnder data

Diolch am eich llythyr ynghylch ein hymchwiliad presennol. Cafodd ei drafod yn ein cyfarfod ar 15 Mai 2023.

Roeddem yn ddiolchgar am eich sylwadau ac yn nodi'n benodol rôl meddygon teulu fel rheolwyr data o dan reoliadau GDPR. Byddem yn croesawu rhagor o wybodaeth am y modd y mae meddygon teulu'n cyflawni'r cyfrifoldebau ychwanegol hyn, gan gynnwys yr hyfforddiant a'r cymorth sydd ar gael iddynt.

Nodwyd mai'r bwriad, fel rhan o ddogfennau contract meddygon teulu yn GIG Lloegr ar gyfer 2019-20, o 1 Tachwedd 2022 ymlaen, oedd y gallai pob claf dros 16 oed gael mynediad awtomatig at yr holl gofnodion meddygol a ddelir yn electronig mewn systemau meddygon teulu.

Yn ddiweddarach, adroddodd Cymdeithas Feddygol Prydain y gall practisau, pan fydd pryderon diogelu, atal cleifion rhag cael mynediad awtomatig at y cofnod llawn wrth ei droi ymlaen drwy ychwanegu cod SNOMED penodol at gofnod y claf cyn 1 Tachwedd 2022. Byddai'r ymrwymiad hwn gan Lywodraeth y DU i osod meddalwedd yn ei gwneud yn haws i feddygon teulu olygu materion sy'n ymwneud â'r trydydd partion yng nghofnodion cleifion cyn iddynt gael eu rhyddhau i'r claf.

Fodd bynnag, cytunwyd wedi hynny nad yw'r broses o droi ymlaen fynediad posibl at y cofnod meddygol o 30 Tachwedd 2022, yn dilyn trafodaethau helaeth â GIG Lloegr, yn cael ei chyflwyno'n genedlaethol mwyach i'r rhai sy'n dymuno gohirió'r broses. Mae'n ymddangos yn aneglur a lynwyd at y dyddiad cau ym mis Tachwedd 2022 ac a aeth nodiadau digidol cleifion GIG Lloegr yn fyw heb lynu at yr ymrwymiad pwysig hwn. Byddai'n ddefnyddiol gwybod a oes gennych unrhyw wybodaeth am y sefyllfa bresennol a sut y gallai hyn fod wedi effeithio ar fabwysiadu'r broses o ddigideiddio nodiadau cleifion GIG Lloegr.



Hoffai'r Pwyllgor glywed am unrhyw fodolau gwahanol a fyddai'n caniatáu i feddygon teulu yng Nghymru rannu neu ddirprwyo'r rôl GDPR hon yn fwy effeithiol ac a ellid ystyried y modelau hyn o fewn GIG Cymru.

Edrychwn ymlaen at gael eich ymateb.

Yn gywir

A handwritten signature in black ink that reads "Jenny Rathbone". The signature is written in a cursive style with a large initial 'J' and 'R'.

Jenny Rathbone AS

Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol

01 September 2023

Jenny Rathbone MS
Chair, Equality and Social Justice Committee
Senedd Cymru
via email: SeneddEquality@Senedd.Wales

Email: gmcwales@gmc-uk.org

General Medical Council (GMC) response to the Equality and Social Justice Committee's Inquiry into data justice

Dear Jenny,

Thank you for writing to us with the Committee's inquiry into data justice and doctors' roles in data security and handling patient data. Our Director of Strategy and Policy, Shaun Gallagher, has asked me to respond to this query on behalf of the General Medical Council, in my role as GMC Head of Wales.

We do not provide doctors with training on data and information governance. Our role as regulator is to set the outcomes of medical education and training, and not to deliver specific training content – that is provided by medical schools and medical royal colleges.

Below we have highlighted relevant parts of our guidance related to data protection and confidentiality. You will also find some information on what we expect from medical graduates with regards to data security. We have also included information on our Outreach offer for health boards and medical schools across the UK.

Ethical guidance

Confidentiality is an important legal and ethical duty that underpins confidence in patients' trust in doctors. We publish detailed guidance on when it is and is not appropriate to disclose confidential patient information. This can be found in paragraph 9 of the ethical guidance for doctors on [Confidentiality: good practice in handling patient information](#).

The main principles of this guidance can be found at paragraph 8. We have drawn together the most relevant provisions for this inquiry below:

8a. Use the minimum necessary personal information. Use anonymised information if it is practicable to do so and if it will serve the purpose.

8c. Be aware of your responsibilities. Develop and maintain an understanding of information governance that is appropriate to your role.

8h. Support patients to access their information. Respect, and help patients exercise, their legal rights to be informed about how their information will be used and to have access to, or copies of, their health records.

At paragraph 131 we outline the right patients have to access their own health records, subject to certain safeguards. Doctors should respect, and help patients to exercise, their legal rights to have access to, or copies of, their health records. The Information Commissioner's Office (ICO) gives guidance on what fees you may charge.

Our guidance also notes that appropriate information sharing is an essential part of the provision of safe and effective care. Patients may be put at risk if those providing their care don't have access to relevant, accurate and up-to-date information about them (see paragraph 2). This is of particular relevance in the context of e-prescribing, which is a key focus of the Committee's inquiry on data justice.

In our guidance on [Good practice in prescribing and managing medicines and devices](#) we are clear doctors should only prescribe medicines if they have adequate knowledge of the patient's health and are satisfied the medication serves their needs. Doctors must consider whether they have sufficient information to prescribe safely, for example, if they have access to the patient's medical records and can verify relevant information and whether they can share it appropriately after an episode of care (see paragraph 20). We go on to outline the relevant factors for doctors to consider in deciding whether they have sufficient information about their patient to prescribe a treatment at paragraphs 27-33.

We also outline how doctors must contribute to the safe transfer of patients between healthcare providers and between health and social care providers by sharing information after the provisions of care at paragraphs 53-8.

Our guidance provides a framework for decision-making. Doctors are expected to be familiar with and follow our ethical guidance and be able to explain any serious or persistent failure to follow it.

Outreach support

Our Liaison Advisors hold sessions on our guidance with medical students and doctors across the UK. Liaison Advisors who cover Wales offer sessions on Patient (Clinical) Record Keeping to health boards. The session is designed to help increase doctors' knowledge of issues around record keeping in medical practice. This covers patient confidentiality, rules around data protection, and patients' access to records.

Medical education and training

We set the standards for medical education providers so their trainee doctors and graduates meet the generic professional capabilities, and attain the outcomes expected of them.

We set out standards around information governance to ensure that doctors are able to ensure the necessary safeguards for, and appropriate use of, patient and personal information.

What we expect from graduates

[Outcomes for graduates](#) sets out the knowledge, skills and behaviours that new UK medical graduates must be able to show, which serves as a basis for medical schools to develop their curricula and programmes of learning.

In relation to maintaining data security, we expect the following from graduates:

Outcome 1: professional values and behaviours

4. Legal responsibilities: we expect newly qualified doctors to demonstrate knowledge of the principles of the legal framework in which medicine is practised in the jurisdiction in which they are practising and have awareness of where further information on relevant legislation can be found.

Outcome 2: professional skills

19. Using information safely and effectively- newly qualified doctors must be able to use information effectively and safely in a medical context, and maintain accurate, legible, contemporaneous and comprehensive medical records. They must be able to (among other things):

- b. Apply the requirements of confidentiality and data protection legislation and comply with local information governance and storage procedures when recording and coding patient information;
- c. Explain their professional and legal responsibilities when accessing information sources in relation to patient care, health promotion, giving advice and information to patients, and research and education.

Medical Licensing Assessment

From 2024/2025 onwards, all graduates from UK medical schools will undertake the Medical Licensing Assessment as part of their degree, which will set a common threshold for safe medical practice.

This means that all UK medical students will be assessed on using and recording information safely and effectively before graduating.

Postgraduate training

Our [Generic Professional Capabilities framework](#) sets out the essential generic capabilities needed for safe, effective and high-quality medical care in the UK. This document contains educational outcomes, which are based on the professional responsibilities of doctors, that are incorporated into postgraduate curricula.

In relation to data security, we expect the following outcomes:

Domain 2: Professional skills

Practical skills

Doctors in training must be:

- able to demonstrate a clear and appropriate knowledge of the legal aspects of digital and written records;
- able to demonstrate an appropriate knowledge of information governance, data protection and storage;
- able to demonstrate appropriate IT skills, including word processing and data collection.

Domain 3: Professional knowledge

National legislative requirements

Doctors in training must be aware of their legal responsibilities and be able to apply in practice any legislative requirements relevant to their jurisdiction of practice, for example:

- data protection and confidentiality.

I hope the information set out above is of some help but please do get in touch with us at GMCWales@gmc-uk.org if you have any further questions.

Kind regards,

Gethin Matthews-Jones



Head of GMC Wales

Shaun Gallagher
Cyfarwyddwr Strategaeth a Pholisi
Y Cyngor Meddygol Cyffredinol

28 Gorffennaf 2023

Annwyl Shaun

Ymchwiliad i gyfiawnder data

Yn ddiweddar, mae'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol wedi cynnal ymchwiliad byr i gyfiawnder data, gan ganolbwyntio ar y defnydd o ddata personol yn y GIG yng Nghymru. Ceir rhagor o fanylion, gan gynnwys y cylch gorchwyl, ar ein [gwefan](#).

Un o'r materion a godwyd yn ystod ein proses o gasglu tystiolaeth oedd pwysigrwydd diogelwch data a llywodraethu gwybodaeth yn effeithiol, yn ogystal â mynediad cleifion at eu data a'u cofnodion meddygol a'u rheolaeth drostynt. O ystyried y rôl allweddol y mae meddygon yn ei chwarae wrth drin data cleifion, byddem yn ddiolchgar pe gallech amlinellu pa hyfforddiant a roddir o ran moeseg a hawliau dynol, er mwyn sicrhau bod hawliau cleifion yn cael eu parchu a'u gwarchod.

Edrychwn ymlaen at gael eich ymateb.

Yn gywir



Jenny Rathbone MS

Cadeirydd, y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol