

Agenda – Y Pwyllgor Iechyd a Gofal Cymdeithasol

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|--------------------------|--------------------------------------------------------------------------|
| Lleoliad: | I gael rhagor o wybodaeth cysylltwch a: |
| Rhithwir | Sarah Beasley |
| Dyddiad: 27 Mehefin 2024 | Clerc y Pwyllgor |
| Amser: 09.30 | 0300 200 6565 |
| | Seneddlechyd@senedd.cymru |

Rhag-gyfarfod preifat (09.00–09.30)

1 Cyflwyniadau, ymddiheuriadau, dirprwyon a datgan buddiannau (09.30)

2 Bil Iechyd a Gofal Cymdeithasol (Cymru): darparu gwasanaethau gofal cymdeithasol i blant – sesiwn dystiolaeth gyda darparwyr nid-er-elw

(09.30–10.30) (Tudalennau 1 – 49)

Rhian Carter, Rheolwr Tîm – Gweithredu dros Blant

Sarah Crawley, Cyfarwyddwr Gwasanaethau Plant – Barnardo's Cymru

Sarah Thomas, Prif Weithredwr – y Rhwydwaith Maethu

Mike Anthony, Rheolwr Gwasanaeth – Gwasanaeth Maethu Cymru, TACT Cymru

Briff Ymchwil

Papur 1 – Gweithredu dros Blant

Papur 2 – Barnardo's Cymru

Papur 3 – Y Rhwydwaith Maethu

Papur 4 – TACT Cymru

Egwyl (10.30 – 10.40)



- 3 Bil Iechyd a Gofal Cymdeithasol (Cymru): darparu gwasanaethau gofal cymdeithasol i blant – sesiwn dystiolaeth gyda darparwyr preifat ac annibynnol a chyrff cynrychioliadol**
- (10.40–11.40) (Tudalennau 50 – 70)
- Harvey Gallagher, Prif Weithredwr – Cymdeithas Darparwyr Maethu Ledled y Wlad
- Colin Tucker, Cyfarwyddwr/Unigolyn Cyfrifol – Gwasanaethau Maethu Cysylltiad 1af y Gymdeithas Darparwyr Maethu Ledled y Wlad
- Sharon Cavaliere, Cyfarwyddwr Calon Cymru – Cymdeithas Darparwyr Maethu Ledled y Wlad
- Jen Robbins, Pennaeth Polisi a Strategaeth – The Children's Homes Association
- Darryl Williams – Cyfarwyddwr – Woodlands Ltd – The Children's Homes Association
- Dr Deborah Judge, Cyfarwyddwr Clinigol ac Unigolyn Cyfrifol – Biribi – The Children's Homes Association
- Papur 5 – Cymdeithas Darparwyr Maethu Ledled y Wlad
- Papur 6 – The Children's Homes Association
- 4 Cynnig o dan Reol Sefydlog 17.42(vi) a (ix) i benderfynu gwahardd y cyhoedd ar gyfer eitemau 5 a 9 o'r cyfarfod heddiw**
- (11:40)
- 5 Bil Iechyd a Gofal Cymdeithasol (Cymru): trafod y dystiolaeth**
- (11.40–11.50)
- Cinio (11.50 –12.30)**
- 6 Bil Iechyd a Gofal Cymdeithasol (Cymru): darparu gwasanaethau gofal cymdeithasol i blant – sesiwn dystiolaeth gyda Chymdeithas**

Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru a Chymdeithas Llywodraeth Leol Cymru

(12.30–13.30)

(Tudalennau 71 – 77)

Sally Jenkins, Grŵp Penaethiaid Gwasanaethau i Oedolion Cymru Gyfan,

Cyngor Bro Morgannwg – ADSS Cymru

Craig Macleod – Pennaeth Gwasanaethau Plant, Cyngor Sir y Fflint ac Is-gadeirydd Grŵp Penaethiaid Gwasanaethau Plant Cymru Gyfan (Pennaeth Gwasanaethau Plant Cymru Gyfan) – ADSS Cymru

Darren Mutter, Pennaeth Gwasanaethau Plant, Cyngor Sir Penfro – ADSS Cymru

Papur 7 – ADSS Cymru

Egwyl (13.30 – 13.40)

- 7 **Bil Iechyd a Gofal Cymdeithasol (Cymru): taliadau uniongyrchol ar gyfer gofal iechyd – sesiwn dystiolaeth gyda Chymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru a Chymdeithas Llywodraeth Leol Cymru**

(13.40–14.40)

(Tudalennau 78 – 84)

Jason Bennett, Pennaeth Gofal Cymdeithasol Oedolion – Cyngor Sir Bro

Morgannwg a Chadeirydd Grŵp Penaethiaid Gwasanaethau i Oedolion Cymru

Gyfan – Penaethiaid Oedolion Cymru Gyfan – ADSS Cymru

Y Cyngorydd Andrew Morgan, Arweinydd CLILC ac Arweinydd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf

Zoe Williams, Cadeirydd – Fforwm Taliadau Uniongyrchol Cymru Gyfan

Mark Cooper, Dirprwy Gadeirydd – Fforwm Taliadau Uniongyrchol Cymru

Gyfan

Papur 8 – Cymdeithas Llywodraeth Leol Cymru

8 Papurau i'w nodi

(14:40)

- 8.1 Llythyr gan y Cadeirydd at y Gweinidog Gofal Cymdeithasol ynghylch elw mewn cartrefi gofal oedolion**

(Tudalennau 85 – 86)

- 8.2 Ymateb gan y Gweinidog Gofal Cymdeithasol i'r Cadeirydd ynghylch elw mewn cartrefi gofal oedolion**

(Tudalennau 87 – 89)

- 8.3 Llythyr gan y Cadeirydd at Judith Paget CBE, Prif Weithredwr GIG Cymru ynghylch amseroedd aros gofal wedi'i gynllunio GIG Cymru**

(Tudalennau 90 – 91)

- 8.4 Ymateb gan Judith Paget CBE, Prif Weithredwr GIG Cymru, i'r Cadeirydd ynghylch amseroedd aros gofal wedi'i gynllunio GIG Cymru**

(Tudalennau 92 – 97)

- 8.5 Llythyr gan y Cadeirydd at Ysgrifennydd y Cabinet dros lechyd a Gofal Cymdeithasol ynghylch y wybodaeth ddiweddaraf am weithredu'r argymhellion yn adroddiad y Pwyllgor; 'Aros yn iach? Effaith yr ôl-groniad o ran amseroedd aros ar bobl yng Nghymru'**

(Tudalen 98)

- 8.6 Ymateb gan Ysgrifennydd y Cabinet dros lechyd a Gofal Cymdeithasol i'r Cadeirydd ynghylch diweddariad ar weithredu'r argymhellion yn adroddiad y Pwyllgor; Aros yn iach? Effaith yr ôl-groniad o ran amseroedd aros ar bobl yng Nghymru'**

(Tudalennau 99 – 105)

- 8.7 Llythyr gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyflawnder a'r Cyfansoddiad at y Gweinidog Gofal Cymdeithasol ynghylch y Bil lechyd a Gofal Cymdeithasol (Cymru)**

(Tudalennau 106 – 110)

- 8.8 Llythyr gan y Gweinidog Gofal Cymdeithasol at y Cadeirydd ynghylch Datganiad o Fwriad Polisi ar gyfer y Bil lechyd a Gofal Cymdeithasol (Cymru)**

(Tudalennau 111 – 135)

8.9 Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at y Cadeirydd ynghylch y Bil Iechyd a Gofal Cymdeithasol (Cymru)

(Tudalennau 136 – 137)

8.10 Llythyr gan y Cadeirydd at Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol ynghylch diweddariad ar weithredu'r argymhellion yn adroddiad y Pwyllgor ar ryddhau cleifion o ysbytai ac effaith hynny ar y llif cleifion drwy ysbytai

(Tudalennau 138 – 139)

8.11 Ymateb gan Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol at y Cadeirydd ynghylch diweddariad ar weithredu'r argymhellion yn adroddiad y Pwyllgor ar ryddhau cleifion o ysbytai ac effaith hynny ar y llif cleifion drwy ysbytai

(Tudalennau 140 – 154)

9 Bil Iechyd a Gofal Cymdeithasol: trafod y dystiolaeth

(14.40–14.50)

Mae cyfyngiadau ar y ddogfen hon

HSC(6) 36-24 Papur 1| Paper 1 - Action for Children

Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Iechyd a Gofal Cymdeithasol (Cymru) | Health and Social Care (Wales) Bill

Ymateb gan Action for Children, | Evidence from Action for Children

General principles of the Bill

1. What are your views on the general principles of the Health and Social Care (Wales) Bill?

AFC are in favour of the general principles of the Bill. The removal of the pursuit of profit from the 'looked after system' is the right thing to do on behalf of the children. The current system lends itself to perceiving children as a commodity, they are referred to in contractual language such as 'how many placements do you have' instead of 'how many children do you care for' this is a systemic problem. The language also needs to shift as an important cultural indicator of intent.

2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

Yes

Please outline your reasons for your answer to question 1

legislation is required otherwise change will be limited

3. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children's care home services, secure accommodation services and fostering services

We are hopeful that this will work

4. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care

workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

We support these changes

5. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

6. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

We are concerned that the transitional arrangements may not be long enough and force a crisis in the already overloaded existing provision.

Implementation and impact of the Bill

7. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

8. Are any unintended consequences likely to arise from the Bill?

The focus for children is primarily in relation to the quality of their experience, removal of profit alone does not ensure quality provision takes its place, neither does the current regulatory framework ensure quality given that outcomes remains poor . There is a risk that less provision is available in the short to medium term as the 3rd sector and LA's attempt to develop services. Fostering in particular is suffering a recruitment crisis and risk that makes this worse should be considered, also how it lands on public perceptions.

9. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

10. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

11. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

Development of the policy and legislative proposals

12. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders

AFC have been engaged in the process and have welcomed the Welsh govt's consultation

Any other issues

13. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Iechyd a Gofal Cymdeithasol (Cymru) | Health and Social Care (Wales) Bill

Ymateb gan Barnardo's Cymru | Evidence from Barnardo's Cymru

General principles of the Bill

1.What are your views on the general principles of the Health and Social Care (Wales) Bill?

The Health and Social Care (Wales) Bill comes at a critical time for care-experienced children and young people in Wales. Wales has been working towards radically reforming children's social care, to ensure that we improve outcomes and see fewer children coming into care. The number of children in care has risen by 26% since 2014 and there is significant and increasing pressure on the workforce and on the social care system as a whole.

We also know that outcomes for care-experienced young people are not good enough. As many as 1 in 4 care leavers are thought to be homeless when they turn 18. Young people in care are more likely to be exposed to bullying. Limited data that is collected suggests that care-experienced parents are more likely to have their own children removed .

We have been pleased to work with Welsh Government and other partners to work towards radical reform of children's services, although this still has some way to go. Eliminating profit has been a central plank of the reform agenda, and although we hold concerns around sufficiency, stability and ensuring adequate provision for children to be cared for close to home, we support the ambition to eliminate profit from the care of looked after children. We have given more detail below.

Please note we have shared the views of children and young people supported by Barnardo's Cymru as expressed in a focus group, as well as views held organisationally.

Notes

1. Care experienced children – statistical overview 2024
file:///C:/Users/amy.bainton/OneDrive%20-%20Barnardo's/Desktop/24-03-care-experienced-children-2024-final.pdf
2. DECIPHer, Young People ‘Looked After’ in Wales: findings from the 2017/18 Health Behaviour in School-aged Children Survey and School Health Research Network Student Health and Wellbeing Survey

2. Is there a need for legislation to deliver the Welsh Government’s stated policy intention?

Yes

Please outline your reasons for your answer to question 1

Legislative change is required to realise the ambitions of the policy, which would make widespread changes to the landscape of children’s social care in Wales. It is important for the regulator (Care Inspectorate Wales) to be engaged in the change of registration for providers, which means that legislation is necessary to ensure that the changes are effectively embedded and have the appropriate mechanisms to enforce changes across the sector in a fair and proportionate way.

3. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children’s care home services, secure accommodation services and fostering services

In 2021, the Competition and Markets Authority published a report which found several issues in the care of children looked after in Wales.

In its Wales summary² it noted “LAs must often take whatever placement is available, even when it is not fully appropriate for the needs of the child. This blunts the ability to shape the market to provide for true needs”. It also found most Welsh LAs do not attempt to actively shape the market by encouraging providers to invest in new provision. Demand for certain types of specialist provision “is too low to justify contracting a whole service to meet these needs”.

The CMA also found that the profitability of children’s homes in Wales was higher than the average across all three nations. This equated to providers of care in children’s

homes seeing profit margins of over 22% and average prices totalling £3,830 per week between 2010- 16. Fostering prices were at an average of £820 per week, with some profit margins averaging 19.4%.

The CMA also noted that “some of the largest private providers are carrying very high levels of debt, creating a risk that disorderly failure of highly leveraged firms could disrupt the placements of children in care. It is clear to us that this market is not working well and that it will not improve without focused policy reform.”

Barnardo’s Cymru supports Welsh Government’s efforts to radically reform children’s social care. As we have outlined, care-experienced children and those on the edge of care do not currently experience the outcomes that they deserve, and we support moves by Welsh Government to address this across the board. Eliminating profit is an important plank of the radical reform agenda, and Barnardo’s Cymru supports the ambition to remove private profit from placement provision in children’s social care. We hope that in the long-term, this could foster a system that delivers innovation in children’s care, and puts the child’s needs at the centre of the system we that could be designed. We hope to see opportunities to develop new ways of working in children’s services, new models of support and for children and young people to feel invested in this. We view this ambition as one that requires a systems-change approach to how we view children’s social care, and we should not be limited in our ambitions as to what this can achieve.

In a focus group of six 16-19 care-experienced young people, participants told us that they strongly support eliminating profit from children’s social care. They believe that money invested by Welsh Government and local authorities should be focused on their care and wellbeing, and not withdrawn as private profit. Young people felt that while private profit was allowed in children’s social care then there would always be someone who had an incentive for children to be in care rather than supported to remain in their families. Children and young people talked about the trust that should be developed between them and the organisations delivering their care, but that this is difficult to feel when the organisation has an incentive around private profit.

Barnardo’s believes that there were opportunities offered by the plan to eliminate profit from care to reshape our children’s social care sector and offer services that wrapped around children, that were child-centered and did not seek to try to fit a child to a service model, and to offer fostering and residential care that reflected the children and young people that we care for. We have not yet seen progress on the systems change that would be needed to deliver this and hope that there is still an opportunity to develop this new approach.

This would include developing new models of provision with partnership between local authorities and the third sector at its heart, co-produced with children and young people. We would welcome a model where providers can be brought together to contribute their expertise to developing a residential setting. For example, for a housing association to procure and maintain buildings, for social care providers to develop the workforce and manage the setting, and for other expert providers such as mental health providers to be able to support young people with specific issues or concerns, overseen by the local authority.

4. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

5. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

6. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

Implementation and impact of the Bill

7. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

Developing sufficiency and sustainability in provision

One of the main drivers for potential expenditure outlined in the Explanatory Memorandum is around capital spend on buildings from which to provide residential care. We have previously raised concerns around the ability of new, third sector providers to access appropriate buildings from which to provide residential care. We have called on Welsh Government to enable local authorities, housing associations, third sector providers and housing providers to work together on procuring appropriate buildings.

It is important that residential settings can be developed in the areas of Wales where they are needed, and we welcome the Programme for Government commitment to deliver this. 27% of children in care in Wales are cared for outside of their local authority, and 7% are cared for outside of Wales. Caring for children close to home, ensures that they can maintain links with extended family, friends, their community, continue attending their local school and maintain the support that is so vital for young people. This should be a priority for all of us with a role in caring for and supporting children and young people. Ensuring that local authorities can work with providers to develop provision in communities where children are from, as opposed to areas where property is cheaper or easier to procure, is a key part of ensuring that this policy is successfully implemented, and we are concerned that property could become a barrier to ensuring sustainable provision.

Issues within the workforce

Barnardo's Cymru is concerned that social care in Wales is not currently in a stable state from which to make a significant change. Wales is facing a social care crisis across the sector that is already having significant effects on the landscape, with a recruitment and retention crisis that is seriously hampering the sector's ability to respond to major change.

It is a concern that with the sector already being so unstable, further changes could exacerbate this, particularly if providers were to abruptly leave Wales and create further churn and staff shortages. The Explanatory Memorandum notes that it is still unclear what level of churn should be expected from the changes to the sector, although we have already seen some private providers choose to leave Wales.

Whilst private providers exiting the market may lead to staff looking for jobs with new, third sector providers, given the pressure on the social care workforce it is not unlikely that staff may choose to leave the sector completely and look for other opportunities with better pay, less risk and fewer antisocial hours, all of which are sadly the hallmarks of working in children's social care.

The social care workforce is under significant stress for a multitude of reasons including high caseloads, staffing issues, risks relating to safeguarding and much more.³

As of most recent data up to March 2022, the social care workforce is at 84,134 people in Wales, this is 7% lower than in March 2021, despite increasing need within the sector. In 2022, there were 5323 vacancies, which is 9% of the overall workforce. The vacancies experienced by local authorities have increased by 6% compared to 2021.

In 2023 social workers told Welsh Government:

- 76 per cent started working in social care because they wanted to make a difference to people's lives
- 38 per cent are dissatisfied with their current job
- 77 per cent say having too much work or not having enough time to do it causes stress at work
- 34 per cent think the right staff are in place to provide services
- 24 per cent don't feel safe at work
- 40 per cent think there are barriers to accessing training .

We were pleased to see an emphasis on mental health support for practitioners in the Social Care Workforce Delivery Plan 2024-2027, but we would urge Welsh Government to invest in new efforts to ensure that children's social care is viewed as an attractive career opportunity.

8. Are any unintended consequences likely to arise from the Bill?

There is the potential that there could be a short-term increase in the number of children in unregulated, inappropriate placements because of further pressure on the numbers of placements available. This will be exacerbated by the potential removal of private sector provision because they are better able to take decisions across wider geographical areas due to greater access to capital investment. This suggests there needs to be a staged withdrawal to enable not-for-profit providers to access capital investment and build placement provision across much wider geographical areas than currently permitted. We would welcome further guidance from Welsh Government on how the timelines attached to the change apply, and how organisations will be supported to ensure that this is a staged process.

We would also ask that Welsh Government consider additional support for providers. Quality standards should be put in place to ensure that the same high standards are met for children and young people in all settings, and that providers are supported to deliver this. We are encouraged by the start of the work on a National Practice Framework and hope that this will meet this ambition.

We would suggest that Welsh Government undertake further planning to understand the potential landscape in the aftermath of the change and taking into account the need

for plurality. Large and small third sector providers will need to feel supported to potentially enter the market, for example through capital investment and capacity building funds, and they will have different support needs to do so.

We already have a significant lack of fostering families compared to the need in Wales. Barnardo's has issued an urgent appeal for more people to come forward as potential foster parents. The pressing need for new foster carers comes at a time when Barnardo's has seen a decline in the number of people coming forward to be foster carers. With the average age of a Barnardo's foster carer aged 55 and older, the advancing age of many foster carers means an increasing number are now retiring. If more foster carers retire because of changes to the sector or IFAs leaving Wales, then we will be left with an even more urgent need for fostering families than is already the case

Notes

Social Workforce Delivery Plan 2024 – 2027, Social Care Wales

9. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

10. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

The overarching concern around costs is that it is still unclear as to how many private providers would leave Wales, with the highest cost being for local authorities to find appropriate properties for residential care.

We welcomed the 2023 – 2025 Eliminate funding grant which provided local authorities with an opportunity to bid for funding to undertake projects which would develop their sustainability and sufficiency. However, there is not always transparency as to how this funding was utilised and there has also been no further information on whether another round of funding will be forthcoming. Therefore, there are still significant concerns around the immediate impact of eliminating profit and how this will impact on children and young people

11. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

We are pleased to see that a Children's Rights Impact Assessment has been undertaken. We recognise that many children and young people see benefits to eliminating profit from their care, and that this could have a positive impact on a number of rights enshrined in the UNCRC.

However, the risks around stability and sufficiency, which we are not yet sure have been effectively mitigated, risk undermining this, at least in the short-term. We have discussed these risks at length in other sections.

Development of the policy and legislative proposals

12. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders

We have been pleased to work with Welsh Government through the Eliminating Profit Board established to work with stakeholders in the sector.

That said, the policy proposal has not yet been fully developed in the wider context of safely reducing the number of children in care in Wales, as was the original intention as part of the Cooperation Agreement. Care-experienced young people told us that more should be done to prevent children from needing to go into care in the first place. We know this is a clear intention of Welsh Government's Transforming Children's Social Care agenda and hope to continue to support these efforts.

We would welcome more emphasis within the Eliminating Profit Board on developing new models of provision. We have been pleased to see funding offered to local authorities in pursuit of eliminating profit and ensuring stability in the sector, but this funding is short-term and limited. We would like to see more leadership and direction from Welsh Government in terms of developing new models and ways of working as part of a systems-change approach to remodelling the sector as we seek to remove profit, rather than relying on local authorities to seek their own solutions, potentially working in siloes from one another.

We have been pleased that Welsh Government have also sought to hear the voices of children and young people in delivering this policy. Children and young people feel strongly about eliminating profit from care, but also the wider context around reforming the care system and that achieving this policy change should contribute towards a care system that supports more families to safely stay together.

Children and young people supported by Barnardo's Cymru told us that they felt let down by a system that did not do enough to prevent them from needing to go into care in the first place. They want to see more children supported to safely remain with their families, and hoped that by eliminating profit from care, the system would be reframed in order to focus on prevention.

Any other issues

13. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

(final part of Q6)

This would include developing new models of provision with partnership between local authorities and the third sector at its heart, co-produced with children and young people. We would welcome a model where providers can be brought together to contribute their expertise to developing a residential setting. For example, for a housing association to procure and maintain buildings, for social care providers to develop the workforce and manage the setting, and for other expert providers such as mental health providers to be able to support young people with specific issues or concerns, overseen by the local authority.

General principles of the Bill (1/4)

The Explanatory Memorandum for the Health and Social Care (Wales) Bill states that the Bill is intended to eliminate private profit from the care of children looked after, and to enable the introduction of direct payments for Continuing NHS Healthcare. It will also make amendments to ensure that the Regulation and Inspection of Social Care (Wales) Act 2016 and Social Services and Well-being (Wales) Act 2014 are able to operate fully and effectively.

1. What are your views on the general principles of the Health and Social Care (Wales) Bill?

The Fostering Network is supportive of the key principles and aims of the Bill and the rebalancing towards not for profit. We have based our submission on conversations with our members over the past two years on the benefits, risks and ways to mitigate these risks. Our members in Wales include all 22 Local Authorities, and 12 independent providers, five of which are not for profit providers. The majority of our members welcome the Welsh Government aspiration to remove profit in principle but have concerns about the timescales, impact and workability of the process.

A recent report from the Wales Centre for Public Policy which explored the opinion of experts on eliminating profit from children's social care found "consensus that there are major and longstanding issues around the quality and sufficiency of placements for children looked after, with consequent impacts on outcomes."¹ It reported that placement decisions are often based on availability rather than need. It also noted that there are increasingly more out-of-area placements which are not in the child's best interests. These challenges are further impacted by factors relating to the social care workforce where there is greater reliance on unregulated agency staff, and where private companies are entering the market for profit rather than prioritising children's outcomes. The Fostering Network echoes these concerns about the issues in children's social care, specifically within foster care, so we hope that there will be a focus alongside this Bill on improving the quality of care and sufficiency of placements to ensure the best outcomes for children.

We have some concerns around the details of the transitional processes and timeline, particularly given that the numbers of children in care in Wales are almost the highest ever, at 7,210 in 2022/23.² We believe it is important that these details are made clear with enough time for appropriate action so that there can be the least disruption to children.

Footnotes:

1 Expert-opinion-on-eliminating-profit-from-care-of-children-looked-after.pdf (wcpp.org.uk)

2 The highest ever was 7,265 in 2020/21

2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

- Yes
- No
- Don't know
- Don't have a view

3. Please outline your reasons for your answer to question 2

The Fostering Network believes that there is a need for legislation to deliver the Welsh Government's intention to eliminate profit from children's social care to ensure that this is robust. We would seek assurances that safeguards will be in place with an appropriate level of scrutiny during the legislative process. This policy intention has far reaching impacts on children and the social care system, so we believe that the legislative process and the safeguards that this will provide are crucial to ensuring that it is delivered effectively and in a way that provides improved outcomes for children.

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4. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children's care home services, secure accommodation services and fostering services

As the leading fostering charity, we answer only in relation to the extraction of profit from fostering services and outline a summary of the views of our members.

In order to prevent the dominance of large UK and international social care organisations once the Bill takes effect, it is crucial that small, community-based fostering services are supported in their not-for-profit form. These smaller services often have a strong focus on supporting children and young people to remain in their communities when safe, near their birth family and siblings. There is concern that an opportunity to protect smaller SMEs has been missed and that only legislating to remove profit is not sufficient to achieve better outcomes for children. In addition to the Bill, local authorities (LAs) need to implement stringent social value assessments for all not-for-profit children's care providers in Wales, ensuring that supply chains align with the not-for-profit ethos and preventing surplus funds from being redirected as profit for back-office support functions or salaries. Transitioning to a not-for-profit model alone is unlikely to change organisational cultures, however, commissioning arrangements can significantly influence these cultures.

We believe that eliminating profit should be the basis for ensuring the needs of foster carers and those of children are being prioritised over shareholder interests. Some of our members are concerned that LAs may not fully understand their full production costs, which could then render this approach unsustainable if this has not been accounted for correctly. Additionally, those we consulted were concerned that this could lead to a destabilised sector and fewer choices of placement for Welsh children needing foster care in turn, this could result in more children entering residential care at a younger age, or having to be placed out-of-area or outside of Wales into England, for example. We, therefore, are supportive of the intention to eliminate profit from fostering services as long as the sufficiency of foster care is thoroughly explored and understood within this context.

5. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

6. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

7. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

Implementation and impact of the Bill (2/4)

8. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

The key barriers to implementation identified by our members centre on the proposed timelines and transitional arrangements, which they do not think are currently robust enough. It is vital that these take a child centred approach and ensure that all decisions around the transitional timeframes are made in children's best interests. Our members have expressed concerns that the transitional arrangements will allow foster carers to remain registered with for-profit fostering services whilst they have a child in placement as there is currently no clear guidance on how long this should be allowed for. There is a concern that for-profit services will not be able to maintain and sustain the 'business' if they are unable to place new children, and will therefore go into administration, causing more instability for children. We would also suggest a new risk assessment is carried out by Welsh Government once for-profit providers have decided if they will transfer to charities or not in order to understand how many children will still be in placements with for-profit services.

Our members who are already charities are concerned that they have been told by Welsh Government that there is no money available to support them with the likely increase of foster carers they will have, following the transition period. This is despite LAs having been awarded circa £64m over 3 years to support the eliminate profit agenda. They believe that, if they were to be properly funded and supported, the third sector would be able to do more to increase sufficiency in a more targeted way.

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9. Are any unintended consequences likely to arise from the Bill?

We are concerned that this Bill could result in Wales having less foster carers than we have currently. This is worrying as we estimate that Wales are already in need of 400 more foster carers within the next year. It is, therefore, crucial that the transfer protocols are clear and that foster carers and fostering services are aware of the processes that need to take place. Furthermore, we know from conversations with our members that the Welsh Government and AFKA good practice recruitment guide⁴ is not being followed by LAs. Our research and FOIs carried out last year also reveal there are still many inconsistencies between LAs, including for fees and allowances which we believe will not help prevent this likely net loss of foster carers during this process.

We are also concerned about the negative impact on children and young people currently placed with foster carers who are with profit making IFAs. As mentioned above, there is a risk of instability for children and young people if the for-profit provider they are placed with does not transfer to not-for-profit and then is financially unable to sustain their provisions.

There is likely to be a worsened impact on areas where there are more profit making IFAs and higher numbers of children in care, such as Cardiff. It is vital that it is made clear how these will be supported with the transition to ensure stability for children and sufficiency of placements.

The effect on specialist placements that are often mostly or completely provided by for-profit fostering services is another area of concern. Placements such as parent and child, and placements for siblings are already difficult to secure so it is crucial that none of the current foster carers are lost during this process, and that LAs and not-for-profit providers become more able to provide these placements.

Concerns have been raised with us that when profit making IFAs transfer to not-for-profit fostering services, they may still charge high prices to LAs and reinvest their profits by paying higher salaries or investing in other ways, therefore continuing to cause the sector to be financially unsustainable. We would like to know how this will be monitored by the Welsh Government, especially for services that also operate outside of Wales and would remain profit making in other areas.

Consideration should also be made as to the impact on independent providers who are currently using a profit-making model. Members have told us they feel they are now being labelled as 'bad' and demonised for their financial model. They will need to be supported effectively to transition, to ensure that this reputation does not carry forward and have negative consequences for their foster carers and the children placed with them.

10. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

11. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

12. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

We support NYAS's submission to the Committee which states that the views or voices of the children and young people this will affect have not been adequately heard, consulted or addressed. The young care experienced people we have worked with often feel strongly that they are not listened to, so we believe it is important that this Bill does not add to those feelings.

The CRIA says "However, it is acknowledged there is a risk to placement sufficiency and stability as we build resilience and there is the potential for this to have a negative impact on children's rights and their outcomes in the short term" but the Bill or explanatory memorandum do not set out how this will be effectively mitigated. It also says that the Bill is in the best interests of the child, but we are concerned that if this is not mitigated, these proposals would not be.

Development of the policy and legislative proposals (3/4)

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13. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

We are concerned about the lack of stakeholder involvement with children and young people affected by this Bill throughout this process and believe that it is important that the voice of children is adequately heard and respected in the development of this Bill.

Many of our members have also reported that foster carers are not aware of the proposed changes and what this will mean for them, or what they will have to if they need to transfer. We have also been told by our for-profit members that their carers and staff have felt demonised, which is unlikely to help with retaining foster carers and experienced social workers during this time.

Any other issues (4/4)

14. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

Our charitable independent members have highlighted that greater scrutiny is needed in respect of the impact of funding that has already been allocated to LAs from Welsh Government. A percentage of this was meant to be for LAs to work with the third sector, however they have not seen this funding being allocated to them and would like to better understand what is happening with it.

For children in Wales to have the best possible foster carer provision available to them the focus must be on them and what they need. Positive outcomes occur when consistent, high-quality, recruitment and retention practice is embedded across all aspects of service delivery. We would advise that there is an urgent need for improved data collection, scrutiny and evaluation across the fostering sector in Wales. Without improvements to this data collection, the impact on children will not be seen.

Evidence Submission from TACT Cymru for the Health and Social Care (Wales) Draft Bill

TACT warmly welcomes the Welsh Government's aspiration to eliminate profit from children's social care and the publication of the draft bill. We understand the complex nature of this work, and the balance that is needed between removing profit from children's social care without disrupting the sufficiency of foster care and residential care for Welsh children.

Profit, in itself, is not a determinant of quality. There are many SME's in Wales, often family owned, that provide excellent care whilst making only a small profit. Supporting small community based organisations that provide a high level of social value fits with the Welsh Governments approach to foundational economics. It is important therefore that those organisations are supported in their not-for-profit form to prevent the dominance of large UK or international organisations, often with remote senior management teams based outside of Wales, that may in the future be operating as not for profit entities in Wales.

We are extremely concerned that an opportunity has been missed to safeguard smaller SMEs in Wales and to effectively end the dominance of large private capital backed IFA's. We judge that allowing the Community Interest Company option will allow a loophole for private capital IFAs to exploit. A more effective approach would have been to restrict permissible suppliers to being the State or registered charities. The smaller SMEs could be supported to obtain charitable status. Charitable status would be unacceptable to private capital backed IFA's as the asset lock and financial reporting requirements would be inimical to their business model so they would exit the sector. The Charity Commission could act a gatekeeper and policing service for the Welsh Government.

Legislating to remove profit is not the only solution. We ask that the Welsh Government also ensures that Local Authorities, through their commissioning arrangements, apply stringent social value assessments to all not for profit children's care providers in Wales. This should set minimum levels of staff that are based in Wales, including senior decision makers and back office support, and should also ensure that supply chains reflect the not for profit ethos to prevent surplus being moved out of Wales and turned into profit for back office support. TACT applies a strong social value policy to its work in Wales, over and above what is required of us in the All Wales Fostering Framework contract, reflecting our belief in the importance of local place based services. Just over 80% of our entire supply chain is from Welsh SME's and not for profit providers and we are working hard to increase that percentage. This should be expected from all not for profit care providers in Wales.

The 2024 Expert Opinions Report by the Welsh Centre for Public Policy found that staffing ratios in privately owned care providers tend to be lower than in not for profit agencies. This impacts the quality of care provided. Becoming a not for profit agency is unlikely to change management cultures of organisations who have established practices that maximise the return of cash to its centre, whether in profit or surplus form. Commissioning arrangements can do more to influence culture by mandating behaviours from senior management, such as insisting on maximum caseload levels for social workers and enforcing safe staffing ratios in care homes. Using the social partnership and procurement act to impose its social partnership duty on all children's social care providers, enforced through commissioning

arrangements, will create safer and more positive working environments, improving the quality of care and relationships for children.

We must learn from what has not worked well in other parts of the UK. In Scotland, their legislation to remove profit has resulted in a reduction in the mix of local SME providers as large UK not for profit organisations have dominated the market (reference). The Welsh Government needs to help Local Authorities to set out a long term vision for what they want the independent social care sector to look like and the mix of providers needed. Not all local authorities in Wales publish market position statements and so developing long term investment plans in those areas is risky for smaller independent providers. Investing in the right staffing, training and support for foster carers relies on knowing predicted demand and needs of children. The eradicating profit programme should now be followed up with an ambitious long term plan that provides the independent care sector with a blueprint for what local authorities need and expect from us in the long term.

Scott Ruddock, TACT Director

Mike Anthony, Wales Service Manager



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Evidence from: Nationwide Association of Fostering Providers

Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Iechyd a Gofal Cymdeithasol (Cymru) | Health and Social Care (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

General principles of the Bill

1. What are your views on the general principles of the Health and Social Care (Wales) Bill?

(This consultation response refers only to the remove profit programme)

Welsh Government was elected with a stated objective to remove profit from children's services and so has a democratic mandate to follow this through. The principle is often stated as being based on the views of children. We believe that the evidence published to support this claim is very weak. Whilst it may be true that some young people when asked specifically express objections, for most young people it is not one of the key issues that they raise about their care. As a principle, 'remove profit' fails to recognise the significant contribution made to the lives of children in foster care by independent fostering agencies (IFA) of all shapes and sizes. The principle will also not address the key barriers to improving foster care for children, including insufficient numbers of the kinds of foster carers needed by children.

2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

Yes

X No

Don't know

Don't have a view

Please outline your reasons for your answer to question 1

Legislation is not required as removing profit in foster care will not improve services for children. The focus should instead be on better commissioning by local authorities, closer regional working and a new spirit of collaboration between local authorities and IFAs.

3. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children's care home services, secure accommodation services and fostering services

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The wider context of the role that IFAs play for children in care is key here. The impact of profit (or removing profit) is not a single issue and cannot be considered in isolation. It is an issue that sits in a complex and interconnected system, not just in Wales, but across England and Wales, and the wider UK.

IFAs have consistently shown over time that they offer excellent quality care for children. Children overwhelmingly report how happy they are with IFA foster care. Inspection reports also support this view. IFAs have developed to offer services that local authorities have been unable to provide. NAPP's recent report, [Outcomes from Fostering](#), shows that the children living with IFA foster carers have higher needs than those living with local authority foster carers. Yet, despite this, those children make at least as good progress - a remarkable achievement. This is in no small part due to the consistent and professional support offered to IFA foster carers. The service offered by IFAs cannot be easily replaced or replicated by local authorities. Children in foster care would have fared much worse had it not been for IFAs.

Most IFAs are small private sector companies, though there are also not for profit agencies and larger companies, started by foster carers or social workers to provide services that local authorities were unable to provide, often taking on loans to start and develop their agencies. Profit (or surplus) is a part of reinvesting in service development and in managing financial investment at a time when the public sector has been unable to invest. And many make very small levels of profit. IFAs have taken on the risk of this investment when the public sector is not placed to. They have also invested widely in their local communities - employment, offices, supporting local charities.

There is a widespread mis-understanding of the costs of foster care. Local authorities typically fail to fully cost their own services. Providing high quality services for children with the highest needs costs more. Local authorities have funded the Children's Commissioning Consortium Cymru (4Cs) for a number of years to ensure value for money from IFAs. Their continued funding of 4Cs might imply that 4Cs have achieved this. Profit in IFAs does not lead to higher fees to local authorities. The fees charged by IFAs are not linked to that IFA being for-profit or not-for-profit. This might be counter-intuitive for some, but it is largely the case.

By giving prospective foster carers a choice between working for a local authority or an IFA, it is more possible to maximise the numbers of people who take on the challenge of

caring for children. Recruiting foster carers is very challenging. However, experience tells us that IFAs retain and recruit foster carers, in general, better than local authorities. This is not about spending. This is because of the high quality support they offer and how they work closely with local authorities to ensure that children and foster carers are right for each other (the 'match').

Taking steps to remove profit risks losing these huge gains - for children and for effective public spending.

4. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

5. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

6. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

Implementation and impact of the Bill

7. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

NAFP's IFA members care for 96% of children living with IFAs across the UK. IFAs are committed to continued delivery of their fostering services in Wales if possible and, of course, being legally compliant in the process. This is good news for children and for public spending. But the bill makes it more difficult for them to do this than it probably needs to.

The prescribed models of organisational governance identified in the bill are not sufficient for an easy transition to not-for-profit for current private IFAs. It is unclear as to why only these structures have been chosen. Additional simpler and less costly structures, such as a not-for-profit company limited by guarantee (as with NAFP), would better support an efficient transition. There are also for-profit structures, such as employee owned trusts, widely accepted as 'ethical', that have not been included where the blunt definition of 'profit' is the only criteria. It is also unclear why it was even necessary to list acceptable models. An alternative or addition would be to invite approval from IFAs of the best model for them to support the way in which they see as best to their unique service.

It is possible that either an existing or new not-for-profit IFA might look to buy a current private IFA from its owners. In this case, it would be challenging to secure such loans - they would need to look to commercial lenders. The not-for profit iFA would have to pay debt/loan interest on these funds.

As the IFAs recoup their costs from the fees charged to local authorities, the costs of transition to new structures and additional interest payments would be reflected in these fees.

8. Are any unintended consequences likely to arise from the Bill?

There is likely to be a loss of foster carers during transition. We have seen this when an IFA changes its ownership. Some foster carers see this as the appropriate time to retire or to change to a different role in their lives. They may well continue to care for children currently living with them, but choose not to take on any further children in the event of children moving on.

In a sad example for children in Wales, the Foster Care Cooperative, one of the larger nor-for-profit IFAs, decided to stop offering services in Wales during the implementation of Government's remove profit programme. This decision may have been influenced by the toxic environment stirred up by the programme. It has made it more difficult for local authorities and their IFA partners to work together. Foster carers from The Foster Care Charity were invited to transfer to Barnardo's fostering service (foster carers are self-employed). It is inevitable that there would be losses of foster carers during this change.

Funds for marketing recruitment alone are not the answer to this loss. The investment in Foster Wales to recruit local authority foster carers is unlikely to offset this loss. Fewer foster carers means less choice for children in an already challenging environment. This is potentially disastrous.

In passing responsibility for sufficiency to local authorities, the bill fails to acknowledge the huge pressures on local authorities to achieve this. Any investment in early support for families is likely to take many years before this results in fewer children in care. In some ways, it is setting up local authorities to fail.

9. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

10. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

In their study of independent children's services, the Competition & Markets Authority (CMA) did not recommend removing, capping or limiting profit. They did not find evidence that limiting for-profit provision would result in better outcomes for children and local authorities in the long term (page 83, paragraph 4.98). IFAs offer very good services, whatever their organisational model.

11. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

Development of the policy and legislative proposals

12. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders

Any other issues

13. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Iechyd a Gofal Cymdeithasol (Cymru) | Health and Social Care (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

General principles of the Bill**1. What are your views on the general principles of the Health and Social Care (Wales) Bill?**

CHA welcomes the Welsh Government's commitment to Rebalancing Care and Support, including embedding Social Value principles throughout health and social care, and improving partnerships in a mixed economy.

We fully support the Welsh Government's aspirations to improve social care arrangements and achieve the aims of the Social Services and Well-being (Wales) Act 2014. However, 'rebalancing' and 'social value' can be achieved without eliminating profit.

The eliminating profit aspect of the Bill threatens decades of evolution and expertise in children's residential care and risks worsening the sufficiency crisis in Wales with significant impact on children and young people. There is no evidence to suggest that removing private children's homes providers will enhance Social Value in the short or long term – the financial cost alone at a time of unprecedented pressure on Welsh councils suggests the opposite.

2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

- Yes
- No
- Don't know

Don't have a view

Please outline your reasons for your answer to question 1

The CHA is dedicated to supporting exemplary residential childcare and values a mixed economy of children's social care, including public, charity, and for-profit providers. Improving lives is a priority, and successful care benefits society, potentially saving over £3 million per care leaver in negative outcomes.

Recent years have seen significant changes in policy, regulation, and the needs of children in care, with independent for-profit providers developing most of the specialized care services, when public and voluntary providers were not. The sector's diversity is essential to meet the varied needs of children.

We emphasise the importance of ethical and transparent business models in a mixed economy of care. Taxes fund children's social care, so providers must contribute to the tax-funded system responsibly. Tax haven funded private equity and funding models do not align with the principles of social care. The NHS and Community Care Act (1990) that created a market did not anticipate private equity involvement and profit-making providers avoiding taxes. Profits from tax-funded services should be taxed and reinvested in quality care rather than high-interest loans.

To align with these values, the CHA updated its membership criteria to ensure that members must now:

- Be ultimately owned in the UK
- Have wholly or majority shareholders who are registered as a UK taxpayer
- Not receive loans or investments that originate from a tax haven

The CHA acknowledges that legislative change is required to tackle the unethical practice of some of the largest children's social care providers. However, it is crucial to understand the difference between 'profit' and 'profiteering'. The CHA believes that Welsh Government can meet its policy objectives without the dangerous and disruptive blanket approach of removing all profit from children's residential care, learning from changes we ourselves have made as an organisation to support social value, and looking at effective strategic commissioning and procurement strategies that seek to advance

the sector from short-term spot contracting to more sophisticated and stable partnerships.

We take a child-centred approach to policy evaluation and are concerned by any policy change that risks the well-being of children and young people. We are also concerned by the inaccurate reporting on this policy and its progress.

We welcomed the recommendations of the Competition and Markets Authority (CMA) report which, while raising concerns about the risks associated with some larger private equity owned providers (who do not represent the full spectrum of private providers in Wales), reinforced our position that the state of the market is due to many complex factors and no single solution will bring about the change required to improve sufficiency. As such, we also echo the CMA's reservations about calls to restrict profits and prices in residential childcare, given that the fundamental issue affecting children and young people is a lack of placements, and such drastic measures will reduce placements and damage sufficiency further.

3. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children's care home services, secure accommodation services and fostering services

Whilst it is positive to finally have sight of the proposed legislation, the Bill doesn't offer any further detail from what was already known. The sector is concerned with transition arrangements and implementation, and the primary legislation in its current form is too simplistic. As a result, it has reinforced or confirmed providers' plans to exit the sector.

We are also concerned about legislating a policy which will have such profound consequences on children and young people, and small and medium sized business owners across Wales. The proposed legislation and the fact that detail is not contained in the Bill about transition and implementation further reinforce our view that there is a fundamental lack of awareness by the Welsh Government of the residential childcare sector, particularly how it operates and the children it is intended to care for.

The below points from the legislation need clarifying via secondary legislation and the regulations, and it is imperative that the sector is consulted on the proposed further detail which will come out during this process. Therefore, it is difficult to determine whether the provision will meet the policy intentions.

Supplementary placements and approval for for-profit placements

Sections 1(5) and 81B stipulate that local authorities must seek approval from Welsh Ministers before placing a child in for-profit provision starting from 1 April 2027. We are

concerned about the practical implications of this requirement. Many placement decisions are time-sensitive and need to be made on the same day. The additional step of obtaining ministerial approval places significant burdens on local authorities and introduces the risk of delays. If approval is not granted within the necessary timeframe, it could force children into unregulated or unregistered settings, or a provider could take a different child if there is demand for the placement.

We therefore recommend that the approval process be delegated to local authorities. This would allow for more immediate decision-making, ensuring that placements can be secured quickly and that the welfare of children and young people is not compromised. Local authorities are well-positioned to make these decisions promptly and effectively, adhering to the necessary regulations and standards.

Transition arrangements

Section 1(3)(c) states “any such provider that remains registered but is not incorporated as a not-for-profit entity may remain registered subject to conditions imposed by regulations”. Without detail on what these conditions are, providers cannot make sound business decisions or understand how these conditions may impact their business.

Local authority sufficiency plans

Section 75A covers a duty on local authorities to prepare and publish an annual sufficiency plan. However, it is unclear what happens if a local authority sufficiency plan isn't approved, and it could imply that by proxy Welsh Government are dictating what the sufficiency plan should contain, ignoring whether it is reasonable or achievable for the local authority. Local authorities should have the trust and autonomy to determine what is in the best interests of the children in their care. We are also concerned about the additional burdens this will place on local authorities by having to produce an annual sufficiency plan, and whether this will make any material difference to achieving the policy objectives.

4. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

N/A

5. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

N/A

6. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

N/A

Implementation and impact of the Bill

7. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

Welsh Government facilitated a workshop in November 2023 with independent providers and commercial and legal experts to explore transition to not-for-profit status and reviewed Welsh Government's proposed operating models.

The survey following this workshop which asked how many providers would be willing to transition, showed that no independent providers would currently be willing or able to transition to not-for-profit structure, and would not reconsider without any further clarity from Welsh Government. A survey of Welsh CHA members in May 2022 also showed that out of 22 respondents (330 registered places), 21 would not transfer to a not for profit model.

Following publication of the Bill, CHA members do not feel that there is much further clarity for them to determine the future of their businesses, with many deciding they will exit the sector. Welsh Government has repeatedly stated that they intended to 'ensure the stability of the market and avoid disruption to existing placements for children.' If most residential childcare providers choose not to transition, it will throw into question whether the eliminate profit element of the Bill could reasonably be implemented due to unreasonable increased cost and sufficiency pressures, on local authorities and existing not-for-profit providers.

Additionally, some providers have advised CHA that some of the proposed 4 business models which would be acceptable from 2027 onwards, would in fact be illegal for them

to transition to. CHA is working with providers on this however this would be a significant barrier.

8. Are any unintended consequences likely to arise from the Bill?

It is our evidence-based view that the financial, social, and human costs of eliminating profit have been dangerously underestimated, and that the policy will not only worsen the sufficiency crisis in Wales, but directly impact the wellbeing and life chances of children and young people for whom the Welsh government has a duty of care. Further, it will create a barrier for local authorities to deliver their Statutory Duties.

The policy raises the most serious risks for vulnerable children in Wales (and risks for the English children who are placed in Wales) and an existential risk to many of the providers who care for them. Since the policy's announcement, there have been multiple anecdotal reports that disruption is already being felt, with one of the largest Fostering charities withdrawing from Wales due to the toxic environment the policy has created.

OWR

Children are being negatively affected by a sharp increase in the use of unregistered settings in Wales due to insufficient supply at a time of increasing demand. Most services operating without registration (OWR) are operated by local authorities. We are highly likely to see a further increase in children's homes OWR as providers exit the market and not-for-profit sufficiency unable to cope with demand, particularly in areas such as Cardiff.

Between 1 April 2022 and 31 March 2023, there were 92 children's homes OWR. Of these 92, only a small number became registered, half closed, and the remainder are still operating.

The CHA has submitted an FOI to Welsh Government to see the number of homes OWR in the last 2 years and how many children are living in illegal placements, directly because of this policy.

Sufficiency

It is unclear how LAs would meet their statutory duties due to the lack of provision available, and there is a significant likelihood that LAs would be in breach of their statutory duties. There is currently a lack of sufficient placements, which will be significantly exacerbated by this policy due to providers' intentions to exit the market.

Wales registered 31 new children's homes in 2022/23. This resulted in forty-five new places available for children. 5 of these (16%) were registered by local authorities. 9

children's homes closed during this period due to staffing and viability issues. 12 out of the 22 local authorities did not commission any not-for-profit provision in 2023.

There is no reported engagement or expansion of a new third sector, nor is there any significant movement from local authorities to open provision (noting the breadth of expertise that is lacking to progress this). Other key stakeholders such as Welsh LGA and ADSS Wales have also both warned about the policy implementation, particularly when we are already in an environment of severe workforce challenges and a 'pre-existing placement crisis.' Both organisations stated very clearly that "*you cannot eliminate any element of support underpinning a statutory service without first building the alternative.*"¹

Some providers are deciding not to continue to invest in Wales, withdrawing altogether or starting to restrict placements only to children from England because they feel these may be subject to longer contracts than those being offered, given the Welsh Government's intentions. Independent providers have stated they will be likely to either close or move their businesses (for example into England for those near the border) or repurpose their buildings to allow them to operate in a different sector, resulting in Wales losing decades of skills and experience that have been developed. The policy could also see an increase of staff leaving the sector, at a time when the sector is already experiencing a workforce crisis, due to concerns about job security, if providers intentions are to exit the market.

Supplementary Placements

The Bill describes how LA's must request to place children in 'supplementary placements' during the transition period from 1 April 2027. A lot, if not the majority, of placement decisions are time critical. It is unclear what will happen if Minister approval is needed on a placement and this decision is not communicated on the same day. It is likely that children could continue to be placed in unregulated or illegal unregistered, unsuitable placements that do not meet their needs. It is also unrealistic to expect for profit providers to continue to provide care for only the most complex children.

9. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

The CHA would support the affirmative procedure for the sections and powers set out in the Bill relating to the eliminate profit elements of the Bill. The affirmative procedure is particularly important when deciding timescales associated with the transition period

¹ Taken from LGA response to consultation

for current for-profit providers. Appropriate consultation generally across all areas, with sufficient timeframes to allow for meaningful engagement, is essential, particularly where additional burdens or procedures would be placed on providers and local authorities. Any areas which could be deemed controversial or will place additional burdens, as mentioned above, should be subject to the affirmative procedure.

10. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

Part of the evidence base for section 2 is the CMA report, which has been significantly misquoted. The CMA did not recommend removing, capping or limiting profit, stating: 'On this basis, we have not found evidence that limiting for-profit provision would result in better outcomes for children and local authorities in the long term' (page 83, paragraph 4.98).

The reasons for their conclusion are:

- 1) It was unclear whether this would result in significant cost saving in respect of children's homes as the private sector price is not obviously higher than local authority in-house costs
- 2) 'Eliminating for-profit provision would risk reducing supply as local authorities and voluntary providers, who may not have access to capital to create new provision, may not be able to fill the gap left by reducing reliance on for-profit provision within an acceptable timetable' (page 84, paragraph 4.100), and that significant investment from the public sector would be required to achieve the policy intentions.

Quality

Part 2's discussion on quality of provision reveals critical issues in the Welsh Government's policy argument against for-profit care providers. Both the CMA and The 4Cs found no quality issues specific to for-profit provision, noting no significant difference in quality between local authority and for-profit services. The 2023 quality performance assessment (QPA) by The 4Cs further supports this by demonstrating:

- There is no notable evidence that the size of a residential care provider or its business model impacts the delivery of quality outcomes.
- Independent Framework residential care providers can evidence consistent good quality outcomes, across all outcome areas.

- Despite the uncertainty related to the Welsh Government agenda, providers continue to evidence commitment to their young people, ensuring placement stability is prioritised.
- The monitoring of outcomes in the last decade, achieved with children looked after by independent residential providers, shows that most Framework providers consistently deliver good-quality outcomes.
- It suggests that in Framework placements, most children looked after's needs are met most of the time, in line with their care and support plans.
- Data indicate the same high-quality outcomes are achieved across all providers, regardless of their size. While the MSMEs (micro, small, medium enterprises) score slightly higher, this is not a statistically notable variation. There is a higher percentage of residential providers who are MSME's than in foster care.
- Residential providers who offer evidence based therapeutic models of care, social workers report excellent multi-disciplinary working and clear communications.
- Overall, good strategic approaches to social value were provided by a mix of MSME and large for-profit providers.

The claims in this section overlook the robust performance and commitment demonstrated by for-profit providers, as well as the nuanced needs and outcomes of the children in their care. Furthermore, the research paper quoted by the University of Oxford, which shows outcomes are worse in for-profit provision than local authority provision, has multiple methodological issues and limitations, did not use current Ofsted data and extremely relevant to the legislation, found that 'third sector services perform worse than LA provision'. Further, in the paper's conclusion the authors stated that the 'findings should not be interpreted as evidence suggesting that overall service quality will naturally improve by banning or restricting for-profit provision'

Workforce

Many workforce claims in Part 2 are unfounded and based on outdated evidence, such as the DfE's 2013 workforce census. The DfE is currently conducting a new census, with the Phase 1 results released in March of this year. Additionally, Social Care Wales's report on residential childcare managers and staff is from 2017. It is unclear why outdated evidence is used and why Welsh Government has not utilized current, credible data, especially when the sector is experiencing a workforce crisis that is significantly impacting sufficiency.

Cost

Part 2 states that the estimated cost to local authorities for implementing the policy is £185.7m - £245.5m. Of this, between £107.1m and £142.8m is related to capital costs.

Welsh Government state that there are uncertainties around other costs related to implementing the policy. We would agree with this and argue that some key costs have not been factored into the assessment, or have been underestimated, including:

- Workforce and training costs
- Wastage. There will not be success with every home that is opened, and some homes will open that will subsequently close, potentially within a short period.
- Project management costs from inception to services being online and operational. LA's will have some capacity in-house for project management; however, it is highly unlikely they will have capacity for the scale and speed required.
- Operating costs pre-opening. 60-70% of staff will need to be in place several months before a children's home opens, with managers needing to be in post up to 6 months prior to opening. Additionally, a home will not open at full capacity so will be operating with only 1 or 2 placements for a period.
- Compensation that may be legally payable to providers if they exit the market.
- Transition costs for providers. If transition costs are not funded, it is likely that these will be reflected in increased fees to local authorities.
- Additionally, costs associated with increased unregulated and unregistered placements will increase substantially and have also not been considered, with an increase in these placements already being seen as a result of the policy.

In terms of transition and costs, it is also important to factor in that providers would need to move to being a new legal entity. This would divert resources and add new pressures during this period for business to do this. Also, any transition to being a new legal entity would need to be financed and will result in a debt burden. In this situation, some providers, particularly small providers, will go from having no debt to now having significant debts.

We would also challenge the estimated figure of £177.7m-£215.3m for lost profit of for-profit providers. The lack of engagement with providers throughout the past several years makes us question how this figure has been accurately determined.

Welsh Government also state Local authorities are expected to benefit from lower outturn costs for children's care, with a saving of between £184.0m and £253.9m. We again would challenge this figure and how it has been calculated. Cost of public sector provision is consistently shown to be higher than the independent sector by between 10 - 20% as reported in the PSSRU Unit Costs Reports 2018/19/20/21. These reports are based on actual spend by all local authorities. Additionally, the Minister for Social Care

responded to a written question in March of this year, stating that ..."the average cost to an independent provider of a child placed in a registered regulated care home setting will be about £3,811 per child per week. An equivalent placement within a local authority setting will be about £5,265 per child per week on average." This represents a 32% difference in cost and does not include education or clinical therapeutic support.

CHA is undertaking further investigation on the costs presented; however, our initial view is that they are significantly underestimated.

11. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

Equality Impact Assessment

The paragraph oversimplifies the proposal's impact on equality and ignores significant challenges. It lacks evidence and specifics, failing to address potential negative consequences like provider transition difficulties and care disruptions, all of which are evidenced in the existing policy risk register. The claim about varying provider rules is vague and overlooks underlying complexities. Simply equalizing fees and rules doesn't guarantee fairness or improved care quality, and new regulations might reduce care options by burdening providers. Overall, it lacks a critical examination of the policy's feasibility and practical implications.

Children's Rights Impact Assessment

There is a very real, if not certain likelihood that Welsh Government would be in breach of Article 3 (best interest of the child) of the UNRC. It is acknowledged that the policy will have a negative impact on children's rights and their outcomes in the short term. However, we do not know with any confidence that this would be short term. If most providers decide to exit the market it is likely this would not be short term, but medium-long term as there would be insufficient placements for children, with more children ending up in unregulated and unregistered placements, and more children very likely to be placed outside of Wales into England due to sufficiency pressures.

Socio-economic duty

This impact assessment implies that staff working for not-for-profit providers would receive better pay, benefits and career aspects. There is no evidence to support this assertion and no work has been carried out on current workforce metrics to be able to come to this conclusion. In terms of access to training and CPD, as most of the experience in children's residential care resides in the private sector, it is likely that staff would find it more difficult to access training and development if the providers who offer this have left the market due to the policy.

The bill could also breach the Human Rights Act, Article 1 of the First Protocol: Protection of property. It also provides that compensation at commercial sale value is payable if the state interferes in private rights or takes the property away (for example, in effect, in this instance, reducing the value of some businesses to nil). This aspect does not appear to have been considered.

Development of the policy and legislative proposals

12. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders

Since the announcement of the eliminate policy, Welsh Government's process for policy development and implementation have been ineffective in terms of engagement, transparency, and responsiveness. It is not an example of evidence-based policy making in any form but is purely an ideological decision and has very much been developed without the support of the sector, including local authorities. The failure to involve key stakeholders and address their concerns adequately has resulted in a policy that risks being ill-conceived and harmful. The process has been marked by unproductive meetings, poor communication, and a dismissive attitude towards feedback, all of which undermine the potential success and effectiveness of the proposed policy. Below is a summary of the issues

Inadequate Stakeholder Engagement

The Welsh Government has significantly failed in its duty to engage effectively with stakeholders and providers regarding the proposed policy. Effective stakeholder engagement is essential in ensuring that policies are informed by and considerate of the practical realities within the sector. By neglecting meaningful dialogue with key parties such as providers, care home workers, and advocates for children and young people, the proposed policy risks harm to those it aims to support. This lack of engagement can lead to the development of policies that are not only impractical but potentially damaging.

Ineffectiveness of Programme Board Activities

Over the past two years, the programme board has wasted valuable time without providing stakeholders and providers with meaningful opportunities for discussion. The meetings including the workstreams were unproductive, failing to introduce new information or provide clarity on the policy details and implementation. This has resulted in frustration and a sense of being ignored among stakeholders, impeding any

meaningful progress. The lack of productive dialogue has undermined the collaborative efforts necessary for developing well-rounded, effective policies.

Poor Consultation Process

The consultation process carried out by the Welsh Government was fundamentally flawed. Effective consultation should occur at a formative stage before decisions are made and with an open mind about the outcomes. However, the process lacked transparency and inclusivity. It is unclear how key stakeholders were targeted, and important sectors such as health and education were insufficiently engaged. Many providers were unaware of the consultation until it was brought to their attention by the CHA, indicating a significant failure in communication and outreach.

Lack of Clarity and Accessibility in Consultation Documents

The consultation documents were neither in plain English nor sufficiently informative. According to established consultation principles, documents should include validated impact assessments of the costs and benefits of the options being considered. The absence of such impact assessments, particularly given the policy's impact on businesses and the voluntary sector, meant that respondents were unable to provide detailed or adequate feedback. This failure undermines the entire consultation process, rendering it ineffective and unproductive.

Ignored Concerns About Unintended Consequences and Implementation

Numerous concerns were raised by respondents about the unintended consequences of the policy and its implementation, including:

- Local Authorities' ability to meet their statutory duties.
- The potential increase in children being placed in unregistered placements, with their needs not being properly met
- Challenges in implementing the policy during a time of economic crisis.
- Exacerbation of the current workforce crisis in social care, including the loss of skilled staff.
- Uncertainty about the policy's funding.
- Issues related to cross-border placements in England

These concerns highlight significant risks and practical challenges that were not adequately addressed by the Welsh Government.

Inadequate Government Response to Consultation Feedback

The Welsh Government's response to the consultation feedback was exceptionally poor and limited. Despite acknowledging the significant challenges and concerns regarding sufficiency and implementation, the government's response indicated that the policy implementation would proceed as initially proposed, with no adjustments to the original timescales. Furthermore, Welsh Government have not engaged in discussion about workable compromise solutions that could increase the likelihood of achieving the policy intentions, such as alternative business models including Employee owned Trusts and Community interest Companies with share capital. This dismissive approach has left many CHA members feeling disappointed and ignored, further highlighting the government's failure to engage meaningfully with stakeholders and address their valid concerns.

Any other issues

13. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

The CHA has extensive knowledge of existing research - and undertaking it - on the theme of what is important to children from their care. Welsh Government claims that "feedback from children and young people suggests they have strong feelings about being cared for by privately owned organisations that make a profit from their experience of being in care". This is a finding that has never been found before in research. We are concerned about how these views were gathered from children, and if they potentially could have been primed and therefore manipulated and exploited, negating the objectivity required for research, and a missed opportunity.

Previous research has found that what is important to children from their care includes:

- Relationships with professionals and birth family achieved through placement stability
- Maintaining friendships
- Feeling safe
- Support in transitions
- Additional support with education
- Reducing stigma and labelling toward children in care
- To have the same opportunities as their non-care peers

- Respecting their views in care planning and decision making
- Information and choice about their health
- Mutual trust
- To be given a second chance.

In a 2022 Systematic Review (the Gold Standard for evidence review) of 'The experiences of young people living in residential care' concluded '*The synthesis suggests that young people's experiences of living in residential care elicited mixed perspectives from those prospering in a cooperative environment, to those who felt trapped in a system which had a perceived presence of power and control. None of the papers highlighted material needs such as clothing, food or shelter. Within this theme the unmet needs were conceptualised by the young people as being rooted in institutional and authoritarian control. Across the papers there were examples that, within residential care, shared decision making was not experienced as normative.*

A statement that reflects the synthesis:

I've never been in a situation where a social worker makes a decision and you say "Well, I'm not really happy about that." I've never heard them say "well, maybe we can negotiate". It's "well, that's the decision, that's it"

We would therefore question this as the primary evidence base for the eliminate policy, and it could be reasonably assumed that Welsh Government has purposefully created this narrative to make what is a political decision, and not something which has been formed through evidenced based policy making, seem more justified.

Written evidence on the Health and Social Care (Wales) Bill

The Association of Directors of Social Services (ADSS) Cymru and All Wales Heads of Children's Services

About Us

The Association of Directors of Social Services (ADSS) Cymru is the professional and strategic leadership organisation for social services in Wales and is composed of statutory directors of social services, the All-Wales Heads of Children's Service (AWHOCs), the All-Wales Adult Service Heads (AWASH) and tier three managers who support them in delivering statutory responsibilities: a group which consists of over 300 social services leaders across the 22 local authorities in Wales.

The role of ADSS Cymru is to represent the collective, authoritative voice of senior social care leaders who support vulnerable adults and children, their families, and communities, on a range of national and regional issues in relation to social care policy, practice, and resourcing. It is the only national body that articulates the view of those professionals who lead our social care services.

As a member-led organisation, ADSS Cymru is committed to using the wealth of its members' experience and expertise. We work in partnership with a wide range of partners and stakeholders to influence the important strategic decisions around the development of health, social care, and public service delivery. Ultimately, our aim is to benefit the people our services support and the people who work within those services.

Introduction

ADSS Cymru welcomes the publication of the Health and Social Care (Wales) Bill, which aims to improve the quality and sustainability of health and social care services in Wales. We support the overall vision and principles of the Bill, which are aligned with our own strategic priorities and values and will ensure more voice, choice and control for citizens in receipt of care and support services.

One of the key elements of the Bill is the proposal to remove private profit from the care of children looked after by local authorities. This means that only not-for-profit organisations will be able to provide residential care, foster care, and other forms of care for children who are in the care system.

This paper sets out our views on this aspect of the Bill, as well as the introduction of Direct Payments for Continuing Health Care (CHC), based on our experience and expertise as the professional voice of local government social care leaders in Wales.

Removal of profit from children looked after

Rationale and benefits

We recognise and share the policy intent behind the removal of profit for the care of children looked after. We believe that the care of children who are in the care system should be driven by their best interests, needs, and rights, rather than by financial motives or market forces. We agree that the profit motive can create perverse incentives and distortions in the provision and commissioning of care, leading to poor outcomes, high costs and reduced accountability.

In [Eliminating profit from children's residential and foster care: evidence review](#) (Welsh Government Publication May 2024)¹, researchers described strong evidence demonstrating that:

- children are more likely to be placed outside of their local area under a for-profit system
- an association between for-profit provision and poor placement quality
- an association between for-profit provision and poor placement stability and continuity.

In addition to literature reporting analysis of primary and secondary data, they analysed published sources reporting professional and policy experience, non-systematic qualitative evidence and subject-specialist journalism. These sources discuss the possible contradictions of potentially short-term private equity investment and the guiding principle of placement stability. Some sources also point to the prevalence of debt burden in the private sector.

We concluded that benefits could accrue from developing a functioning system where local authorities can more easily plan and secure appropriate care placements for children and young people. By enabling local authorities to do this more effectively, children and young people are more likely to be placed in environments that closely match their needs. This will support the overall well-being and development of children looked after, leading to better social, educational, and health outcomes and improved life chances.

A more efficiently managed market will reduce the need to place children far from their communities. By improving placement planning and capacity management, local authorities can make more placements available closer to the children's original communities.

Bringing services in-house will also support a social worker-led understanding of placement patterns. This will in time enable proactive capacity management, minimising the scramble for last-minute placements that can lead to suboptimal matches and higher costs.

¹ The topic of for-profit children's residential and foster care provision is under-researched and therefore there exists little published primary evidence pertaining to comparable outcomes, particularly from within a UK context.

Challenges and risks

While we support the policy direction and intention of removing profit for the care of children looked after, we are also aware of the significant challenges and risks that this will entail. These include:

- The transition from a mixed market to a not-for-profit model will require substantial time, resources, and planning, as well as effective communication, consultation, and engagement with all the relevant stakeholders. It will also need to be carefully managed and monitored to ensure that the quality and continuity of care for children looked after is not compromised or disrupted during the process.

We have set out in broad terms, what we perceive to be the resource implications regarding the implementation of this section of the legislation in a [Revenue Impact Assessment](#) document, which was a commissioned piece of work by the Welsh Government.

- The removal of profit may have unintended and adverse consequences on the diversity and quality of care provision for children looked after, in the short to medium term. Some for-profit providers may decide to exit the market (some have already) or reduce their services, leading to a loss of skilled and experienced staff, a reduction in the availability and suitability of care placements and an increase in the costs and complexity of commissioning and contracting arrangements.
- The responsibility and accountability for developing and providing care for children looked after will shift largely to local authorities, who will face increased pressures and expectations to ensure a sufficiency and sustainability of care provision. This will require significant investment and support from the Welsh Government and other partners, particularly at the transition phase, as well as a clear and consistent framework of guidance, regulation, and inspection.

There may be some disbenefits or trade-offs that need to be considered and addressed:

- The not-for-profit model may reduce the diversity and quality of care provision for children looked after, especially in some specialised or niche areas of care. Some for-profit providers have developed unique and high-quality care models that may not be easily replicated or replaced by not-for-profit organisations, and that may meet the needs and preferences of some children and young people better than others.
- The not-for-profit model may limit the scope and potential for innovation and partnerships in the care sector, as some for-profit providers may have more resources, expertise, and incentives to develop new and effective ways of delivering care. It may also discourage collaboration and cooperation between not-for-profit and for-profit organisations, which may have complementary strengths and assets that could benefit children looked after.

- The not-for-profit model may introduce some additional administrative and regulatory complexity and burden for local authorities and care providers, as they will have to comply with different rules and requirements for their legal and financial status, governance, and accountability. It may also create some confusion and inconsistency in the application and interpretation of the not-for-profit criteria and definition.

Conclusions on the intent of eliminating profit

Despite the challenges and risks, we believe that the removal of profit for the care of children looked after is the right thing to do. The direction and policy intent align with our vision and values to improve the outcomes and well-being of children and young people who are in the care system.

However, we must recognise that to overcome the challenges and mitigate risks there will be a need for careful planning, management, and evaluation of the policy change. We believe that the Welsh Government and legislators must consider these matters during the Bill's passage through the Senedd. In particular, the funding, construction of not-for-profit provision, and the timescales for change must be carefully considered.

ADSS Cymru is committed to working with the Welsh Government and other partners to ensure that the policy change is implemented in a way that is fair, transparent, and effective, and that it delivers the best possible care for children looked after in Wales.

Introduction of Direct Payments for Continuing Health Care (CHC)

Rationale and benefits

The Social Services and Wellbeing (Wales) Act 2014 (SSWBA) aims to give people more say and influence over their care and support. Direct Payments are a way of achieving this aim, offering a different option to the usual council arranged care and support to meet individual or carer needs. They can offer more choice, flexibility, control, holistic and alternative opportunities over the support they receive.

Continuing NHS Healthcare (CHC) is a package of care and support, arranged and funded by the NHS, where it has been assessed that the person's primary need is a health need. This is determined by consideration of the nature, intensity, complexity and unpredictability of the need. The care and support to meet these needs is free at the point of delivery, as it is NHS Funded.

Section 47 of the SSWBA states that:

"A local authority may not meet a person's needs for care and support (including a carer's needs for support) under section 35 to 45 by providing for or arranging for the provision of a service or facility which is required to be provided under a health enactment, unless doing so would be incidental or ancillary to doing something else to meet needs under those sections."

Therefore, the SSWBA makes it unlawful for local authorities to provide services which are the responsibility of the NHS. However, given the current complexities of care in the community, there has been a blurring of boundaries over recent years.

In practice, this approach has contributed to a shift of responsibility from the NHS and inpatient services to social care and community services. District nursing teams have faced long standing pressures with high demands and it is common place for there to be delays in CHC assessments and for activities to be delegated to care staff that a decade or so ago would have been delivered directly by nurses. Similarly, nursing homes can struggle to attract and retain qualified nurses, leading care providers to accept people with increasingly complex needs with “residential” settings rather than “nursing care”.

This system shift has occurred gradually overtime and is potentially on an unconscious level. Practitioners are now very familiar with complexity and can consider some things now to be routine that would have previously considered as complex, this can lead to an unconscious bias for Multi-Disciplinary Team's (MDTs). Moreover, when considering thresholds for CHC, the potential for scores to be lower than the empirical evidence would suggest that the MDT's can also be led to consider tasks as “social care”. It is important to note that the threshold for CHC and the responsibilities of social care in law have not been changed, so we need to work with MDTs to guard against this drift.

Our members are aware that there are cases where citizens in receipt of social care have been wary of accessing CHC because they worry about losing their choice; autonomy; their Personal Assistants (PAs); and the ability to decide who delivers their services and where.

Therefore, we agree with the Welsh Government's assessment that as a concept, the introduction of Direct Payments for CHC aligns with the key aims and principles of SSWBA by improving voice, choice and control for people who are in receipt of care and support and have a primary health need. Moreover, it also addresses the recommendation from the Audit Wales Report, which acknowledges that Direct Payments not only allow those in receipt of care and support more control over decision making for their care needs but it ensures that their carers also have that locus of control, which is extremely well valued.

However, from a local government perspective, the fundamental benefit of allowing health boards to use Direct Payments for CHC cases is that it will enable care arrangements to remain in place when a recipient of an established Direct Payment social care package becomes eligible for CHC. That will reduce bureaucracy and ensure constancy and continuity of care.

For example, if we look at employee arrangements, currently, in order to preserve continuity of care and employment arrangements with PAs, local authorities are having to be creative by exploring various options such as recharging health boards or consider PA's transferring into the employment of health boards. Whilst such arrangements have achieved success for the person in receipt of care and support, the added complexity of much discussion, negotiation and the establishment of bespoke agreements between the statutory bodies, take up valuable time and

resource that would be better served if focused on ensuring the needs of the person continue to be met and the carers receive the required training and support.

Challenges and risks

Of course, there are a number of challenges and risks to implementing this element of the legislation that need to be explored during the scrutiny process, which include:

- Quality of care may suffer if the care being provided cannot be assured as being to the required standard or is not regulated. For example, one of the challenges of moving to Direct Payments through CHC is how to ensure that health boards have clear governance structures in place for delegation of appropriate tasks to PA's. This is important because the health-related needs and tasks they do may depend on the local health board's direction and control, not the individuals. This is an area that needs more clarity.
- Families may not be able to find suitable services or PAs who can meet their needs, especially given current capacity challenges in the social care system.
- Families or individuals may not want the responsibility of becoming an employer or may struggle with managing a PA via Direct Payments, with the associated reporting of working hours etc.

The recommendation to use the existing services and options that councils offer for those who receive care and their carers who need help with being an employer and accessing the right training and support is welcome. This should allow consistency for those who move between social care and CHC Direct Payments and let them maintain their current relationships and support and avoid repeating the same things for themselves and their families.

However, this may require health boards to enter into a partnership arrangement with their local councils, or to purchase this service from the council, or there is a risk that two different providers or organisations are chosen, which could complicate things for the person in receipt of care and not take advantage of the benefits of scale and avoiding duplication. If health boards want to use the current council support around Direct Payments, then this extra capacity will need to be fully costed and funded.

- Those who are in receipt of care and support and have a primary health need could suffer adverse outcomes if they are not supported to make good decisions on how to spend Direct Payments.

Conclusions on the intent of Direct Payments for CHC

We support the aim of the Bill in relation to CHC Direct Payments but it is vital that this change comes with a significant improvement in how CHC works in practice. CHC is currently not applied consistently across Wales, with variation of interpretation between health boards. The Government's RIA indicates that there will be a three-year transition period for those who get social care Direct

Payments to switch to CHC Direct Payments, which means that CHC decisions will still affect council budgets negatively for some time. A central hub could ensure uniformity in how Direct Payments are delivered once CHC eligibility has been assessed and confirmed at a local level. However, this may not address the problems faced by councils who report that CHC only accepts responsibility for higher levels of health need than before, while the legal and policy standards have not changed, resulting in costs for services falling unfairly on councils.

Item 7



WLGA response to the Health and Social Care Committee's consultation on the Health and Social Care (Wales) Bill

June 2024

About Us

The Welsh Local Government Association (WLGA) represents the 22 councils in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.

The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.

The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales.

Introduction

The Health and Social Care (Wales) Bill aims to implement reforms in the social care sector. Its primary objectives are to eliminate private profit from the care of children looked after, ensuring that all public funds are reinvested into improving care services and outcomes for these children, and to grant individuals more control over their healthcare by enabling direct payments for continuing healthcare. This allows recipients, particularly those with long-term health conditions and disabilities, to choose their care providers, aligning continuing healthcare with existing social care options.

The WLGA welcomes the publication of the Bill and generally support the overall vision and principles set out. The WLGA appreciates this move is part of a wider strategy to enhance the quality, consistency, and accountability of services provided to citizens across Wales. In the longer-term we understand these measures will contribute to a more equitable, efficient, and effective health and social care system in Wales, ensuring more voice, choice and control for citizens in receipt of care and support services.

Whilst local government supports the overall ambition which the Bill aims to enable delivery of, there is also a need to be mindful of the extremely challenging context in which services are currently operating and the significant financial constraints facing public services. These will all have a significant bearing on council's abilities to implement the changes necessary

and across the specified timescales, particularly in relation to the proposals to eliminate private profit. We therefore welcome the opportunity to respond to the Senedd Committee's consultation on the Bill with this response focussing in particular on the provisions in relation to eliminating private profit from the care of children looked after and introducing direct payments for continuing healthcare.

Eliminating Private Profit from the Care of Children Looked After

Risks, Challenges and Financial Implications

There are significant challenges facing children's services, from sufficiency of the workforce, to a need for additional funding to meet the additional demands, to the lack of appropriate preventative services or placements available. The WLGA has welcomed the opportunity to engage with Cabinet Secretaries, Ministers and Welsh Government Officials on the wider Transformation Programme for children's services which includes the commitment to remove private profit.

In particular, while local government has previously outlined its support towards the commitment to remove profit, we have also been clear that there remain concerns about the resources and capacity available and the timescales being worked towards in achieving this ambition. It is essential to make sure that the actions and plans put in place to take this forward ensure councils are able to do so safely, without destabilising either current placements or the work that is underway in developing suitable local and regional supply of appropriate placements. With the expectation that councils will need to consider how to rebalance residential provision to new / expanded local authority / regional and not for profit provision it is critical that the market transition ensures placement sufficiency across the spectrum of children's placement requirements.

It is also important to recognise that this programme of change takes place within the context of existing placement and system pressures with evolving learning and practice where operating without registration (OWR) arrangements are sometimes necessary and used as a last resort. This underlines the challenge ahead to successfully plan, design and implement the commitment.

Transitioning from a mixed market to a non-profit model will demand significant time, resources, and planning. Effective communication, consultation, and engagement with all involved parties will be crucial, along with careful management and monitoring to ensure that the quality and continuity of care for children looked after remains uncompromised during the process. Throughout there will continue to be the risk that some for-profit providers might exit the market or reduce their services, resulting in the loss of skilled staff, fewer suitable care placements, and increased costs and complexity in commissioning and contracting.

If current for-profit providers decide to exit the market or reduce their services, there is a risk of a sudden and critical shortage of placements, especially for children with complex needs. This could drive up costs for councils as they may need to locate or create new placements, likely at a higher expense than existing ones. Additionally, with fewer placement options, children might need to be placed farther from home or in settings that are not ideally suited to their needs.

There is also a risk in relation to the workforce, with the shift towards a not-for-profit model potentially exacerbating existing pressures on the social care workforce. There is a risk that highly skilled professionals may be reluctant to transition to local authority or not-for-profit settings. Any loss of talent and skills would have a negative impact on the quality of care and innovation within the sector. Additionally, if not-for-profit providers choose not to develop children's residential services the burden and responsibility will fall to councils to develop additional provision through the direct provision of children's homes. Along with the additional costs associated with establishing this provision will come the need to adequately staff these homes and the challenges of recruiting and training appropriate, experienced and qualified workers.

The Regulatory Impact Assessment (RIA) that accompanies the Bill identifies significant transitional costs associated with this element of the Bill. It is estimated that the cost to local authorities for implementing the policy is £185.7m - £245.5m. Of this between £107.1m and £142.8m is the capital cost to purchase and refurbish properties to replace capacity that is expected to be lost when for-profit providers exit the market in Wales (or not able to operate). It is anticipated that these costs will be borne out over a three-year period (2025-26 to 2027-28). The RIA recognises however that there is a degree of uncertainty around these costs for this element of the Bill. For example, at this stage it is unclear as to the number of existing providers in the for-profit sector who will establish themselves as one of the four not-for-profit entities set out in the Bill. This makes understanding the true cost of implementation difficult to ascertain.

It is clear however that significant investment from Welsh Government will be required at a time when resources will be stretched more than ever according to independent economic forecasting organisations such as the Institute for Fiscal studies (IFS). Capital funding has been a specific constraint for the Welsh Government in the past and the outlook for both capital and revenue funding is bleak. This also comes at a time when council budgets are already under significant strain. During 2023-24 alone councils faced additional in-year pressures amounting to £219m, 50 per cent of this is attributable to social services pressures and builds on a £93m social services overspend in 2022-23. In 2024-25 social care budgets are facing an estimated pressure of £261m. In 2025-26 this will be £187m and £197m in 2026-27. Cumulatively, across all services, the pressures building up in the system across local government, and the resulting budget gap, means that the outlook is extremely stark and the options for many local services will be unpalatable. This will inevitably have an impact on the capability and capacity of councils to deliver existing services, let alone look to further invest in, develop and enhance provision.

Whilst the RIA sets out that this cost to councils is expected to be at least partially offset by a reduction in outturn costs, this is calculated over a 10-year period. Experience shows that this will be cost avoidance rather than cashable savings. Even if this were to be achieved, and there is no certainty this will happen, it does not take away from the substantial upfront capital investment that is required. Some authorities are working on business cases where the outlay is as high as £1 million per property and this will vary across Wales. It is also important to note that the ADSS Cymru report which accompanies the RIA and considers some of the cost implications highlights that some of the operational savings that have been identified with moving to a local authority model from a for-profit model are contested. In addition, the Competition and Markets Authority (CMA) report referenced throughout the RIA found that the cost to local authorities of providing their own children's home placements is no lower than the cost of procuring placements from private providers, despite prominent

levels of profit. Again better evidence might be drawn from local authorities who are currently bringing the service in-house.

This all underlines the importance of appropriate levels of investment from Welsh Government to support and enable implementation. There is a need to be clear, as early as possible, about what funding will be provided and when it will be available to enable planning, particularly given the lead in times required to develop new provision of residential services. As hinted above capital funding might be scarce and the Welsh Government might consider using revenue to cover the capital financing costs like it did with highways through the Local Authority Borrowing Initiative some years ago. Throughout implementation it is vital that this is kept under review and monitored in order to reflect the true costs associated and that appropriate levels of resource are made available as required.

Provisions to Eliminate Private Profit from the Care of Looked After Children

In a joint submission with ADSS Cymru, the WLGA responded to the original consultation on the proposals to remove profit from the care of children looked after. This response highlighted the significant levels of investment that might be required to successfully implement the commitment. It also raised concerns about some elements of the proposals, including timescales, definitions of terms (e.g. ‘not for profit’) and proposals that would place a restriction on local authorities to commission placements from ‘not-for-profit’ organisations only, regardless of where that placement was.

As the Bill is drafted, some of these concerns have been addressed to some extent. The Bill sets out a definition for what will constitute a ‘not-for-profit entity’. This provides those for-profit providers operating some greater clarity around future expectations. Though there are significant concerns, particularly at this stage in relation to residential placements, over the number of providers who may not want to change their model of provision and what impact this would have on the availability of placements for children and young people in Wales. There will be a need to further consider whether these definitions provide enough scope for providers to be able to operate as a not-for-profit entity.

The original consultation proposed a firm timescale that all current providers would have to move to a not-for-profit position by April 2027. It is welcome that this position has now changed and the Bill sets out that in order to mitigate disruption to the lives of children in existing residential and foster care placements, transitional arrangements will allow a registered for-profit provider of a restricted children’s service to continue operating after the provisions have come into force, providing a level of reassurance. This will be subject to conditions imposed by regulations and it is essential councils are engaged in the development of these regulations, with flexibility built in to be able to adapt to how the market responds to the legislation.

As drafted the Bill also sets out that if a local authority considers that none of the available not-for-profit placements would be consistent with the child’s well-being it will be able to place the child in a “supplementary” (for-profit) placement. While this provides a level of reassurance that if a suitable placement was not available to meet any specific needs of a child, there is some flexibility in the system to be able to utilise a for-profit placement. Given that the Bill also sets out that any supplementary placement will be required to be approved by the Welsh Ministers, it is essential that further detail and clarity is provided on how this will

work in practice, without leading to delays or having a detrimental impact on the child or young person.

The transitional provisions will also prevent existing ‘for-profit’ providers from registering new homes or approving new foster carers. Care will need to be exercised that as a result of these transitional provisions existing providers, upon which there will still be reliance on, do not become unsustainable, having a further detrimental impact on our overall placement capacity. For Foster Carers registered by private providers who decide not to transfer to one of the four models there will be a need to consider how they can be transferred to council or other provider provision. Normally, this would involve re-registration which would risk existing Foster Carers deciding not to go through what can be a lengthy process again at a time when we know there is growing demand. Therefore, it would be helpful to consider and have in place a process for legacy Foster Carers so that with minimum disruption they are able to carry on their role.

As currently set out there is no timeframe for the length of the transition period, however the costings set out in the RIA imply that this could be over a 3-year period. With the amount of work required to take this commitment forward and the need to avoid as much disruption as possible there is a concern that this would be an overly ambitious aim. The experience of council’s currently developing their own provision is that a longer period of time will be needed. It is essential that the transitional period, along with the financial costs and implications are monitored closely with adequate timescales applied. This will need to take into consideration a range of factors including the level of demand for placements in restricted services, and the speed of replacement of for-profit by not-for-profit provision. Any decision to bring this transition period to a close will need to be informed by close engagement with councils and careful consideration of children’s rights under Article 8 of the UNCRC.

Introducing Direct Payments for Continuing Health Care (CHC)

A key principle of the Social Services and Wellbeing (Wales) Act 2014 is for people to have more choice and control over their care and support. Direct Payments have been an enabler in delivering on this principle, providing an alternative to more traditional council commissioned care and support to meet individual or carer needs. They can provide more choice, flexibility, control, holistic and alternative opportunities over the support they receive.

As evidenced in the Heath and Social Care (Wales) Bill documentation following previous consultations, individuals and carers on social care Direct Payments have sometimes been reluctant to access CHC because they fear losing their choice; autonomy; their Personal Assistants; and the ability to determine who provides their services and where. Fear of being forced to go to a care or nursing home rather than remain in their own home and in their own community to the detriment of their mental health and increased loneliness due to being away from family and friends has also been highlighted.

Continuing with social care Direct Payments when the reasons for care are primarily health, and CHC should be providing support and services, risks deteriorating health and an increase in health and care needs. In addition, for some individuals this will also mean they are also contributing to their own care costs when they should not.

The WLGA is supportive therefore of the inclusion of introducing Direct Payments for CHC to meet the needs of those eligible for CHC. Having more control over health and care delivery should support individuals to have autonomy and the opportunity to participate more fully in advocating their interests, including being involved within their own identified communities. The introduction of direct payments for CHC will also meet the recommendation from the Audit Wales Report which recognised that people who receive CHC via Direct Payments would have greater voice, choice and control in decision making. The report also identified how highly valued Direct Payments are by services users and carers.

However, there are a number of issues that will need to be taken into consideration to best support the transition to Direct Payments through CHC. For example, Personal Assistant's are not currently subject to the same registration and regulatory requirements as others in the social care workforce. The complexities and the needs being health related may mean that due to some tasks needing to be completed that this may need to be reviewed, especially if the local health board directs and controls the tasks a Personal Assistant completes. The current exceptions may no longer be applicable due to their actions not being under the direction and control of the individual. This is an area that will require further clarification.

While we are supportive of the intent behind the Bill it is essential that this change be underpinned by a significant change in practice and implementation of CHC, with on-going challenges experienced with CHC in its practice and implementation. The current implementation of CHC is not consistent across Wales with different thresholds being applied by local health boards. The RIA itself suggests that there will be a three year transition stage for the movement of those in receipt of social care Direct Payments to move to CHC Direct Payments meaning that there will continue to be a period of time where CHC decisions have a detrimental impact on council's budgets. The creation of a central hub could ensure that there is consistency in the delivery of Direct Payments once eligibility for CHC has been assessed and proven at a local level. This however is unlikely to solve the issues being experienced by councils who report that the level of health need before CHC accepts responsibility is increasing whilst the legal and policy thresholds have not changed, meaning that costs for provision of services inappropriately fall to councils.

The current lack of consistency leaves individuals and families at a disadvantage, and potentially adds to the justification and reasoning for not applying for CHC, alongside the issues raised around autonomy, choice and independence. The implementation of the Health and Social Care (Wales) Bill, the introduction of a Central Hub for CHC Direct Payments and the Health Service Procurement Reform in Wales provides an opportunity to reset and to provide clarity, transparency, consistency and efficiency across the CHC system.

There is concern that the current system will continue with health and councils using two different systems and processes. How the transition will be managed between the two systems and processes, whilst ensuring no individual is left with no funding and support during the transition phase will be important to set out. This should include any complaints process for individuals and an effective process to resolve disputes and challenges for non-compliance.

The suggestion that services to support individuals and carers with the practicalities of being an employer and ensuring appropriate training and support is available be utilised through existing organisations and routes being utilised by councils is welcomed. This should allow consistency for those moving between social care and CHC Direct Payments and allow

existing relationships and support to continue and reduce duplication for individuals and their families. However, for this to be achieved it may be appropriate for CHC to commission this element via the council, or the risk is that two different providers or organisations are chosen adding to the individual's burden and not taking advantage of economies of scale and reducing duplication. If CHC is to utilise the existing council support around Direct Payments then this additional capacity will need to be fully costed and funded.

We fully support the proposal to introduce Direct Payments for CHC and for the opportunity for people to continue to have their autonomy and choice, whilst accessing the correct funding source for their health and social care needs. It will be vital that any guidance is robust and its implementation monitored to ensure consistency and fairness across Wales.

**Y Pwyllgor Iechyd a
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Dawn Bowden AS

Y Gweinidog Gofal Cymdeithasol

22 Mai 2024

Annwyl Dawn,

Elw mewn cartrefi gofal oedolion

Yn ystod trafodaeth ddiweddar y Pwyllgor o'i flaenraglen waith, cododd rhai Aelodau bryderon am yr elw sy'n cael ei wneud gan rai cartrefi gofal oedolion, gan nodi adroddiad y Ganolfan ar gyfer Atebolwydd ac Ymchwil Treth Gorfforaethol Ryngwladol (CICTAR) (2023) ar godi elw trwy eiddo tiriog cartrefi gofal. Mae adroddiad CICTAR yn canolbwytio ar elw un darparwr cartrefi gofal mawr, 'Care UK', sydd â chadwyn o gartrefi gofal ledled y DU, gan gynnwys dau yng Nghaerdydd.

Rydym yn ymwybodol nad yw darparwyr mawr fel y rhain ond yn rhan fach o'r farchnad cartrefi gofal yng Nghymru, a bod y mwyafri o gartrefi gofal i bobl hŷn yng Nghymru yn eiddo i berchennog unigol sy'n berchen ar un cartref gofal neu'n eiddo i berchennog sydd â llai na phum cartref gofal. Yn 2020, roedd cartrefi gofal sy'n cael eu rhedeg gan awdurdodau lleol yn llai na 9 y cant o gyfanswm y lleoedd mewn cartrefi gofal sydd ar gael yng Nghymru.

Mae'r Pwyllgor hefyd yn ymwybodol o waith y Grŵp Arbenigol ar Wasanaeth Gofal Cenedlaethol, a datganiad Llywodraeth Cymru ym mis Mawrth 2024 ynghylch sefydlu'r Fframwaith Comisiynu Cenedlaethol y bwriedir iddo bennu'r egwyddorion a'r safonau ar gyfer arferion comisiynu.

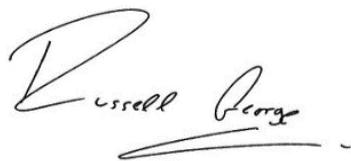
Yn 2003, yn eich cynllun gweithredu cychwynnol tuag at wasanaeth gofal a chymorth cenedlaethol, cyfeiriwch at rai o argymhellion y Grŵp Arbenigol, gan nodi y byddwch yn bwrw ymlaen â'r gwaith a gychwynnwyd o dan y rhaglen Dileu a'r rhaglen Ailgydbwyso Gofal a Chymorth er mwyn egluro 'elw' a nodweddion sefydliadau nid-er-elw.



Gyda hyn mewn golwg, byddem yn ddiolchgar pe byddech yn nodi, yn fanwl, safbwyt presennol Llywodraeth Cymru ar rôl elw yn y farchnad cartrefi gofal i oedolion, gan gynnwys eich barn am adroddiad CICTAR ac a oes gennych unrhyw gynlluniau i weithio tuag at ddileu elw ar draws y sector gofal i oedolion.

Yn ogystal, byddem yn ddiolchgar o gael eich ymateb i'r argymhelliaid gan y Grŵp Arbenigol y dylai Llywodraeth Cymru gomisiynu ymchwil i feintioli lefelau gwariant a gollwyd i'r sector drwy elw, mecanwaith comisiynu, elw a wneir gan ecwiti preifat ar gyfleusterau gofal, ac ar gynnal a chadw diwydiant rheoleiddio i fonitro darparwyr.

Yn gywir,



Russell George AS
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

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





Eich cyf/Your ref DB-PO-0162-24

Llywodraeth Cymru
Welsh Government

Russell George AS
Pwyllgor Cadeirydd, Iechyd a Gofal Cymdeithasol
Senedd Cymru

13 Mehefin 2024

Annwyl Russell,

Diolch i chi am eich llythyr dyddiedig 22 Mai 2024 ar ran y Pwyllgor Iechyd a Gofal Cymdeithasol. Byddaf yn ymdrin â phob un o'ch pwyntiau yn eu tro.

Ar hyn o bryd, mae'r rôl elw o fewn y farchnad cartrefi gofal i oedolion yn wahanol iawn i'r rôl elw ym maes gofal plant. Mae hyn yn rhannol oherwydd y math gwahanol o angen rhwng y ddwy farchnad, maint ac ehangder y gwasanaethau a ddarperir. Lle mae tebygrwydd, wrth gwrs, mae'r rhain yn tueddu i fod ar lefel yr wyneb ac mae gwahaniaethau mwy swyddogaethol.

Y ffactorau y gellid barnu eu bod yn neilltuol yn y farchnad gofal cymdeithasol i blant, ac sy'n nodweddiadol o'i gyflwr gweithredu cyfredol (a'i atyniad i bob golwg, ar gyfer ecwiti preifat), yw: (i) ei faint cymharol fach, (ii) y diffyg rhagweladwyedd i bob awdurdod o lefel yr angen am lleoliadau cartrefi plant a lleoliadau maethu o bryd i'w gilydd, (iii) pa mor gyflym y gall trefniadau dorri i lawr a'r brys dilynol i'r awdurdodau lleol ddod o hyd i ddewisiadau amgen, sy'n gogwyddo'r farchnad o blaids darparwyr, (iv) cost uchel lleoliadau, sy'n ei gwneud yn anoddach i gomisiynwyr ddal cronfa strategol wrth gefn yn ôl, a (v) yr anhebygolrwydd o allu gwneud arbedion maint mewn lleoliadau cartrefi plant oherwydd y mathau o blant y mae arnynt angen lleoliadau cartrefi plant yw'r rhai y mae eu problemau cymdeithasol/emosiynol/ymddygiadol yn golygu bod rheoli eu hanghenion o amgylch plant eraill ag anghenion tebyg mewn llawer o achosion yn debygol o wneud y dasg yn llawer mwy anodd. Nid yw llawer o'r ffactorau hyn yn gymwys, i'r un graddau o leiaf, i ofal oedolion.

Gan ymchwilio i hyn yn fanylach, yn ymarferol, mae gofal cymdeithasol pob plentyn yn cael ei ariannu gan y wladwriaeth (mae a.85 ac Atodlen 1 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 yn caniatâu gofyniad ar gyfer cyfraniadau tuag at gynnal a chadw plant sy'n derbyn gofal, ond anaml iawn y defnyddir hyn), tra bo disgwyl i bob oedolyn gyfrannu at ei gostau gofal a chymorth ar sail prawf modd os ydynt mewn gofal a gomisiynir gan yr awdurdod lleol. Ond mae presenoldeb hunanariannu sylweddol hefyd mewn gofal cymdeithasol i oedolion, naill ai drwy'r rhai sy'n ariannu eu gofal eu hunain yn dilyn asesiad gan yr awdurdod lleol yn seiliedig ar eu hanghenion neu'r rhai sy'n trefnu eu gofal yn gwbl breifat heb unrhyw ryngweithio â chymorth gwasanaethau cymdeithasol yr

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

Tudalen y pecyn 87

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

awdurdodau lleol. O'r herwydd, nid oes capaciti i wneud lleoliadau preifat mewn gofal cymdeithasol i blant tra bo hyn yn bosibl yn achos gofal i oedolion. Mae hon yn ystyriaeth allweddol wrth benderfynu ar rôl elw yn y farchnad cartrefi gofal i oedolion lle y mae unigolion yn rhydd i wneud dewis ar leoliad a'i gost.

Yn ogystal, mae gwahaniaethau sylweddol o ran graddfa. Yn 2023 roedd tua 22 gwaith cymaint o leoliadau preswyl i oedolion ag i blant, er enghraifft, a bron i bedair gwraith cymaint o ddarparwyr¹. Mae ehangder y mathau o ddarpariaeth hefyd yn fwy mewn gwasanaethau oedolion, ac mae'r gwasanaethau a ddarperir ar gael yn rhwyddach mewn ystyr ddaearyddol sy'n golygu bod oedolion yn fwy tebygol o dderbyn gwasanaethau gofal a chymorth yn agos at ardal eu cartref. Er bod polisi Llywodraeth Cymru, wrth gwrs, yn ceisio sicrhau bod plant yn cael yr un cyfle, mae lleoliadau yn seiliedig ar argaeledd yn hytrach na lleoliad. Mae mynd i'r afael â hyn yn un o egwyddorion allweddol ein cynlluniau i drawsnewid gwasanaethau plant, er enghraifft drwy annog mwy o awdurdodau lleol i ddarparu gofal yn uniongyrchol. Nid yw'r materion hyn, yn gyffredinol, yn dod i'r amlwg ym maes gofal cymdeithasol i oedolion ac eithrio (yn anochel) lle mae'n arbenigol iawn.

Mae gwahaniaethau sylfaenol, materol, strwythurol ac eraill rhwng gofal cymdeithasol plant ac oedolion sy'n golygu ei bod yn rhesymol trin y ddwy ran o'r sector yn wahanol. Mae hyn, o'i ystyried ochr yn ochr â'r uchod, ein gwraith hyd yn hyn ar ddatblygu polisi mewn perthynas â dileu elw o ofal plant yn awgrymu, felly, nad yw elw gormodol yn broblem yn gyffredinol yn y sector gofal cymdeithasol i oedolion a'i fod yn bwynt o wahaniaeth sylweddol rhwng darparwyr gofal cymdeithasol i oedolion a darparwyr gofal cymdeithasol i blant yng Nghymru ar hyn o bryd. Yn hyn o beth, mae cyfiawnhad sy'n seiliedig ar dystiolaeth dros wahaniaeth mewn triniaeth rhwng gofal cymdeithasol i blant, gyda sail ar gyfer bwrw ymlaen mewn perthynas â gwneud elw o fewn y sector gofal cymdeithasol i blant nad yw'n cael ei ailadrodd mewn perthynas â gofal cymdeithasol i oedolion. Nododd y Grŵp Arbenigol a ffurfiwyd i wneud argymhellion i'r Gweinidogion ar greu Gwasanaeth Gofal Cenedlaethol i Gymru hyn yn ei [adroddiad](#) hefyd, gan ddweud, "Oherwydd cymhlethdod a natur y ddarpariaeth bresennol i oedolion, nid yw'n dilyn yn awtomatig y bydd yr un llwybr yn cael ei ddilyn ar gyfer gwasanaethau oedolion...". Er fy mod yn nodi adroddiad y Ganolfan Atebolwydd ac Ymchwil Treth Gorfforaethol Ryngwladol (CICTAR) a phryderon rhai o Aelodau'r Pwyllgor, rwyf yn cytuno'n gryf nad yw darpariaethau megis Care UK yn cynrychioli ond cyfran fach o'r farchnad cartrefi gofal yng Nghymru. Rwyf wedi cyfarwyddo fy swyddogion i gadw golwg ar y sefyllfa, a byddwn yn parhau i ystyried y sector yn ei gyfarwyddwr wrth i ni fwrw ymlaen â'n cynlluniau uchelgeisiol sy'n seiliedig ar weledigaeth syml: sbarduno gwelliant yn narpariaeth gofal cymdeithasol yng Nghymru er mwyn sicrhau canlyniadau, mynediad a phrofiad gwell a mwy cyfartal i ddefnyddwyr gwasanaeth ar gyfer pobl Cymru.

O ran y cais am ymateb ar argymhelliaid y Grŵp Arbenigol, rwyf yn falch iawn o ddweud bod ein [Cynllun Gweithredu Cychwynnol](#) wedi'i gyhoeddi ym mis Rhagfyr 2023, ac mae'n nodi sut y byddwn yn ystyried ac yn bwrw ymlaen â'r uchelgais ar gyfer Gwasanaeth Gofal Cenedlaethol sy'n cyd-fynd â'r argymhellion yn adroddiad y Grŵp Arbenigol. Hoffwn achub y cyfle hwn hefyd i ddiolch i Cefin Campbell AS am ei gyfraniad a'i gymorth yn hyn o beth fel yr Aelod Dynodedig ar y pryd, ac er bod y Cytundeb Cydweithio wedi dod i ben, mae gwraith Llywodraeth Cymru yn parhau. O'r herwydd, fy nymuniad o hyd yw bwrw ymlaen â'r argymhellion tuag at Wasanaeth Gofal Cenedlaethol.

Mae llawer o'r argymhellion a gyflwynwyd i'r Gweinidogion gan y Grŵp Arbenigol yn ffurfio Cam 1 (2022-2025) o'n cynllun gweithredu. Dim ond y dechrau yw hyn, wrth gwrs, gan fod ein cynllun gweithredu yn rhychwantu 10 mlynedd, gyda Cham 2 yn cael ei gyflwyno dros 2026-28, a Cham 3 yn cael ei gyflwyno o 2029 ymlaen. Bydd yr hyn a ddysgwu o Gam 1 yn

Ilywio'r Adolygiad nesaf o Wariant nesaf a datblygu Cam 2, yn dilyn etholiad nesaf y Senedd a drefnir ar gyfer 2026.

Mae'n anochel y bydd hyn yn golygu na fyddwn yn bwrw ymlaen â holl argymhellion y Grŵp Arbenigol ar unwaith, fel sy'n wir gyda'i argymhelliaid ar gomisiynu ymchwil "*i feintioli lefela gwariant a gollwyd i'r sector drwy elw, mecanwaith comisiynu, ar y ddwy ochr, elw a wneir gan ecwiti preifat ar gyfleusterau gofal, ac ar gynnal a chadw diwydiant rheoleiddio i fonitro darparwyr.*" Er hynny, mae gan yr argymhelliaid hwn gysylltiadau uniongyrchol â'n Fframwaith Comisiynu Cenedlaethol newydd fel rhan o'n rhaglen Ailgydbwys, rhaglen trawsnewid gwasanaethau plant (gan gynnwys Dileu) a throsolwg o'r farchnad. Mae'r meysydd polisi pwysig hyn yn ganolbwyt i Lywodraeth Cymru, a bydd hynny yn parhau, gyda gwaith yn symud ymlaen ar fylder. O'r herwydd, byddwn mewn sefyllfa dda i gomisiynu'r ymchwil bwysig hon fel rhan o gamau ein rhaglen Gwasanaeth Gofal Cenedlaethol 10 mlynedd yn y dyfodol.

Yn gywir,



Dawn Bowden AS/MS
Y Gweinidog Gofal Cymdeithasol
Minister for Social Care

Item 8.3

Pwyllgor lechyd a Gofal Cymdeithasol

Health and Social Care Committee

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Judith Paget CBE

Prif Weithredwr GIG Cymru

Cyfarwyddwr Cyffredinol lechyd a Gwasanaethau Cymdeithasol

16 Mai 2024

Annwyl Judith

Wedi i Lywodraeth Cymru gyhoeddi ei chynllun ar gyfer trawsnewid a moderneiddio gofal a gynlluniwyd a lleihau rhestrau aros ym mis Ebrill 2022, cytunodd y Pwyllgor lechyd a Gofal Cymdeithasol i fonitro cynnydd o ran cyflawni'r uchelegeisiau a nodwyd yn y cynllun, a chyhoeddi adroddiadau monitro tymhorol fel rhan o'r gwaith hwnnw.

Ar 17 Ebrill, ystyriodd a chyhoeddodd y Pwyllgor ei bumed adroddiad monitro; mae'r adroddiadau blaenorol hefyd i'w gweld ar ein gwefan. Daw'r ystadegau yn yr adroddiad o ddogfen Llywodraeth Cymru, sef Crynodeb o weithgarwch a pherfformiad y GIG ar gyfer Rhagfyr 2023 ac Ionawr 2024, ac Ystadegau Cymru. Maent yn amlygu amrywiadau sylweddol o ran amseroedd aros ar draws gwahanol ranbarthau, sy'n awgrymu gwahaniaethau o ran capaciti ac effeithlonrwydd gwasanaethau gofal iechyd. Maent hefyd yn tanlinellu'r angen i dargedu mesurau ymyrryd ac adnoddau i ymdrin â'r anghysondeb yn yr amseroedd aros, ynghyd â'r angen i fyrrdau iechyd gydweithio'n rhanbarthol, drwy rannu arferion gorau, adnoddau ac arbenigedd, fel y gall byrddau iechyd weithio gyda'i gilydd i sicrhau mynediad teg at wasanaethau gofal iechyd i bob claf, waeth beth fo'i leoliad daearyddol.

Ar sail yr uchod, byddai'r Pwyllgor yn falch o gael gwybodaeth gan Weithrediaeth GIG Cymru mewn nifer o feysydd, a'r canlynol yn benodol:

- sut mae'r Weithrediaeth yn hwyluso trefniadau i gydweithio'n rhanbarthol,
- sut y mae'n helpu byrddau iechyd i fynd i'r afael â chyfnodau aros hir mewn meysydd arbenigol a rhanbarthau penodol,



- gwybodaeth ariannol benodol am y modd y mae'n monitro cyllid ac adnoddau ychwanegol a ddyrennir i wasanaethau gofal iechyd i ehangu capaciti; ac
- ystadegau ar nifer y gweithwyr gofal iechyd proffesiynol ychwanegol a gyflogir, a manylion cyfarpar a chyfleusterau newydd.

Yn gywir,



Russell George AS
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

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



Eitem 8.4

Cyfarwyddwr Cyffredinol Grŵp Iechyd, Gofal Cymdeithasol a'r
Blynnyddoedd Cynnar / Prif Weithredwr GIG Cymru

Director General Health, Social Care & Early Years Group / NHS
Wales Chief Executive



Llywodraeth Cymru
Welsh Government

Russell George AS
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol
Senedd Cymru
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17 Mehefin 2024

Annwyl Russell

Gofal a gylluniwyd ac amseroedd aros

Diolch i chi am eich llythyr dyddiedig 16 Mai yn ceisio gwybodaeth am nifer o bwyntiau yn ymwneud â chynllun Llywodraeth Cymru i drawsnewid a moderneiddio gofal a gylluniwyd a lleihau rhestrau aros.

Y cyd-destun

Cafodd Fframwaith Cynllunio GIG Cymru 2024-27 ei gyhoeddi ym mis Rhagfyr 2023. Mae'n cynnwys cyfarwyddiadau blynnyddol Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol i'r GIG yng Nghymru ac mae'n rhoi arweiniad i sefydliadau yng Nghylch Ilunio Cynlluniau Tymor Canolig Integredig. Un o flaenoriaethau Ysgrifennydd y Cabinet yn y Fframwaith Cynllunio presennol hwn yw gofal a gylluniwyd. Mae'n ofynnol felly i sefydliadau'r GIG amlinellu'n fanwl eu hymrwymiadau cyflawni i wella perfformiad yn y maes hwn. Mae disgwyl iddynt hefyd fanylu ar eu cynlluniau i "gynyddu i'r eithaf y cyfleoedd i weithio'n rhanbarthol."

Cyflwynodd sefydliadau'r GIG gynlluniau wedi'u cymeradwyo gan y Bwrdd i Lywodraeth Cymru ym mis Mawrth 2024. Mae'r cynlluniau wrthi'n cael eu hadolygu i sicrhau bod ymrwymiadau perfformiad allweddol yn cael eu cyflawni. Cafodd y cynlluniau eu hailgyflwyno erbyn 31 Mai 2024.

O ran enghraifft o ddisgwyliadau cenedlaethol uniongyrchol yng Nghylch gweithio'n rhanbarthol, ysgrifennais i ac Ysgrifennydd y Cabinet i Fyddau Iechyd Prifysgol Hywel Dda a Bae Abertawe ar 19 Mawrth 2024. Roedd y llythyr yn cynnwys cyfarwyddydau o dan bwerau Gweinidogion Cymru yn unol ag adran 12(3) o Ddeddf y Gwasanaeth Iechyd



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Gwladol (Cymru) 2006 i gyfarwyddo'r ddau fwrdd iechyd i sefydlu Cyd-bwyllgor. Y bwriad yw cryfhau trefniadau i gynllunio a darparu gwasanaethau gofal iechyd ar sail ranbarthol pan fo'n briodol gwneud hynny er mwyn sicrhau parhad diogelwch, ansawdd a hyfywedd parhaus gwasanaethau. Y disgwyli yw y bydd y Cyd-bwyllgor yn cael ei sefydlu'n ffurfiol yn ystod Chwarter 3 y flwyddyn ariannol hon.

Sut mae'r Weithrediaeth yn hwyluso trefniadau i gydweithio'n rhanbarthol.

Fel y nodir uchod, rôl Ysgrifennydd y Cabinet a swyddogion Llywodraeth Cymru yw gosod y cyfeiriad polisi a darparu cyd-destun cenedlaethol ar gyfer trefniadau cynllunio'r GIG. Mae hyn yn cynnwys datblygu gweithio'n rhanbarthol.

Rôl Gweithrediaeth y GIG yw helpu sefydliadau'r GIG i ddatblygu eu cynlluniau gweithredu drwy drefniadau clinigol a rheolaethol. Mae'r cymorth hwn yn seiliedig ar ddylunio llwybrau clinigol ac arferion da cydnabyddedig megis egwyddorion y rhaglen Cael Pethau'n lawn y Tro Cyntaf (GiRFT), yn ogystal ag adolygu breuder gwasanaethau i ddatblygu manylebau gwasanaethau rhanbarthol er mwyn meithrin cynaliadwyedd.

Isod, ceir tri maes ffocws ar gyfer datblygiadau rhanbarthol y mae Gweithrediaeth y GIG yn eu cefnogi:

1.Gwasanaethau canser rhanbarthol

Mae'r rhwydwaith canser a thîm gwella canser Gweithrediaeth y GIG wedi datblygu modelau gwasanaeth rhanbarthol a chenedlaethol i gynnal gwasanaethau bregus ledled Cymru, ac ysgogi gwelliant o safbwyt dulliau trin canser pan fo pryderon o ran cynaliadwyedd gwasanaethau.

Nodir bod dau o'r pedwar dull triniaeth ar gyfer canser eisoes wedi'u rhanbartholi'n llawn – radiotherapi a therapi gwrth-ganser systemig (SACT). Mae'r trydydd dull sy'n ymwneud â llawdriniaethau yn faes lle mae gweithio'n rhanbarthol eisoes wedi'i sefydlu, ac mae rhagor o dan ystyriaeth, yn ddibynnol ar eu cynaliadwyedd yn y tymor hir. Mae'r rhain yn cynnwys llawdriniaethau thorasic, hepato-pancreato-bustlaidd ac oesoffagaidd. Nid yw'r rhan fwyaf o ofal lliniarol yn addas ar gyfer ei weithredu yn rhanbarthol oherwydd y gofynion sydd arno i gyflawni'n lleol.

Mae modelau cyflawni rhanbarthol eraill yn ymwneud â radiofferylliaeth, PET-CT, a chanserau pediatrig.

Mae'r rhwydwaith hefyd wedi ymwneud â sicrhau bod amseroedd aros ar draws byrddau iechyd yn gyfartal, er enghraifft:

Sefydlu rhestrau a rennir ar gyfer canser y fron rhwng Byrddau Iechyd Prifysgol Cwm Taf Morgannwg a Chaerdydd a'r Fro i leihau'r gwahaniaeth o ran amseroedd aros rhwng y ddau fwrdd iechyd cyfagos.

2.Gwasanaethau diagnostig rhanbarthol

Drwy'r cynllun gweithredu cenedlaethol ar gyfer diagnosteg, mae grŵp gwella diagnosteg Gweithrediaeth y GIG yn darparu'r cylch gwaith a'r arweinyddiaeth weithredol i helpu byrddau iechyd i ddatblygu a chytuno ar gynlluniau diagnostig rhanbarthol. Caiff hyn ei amlygu yn benodol o dan yr adran ar drawsnewid yn y cynllun gweithredu cenedlaethol ar gyfer diagnosteg.

Nod y strategaeth yw:

- Creu modelau cenedlaethol neu ranbarthol ar gyfer gwasanaethau bregus gan gydgrynhoi rhai gwasanaethau er mwyn gwella diogelwch, cyfraddau prosesu ac effeithlonrwydd.
- Symud diagnosteg lai cymhleth yn nes at ofal sylfaenol a chymunedol.
- Gweithredu cynllunio cenedlaethol ar gyfer darpariaeth ddelweddu gymhleth fel PET-CT.

3. Triniaethau rhanbarthol

Yn y cynllun adfer gofal a gynlluniwyd, mae disgwyliad clir i gefnogi'r gwaith o ddatblygu adnoddau rhanbarthol ar gyfer ymyriadau niferus a llai cymhleth. Y ddau arbenigedd cydnabyddedig sy'n ymdrin â llawer o achosion yw orthopedeg ac offthalmoleg.

Mae gan bob un o'r tri rhwydwaith rhanbarthol – y Gogledd, y De-ddwyrain a'r De-orllewin – gynlluniau rhanbarthol ar wahanol gyfnodau o aeddfedrwydd ar gyfer y ddau arbenigedd triniaeth hyn.

Yn y De-orllewin, gyda chymorth Gweithrediaeth y GIG, mae gwasanaethau orthopedig ar draws y ddau fwrdd iechyd wedi bod yn ystyried sut y gallant gydweithio'n effeithiol gan rannu adnoddau theatr ar draws eu rhanbarth. Mae'r gwaith hwn yn cael ei ysgogi yn glinigol ac mae'n cael ei ategu gan y cynllun strategol cenedlaethol ar gyfer orthopedeg sy'n rhoi canllawiau ar ba wasanaethau sy'n addas ar gyfer gweithio'n rhanbarthol a sut i'w gwneud yn addas ar gyfer hynny.

Mae gwaith cychwynnol eisoes ar waith ar gyfer nodi opsiynau triniaeth cleifion sy'n cael eu darparu yn seiliedig ar angen clinigol a mathau o adfer ar ôl llawdriniaethau. Y nod yw sicrhau bod arosiadau yn gyfartal, a'u lleihau, drwy ddefnyddio'r amrywiaeth o adnoddau ar draws y ddau fwrdd iechyd.

Gall yr opsiynau o ran triniaethau a'r gofynion gofal ar ôl llawdriniaethau amrywio yn ddibynnol ar asesiad cleifion unigol gan arwain at ystod o ofynion gan wasanaethau. Yn hytrach na dyblygu pob lefel o ofal yn y ddau fwrdd iechyd, mae dull rhanbarthol yn caniatáu i'r holl adnoddau ar draws y ddau fwrdd iechyd gael eu hasesu fel un adnodd cyfan. Drwy gymorth canllawiau clinigol a gwaith y strategaeth genedlaethol ar gyfer orthopedeg, mae'r adnodd rhanbarthol cyfan hwn wedi'i asesu ac wedi'i ddefnyddio i nodi lle dylid rhoi triniaethau a'u gofynion gofal ar ôl llawdriniaethau ar waith. Mae'r ymarfer hwn wedi dangos sut y mae'r defnydd wedi'i dargedu o adnoddau sy'n seiliedig ar angen clinigol yn hytrach na daearyddiaeth yn galluogi defnydd mwy effeithiol o adnoddau gan geisio sicrhau bod amseroedd aros yn gyfartal o ran angen clinigol a hyd arosiadau. Mae trefniadau llywodraethiant terfynol a safonau clinigol ar gyfer gweithdrefnau gweithredu yn cael eu cwblhau i ategu'r model newydd hwn a fydd yn cael ei roi ar waith fesul cam yn ystod 2024-25. Mae cyllid gwerth £18 miliwn wedi'i roi i Fwrdd Iechyd Prifysgol Bae Abertawe i ddatblygu Castell-nedd Port Talbot yn ganolfan ragoriaeth i gefnogi'r gwaith hwn.

Yn y Gogledd, mae Ysbyty Llandudno wedi'i nodi fel safle orthopedig rhanbarthol i ddarparu triniaethau pwrpasol mewn man sydd wedi'i warchod i gynyddu'r capaciti sydd ar gael ar hyd y flwyddyn gyfan. Mae cyllid cyfalaf gwerth £29.4 miliwn wedi'i ddyrannu i gefnogi'r cynllun hwn.

Yn y De-ddwyrain, mae theatr offthalmoleg symudol yng Nghaerdydd wedi'i defnyddio i roi triniaeth i drigolion ar draws y rhanbarth, o ardaloedd Byrddau Iechyd Prifysgol Cwm Taf Morgannwg ac Aneurin Bevan. Cafodd hyn ei ariannu gan eu cyfranddaliadau buddsoddi rhanbarthol ar gyfer y De-ddwyrain fel yr amlygir isod.

Sut y mae'n helpu byrddau iechyd i fynd i'r afael â chyfnodau aros hir mewn meysydd arbenigol a rhanbarthau penodol

Ym mis Mai 2024, anfonodd Nick Wood, Dirprwy Brif Weithredwr GIG Cymru, lythyr i'r Byrddau Iechyd yn ei gwneud yn ofynnol i bob un ohonynt ddatblygu cynllun effeithlonrwydd a chynhyrchiant sy'n canolbwytio ar ofal a gynlluniwyd. Y nod yw dangos sut y gallant, drwy gynhyrchiant ychwanegol, gynyddu capaciti i gyflawni eu llwybrau gwella unigol i gyflawni'r ymrwymiadau cenedlaethol ar gyfer gofal a gynlluniwyd.

Rôl Gweithrediaeth y GIG yw gweithio gyda phob bwrdd iechyd i nodi a datblygu eu cyfleoedd gwella i ategu eu cynlluniau lleol. Mae'r cyfleoedd hyn yn seiliedig ar nifer o brosiectau cenedlaethol allweddol sy'n cynnwys:

- Ailddylunio llwybrau atgyfeirio gyda chlinigwyr gofal sylfaenol a gofal eilaidd ar y cyd, gan gytuno ar lwybrau atgyfeirio priodol, a'r defnydd o lwybrau syth at brofion pan fo hynny'n briodol yn glinigol.
- Ailddylunio gwasanaethau cleifion allanol gan sicrhau'r defnydd mwyaf effeithiol o adnoddau ar gyfer adolygiadau newydd a dilynol, yn ogystal â'r defnydd o'r tîm amlldisgyblaethol i gynyddu capaciti ac effeithiolrwydd yr adnoddau.
- Cynhyrchiant theatrau a fydd yn gwneud y defnydd mwyaf effeithiol o'r adnodd gwerthfawr hwn gan adeiladu ar drefniadau adolygu a data'r rhaglen Cael Pethau'n lawn y Tro Cyntaf (GiRFT).
- Gweithredu argymhellion GiRFT. Bydd disgwyl i bob bwrdd iechyd gyflawni yn erbyn eu hargymhellion lleol y cytunwyd arnynt gan bob un o'r gwasanaethau sydd wedi'u hadolygu yn genedlaethol, sef offthalmoleg, orthopedeg, wroleg a gynaecoleg.
- Llwybrau gofal eilaidd y cytunwyd arnynt yn glinigol i feithrin cysondeb cenedlaethol a phrosesau effeithiol o ran llwybrau â llawer o achosion, nad ydynt yn rhai aciwt, ar draws arbenigeddau heriol.

Wedi hynny, bydd Gweithrediaeth y GIG yn rhoi adborth rheolaidd ac yn asesu cynnydd yn erbyn cynlluniau'r byrddau iechyd. Bydd yr adborth hwn yn cael ei ddefnyddio ym mhrosesau atebolrwydd Llywodraeth Cymru i fonitro gwaith cyflawni'r GIG.

Gwybodaeth ariannol benodol am y modd y mae'n monitro cyllid ac adnoddau ychwanegol a ddyrennir i wasanaethau gofal iechyd i ehangu capaciti

Yn 2022, neilltuodd Llywodraeth Cymru gyllid adfer blynnyddol gwerth £170 miliwn i helpu byrddau iechyd i adfer yn sgil effeithiau'r pandemig. Dyrannwyd yr adnoddau hyn i gynnal capaciti ychwanegol mewn gwasanaethau gofal a gynlluniwyd a gwasanaethau diagnosteg ac i annog gweithio'n rhanbarthol.

Mae'r rhan fwyaf o'r dyraniad hwn wedi'i roi i'r GIG i gynnal capaciti a gweithgarwch ychwanegol mewn gwasanaethau gofal a gynlluniwyd craidd ac ailadeiladu lefelau gweithgarwch i'r hyn yr oeddent cyn COVID.

Yn 2023/24, rhoddwyd £50 miliwn o'r buddsoddiad blynnyddol rheolaidd ychwanegol mewn gofal a gynlluniwyd gwerth £170 miliwn ar gyfer dyraniadau rhanbarthol. Y rheswm dros hyn oedd y cydnabuwyd mai dim ond drwy fanteisio i'r eithaf ar adnoddau rhanbarthol y gellid cyflawni cynnydd pellach mewn lefelau gweithgarwch.

- Yn y De-orllewin, cafodd Byrddau Iechyd Prifysgol Bae Abertawe a Hywel Dda £15.5 miliwn ar gyfer gwasanaethau orthopedig a £2.6 miliwn ar gyfer gwasanaethau diagnostig.
- Yn y De-ddwyrain, cafodd Byrddau Iechyd Prifysgol Caerdydd a'r Fro, Aneurin Bevan a Chwm Taf Morgannwg £8.34 miliwn ar gyfer gwasanaethau diagnostig a £7 miliwn ar gyfer gwasanaethau offthalmoleg.
- Yn y Gogledd, cafodd Bwrdd Iechyd Prifysgol Betsi Cadwaladr £7.16 miliwn ar gyfer pum prosiect i gynnal gwaith dilysu a chynnal ei fodel cyflawni orthopedeg.

Comisiynwyd Gweithrediaeth y GIG gan Lywodraeth Cymru i asesu effaith y buddsoddiad hwn yn erbyn cyfres o feisydd ffocws y cytunwyd arnynt:

- Gwelliant o 15% o ran cau llwybrau aros hir a chyfraddau trin pawb yn eu tro.
- Canolbwytio ar y rhai sy'n aros hiraf er mwyn ceisio dileu'r rhestrau aros dros dair blynedd o hyd.
- Canolbwytio ar yr arbenigeddau hynny sydd â nifer bach o'r rhai sy'n aros yn hir er mwyn ceisio dileu rhestrau aros dros 104 o wythnosau ym mhob un ond y pum arbenigedd mwyaf heriol.
- Gweithredu argymhellion GiRFT yn llawn.
- Symud i restrau trin cleifion a darparu gwasanaethau yn rhanbarthol ar gyfer rhai gwasanaethau diagnostig ac arbenigeddau heriol.

Er bod cynnydd wedi'i nodi yn asesiad Gweithrediaeth y GIG, ni chyflawnwyd pob maes ffocws yn llawn, ac felly, mae'r gwaith o ddatblygu trefniadau monitro effeithlonrwydd a chynhyrchiant, y cyfeiriwyd ato uchod wedi'i ychwanegu at fodel atebolrwydd eleni.

Ystadegau ar nifer y gweithwyr gofal iechyd proffesiynol ychwanegol a gyflogir, a manylion cyfarpar a chyfleusterau newydd

ASTUDIAETH ACHOS – Datblygu'r Gweithlu Endosgopig Clinigol yng Nghymru

Ledled y Deyrnas Unedig, mae'r galw am wasanaethau endosgopi wedi cynyddu'n flynyddol. Mae hyn yn ei gwneud yn ofynnol i gynyddu capaciti theatrau endosgopi a nifer yr endosgopyddion.

Yn draddodiadol, roedd endosgopyddion wedi'u hyfforddi'n feddygol, ond gall endosgopyddion clinigol (anfeddygol), wedi iddynt gael hyfforddiant priodol, gyflawni'r cymwyseddau gofynnol i gyflawni'r sgil gymhleth hon.

Yn 2018, mewn partneriaeth â Menter Cancer Mooniance a Phrifysgol Abertawe, cafodd cynllun peilot ei gynnal i ddangos effeithiolrwydd rhaglen hyfforddi ar gyfer Endosgopyddion Clinigol, gan ymgorffori cydrannau academaidd Lefel Meistr. Ar ôl amlyu llwyddiant y dull hwn, cytunodd Addysg a Gwella Iechyd Cymru i barhau i ddarparu cymorth a chyllid ar gyfer y rhaglen, gan estyn gwahoddiadau blynnyddol i bob Bwrdd Iechyd i enwebu darpar endosgopyddion clinigol i ymgeisio ar gyfer y rhaglen.

Bellach yn hyfforddi'r bumed garfan genedlaethol o endosgopyddion clinigol, mae'r fenter wedi dyblu nifer yr endosgopyddion clinigol sy'n ymdrin â rhestrau endosgopi yng Nghymru. Mae graddedigion y cwrs wedi datblygu eu rolau ymarfer uwch i weithredu fel Colonosgopyddion Sgrinio'r Coluddyn a dysgu sgliliau therapi craidd i wella eu gwerth ar gyfer eu Hunedau Endosgopi lletyol. Mae'r Rhaglen Endosgopi Genedlaethol wedi gweithio gydag Uwch Arweinwyr Nysrio i gytuno ar strwythur bandio Cymru Gyfan ar gyfer Endosgopyddion Clinigol i hwyluso prosesau recriwtio a chadw.

Yn 2023-24, penodwyd 6,128 o weithwyr gofal iechyd proffesiynol ychwanegol (y rhai y mae'n ofynnol iddynt gofrestru â rheoleiddiwr gofal iechyd) i rolau ledled y GIG yng Nghymru. Roedd hyn yn cynnwys 329 o weithwyr Proffesiynol Gwyddonol a Thechnegol Ychwanegol, 808 o weithwyr Proffesiynol Perthynol i lechyd, 170 o Wyddonwyr Gofal Iechyd, 2,138 o weithwyr Meddygol a Deintyddol a 2,683 o weithwyr Nysrio a Bydwreigiaeth.

Yn 2022-23, cyfanswm nifer y penodiadau o weithwyr proffesiynol gofal iechyd oedd 6,609.

Mae adnoddau cyfalaf hefyd wedi'u dyrannu i gefnogi'r raglen adfer. Er y gall defnyddio adnoddau cyfalaf gael effaith fwy tymor canolig, mae Llywodraeth Cymru wedi cefnogi raglenni cyfalaf diagnostig gwerth tua £95 miliwn dros y ddwy flynedd ddiwethaf i feithrin capaciti a gallu yn y maes allweddol hwn o ran adfer gwasanaethau.

Yn y tabl isod, gweler y gwariant ariannol ar gyfleusterau diagnostig, a gaiff ei oruchwyllo gan Raglen Ddiagnosteg Genedlaethol Gweithrediaeth y GIG.

| Organisation | Funding allocated (m) | Spend included: |
|--------------|-----------------------|---------------------------------------------------|
| ABUHB | 10,498 | Gamma camera, Imaging equipment, Hysteroscopes |
| BCUHB | 16,592 | MRI upgrade, US, CT, Fluoroscopy, LAPB US machine |
| C&VUHB | 14,183 | Mobile MRI scanner upgrades, Endoscopy Decon |
| CTMUHB | 10,174 | US, CT, C-Arm, Imaging Academy equipment |
| HDUHB | 19,865 | US, CT, Fluoroscopy, Image Intensifiers |
| PtHB | 0.120 | Endoscopy Video Capture equipment |
| SBUHB | 21,403 | Gamma camera, CT, Fluoroscopy, MRI |
| Velindre | 2,577 | CT Sims, Imaging replacement |
| HEIW | 0.554 | Endoscopy Academy equipment |

Yn gywir

Judith Paget CBE

Eitem 8.5 Pwyllgor lechyd a Gofal Cymdeithasol

Health and Social Care Committee

Senedd Cymru

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Eluned Morgan AS

Ysgrifennydd y Cabinet dros lechyd a Gofal Cymdeithasol

22 Mai 2024

Annwyl Eluned,

Fe gofiwch i'r Pwyllgor, ym mis Mehefin 2022, gyhoeddi ei adroddiad, *Rhyddhau clefion o ysbytai ac effaith hynny ar y llif clefion drwy ysbytai*. Tynnodd yr adroddiad sylw at bwysigrwydd llif clefion da drwy wasanaethau iechyd a gofal cymdeithasol o ran gwella ansawdd gofal i gleifion. Tynnodd sylw hefyd at y diffyg capaciti difrifol yn ein system gofal cymdeithasol, sy'n golygu bod rhai clefion sy'n barod i gael eu rhyddhau yn aros yn yr ysbyty. Mae'r achosion hyn o oedi wrth drosglwyddo gofal yn niweidiol i'r unigolyn, ac i lif clefion drwy'r ysbyty, ac maent yn cyfrannu at bwysau ar adrannau Damweiniau ac Achosion Brys a'r gwasanaethau ambiwlans.

Yn ein cyfarfod ar 15 Mai, cawsom dystiolaeth gan Ymddiriedolaeth Prifysgol GIG Gwasanaethau Ambiwlans Cymru. Pan ofynnwyd am oedi mewn amseroedd ymateb, dyma'r ateb gawsom:

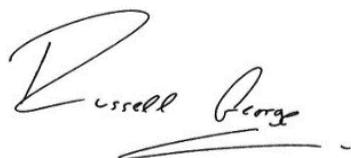
"what causes the response delays is our inability to hand over patients at the emergency department, and what causes that problem is the fact that there's a problem with flow through the hospital, through the emergency department into the hospital and back out into the community, particularly in adult social care."

Clywsom hefyd fod yr amser trosglwyddo cyfartalog yn yr adran achosion brys yn fwy na dwy awr, yn lle'r 15 munud y dylai ei gymryd.



Yng ngoleuni hyn, byddai'r Pwyllgor yn croesawu cael y wybodaeth ddiweddaraf am y cynnydd a wnaed i roi argymhellion ein hadroddiad ar waith ac am y camau mae Llywodraeth Cymru'n eu cymryd i wella llif cleifion drwy ysbytai.

Yn gywir,



Russell George AS

Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

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





Russell George AS
Cadeirydd
Y Pwyllgor Iechyd a Gofal Cymdeithasol
Y Senedd

Seneddlechyd@senedd.cymru

18 Mehefin 2024

Annwyl Russell

Diolch i chi am eich llythyr dyddiedig 22 Mai yn gofyn am yr wybodaeth ddiweddaraf ynglŷn â sut y mae Llywodraeth Cymru yn cydweithio â byrddau iechyd i wella cyfathrebu â chleifion a datblygu gwasanaethau lleol i gynnig cymorth i bobl wrth iddynt aros am driniaeth, fel y nodwyd yn adroddiad y pwyllgor Aros yn iach? *Effaith yr ôl-groniad o ran amseroedd aros ar bobl yng Nghymru.*

Yn ein cynllun adfer cenedlaethol ar gyfer gofal a gynlluniwyd: [Ein rhaglen i drawsnewid a moderneiddio gofal a gynlluniwyd a lleihau rhestrau aros yng Nghymru](#), a gyhoeddwyd yn 2022, gwnaethom ymrwymiad clir i wella cyfathrebu a helpu pobl wrth iddynt aros am driniaeth.

Ym mis Awst 2023, gwnaethom lansio ein [Polisi 3A cenedlaethol: Annog, atal ac amser paratoi ar gyfer gofal a gynlluniwyd](#) sy'n dangos sut rydym wedi trosi'r ymrwymiad i gynllun polisi a chyflawni pwrpasol. Dyma ymrwymiad i newid y ffordd y mae pawb yn cael eu cynorthwyo ar lwybrau rhwng atgyfeirio a thriniaeth yng Nghymru.

Rwy'n amgáu adroddiad o dystiolaeth ategol sy'n dangos sut mae fy swyddogion wedi bod yn gweithio gyda byrddau iechyd i gyflawni'r polisi a sut mae'n ymdrin â'r argymhellion a godwyd gan y pwyllgor yn ei adroddiad.

Yn gywir

Eluned Morgan AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

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

Tudalen y pecyn 99

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

Papur Tystiolaeth - Mehefin 2024.

Aros yn iach? Effaith yr ôl-groniad o ran amseroedd aros ar bobl yng Nghymru

Cyflwyniad

- Mae Llywodraeth Cymru yn croesawu'r cyfle i roi'r wybodaeth ddiweddaraf am y cynnydd sydd wedi'i wneud o ran datblygu model i ddarparu gwell gwybodaeth a chymorth i'r rhai sy'n aros am ofal eliaidd. (*Mae'r adroddiad hwn yn ymdrin ag argymhellion 1, 2, 3, 9, 11, 12, 16, 17 ac 20*).
- Er bod cynnydd cyson yn cael ei wneud i leihau amseroedd aros, mae angen gwneud mwy i sicrhau bod pobl yn cael gofal a thriniaeth yn amserol.
- Er mwyn annog y gwaith adfer, mae angen i'r GIG drawsnewid y ffordd y mae'n darparu gofal a gynlluniwyd i sicrhau gwasanaethau cynaliadwy yn y dyfodol. Mae Llywodraeth Cymru wedi comisiynu'r Rhaglen Strategol ar gyfer Gofal a Gynlluniwyd (yng Ngweithrediaeth y GIG) i helpu byrddau iechyd i gyflawni'r agenda trawsnewid a moderneiddio.
- Gall oedi mewn gofal effeithio'n sylweddol ar iechyd a llesiant y boblogaeth. Mae Llywodraeth Cymru yn gweithio gyda byrddau iechyd a'r trydydd sector i gyflawni cam un y [Polisi 3A: Annog, atal ac amser paratoi ar gyfer gofal a gynlluniwyd](#) (a gyhoeddwyd ym mis Awst 2023). Bydd hyn yn sicrhau bod y rhai sy'n aros am driniaeth yng Nghymru yn gwybod mwy am eu canlyniadau iechyd a llesiant, ac yn cael eu helpu i sicrhau'r canlyniadau gorau.

Y cefndir

- Ers mis Mawrth 2020, mae nifer y bobl sy'n aros am wasanaethau gofal a gynlluniwyd wedi cynyddu'n sylweddol. Ym mis Mawrth 2020, roedd cyfanswm o 474,120 ar lwybr agored rhwng atgyfeirio a thriniaeth yng Nghymru ac roedd 29,221 wedi bod yn aros dros 36 o wythnosau. Erbyn mis Mawrth 2022, roedd y nifer wedi cynyddu i 725,897 a 258,432 yn y drefn honno. Ym mis Mawrth 2024, roedd cyfanswm o 768,899 yn aros ar lwybr agored rhwng atgyfeirio a thriniaeth, a 251,287 yn aros dros 36 o wythnosau. Mae angen gwneud mwy i gyflymu hynt y gwaith adfer.
- Mae Llywodraeth Cymru wedi nodi disgwyliadau clir i fyrrdau iechyd ynghylch y gwelliannau sydd eu hangen o ran cynhyrchiant ac effeithlonrwydd. Mae Fframwaith Polisi a Chynllun Gweithredu newydd ar gyfer Gofal a Gynlluniwyd yn cael eu datblygu i helpu byrddau iechyd i adfer a thrawsnewid. Mae Llywodraeth Cymru wedi comisiynu'r Rhaglen Strategol ar gyfer Gofal a Gynlluniwyd yng Ngweithrediaeth y GIG i helpu byrddau iechyd i roi'r newidiadau hyn ar waith ac i sicrhau gwasanaethau cynaliadwy ar gyfer y dyfodol.
- Wrth i wasanaethau roi cynlluniau ar waith i leihau amseroedd aros, mae Llywodraeth Cymru yn helpu byrddau iechyd i weithredu dulliau newydd i symud o aros yn oddefol i gyfleoedd i baratoi ar gyfer triniaeth yn rhagweithiol, gan helpu pobl yn weithredol wrth iddynt aros.

**Galluogi byrddau iechyd i gyflawni cam un y Polisi 3A: y Gwasanaeth Un
Pwynt Cyswllt Aros yn iach a gwell cyfathrebu yng hylch amseroedd aros.**

8. Wrth i'r gwaith o drawsnewid a moderneiddio gwasanaethau barhau, mae cynnydd yn cael ei wneud i rannu gwybodaeth yn well â phobl sy'n aros am ofal a gynlluniwyd, a'u helpu. Cafodd ymrwymiad clir ei wneud yn [Ein rhaglen i drawsnewid a moderneiddio gofal a gynlluniwyd a lleihau rhestrau aros yng Nghymru \(llyw.cymru\)](#) sef y byddai cyfathrebu a chymorth mwy effeithiol yn cael eu cynnig.
9. Er mwyn gwella cyfathrebu, mae data cenedlaethol ar amseroedd aros yn ôl arbenigedd ym mhob bwrdd iechyd bellach ar gael ar blafform cenedlaethol y gwasanaeth 111, [GIG 111 Cymru - Gofal a Gynlluniwyd](#). Mae'r data yn rhoi amseroedd aros cyfartalog ac amcangyfrif o hyd yr aros hiraf yn seiliedig ar bobl sy'n aros ar 10% olaf llwybr. Er nad oes modd i'r data ddangos amser aros personol unigolion, mae'n darparu gwybodaeth fwy amserol yng hylch arosiadau a'r gwahaniaethau ar draws arbenigeddau a byrddau iechyd. Yn ogystal, mae gan y wefan ddolenni i gyfeirio unigolion at wybodaeth ddigidol bwysig am ba gymorth sydd ar gael ar gyfer aros yn iach wrth iddynt aros, [GIG 111 Cymru - Aros yn iach](#). Mae'r wefan hefyd yn cynnwys dolenni ar gyfer gofalwyr, [GIG 111 Cymru - Gofalwyr](#).
10. Mae Llywodraeth Cymru, ar y cyd ag arweinwyr iechyd a gwasanaethau cymdeithasol, y GIG, y trydydd sector a grwpiau sy'n cynrychioli cleifion, wedi llunio'r [Polisi 3A: Annoq, atal ac amser paratoi ar gyfer gofal a gynlluniwyd](#). Cyhoeddwyd y polisi hwn ym mis Awst 2023.
11. Mae dull fesul cam ar gyfer gweithredu'r Polisi 3A ar waith:
 - Cam un – Pob bwrdd iechyd i weithredu un pwynt cyswllt i helpu pobl sy'n aros am ofal a gynlluniwyd. Mae hyn yn seiliedig ar y gwersi sydd wedi'u dysgu gan wasanaeth cymorth rhestr aros Bwrdd Iechyd Prifysgol Hywel Dda, a dreialwyd yn y lle cyntaf yn ystod y pandemig. Mae'r gwasanaeth hwn bellach wedi'i ymgorffori'n llawn fel model busnes fel yr arfer.
 - Cam dau – Estyn y cynnig yn gynt yn y llwybr, yn ystod y cam atgyfeirio.
12. Ers ei gyhoeddi, mae Llywodraeth Cymru wedi gweithio gyda'r GIG i roi gwasanaeth un pwynt cyswllt aros yn iach ar waith ym mhob bwrdd iechyd. Y nod yw darparu gwybodaeth, cyngor a chymorth o ansawdd uchel sy'n canolbwytio ar yr unigolyn i hyrwyddo ffyrdd iach o fyw, atal iechyd rhag dirywio, atal achosion o ddatgyflyru, a pharatoi pobl yn weithredol ar gyfer triniaeth ac adfer.

13. Mae £6.65 miliwn wedi'i ddyrannu o'r gronfa trawsnewid gofal a gynlluniwyd rhwng 2023-24 a 2025-26 i alluogi byrddau iechyd i roi'r gwasanaeth un pwynt cyswllt ar waith a manteisio i'r eithaf ar gyfleoedd datblygu Unwaith i Gymru.

Gwasanaeth Cymorth Rhestr Aros Bwrdd Iechyd Prifysgol Hywel Dda

14. Yn y lle cyntaf, roedd cynllun peilot Bwrdd Iechyd Prifysgol Hywel Dda yn darparu gwybodaeth a chymorth i bawb a oedd yn aros am driniaeth orthopedig. Mae'r gwasanaeth wedi'i ehangu i gynnwys pobl sy'n aros o fewn pob arbenigedd ac ar bob cam.

15. Ers i'r gwasanaeth gael ei roi ar waith, mae gwerthusiad o'r gwasanaeth yn dangos bod:

- Gofal sylfaenol wedi nodi bod llai o bobl yn dychwelyd am apwyntiadau sy'n ymwneud â'u haros ar lwybr gofal eilaidd.
- Y cyfnod aros wedi gostwng dau ddiwrnod ar gyfartaledd.
- Pobl wedi nodi dewisiadau gwell o ran eu ffyrdd o fyw, gan gynnwys ymwneud â rhagleni rhoi'r gorau i smygu a cholli pwysau.
- Lefel y bodlonrwydd â'r gwasanaeth yn gadarnhaol a bod nifer y cwynion yn ymwneud ag amseroedd aros wedi lleihau 25%.
- Nifer y triniaethau sy'n cael eu gohirio ar y funud olaf gan nad yw'r unigolyn yn ddigon iach i gael triniaeth wedi lleihau 33%.

16. Mae'r gwasanaeth yn dangos sut y gall cymorth sydd wedi'i deilwra ac sydd o ansawdd uchel wella canlyniadau iechyd a llesiant, lleihau risgiau clinigol, lleihau gweithdrefnau sy'n cael eu gohirio o draean, lleihau hyd arosiadau a gwella profiadau cleifion.

17. Bydd gan bob bwrdd iechyd wasanaeth un pwynt cyswllt aros yn iach erbyn haf 2024, yn seiliedig ar yr hyn sydd wedi'i ddysgu gan Fwrdd Iechyd Prifysgol Hywel Dda. Bydd pobl yn gallu cael gafael ar wybodaeth, cyngor a chymorth ymarferol sy'n canolbwytio ar yr unigolyn i'w grymuso i reoli eu cyflyrau eu hunain yn well a pharatoi yn weithredol ar gyfer triniaeth ac adfer.

18. Gan weithio gyda byrddau iechyd, y trydydd sector a grwpiau cleifion, mae adnoddau wedi'u cydgynhyrchu i hyrwyddo mynediad teg, gan gynnwys:

- Siarter Aros yn lach i Gleifion sy'n nodi'r safonau y gall pobl eu disgwyli wrth fanteisio ar y cynnig aros yn iach.
- Rhaglen gynefino a hyfforddiant genedlaethol i helpu staff y gwasanaethau un pwynt cyswllt i ddarparu gofal diogel, o ansawdd uchel ac sy'n canolbwytio ar yr unigolyn.
- Gweithdrefnau gweithredu safonedig sydd wedi'u cymeradwyo yn glinigol i hwyluso ymarfer diogel a chynnydd amserol.

- Y mesur canlyniadau a'r mesur profiadau aros yn iach a adroddir gan gleifion cyfunol (PROM a PREM) – asesiad cyfannol safonol a fydd yn cael ei integreiddio yn llwybrau triniaeth cleifion i gynnal gofal unigoledig, nodi pan fo iechyd yn dirywio a hwyluso ailflaenoriaethu yn amserol.
- Adnoddau cenedlaethol a lleol, rhai digidol a rhai nad ydynt yn ddigidol, i hyrwyddo cyfathrebu, ymgysylltu ac ymwybyddiaeth y cyhoedd o bwysigrwydd aros yn iach a ble i gael gafael ar gymorth.

19. Bydd y defnydd gorau o ddulliau Unwaith i Gymru ar waith er mwyn manteisio i'r eithaf ar gyfleoedd sy'n gysylltiedig ag arbedion maint a lleihau anghydraddoldebau iechyd.

Darparu gofal a chymorth sy'n canolbwytio ar yr unigolyn

20. Mae paratoi yn effeithiol ar gyfer triniaeth o ddechrau'r llwybr yn rhan bwysig o ddarparu gofal o ansawdd uchel mewn modd darbodus sy'n canolbwytio ar yr unigolyn ac sy'n canolbwytio ar ganlyniadau.

21. Bydd y mesurau PROM/PREM aros yn iach yn hwyluso cynllun cymorth unigoledig i rymuso pobl i reoli eu cyflyrau eu hunain yn well a pharatoi ar gyfer triniaeth er mwyn sicrhau'r canlyniadau iechyd gorau.

22. Bydd pobl yn cael eu helpu i gwblhau PROM a PREM aros yn iach cyfunol er mwyn nodi eu hanghenion unigol a lefel y risg sy'n gysylltiedig â'u cyflyrau. Bydd hyn yn cael ei integreiddio yn y llwybrau triniaeth ac yn cael ei ailadrodd, o leiaf bob chwe mis, i sicrhau bod y cymorth a gynigir yn parhau i gyd-fynd â'r lefel angen bresennol ac i sicrhau bod unrhyw symptomau sy'n dirywio yn cael eu nodi'n amserol er mwyn galluogi gwasanaethau i ymdrin â'r risgau hynny, gan gynnwys ailflaenoriaethu.

23. Bydd y PROM/PREM aros yn iach yn cael ei integreiddio yn llwybrau triniaeth cleifion ac yn cael ei ategu gan safon data i sicrhau bod gweithredu, cofnodi ac adrodd cyson ar waith ym mhob bwrdd iechyd.

24. Mae integreiddio â'r platform PROM cenedlaethol newydd ar waith i alluogi cyfathrebu a rhannu gwybodaeth ar draws timau yn ogystal â darparu gofal di-dor i gleifion wrth leihau'r angen i gwblhau sawl PROM.

25. Bydd gwybodaeth a chymorth ar gael i deuluoedd a gofalwyr yn unol â pholisiâu a phrosesau cyfrinachedd a chydsyniad cleifion.

26. Bydd pob aelod o staff gwasanaethau un pwnt cyswllt aros yn iach yn gallu cael gafael ar gyfeiriaduron pwrpasol o wasanaethau sy'n ymwneud â gwybodaeth leol a chenedlaethol berthnasol, cyngor a chymorth i helpu pobl i aros yn iach a pha gamau i'w cymryd i baratoi ar gyfer triniaeth. Bydd y cymorth yn cael ei deilwra yn unol â lefel yr angen sydd wedi'i hasesu a dewisiadau'r unigolyn a bydd yn cynnwys:

- Gwella prosesau sgrinio cynnar a chymorth rhagsefydlu ar gyfer pobl yr aseswyd bod ganddynt risgiau uwch ac anghenion mwy cymhleth, y gellir eu darparu ar safleoedd ysbytai ac mewn lleoliadau cymunedol. Er enghraift, caiff rhaglenni rhagsefydlu ac adsefydlu Bwrdd Iechyd Prifysgol Caerdydd a'r Fro eu darparu mewn canolfannau hamdden cymunedol.
- Rhaglenni rhithwir y gellir cael mynediad atynt o gartref. Er enghraift, rhaglen rhagsefydlu orthopedig rithwir Bwrdd Iechyd Prifysgol Hywel Dda.
- Cyfeirio at adnoddau cenedlaethol a chymorth yn y gymuned a'r trydydd sector.

Hyrwyddo ymwybyddiaeth a chyfathrebu effeithiol â'r rhai sy'n aros am ofal

27. Caiff hyrwyddo ymwybyddiaeth a chyfathrebu eu hategu gan strategaeth gyfathrebu ac ymgysyltu, pecyn cymorth ac ymgyrch genedlaethol i godi ymwybyddiaeth o bwysigrwydd aros yn iach, yn ogystal â ble i gael gafael ar wybodaeth am amseroedd aros a chymorth i baratoi ar gyfer triniaeth.
28. Mae adnoddau dwyieithog ac adnoddau mewn fformatau gwahanol yn cael eu llunio ar y cyd â byrddau iechyd a phartneriaid i sicrhau bod gwybodaeth a chymorth ar gael yn hwylus, yn seiliedig ar anghenion iaith, anghenion synhwyraidd a dewisiadau unigolion.
29. Mae'r holl adnoddau'n cael eu datblygu gan grŵp cenedlaethol i fanteisio i'r eithaf ar gyfleoedd dysgu a rennir a lleihau dyblygu gwaith ar draws y byrddau iechyd.
30. Bydd yr adnoddau sy'n cael eu datblygu yn egluro pwysigrwydd a manteision Aros yn lach a sut i gael gafael ar y cymorth lleol. Bydd hefyd yn cynnwys
- Fideo Aros yn lach - [Fideos Bing](#)
 - Fideo PROM/PREM Aros yn lach i hyrwyddo dealltwriaeth o bwysigrwydd cwblhau'r asesiad a ble i ofyn am gymorth os oes angen cymorth i'w gwblhau.
 - Tudalenau glanio Aros yn Well ar wefannau pob bwrdd iechyd yn unol â Manyleb Isafswm Tudalenau Glanio Aros yn lach y polisi 3A cenedlaethol.
 - Llythyrau ysbyty sy'n cynnwys manylion cyswllt y gwasanaeth un pwynt cyswllt, gan gynnwys dolen a/neu god QR i alluogi pobl i gael gafael ar gymorth.
 - Taflenni a phosteri dwyieithog.
31. Mae Bwrdd Iechyd Prifysgol Hywel Dda hefyd yn treialu dulliau eraill, gan gynnwys hysbysebion mewn papurau newydd lleol, hysbysebion ar raglenni radio lleol a hysbysebion/posteri wedi'u harddangos ar safleoedd bysiau, yn arbennig yn yr ardaloedd sy'n fwy difreintiedig neu'n fwy anodd eu cyrraedd.
32. Bydd fideos yn cael eu rhoi ar Iwyfannau cyfryngau cymdeithasol Llywodraeth Cymru a'r GIG, yn ogystal â'u harddangos mewn ysbytai ac ystafelloedd aros lleoliadau gofal sylfaenol neu gymunedol.

33. Mae gwaith yn parhau gydag arweinwyr cyfathrebu Llywodraeth Cymru a byrddau iechyd i lunio negeseuon a gwybodaeth genedlaethol a lleol cyson, yn ogystal ag ystyried ffyrrd eraill o ennyn diddordeb pawb yng Nghymru.

Gwerthuso effaith y Polisi 3A

34. Mae gwaith yn mynd rhagddo gyda chydweithwyr safonau lechyd a Gofal Digidol Cymru i ddatblygu safon data i gofnodi ac adrodd yn gyson ar weithgarwch a chanlyniadau'r gwasanaethau un pwynt cyswllt ledled Cymru. Bydd y gwaith yn cael ei gynnal yn sgil newidiadau i'r system.

35. Bydd y safon hon yn galluogi Llywodraeth Cymru i fonitro cynnydd wrth gyflawni'r Polisi 3A, i feincnodi gweithgarwch a chanlyniadau a nodi meysydd o arferion da.

36. Disgwylir y bydd data yn cael ei ddarparu gan bob bwrdd iechyd o fis Medi 2024 ymlaen i hwyluso'r gwaith parhaus o fonitro cynnydd. Bydd hefyd yn hwyluso'r gwerthusiad cyntaf o effaith cam un y polisi yn gynnar yn 2025/26.

37. Mae safon data hefyd yn cael ei datblygu ar gyfer y PROM Aros yn lach sy'n cael ei dreialu ym Mwrdd Iechyd Prifysgol Hywel Dda. Bydd y safon hon a'r newidiadau ategol i'r system yn sicrhau data i werthuso effaith yr wybodaeth a'r cymorth a ddarperir, yn ogystal â bodlonrwydd cleifion â'r gwasanaeth.

38. Er mwyn gwerthuso'r gwaith o ddarparu cymorth wedi'i dargedu a'i gyfeirio at bobl sy'n byw mewn ardaloedd mwy difreintiedig i leihau'r bwlc'h o ran anghydraddoldeb iechyd, bydd y PROM Aros yn lach yn cynnwys data demograffig gan gynnwys cod post, rhywedd, oedran ac ethnigrwydd.

39. Bydd dangosfyrddau yn cael eu datblygu yn unol â dangosyddion perfformiad allweddol a nodwyd ar gyfer gweithgarwch a chanlyniadau'r gwasanaethau Un Pwynt Cyswllt a'r PROM/PREM Aros yn lach cyfunol.

Item 8.7 Pwyllgor Deddfwriaeth, Cyflawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

Dawn Bowden AS

Gweinidog Gofal Cymdeithasol

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18 Mehefin 2024

Annwyl Dawn,

Bil Iechyd a Gofal Cymdeithasol (Cymru)

Diolch am fynd i'n cyfarfod ddydd Llun 17 Mehefin 2024 i drafod Bil Iechyd a Gofal Cymdeithasol (Cymru). Mae gennym nifer o ymholiadau ychwanegol yn ymwneud â'r Bil. O'r herwydd, byddwn yn ddiolchgar pe llech ymateb i'r cwestiynau yn yr Atodiad i'r llythyr hwn erbyn dydd Mawrth 9 Gorffennaf 2024.

Diolch, hefyd, am gytuno i ddarparu'r canlynol:

- Manylion llawn asesiad Llywodraeth Cymru o effaith y Bil ar blant a'u teuluoedd, gan gyfeirio'n benodol at Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol, a'r effaith ar ddarparwyr gwasanaethau, gan gyfeirio'n benodol at Erthygl 1 o'r Protocol Cyntaf i'r Confensiwn.
- Manylion pellach am yr hyn y mae "budd cyhoeddus" yn ei olygu yn eich barn chi yng nghydd-destun yr adran 6A(3)(b) newydd sy'n cael ei mewnosod yn Neddf 2016 (drwy adran 3 o'r Bil).

Rwy'n anfon copi o'r llythyr hwn at y Pwyllgor Iechyd a Gofal Cymdeithasol.

Yn gywir,


Mike Hedges

Mike Hedges
Cadeirydd



ATODIAD

Cwestiwn 1 – Pa drafodaethau yr ydych wedi'u cael â gweinyddiaethau eraill y DU ynghylch darpariaethau ac amcanion polisi'r Bil?

Cwestiwn 2 – Pam ydych chi wedi penderfynu cyfeirio at ddileu elw preifat o ofal plant sy'n derbyn gofal yn y dogfennau esboniadol amrywiol i'r Bil, yn hytrach na chyfeirio at y ffaith bod y Bil yn gwneud darpariaeth i gyfyngu ar wneud elw?

Cwestiwn 3 – O ran y cyfyngiad ar wneud elw ar gyfer gwasanaethau plant cyfyngedig, nid yw'r amserlenni ar gyfer cyflawni hyn yn glir. Mae'r Atodlen 1A newydd i'r *Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016* ("Deddf 2016") yn darparu bod y cyfnod trosiannol yn dechrau gyda'r diwrnod y daw adran 6A(1) o Ddeddf 2016 i rym. Yn ôl paragraff 3.42 o'r **Memorandwm Esboniadol**, bydd adran 6A(1) yn dod i rym ar 1 Ebrill 2026, ond mae paragraff 3.42 hefyd yn nodi y bydd darparwyr "er elw" presennol yn destun darpariaethau trosiannol o 1 Ebrill 2027. A allwch roi eglurhad ynghylch y dyddiadau, os gwelwch yn dda?

Cwestiwn 4 – Mae adran 2 o'r Bil yn mewnosod diffiniadau yn Neddf 2016, y mae un ohonynt yn ymwneud â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant. Er mwyn syrthio o fewn y diffiniad, bydd angen i ddarparwr ddangos ei fod yn bwriadu darparu mwy o ddiwrnodau o lety i blant nag oedolion dros gyfnod penodol, ond nid yw'r Bil yn rhoi unrhyw fanylion ynghylch sut y caiff y bwriad hwn ei ddangos neu ei asesu'n ymarferol. Nid yw ychwaith yn ei gwneud yn glir a oes rhaid i'r cyfnodau amser y cyfeirir atynt fod yn barhaus ai peidio, h.y. os yw'n gyfnod o 12 mis gyda'r 24 mis blaenorol, a yw hyn yn golygu 12 mis di-dor neu unrhyw 12 mis unigol o fewn y 24 mis blaenorol? A oes gennych unrhyw bryderon y gallai hyn arwain at ddryswch ynghylch beth yw gwasanaeth cartref gofal yn y cyd-destun hwn?

Cwestiwn 5 – Mae adran 6A(3) newydd o Ddeddf 2016 – fel y'i mewnosodwyd gan adran 3(3) o'r Bil – yn cyfeirio at amcanion neu ddibenion person sy'n ymwneud yn bennaf â materion penodol, ond ni ddarperir unrhyw wybodaeth ynghylch sut y mae amcanion neu ddibenion i'w penderfynu. Beth yw'r rheswm dros hepgor y manylion hyn? Mae'n ymddangos, o eiriad adran newydd 9A(1)(b), fel y'i mewnosodwyd gan adran 6(3) o'r Bil, fod rhyw fath o ddull penderfynu wedi'i ystyried gan fod hwnnw'n cyfeirio at "amcanion neu ei ddibenion fel y'u penderfynir yn unol ag adran 6A(3)", ond nid yw'r dull penderfynu yn amlwg o eiriad y Bil.

Cwestiwn 6 – Mae'r Bil yn diffinio rhai termau gan gyfeirio at ddeddfwriaeth bresennol, er enghraifft, "plant sy'n derbyn gofal", "cwmni a chanddo gyfalaf cyfrannau" a "buddiant sylweddol mewn corff corfforaethol". Fodd bynnag, mae risg o ddryswch gan fod "plant sy'n derbyn gofal" yn cael ei ddiffinio gan gyfeirio at adran 74 o *Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014* ("Deddf 2014"), ond nid yw adran 74 yn defnyddio'r term hwn. Yn yr un modd, mae "cwmni a chanddo gyfalaf cyfrannau" a "buddiant sylweddol mewn corff corfforaethol" yn cael ystyron penodol



yn y Bil, ond ni ddefnyddir yr ymadroddion yn y ffurflai hynny yn y Bil. A allwch egluro pam y mabwysiadwyd y dull hwn ac, wrth edrych yn ôl, a ydych yn ystyried y gallai drafftio'r darpariaethau hyn fod yn gliriach?

Cwestiwn 7 – Mae'r Atodlen 1A newydd i Ddeddf 2016, fel y'i mewnosodwyd gan adran 4(3) o'r Bil, yn cyfeirio at wasanaeth sy'n cael ei "ddarparu'n gyfan gwbl neu'n bennaf i blant". Rhoddir ystyr penodol i'r ymadrodd hwn yn adran 2A newydd o Ddeddf 2016, fel y'i mewnosodwyd gan adran 2(2) o'r Bil, ond dim ond yn adran 2A(1) y nodir bod yr ystyr hwn yn gymwys. A fwriedir i'r ymadrodd gael yr un ystyr yn Atodlen 1A ag sydd yn adran 2A(1), ac os felly, a ydych o'r farn bod y drafftio'n adlewyrchu hyn? Mae'r un mater yn gymwys mewn perthynas ag adran 75(4) o Ddeddf 2014, fel y'i diwygiwyd gan adran 10(6) o'r Bil, sy'n defnyddio'r ymadrodd "yn gyfan gwbl neu'n bennaf i blant" ond nad yw'n cynnig unrhyw esboniad ynghylch sut y mae hynny i'w benderfynu.

Cwestiwn 8 – Mae adran 4(3) yn mewnosod paragraff 1(1)(b) newydd arfaethedig, mewn Atodlen 1A newydd i Ddeddf 2016. Mae paragraff 1(1)(b) yn pennu bod y cyfnod trosiannol ar gyfer gwasanaeth plant cyfyngedig yn dod i ben ar y diwrnod a bennir gan Weinidogion Cymru drwy reoliadau. Yn y Datganiad o Fwriad y Polisi, rydych yn nodi bod y pŵer yn cydnabod y bydd angen ystyried cynnydd ymddieithrio awdurdodau lleol o ddefnyddio lleoliadau er elw, er mwyn pennu'r pwyt priodol ar gyfer dod â'r cyfnod pontio i gyfnod penodol i ben. Os bydd un awdurdod lleol – am ba reswm bynnag – yn ei chael hi'n anodd ymddieithrio oddi wrth y defnydd o leoliadau er elw, a yw hyn yn golygu y bydd y cyfnod pontio ledled Cymru yn parhau ar gyfer pob awdurdod lleol nes bod pob un yn barod?

Cwestiwn 9 – Mae adran 4(3) o'r Bil yn mewnosod pŵer newydd i wneud rheoliadau sy'n galluogi Gweinidogion Cymru i bennu deddfiadau nad yw'r paragraff 2(3) newydd o Atodlen 1A yn gymwys at eu dibenion. Pam nad yw'r deddfiadau hyn wedi'u rhestru yn y Bil? At hynny, mae'r Datganiad o Fwriad y Polisi yn nodi bod y pwerau newydd ym mharagraff 2(4)(a) o Atodlen 1A yn caniatáu i Weinidogion Cymru nodi achosion eraill lle y dylid trin darparwr fel un nad yw'n bodloni'r gofyniad nid-er-elw; pa enghreifftiau a ragwelir yma?

Cwestiwn 10 – Mae adran 11 yn mewnosod adran 75A newydd yn Neddf 2014 sy'n ymwneud â pharatoi a chyhoeddi cynlluniau digonolwydd blynnyddol awdurdodau lleol. Ar wyneb y Bil, mae'n ymddangos bod yr adran 75A(2)(d)(iii) a (vi) newydd yn ddau bŵer gwneud rheoliadau ar wahân. Fodd bynnag, mae'r Memorandwm Esboniadol a'r Datganiad o Fwriad Polisi yn cyfeirio atynt yn unigol. A allwch gadarnhau ein dealltwriaeth bod dau bŵer yn adran 75A(2)(d)(iii) a (vi)?

Cwestiwn 11 – Mae'r Datganiad o Fwriad y Polisi yn nodi'r rhesymau pam mae angen pŵer i wneud rheoliadau yn adran 14 i osod terfyn amser at ddibenion cyhoeddi datganiad blynnyddol. Pa amserlen ydych chi'n rhagweld y bydd yn ei gosod ar gyfer hyn, a pham y byddai angen newid amserlen o'r fath ar unrhyw adeg? A yw amserlen hyblyg yn briodol ar gyfer cyhoeddi datganiad blynnyddol?



Cwestiwn 12 – Mae adran 19 o'r Bil yn caniatáu i orchymynion interim gael eu hymestyn gan banel mewn achosion addasrwydd i ymarfer. Mae adran 19(1) yn nodi bod y pŵer i ymestyn y gorchymyn am hyd at 18 mis, ond mae adran 19(2)(b) yn ei gwneud yn ofynnol "nad yw'r estyniad yn arwain at y gorchymyn interim yn cael effaith am gyfnod o fwy na 18 mis". Mae'r geiriad hwn yn awgrymu na all y gorchymyn interim yn ei gyfanrwydd – nid yr estyniad yn unig – bara mwy na 18 mis, sy'n wahanol i'r hyn a ddywed adran 19(1). A allwch egluro'r bwriad yma?

Cwestiwn 13 – Mae paragraff 7 o'r Atodlen A1 newydd i Ddeddf 2014, fel y'i mewnosodwyd gan adran 20(2)(d) o'r Bil, yn ei gwneud yn ofynnol i reoliadau a wneir o dan yr Atodlen ddarparu'n benodol bod taliadau uniongyrchol o dan adran 117 o *Ddeddf lechyd Meddwl 1983* yn gorfol adlewyrchu'r swm y mae'r awdurdod lleol yn amcangyfrif y byddai'n ofynnol ei dalu am y gwasanaeth dan sylw. Pŵer dewisol yw'r pŵer i wneud y rheoliadau hyn, felly os na chaiff y pŵer hwn ei arfer, sut y rhoddir effaith i baragraff 7? Pam na fyddai'n fwy priodol cynnwys y gofynion hyn am y taliadau uniongyrchol ar wyneb y Bil?

Cwestiwn 14 – Mae adran 20(2)(a), (d) ac (e) yn mewnosod darpariaethau newydd â phwerau gwneud rheoliadau yn Nedd 2014. Mae'r Memorandwm Esboniadol yn nodi bod y pwerau hyn yn disodli pwerau presennol, ond yna yn ddiweddarach mae'n mynd ymlaen i ddweud y "byddai'r weithdrefn negyddol yn fwy priodol". Mae hyn yn rhoi'r argraff bod y drefn graffu wedi newid ar gyfer y pwerau hyn, a allwch gadarnhau a yw hyn yn wir a pham mae'r Memorandwm Esboniadol yn defnyddio'r geiriad hwn?

Cwestiwn 15 – Mae adran 24(2) o'r Bil yn mewnosod adran 10B newydd yn *Nedd Gwasanaeth lechyd Gwladol (Cymru) 2006* ("Deddf 2006"), sy'n cyfeirio at berson sydd heb alluedd. Rhoddir ystyr i'r term hwn gan yr adran 10B(8)(b) newydd o Ddeddf 2006, ond fe'i diffinnir gan gyfeirio at *Ddeddf Galluedd Meddyliol 2005* yn ei chyfanrwydd. Rhoddir ystyr i'r ymadrodd gan adran 2 o'r Ddeddf honno, felly pam nad yw'r darllenyydd wedi'i gyfeirio at y ddarpariaeth honno?

Cwestiwn 16 – Mae adran 24(2) o'r Bil yn mewnosod adran 10C newydd yn Nedd 2006, sy'n caniatáu i Weinidogion Cymru wneud rheoliadau sy'n ymwneud â thaliadau uniongyrchol. Mae rhai o'r materion y gall rheoliadau o'r fath eu cwmpasu, fel y nodir yn yr adran 10C(2) newydd, yn rhai manwl ac o bosibl yn gymhleth. Pam ydych chi'n ystyried bod y weithdrefn graffu negyddol yn briodol ar gyfer rheoliadau o'r fath?



Cwestiwn 17 – Mae adran 28(2)(a) o'r Bil yn cynnwys pŵer Harri VIII ac mae'n caniatáu rheoliadau i "ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad". Mae adran 28(3) yn pennu'r gofynion y bydd pwerau dirprwyedig yn y Bil, pan gânt eu harfer, yn ddarostyngedig i'r weithdrefn gadarnhaol ddrafft ar eu cyfer. Mae'r ddarpariaeth hon yn cyfeirio at "ddiwygio, addasu neu ddiddymu". Mae'r Memorandwm Esboniadol yn disgrifio ymhellach y weithdrefn graffu gadarnhaol ddrafft sy'n gymwys pan fo rheoliadau yn "diwygio, yn diddymu ne fel arall yn addasu", tra bod y Datganiad o Fwriad y Polisi yn cyfeirio at ddiwygio neu ddiddymu. A allwch roi eglurhad ynghylch a oeddech unrhyw wahaniaeth yn fwriad gennych o ran ystyr neu gymhwysiad y ddarpariaeth yn adran 28(3), ac egluro'r anghysondebau drafftio.





Eich cyf/Your ref DB-PO-0167-24

Russell George MS
Cadeirydd
Y Pwyllgor Iechyd a Gofal Cymdeithasol
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

19 Mehefin 2024

Annwyl Russell,

Yn dilyn cyflwyno Bil Iechyd a Gofal Cymdeithasol (Cymru) i'r Senedd ar 20 Mai 2024, amgaeaf gopi o'r Datganiad o Fwriad Polisi mewn perthynas â'r pwerau i wneud is-ddeddfwriaeth o dan y Bil. Darperir y ddogfen hon er mwyn cynorthwyo'r Senedd i graffu ar y Bil.

Edrychaf ymlaen at gyflwyno rhagor o dystiolaeth i'r Pwyllgor maes o law.

Byddaf yn angon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Deddfwriaeth, Cyflawnder a'r Cyfansoddiad ac at Gadeirydd y Pwyllgor Cyllid.

Yn gywir,

Dawn Bowden AS/MS
Y Gweinidog Gofal Cymdeithasol
Minister for Social Care

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynir 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 responding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

BIL IECHYD A GOFAL CYMDEITHASOL (CYMRU)

Datganiad o'r Bwriad Polisi ar gyfer Is-ddeddfwriaeth

Mehefin 2024

BIL IECHYD A GOFAL CYMDEITHASOL (CYMRU)

DATGANIAD O'R BWRIAD POLISI AR GYFER IS-DDEDDFWRIAETH

Mae'r ddogfen hon yn rhoi syniad o'r bwriad polisi presennol ar gyfer yr is-ddeddfwriaeth y byddai Gweinidogion Cymru yn cael y pwerau i'w gwneud neu y byddai'n ofynnol iddynt ei gwneud o dan ddarpariaethau Bil Iechyd a Gofal Cymdeithasol (Cymru) ('y Bil'). Fe'i lluniwyd i gynorthwyo'r pwylgorau wrth iddynt graffu ar y Bil a dylid ei darllen ar y cyd â'r Memorandwm Esboniadol a'r Nodiadau Esboniadol.

Prif bwrpas y Bil yw cyflwyno newidiadau sy'n:

- dileu elw preifat o ofal plant sy'n derbyn gofal;
- galluogi cyflwyno Taliadau Uniongyrchol ar gyfer Gwasanaethau Parhaus y GIG (CHC);
- gwneud diwygiadau i sicrhau bod Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Deddf 2016) a Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Deddf 2014) yn gallu gweithredu'n llawn ac yn effeithiol.

Er hwylustod, mae'r ddogfen hon yn cynnwys gwybodaeth ar wahân ar gyfer pob darpariaeth yn y Bil sy'n cynnwys is-ddeddfwriaeth. Fodd bynnag, mewn gwirionedd, byddai nifer o'r meysydd hyn yn debygol o gael eu cyfuno a'u trin, er enghraifft, o fewn set o reoliadau. Mae cynnwys y ddogfen hon yn cyfateb i'r wybodaeth a ddarperir ym Mhennod 5 o'r Memorandwm Esboniadol.

Wrth ddatblygu'r is-ddeddfwriaeth, bydd Llywodraeth Cymru yn gweithio'n agos â rhanddeiliaid, gan ymgynghori lle bo'n briodol, i sicrhau bod y darpariaethau yn berthnasol, yn ddilys ac yn gymesur.

RHAN 1: GOFAL CYMDEITHASOL

PENNOD 1 – DARPARU GWASANAETHAU GOFAL CYMDEITHASOL I BLANT: CYFYNGIADAU AR ELW

| | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| RHEOLIADAU YN YMWNEUD Â | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth sy'n ofynnol mewn cais i gael cofrestru i ddod yn ddarparwr gwasanaeth i blant o dan gyfyngiad |
| RHAN Y BIL | Rhan 1, Pennod 1 |
| ADRAN | 3(2) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |

Mae Adran 3(2) yn mewnosod is-adran 6(1A) newydd yn Neddf 2016 sy'n cynnwys y pŵer i wneud rheoliadau.

Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth sy'n ofynnol mewn cais i gael cofrestru i ddod yn ddarparwr gwasanaeth i blant o dan gyfyngiad, er mwyn iddynt gael eu bodloni bod y person sy'n gwneud cais i ddod yn ddarparwr yn bodloni'r gofynion angenrheidiol.

Y BWRIAD POLISI A'R RHESWM DROS Y PŵER I WNEUD RHEOLIADAU

Mae Deddf 2016 eisoes yn nodi (yn adran 6(1)(a)-(c) rhywfaint o wybodaeth y mae'n rhaid ei chynnwys mewn cais i Weinidogion Cymru pan fo person sydd eisiau darparu gwasanaeth rheoleiddiedig yn gwneud cais i Weinidogion Cymru i gofrestru. Mae pwerau presennol yn adran 6(1)(d) ac adran 6(2) Deddf 2016 sy'n galluogi Gweinidogion i ragnodi gwybodaeth bellach ac ym mha ffurf y mae'n rhaid gwneud cais.

Mae'r pŵer hwn yn adlewyrchu'r dull a fabwysiadwyd eisoes yn adran 6(1)(d) Deddf 2016 (sy'n ymwneud â cheisiadau i gofrestru fel darparwr gwasanaeth), ac yn sicrhau y gall Gweinidogion Cymru ragnodi gwybodaeth y mae angen ei darparu yn achos cais i ddarparu gwasanaeth i blant o dan gyfyngiad, i fodloni Gweinidogion Cymru bod y sefydliad sy'n gwneud y cais yn bodloni'r gofyniad yn adran 6A(1) ei fod yn endid nid-er-elw. Disgwylir i hyn gynnwys gwybodaeth am amcanion neu ddibenion y sefydliad, a'r math o sefydliad sy'n gwneud y cais (e.e. cwmni elusennol cyfyngedig drwy warant heb gyfalaf cyfranddaliadau).

Drwy roi pŵer i Weinidogion Cymru ragnodi gwybodaeth y mae angen ei darparu yn achos cais i ddarparu gwasanaeth i blant o dan gyfyngiad, mae'r Bil yn caniatáu i'r broses ymgeisio gael ei hadolygu o bryd i'w gilydd ac yn galluogi hyblygrwydd i addasu'r broses os oes angen.

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| RHEOLIADAU YN YMWNEUD Â | Caniatáu i Weinidogion Cymru ragnodi'r hyn sy'n "fudd cyhoeddus" derbyniol y mae'n rhaid i amcanion neu ddibenion person sy'n cynnig darparu gwasanaethau i blant o dan gyfyngiad ymwneud yn bennaf ag ef |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 3(3) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| <p>Mae Adran 3 yn mewnosod adrannau newydd - 6A a 6B - yn Neddf 2016 ynghylch cofrestru mewn perthynas â gwasanaeth i blant o dan gyfyngiad a diffiniadau. Mae adran 6A(3) yn ymdrin â gofynion mewn perthynas ag amcanion a dibenion person sy'n ceisio cofrestru i ddarparu gwasanaethau i blant o dan gyfyngiad. Mae adran 6A(3)(a) newydd arfaethedig yn nodi "lles plant" fel 'budd cyhoeddus' derbyniol y mae'n rhaid i'r amcanion neu'r dibenion hynny ymwneud ag ef yn bennaf. Mae adran 6A(3)(b) yn pennu y caiff Gweinidogion Cymru hefyd ragnodi budd(ion) cyhoeddus eraill o'r fath.</p> <p>Mae'r pŵer hwn yn caniatáu i Weinidogion Cymru ragnodi'r hyn sy'n "fudd cyhoeddus" derbyniol y mae'n rhaid i amcanion neu ddibenion person sy'n cynnig darparu gwasanaethau i blant o dan gyfyngiad ymwneud yn bennaf ag ef.</p> | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŵER I WNEUD RHEOLIADAU | |
| <p>Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi'r hyn sy'n "fudd cyhoeddus" derbyniol ychwanegol y mae'n rhaid i amcanion neu ddibenion person sy'n cynnig darparu gwasanaeth i blant o dan gyfyngiad ymwneud yn bennaf ag ef, gan ganiatáu i'r darpariaethau gael eu 'diogelu at y dyfodol' yn erbyn y posibilwydd o ddod o hyd i fuddion cyhoeddus newydd.</p> <p>Gellir nodi mathau newydd o 'fudd cyhoeddus' yn y dyfodol, er enghraifft pe byddai endid nid-er-elw ar gyfer plant hefyd yn dymuno mynd ar drywydd amcanion/dibenion sy'n ymwneud â lles oedolion y mae angen gofal a/neu gymorth arnynt drwy ddarparu gwasanaethau i oedolion. Mewn amgylchiadau fel hyn, efallai y bydd Gweinidogion Cymru yn dymuno ystyried a allai pennu budd cyhoeddus newydd ganiatáu hynny, tra'n parhau i fod yn gyson â'r polisi.</p> | |

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| RHEOLIADAU YN YMWNEUD Â | Caniatáu i Weinidogion Cymru benderfynu ar ddiwedd y cyfnod trosiannol ar gyfer gwasanaethau i blant dan gyfyngiad |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 4(3) |
| DULL O DDWYN I RYM | Drafft Cadarnhaol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 4(3) yn mewnosod paragraff newydd arfaethedig 1(1)(b), mewn Atodlen 1A newydd i Ddeddf 2016. Mae paragraff 1(1)(b) yn nodi bod y cyfnod trosiannol ar gyfer gwasanaeth i blant o dan gyfyngiad yn dod i ben ar y diwrnod a bennir gan Weinidogion Cymru drwy reoliadau. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru benderfynu ar ddiwedd y cyfnod trosiannol ar gyfer gwasanaethau i blant dan gyfyngiad, gan gynnwys y gallu i ymateb i'r angen posibl i bennu gwahanol ddiwrnodau mewn perthynas â gwahanol fathau o wasanaeth a disgrifiadau gwahanol o ddarparwyr gwasanaeth; er enghraifft, os yw cyflawni ddarpariaeth ddigonol o leoliadau nid-er-elw yn anghyson ar draws mathau o wasanaethau. | |
| Mae'r pŵer yn cydnabod y bydd angen ystyried i ba raddau y mae awdurdodau lleol wedi ymddatgysylltu oddi wrth yr arfer o ddefnyddio lleoliadau er elw, er mwyn pennu'r adeg briodol i ddod â'r cyfnod trosiannol i ben (h.y. yr amser y gellir osgoi neu leihau i'r eithaf y tarfu ar leoliadau i blant a darparwyr gwasanaethau). | |

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| RHEOLIADAU YN YMWNEDU | Caniatáu i Weinidogion Cymru ragnodi deddfiadau at ddibenion nad yw is-baragraff (3) o baragraff 2 yn gymwys iddynt. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 4(3) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 4(3) yn mewnosod paragraff newydd arfaethedig 2(4)(b), mewn Atodlen 1A newydd i Ddeddf 2016 yn ymwneud â threfniadau cofrestru trosiannol ar gyfer darparwyr gwasanaethau presennol. Mae paragraff 2(4)(a) yn nodi nad yw'r gofynion yn is-baragraff (3) – nad yw cofrestriad y darparwr gwasanaeth yn ddarostyngedig i'r gofyniad yn adran 6A(1) a bod rhaid i'r cofnod ar y gofrestr a gedwir dan adran 38 ddangos nad yw'r darparwr yn bodloni'r gofyniad o fod yn endid nid-er-elw – yn gymwys at ddibenion cais a wneir o dan adran 6(1) ac 11(1)(a)(i) o Ddeddf 2016. | |
| Mae paragraff 2(4)(b) yn nodi nad yw'r gofynion yn is-baragraff (3) chwaith yn gymwys at ddibenion unrhyw ddeddfiadau eraill y gallai Gweinidogion Cymru eu rhagnodi. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi deddfiadau at ddibenion nad yw is-baragraff (3) o baragraff 2 yn gymwys iddynt. Mae'n ategu paragraff 2(4)(a). | |
| Mae is-baragraffau 2(4)(a)(i) a (ii) yn gweithredu fel bod darparwr gwasanaeth o dan gyfyngiad nad yw'n gymwys at y rhan fwyaf o ddibenion yn cael ei drin fel pe bai'n bodloni'r gofynion nid-er-elw tra bo'r cyfnod trosiannol yn parhau, nid yw hyn yn wir pan fo'r darparwr hwnnw'n gwneud cais i ddarparu gwasanaeth rheoleiddiedig ychwanegol (neu amrywio ei gofrestriad i wneud hynny). Mae'r pŵer hwn yn caniatáu i Weinidogion Cymru bennu achosion eraill pryd y dylai darparwr o'r fath gael ei drin fel darparwr nad yw'n bodloni'r gofyniad nid-er-elw. | |

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| RHEOLIADAU YN YMWNEUD Â | Caniatáu i Weinidogion Cymru osod amodau ar ddarparwyr presennol gwasanaethau i blant dan gyfyngiad. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 4(3) |
| DULL O DDWYN I RYM | Drafft cadarnhaol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 4(3) yn mewnosod paragraff newydd arfaethedig 3(1), mewn Atodlen 1A newydd i Ddeddf 2016. Mae 3(1) yn nodi y caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth sy'n gosod amodau ar ddarparwr gwasanaeth y mae paragraff 2 yn gymwys iddo (darparwr presennol gwasanaethau plant o dan gyfyngiad yn ystod y cyfnod trosiannol). | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru osod amodau ar ddarparwyr gwasanaethau i blant o dan gyfyngiad presennol yn ystod y cyfnod trosiannol, gan gynnwys cyfyngiadau ar y math o wasanaeth y gallant ei ddarparu a'r disgrifiad o blant sy'n derbyn gofal y caniateir iddynt eu lletya. | |
| Gall hyn gynnwys gosod amodau i gyfyngu ar ddarparwyr sy'n ddarostyngedig i'r darpariaethau trosiannol i ddarparu lleoedd yn unig i blant y cymeradwywyd eu lleoliad gan Weinidogion Cymru o dan adran 81B o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, neu i gyfyngu ar yr amgylchiadau pan gaiff darparwyr o'r fath dderbyn lleoliadau gan awdurdodau lleol yn Lloegr (er enghraifft, i amgylchiadau lle mae angen lleoli brodyr a chwiorydd gyda'i gilydd). Gellid defnyddio'r pŵer hefyd i atal darparwyr sy'n ddarostyngedig i'r darpariaethau trosiannol rhag darparu lle i unrhyw blentyn newydd ar ôl dyddiad penodol. Bydd y weithdrefn gadarnhaol ddrafft yn cefnogi craffu ar yr amodau arfaethedig. | |

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| RHEOLIADAU YN YMWNEDU | Caniatáu i Weinidogion Cymru bennu'r wybodaeth a gynhwysir mewn cais, a ffurf y cais hwnnw, gan ddarparwr gwasanaethau o dan gyfyngiad am amrywio cofrestriad y darparwr hwnnw. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 4(3) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| <p>Mae adran 4(3) yn mewnosod paragraff newydd arfaethedig 4(3), yn Atodlen 1A i Ddeddf 2016. Mae'r adran hon yn nodi bod yn rhaid i ddarparwr gwasanaeth i blant o dan gyfyngiad sy'n gwneud cais am amrywio cofrestriad ac sy'n endid nid-er-elw (yn unol â'r gofyniad yn adran 6A(1)) gynnwys yn ei gais unrhyw wybodaeth a ragnodir i fodloni Gweinidogion Cymru bod y person yn bodloni gofynion bod yn endid nid-er-elw, a bod cais ar y ffurf ragnodedig.</p> <p>Mae'r pŵer yn ymwneud â thasg weinyddol ei natur ac mae'r weithdrefn yn adlewyrchu hynny mewn perthynas â cheisiadau am amrywiad o dan a.11(3)(a)(iii) a (3)(b) Deddf 2016.</p> | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| <p>Bydd y pŵer yn caniatáu i Weinidogion Cymru bennu'r wybodaeth a gynhwysir mewn cais, a ffurf y cais, gan ddarparwr gwasanaethau o dan gyfyngiad am amrywio cofrestriad y darparwr hwnnw. Mae hyn yn sicrhau bod gan Weinidogion Cymru fynediad at yr wybodaeth sydd ei hangen arnynt er mwyn penderfynu ar gais i amrywio cofrestriad gan ddarparwr gwasanaethau i blant o dan gyfyngiad.</p> <p>Mae'n fwy priodol cynnwys gwybodaeth o'r fath mewn Rheoliadau. Mae'r sail resymegol yn gyson â'r hyn a nodir uchod ar gyfer y pŵer a fewnosodwyd gan adran 3(2) i fynnu'r wybodaeth gyfatebol ar gyfer ceisiadau am gofrestru.</p> | |

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| RHEOLIADAU YN YMWNEDU A | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth am dystiolaeth sy'n berthnasol i'r prawf person addas a phriodol y mae'n rhaid ei gynnwys yn y datganiad blynnyddol. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 7(a) |
| DULL O DDWYN I RYM | Drafft cadarnhaol ar y defnydd cyntaf, ac wedi hynny negyddol (gweler adran 10(6) o Ddeddf 2016, ac adran 7(c)(ii) o'r Bil) |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 7(a) yn mewnosod paragraff arfaethedig (viia) yn adran 10, is-adran (2)(a) Deddf 2016 yn ymwneud â'r datganiad blynnyddol. Mae hwn yn nodi bod yn rhaid i ddatganiad blynnyddol gynnwys unrhyw wybodaeth am dystiolaeth sy'n berthnasol i'r prawf person addas a phriodol a ragnodir. | |
| Mae'r pŵer yn adlewyrchu hynny mewn perthynas â datganiadau blynnyddol dan a.10(2)(a)(ix) Deddf 2016. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth am dystiolaeth sy'n berthnasol i'r prawf person addas a phriodol y mae'n rhaid ei gynnwys yn y datganiad blynnyddol. Diben hyn yw bod yn rhan o'r sail dystiolaethol ar gyfer dyfarniadau ynghylch ffitrwydd y rhai sy'n gweithredu gwasanaethau i blant o dan gyfyngiad (er enghraifft mewn perthynas â thaliadau sy'n uwch na symiau a bennwyd neu i bersonau penodol neu ar gyfer mathau penodol o wasanaethau a allai fod wedi cael eu gwneud gan endid nid-er-elw). | |
| Mae'r wybodaeth hon yn briodol i'w chynnwys yn y Rheoliadau a byddai'n sail i Weinidogion Cymru fel rheoleiddiwr ymchwilio i weld a oedd y taliadau'n mynd yn groes i adran 9A oherwydd eu bod yn afresymol neu'n anghymesur. Bwriad y polisi yw y bydd rheoliadau'n cael eu defnyddio i sicrhau bod yr wybodaeth yn y datganiad blynnyddol ac a ddefnyddir mewn perthynas â'r prawf person addas a phriodol yn gymesur, yn seiliedig ar ffeithiau, yn gyfredol ac yn gyson. | |

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| RHEOLIADAU YN YMWNEDU A | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth sydd i'w chynnwys mewn datganiad blynnyddol er mwyn bodloni Gweinidogion Cymru bod y darparwr yn bodloni gofynion adran 6A(1) (yngylch gofynion er mwyn cael ei gofrestru fel darparwr gwasanaethau i blant o dan gyfyngiad). |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 7(b) |
| DULL O DDWYN I RYM | Drafft cadarnhaol ar y defnydd cyntaf, ac wedi hynny negyddol (gweler adran 10 o Ddeddf 2016, ac adran 7(c)(iv) o'r Bil) |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 7(b) yn mewnosod paragraff arfaethedig 2A newydd ar ôl is-adran (2) yn adran 10 Deddf 2016 yn ymwneud â'r datganiad blynnyddol. Mae'r adran hon yn nodi bod rhaid i ddatganiad blynnyddol ar gyfer darparwr, ac eithrio awdurdod lleol, o wasanaeth i blant o dan gyfyngiad hefyd gynnwys unrhyw wybodaeth a ragnodir i fodloni Gweinidogion Cymru bod y person yn bodloni'r gofynion o ran bod yn endid nid-er-elw. | |
| Mae'r pŵer yn ymwneud â thasg weinyddol ei natur ac mae'r weithdrefn yn adlewyrchu hynny mewn perthynas â datganiadau blynnyddol dan a.10(2)(a)(ix) Deddf 2016. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth sydd i'w chynnwys mewn datganiad blynnyddol er mwyn bodloni Gweinidogion Cymru bod y darparwr yn bodloni gofynion adran 6A(1) (yngylch bod yn endid nid-er-elw). Pwrpas hyn yw bod yn rhan o'r sail dystiolaethol ar gyfer dyfarniadau yngylch glynw wrth ofynion ar ran y rhai sy'n gweithredu gwasanaethau i blant o dan gyfyngiad mewn perthynas â'r math o ymgwymeriad a nodir yn adran 3(3)(4) neu amcanion neu ddibenion y person. | |

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| RHEOLIADAU YN YMWNEDU | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth i'w chynnwys mewn cais i amrywio cofrestriad darparwr i allu darparu gwasanaeth i blant o dan gyfyngiad. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 8(2) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 8(2) yn mewnosod is-adran (4) newydd arfaethedig ar ôl is-adran (3) yn adran 11 Deddf 2016 yn ymwneud â chais i amrywio cofrestriad fel darparwr gwasanaeth. Mae'n nodi bod yn rhaid i ddarparwr gwasanaeth i blant o dan gyfyngiad sydd am ddarparu gwasanaeth rheoleiddiedig nad yw eisoes wedi'i gofrestru i'w ddarparu. gynnwys hefyd, yn ei gais i amrywio ei gofrestriad unrhyw wybodaeth a ragnodir i fodloni Gweinidogion Cymru bod y person yn bodloni'r gofynion o fod yn endid nid-er-elw. | |
| Mae'r pŵer yn ymwneud â thasg weinyddol ei natur ac mae'r weithdrefn yn adlewyrchu hynny mewn perthynas â chais i amrywio cofrestriad fel darparwr gwasanaeth dan a.11(3)(a)(iii) y Ddeddf. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth sydd i'w chynnwys mewn cais i amrywio cofrestriad darparwr i allu darparu gwasanaeth i blant o dan gyfyngiad, er mwyn bodloni Gweinidogion Cymru bod y darparwr yn bodloni gofynion adran 6A(1) (ynghylch bod yn endid nid-er-elw). Pwrpas hyn yw bod yn rhan o'r sail dystiolaethol ar gyfer dyfarniadau ynghylch a yw darparwr yn gymwys i ddarparu gwasanaeth i blant o dan gyfyngiad. | |
| Mae'r sail resymegol yn gyson â'r hyn a nodir uchod ar gyfer y pŵer a fewnosodwyd gan adran 3(2) i fynnu'r wybodaeth gyfatebol ar gyfer ceisiadau am gofrestru. | |

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| RHEOLIADAU YN YMWNEUD Â | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth sydd i'w chynnwys yng nghynlluniau digonolrwydd awdurdodau lleol, ynghylch darparwyr er elw sy'n darparu llety yng Nghymru neu yn Lloegr, yn y drefn honno, ac sy'n debygol o gael eu henwi mewn ceisiadau am gymeradwyo lleoliadau atodol |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 11 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 11 yn mewnosod adran 75A newydd yn Neddf 2014 yn ymwneud â pharatoi a chyhoeddi cynlluniau digonolrwydd blynnyddol awdurdodau lleol. Mae is-adran (2)(d)(iii) a (iv) o'r adran 75A newydd yn darparu bod rhaid i gynlluniau digonolrwydd blynnyddol gynnwys, mewn perthynas â cheisiadau am gymeradwyo lleoliadau atodol, wybodaeth sydd i'w rhagnodi mewn rheoliadau ynghylch darparwyr er-elw sy'n darparu llety yng Nghymru (is-adran (2)(d)(iii)), a gwybodaeth sydd i'w rhagnodi mewn rheoliadau ynghylch ddarparwyr er-elw sy'n darparu llety yn Lloegr (is-adran (2)(d)(iv)). | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| <p>Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth sydd i'w chynnwys yng nghynlluniau digonolrwydd awdurdodau lleol, ynghylch darparwyr er-elw sy'n darparu llety yng Nghymru neu ddarparwyr preifat sy'n darparu llety yn Lloegr, ac sy'n debygol o gael eu henwi mewn ceisiadau am gymeradwyo lleoliadau atodol. Gan fod disgwyl i ddarparwyr preifat yn Lloegr fod yn rhai er-elw ac nid-er-elw, efallai y bydd Gweinidogion Cymru yn dymuno cael gwybodaeth benodol am y math o endid yn yr achosion hynny.</p> <p>Bydd cynlluniau digonolrwydd yn hyrwyddo dull cydlynol o gynllunio a darparu gwasanaethau nid-er-elw yn unol ag anghenion lleol ac ailgydbwys o'r ddarpariaeth gofal a chymorth yn ehangach. Mae'r pŵer i ragnodi gwybodaeth am ddarparwyr er elw yng Nghymru a darparwyr preifat yn Lloegr sy'n debygol o gael eu henwi mewn ceisiadau am gymeradwyo lleoliadau atodol yn caniatáu dull deinamig o ymdrin â gofynion cynlluniau digonolrwydd y gellir eu haddasu i'r sefyllfa sy'n esblygu mewn perthynas â digonolrwydd darpariaeth nid-er-elw yng Nghymru.</p> | |

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| RHEOLIADAU YN YMWNEDU A | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth arall sydd i'w chynnwys yng nghynlluniau digonolrwydd awdurdodau lleol. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 11 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 11 (is-adran (2)(f) o'r adran 75A newydd sydd i'w mewnosod yn Neddff 2014 yn ymwneud â pharatoi a chyhoeddi cynlluniau digonolrwydd blynnyddol awdurdodau lleol) yn nodi bod rhaid i gynlluniau digonolrwydd blynnyddol gynnwys unrhyw wybodaeth arall a ragnodir gan reoliadau. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth arall sydd i'w chynnwys yng nghynlluniau digonolrwydd awdurdodau lleol. | |
| Fel gyda phwerau gwneud rheoliadau eraill o ran cynlluniau digonolrwydd yn ehangach, bydd y cynlluniau hyn yn hyrwyddo dull cydlynol o gynllunio a darparu gwasanaethau nid-er-elw yn unol ag anghenion lleol ac ailgydbwys o'r ddarpariaeth gofal a chymorth yn ehangach. Mae'r pŵer i ragnodi gwybodaeth i'w chynnwys yng nghynlluniau digonolrwydd awdurdodau lleol yn caniatáu dull deinamig o ymdrin â gofynion cynlluniau digonolrwydd y gellir eu haddasu i'r sefyllfa sy'n esblygu mewn perthynas â digonolrwydd darpariaeth nid-er-elw yng Nghymru. | |

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| RHEOLIADAU YN YMWNEDU | Caniatáu i Weinidogion Cymru ragnodi ffurf cynlluniau digonolrwydd awdurdodau lleol. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 11 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| | Mae adran 11 (is-adran (3) o'r adran 75A newydd sydd i'w mewnosod yn Neddff 2014 yn ymwneud â pharatoi a chyhoeddi cynlluniau digonolrwydd blynnyddol awdurdodau lleol) yn nodi bod rhaid i gynlluniau digonolrwydd blynnyddol fod ar ffurf a ragnodir gan reoliadau. |
| | Mae'r pŵer yn ymwneud â thasg sy'n weinyddol ei natur. |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| | Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi ffurf cynlluniau digonolrwydd awdurdodau lleol, tasg weinyddol ei natur. |
| | Yn unol â phwerau rheoleiddio eraill mewn perthynas â chynlluniau digonolrwydd, bydd y cynlluniau hyn yn hyrwyddo dull cydlynol o gynllunio a darparu gwasanaethau nid-er-elw yn unol ag anghenion lleol ac ailgydbwys o'r ddarpariaeth gofal a chymorth yn ehangach. |

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| RHEOLIADAU YN YMWNEDU A | Caniatáu i Weinidogion Cymru ragnodi gwybodaeth arall sydd i'w chynnwys mewn cais gan awdurdod lleol am leoliad atodol. |
| RHAN Y BIL | Pennod 1 o Ran 1 |
| ADRAN | 13(3) |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 13(3) (is-adran (3)(g) o adran 81B newydd sydd i'w mewnosod yn Neddf 2014 yn ymwneud â'r ffyrdd y mae plant sy'n derbyn gofal i gael eu lletya a'u cynnal, yn benodol mewn perthynas â chais am gymeradwyaeth i leoliad atodol) yn nodi bod rhaid i geisiadau gan awdurdodau lleol sy'n gwneud cais am leoliad atodol gynnwys unrhyw wybodaeth arall y gall Gweinidogion Cymru ei rhagnodi mewn rheoliadau. | |
| Mae'r pŵer yn ymwneud â thasg sy'n weinyddol ei natur. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ragnodi gwybodaeth arall sydd i'w chynnwys mewn cais gan awdurdod lleol am leoliad atodol. Bydd hyn yn galluogi adolygu'r broses ymgeisio o bryd i'w gilydd a'i haddasu os bydd angen. | |

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| RHEOLIADAU YN YMWNEUD Â | Dyletswydd i gyflwyno a chyhoeddi datganiad blynnyddol |
| RHAN Y BIL | Pennod 2 o Ran 1 |
| ADRAN | 14 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 14 yn mewnosod is-adran (4A) newydd yn adran 10 Deddf 2016. Mae is-adran (4A) yn bŵer i ganiatáu i Weinidogion Cymru ragnodi o fewn pa derfyn amser y mae'n rhaid cyhoeddi datganiad blynnyddol. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |
| Bydd y Rheoliadau'n caniatáu i Weinidogion Cymru ragnodi o fewn pa derfyn amser y mae'n rhaid i ddarparwr gwasanaeth gyhoeddi datganiad blynnyddol. | |
| Y bwriad yw defnyddio'r rheoliadau i ragnodi amserlen resymol ar gyfer cyhoeddi datganiadau blynnyddol gan ddarparwyr gwasanaeth. Bydd hyn yn sicrhau bod gwybodaeth amserol a chyson ar gael i'r cyhoedd. | |
| Mae defnyddio rheoliadau yn hytrach na phennu amserlen ar wyneb y Ddeddf yn rhoi hyblygrwydd i addasu'r amserlen pe bai'n profi'n angenrheidiol yn ymarferol. | |

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| RHEOLIADAU YN YMWNEUD Â | Cais i ganslo cofrestriad darparwr gwasanaeth: gwybodaeth i'w darparu |
| RHAN Y BIL | Pennod 2 o Ran 1 |
| ADRAN | 15 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adrann 15 yn mewnosod is-adran (1A) newydd yn adrann 14 Deddf 2016. Mae is-adran (1A)(a) yn bŵer i ganiatáu i Weinidogion Cymru ragnodi'r wybodaeth sy'n ofynnol gan ddarparwr gwasanaeth sy'n gwneud cais i ganslo ei gofrestriad. Mae is-adran (1A)(b) yn bŵer i ganiatáu i Weinidogion Cymru ragnodi ffurf cais i ganslo. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| <p>Bydd y Rheoliadau yn caniatáu i Weinidogion Cymru ofyn am wybodaeth benodol mewn fformat addas fel rhan o gais i ganslo cofrestriad darparwr gwasanaeth. Rhagwelir y bydd y rheoliadau hyn yn cael eu defnyddio i fynnu gwybodaeth gan ddarparwyr gwasanaeth sy'n dymuno canslo eu cofrestriad, yn nodi sut y byddant yn parhau i gydymffurfio â'r gofynion yn Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 nes bydd y gwasanaeth yn peidio â chael ei ddarparu. Bydd hyn yn sicrhau bod gan y rheoleiddiwr wybodaeth berthnasol am weithrediad y gwasanaeth a gofal unigolion sy'n defnyddio neu'n byw yn y gwasanaeth i gyflawni ei ddyletswyddau'n effeithiol yn ystod y cyfnod cau.</p> <p>Bydd defnyddio rheoliadau yn hytrach na phennu gofynion gwybodaeth ar wyneb y Deddf yn rhoi hyblygrwydd i amrywio'r gofynion gwybodaeth yn ôl y math o wasanaeth rheoleiddiedig ac yn diogelu'r gofynion i'r dyfodol, gan sicrhau eu bod yn parhau'n addas i'r diben.</p> <p>Bydd y rheoliadau hyn yn ategu'r pwerau gwneud rheoliadau yn adrannau 11(3) Deddf 2016 sy'n darparu pŵer gwneud rheoliadau cyfatebol i fynnu gwybodaeth ragnodedig pan wneir cais i amrywio cofrestriad darparwr gwasanaeth.</p> <p>Mae wedi dod yn amlwg yn ystod gweithrediad Deddf 2016 bod gwahaniaeth yn y gofynion gwybodaeth rhwng darparwyr gwasanaeth sy'n gwneud cais i amrywio eu cofrestriad (drwy dynnu un neu fwy o wasanaethau o'r cofrestriad) a'r rhai sy'n dymuno canslo eu cofrestriad yn ei gyfanrwydd a gadael y farchnad. Mae hyn yn llessteirio gallu'r rheoleiddiwr i gael sicrwydd ynghylch bwriadau'r darparwr i gefnogi diogelwch a llesiant parhaus unigolion sy'n defnyddio'r gwasanaeth nes iddo gau. Bydd y pŵer i wneud rheoliadau sy'n caniatáu i Weinidogion Cymru fynnu gwybodaeth gan ddarparwr gwasanaeth sy'n gwneud cais i ganslo ei gofrestriad yn mynd i'r afael â'r bwlch hwn yn y fframwaith rheoleiddio. Bydd yn cysoni'r dull gweithredu ar gyfer darparwyr gwasanaethau sy'n gadael y farchnad ag un y rheini sy'n amrywio eu cofrestriad.</p> <p>Bydd rhagnodi'r wybodaeth sy'n ofynnol mewn rheoliadau yn rhoi eglurder a sicrwydd i ddarparwyr gwasanaethau.</p> | |

Mae'r pŵer i ragnodi ffurf cais i ganslo yn fater technegol ac mae'n sicrhau bod ceisiadau o'r fath yn addas i'r diben ac yn cynnwys y lefel angenrheidiol o fanylion er mwyn i'r rheoleiddiwr wneud penderfyniad.

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| RHEOLIADAU YN YMWNEUD Â | Galluogi Gweinidogion Cymru i ddarparu bod gweithwyr gofal plant (pobl sy'n cael eu cyflogi/gweithio i ddarparu gofal a goruchwyliaeth i blant gan berson sydd wedi'i gofrestru dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010) i'w trin fel gweithwyr gofal cymdeithasol. |
| RHAN Y BIL | Pennod 2 o Ran 1 |
| ADRAN | 18 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Bydd adran 18 yn diwygio adran 79 Deddf 2016 i roi pŵer i Weinidogion Cymru, drwy reoliadau, i ymestyn y diffiniad o weithwyr gofal cymdeithasol at ddibenion y Ddeddf i gynnwys gweithwyr gofal plant. | |
| Bydd y pŵer yn caniatáu i Weinidogion Cymru ddarparu bod gweithwyr gofal plant (personau sy'n cael eu cyflogi/gweithio (gan gynnwys gweithwyr asiantaeth) i ddarparu gofal a goruchwyliaeth i blant gan berson sydd wedi'i gofrestru dan Ran 2 Mesur Plant a Theuluoedd (Cymru) 2010 i'w trin fel gweithwyr gofal cymdeithasol. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |

Byddai'r rheoliadau'n nodi bod gweithwyr gofal plant i'w trin fel gweithwyr gofal cymdeithasol. Bydd hyn yn darparu sail ffurfiol ar gyfer y cymorth y mae Gofal Cymdeithasol Cymru (GCC) yn ei ddarparu ar hyn o bryd i'r gweithlu gofal plant ac yn galluogi Gofal Cymdeithasol Cymru i gyflawni rhagor o swyddogaethau i gefnogi'r sector yn ei gyfanrwydd. .

Y nod yn y pen draw yw sicrhau bod pawb sy'n rhan o'r gweithlu gofal plant yn gallu cael cynnig cymorth parhaus gan gorff arbenigol. Bydd hyn yn digwydd mewn sawl ffordd, drwy ddenu, mynediad, recriwtio, cynefino a datblygu gyrrfa. Nod Gofal Cymdeithasol Cymru bob amser yw datblygu gweithlu cymwysedig a medrus iawn gyda dull gweithredu sy'n canolbwytio ar y plentyn wrth galon popeth a wnânt. Yn hanesyddol, mae Gofal Cymdeithasol Cymru wedi darparu cymorth i'r sector ac wedi cael cyllid i wneud hynny, bydd gwneud rheoliadau'n darparu sail gyfreithiol ar gyfer hyn.

Byddai'r rheoliadau'n nodi bod gweithwyr gofal plant i gael eu trin fel gweithwyr gofal cymdeithasol, ac yn darparu sail gyfreithiol ar gyfer y cymorth y mae GCC yn ei ddarparu i'r gweithlu gofal plant.

Er nad oes gwahaniaeth cyfreithiol rhwng pobl sy'n gweithio/cael eu cyflogi mewn lleoliadau gofal dydd a chwarae (mae lleoliadau chwarae'n cael eu cynnwys o fewn ystyr gofal dydd yn adran 19 y Mesur), yn ymarferol, nid yw'r cymorth a

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| ddarperir gan GCC wedi'i ymestyn i bobl sy'n gweithwyr chwarae (gweithwyr chwarae). Bwriedir i unrhyw reoliadau a wneud taliadau lleol i'r sector cyfan (gan gynnwys gweithwyr chwarae) hyn yn cael ei ddarparu i'r sector cyfan (gan gynnwys gweithwyr chwarae) | Gweithwyr chwarae Wheud taliadau lleol i'r sector cyfan (gan gynnwys gweithwyr chwarae) Orynniell o ganiatâu i awdurdodau lleol wheud taliadau uniongyrchol tuag at ddiwallu anghenion oedolion, plant neu ofalwyr, gan ddisodli'r pwerau presennol yn adrannau 50 i 52 a 53(11) o Ddeddf 2014 ac Atodlen A1 iddi. |
| RHEOLIADAU YN YMWNEUD Â | |
| RHAN Y BIL | Pennod 2 o Ran 1 |
| ADRAN | 20 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae'r pŵer hwn yn disodli'r pwerau presennol yn adrannau 50 i 52 a 53(11) o Ddeddf 2014 ac Atodlen A1 iddi, gan ganiatâu i Weinidogion Cymru wneud rheoliadau i'w gwneud yn ofynnol neu ganiatâu i awdurdodau lleol wneud taliadau uniongyrchol tuag at ddiwallu anghenion oedolion, plant neu ofalwyr di-dâl. | |
| BETH ALL Y RHEOLIADAU EI GYFLAWN? | |
| Mae adran 50 o Ddeddf 2014 (taliadau uniongyrchol i ddiwallu anghenion oedolyn) yn cynnwys pŵer i wneud rheoliadau i Weinidogion Cymru ei gwneud yn ofynnol neu ganiatâu i awdurdod lleol wneud taliadau uniongyrchol i berson tuag at gostau diwallu anghenion oedolyn am ofal a chymorth dan adran 35 neu 36 o'r Ddeddf. Ar hyn o bryd mae adran 50 yn caniatâu i'r awdurdod lleol wneud taliad uniongyrchol mewn perthynas ag anghenion oedolyn naill ai oedolyn sydd â galluedd meddyliol, neu "unigolyn addas" os nad oes gan yr oedolyn alluedd meddyliol. | |
| Bydd rheoliadau a wneir o dan yr adran 49A newydd ac adran 50 a amnewidiwyd hefyd yn caniatâu i awdurdodau lleol wneud taliadau uniongyrchol i berson enwebedig (unigolyn neu gorff) pan fo gan oedolyn cymwys alluedd meddyliol, ar yr amod bod yr oedolyn a'r person a enwebir yn rhoi caniatâd. | |
| Bydd rheoliadau a wneir o dan yr adran 49A newydd ac adran 51 a amnewidiwyd yn Neddf 2014 yn galluogi taliadau uniongyrchol i bersonau a enwebir mewn amgylchiadau tebyg mewn perthynas ag anghenion plentyn am ofal a chymorth dan adrannau 37, 38 neu 39. | |
| Bydd rheoliadau o dan yr adran 49A newydd ac adran 52 a amnewidiwyd o'r Ddeddf yn galluogi taliadau uniongyrchol i gael eu gwneud i berson enwebedig mewn perthynas â darparu cymorth i ofalwr (di-dâl) | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŵER I WNEUD RHEOLIADAU | |
| Mae'n ofynnol i'r rheoliadau ganiatâu i awdurdodau lleol wneud taliadau uniongyrchol i bobl enwebedig er mwyn iddynt allu rheoli taliadau uniongyrchol ar ran oedolion sydd â galluedd, plant a gofalwyr di-dâl lle mae yr unigolyn sydd â hawl i'r taliadau a'r person a enwebwyd i'w derbyn wedi rhoi caniatâd. | |

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| RHEOLIADAU YN YMWNEUD Â | Galluogi Gweinidogion Cymru i wneud rheoliadau dan bwerau yn Atodlen A1 a amnewidiwyd i Ddeddf 2014 (a gyflwynir gan adran 53A newydd) i'w gwneud yn ofynnol neu ganiatáu i awdurdodau lleol wneud taliadau uniongyrchol mewn perthynas â pherson y mae adran 117 o Ddeddf lechyd Meddwl 1983 (ôl-ofal) yn gymwys iddo, yn lle darparu neu drefnu i ddarparu gwasanaethau ôl-ofal. Mae hyn yn disodli pwerau cyfatebol yn Atodlen A1 bresennol i Deddf 2014 ac adrannau 50, 51 a 53(11) o Ddeddf 2014. |
| RHAN Y BIL | Pennod 2 o Ran 1 |
| ADRAN | 20 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae'r pŵer i wneud rheoliadau yn Atodlen A1 a amnewidiwyd i Ddeddf 2014 (a gyflwynir gan adran 53A newydd) yn galluogi Gweinidogion Cymru i wneud rheoliadau i'w gwneud yn ofynnol neu ganiatáu i awdurdodau lleol wneud taliadau uniongyrchol mewn perthynas â pherson y mae adran 117 o Ddeddf lechyd Meddwl 1983 (ôl-ofal) yn gymwys iddo, yn lle darparu neu drefnu i ddarparu gwasanaethau ôl-ofal. Mae hyn yn disodli pwerau cyfatebol yn Atodlen A1 bresennol i Ddeddf 2014 ac adrannau 50, 51 a 53(11) o Ddeddf 2014. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |
| Bydd y rheoliadau'n galluogi awdurdodau lleol i wneud taliadau uniongyrchol yn lle gwasanaethau ôl-ofal i bobl sy'n gymwys i dderbyn ôl-ofal o dan adran 117 o Ddeddf lechyd Meddwl 1983, neu i berson a enwebir gan y person sy'n gymwys i dderbyn ôl-ofal dan adran 117 o'r Ddeddf, pa un a yw'r person sy'n gymwys i dderbyn ôl-ofal yn meddu ar y gallu i gydsynio i'r taliadau gael eu gwneud ai peidio. | |

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| RHEOLIADAU YN YMWNEUD Â | Galluogi Gweinidogion Cymru i wneud darpariaeth a fydd yn ei gwneud yn ofynnol neu'n galluogi Byrddau lechyd Lleol i wneud taliadau uniongyrchol dan adran 117 o Ddeddf lechyd Meddwl 1983 |
| RHAN Y BIL | Rhan 2 |
| ADRAN | 24 |
| DULL O DDWYN I RYM | Drafft cadarnhaol ar y defnydd cyntaf, ac wedyn negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 24(2) yn mewnosod adran 10B newydd "Taliadau uniongyrchol am ofal iechedy" yn Neddf y Gwasanaeth Lechyd Gwladol (Cymru) 2006 (Deddf 2006) sy'n rhoi'r pŵer i Weinidogion Cymru wneud taliadau uniongyrchol yn lle darparu gwasanaethau dan y Ddeddf honno. | |
| Mae'r adran 10B(5) newydd yn galluogi Gweinidogion Cymru i wneud rheoliadau a fydd yn ei gwneud yn ofynnol i Fyrddau Lechyd Lleol wneud taliadau uniongyrchol i unigolion neu i berson a enwebir ganddynt, yn lle darparu gwasanaethau ôl-ofal y mae ganddynt ddyletswydd i'w darparu dan adran 117 o Ddeddf lechyd Meddwl 1983 (Deddf 1983). | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŵER I WNEUD RHEOLIADAU | |
| Byddai'r rheoliadau'n galluogi Byrddau Lechyd Lleol i wneud taliadau uniongyrchol i unigolion, neu i berson a enwebir ganddynt, yn lle gwasanaethau ôl-ofal sy'n ofynnol ac a fyddai'n cael eu trefnu gan y Bwrdd Lechyd Lleol ar ôl i'r unigolyn gael ei ryddhau o'r ysbyty mewn achosion lle byddant wedi cael eu cadw'n gaeth o dan adrannau 3, 37, 45A, 47 neu 48 o Ddeddf 1983. | |
| Mae adran 117 o Ddeddf 1983 yn gosod dyletswydd ar Fyrddau Lechyd Lleol i ddarparu gwasanaethau ôl-ofal i unigolion sy'n gymwys os ydynt wedi cael eu cadw'n gaeth o dan yr adrannau penodedig o Ddeddf 1983. Heb y pŵer hwn, ni fyddai Byrddau Lechyd Lleol yn gallu gwneud taliadau uniongyrchol i unigolion sydd wedi cael eu rhyddhau o'r ysbyty ar ôl cael eu cadw o dan adrannau penodedig Deddf 1983, yn lle'r Bwrdd Lechyd Lleol sy'n trefnu neu'n darparu gwasanaethau i ddiwallu anghenion y person hwnnw am wasanaethau ôl-ofal. Mae'r pwerau'n sicrhau cysondeb rhwng unigolion sydd â hawl i dderbyn gwasanaethau ôl-ofal dan Ddeddf 1983 a'r rhai sy'n derbyn gwasanaethau'r GIG dan Ddeddf 2006. | |
| Mae Deddf 1983 hefyd yn gwneud darpariaeth i unigolion dderbyn gwasanaethau ôl-ofal a ariennir gan awdurdod lleol; ar hyn o bryd mae unigolion o'r fath yn gallu derbyn taliadau uniongyrchol a ariennir gan yr awdurdod lleol yn lle darparu gofal a chymorth dan Ddeddf 2014 yn rhinwedd rheoliadau a wnaed dan y Ddeddf honno. | |
| Bydd rheoliadau a wneir dan yr adran 10B(5) newydd o Ddeddf 2006 yn galluogi person o'r fath i dderbyn taliadau uniongyrchol yn lle gwasanaethau i ddiwallu eu | |

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| hanghenion asesedig am ôl-ofal, boed am ofal iechyd dan Ddeddf 2006. | Galluogi Gweinidogion Cymru i nodi manylion sut y bydd angen i daliadau uniongyrchol a wneir yn lle darparu gwasanaethau'r GIG weithredu. |
| RHEOLIADAU YN YMWNNEUD Â | |
| RHAN Y BIL | Pennod 2 |
| ADRAN | 24 |
| DULL O DDWYN I RYM | Negyddol |
| DISGRIFIAD O'R RHEOLIADAU | |
| Mae adran 24(2) yn mewnosod adran 10C newydd (rheoliadau ynghylch taliadau uniongyrchol) yn Neddf 2006. Byddai'r pŵer yn galluogi Gweinidogion Cymru i wneud darpariaeth i nodi manylion sut y bydd angen i daliadau uniongyrchol a wneir yn lle darparu gwasanaethau'r GIG weithredu. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PŴER I WNEUD RHEOLIADAU | |
| Bydd taliadau uniongyrchol yn darparu ffordd arall o ddiwallu anghenion oedolion sy'n gymwys i gael Gofal lechyd Parhaus y GIG. Yn hytrach na darparu neu drefnu i'w hanghenion gael eu diwallu'n uniongyrchol, byddai taliad uniongyrchol yn galluogi'r derbynnydd, neu berson enwebedig sy'n gweithredu ar ei ran, i drefnu'r gofal ei hun. Mae hyn yn rhoi mwy o ddewis a rheolaeth i'r derbynnydd dros sut mae ei anghenion yn cael eu diwallu. | |
| Mae'n ofynnol i'r rheoliadau sicrhau bod Byrddau lechyd Lleol, ar ran Gweinidogion Cymru, yn gallu gwneud taliad uniongyrchol i dderbynnyddion neu eu cynrychiolwyr o fewn fframwaith clir, sy'n fanwl, ac efallai y bydd angen ei newid wrth i amgylchiadau ehangach newid. Bydd y rheoliadau'n gwneud darpariaeth ynghylch pwy a all fod yn gymwys i dderbyn taliadau uniongyrchol, yn nodi'r amgylchiadau pryd y gall taliadau uniongyrchol fod ar gael, y gwasanaethau y caniateir neu na chaniateir eu defnyddio ar eu cyfer a manylion y trefniadau sy'n ofynnol i weinyddu taliadau o'r fath. | |
| Mae adran 10C yn cynnwys y pŵer i wneud rheoliadau ac mae'n cynnwys rhestr anghyflawn o'r math o ddarpariaeth a allai gael ei gwneud gan ddefnyddio'r pŵer hwn. | |
| Bwriedir i Weinidogion Cymru wneud rheoliadau dan y pwerau presennol yn Neddf 2006 i gyfarwyddo Byrddau lechyd Lleol i arfer swyddogaethau mewn perthynas â gwneud taliadau uniongyrchol ar eu rhan. | |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RHEOLIADAU YN YMWNEUD Â | Galluogi Gweinidogion Cymru i wneud darpariaeth sy'n ddeilliadol, neu'n atodol, neu'n ganlyniadol i unrhyw ddarpariaeth yn y Ddeddf hon ac i wneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad ag unrhyw ddarpariaeth yn y Ddeddf hon. |
| RHAN Y BIL | Rhan 3 |
| ADRAN | 28 |
| DULL O DDWYN I RYM | Negyddol os yw'n diwygio neu'n dirymu is-ddeddfwriaeth. Drafft cadarnhaol os yw'n diwygio neu'n diddymu deddfwriaeth sylfaenol. |
| DISGRIFIAD O'R RHEOLIADAU | |
| Galluogi Gweinidogion Cymru i wneud darpariaeth sy'n ddeilliadol, neu'n atodol, neu'n ganlyniadol i unrhyw ddarpariaeth yn y Ddeddf hon ac i wneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad ag unrhyw ddarpariaeth yn y Ddeddf hon. | |
| Y BWRIAD POLISI A'R RHESWM DROS Y PWER I WNEUD RHEOLIADAU | |
| Mae angen y pŵer hwn i sicrhau y bydd unrhyw ddarpariaeth newydd a wneir yn y Ddeddf neu yn rhinwedd y Ddeddf yn gallu ffitio i mewn i'r fframwaith deddfwriaethol presennol. | |
| Mae'n ofynnol i'r rheoliadau hyn ganiatáu i Weinidogion Cymru wneud darpariaethau deilliadol, atodol, canlyniadol, trosiannol neu ddarpariaethau arbed os ystyrir ei bod yn angenrheidiol at ddibenion rhoi effaith lawn i ddarpariaethau'r Bil. Mae'n debygol y byddai newidiadau o'r fath yn gymharol fach, a bydd eu gwneud drwy reoliadau yn rhoi hyblygrwydd priodol i ddarpariaethau o'r fath gael eu gwneud heb fod angen diwygio deddfwriaeth sylfaenol bob tro. | |
| Os bydd y rheoliadau'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn deddfwriaeth sylfaenol, yna byddant yn ddarostyngedig i'r weithdrefn gadarnhaol ddrafft. Fel arall, byddant yn ddarostyngedig i'r weithdrefn negyddol. | |

Item 8.9
Children, Young People
and Education Committee

Russell George AS
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

20 Mehefin 2024

Ynghylch: Y Bil Iechyd a Gofal Cymdeithasol (Cymru)

Annwyl Russell,

Diolch am eich llythyr dyddiedig 20 Mai yn gwahodd aelodau o'r Pwyllgor Plant, Pobl Ifanc ac Addysg i ymuno â sesiynau tystiolaeth perthnasol y Pwyllgor Iechyd a Gofal Cymdeithasol ar y Bil Iechyd a Gofal Cymdeithasol (Cymru). Yn anffodus, mae ymrwymiadau yn ein blaenraglen waith yn golygu na fydd hynny'n bosibl.

Fel y gwyddoch, rydym yn parhau i fod â diddordeb mawr yn y system ofal a'r gwasanaethau sy'n cefnogi plant a phobl ifanc sydd â phrofiad o fod mewn gofal. Mae llawer o gynnwys y Bil yn uniongyrchol berthnasol i'r gwaith helaeth a wnaethom fel rhan o'n hymchwiliad i ddiwygio radical ar gyfer plant sydd â phrofiad o fod mewn gofal, ein hymchwiliad presennol i blant a phobl ifanc sydd ar yr ymylon, a meysydd gwaith cysylltiedig eraill y bu'r Pwyllgor yn eu trafod yn ystod y flwyddyn neu ddwy ddiwethaf.

Gyda hynny mewn golwg, rydym yn bwriadu ysgrifennu atoch ym mis Gorffennaf i nodi ein barn am gynnwys y Bil, yn seiliedig ar y dystiolaeth yr ydym eisoes wedi'i chasglu. Rydym yn gobeithio y bydd y dystiolaeth ysgrifenedig hon yn ddefnyddiol wrth ichi ddod i'ch casgliadau am y Bil fel rhan o'r broses graffu yn ystod Cyfnod 1.

Yn gywir,

Buffy Williams AS
Cadeirydd

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senedd.cymru/SeneddPlant
0300 200 6565

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0300 200 6565



Senedd Cymru
Welsh Parliament

Tudalen y pecyn 136

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Eitem 8.10

Pwyllgor lechyd a Gofal Cymdeithasol

Health and Social Care Committee

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Eluned Morgan AS

Ysgrifennydd y Cabinet dros lechyd a Gofal Cymdeithasol

22 Mai 2024

Annwyl Eluned,

Fe gofiwch i'r Pwyllgor, ym mis Mehefin 2022, gyhoeddi ei adroddiad, *Rhyddhau clefion o ysbytai ac effaith hynny ar y llif clefion drwy ysbytai*. Tynnodd yr adroddiad sylw at bwysigrwydd llif clefion da drwy wasanaethau iechyd a gofal cymdeithasol o ran gwella ansawdd gofal i gleifion. Tynnodd sylw hefyd at y diffyg capaciti difrifol yn ein system gofal cymdeithasol, sy'n golygu bod rhai clefion sy'n barod i gael eu rhyddhau yn aros yn yr ysbyty. Mae'r achosion hyn o oedi wrth drosglwyddo gofal yn niweidiol i'r unigolyn, ac i lif clefion drwy'r ysbyty, ac maent yn cyfrannu at bwysau ar adrannau Damweiniau ac Achosion Brys a'r gwasanaethau ambiwlans.

Yn ein cyfarfod ar 15 Mai, cawsom dystiolaeth gan Ymddiriedolaeth Prifysgol GIG Gwasanaethau Ambiwlans Cymru. Pan ofynnwyd am oedi mewn amseroedd ymateb, dyma'r ateb gawsom:

"what causes the response delays is our inability to hand over patients at the emergency department, and what causes that problem is the fact that there's a problem with flow through the hospital, through the emergency department into the hospital and back out into the community, particularly in adult social care."

Clywsom hefyd fod yr amser trosglwyddo cyfartalog yn yr adran achosion brys yn fwy na dwy awr, yn lle'r 15 munud y dylai ei gymryd.

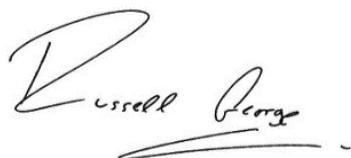


Senedd Cymru
Welsh Parliament

Tudalen y pecyn 138

Yng ngoleuni hyn, byddai'r Pwyllgor yn croesawu cael y wybodaeth ddiweddaraf am y cynnydd a wnaed i roi argymhellion ein hadroddiad ar waith ac am y camau mae Llywodraeth Cymru'n eu cymryd i wella llif cleifion drwy ysbytai.

Yn gywir,



Russell George AS
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

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





Russell George AS
Cadeirydd
Y Pwyllgor Iechyd a Gofal Cymdeithasol
Senedd

seneddiechyd@senedd.cymru

20 Mehefin 2024

Annwyl Russell

Diolch i chi am eich llythyr dyddiedig 22 Mai, yn rhinwedd eich swydd fel Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol, yn gofyn am yr wybodaeth ddiweddaraf am hynt y gwaith o weithredu argymhellion Adroddiad y Pwyllgor ar ryddhau cleifion o'r ysbyty a'i effaith ar y llif cleifion drwy ysbytai.

Mae'r atodiad atodedig yn rhoi diweddariad cynhwysfawr ar y camau a gymerwyd tuag at gyflawni'r argymhellion unigol, ond rwyf am dynnu sylw at rai o'r meysydd allweddol i hwyluso ryddhau amserol o'r ysbyty, a gallaf roi'r wybodaeth ganlynol i'r Pwyllgor:

- Mae ein system adrodd ar oedi yn y Llwybrau Gofal bellach wedi bod yn gwbl weithredol ers dros flwyddyn, gan ddarparu ffynhonnell ddata gyfoethog sy'n cofnodi'r holl gleifion yr ystyrir eu bod yn ffit yn glinigol ac yn barod i'w rhyddhau, ond sy'n dal i fod yn yr ysbyty ar ôl 48 awr. Mae pob oedi yn cael cod rheswm penodol a maes arweiniol (gofal cymdeithasol/iechyd/ar y cyd) i helpu i nodi'r prif resymau oedi sy'n codi'n gyson. Drwy ddefnyddio'r data hyn, gall y byrddau iechyd a'u hawdurdodau lleol weithio gyda'i gilydd yn rhanbarthol mewn modd a dargedir, er mwyn ymateb i'r prif ffactorau sy'n peri oedi, megis oedi sy'n gysylltiedig ag asesiadau a chapasiti gofal cymdeithasol yn y gymuned. Mae hyn wedi ein helpu i nodi'r materion allweddol sy'n effeithio ar ryddhau cleifion, gan ein galluogi i ddechrau llunio camau gweithredu priodol.

- Mae nifer o fesurau ar waith, neu'n cael eu datblygu, i ehangu darpariaeth yn y gymuned er mwyn ein galluogi i ryddhau cleifion mewn modd diogel a phriodol. Mae datblygu'r 'chwe model gofal' yn sylfaen ar gyfer hyn, ac maent yn ganolog ar gyfer adeiladu ein System Gofal Cymunedol Integredig i gefnogi a helpu i leihau'r llif i mewn ac allan o'r ysbyty. Mae datblygiadau eraill yn cynnwys ein nod o gynyddu cyfran y Gweithwyr Proffesiynol Perthynol i lechyd y gellir cael mynediad atynt yn y gymuned, er mwyn darparu gwasanaethau cam-i-fyny sy'n helpu i osgoi derbyn claf i'r ysbyty, a hefyd cymorth ail-alluogi cam-i-lawr ar ôl i glaf gael ei ryddhau. Yn ogystal â hynny, mae datblygu ystod o gyfleusterau cam-i-lawr, gan gynnwys cyfleusterau gwely, i alluogi'r prosesau rhyddhau cleifion a llif cleifion, o dderbyn i "Gartref yn Gyntaf".
- Er mwyn helpu i ymateb i broblemau'r gweithlu i gefnogi'r ddarpariaeth gofal cymdeithasol yn y gymuned, mae'r Fforwm Gwaith Teg Gofal Cymdeithasol yn parhau i weithio mewn partneriaeth gymdeithasol ar ba gamau y gellir eu cymryd i wella telerau ac amodau i weithwyr gofal cymdeithasol. Mae hynny'n cynnwys parhau i ddatblygu'r fframwaith Tâl a Dilyniant, a chychwyn 'Partneriaeth y Gweithlu Gofal Cymdeithasol', model unigryw a fydd yn y pen draw yn ymgorffori llawer o elfennau Gwaith Teg sy'n cael eu datblygu gan y Fforwm ar hyn o bryd. Mae hefyd ymrwymiad parhaus i godi proffil a statws y gweithlu gofal cymdeithasol. Drwy'r Fforwm Gwaith Teg Gofal Cymdeithasol, mae undebau llafur, cyflogwyr, a Llywodraeth Cymru yn parhau i weithio mewn partneriaethau o ran pa gamau y gellir eu cymryd i wella telerau ac amodau i ddenu mwy o weithwyr gofal cymdeithasol.

Hyderaf y bydd cynnwys yr ymateb hwn yn rhoi'r manylion angenrheidiol i'r Pwyllgor ynghylch ein camau gweithredu ar gyfer mynd i'r afael â'r argymhellion, a rhoi sicrwydd ein bod yn blaenorriaethu gwelliannau i'r llif cleifion a phrosesau rhyddhau cleifion o'r ysbyty.

Yn gywir,

Eluned Morgan AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

**Ymateb ysgrifenedig gan Lywodraeth Cymru i
Adroddiad y Pwyllgor Iechyd a Gofal Cymdeithasol yn dilyn ei Ymchwiliad ar:
Rhyddhau cleifion o ysbytai ac effaith hynny ar y llif cleifion drwy ysbytai
Diweddarriad ar argymhellion – Mehefin 2024**

Argymhelliad 1. Cyn diwedd 2022, dylai Llywodraeth Cymru ysgrifennu atom i roi'r wybodaeth ddiweddaraf am effeithiolrwydd ac effaith ailiosod y system ar draws y maes iechyd a gofal cymdeithasol, gan gynnwys i ba raddau y mae wedi cefnogi a gwella llif drwy'r system gyfan, yr effaith y mae wedi'i chael ar nifer y cleifion sy'n cael eu dal yn ôl, a pha gamau pellach a fwriedir o ganlyniad i hynny.

Darparwyd adolygiad o effaith y system yn yr ymateb ffurfiol i'r Pwyllgor ym mis Gorffennaf 2022. Nid oes unrhyw ailosodiadau system a gydlynir yn genedlaethol wedi'u cynllunio ar hyn o bryd, er bod systemau iechyd a gofal cymdeithasol lleol yn gallu cynllunio a chyflwyno ymarferion tebyg lle maent yn credu yr ychwanegir gwerth.

Canolbwytiodd y Pwyllgor Gweithredu Gofal yn 2023-24 ar oedi asesu sy'n cyfrif am oddeutu 50% o'r holl ryddhau gohiriedig. Mae byrddau iechyd ac awdurdodau lleol wedi dod at ei gilydd i ganfod atebion i'r her hon. Mae awdurdodau lleol wedi lleihau nifer yr oediadau oherwydd dyraniad ac asesiad gweithwyr cymdeithasol, ond maent yn dal yn uchel.

Mae'r model Asesydd Dibynadwy wedi'i wreiddio ar lefel ward ysbytai ledled Cymru. Mae Aseswyr Dibynadwy'n helpu i leddfu'r pwysau ar oedi asesiadau trwy gynnal asesiadau cymesur arferol rhagarweiniol neu fwy rheolaidd ar gleifion, a all wedyn ryddhau gweithwyr cymdeithasol i ganolbwytio eu hymdrehchion ar achosion mwy cymhleth. Ategir y gwaith hwn gan system adrodd am oedi yn achos llwybrau gofal (a nodir yn argymhelliad 4) a ddefnyddiwyd i ddechrau nodi'r bwlc a arweiniodd at y gwaith yn dechrau ac yna monitro perfformiad asesu cyffredinol ar draws rhanbarthau.

Argymhelliad 2. Rhaid i Lywodraeth Cymru sicrhau bod y Gronfa Integreiddio Rhanbarthol (RIF) newydd ar gyfer Iechyd a Gofal Cymdeithasol yn effeithiol o ran canfod a phrif ffrydio prosiectau llwyddiannus sy'n gwella llif cleifion i arfer cyffredin ledled Cymru. Felly, dylai'r adroddiadau statws chwarterol gynnwys asesiad o gynnydd o ran datblygu a chyflwyno prosiectau i wella llif cleifion

Yn ddiweddar, mae'r Byrddau Partneriaeth Lleol wedi cyflwyno eu hail adroddiad diwedd blwyddyn ar y Gronfa Integreiddio Rhanbarthol ac maent yn nodi elfennau craidd i ddatblygu'r chwe model gofal integredig. Rydym yn mapio'r elfennau hynny ar lefel genedlaethol gan gynnwys cymharu gweithgarwch prosiect tebyg cyn datblygu manylebau cenedlaethol.

Mae cyfanswm y buddsoddiad blynnyddol o £145m hyd at ddiwedd mis Mawrth 2027 wedi'i ddyrannu ar draws y modelau gyda Gofal yn y Gymuned: Atal a Chydlyn Cymunedol yn derbyn 30% (£36.197m) o'r dyraniad cyllid. Mae dyraniad cartref o'r ysbyty yn 25% ac mae'n cyfateb i £29.674m, ac yna Gofal Cymhleth yn nes at y

Cartref sy'n 20% (£24.327m). Mae modelau gofal eraill yn amrywio o 16% i 2% yn y drefn honno. D.S. - mae amrywiad o flwyddyn i flwyddyn oherwydd bod prosiectau'n cyflymu neu wedi'u hymwreiddio gyda chyllid yn cael ei ailddyrannu i brosiectau newydd o fewn y modelau gofal.

Mae datblygu'r chwe model gofal yn darparu'r sylfaen ac yn ganolog wrth adeiladu ein System Gofal Cymunedol Integredig gyda'r bwriad o feithrin gallu cymunedol i gefnogi a helpu i leihau'r llif i mewn ac allan o'r ysbyty gydag asesiad amserol a rhagweithiol i sicrhau bod pobl yn gallu aros gartref neu osgoi dychwelyd i'r ysbyty.

Argymhelliaid 3. Dylai Llywodraeth Cymru ddarparu rhagor o wybodaeth am sut a phryd y bydd yr archwiliadau arfaethedig o'r Gronfa Integreiddio Rhanbarthol (RIF) ar gyfer lechyd a Gofal Cymdeithasol yn cael eu cynnal, sut yr ymgynghorir â rhanddeiliaid, ac a fydd adroddiadau'n cael eu cyhoeddi.

Cafodd y panel Arbenigol ei oedi wrth i waith gael ei ddatblygu i symleiddio a chysoni casgliad ehangach o raglenni perthynol fel y rhaglen RIF, *Chwe Nod ar gyfer Gofal Brys a Gofal mewn Argyfwnn* a'r rhaglen Gofal Sylfaenol Strategol. Fel rhan o hyn, cytunwyd y dylid monitro Byrddau Partneriaeth Rhanbarthol yn erbyn y darlun ehangach yn hytrach na dim ond yr RIF.

Mae'r RIF yn cael ei gwerthuso'n barhaus ac mae canfyddiadau gwerthusiad cam cyntaf y RIF wedi'i gyflwyno i swyddogion a Byrddau Partneriaeth Rhanbarthol. Cynhalwyd gweithdy i ystyried themâu a meysydd i'w gwella a fydd yn llywio gwaith ail flwyddyn y gwerthusiad cenedlaethol. Cafodd proses adrodd y RIF ei hadolygu a'i chryfhau yn 2023 a chyd-gynhyrchwyd fframwaith Mesuriadau.

Mae proses ymgysylltu helaeth a pharhaus â rhanddeiliaid yn y cymunedau ymarfer, sy'n cyd-fynd â'r chwe model gofal, gan gynnwys defnyddwyr gwasanaeth a chynrychiolwyr gofalwyr.

Cyhoeddwyd adroddiad blynnyddol Blwyddyn Un RIF yn 2023. Bydd adroddiad Blwyddyn Dau yn cael ei gyhoeddi ddiwedd yr haf/dechrau'r hydref ynghyd â digwyddiad arddangos a gynhelir ar 16 Medi 2024 a bydd yn cyfuno'r RIF/IRCF/HCF a Datganiad Llafar.

Mae Blwyddyn Dau wedi darparu data mwy cyflawn a byddwn yn ystyried sut rydym yn datblygu mwy o waith monitro rheolaidd unwaith rydyn ni'n fodlon bod yr holl ranbarthau'n adrodd yn gadarn yn feintiol ac ansoddol.

Argymhelliaid 4. Dylai Llywodraeth Cymru bennu a chyhoeddi amserlen ar gyfer cyflwyno mesuriadau data newydd, gwell mewn perthynas ag oedi wrth drosglwyddo gofal

Mae'r Fframwaith Oedi yn Achos Llwybrau Gofal ar waith fel dull adrodd ffurfiol, wedi'i ddilysu, ers mis Ebrill 2023. Mae'n darparu set ddata gynhwysfawr a chyson i bartneriaid iechyd a gofal cymdeithasol ar achosion o oedi wrth ryddhau cleifion yn rhanbarthol fel y gellir targedu ymyriadau a chamau gweithredu perthnasol yn fwy priodol. Cyhoeddir data misol [Oedi yn achos llwybrau gofal yn ôl rheswm am yr oedi](#)

[a'r dyddiad \(llyw.cymru\)](#) o dan set helaeth o godau rheswm, wedi'u dadansoddi i lefel byrddau iechyd ac awdurdodau lleol, gan ddarparu trosolwg clir o'r sefyllfa ledled Cymru.

Mae rhanbarthau'n defnyddio'r data hwn hefyd i lywio eu cynlluniau gweithredu chwarterol, sy'n cael eu cyd-gynhyrchu gan fyrrdau iechyd gyda'u hawdurdodau lleol, i nodi themâu a thueddiadau oedi allweddol er mwyn penu arferion gwaith newydd neu well i ymateb i'r grwpiau oedi mwyaf.

Mae'r Fframwaith Oedi yn Achos Llwybrau Gofal wedi helpu i sicrhau bod gan bob sector gyfrifoldeb ar y cyd i weithio gyda'i gilydd i fynd i'r afael ag oedi wrth ryddhau cleifion o'r ysbyty. Mae'r data'n cael ei ddefnyddio fel rhan o Fframwaith Perfformiad y GIG yn ogystal ag mewn cyfarfodydd Ansawdd, Cynllunio a Chyflawni Integredig (IQPD) unigol gyda byrddau iechyd.

Mae byrddau iechyd a'u partneriaid yn cael eu cefnogi a'u hannog i wneud mwy i fynd at wraidd y ffigurau misol a gweld beth arall y gellir ei wneud i gynnwys gwelliannau cynaliadwy mewn arferion gweithio ar y cyd a fydd o fudd i lif cleifion yn y pen draw ac yn lleihau oedi wrth ryddhau unigolion o'r ysbyty.

Yn ogystal, mae Llywodraeth Cymru wedi cyhoeddi Canllawiau Rhyddhau o'r Ysbyty [Canllawiau Rhyddhau o'r Ysbyty \(llyw.cymru\)](#) diwygiedig ar gyfer staff rheng flaen i gefnogi eu prosesau rhyddhau. Mae'r Canllawiau'n nodi tasgau, safonau a disgwyliadau allweddol pob sefydliad partner perthnasol sy'n ymwneud â'r broses ryddhau ac yn rhoi pwyslais ar sicrhau ei bod yn digwydd mewn ffordd ddiogel ac amserol. Dyma beth o'r wybodaeth ategol allweddol sydd wedi'i chynnwys yn y canllawiau:

- Sicrhau bod arferion cyfathrebu a rhannu gwybodaeth da ar waith gydol y broses er mwyn helpu i hwyluso trosglwyddiad claf naill ai yn ôl adref neu i'w breswylfa arferol megis cartref gofal.
- Gwybodaeth benodol i gleifion, eu teuluoedd a/neu ofalwyr am swyddogaethau gofal cymdeithasol allweddol a allai fod eu hangen fel rhan o'u gofal parhaus a dolenni i wybodaeth ategol y gall staff ei rhannu â chleifion a theuluoedd.
- Manylion ynghylch sut mae rôl y Cydlynnydd Gofal yn ganolog i'r broses ryddhau gan eu bod yn gyfrifol am oruchwyllo cynllun rhyddhau pob claf. Mae hyn yn cynnwys asesu, cyfathrebu a rheoli eu proses ryddhau yn weithredol.
- Dolenni i waith dan *Chwe Nod y Rhaglen Gofal Brys a Gofal mewn Argyfwng* gan gynnwys Llwybrau Rhyddhau i Adfer yna Asesu (D2RA), SAFER a Coch i Wyrrd. Nod y prosesau hyn yw cefnogi cleifion trwy lwybrau ysbyty a sicrhau eu bod yn barod i'w rhyddhau cyn gynted ag y cânt eu hoptimeiddio'n glinigol.

Argymhelliaid 5. Fel rhan o'i gwaith o fonitro'r modd y caiff Rhyddhau i Adfer yna Asesu (D2RA) ei weithredu, rhaid i Lywodraeth Cymru egluro sut mae'n bwriadu sicrhau bod cynllunio ar gyfer rhyddhau cleifion yn digwydd cyn gynted â phosibl a'i bod yn cynnwys cynrychiolwyr o'r holl sectorau perthnasol.

Mae Llwybrau D2RA wedi cael eu gweithredu ledled Cymru ar wardiau oedolion cyffredinol mewn Ysbytai Acíwt a Chymunedol,

Ar hyn o bryd mae mesurau allweddol D2RA mewn profion Cam 2 ledled Cymru. Rhagwelir y bydd data ar gael erbyn y gwanwyn 2025. Mae Llywodraeth Cymru'n gweithio'n agos gyda Thîm Nod 6 Gweithredol y GIG i gefnogi byrddau iechyd i ddatblygu systemau addas ar gyfer cofnodi ac adrodd yn erbyn y pum mesur allweddol fel a ganlyn:

- Nifer a % y bobl a ddyrannwyd i lwybr D2RA a Dim Llwybr wedi'i Ddyrannu o fewn 1 diwrnod i'w derbyn i'r ysbyty.
- Nifer a % y bobl wedi'u hoptimeiddio'n glinigol a dyrannu lwybr D2RA (yn ôl llwybr) a Dim Llwybr wedi'i Ddyrannu
- Nifer a % y bobl sy'n cael eu rhyddhau i bob lwybr D2RA 0,1,2,3 a Dim Llwybr wedi'i Ddyrannu.
- Hyd aros canolrifol ar gyfer pob lwybr a Dim Llwybr wedi'i Ddyrannu
- Cyfraddau aildderbyn i'r ysbyty o fewn 28 diwrnod i bawb a ryddhawyd ar lwybr D2RA.

Argymhelliad 6. Dylai Llywodraeth Cymru egluro sut y gosodwyd y targedau a nodir yn natganiad y Gweinidog Iechyd a Gwasanaethau Cymdeithasol ar 19 Mai 2022 ar ofal brys a gofal mewn argyfwng a'r Rhaglen Chwe Nod i gael gwared ag oedi o dros bedair awr wrth drosglwyddo cleifion o ambiwlansys a sicrhau lleihad o 25% (o'r lefel ym mis Hydref 2021) yn yr amser cyfartalog sy'n cael ei golli gan ambiwlans. Dylai hefyd gadarnhau'r dyddiadau targed ar gyfer cyflawni'r targedau hyn.

Er bod rhai byrddau iechyd wedi dangos gwelliant mae cynnydd amrywiol yn parhau o ran gwella perfformiad trosglwyddo cleifion ambiwlans. Rydym yn dal i bryderu am effaith yr oedi ar brofiad cleifion a gallu'r gwasanaeth ambiwlans i ymateb i eraill yn y gymuned.

Mae disgwyliad newydd wedi'i osod ar gyfer byrddau iechyd yn 2024-2025. Disgwylir i bob bwrdd iechyd sicrhau gostyngiad o 30% yn nifer y cleifion sy'n aros dros awr i drosglwyddo i ofal staff adrannau brys erbyn mis Rhagfyr 2024. Mae hyn yn ychwanegol at ddisgwyliad gwella newydd ar gyfer lleihau arosiadau >12 awr ar gyfer rhyddhau, derbyn neu drosglwyddo o adrannau brys.

Mae byrddau iechyd wedi cyflwyno taflwybrau gwella ac maent yn cael eu monitro'n wythnosol gan Weithrediaeth y GIG, gyda chyfarfodydd misol rhwng Llywodraeth Cymru, Gweithrediaeth y GIG a byrddau iechyd a chyfarfodydd chwarterol rhwng Prif Weithredwr GIG Cymru/Cyfarwyddwr Cyffredinol Grŵp HSCEY a phrif weithredwr perthnasol y bwrdd iechyd.

Cefnogir byrddau iechyd i gyflawni'r gwelliannau hyn trwy'r rhaglen *Chwe Nod ar gyfer Gofal Brys a Gofal mewn Argyfwng* a chyllid ychwanegol o £2.7m gan Lywodraeth Cymru i gefnogi cynlluniau cyflenwi rhaglenni lleol.

Argymhelliad 7. Dylai Llywodraeth Cymru gynyddu'r cyllid ar gyfer gwasanaethau ail-alluogi a therapi cartref a gweithio gyda phartneriaid i sefydlu gwasanaeth adsefydlu cofleidiol cynhwysfawr.

Mae'r rhaglen Fframwaith Proffesiynau Iechyd Perthynol Cenedlaethol yn parhau i geisio newid y defnydd o weithwyr proffesiynol perthynol i iechyd yng Nghymru. Mae'r nodau'n cynnwys cynyddu'r gyfran o weithwyr proffesiynol perthynol i iechyd sy'n hygrych mewn gwasanaethau cymunedol ac sy'n gallu darparu cymorth ymyrraeth gynnar rhagweithiol, (megis gofal canolradd 'cam i fyny') yn ogystal â gosod nodau ailalluogi ac adsefydlu cymunedol 'cam i lawr'. Yn 2023 cyhoeddodd Llywodraeth Cymru y [safonau adsefydlu cymunedol](#). Datblygwyd y safonau hyn i gefnogi [Fframwaith Adsefydlu Cymru Gyfan \(2022\)](#).

O fis Ebrill 2023, darparwyd £5m ychwanegol ar gyfer gweithwyr proffesiynol perthynol i iechyd a staff cymorth ychwanegol mewn gwasanaethau cynradd a chymunedol. Hyd yma (Mehefin 2024) mae 89 o bobl cyfwerth ag amser cyflawn ychwanegol mewn swydd, sy'n darparu mwy o gymorth ymyrraeth sylfaenol a chymunedol er mwyn helpu pobl i aros yn iach gartref a dychwelyd adref ar ôl cael eu rhyddhau o'r ysbyty. Mae gwasanaethau ailalluogi yn ei gwneud yn ofynnol i weithwyr proffesiynol perthynol i iechyd wneud asesiadau sy'n canolbwytio ar yr unigolyn a chyflwyno cynlluniau unigol ar gyfer adferiad - er bod staff cyflenwi ailalluogi yn cael eu darparu trwy wasanaethau awdurdodau lleol fel arfer sy'n cael eu hariannu ar wahân.

Argymhelliaid 8. Dylai Llywodraeth Cymru nodi sut y bydd yn gweithio gyda byrddau iechyd a phartneriaid eraill i sicrhau bod mwy o gyfleusterau cam-i-lawr mwy priodol ar gael ledled Cymru.

Mae darpariaeth gymunedol cam i lawr yn disgrifio cyfuniad o gyfleusterau gwely ychwanegol yn ogystal â chynyddu darpariaeth iechyd a gofal cymdeithasol integredig cam i lawr yng nghartref yr unigolyn fel dewis arall diogel yn lle ei dderbyn i'r ysbyty a/neu ryddhau'n gyflym.

Er mwyn cyflawni hyn, darparodd Llywodraeth Cymru £8.24m, sy'n codi i £11.95m ar gyfer 2024-25, i gynyddu capaciti iechyd a gofal cymdeithasol cymunedol. Rydym wedi buddsoddi £5m ar wahân o 2023-24 ymlaen i greu Gweithwyr Proffesiynol Iechyd Perthynol cymunedol ychwanegol a £8.3m i ehangu mynediad at wasanaethau ariennir gan Adferiad.

Yn ogystal, yn ystod y flwyddyn ddiwethaf mae bron £145m wedi'i fuddsoddi drwy'r RIF ar brosiectau a ddarperir gan bartneriaid iechyd a gofal cymdeithasol i ddarparu gwasanaethau cymunedol. Mae'r Byrddau Partneriaeth Rhanbarthol, drwy'r RIF, yn datblygu mwy o ddarpariaeth cam i lawr sy'n elfennau pwysig o'r modelau gofal, yn benodol Gartref o'r Ysbyty a Gofal Cymhleth yn agos at y Cartref, ac mae ailalluogi yn nodwedd allweddol.

Mae'r modelau gofal hynny'n rhan annatod o'r ffordd rydym yn adeiladu'r System Gofal Cymunedol Integredig. Mae cael amrywiaeth o gyfleusterau cam i lawr yn helpu gyda phrosesau rhyddhau o'r ysbyty a llif cleifion o gael eu derbyn i'r cartref yn gyntaf. Mae'r Bwrdd Partneriaeth Rhanbarthol a'r clystyrau'n chwarae rhan ganolog drwy weithio ar y cyd, sy'n allweddol wrth i ni ddatblygu'r System Gofal Cymunedol Integredig.

Ym mis Tachwedd 2023 dyfarnwyd £11.3m o gyllid gan IRCF a HCF i Gyngor Sir y Fflint i godi a datblygu adeilad newydd sbon, Croes Atti, i ddarparu gofal preswyl a gwasanaethau gofal integredig i bobl hŷn yn Sir y Fflint. Bydd yr adeilad yn cynnwys 56 ystafell wely ac yn fod i adleoli ac ehangu cartref gofal cyfredol 31 ystafell wely Croes Atti, sydd hefyd yn y Fflint. Bydd o leiaf 12 gwely'n cael eu dyrannu yn rheolaidd i gefnogi D2RA. Hefyd, bydd 28 gwely'n cael eu darparu ar gyfer Preswylfa Cleifion Meddyliol Oedrannus, gyda hyblygrwydd i addasu i anghenion newidiol y boblogaeth.

Yn gyffredinol, rydym yn disgwyl i'r cyllid hwn gael ei alinio er mwyn sicrhau ymateb gwasanaeth aml-broffesiynol, wedi'i integreiddio'n dda yn y gymuned. Mae byrddau iechyd a'u partneriaid awdurdod lleol a phartneriaid ehangach yn gyfrifol ar y cyd drwy'r grwpiau cynllunio ar draws y clystyrau ar gyfer penderfynu sut y byddant yn defnyddio'r buddsoddiad hwn, gan gydnabod y bydd angen i gynlluniau adeiladu ar angen lleol a gwasanaethau presennol.

Argymhelliad 9. Dylai Llywodraeth Cymru ddarparu rhagor o fanylion am faint a gaiff ei fuddsoddi mewn llety gofal canolraddol a chyfleusterau cam-i-fyny/cam-i-lawr o ganlyniad i'r Gronfa Tai â Gofal

Mae gan y Gronfa Tai gyda Gofal darged dyrannu arweiniol o isafswm o 20% ar gyfer 'Amcan 2: gweithgareddau gofal a llety canolraddol' bob blwyddyn. Mae gweithgareddau Amcan 2 yn cwmpasu gofal canolradd a llety ac yn cynnwys lleoliadau tymor byr a chanolig, megis cam i fyny/cam i lawr, lleoliadau adsefydlu yn y gymuned, llety pontio i bobl ifanc sy'n gadael gofal, a gofal preswyl i blant ag anghenion cymhleth. Ni fydd defnyddwyr gwasanaeth yn dal tenantiaethau yn y lleoliadau hyn a gaiff eu rheoli gan y prif ddarparwr gwasanaeth.

Yn 2022-23, ymrwymwyd 37% (£10.8m) o wariant cyfalaf y Gronfa Tai gyda Gofal i weithgarwch Amcan 2, ac yn 2023-24, roedd tua* 49% (£20.6m) wedi'i ymrwymo i weithgarwch Amcan 2.

*Ffigurau cychwynnol sydd eto i'w gwirio.

Argymhelliad 10. Dylai Llywodraeth Cymru egluro ei disgwyliadau o ran argaeledd gweithwyr proffesiynol perthynol i iechyd mewn gwahanol leoliadau iechyd a gofal, a nodi sut y bydd yn gweithio gyda byrddau iechyd i gynyddu presenoldeb gweithwyr proffesiynol o'r fath wrth "ddrws blaen" gwasanaethau, yn enwedig meddygfeydd ac adrannau damweiniau ac achosion brys. Wrth wneud hynny, dylai Llywodraeth Cymru nodi sut yr eir i'r afael ag unrhyw rwystrau rhag cynyddu argaeledd gweithwyr proffesiynol perthynol i iechyd, gan gynnwys yr angen am unrhyw fuddsoddiad cyfalaf mewn ystadau neu gyfleusterau.

Mae'r diweddariadau o dan Argymhelliad 8 ac Argymhelliad 9 yn ymdrin â'r argymhelliad hwn.

Argymhelliad 11. Mae angen i waith y grŵp gorchwyl a gorffen ar leoliadau gofal preswyl interim gael ei wneud fel mater o frws. Dylai Llywodraeth Cymru gyhoeddi amserlen ar gyfer y gwaith hwn ac ymrwymo i gyhoeddi'r canlyniadau pan fydd y

gwaith wedi'i gwblhau, gan gynnwys cynllun clir ar gyfer bwrw ymlaen ag unrhyw argymhellion.

Mae'r diweddariadau o dan Argymhelliaid 8 ac Argymhelliaid 9 yn ymdrin â'r argymhelliad hwn.

Argymhelliaid 12. Rhaid cyflwyno diwygiadau sylweddol i gyflog ac amodau gwaith staff gofal cymdeithasol yn gyflym. Erbyn diwedd 2022, dylai Llywodraeth Cymru ddarparu diweddariad ar y gwaith a wnaed i wella cyflog, telerau ac amodau a chyfleoedd i ddatblygu gyrfa ar gyfer y gweithlu gofal cymdeithasol, a mynd i'r afael ag anghydraddoldebau â'u cymheiriad yn y GIG. Dylai hyn gynnwys diweddariad ar gyflwyno strwythur tâl cenedlaethol ar gyfer gofal hefyd.

Mae'r Fforwm Gwaith Teg Gofal Cymdeithasol yn parhau i weithio mewn partneriaeth gymdeithasol ar ba gamau y gellir eu cymryd i wella amodau a thelerau gweithwyr gofal cymdeithasol. Mae hyn yn cynnwys parhau i ddatblygu'r Fframwaith Cydnabyddiaeth a Dilyniant a chychwyn 'Partneriaeth y Gweithlu Gofal Cymdeithasol', a fydd yn y pen draw yn ymgorffori llawer o elfennau Gwaith Teg sy'n cael eu datblygu gan y Fforwm ar hyn o bryd.

Mae hwn yn gam arwyddocaol gan mai'r Bartneriaeth yw'r gyntaf o'i bath yn y DU, sy'n dod â llywodraeth, cyflogwyr ac undebau ynghyd i weithio mewn partneriaeth gymdeithasol i gytuno ar isafswm set o ddisgwyladau cyflogaeth ar gyfer staff sy'n gweithio yn y sector gofal cymdeithasol annibynnol, y bydd cyflogwyr yn eu mabwysiadu'n wirfoddol. Ei uchelgais tymor hwy yw ym wreiddio gwaith teg yn y sector gofal cymdeithasol, a bod y disgwyliadau cytûn yn cael eu mabwysiadu fel safonau gofynnol ar gyfer holl staff perthnasol y sector.

Mae'r Fforwm Gwaith Teg Gofal Cymdeithasol wedi cytuno ar ei egwyddorion a'i weledigaeth eang ar gyfer y gwaith partneriaeth hwn ac wedi datblygu 'Memorandwm Cyd-ddealltwriaeth' ar gyfer aelodaeth wirfoddol sydd i'w gyhoeddi cyn bo hir.

Yn dilyn ymgynghoriad ar y Fframwaith Cydnabyddiaeth a Dilyniant drafft, mae'r ymatebion a'r camau nesaf wedi'u hystyried gan yr is-grŵp Cydnabyddiaeth a Dilyniant a'r Fforwm. Gan weithio gydag is-grŵp y Fforwm, bydd Gofal Cymdeithasol Cymru'n rheoli Cam 2 y gwaith yn 2024-25.

Bydd adroddiad cynnydd blynnyddol Fforwm 2024 yn cael ei gyhoeddi'n fuan gan roi trosolwg o holl weithgareddau'r Fforwm a'r blaenoriaethau i ddod.

Argymhelliaid 13. Erbyn diwedd 2022, dylai Llywodraeth Cymru ddarparu diweddariad am y gwaith sydd wedi'i wneud i fynd i'r afael â thâl salwch ar gyfer gweithwyr gofal cymdeithasol ac amlinelliad o waith arfaethedig y Fforwm Gwaith Teg Gofal Cymdeithasol (gan gynnwys amserleni).

Fe wnaeth y Fforwm Gwaith Teg Gofal Cymdeithasol ddatblygu argymhellion ar gamau gweithredu ar dâl salwch. Mae'r gwaith yn cynnwys gwella gwasanaethau cofleidiol mewn meysydd fel llesiant sy'n egwyddor sylfaenol i'r strategaeth gweithlu iechyd a gofal cymdeithasol a chymorth menopos, sy'n cael ei ddatblygu ar hyn o bryd. Mae swyddogion wedi gweithio drwy'r argymhellion i asesu a chostio camau gweithredu tymor byr, tymor canolig a hirdymor. Fodd bynnag, mae angen ystyried gwaith yng nghyd-destun yr heriau ariannol sy'n ein hwynebu. Rydym wedi ymrwymo i barhau i weithio gyda'r Fforwm i symud ymlaen gyda dulliau y cytunwyd arnynt.

Y llynedd, fe wnaeth Canopi, sy'n cael ei ariannu gan Lywodraeth Cymru, ymestyn ei wasanaeth cyfrinachol a phersonol o gymorth a chyngor i staff gofal cymdeithasol. Mae'r gwasanaeth yn cynnig mynediad am ddim i staff gofal cymdeithasol at hunangymorth ac adnoddau hunangymorth dan arweiniad, cefnogaeth gan gydweithwyr a sesiynau therapi rhithwir. Mae Canopi yn helpu ein gweithlu i wella eu lles tra maent yn y gwaith ac yn ystod cyfnodau o salwch.

Yn ei blwyddyn gyntaf bydd Partneriaeth y Gweithlu Gofal Cymdeithasol sydd newydd ei sefydlu yn canolbwytio ar wella a datblygu polisiau AD nad ydynt yn gysylltiedig â chyflog, gan gynnwys polisiau a chanllawiau i gefnogi staff yn ystod cyfnodau o salwch.

Argymhelliaid 14. Dylai Llywodraeth Cymru egluro sut y bydd yn cynyddu recriwtio i'r sector gofal cymdeithasol. Hefyd, dylai gynnal gwerthusiad cadarn o ymgyrch recriwtio Gofalwn Cymru i ddangos ei bod wedi darparu gwerth am arian ac wedi cynyddu nifer gwirioneddol y ceisiadau am swyddi gofal cymdeithasol a'r nifer sy'n ymgymryd â rolau gofal Cymdeithasol.

Rydym yn parhau i ymroi i godi proffil a statws y gweithlu gofal cymdeithasol. Trwy'r Fforwm Gwaith Teg Gofal Cymdeithasol, mae undebau, cyflogwyr a Llywodraeth Cymru'n parhau i weithio mewn partneriaethau er mwyn nodi pa gamau y gellir eu cymryd i wella amodau a thelerau gweithwyr gofal cymdeithasol er mwyn denu rhagor o weithwyr gofal i'r sector.

Mae Gofalwn Cymru'n parhau i fod yn rym cadarnhaol i'r sector. Comisiynodd Gofal Cymdeithasol Cymru ymchwil sy'n archwilio'r heriau o ran recriwtio a chadw gweithwyr ar hyn o bryd a deall effaith Gofalwn Cymru. Mae adroddiad a gyhoeddwyd ym mis Mai 2024 yn cyflwyno cyfres o ddeg argymhelliaid ar gyfer Gofalwn Cymru a thrwy estyniad Gofal Cymdeithasol Cymru, ochr yn ochr â phedwar argymhelliaid i gyflogwyr a darparwyr. Byddwn yn gweithio gyda Gofal Cymdeithasol Cymru er mwyn helpu i weithredu'r argymhellion hyn, ond daeth yr ymchwil i'r casgliad bod Gofalwn Cymru'n dod â gwerth sylweddol i'r sector. Mae ei weithgareddau'n gwneud yn dda i ennyn diddordeb a hysbysu ceiswyr gwaith ac fe'u hystyriwyd yn hanfodol i fynd i'r afael â heriau denu a recriwtio.

Lansiwyd gwefan newydd Gofalwn Cymru (www.gofalwn.cymru) ar 20 Mawrth 2024 gyda dyluniad a chynllun cliriach. Dywed Gofal Cymdeithasol Cymru, bod 19,886 o hysbysebion swyddi wedi eu gweld rhwng 20 Mawrth a 6 Mehefin 2024 gyda 1,583 o bobl yn clico i wneud cais neu gysylltu â'r cyflogwr yn uniongyrchol.

Argymhelliad 15. Dylai Llywodraeth Cymru weithio gydag awdurdodau lleol i adolygu sut mae gwybodaeth am daliadau uniongyrchol yn cael ei chyfleu i ddefnyddwyr gofal cymdeithasol a'u gofalwyr, a datblygu ymgyrch wybodaeth wedi'i thargeddu i godi ymwybyddiaeth o daliadau uniongyrchol. Fel rhan o'i hymateb i'r argymhelliad hwn, dylai Llywodraeth Cymru roi gwybod pryd y mae'n disgwyl i'r gwaith hwn gael ei gwblhau.

Fel y nodwyd yn flaenorol, rydym yn cydnabod ac yn cefnogi'n llwyr y bwriad sydd wrth wraidd argymhelliad y Pwyllgor a'r canlyniad y mae'n ceisio ei gyflawni.

Rydym wedi gweithio gydag Archwilydd Cyffredinol Cymru a'r awdurdodau lleol i ymgorffori'r argymhellion yn adroddiad [Taliadau Uniongyrchol ar gyfer Gofal Cymdeithasol i Oedolion](#) 2022 mewn Canllawiau Statudol. Mae hyn yn cynnwys argymhellion penodol i awdurdodau lleol wella'r wybodaeth a ddarperir i bobl yn ogystal â thrwy'r gweithlu. Byddwn yn ysgrifennu at yr awdurdodau lleol yn yr hydref i gadarnhau'r sefyllfa yn hyn o beth.

Yn ddiweddarach eleni byddwn yn defnyddio'r wybodaeth o'n Fframwaith Perfformiad newydd â'r awdurdodau lleol i weld faint sy'n manteisio ar y ddarpariaeth, a byddwn yn gweithio gyda'r awdurdodau lleol ar ffyrdd o gryfhau hyn gan ddefnyddio arferion gorau, yn enwedig o ran cyfathrebu. Bydd hyn yn helpu i ddangos a oes angen ymgyrch gyhoeddusrwydd ac yn llywio'r gwaith o greu cynnwys ar gyfer ymgyrch o'r fath.

Mae'r dystiolaeth ehangach hon yn ein helpu i ddeall yn well y sefyllfa bresennol o ran taliadau uniongyrchol. Am y ddwy flynedd ddiwethaf (hyd at fis Mawrth 2023), mae nifer yr oedolion sy'n cael taliad uniongyrchol wedi bod yn sefydlog ar oddeutu 5,600 o bobl – neu 11.3% o'r holl oedolion sydd â chynllun gofal a chymorth.

Argymhelliad 16. Dylai Llywodraeth Cymru roi diweddariad i'r Senedd ynghylch a yw wedi penderfynu datblygu a chyflwyno system llwybr carlam ar gyfer taliadau uniongyrchol i ofalwyr, gan ystyried unrhyw argymhellion perthnasol a wneir gan Archwilydd Cyffredinol Cymru yn dilyn ei adolygiad o daliadau uniongyrchol. Os bydd system o'r fath yn cael ei chyflwyno, dylai Llywodraeth Cymru nodi sut y byddai hynny'n cael ei wneud a phryd. Os bydd yn penderfynu peidio â bwrw ymlaen, dylai Llywodraeth Cymru nodi sut mae'n bwriadu gwella mynediad at gymorth i ofalwyr di-dâl.

Roedd yr Adroddiad yn adlewyrchu'r lefelau uchel o fodlonrwydd ymhlið derbynwyr taliadau uniongyrchol, a adroddwyd i'r Archwilydd Cyffredinol. Roedd hyn yn cynnwys y broses o asesu a chynllunio gofal; teimladau pobl am eu gallu i reoli taliad uniongyrchol; a bod â dealltwriaeth glir o rwymedigaethau cyfreithiol bod yn gyflogwr.

Mae gofyn sicrhau cydbwyssedd rhwng cael ymateb amserol ac ymateb sy'n sicrhau bod ymarferwyr yn buddsoddi'r amser angenrheidiol a phriodol i wrando ar yr unigolyn a deall yr hyn y mae am ei gyflawni. Rhaid i'r broses o gynllunio gan ganolbwytio ar yr unigolyn, er mwyn nodi anghenion cymwys gofalwr di-dâl, barhau i gael ei defnyddio'n brif fecanwaith ar gyfer cefnogi gofalwyr di-dâl os ydym am

wrando ar yr hyn sy'n bwysig iddynt a sicrhau bod hynny'n cael ei wneud mewn ffordd gyfannol. Lle bo modd gwneud hynny mewn modd cymesur, rydym yn disgwyli hynny ddigwydd.

Argymhelliaid 17. Fel mater o frys, rhaid i Lywodraeth Cymru nodi ei chynlluniau i weithio gydag awdurdodau lleol i adfer yn llawn wasanaethau gofalwyr yr amharwyd arnynt a blaenoriaethu'r gwaith o ailagor canolfannau dydd, a rhoi'r wybodaeth ddiweddaraf am gynnydd i'r Pwyllgor hwn cyn diwedd 2022, ynghyd â'r rhesymau dros unrhyw oedi.

Cyhoeddodd ADSSC [adroddiad](#) o'i adolygiad i Gylleoedd Dydd ym mis Mawrth 2024. Cyhoeddwyd Datganiad Ysgrifenedig yn ymrwymo i sefydlu gweithgor i ystyried saith argymhelliaid yr adroddiad, a oedd yn canolbwytio ar gomisiynu, cyd-gynhyrchu, cyflogaeth a dileu elw, gweithlu ac arloesedd digidol. Cyfarfu'r grŵp ym mis Mai 2024 ac mae cyfarfodydd pellach yn cael eu trefnu. Bydd y grŵp yn edrych ar wella canlyniadau yn y tymor byr a gwneud argymhellion ar gyfer ymyriadau pellach wedi'u targedu a all fod angen adnoddau ychwanegol.

Cyflwynwyd yr adroddiad yng nghyfarfod Cyfarwyddwyr Gwasanaethau Cymdeithasol ac yng Ngrŵp Cynghori'r Gweinidog ar Anabledd Dysgu, lle mae pryder sylweddol am effaith yr argyfwng costau byw ar wasanaethau.

Argymhelliaid 18. Dylai Llywodraeth Cymru gynnal adolygiad cyflym ynghylch a yw hawliau gofalwyr o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 yn cael eu torri yn sgil ysgwyddo mwy o gyfrifoldebau gofalu nag y gallent fod yn fodlon eu gwneud, neu'n gallu eu gwneud, oherwydd y diffyg gwasanaethau sydd ar gael. Dylid cyhoeddi canlyniadau'r adolygiad hwn i'r Pwyllgor hwn a dylent fod ar gael i'r cyhoedd.

[Cyhoeddwyd](#) adolygiad cyflym Cymdeithas y Cyfarwyddwyr Gwasanaethau Cymdeithasol ym mis Tachwedd 2023. Mae'r canfyddiadau'n cynnwys oedi a diffyg mynediad at asesiadau anghenion gofalwyr a diffyg ymwybyddiaeth o hawliau gofalwyr. Sefydlwyd grŵp Gorchwyl a Gorffen ym mis Ionawr 2024. Mae'r grŵp yn cynnwys cynrychiolwyr iechyd, awdurdodau lleol a gofalwyr di-dâl. Mae pob awdurdod lleol wedi cwblhau arolwg i hunanasesu eu perfformiad mewn perthynas â gwybodaeth, cyngor a chymorth i asesiadau anghenion gofalwyr a gofalwyr di-dâl. Mae engrheifftiau o arferion da a rhwystrau'n cael eu sefydlu a'r cynnydd yn cael ei oruchwyliau gan Grŵp Cynghori'r Gweinidog ar Ofalwyr Di-dâl. Mae [siarter](#) Llywodraeth Cymru sy'n amlinellu hawliau gofalwyr yn parhau i gael ei adolygu a'i ddiweddarau pan fo angen.

Argymhelliaid 19. Dylai Llywodraeth Cymru fandadu hyfforddiant dementia ychwanegol ar gyfer staff y GIG a all ddod i gysylltiad â phobl sy'n byw gyda dementia.

Mae Byrddau Iechyd yn parhau i gyflwyno adroddiadau bob chwe mis i Lywodraeth Cymru'n amlinellu'r cynnydd ar yr hyfforddiant a wneir gan staff ar lefel wybodus, fedrus a dylanwadwr. Mae unrhyw bryderon yn cael eu bwydo'n ôl i'r bwrdd iechyd i weithredu arnynt.

Mae Gwelliant Cymru a Llywodraeth Cymru'n parhau i gyfleu'r Safonau Gofal Dementia er mwyn iddynt gael eu cydnabod yn flaenorriaeth genedlaethol. Mae'r safonau'n cynnwys ffocws ar ddysgu a datblygu, sef: Safon 17 - Bydd pob aelod o staff sy'n darparu gofal ar bob lefel ym mhob disgylblaeth a lleoliad, yn cael cyfle i gymryd rhan mewn dysgu a datblygu sy'n canolbwytio ar yr unigolyn. Mae adroddiadau'n cael eu derbyn ar y safonau hyn bob chwe mis hefyd. Drwy gynllunio ar gyfer y cynllun gweithredu dementia olynol byddwn yn ystyried ein blaenorriaethau yn y dyfodol.

Argymhelliaid 20. Dylai Llywodraeth Cymru weithio gyda byrddau iechyd i sefydlu cynlluniau peilot i dreialu slotiau rhyddhau penodol ar gyfer pobl â dementia, a chyflwyno adroddiad ar y canfyddiadau i'r Pwyllgor hwn.

Mae'r gwaith yn parhau ar raglen Hospital Charter Care Fit for Vision Individual Perspective and Social (VIPS). Mae trefniadau llywodraethu cadarn yn cael eu sefydlu mewn byrddau iechyd a nifer o weithdai a chyfarfodydd wedi'u cynnal.

Wrth symud ymlaen, bydd Gwelliant Cymru yn gweithio i sicrhau bod Mapio Gofal Dementia (DCM) yn cyd-fynd â llif gwaith siarter ysbytai. Byddant yn helpu'r rhanbarthau hefyd i ddatblygu'r rhaglen DCM sy'n cynnig arsylwadau a chanlyniadau ystyrlon i gefnogi gwella gofal dementia.

Hefyd, mae safon benodol (19) sy'n canolbwytio ar wasanaethau gan sicrhau, pan fydd rhaid i unigolyn sy'n byw gyda dementia newid/symud rhwng unrhyw leoliadau neu wasanaethau, y bydd gofal yn cael ei gydlynu'n briodol a'n bod ni'n derbyn diweddaradau bob chwe mis ar y gwaith hwn. Mae Gwelliant Cymru'n cefnogi Byrddau Partneriaeth Rhanbarthol i gydwethio ar sut ellir cyflawni hyn a pharhau i fod yn ganolbwyt i'r gwaith siarter ysbytai.

Argymhelliaid 21. Dylai Llywodraeth Cymru edrych ar opsiynau ar gyfer agor wardiau ysbytai i deuluoedd/gofalwyr, a lle bo hynny'n briodol, staff cartrefi gofal i helpu gyda thasgau o ddydd i ddydd, a chyflwyno adroddiad i'r Pwyllgor hwn. Dylai'r adroddiad hwn hefyd fynd i'r afael â'r mater o yswiriant ar gyfer gweithwyr cartrefi gofal wrth ymgymryd â'r rôl o'r fath.

Trwy waith siarter yr ysbyty, mae Byrddau Partneriaeth Rhanbarthol yn cefnogi camau i wella gofal sy'n canolbwytio ar yr unigolyn mewn ysbytai. Mae engrairefftiau'n cynnwys ymgorffor i'r 'Cynllun Pili Pala', gan gynnwys 'Dyma Fi' ac 'Ymgyrch John' (hyrwyddo ymweliadau agored) mewn wardiau.

Yn ystod pandemig COVID-19, cyhoeddodd Llywodraeth Cymru ganllawiau manwl i fyrrdau iechyd ac ymddiriedolaethau'r GIG mewn perthynas ag ymweliadau ysbyty er mwyn rheoli lledaeniad y Coronafeirws ymhliith cleifion, staff a'r cyhoedd. Sefydlwyd grŵp canllawiau ymweld ag ysbytai Cymru Gyfan i fonitro gweithredu'r

trefniadau hyn a chawsant gyfarfodydd rheolaidd gan fabwysiadu proses ailadroddol o ddysgu a rhannu enghreifftiau o arferion gorau gydol y pandemig.

Ym mis Awst 2022, fe wnaeth Grŵp Ymweliadau Ysbyty Cymru Gyfan gyfarwyddo grŵp gorchwyl a gorffen i ystyried yr adroddiad ffurfiol ar wersi a ddysgwyd a *datblygu cyfres o egwyddorion gweithredol ar gyfer ymweld ag ysbytai wedi'r pandemig*. Fe wnaeth nifer o arolygon staff a chleifion hysbysu'r gwaith hwn, a bellach mae'r GIG yng Nghymru'n rhedeg dull seiliedig ar risg o ymweld gyda hyblygrwydd i addasu yn seiliedig ar amgylchiadau lle mae angen ystyried ystyriaethau ymweld.

Argymhelliad 22. Dylai Llywodraeth Cymru gyhoeddi canllawiau i fyrrdau iechyd, gan bwysleisio bod yn rhaid rhoi blaenoriaeth uwch i anghenion tai yn y broses rhyddhau o'r ysbyty, ac y dylid cynnwys sefydliadau tai yn y timau amlddisgyblaethol, fel mater o drefn.

Fel y nodwyd yn y diweddarriad yn erbyn argymhelliad 4, rydym wedi cyhoeddi canllawiau rhyddhau o'r ysbyty wedi'u diweddar sy'n ymdrin â nifer o feysydd canllaw newydd ar faterion iechyd a gofal cymdeithasol i staff cymorth. Mae adrannau pwrpasol wedi'u cynnwys yn y Canllawiau Rhyddhau o'r Ysbyty (gweler Argymhelliad 4) sy'n cynnwys:

Digartrefedd – sicrhau bod staff ward yn ceisio sefydlu statws digartrefedd gwirioneddol/posibl yn fuan ar ôl derbyn claf, er mwyn helpu i sicrhau atgyfeiriadau amserol at wasanaethau amlddisgyblaethol perthnasol. Y nod yw helpu i adnabod a mynd i'r afael yn gynnar ac anghenion tai ar ôl rhyddhau pobl. Mae data PoDC (argymhelliad 4) yn cofnodi oedi sy'n gysylltiedig â 'Digartrefedd' a 'Dim Llety Addas' i helpu i dynnu sylw a mynd i'r afael â phroblemau tai ar lefel leol;

Offer a thechnoleg gynorthwyl - er mwyn helpu i sicrhau y gall pobl fyw'n ddiogel ac yn annibynnol gartref, yn enwedig os yw eu hanghenion wedi newid yn dilyn arhosiad yn yr ysbyty;

Addasiadau tai ar gyfer rhyddhau o'r ysbyty - er mwyn sicrhau bod mân addasiadau'n cael eu cynllunio cyn gynted â phosibl er mwyn helpu i ryddhau rhywun yn ddiogel.

Yn ogystal, o ran gwella arferion gwaith rhwng y maes digartrefedd a'r maes iechyd, cafwyd ymgynghoriad ar Bapur Gwyn ar roi terfyn ar ddigartrefedd yng Nghymru yn gynharach eleni. Mae canlyniadau'r ymgynghoriad wrthi'n cael eu hystyried ac mae rhaglen waith yn cael ei datblygu a fydd yn ceisio cyflwyno gwell arferion i gefnogi pobl ddigartref, neu'r rhai sydd mewn perygl o fod yn ddigartref, wrth iddynt fynd i mewn i'r ysbyty ac wrth gael eu rhyddhau o'r ysbyty. Mae'r Gweinidogion yn gweithio'n agos i ystyried safbwytiau polisi wedi'u diweddar mewn nifer o feysydd, gan gynnwys rhyddhau o'r ysbyty.

Argymhelliad 23. Dylai Llywodraeth Cymru gyhoeddi canllawiau i fyrrdau iechyd i bwysleisio pwysigrwydd cynnwys timau fferylliaeth fel rhan hanfodol o'r tîm amlddisgyblaethol fel mater o drefn.

Cyhoeddodd Llywodraeth Cymru ei hymateb i'r Adolygiad Annibynnol o Wasanaethau Fferylliaeth Glinigol yng Nhymru ym mis Medi 2023 [Adolygiad Annibynnol o Wasanaethau Fferylliaeth Glinigol yn Ysbytai'r GIG yng Nghymru - Ymateb Llywodraeth Cymru](#)

Argymhelliad allweddol oedd:

- *Rhaid i dimau fferylliaeth fod yn rhan o gynllunio ar gyfer rhyddhau gan ddechrau ar adeg derbyn claf, a'r sefyllfa ddiofyn yw atgyfeirio cleifion am gymorth/gofal meddyginaethau ar ôl eu rhyddhau oni bai ei bod yn amlwg nad oes ei angen.*

Mae Grŵp Prif Fferyllwyr/Cyfarwyddwyr Fferylliaeth byrddau iechyd wedi sefydlu gweithgor i weithredu'r camau arfaethedig (ar unwaith, yn y tymor byr a chanolig) i fynd i'r afael â'r rôl fferylliaeth wrth optimeiddio llif cleifion.

Argymhelliad 24. Dylai Llywodraeth Cymru nodi ei chynlluniau, gan gynnwys amserleni, ar gyfer adolygu a gwella cyfathrebu gyda theuluoedd a gofalwyr. Dylai'r adolygiad hwn hefyd gynnwys gwerthusiad o ansawdd ac effeithiolrwydd yr asesiadau o anghenion gofal a chymorth sy'n cael eu cynnal cyn rhyddhau.

Roedd Canllawiau Rhyddhau o'r Ysbyty (gweler Argymhelliad 4) yn cynnwys adran benodol ar 'Ofalwyr Di-dâl' i sicrhau bod y broses ryddhau'n ymgysylltu'n llawn â theuluoedd a gofalwyr di-dâl. Roedd yr Ymddiriedolaeth Gofalwyr yn rhan o'r gwaith o gynhyrchu'r canllawiau. Mae'r adran yn nodi gwybodaeth benodol i gleifion, eu teuluoedd a/neu ofalwyr ar swyddogaethau gofal cymdeithasol allweddol sydd eu hangen fel rhan o'u gofal parhaus ynghyd â dolenni i wybodaeth ategol y gall staff ei rhannu â chleifion a theuluoedd.

Hefyd, mae Llwybrau D2RA (gweler Argymhelliad 5) yn rhoi pwyslais ar gynnwys, cefnogi a diweddar teuluoedd a gofalwyr wrth wneud penderfyniadau gydol y broses ryddhau.

Argymhelliad 25. Dylai Llywodraeth Cymru egluro pa gamau sy'n cael eu cymryd i fynd i'r afael ag unrhyw bryderon yn ymwneud â diogelu data, a sicrhau bod memoranda cyd-ddealltwriaeth a phrotocolau llywodraethu gwybodaeth priodol ar waith fel nad oes unrhyw rwystrau rhag rhannu data rhwng gwahanol rannau o'r system iechyd a gofal cymdeithasol.

Mae Gofal Cymdeithasol Cymru'n parhau i weithio gydag lechyd a Gofal Digidol Cymru ar weithredu Porth Rhannu Gwybodaeth newydd a fydd yn rhoi ateb digidol i sefydliadau iechyd a gofal ar gyfer rheoli eu prosesau rhannu data a Llywodraethu Gwybodaeth. Mae'r system, a ddatblygwyd fel ateb dielw gan y GIG yn Lloegr, wrthi'n cael ei theilwra i weithio gyda phroses ddiwygiedig Cytundeb Rhannu Gwybodaeth Bersonol Cymru (WASPI) a bydd ar gael yn rhad ac am ddim i awdurdodau lleol, byrddau iechyd a sefydliadau iechyd a gofal eraill, gydag ymrwymiad i ffi cynnal a chadw flynyddol fach.

Mae Gofal Cymdeithasol Cymru yn rheoli grŵp cyfeirio rhanddeiliaid Llywodraethu Gwybodaeth yn awr. Cafodd y grŵp ei sefydlu yn 2022 er mwyn rhoi cyfreithiau rhanddeiliaid drafod a rhannu gwybodaeth am faterion sy'n ymwneud â rhannu data,

prosesu data, safonau data a llywodraethu gwybodaeth. Mae gan y grŵp aelodau o awdurdodau lleol, Llywodraeth Cymru, iechyd, a swyddfa'r Comisiynydd Gwybodaeth ac mae'n cyfarfod bob chwarter.

Mae Gofal Cymdeithasol Cymru yn cymryd rhan lawn hefyd yn y rhaglen Adnoddau Data Cenedlaethol (NDR) ac maent yn cael eu comisiynu gan yr NDR i wneud gwaith ar ddeall sut allwn ni ddarparu data gofal cymdeithasol i'r platform. Rydym wedi cwblhau gwaith ar aeddfedrwydd data mewn adrannau gwasanaethau cymdeithasol awdurdodau lleol a gaiff ei gyhoeddi yn 2024 ac rydym yn aelodau o grŵp pedair gwlad sy'n datblygu safonau data ar gyfer gofal cymdeithasol gan ddefnyddio'r Adnodd Rhyngweithredu Gofal Iechyd Cyflym (FHIR). Rydym wrthi'n cwmpasu prosiect i ddatblygu Safon Data Gweithredu Lleiaf (MODS) ar gyfer gofal cymdeithasol yng Nghymru gan ddefnyddio gwaith sydd wedi'i wneud yn flaenorol gan GIG Lloegr. Hefyd, rydym yn cwmpasu prosiect a fydd yn dechrau casglu a datblygu achosion defnydd penodol a fydd yn ein helpu i ddeall y mathau o ddata a rennir mewn gofal cymdeithasol.