



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Cofnod y Trafodion
The Record of Proceedings

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

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

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

Y Llywydd: Galwaf y Cynulliad i drefn.

The Presiding Officer: I call the Assembly to order.

Cwestiynau i'r Prif Weinidog Questions to the First Minister

Investment in Wrexham

Q1 Lesley Griffiths: Will the First Minister make a statement on the Welsh Assembly Government's investment in Wrexham since May 2007? OAQ(3)2358(FM)

The First Minister (Rhodri Morgan): Since May 2007, our investment in public services in Wrexham has been running at about £350 million per year. Therefore, investment has totalled some £1 billion over the three years, including the present financial year. In the first six months of this year, we announced an additional £5 million through the strategic capital investment fund for the reconfiguration and modernisation of Wrexham's secondary schools.

Lesley Griffiths: It is good to be reminded of how much investment we have had in Wrexham over the past two and a half years. However, in the recent announcements on SCIF bids, Wrexham was unsuccessful in obtaining any capital funding for either of the two schemes submitted for consideration. As you can imagine, this news created a great deal of concern locally, and there has been much negative focus on the process used for determining which bids are successful and which are not. In light of the fact that the panel of advisers responsible for determining these bids is not from the region and, therefore, has no real understanding of north-east Wales's strategic needs, how can this patent weakness in the process be rectified in time for the next round of SCIF decisions, to enable Wrexham to receive its fair share of capital investment in the future?

Buddsoddiad yn Wrecsam

C1 Lesley Griffiths: A wnaiff y Prif Weinidog ddatganiad am fuddsoddiad Llywodraeth Cynulliad Cymru yn Wrecsam er mis Mai 2007? OAQ(3)2358(FM)

Y Prif Weinidog (Rhodri Morgan): Ers mis Mai 2007, yr ydym wedi buddsoddi oddeutu £350 miliwn y flwyddyn mewn gwasanaethau cyhoeddus yn Wrecsam. Felly buddsoddwyd cyfanswm o ryw £1 biliwn dros y tair blynedd, gan gynnwys y flwyddyn ariannol bresennol. Yn chwe mis cyntaf eleni, cyhoeddassom £5 miliwn yn ychwanegol drwy'r gronfa buddsoddi cyfalaf strategol i ad-drefnu a moderneiddio ysgolion uwchradd Wrecsam.

Lesley Griffiths: Mae'n dda cael ein hatgoffa faint o fuddsoddi yr ydym wedi'i gael yn Wrecsam dros y ddwy flynedd a hanner diwethaf. Fodd bynnag, yn y cyhoeddiadau diweddar ar geisiadau am arian y gronfa buddsoddi cyfalaf strategol, ni lwyddodd Wrecsam i gael arian cyfalaf ar gyfer y naill na'r llall o'r ddau gynllun a gyflwynwyd i'w hystyried. Fel y gallwch ddechymygu, creodd y newyddion hyn lawer iawn o bryder yn lleol, a bu llawer iawn o sylw negyddol i'r broses a ddefnyddir i benderfynu pa geisiadau sy'n llwyddiannus a pha rai sy'n aflwyddiannus. Yng ngolau'r ffaith nad yw'r panel o ymgynghorwyr sy'n gyfrifol am benderfynu ar y ceisiadau hyn yn dod o'r ardal, ac felly nad oes ganddo wir ddealltwriaeth o anghenion strategol y Gogledd-ddwyrain, sut y gellir cywiro'r gwendid amlwg hwn yn y broses mewn pryd ar gyfer y cylch nesaf o benderfyniadau'r gronfa fuddsoddi, fel y gall Wrecsam gael ei chyfran deg o fuddsoddi cyfalaf yn y

dyfodol?

The First Minister: You cannot guarantee that every local authority area receives an allocation in each round. As I mentioned, the first round contained an allocation for the modernisation of Wrexham's secondary schools; the second round did not include any allocations for Wrexham, despite its having put forward two bids. However, I do not think that we can guarantee that every local authority area receives a share in each round. I do not think that the postcodes of panel members have anything to do with this; it is simply a matter of whether bids meet the strategic objectives.

Is the process perfect? No; it needs further tweaking. Is it transparent and fair? Yes, it certainly is. Was there pressure to get projects through that were ready to start in the 2010-11 financial year? That was one of the key points, along with meeting the strategic objectives.

Mark Isherwood: Wrexham would argue that the two bids were for key strategic projects—£2 million towards the new stand at the Racecourse ground and £10 million towards the cost of the planned western gateway scheme in Ruthin Road, to create fresh jobs. Both schemes were turned down. You will know that the council leader was furious, but you may not know that so were other council leaders in north-east Wales. I received an e-mail from the leader of Denbighshire County Council, saying that Denbighshire, Conwy, Flintshire and Wrexham were unsuccessful in their bids, that the whole bidding process left a lot to be desired and that there was little or no clarity about such a significant opportunity. He added that this is simply not acceptable, suggesting that there is massive regional bias to areas outside north Wales. Since this—

The Presiding Officer: Order. This is questions to the First Minister; the intention is that Members ask questions and that the

Y Prif Weinidog: Ni ellir gwarantu y caiff pob ardal awdurdod lleol ddyraniad ym mhob cylch. Fel y soniais, yr oedd y cylch cyntaf yn cynnwys dyraniad ar gyfer moderneiddio ysgolion uwchradd Wrecsam; nid oedd yr ail gylch yn cynnwys dim dyraniadau i Wrecsam, er iddi gyflwyno dau gais. Fodd bynnag, nid wyf yn meddwl y gallwn warantu y caiff pob ardal awdurdod lleol gyfran ym mhob cylch. Nid wyf yn meddwl bod a wnelo codau post aelodau'r panel ddim oll â hyn; mater yn syml ydyw o benderfynu a yw ceisiadau'n cyflawni'r amcanion strategol.

A ydyw'r broses yn berffaith? Nac ydyw; mae angen ei mân addasu ymhellach. A ydyw'n dryloyw ac yn deg? Ydyw, yn sicr. A oedd pwysau i gael prosiectau drwodd a oedd yn barod i gychwyn ym mlwyddyn ariannol 2010-11? Yr oedd hynny'n un o'r pwyntiau allweddol, ynghyd â chyflawni'r amcanion strategol.

Mark Isherwood: Byddai Wrecsam yn dadlau bod y ddau gais yn rhai ar gyfer prosiectau strategol allweddol—£2 filiwn tuag at yr eisteddle newydd ar y Cae Ras a £10 miliwn tuag at gost cynllun arfaethedig y porth gorllewinol yn Ffordd Rhuthun, i greu swyddi newydd. Gwrthodwyd y ddau gynllun. Byddwch yn gwybod bod arweinydd y cyngor yn gandryll, ond efallai na wyddoch fod hynny'n wir am arweinwyr cyngorau eraill yn y Gogledd-ddwyrain. Cefais ebost oddi wrth arweinydd Cyngor Sir Ddinbych, yn dweud bod Sir Ddinbych, Conwy, Sir y Fflint a Wrecsam yn aflwyddiannus gyda'u ceisiadau, bod yr holl broses geisiadau ymhell o fod yn foddhaol ac nad oedd dim neu nemor ddim eglurder ynghylch cyfle mor arwyddocaol. Ychwanegodd nad yw hyn yn dderbyniol o gwbl, gan awgrymu bod tuedd ranbarthol enfawr o blaid ardaloedd y tu allan i'r Gogledd. Ers i'r—

Y Llywydd: Trefn. Cwestiynau i'r Prif Weinidog yw hyn; y bwriad yw bod Aelodau'n gofyn cwestiynau a bod y Prif

First Minister replies.

Weinidog yn ateb.

Mark Isherwood: Will you recognise the concerns expressed, and do you support the statements made by all three contenders to succeed you, that they will not, in future, forget Wrexham?

Mark Isherwood: A wnewch chi gydnabod y pryderon a fynegwyd, ac a ydych yn cefnogi'r datganiadau a wnaed gan bob un o'r tri ymgeisydd i'ch olynu, sef na wnânt, yn y dyfodol, anghofio Wrecsam?

The First Minister: Nobody forgets Wrexham; that is why it got some funds in the first tranche of the strategic capital investment fund. What you cannot do is guarantee that, in tranche 1, tranche 2 and future tranches, every local authority that puts in a bid will receive funding. It is nonsensical to allege that there is some bias in the process, when Wrexham received money in tranche 1 but not in tranche 2. Does that mean that there was a bias in Wrexham's favour in tranche 1 and then against it in tranche 2? The same panel members considered the bids on both occasions. It is just nonsensical.

Y Prif Weinidog: Nid oes neb yn anghofio Wrecsam; dyna pam y cafodd gyllid yng nghyfran gyntaf y gronfa buddsoddi cyfalaf strategol. Yr hyn na ellir ei wneud yw gwarantu, yng nghyfran 1, cyfran 2 a chyfrannau'r dyfodol, y bydd pob awdurdod lleol sy'n cyflwyno cais yn cael arian. Lol yw honni bod rhyw ragfarn yn y broses, a Wrecsam wedi cael arian yng nghyfran 1 ond ddim yng nghyfran 2. A ydyw hynny'n golygu bod rhagfarn o blaid Wrecsam yng nghyfran 1 ac wedyn yn ei herbyn yng nghyfran 2? Yr un aelodau panel a ystyriodd y ceisiadau ar y ddau achlysur. Mae'n gwbl hurt.

Can we improve the process to make it even more fair, transparent and strategic? I am sure that we can, because it is a new process. Do we offer feedback to local authority leaders who, naturally, feel disappointed, so that they do not simply have to sound off and start making absurd allegations of bias? Yes, we do. What do we mean by 'strategic'? How sure are you that you understand what 'strategic' means? It is a simple word, but its application has to be looked at. We are happy to offer feedback and it would be much better if people asked for feedback instead of making absurd allegations of bias.

A allwn wella'r broses i'w gwneud hyd yn oed yn fwy teg, tryloyw a strategol? Yr wyf yn siŵr y gallwn, oherwydd mae'n broses newydd. A fyddwn yn cynnig adborth i arweinwyr awdurdodau lleol sydd, yn naturiol, yn teimlo'n siomedig, fel nad oes raid iddynt arthio a dechrau gwneud honiadau absŵrd am ragfarn? Byddwn. Beth a olygwn wrth 'strategol'? Pa mor siŵr ydych chi eich bod yn deall beth y mae 'strategol' yn ei olygu? Mae'n air syml, ond rhaid edrych ar ei gymhwysiad. Yr ydym yn hapus i gynnig adborth a byddai'n llawer gwell pe gofynnai pobl am adborth yn lle gwneud honiadau absŵrd am ragfarn.

Janet Ryder: Do you share my disappointment that it is the Tories and the Liberal Democrats who are leading on this disparaging view of north-east Wales being ignored by this Assembly? As you have just detailed, there have been hundreds of millions of pounds of investment in that area over the last few years. Since Plaid Cymru came into coalition government, investment has greatly increased in that area. That has included doubling the number of trains going

Janet Ryder: A ydych yn rhannu fy siom mai'r Torïaid a'r Democratiaid Rhyddfrydol sydd yn arwain y farn ddifriol hon bod y Cynulliad hwn yn anwybyddu'r Gogledd-ddwyrain? Fel yr ydych newydd ddweud, mae cannoedd o filiynau o bunnoedd wedi'u buddsoddi yn yr ardal honno dros yr ychydig flynyddoedd diwethaf. Ers i Blaid Cymru ddod i'r llywodraeth glymblaid, mae buddsoddi wedi cynyddu'n fawr yn yr ardal honno. Mae hynny wedi cynnwys dyblu nifer

through Wrexham, increasing the investment in Wrexham station to allow the development of the Wrexham-Marylebone link to London, an investment of £2.8 million in the town centre and over £23 million for the county council for services for young people and schools. [*Interruption.*]

The Presiding Officer: Order. She is about to ask a question.

Janet Ryder: One of the bid projects was the western gateway project, which is important for the town as it will bring valuable, affordable housing. Will you ensure that your officials liaise with the council to see what can be done to kick-start that project?

The First Minister: As I mentioned earlier, we are happy to offer feedback to disappointed applicants, of whom there will be many. As always, in order for any process, especially a new process, to be able to bed down satisfactorily and for it to be demonstrated to everyone—both those who have submitted successful projects and those who have submitted unsuccessful projects—that the process is fair, consistent and transparent, we offer feedback. If Wrexham wants to know why the panel did not approve the western gateway project, I am sure that we have offered feedback, and we will continue to do so. Part of the western gateway project involves affordable housing. Of course, £20 million was allocated to affordable housing on an all-Wales basis and I am sure that Wrexham will be able to try to ensure that it gets a good share of that for the western gateway site or for other sites in the Wrexham area.

Eleanor Burnham: As someone who was born in Wrexham, I want to bat for Wrexham too. Whatever you say, First Minister, your tone so far is rather patronising. People in Wrexham know what ‘criteria’ mean, although I am sure that you would like to enlighten them about it. Wrexham was snubbed for city status many years ago, in a process that was so mealy-mouthed as to be

y trenau a aiff drwy Wrecsam, cynyddu'r buddsoddiad yng ngorsaf Wrecsam i ganiatáu datblygu cysylltiad Wrecsam-Marylebone i Lundain, buddsoddi £2.8 miliwn yng nghanol y dref a thros £23 miliwn i'r cyngor sir ar gyfer gwasanaethau i bobl ifanc ac ysgolion. [*Torri ar draws.*]

Y Llywydd: Trefn. Mae hi ar fin gofyn cwestiwn.

Janet Ryder: Un o'r prosiectau y gwnaed cais amdano oedd prosiect y porth gorllewinol, sydd yn bwysig i'r dref gan y daw â thai fforddiadwy gwerthfawr. A wnewch chi sicrhau bod eich swyddogion yn cysylltu â'r cyngor i weld beth y gellir ei wneud i danio'r prosiect hwnnw?

Y Prif Weinidog: Fel y soniais yn gynharach, yr ydym yn hapus i gynnig adborth i ymgeiswyr siomedig, y bydd eu niferoedd yn fawr. Fel bob amser, er mwyn i unrhyw broses, yn enwedig proses newydd, allu ymwreiddio'n foddhaol ac er mwyn dangos i bawb—yn rhai a gyflwynodd brosiectau llwyddiannus a rhai a gyflwynodd brosiectau aflwyddiannus—fod y broses yn deg, yn gyson ac yn dryloyw, yr ydym yn cynnig adborth. Os oes ar Wrecsam eisiau gwybod pam na chymeradwywyd prosiect y porth gorllewinol gan y panel, yr wyf yn siŵr ein bod wedi cynnig adborth, ac fe barhawn i wneud hynny. Mae rhan o brosiect y porth gorllewinol yn cynnwys tai fforddiadwy. Wrth gwrs, dyrannwyd £20 miliwn i dai fforddiadwy ar sail Cymru gyfan ac yr wyf yn siŵr y bydd Wrecsam yn gallu ceisio sicrhau y caiff gyfran dda o hynny ar gyfer safle'r porth gorllewinol neu ar gyfer safleoedd eraill yn ardal Wrecsam.

Eleanor Burnham: Fel un a anwyd yn Wrecsam, mae arnaf innau eisiau batio dros Wrecsam hefyd. Beth bynnag a ddywedwch, Brif Weinidog, mae eich tôn hyd yma braidd yn nawddoglyd. Mae pobl yn Wrecsam yn gwybod beth yw ystyr ‘meini prawf’, er yr hoffech eu goleuo am hynny, mae'n siŵr. Cafodd cais Wrecsam am statws dinas ei wrthod flynyddoedd lawer yn ôl, mewn

impossible to understand. The new train that is lauded by Plaid Cymru goes everywhere but through Wrexham. How are people there supposed to feel, First Minister? How would you feel if your town was not on the route of the fantastic north-south train? Even if it is just a perception, what will you do to help the people of north-east Wales so that they do not feel disadvantaged, and certainly not patronised?

The First Minister: What can I say? In order to establish a case you need to demonstrate that there is, in some way, a bias against Wrexham in the process. Wrexham received money in tranche 1, but it did not get money in tranche 2. We cannot say to this Assembly—I am sorry if this sounds patronising, but it is a simple statement of fact—that every local authority in Wales, and there are 22 of them, that submits proposals to each successive tranche is going to be successful every time. To establish a case of bias, an authority must be unsuccessful in a whole series of tranches. In this case, that is plainly absurd because in tranche 1 Wrexham received £5 million for the reconfiguration of its secondary schools. Likewise with trains, where Wrexham did well with the Wrexham-Marylebone line. The point about the next train allocation not passing through Wrexham may be true, but you have to agree that the Wrexham-Marylebone service starts in Wrexham. You cannot have every train service going to Wrexham, as long as all of them do not avoid Wrexham. The Wrexham-Marylebone service certainly does not avoid Wrexham.

1.40 p.m.

The Copenhagen Conference

Q2 Mick Bates: What involvement has the Welsh Assembly Government had with the UK Government's preparations for the Copenhagen climate change conference? OAQ(3)2379(FM)

proses a oedd mor wenieithus nes bod yn amhosibl ei deall. Mae'r trê'n newydd a ganmolir gan Blaid Cymru'n mynd drwy bobman ond Wrecsam. Sut mae pobl yn y fan honno i fod i deimlo, Brif Weinidog? Sut y teimlech chi pe na bai eich tref chi ar lwybr y trê'n ffantastig o'r gogledd i'r de? Hyd yn oed os mai dim ond canfyddiad ydyw, beth a wnewch chi i helpu pobl y Gogledd-ddwyrain i beidio teimlo eu bod dan anfantais, ac yn sicr i beidio teimlo'u bod yn cael eu nawddogi?

Y Prif Weinidog: Beth allaf i ei ddweud? Er mwyn sefydlu achos mae angen ichi ddangos bod, mewn rhyw fodd, ragfarn yn erbyn Wrecsam yn y broses. Cafodd Wrecsam arian yng nghyfran 1, ond ni chafodd arian yng nghyfran 2. Ni allwn ddweud wrth y Cynulliad hwn—mae'n ddrwg gennyf os yw hyn yn swnio'n nawddoglyd, ond datganiad syml o ffaith ydyw—fod pob awdurdod lleol yng Nghymru, ac mae 22 ohonynt, sy'n cyflwyno ceisiadau am bob cyfran olynol yn mynd i fod yn llwyddiannus bob tro. I sefydlu achos o ragfarn, rhaid i awdurdod fod yn aflwyddiannus mewn cyfres gyfan o gyfrannau. Yn yr achos hwn, mae hynny'n amlwg yn absŵrd oherwydd yng nghyfran 1 cafodd Wrecsam £5 miliwn ar gyfer ad-drefnu ei hysgolion uwchradd. Yn yr un modd gyda threnau, lle gwnaeth Wrecsam yn dda gyda lein Wrecsam-Marylebone. Efallai fod y pwynt ynghylch y dyraniad trenau nesaf yn methu pasio drwy Wrecsam yn wir, ond rhaid ichi gytuno bod y gwasanaeth Wrecsam-Marylebone yn dechrau yn Wrecsam. Ni allwch gael pob gwasanaeth trê'n i fynd i Wrecsam, dim ond sicrhau nad yw pob un ohonynt yn osgoi Wrecsam. Yn sicr, nid yw gwasanaeth Wrecsam-Marylebone yn osgoi Wrecsam.

Cynhadledd Copenhagen

C2 Mick Bates: Pa ran y mae Llywodraeth Cynulliad Cymru wedi'i chwarae ym mharatodau Llywodraeth y DU ar gyfer y gynhadledd ar y newid yn yr hinsawdd yn Copenhagen? OAQ(3)2379(FM)

The First Minister: Jane Davidson, our Minister for Environment, Sustainability and Housing, co-chairs NRG4SD, the Network of Regional Governments for Sustainable Development, and she will be present in that capacity at the Copenhagen earth summit conference shortly. I am sure that you will join me in welcoming the announcement made by RWE Npower Renewables yesterday that it is making a planning application for what will easily be the UK's biggest carbon capture plant at Aberthaw power station in the Vale of Glamorgan.

Mick Bates: Thank you for that statement, First Minister. Please pass on my thanks to your colleague, Jane Davidson, who will be speaking at tonight's event, Cymru@Copenhagen, organised by the National Assembly sustainable energy group. First Minister, I am sure that you will be aware that the Liberal Democrats have signed up to the 10:10 campaign, which aims to achieve a 10 per cent reduction in emissions by the end of 2010. Through a motion at Westminster, our Liberal Democrat colleagues urged the public sector and your Labour Government there to sign up to the same campaign. Sadly, the motion was defeated. Do you not agree that it is time that the Westminster Government showed more leadership and ambition on the Copenhagen agreements? Can you demonstrate in your answer that you have showed ambition in your discussions with Westminster colleagues to push for a target of a 40 per cent reduction in emissions by 2020? That is the ambition needed to answer the science and avoid the worst impacts of climate change on our environment in Wales.

The First Minister: It is always possible to say that a Government should do more than it has committed itself to, but, to be honest, Mick, I do not think that any objective observer would look at the actions, statements, commitments and policies announced either by Ed Miliband at a United

Y Prif Weinidog: Mae Jane Davidson, ein Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, yn cyd-gadeirio NRG4SD, Rhwydwaith y Llywodraethau Rhanbarthol dros Ddatblygu Cynaliadwy, a bydd hi'n bresennol yn rhinwedd y swydd honno yn uwchgynhadledd y ddaear yn Copenhagen cyn bo hir. Yr wyf yn siŵr yr ymunwch â mi i groesawu'r cyhoeddiad a wnaed gan RWE Npower Renewables ddoe ei fod yn gwneud cais cynllunio am waith cipio carbon mwyaf y Deyrnas Unedig, o bell ffordd, yng ngorsaf bŵer Aberddawan ym Mro Morgannwg.

Mick Bates: Diolch am y datganiad hwnnw, Brif Weinidog. Anfonwch fy niolch ymlaen, os gwelwch yn dda, i'ch cyd-Weinidog, Jane Davidson, a fydd yn siarad yn nigwyddiad heno, Cymru@Copenhagen, a drefnir gan grŵp ynni cynaliadwy'r Cynulliad Cenedlaethol. Brif Weinidog, yr wyf yn siŵr y byddwch yn ymwybodol fod y Democratiaid Rhyddfrydol wedi ymuno â'r ymgyrch 10:10, sy'n anelu at sicrhau gostyngiad 10 y cant mewn allyriadau erbyn diwedd 2010. Trwy gynnig yn San Steffan, anogodd ein cyd-Ddemocratiaid Rhyddfrydol y sector cyhoeddus a'ch Llywodraeth Lafur chi yno i ymuno â'r un ymgyrch. Ysywaeth, trechwyd y cynnig. Oni chytunwch ei bod yn hen bryd i Lywodraeth San Steffan ddangos mwy o arweiniad ac uchelgais ar gytundebau Copenhagen? A allwch ddangos yn eich ateb eich bod wedi dangos uchelgais yn eich trafodaethau â chyd-Weinidogion yn San Steffan i wthio am darged gostyngiad o 40 y cant mewn allyriadau erbyn 2020? Dyna'r uchelgais y mae ei angen i ateb y wyddoniaeth ac osgoi effeithiau gwaethaf y newid yn yr hinsawdd ar ein hamgylchedd yng Nghymru.

Y Prif Weinidog: Mae bob amser yn bosibl dweud y dylai Llywodraeth wneud mwy nag y mae wedi ymrwymo iddo, ond, a bod yn onest, Mick, nid wyf yn meddwl y byddai unrhyw sylwedydd gwrthrychol yn edrych ar y gweithredoedd, y datganiadau, yr ymrwymadau a'r polisiau a gyhoeddwyd gan

Kingdom level or Jane Davidson in the Assembly and say that there is any evidence of a lack of commitment or ambition. They have both been very ambitious and committed, and they are promoting the right policies. Those policies include a strong commitment to reduce carbon dioxide emissions in this country and to secure agreement with the leading countries and regions of the other continents at Copenhagen next month.

Christine Chapman: First Minister, if Wales is to play its part in tackling climate change, we must do all that we can to engage citizens in the campaign. I congratulate Jane Davidson on the work that she is doing in that regard. Will you welcome the excellent examples that we are seeing across Wales? In particular, do you commend the efforts of the Fernhill and Glenboi Communities First partnership, which organised a community climate change day in my constituency last week to encourage everyone to reduce their energy use, to use their cars less, and to buy food grown locally?

The First Minister: That is exactly right. The chancelleries of Europe and the different continents of the world have to engage on this issue. Then comes the regional tier of Government, into which we fit, which carries 50 per cent of the responsibility for implementation. Finally, there is the citizen. Whether they are less well-off or well-off, citizens can make a big difference by changing their lifestyle, making their contribution to reducing carbon dioxide and other greenhouse gas emissions, thereby drawing in the citizens of other continents. They can demonstrate the degree of change necessary and that they are committing themselves to it.

The Leader of the Opposition (Nick Bourne): Yesterday, Ed Miliband announced 10 new sites for nuclear power stations in England and Wales. Can the First Minister

Ed Miliband ar lefel y Deyrnas Unedig na Jane Davidson yn y Cynulliad ac yn dweud bod unrhyw dystiolaeth o ddiffyg ymrwymiad nac uchelgais. Maent ill dau wedi bod yn uchelgeisiol ac ymroddedig dros ben, ac maent yn hyrwyddo'r polisiau iawn. Mae'r polisiau hynny'n cynnwys ymrwymiad cryf i leihau allyriadau carbon deuocsid yn y wlad hon ac i sicrhau cytundeb gyda gwledydd a rhanbarthau blaenllaw'r cyfandiroedd eraill yn Copenhagen y mis nesaf.

Christine Chapman: Brif Weinidog, os yw Cymru i chwarae ei rhan o ran mynd i'r afael â'r newid yn yr hinsawdd, rhaid inni wneud popeth a allwn i gynnwys dinasyddion yn yr ymgyrch. Yr wyf yn llongyfarch Jane Davidson ar y gwaith y mae hi'n ei wneud yn hynny o beth. A wnewch chi groesawu'r enghreifftiau rhagorol yr ydym yn eu gweld ledled Cymru? Yn enwedig, a gymeradwywch ymdrechion partneriaeth Cymunedau'n Gyntaf Fernhill a Glenboi, a drefnodd ddiwrnod newid hinsawdd gymunedol yn fy etholaeth yr wythnos diwethaf i annog pawb i leihau eu defnydd o ynni, i ddefnyddio'u ceir yn llai aml, ac i brynu bwyd a dyfwyd yn lleol?

Y Prif Weinidog: Mae hynny'n berffaith iawn. Mae'n rhaid i gangelloriaethau Ewrop a gwahanol gyfandiroedd y byd ymgysylltu ar y mater hwn. Wedyn ceir haen ranbarthol Llywodraeth, lle'r ydym ni, sy'n cario 50 y cant o'r cyfrifoldeb am weithredu. Yn olaf, ceir y dinesydd. Boent yn llai llewyrchus neu'n llewyrchus eu byd, gall dinasyddion wneud gwahaniaeth mawr drwy newid eu ffordd o fyw, gwneud eu cyfraniad at leihau allyriadau carbon deuocsid a nwyon tŷ gwydr eraill, gan dynnu dinasyddion cyfandiroedd eraill i mewn trwy hynny. Gallant ddangos y radd o newid sydd ei hangen a'u bod yn ymrwymo'u hunain iddi.

Arweinydd yr Wrthblaid (Nick Bourne): Ddoe, cyhoeddodd Ed Miliband 10 safle newydd ar gyfer atomfeydd yng Nghymru a Lloegr. A all y Prif Weinidog ddweud

tell us what consultations with Westminster he, or possibly the Minister, Jane Davidson, has had and whether he approves of Wylfa B going forward on that list?

The First Minister: Ed Miliband made the announcement, which had been widely trailed, indicating that the UK Government would be pushing these through to the Infrastructure Planning Commission when that takes effect on 1 April 2010. A proposal for 10 sites has met the initial qualifications, and one site, at Dungeness, has dropped out. No site has been proposed in Scotland because the matter is devolved to it. It is not devolved to Wales, and so it is a call for Westminster to make. We have responsibilities relating to waste management and we have said what we think about the proposal. We do not want to see it drawing capital away from renewable energy, because of Wales's special position, given that we could be one of the world's great hubs for renewable energy over the next 20 years. We do not want to see capital flow away from that as a result of any favourable treatment that might be given to nuclear power.

Nick Bourne: I specifically asked what consultations you had had. I am not clear whether that was a consultation that you had had with Ed Miliband, or whether that was just a public statement that you had made. Perhaps you will expand on that. Your stance on Wylfa B is important. We would expect the Assembly Government to be consulted on that, and if you have not been consulted on it in the past, no doubt you will be. What stance will you take? We know that Carwyn Jones is in favour of nuclear energy, as he has said so, as has Edwina Hart. However, Plaid Cymru, in its 2009 European election manifesto, said that it was totally against the construction of any new nuclear power stations in Wales. Where do you stand, and where does your Government stand, on this very important issue of Wylfa B?

wrthym ba ymgynghori â San Steffan y mae ef, neu efallai'r Gweinidog, Jane Davidson, wedi'i wneud ac a ydyw'n cymeradwyo cynnwys Wylfa B ar y rhestr honno?

Y Prif Weinidog: Gwnaeth Ed Miliband y cyhoeddiad, a ragfynegydd yn eang, yn nodi y byddai Llywodraeth y Deyrnas Unedig yn gwthio'r rhain drwodd i'r Comisiwn Cynllunio Seilwaith pan ddaw hwnnw i rym ar 1 Ebrill 2010. Mae cynnig ar gyfer 10 safle wedi cyflawni'r cymwysterau cychwynnol, ac mae un safle, yn Dungeness, wedi disgyn allan. Nid oes yr un safle wedi'i gynnig yn yr Alban oherwydd mae'r mater wedi'i ddatganoli i'r wlad honno. Nid yw wedi'i ddatganoli i Gymru, ac felly mae'n benderfyniad i San Steffan ei wneud. Mae gennym gyfrifoldebau ynglŷn â rheoli gwastraff ac yr ydym wedi dweud ein dweud am y cynnig. Nid oes arnom eisiau ei weld yn tynnu cyfalaf i ffwrdd oddi wrth ynni adnewyddadwy, oherwydd safle arbennig Cymru, gan y gallem fod yn un o ganolfannau mawr y byd ar gyfer ynni adnewyddadwy yn yr 20 mlynedd nesaf. Nid oes arnom eisiau gweld cyfalaf yn llifo i ffwrdd oddi wrth hynny yn sgîl unrhyw driniaeth ffafriol y gellid ei rhoi i bŵer niwclear.

Nick Bourne: Gofynnais yn benodol pa ymgynghoriadau yr oeddech wedi'u cael. Nid wyf yn glir ai ymgynghoriad oedd hwnnw a gawsoch gydag Ed Miliband, ynteu ai dim ond datganiad cyhoeddus yr oeddech wedi'i wneud oedd hwnnw. Efallai yr ymhelaethwch ar hynny. Mae eich safbwynt ar Wylfa B yn bwysig. Byddem yn disgwyl yr ymgynghorid â Llywodraeth y Cynulliad ynglŷn â hynny, ac os nad ymgynghorwyd â chi yn ei gylch yn y gorffennol, mae'n siŵr y gwneir. Pa safbwynt a gymerwch? Gwyddom fod Carwyn Jones o blaid ynni niwclear, mae wedi dweud hynny, ac Edwina Hart hithau. Fodd bynnag, dywedodd Plaid Cymru, yn ei manifesto ar gyfer etholiad Ewrop 2009, ei bod yn llwyr yn erbyn adeiladu unrhyw atomfeydd newydd yng Nghymru. Ble'r ydych chi'n sefyll, a ble mae eich Llywodraeth yn sefyll, ar fater pwysig iawn

Wylfa B?

The First Minister: We are quite clear, as a Cabinet, that we do not see any need for new nuclear power stations in Wales. We have, therefore, said that there should be a public inquiry. However, when the Infrastructure Planning Commission takes effect on 1 April, that will become a thing of the past; there will not be any public inquiries, so there will be no point calling for one. So what we have said is that we want to see maximum use made of the public hearings that are, if you like, the substitutes for public inquiries. As regards consultation, and the stance of the UK Government in 2004, we independently came to an identical conclusion to that of the UK Government, that there should be a big push on renewable energy in order to secure a low-carbon future. Subsequently, the UK Government has changed its mind and now says that it wants—as you, no doubt, heard Ed Miliband say yesterday—renewable energy plus nuclear power. However, we have not seen any reason to depart from the stance that we took, which was identical to that of the UK Government until its recent change of mind. It is the Westminster Government's call, not ours, but we want to secure maximum public consultation by way of public hearings, now that public inquiries are inoperative.

Nick Bourne: I understand that, ultimately, it is a matter for the Westminster Government, but it is an issue over which you are seeking the devolution of power. I am sure that you would agree that it is vital that you, as a Government, are consulted on this and that the National Assembly plays a part in that. I am still no clearer about what you are saying in relation to Wylfa B. Are you saying that it should go ahead? The Deputy First Minister is on record as saying that he believes that it is vital—it is 9,000 jobs for Ynys Môn. I

Y Prif Weinidog: Yr ydym yn hollol glir, fel Cabinet, na welwn unrhyw angen am atomfeydd newydd yng Nghymru. Yr ydym, felly, wedi dweud y dylid cael ymchwiliad cyhoeddus. Fodd bynnag, pan ddaw'r Comisiwn Cynllunio Seilwaith i rym ar 1 Ebrill, mater i'r gorffennol fydd hynny; ni fydd unrhyw ymchwiliadau cyhoeddus, felly ni fydd pwynt galw am un. Felly beth yr ydym wedi'i ddweud yw bod arnom eisiau gweld gwneud y defnydd mwyaf o'r gwrandawriadau cyhoeddus sydd, os mynnwch, yn cymryd lle ymchwiliadau cyhoeddus. O ran ymgynghori, a safbwynt Llywodraeth y Deyrnas Unedig yn 2004, daethom yn annibynnol at gasgliad yn union yr un fath ag un Llywodraeth y Deyrnas Unedig, sef y dylid cael ymgyrch fawr dros ynni adnewyddadwy er mwyn sicrhau dyfodol carbon isel. Ers hynny, mae Llywodraeth y Deyrnas Unedig wedi newid ei meddwl a bellach mae'n dweud bod arni eisiau—fel y clywsoch Ed Miliband yn dweud ddoe, mae'n siŵr—ynni adnewyddadwy a phŵer niwclear. Fodd bynnag, nid ydym ni wedi gweld unrhyw reswm i symud oddi wrth y safbwynt a gymerasom, a oedd yn union yr un fath ag un Llywodraeth y Deyrnas Unedig tan iddi newid ei meddwl yn ddiweddar. Penderfyniad Llywodraeth San Steffan ydyw, nid ein penderfyniad ni, ond mae arnom eisiau sicrhau cymaint ag y gellir o ymgynghori â'r cyhoedd drwy wrandawriadau cyhoeddus, gan na cheir ymchwiliadau cyhoeddus mwyach.

Nick Bourne: Yr wyf yn deall mai mater i Lywodraeth San Steffan ydyw yn y pen draw, ond mae'n fater yr ydych chi'n ceisio cael datganoli grym yn ei gylch. Yr wyf yn siŵr y cytunech ei bod yn hanfodol yr ymgynghorir â chi, fel Llywodraeth, ar hyn a bod y Cynulliad Cenedlaethol yn chwarae rhan yn hynny. Nid wyf ddim eglurach ynghylch beth yr ydych yn ei ddweud ynglŷn â Wylfa B. A ydych yn dweud y dylai fynd yn ei flaen? Mae'r Dirprwy Brif Weinidog wedi dweud ar ddu a gwyn ei fod yn credu ei fod yn

think that previous leaders of Plaid Cymru are not against the development of nuclear power stations in Wales, but your twins in Government are against it. Am I to understand that you are saying that you are against Wylfa B being developed? You have not categorically said so.

The First Minister: There is nothing to say categorically, since it is not our call. This is not a devolved matter—it is a Westminster issue. What we have said is exactly what we have said before, and consistently. Following a lengthy discussion in Cabinet yesterday, there is no further development in our policy. Westminster wishes to put forward, and has now decided that it wants, renewable energy plus nuclear power. We have said that our policy is that renewable energy is the best way forward. If you want to know what is the reason for this difference of view between Wales and our Government, and why the Westminster Government has changed its mind since 2004, when its stance was identical to ours, it is a no-brainer. In Wales, much more so than in the UK in general, we have enormous potential for renewable energy, in terms of offshore wind power across the north Wales coast, marine current energy in Anglesey and off Pembrokeshire, and with the Severn barrage and so on. The amount that Wales can contribute to the percentage of energy produced from renewable sources is enormous, given our unique geography. The UK, since last year, has taken a different view from ours. That is fair enough, as it is its call, and it will have to proceed on that basis. We have seen no reason to change our view.

Nick Bourne: I am astounded, because the First Minister usually has a view on virtually any issue, whether devolved or not. This is such a vital issue, relating to the future of our country and the future of energy in Wales.

hanfodol—mae'n 9,000 o swyddi i Ynys Môn. Credaf nad yw arweinwyr blaenorol Plaid Cymru yn erbyn datblygu atomfeydd yng Nghymru, ond mae eich efeilliaid yn y Llywodraeth yn ei erbyn. A ydwyf i ddeall eich bod yn dweud eich bod yn erbyn datblygu Wylfa B? Nid ydych wedi dweud hynny'n blwmp ac yn blaen.

Y Prif Weinidog: Nid oes dim i'w ddweud yn blwmp ac yn blaen, gan nad ein penderfyniad ni ydyw. Nid yw hwn yn fater datganoledig—mae'n fater i San Steffan. Yr hyn yr ydym wedi'i ddweud yw'r union beth yr ydym wedi'i ddweud o'r blaen, a hynny'n gyson. Yn dilyn trafodaeth faith yn y Cabinet ddoe, nid oes dim datblygiad pellach yn ein polisi. Mae San Steffan yn dymuno cynnig, ac mae bellach wedi penderfynu bod arni eisiau, ynni adnewyddadwy a phŵer niwclear. Yr ydym ni wedi dweud mai ein polisi ni yw mai ynni adnewyddadwy yw'r ffordd orau ymlaen. Os oes arnoch eisiau gwybod beth yw'r rheswm dros y gwahaniaeth barn hwn rhwng Cymru a'n Llywodraeth, a pham mae Llywodraeth San Steffan wedi newid ei meddwl ers 2004, pan oedd ei safbwynt yr un fath â'n hun ni, mae'n gwbl amlwg. Yng Nghymru, yn llawer mwy felly nag yn y Deyrnas Unedig yn gyffredinol, mae gennym botensial aruthrol ar gyfer ynni adnewyddadwy, yn nhermau ynni gwynt ar y môr ar draws arfordir y Gogledd, ynni cerrynt y môr ym Môn ac oddi ar Sir Benfro, a chyda morglawdd Hafren ac ati. Mae faint y gall Cymru ei gyfrannu at ganran yr ynni a gynhyrchir o ffynonellau adnewyddadwy yn enfawr, oherwydd ein daearyddiaeth unigryw. Mae'r Deyrnas Unedig, ers y llynedd, wedi cymryd safbwynt gwahanol i ni. Mae hynny'n ddigon teg, gan mai ei phenderfyniad hi ydyw, a bydd yn rhaid iddi symud ymlaen ar y sail honno. Nid ydym ni wedi gweld dim rheswm i newid ein barn ni.

Nick Bourne: Yr wyf wedi fy syfrdanu, oherwydd fel arfer mae gan y Prif Weinidog farn ar bron bopeth, boed ddatganoledig neu beidio. Mae hwn yn fater mor hollbwysig, yn ymwneud â dyfodol ein gwlad a dyfodol ynni

Once again, I ask you, First Minister—I think that I have asked you this three times now—are you in favour of Wylfa B? Yes or no?

The First Minister: Our policy is no different from what it was before. Why do I have to restate it? You seem to want to grandstand on this issue, Nick. That is fair enough; you think that there are political points to be scored here. That is what you are here for: you are the leader of the opposition. What is our view? It is exactly the same as it was before. We see no need for new nuclear power stations in Wales. How many times do I have to say the same thing?

1.50 p.m.

Bethan Jenkins: As you know, the National Assembly holds the chair of the Network of Regional Governments for Sustainable Development, or nrg4SD, with Jane Davidson taking the lead. Other members include Catalonia, the São Paulo state and West Java. The network is a voice for regional governments across the globe and includes some 38 members from all the United Nations regions of the globe. What measures will the group be taking to the Copenhagen conference?

The First Minister: The key contribution that nrg4SD will be making in Copenhagen will be to include itself in the process by saying that 50 per cent to 80 per cent of the decarbonisation of the world's climate and output is implemented by regional-tier governments, into which we fit, and not UK and other national governments, and that, therefore, we want to be included in the process as much as possible because we will be very much part of the implementation. The nrg4SD will not be sitting at the table; only states attend the conference and sit at the table. However, we will be on the fringes of the conference because we will have much of the duty to implement anything that is

yng Nghymru. Unwaith eto, gofynnaf i chi, Brif Weinidog—yr wyf yn meddwl fy mod wedi gofyn hyn ichi dair gwaith bellach—a ydych o blaid Wylfa B? Ydych neu nac ydych?

Y Prif Weinidog: Nid yw ein polisi'n ddim gwahanol i'r hyn ydoedd o'r blaen. Pam y mae'n rhaid imi ei ailddatgan? Mae'n ymddangos eich bod eisiau gwneud gorchest o'r cwestiwn hwn, Nick. Mae hynny'n ddigon teg; yr ydych yn meddwl bod pwyntiau gwleidyddol i'w hennill yma. Dyna pam yr ydych yma: chi yw arweinydd yr wrthblaid. Beth yw'n barn ni? Mae'n union yr un fath ag yr oedd o'r blaen. Ni welwn ddim angen am atomfeydd newydd yng Nghymru. Sawl gwaith y mae'n rhaid imi ddweud yr un peth?

Bethan Jenkins: Fel y gwyddoch, mae'r Cynulliad Cenedlaethol yn dal cadair Rhwydwaith y Llywodraethau Rhanbarthol dros Ddatblygu Cynaliadwy, neu nrg4SD, dan arweiniad Jane Davidson. Ymhlith yr aelodau eraill mae Catalonia, talaith São Paulo a Gorllewin Java. Llais yw'r rhwydwaith i lywodraethau rhanbarthol ledled y byd ac mae'n cynnwys rhyw 38 o aelodau o holl ranbarthau Cenedloedd Unedig y byd. Pa fesurau y bydd y grŵp yn mynd â hwy i gynhadledd Copenhagen?

Y Prif Weinidog: Y cyfraniad allweddol y bydd nrg4SD yn ei wneud yn Copenhagen fydd ei gynnwys ei hun yn y broses drwy ddweud y gweithredir 50 y cant i 80 y cant o ddigarboneddio allbwn a hinsawdd y byd gan lywodraethau haen ranbarthol, sy'n ein cynnwys ni, ac nid llywodraeth y Deyrnas Unedig a llywodraethau cenedlaethol eraill, ac, felly, bod arnom eisiau cael ein cynnwys yn y broses gymaint ag sy'n bosibl gan y byddwn ni'n rhan bwysig o'r gweithredu. Ni fydd yr nrg4SD yn eistedd wrth y bwrdd; dim ond gwladwriaethau fydd yn mynychu'r gynhadledd ac yn eistedd wrth y bwrdd. Fodd bynnag, byddwn ar gyrion y gynhadledd oherwydd arnom ni y bydd llawer o'r

passed.

ddyletswydd i weithredu unrhyw beth a gaiff ei basio.

Y Llywydd: Tynnwyd cwestiwn 3, OAQ(3)2381(FM), yn ôl.

The Presiding Officer: Question 3, OAQ(3)2381(FM), has been withdrawn.

Annog Plant Ysgol i Fyw yn Iach

Healthy Living Among Schoolchildren

C4 Paul Davies: Beth mae Llywodraeth Cynulliad Cymru yn ei wneud i annog plant ysgol i fyw yn iach? OAQ(3)2369(FM)

Q4 Paul Davies: What is the Welsh Assembly Government doing to promote healthy living among schoolchildren? OAQ(3)2369(FM)

Y Prif Weinidog: Mae dod â brecwast iach am ddim i mewn i gyfundrefn ein hysgolion cynradd wedi bod yn gam enfawr ymlaen o ran hybu byw bywyd iach ymhlith ein plant ysgol. Erbyn hyn, mae mwy nag 80 y cant o ysgolion cynradd sir Benfro wedi dechrau'r cynllun i ddarparu brecwast iach am ddim i blant ysgol, a chredaf fod hynny'n rhywbeth iach dros ben.

The First Minister: Introducing free healthy, breakfasts in our primary schools has been a huge step forward in promoting healthy living among our schoolchildren. More than 80 per cent of Pembrokeshire's primary schools have joined the scheme to provide healthy, free breakfasts for schoolchildren, and I believe that that is a very health step indeed.

Paul Davies: Un ffordd o annog plant ysgol i fyw'n iach yw eu hannog i gerdded a beicio i'r ysgol. Mae'n debyg nad yw nifer o ysgolion yn darparu gwasanaethau i storio beiciau tra bydd disgyblion yn yr ysgol. Pa ganllawiau y mae'ch Llywodraeth yn eu darparu i awdurdodau addysg lleol er mwyn annog ysgolion i sicrhau bod storfeydd beiciau ar gael, i hybu byw'n iach ymysg plant ysgol?

Paul Davies: One way of promoting healthy living among schoolchildren is to encourage them to walk and cycle to school. It appears that many schools do not provide space to store bicycles while the pupils are at school. What guidance is your Government providing to local education authorities in order to encourage schools to ensure that bike storage is available, to promote healthy living among schoolchildren?

Y Prif Weinidog: Dyna'r ochr arall. Deiet yw un ochr, a'r ochr bwysicaf siŵr o fod, ond mae ymarfer corff ar y ffordd i'r ysgol ac ar y ffordd gartref yn hollbwysig hefyd. Felly, mae annog cerdded a beicio yn ddiogel yn ôl ac ymlaen i'r ysgol yn bwysig dros ben, ac mae cael siediau a lleoedd eraill i gadw'r beic pan fo plant yn yr ysgol yn hollbwysig er mwyn ein hannog ni fel rhieni—er nad wyf yn sôn amdanaf fi fy hun fel rhiant plentyn ysgol erbyn hyn—a'r cenedlaethau hyn i annog plant i fynd yn ôl ac ymlaen heb ddal y bws neu fynd mewn car.

The First Minister: That is the other angle. Diet is one angle, and probably the most important, but physical exercise on the way to and from school is also vital. Therefore, encouraging safe walking and cycling to and from school is extremely important, and providing sheds and other bike storage while the children are at school is essential to encourage us, as parents—although I am not talking about myself as a parent of schoolchildren any longer—and the older generations to encourage children to go back and forth without catching the bus or using cars.

Jeff Cuthbert: Yesterday, together with Dai Lloyd, I attended the first inter-parliamentary

Jeff Cuthbert: Ddoe, ynghyd â Dai Lloyd, euthum i gyfarfod cyntaf y grŵp

group on diabetes meeting in the House of Lords, where there was a clear commitment to raising the profile of the dangers of diabetes, particularly among children, and to highlighting the importance of avoiding type 2 diabetes by eating healthily and taking sufficient moderate exercise. I am sure that you would agree that those initiatives are important. Diabetes UK Cymru's newsletter *Connect*, which, incidentally, contains a very good article about the healthy living week that I organise, points out that there is now a growth of type 1 diabetes among children under the age of 15. Although the science is not yet complete and type 1 diabetes is different to type 2 diabetes, these are worrying trends. Do you therefore agree that for the prevention of an explosion of diabetes, there is an urgent need to raise awareness of healthy living among schoolchildren?

The First Minister: I agree, and I had not heard that type 1 diabetes could be influenced by dysfunctional lifestyles, such as those where people overeat or do not take enough exercise. That makes it even more worrying. I think that we all recognise that, on a scale of top priorities, a healthy diet is probably No. 1. A recent American study indicated that clearly, and that it would be dangerous for some children to exercise until they had corrected their diets because their diets are so overloaded with carbohydrate, sugar, salt or animal fats. Then there is smoking, drugs, glue and abuse thereof and sexual health would be another factor. These are all very important and I am pleased that you have drawn to our attention again the impending diabetes pandemic that we may face if we fail to correct the obesity trends, now that we live in a post-industrial non-exercise-related society.

The Leader of the Welsh Liberal Democrats (Kirsty Williams): What steps has your Government taken to ensure that the newly restructured NHS fulfils its role in

rhyngseneddol ar glefyd siwgr yn Nhŷ'r Arglwyddi, lle cafwyd ymrwymiad clir i godi proffil peryglon y clefyd siwgr, yn enwedig ymysg plant, ac i bwysleisio pwysigrwydd osgoi clefyd siwgr math 2 drwy fwyta'n iach a gwneud digon o ymarfer corff cymedrol. Yr wyf yn siŵr y cytunech fod y mentrau hynny'n bwysig. Mae cylchlythyr Diabetes UK Cymru, *Connect*, sydd, gyda llaw, yn cynnwys erthygl dda iawn am yr wythnos byw'n iach a drefnaf, yn nodi fod clefyd siwgr math 1 ar gynnydd erbyn hyn ymhlith plant dan 15 mlwydd oed. Er nad yw'r wyddoniaeth yn gyflawn eto a bod clefyd siwgr math 1 yn wahanol i glefyd siwgr math 2, mae'r rhain yn dueddiadau sy'n peri pryder. A gytunwch felly, er mwyn atal ffrwydrad o glefyd siwgr, bod angen codi ymwybyddiaeth o fyw'n iach ymhlith plant ysgol, a hynny ar fyrder?

Y Prif Weinidog: Cytunaf, ac nid oeddwn wedi clywed y gellid dylanwadu ar glefyd siwgr math 1 gan ffyrdd camweithredol o fyw, fel pan fydd pobl yn gorfwyta neu'n peidio ymarfer ddigon. Mae hynny'n ei wneud yn fwy fyth o destun pryder. Yr wyf yn meddwl ein bod i gyd yn cydnabod fod arferion bwyta iach, mae'n debyg, yn rhif un yn y rhestr flaenoriaethau. Dangoswyd hynny'n glir gan astudiaeth ddiweddar yn America, a ddangosodd hefyd y byddai'n beryglus i rai plant wneud ymarfer corff nes y byddent wedi cywiro'u harferion bwyta, gan fod eu deiet mor orlawn o garbohydrad, siwgr, halen neu fraster anifeiliaid. Wedyn ceir ysmegu, cyffuriau, glud a'i gamddefnydd, a byddai iechyd rhywiol yn ffactor arall. Mae'r rhain i gyd yn bwysig iawn ac yr wyf yn falch eich bod wedi tynnu ein sylw eto at y pandemig clefyd siwgr y gallem ei wynebu os na chywirwn y tueddiadau gordewdra, a ninnau bellach yn byw mewn cymdeithas ôl-ddiwydiannol ddiymarfer-corff.

Arweinydd Democratiaid Rhyddfrydol Cymru (Kirsty Williams): Pa gamau y mae eich Llywodraeth wedi'u cymryd i sicrhau bod y gwasanaeth iechyd gwladol sydd

safeguarding children?

The First Minister: You cannot have a more important role than safeguarding children. Safeguarding children in the sense of preventing a baby P-type disaster is a cross-disciplinary issue involving social services as well as good detection systems by wary school teachers and learning assistants in school settings and vigilant doctors working in both primary care and at paediatric departments in our hospitals.

Kirsty Williams: First Minister, last month, a joint report by the inspectors of social services and health found that there has been a doubling in the number of serious case reviews in Wales from last year to this one, and that there are 50 ongoing serious case reviews. They also found that local safeguarding children boards were not working effectively. I will ask you the question once again. What is your Government doing to ensure that all statutory agencies are taking their safeguarding duties seriously?

The First Minister: I do not know of any such boards that are not working effectively. Inevitably, after the baby P case everybody reviewed what they were doing and, when that happens, you frequently find that by giving greater attention to an issue after an enormous scandal, everyone discovers certain creaks in the system, where the screws need tightening up again and where the nuts and bolts need quite a lot of attention. It is a natural part of the way that pendulums swing after major scandals, with people questioning the potential for there being another baby P case in Wales or whatever. I am afraid that that is how public administration tends to work after a scandal.

We know that one of the consequences of the baby P disaster is that far more children are now being placed in care because it has moved that balance from being a decision whether to keep a child with a family or to remove the child from the parent or parents,

newydd ei ailstrwythuro'n cyflawni ei swyddogaeth o ran diogelu plant?

Y Prif Weinidog: Ni ellir cael swyddogaeth bwysicach na diogelu plant. Mae diogelu plant yn yr ystyr o atal trychineb fel un baban P yn fater traws-ddisgyblaethol sy'n cynnwys y gwasanaethau cymdeithasol yn ogystal â systemau canfod da gan athrawon a chynorthwywyr addysgu gwylidwrus mewn ysgolion a meddygon effro'n gweithio ym maes gofal sylfaenol ac mewn adrannau pediatreg yn ein hysbytai.

Kirsty Williams: Brif Weinidog, y mis diwethaf, canfu cyd-adroddiad gan arolygwyr gwasanaethau cymdeithasol ac iechyd fod nifer yr adolygiadau achosion difrifol yng Nghymru wedi dyblu o'r llynedd i eleni, a bod 50 adolygiad achos difrifol ar droed ar hyn o bryd. Gwelsant hefyd nad oedd byrddau diogelu plant lleol yn gweithio'n effeithiol. Gofynnaf y cwestiwn ichi unwaith eto. Beth mae eich Llywodraeth yn ei wneud i sicrhau bod yr asiantaethau statudol i gyd yn cymryd eu dyletswyddau diogelu o ddifrif?

Y Prif Weinidog: Ni wn am unrhyw fyrddau o'r fath nad ydynt yn gweithio'n effeithiol. Yn anochel, ar ôl achos baban P adolygodd pawb yr hyn yr oeddent yn ei wneud a, phan ddigwydd hynny, fe welir yn aml, wrth roi mwy o sylw i rywbeth ar ôl sgandal enfawr, fod pawb yn darganfod ambell wendid yn y system, lle mae angen tynhau'r sgriwiau eto a lle mae angen cryn dipyn o sylw ar y nytiau a'r bolltau. Mae'n rhan naturiol o'r ffordd y bydd y pendil yn siglo ar ôl sgandalau mawr, pan fydd pobl yn holi a oes potensial i gael achos arall fel un baban P yng Nghymru neu beth bynnag. Mae arnaf ofn mai dyna sut y mae gweinyddiaeth gyhoeddus yn tueddu i weithio yn sgîl sgandal.

Gwyddom mai un o ganlyniadau trychineb baban P yw bod llawer mwy o blant yn awr yn cael eu rhoi mewn gofal, oherwydd mae wedi symud y pwyslais oddi wrth holi a ddylid cadw plentyn gyda'i deulu neu ei gymryd i ffwrdd oddi wrth y rhiant neu rieni,

in the direction of taking the child away and putting him or her into the care system. That is an inevitable consequence and it will need careful handling to ensure that children are not taken away inappropriately for fear of another baby P case because no social worker, paediatrician or teacher wants to be the one named on the front page of the national newspapers for having failed to spot a signal that would have told them, 'This is a potential baby P'.

Kirsty Williams: With all due respect, First Minister, if you do not know of any statutory agencies that are not taking their duties seriously, may I commend to you the reports by the Children's Commissioner for Wales and your own inspectors of health and social services? Last month, they quite clearly stated that local safeguarding boards were not working effectively, statutory agencies were not fulfilling their statutory responsibilities to co-operate and children were potentially being put in risky situations. If you are not going to take on board the advice of your own inspectorate, what can we expect from your Government? Is it acceptable, First Minister, that not all staff working in the NHS have had a Criminal Records Bureau check? If it is not acceptable, when will they have those checks?

The First Minister: You are purporting to disagree with me when you are actually agreeing with me. What you are saying, but with your own particular slant on it, is that following the baby P disaster, exactly as I was saying, a big review takes place and everybody looks again at what they were doing. Whenever you take a boat out of the water in the winter, you check it to see whether it has any faults and, of course, you discover that there are some screws loose, that some nuts and bolts need tightening and that some places need painting. That is exactly what happens after a major scandal. That is what I am saying and that is also what you are drawing our attention to, but you are pretending to disagree with me and I cannot

i gyfeiriad cymryd y plentyn i ffwrdd a'i roi i mewn i'r system ofal. Mae hynny'n ganlyniad anochel, a bydd angen ei drin yn ofalus i sicrhau na chaiff plant eu cymryd i ffwrdd yn amhriodol rhag ofn achos arall fel un baban P am nad oes ar yr un gweithiwr cymdeithasol, pediatregydd nac athro neu athrawes eisiau bod yr un a enwir ar dudalen flaen y papurau newydd cenedlaethol am eu bod wedi methu gweld arwydd a fuasai wedi dweud wrthynt, 'Dyma botensial baban P'.

Kirsty Williams: Â phob dyledus barch, Brif Weinidog, os na wyddoch am unrhyw asiantaethau statudol nad ydynt yn cymryd eu dyletswyddau o ddifrif, a gaf i gymeradwyo ichi yr adroddiadau gan Gomisiynydd Plant Cymru a'ch arolygwyr iechyd a gwasanaethau cymdeithasol eich hun? Y mis diwethaf, dywedasant yn gwbl eglur nad oedd byrddau diogelu lleol yn gweithio'n effeithiol, nad oedd asiantaethau statudol yn cyflawni eu cyfrifoldebau statudol i gydweithredu a bod plant efallai'n cael eu rhoi mewn sefyllfaoedd o risg. Os nad ydych yn mynd i gymryd sylw o gyngor eich arolygwyr eich hun, beth allwn ni ei ddisgwyl gan eich Llywodraeth? A ydyw'n dderbyniol, Brif Weinidog, nad yw pob aelod staff sy'n gweithio yn y gwasanaeth iechyd gwladol wedi cael gwiriad y Swyddfa Cofnodion Troseddol? Os nad yw'n dderbyniol, pa bryd y cânt y gwiriadau hynny?

Y Prif Weinidog: Yr ydych yn cymryd arnoch eich bod yn anghytuno â mi, a chithau mewn gwirionedd yn cytuno â mi. Beth yr ydych yn ei ddweud, ond gyda'ch gogwydd arbennig eich hun arno, yw, yn dilyn trychineb baban P, yn union fel y dywedais innau, y cynhelir adolygiad mawr a phawb yn edrych eto ar yr hyn y buont yn ei wneud. Pryd bynnag y cymerwch gwch allan o'r dŵr yn y gaeaf, byddwch yn ei archwilio i weld a oes unrhyw ddiffygion ynddo ac, wrth gwrs, canfyddwch fod ambell sgrîw yn rhydd, bod angen tynhau ambell nyten a bollt, a bod angen peintio rhai manau. Dyna'n union beth sydd yn digwydd ar ôl sgandal mawr. Dyna beth yr wyf fi'n ei ddweud a dyna beth yr ydych chithau hefyd yn tynnu ein sylw ato,

think why you are doing so.

Kirsty Williams: Whether I am disagreeing with you or not, First Minister, there is something that I would like to know, given that you have now acknowledged that there is a problem. I have asked you three times what your Government is going to do about it. The evidence is stark. There are serious problems in our safeguarding system. Not all staff that should be CRB checked have been. What I would like to hear from you this afternoon is what your Government is going to do about it and when those staff will be checked. Or will we have to wait for a baby P scandal in Wales for your Government to act?

2.00 p.m.

The First Minister: On the specific point of whether CRB checks have taken place on all the appropriate staff in the NHS, I do not know the answer to that, but I will make sure that Edwina Hart writes to you on the matter. I am sure that you did not expect me to know the answer to it, but I will ask the Minister for health, drawing her attention to your question, and she will write to you to give you the precise, factual details.

Kirsty Williams: I am grateful for that, First Minister, and perhaps she could do so a bit more quickly than she has done in answering the children's commissioner. In 2008, the task and finish group published its report on children who display risky and potentially sexually harmful behaviour. The children's commissioner is still waiting for a response from the Minister for Health and Social Service a year after the report was published. These children are demonstrating damaging behaviour to themselves and, potentially, to other young people. Your Government has waited a year to respond, and I hope that my letter from the Minister for health will be

ond yr ydych yn cogio anghytuno â mi ac ni allaf ddirnad pam yr ydych yn gwneud hynny.

Kirsty Williams: P'run ai yr wyf yn anghytuno â chi ai peidio, Brif Weinidog, y mae rhywbeth yr hoffwn ei wybod, gan eich bod yn awr wedi cydnabod bod problem. Yr wyf wedi gofyn ichi dair gwaith beth mae eich Llywodraeth yn mynd i'w wneud yn ei gylch. Mae'r dystiolaeth yn amlwg. Mae problemau difrifol yn ein trefn ddiogelu. Nid yw'r holl staff a ddylasai fod wedi'u gwirio gan y Swyddfa Cofnodion Troseddol wedi cael hynny. Beth yr hoffwn ei glywed gennych chi'r prynhawn yma yw beth mae eich Llywodraeth yn mynd i'w wneud yn ei gylch a pha bryd y caiff y staff hynny eu gwirio. Ynteu a fydd raid inni aros am sgandal baban P yng Nghymru cyn i'ch Llywodraeth weithredu?

Y Prif Weinidog: Ar y pwynt penodol a ydyw gwiriadau'r Swyddfa Cofnodion Troseddol wedi'u gwneud ar yr holl staff priodol yn y gwasanaeth iechyd gwladol, nid wyf yn gwybod yr ateb i hynny, ond fe wnaaf yn siŵr fod Edwina Hart yn ysgrifennu atoch ar y mater. Yr wyf yn siŵr nad oeddech yn disgwyl i mi wybod yr ateb, ond fe ofynnaf i'r Gweinidog iechyd, gan dynnu ei sylw at eich cwestiwn, ac fe wnaiff hi ysgrifennu atoch i roi'r manylion ffeithiol cywir ichi.

Kirsty Williams: Yr wyf yn ddiolchgar am hynny, Brif Weinidog, ac efallai y gallai wneud hynny ychydig yn gyflymach nag y gwnaeth wrth ateb y comisiynydd plant. Yn 2008, cyhoeddodd y grŵp gorchwyl a gorffen ei adroddiad ar blant sy'n arddangos ymddygiad peryglus a allai fod yn niweidiol yn rhywiol. Mae'r comisiynydd plant yn dal i aros am ymateb gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol flwyddyn ar ôl cyhoeddi'r adroddiad. Mae'r plant hyn yn dangos ymddygiad niweidiol iddynt eu hunain ac, o bosibl, i bobl ifanc eraill. Mae eich Llywodraeth wedi aros blwyddyn cyn ymateb, a gobeithio y daw fy

speedier than her response to the report.

The First Minister: Let us get back to the fundamentals and not try to be sanctimonious about this issue. I believe that you and I are completely agreed that the phenomenon that happens after a major scandal, like the incidents around baby P, involves everyone reviewing what they do. When you conduct such a review, you find that not everything is 100 per cent. You cannot, however, get away from the problem that deciding whether to remove a child from a parent or parents, to put it into the care system or not, is a delicate matter of judgment that causes sleepless nights for every child social worker involved in such a process, and I know because I was married to one—I am still married, but she is not doing that job any more. The same applies to paediatricians, as it does to teachers with regard to whether they should report something that might be just bruising, repeat bruising, non-accidental injury and so forth. It is a pretty terrifying responsibility. After baby P, the pendulum inevitably swings towards removal of children, and so there will be a long period without a scandal, after which things will tend to drift back the other way. However, it involves an exercise of judgment each time. It is about getting those judgments right and ensuring that the social workers have the back-up to get them right. The most important lessons that we have to learn from baby P are: when are you being conned by the parent and when you are not being conned; and when do you have to break the door down and insist on seeing the child. You must also ensure that the paediatric doctors have the proper qualifications to avoid a baby P-type case happening in Wales.

David Lloyd: Gan ddychwelyd i'r cwestiwn gwreiddiol, sef sut mae annog plant ysgol i fyw yn iach, mae Paul Davies a chithau wedi crybwyll pwysigrwydd ymarfer corff, yn ogystal â bwyta'n iach. O ran ymarfer corff, mae'n bwysig wrth y lle i wneud hynny. Clywsom ei bod yn bwysig ymarfer corff ar y ffordd i'r ysgol ac ar y ffordd yn ôl, ond mae

llythyr i oddi wrth y Gweinidog iechyd yn gynt na'i hymateb i'r adroddiad.

Y Prif Weinidog: Gadewch inni ddod yn ôl at y pethau sylfaenol a pheidio â cheisio bod yn ffugsanctiaidd am y mater hwn. Credaf eich bod chi a mi'n gwbl gytûn fod y ffenomen a geir wedi sgandal mawr, fel y digwyddiadau o gwmpas baban P, yn golygu bod pawb yn adolygu'r hyn a wnânt. Pan wnewch adolygiad o'r fath, gwelwch nad yw popeth 100 y cant. Ni allwch, fodd bynnag, osgoi'r broblem fod penderfynu a ddylid tynnu plentyn oddi wrth riant neu rieni i'w roi yn y system ofal neu beidio, yn fater delicet o farn sy'n achosi nosweithiau digwsg i bob gweithiwr cymdeithasol plant sy'n ymwneud â'r cyfryw broses, a gwn hyn oherwydd yr oeddwn yn briod ag un—yr wyf yn dal yn briod, ond nid yw hi'n gwneud y gwaith hwnnw mwyach. Mae'r un peth yn wir am bediatregwyr, ac am athrawon o ran a ddylent wneud adroddiad am rywbeth a allai fod yn glais a dim byd mwy, yn gleisio mynych, yn anaf nad yw'n ddamwain ac ati. Mae'n gyfrifoldeb eithaf dychrynlyd. Ar ôl baban P, mae'r pendil yn anochel yn siglo tuag at gymryd plant i ffwrdd, ac felly ceir cyfnod hir heb sgandal, wedyn bydd pethau'n tueddu i symud yn ôl y ffordd arall. Fodd bynnag, mae'n golygu ymarfer barn bob tro. Mater ydyw o gael y farn honno'n iawn a sicrhau y caiff y gweithwyr cymdeithasol y gefnogaeth i ffurfio'r farn iawn. Y gwersi pwysicaf y mae'n rhaid inni eu dysgu oddi wrth faban P yw: pryd y mae'r rhiant yn eich twyllo a phryd nad ydyw; a pha bryd y mae'n rhaid ichi dorri'r drws i lawr a mynnu gweld y plentyn. Rhaid sicrhau hefyd fod gan y meddygon pediatrig y cymwysterau priodol i sicrhau na all achos fel un baban P ddigwydd yng Nghymru.

David Lloyd: To return to the original question as to how we can encourage schoolchildren to live healthier lifestyles, Paul Davies and you mentioned the importance of physical exercise, as well as of healthy eating. With regard to physical exercise, it is important to have the space in which to do it. We heard of the importance of

ymarfer corff yn yr ysgol yr un mor bwysig, ac mae meysydd chwarae lleol yn hanfodol yn y cyd-destun hwnnw. O gofio hynny oll, a fydddech yn fodlon ategu'ch cefnogaeth i amcanion fy Mesur arfaethedig i ddiogelu meysydd chwarae?

Y Prif Weinidog: Yr wyf yn cefnogi'r amcanion yn fras, ac ni fyddai neb a chanddo ronyn o synnwyr cyffredin yn erbyn yr egwyddor o sicrhau bod plant yn cael y cyfle i chwarae ffwtbol, tenis, rygbi, ac yn y blaen, i sicrhau eu bod yn datblygu calonnau ac ysgyfaint cryf wrth iddynt dyfu. Yr ydym yn awr yn byw mewn cymdeithas lle mae'r *zapper*—sef teclyn rheoli'r teledu—a chyfrifiaduron personol wedi cymryd lle cae ffwtbol a chwrt tenis ein plentyndod ni. Mae'n hollbwysig eich bod yn gwrthio yn erbyn y duedd hon i wneud dim ond eistedd a chwarae â rhyw declyn rheoli, gan fod hynny'n niweidiol iawn i iechyd plant.

Ar ben hynny, credaf fod pawb yn derbyn, a chithau'n feddyg teulu yn ogystal â bod yn Aelod o'r Cynulliad, mai deiet yw'r peth pwysicaf, gydag ymarfer corff yn ail agos iddo.

The Presiding Officer: I invite Leanne Wood to ask question 5.

Leanne Wood: What representations has the Minister received regarding providing additional funding for the environment, sustainability and housing portfolio to improve flood protection?

The Presiding Officer: Order. That is not the question 5 that I have in front of me.

Leanne Wood: My apologies—I have the wrong set of questions.

The Presiding Officer: I will allow you to put forward the question that relates to economic development in South Wales Central.

Leanne Wood: I have found it.

physical activity on the way to and from school, but physical activity in school is as important, and local playing fields are crucial in that regard. Bearing all that in mind, would you be willing to reiterate your support for the aims of my proposed Measure on safeguarding playing fields?

The First Minister: I support the broad aims, and no-one with an ounce of a common sense would be against the principle of ensuring that children have an opportunity to play football, tennis, rugby, and so on, in order to ensure that they develop strong hearts and lungs as they grow. We are now living in a society where the *zapper*—the remote control—and personal computers have replaced the football pitches and tennis courts of our childhood. It is crucial to push against this trend of doing nothing but sitting down and playing with a remote control, as that is very damaging to children's health.

On top of that, I think that everyone would accept—and you are a general practitioner as well as an Assembly Member—that diet is the most important element, with physical activity coming a close second.

Y Llywydd: Gwahoddaf Leanne Wood i ofyn cwestiwn 5.

Leanne Wood: Pa sylwadau y mae'r Gweinidog wedi'u cael ynglŷn â darparu cyllid ychwanegol i bortffolio'r amgylchedd, cynaliadwyedd a thai i wella mesurau atal llifogydd?

Y Llywydd: Trefn. Nid dyna'r cwestiwn 5 sydd gennyf o'm blaen.

Leanne Wood: Ymddiheuraf—mae'r set anghywir o gwestiynau gennyf.

Y Llywydd: Caniatâf ichi gyflwyno'r cwestiwn sy'n ymwneud â datblygu economaidd yng Nghanol De Cymru.

Leanne Wood: Yr wyf wedi dod o hyd iddo.

The Presiding Officer: No problem at all. We can all make mistakes, and even I sometimes call the wrong question number.

Y Llywydd: Dim problem o gwbl. Gallwn i gyd wneud camgymeriadau, a byddaf fi, hyd yn oed, weithiau'n galw'r rhif cwestiwn anghywir.

Leanne Wood: I am sure that that is not true, Presiding Officer.

Leanne Wood: Yr wyf yn siŵr nad yw hynny'n wir, Lywydd.

Economic Development

Datblygu Economaidd

Q5 Leanne Wood: Will the First Minister make a statement on economic development in South Wales Central? OAQ(3)2367(FM)

C5 Leanne Wood: A wnaiff y Prif Weinidog ddatganiad am ddatblygu economaidd yng Nghanol De Cymru? OAQ(3)2367(FM)

The First Minister: Gladly. We all have to accept that South Wales Central has been among the worst affected regions in Wales by the recession. In response, a third of the spending committed to date to fund small and medium-sized enterprises under the new JEREMIE initiative has been invested in South Wales Central. In the same way, we will continue to provide assistance to drive forward significant projects such as the defence training academy at St Athan.

Y Prif Weinidog: Â phleser. Mae'n rhaid inni i gyd dderbyn bod Canol De Cymru wedi bod ymysg y rhanbarthau yr effeithiwyd waethaf arnynt yng Nghymru gan y dirwasgiad. Mewn ymateb, mae traean o'r gwariant a ymrwymwyd hyd yma i ariannu mentrau bach a chanolig dan y fenter JEREMIE newydd wedi'i fuddsoddi yng Nghanol De Cymru. Yn yr un modd, byddwn yn parhau i ddarparu cymorth i yrru ymlaen brosiectau sylweddol fel yr academi hyfforddiant amddiffyn yn Sain Tathan.

Leanne Wood: First Minister, will you give an update on the Bosch 90-day consultation that is currently taking place? I understand that you and the Deputy First Minister, Ieuan Wyn Jones, recently met with Bosch management. I would be grateful if you could outline what support is available to those people whose jobs are under threat. Many of those people who face losing their jobs live in the Rhondda, so I would be grateful to hear what plans the Government has to help economic development in the Rhondda and other Valleys areas. Finally, do you feel that the company owes Wales and its workforce a duty to try to keep the plant open?

Leanne Wood: Brif Weinidog, a wnewch chi roi'r wybodaeth ddiweddaraf am ymgynghoriad 90 diwrnod Bosch sy'n digwydd ar hyn o bryd? Deallaf i chi a'r Dirprwy Brif Weinidog, Ieuan Wyn Jones, gyfarfod yn ddiweddar â rheolwyr Bosch. Byddwn yn ddiolchgar pe gallech amlinellu pa gefnogaeth sydd ar gael i'r bobl hynny y mae eu swyddi dan fygythiad. Mae llawer o'r bobl sy'n wynebu colli eu gwaith yn byw yn y Rhondda, felly byddwn yn ddiolchgar o glywed pa gynlluniau sydd gan y Llywodraeth i helpu datblygu economaidd yn y Rhondda ac ardaloedd eraill yn y Cymoedd. Yn olaf, a ydych yn teimlo bod ar y cwmni ddyled i Gymru a'i weithlu i geisio cadw'r gwaith yn agored?

The First Minister: It is a pity in a way that the assisted area boundary runs alongside the M4, because the plant is on the south side of the M4 and is therefore not in an assisted area, but the majority of the staff probably

Y Prif Weinidog: Mae'n drueni mewn ffordd fod ffin yr ardal a gynorthwyir yn cydreddeg â'r M4, oherwydd mae'r gwaith ar ochr ddeheuol yr M4 ac felly heb fod mewn ardal a gynorthwyir, ond mae'n debyg fod y

come from the north side of the M4 and live in the assisted area. However, it means that we cannot offer Bosch the type of assisted area status grants that it used to receive when it first moved to Wales 19 years ago. It is a problem and the situation is very restricting. We can offer the company grants for new product development, and that is what is under way. When we met the management recently, it expressed some degree of confidence that it could bring off the early arrival of a successor to the lynx alternator. That would be the new product line that it is looking for, and we are seeking to assist it on that, as we are doing with some areas of skills training.

On whether or not Bosch owes anything to Wales, it is conscious of this because it is not a profit-driven company—it is possibly unique in the world in that it is owned by a foundation rather than by shareholders, but although it may not be profit-driven, it certainly does not like losses. It is certainly making losses now, and it needs a new product line to replace the lynx alternator, which has come at the wrong time because it is oriented to big cars and big cars are not selling.

David Melding: Some 600 would-be students are waiting to join full-time further education courses at Barry College or Coleg Glan Hafren, but they cannot join because those colleges have used their quota of funded places. Do you think that this is a good response to the economic recession?

The First Minister: We know that the crunch in any recession is what happens to young people, and we know that there are corrosive long-term effects. We have lived with those corrosive long-term effects of the neglect of young people unable to get into the labour market, which happened in the last two recessions in the early 1990s and early 1980s. As regards today, we have a peak in the number of 19-year-olds because of the high birth rate 19 years ago, so it is a bad

rhan fwyaf o'r staff yn dod o ochr ogleddol yr M4 ac yn byw yn yr ardal a gynorthwyir. Fodd bynnag, mae'n golygu na allwn gynnig i Bosch y math o grantiau statws 'ardal a gynorthwyir' yr arferai eu cael pan symudodd gyntaf i Gymru 19 mlynedd yn ôl. Mae'n broblem ac mae'r sefyllfa'n gaethiwus iawn. Gallwn gynnig grantiau i'r cwmni i ddatblygu cynnyrch newydd, a dyna beth sydd ar droed. Pan gyfarfuom â'r rheolwyr yn ddiweddar, mynegasant rywfaint o hyder y gallent sicrhau dyfodiad buan olynnydd i'r eiliadur lynx. Dyna fyddai'r cynnyrch newydd y maent yn chwilio amdano, ac yr ydym yn ceisio'u helpu gyda hynny, fel y gwnawn gyda rhai meysydd hyfforddi sgiliau.

O ran a oes ar Bosch ddyled i Gymru, mae'n ymwybodol o hyn oherwydd nid yw'n gwmni a yrrir gan elw—mae efallai'n unigryw yn y byd gan ei fod ym mherchnogaeth sefydliad yn hytrach na chyfranddalwyr, ond er nad yw efallai'n cael ei yrru gan elw, yn sicr nid yw'n hoffi gwneud colled. Mae'n sicr yn gwneud colledion yn awr, ac mae arno angen cynnyrch newydd i gymryd lle'r eiliadur lynx, sydd wedi dod ar yr adeg anghywir oherwydd mae wedi'i gyfeirio at geir mawr ac nid yw ceir mawr yn gwerthu.

David Melding: Mae rhyw 600 o ddarpar fyfyrwyr yn aros i ymuno â chyrsgiau addysg bellach amser llawn yng Ngholeg y Barri neu Goleg Glan Hafren, ond ni allant ymuno am fod y colegau hynny wedi defnyddio'u cwota o lefydd noddedig. A ydych yn meddwl bod hyn yn ymateb da i'r dirwasgiad economaidd?

Y Prif Weinidog: Gwyddom mai'r wasgfa mewn unrhyw ddirwasgiad yw'r hyn sy'n digwydd i bobl ifanc, a gwyddom fod effeithiau niweidiol yn y tymor hir. Yr ydym wedi byw gyda'r effeithiau tymor hir niweidiol hynny o esgeuluso pobl ifanc sy'n methu cael i mewn i'r farchnad lafur, sef yr hyn a ddigwyddodd yn y ddau ddirwasgiad diwethaf yn y 1990au cynnar a'r 1980au cynnar. Ynglŷn â heddiw, mae gennym benllanw yn y nifer o bobl 19 mlwydd oed

time to try to get into university and college, just as it is a bad time to be leaving school and not going to college given that there are few job opportunities. We are trying to fit as many people into further education, but we have this jam of having a high number of children in the relevant age group along with the difficulties of no-one being able to get jobs in the labour market. It is a really serious problem.

Jenny Randerson: First Minister, higher education in South Wales Central is a particularly important economic driver. It is so across Wales, but it is of greater significance in South Wales Central than elsewhere. With a £5 return for every pound of public sector money invested, it pays its way very well.

2.10 p.m.

Many universities across South Wales Central have major plans for the expansion of their research, much of which needs capital investment. Much of that money will have to come from the private sector and, indeed, it should do so. What is the involvement of International Business Wales in encouraging partners in research across the world for higher education? I ask this question because, according to some universities, IBW's contribution towards the development of research investment from across the world is notable by its absence.

The First Minister: That assertion would cause me a great deal of surprise, if there were any shred of truth in it. I would be interested to have examples that give rise to the allegation. When there are clients that are already in Wales who are seeking reinvestment or clients that are thinking of coming to Wales for the first time, the link with local universities is far more important than it ever was. If you take, for instance, Cardiff University—I am sure that the same is true of Glamorgan and Newport universities—its link with technology-driven

oherwydd y gyfradd enedigaethau uchel 19 mlynedd yn ôl, felly mae'n adeg wael i geisio cael lle mewn prifysgol a choleg, yn yr un modd ag y mae'n adeg wael i fod yn gadael yr ysgol heb fynd i'r coleg gan mai ychydig o gyfleon gwaith sydd ar gael. Yr ydym yn ceisio cael cymaint o bobl i mewn i addysg bellach, ond mae gennym y dagfa hon o gael nifer uchel o blant yn y grŵp oedran perthnasol ynghyd â'r anawsterau fod neb yn gallu cael swyddi yn y farchnad lafur. Mae'n broblem wirioneddol ddifrifol.

Jenny Randerson: Brif Weinidog, mae addysg uwch yng Nghanol De Cymru'n sbardun economaidd arbennig o bwysig. Mae'n wir ledled Cymru, ond mae'n fwy arwyddocaol yng Nghanol De Cymru nag mewn mannau eraill. Gyda £5 yn ôl am bob punt o arian y sector cyhoeddus a fuddsoddir, mae'n talu ei ffordd yn dda iawn.

Mae gan lawer o brifysgolion ar draws Canol De Cymru gynlluniau mawr ar gyfer ehangu eu hymchwil, llawer ohonynt yn dibynnu ar fuddsoddiad cyfalaf. Bydd rhaid i lawer o'r arian hwnnw ddod o'r sector preifat ac, yn wir, fe ddylai wneud. Beth yw rhan Busnes Rhyngwladol Cymru yn annog partneriaid ymchwil dros y byd ar gyfer addysg uwch? Gofynnaf y cwestiwn hwn oherwydd, yn ôl rhai prifysgolion, mae cyfraniad Busnes Rhyngwladol Cymru at ddatblygu buddsoddiad ymchwil o ledled y byd yn nodedig oherwydd ei absenoldeb.

Y Prif Weinidog: Byddai'r haerid hwnnw'n peri syndod mawr imi, pe bai rhithyn o wirionedd ynddo. Byddai'n ddi-ddorol cael enghreifftiau sy'n ysgogi'r honiad. Pan geir clientau sydd eisoes yng Nghymru sy'n chwilio am ailfuddsoddiad neu glientau sy'n meddwl dod i Gymru am y tro cyntaf, mae'r cysylltiad â phrifysgolion lleol yn llawer pwysicach nag y bu erioed. Os cymerwch, er enghraifft, Brifysgol Caerdydd—yr wyf yn siŵr bod yr un peth yn wir am brifysgolion Morgannwg a Chasnewydd—mae ei chysylltiad â chwmnïau technolegol fel

companies such as EADS Defence and Security Systems Limited in Newport or General Dynamics in Oakdale is strong, and these companies want to work closely with Cardiff University and, I believe, with Glamorgan and Newport universities, too.

EADS Defence and Security Systems Limited yng Nghasnewydd neu General Dynamics yn Oakdale yn gryf, ac mae'r cwmnïau hyn yn awyddus i weithio'n agos gyda Phrifysgol Caerdydd ac, yr wyf yn credu, gyda phrifysgolion Morgannwg a Chasnewydd, hefyd.

Public Inquiry into the Robbie Powell Case

Q6 Nick Bourne: Will the First Minister make a statement on the call for a public inquiry into the Robbie Powell case? OAQ(3)2380(FM)

The First Minister: I wrote to you on 4 November about this question. There have been recent developments in the Robbie Powell case that continue to need consideration, including the decision by the ombudsman two weeks ago to uphold Mr Powell's complaint of maladministration against Powys Local Health Board, and the decision of the High Court to dismiss the application of Action Against Medical Accidents for protective costs in challenging the General Medical Council's conclusion that the conduct of the GPs involved in this case should not be further investigated. I need to give consideration to those two recent developments.

Nick Bourne: I am grateful to the First Minister for that response and for the letter that I acknowledge that he sent once he saw that this question had been no tabled. I do not doubt the First Minister's sincerity on this issue. He will know that Robbie Powell died in April 1990 of undiagnosed Addison's disease. There was medical negligence, as has been proven since, but, more worryingly, evidence of falsification and alteration of medical records; in short, it was a cover up. The First Minister, in opposition at the time, was critical of the failure to call an inquiry. To his credit, he called it possibly the worst stain on the record of the Welsh Office in its history and went on to say later that he believed that nothing less than an independent inquiry would ever get to the

Galwad am Ymchwiliad Cyhoeddus i achos Robbie Powell

C6 Nick Bourne: A wnaiff y Prif Weinidog ddatganiad am yr alwad am ymchwiliad cyhoeddus i achos Robbie Powell? OAQ(3)2380(FM)

Y Prif Weinidog: Ysgrifennais atoch ar 4 Tachwedd ynglŷn â'r cwestiwn hwn. Bu datblygiadau diweddar yn achos Robbie Powell y mae angen eu hystyried o hyd, yn cynnwys y penderfyniad gan yr ombwdsmon bythefnos yn ôl i gadarnhau cwyn Mr Powell am gamweinyddu yn erbyn Bwrdd Iechyd Lleol Powys, a phenderfyniad yr Uchel Lys i wrthod cais Action Against Medical Accidents am gostau gwarchodol wrth herio casgliad y Cyngor Meddygol Cyffredinol na ddylid ymchwilio ymhellach i ymddygiad y meddygon teulu yn yr achos hwn. Mae angen imi roi ystyriaeth i'r ddau ddatblygiad diweddar hynny.

Nick Bourne: Yr wyf yn ddiolchgar i'r Prif Weinidog am yr ymateb hwnnw ac am y llythyr y cydnabyddaf iddo'i anfon unwaith y gwelodd fod y cwestiwn hwn wedi'i gyflwyno. Nid wyf yn amau diffuantrwydd y Prif Weinidog ar y mater hwn. Bydd yn gwybod y bu farw Robbie Powell yn Ebrill 1990 o glefyd Addison oedd heb ei ganfod. Yr oedd esgeulustod meddygol, fel sydd wedi'i brofi ers hynny, ond, yn fwy o destun pryder, yr oedd tystiolaeth o ffugio a newid cofnodion meddygol; yn fyr, yr oedd ymgais i guddio'r gwir. Yr oedd y Prif Weinidog, ac yntau yn yr wrthblaid ar y pryd, yn feirniadol o'r methiant i gynnal ymchwiliad. Er clod iddo, fe'i galwodd y staen gwaethaf, o bosibl, ar gofnod y Swyddfa Gymreig yn ei hanes ac aeth ymlaen i ddweud yn ddiweddarach y

truth of the issue. This is not a party political issue, as I am sure the First Minister would acknowledge, but the sad loss of Robbie Powell and its aftermath have dominated the life of Will Powell, Robbie's father, and his family. There is also a much wider public interest. It has been a long fight that has lasted 19 years. I know that the First Minister is sincere on this issue, but can he indicate today that if the remaining, faltering item of litigation that he has referred to is halted or dropped, he will order that inquiry in his last days as First Minister, not only so that Will Powell and his family can move on, but for the wider public interest, which he has recognised repeatedly, to be well served on this issue?

The First Minister: I do not disagree with your statement of the facts, which is as I understand them. The difficulty has been in having a clear field in which to make a decision on whether to have a public inquiry. While there are ongoing investigations elsewhere, any decision that might be in favour of a public inquiry could be quickly vitiated by a judicial review application if it was seen as affecting another hearing in another context, such as that of the General Medical Council, or whatever else it might be. I do not think that I can give you the unconditional answer that you are looking for in accordance with the way in which you put the question at the end of your contribution.

Alun Davies: I would like to add my voice to that of the leader of the opposition. All of us who represent the family concerned in this case feel deeply that the loss of Robbie Powell 19 years ago not only represents a tragedy for the family, but it raises significant questions in terms of public policy and the administration of public policy in this field. First Minister, you were vociferous at the time in speaking up for this family and we all wish to see a conclusion to this case. When the field is clear, an indication that it would be the intention of this Government in

credai na fyddai dim llai nag ymchwiliad annibynnol fyth yn cyrraedd at wirionedd y mater. Nid mater pleidiol wleidyddol yw hyn, fel y cydnabyddai'r Prif Weinidog, mae'n siŵr, ond mae colled drist Robbie Powell a'i adladd wedi llwyr reoli bywyd Will Powell, tad Robbie, a'i deulu. Mae diddordeb cyhoeddus llawer ehangach hefyd. Bu'n frwydr hir sydd wedi para 19 mlynedd. Gwn fod y Prif Weinidog yn ddiffuant ar y mater hwn, ond a all ddweud heddiw, os caiff yr un eitem ymgyfreitha simsan sydd ar ôl, y mae wedi cyfeirio ati, ei hatal neu ei gollwng, y gorchmynna'r ymchwiliad hwnnw yn ei ddyddiau olaf fel Prif Weinidog, nid yn unig fel y caiff Will Powell a'i deulu symud ymlaen, ond er mwyn i'r budd cyhoeddus mwy cyffredinol, y mae wedi'i gydnabod dro ar ôl tro, gael ei wasanaethu'n dda ar y mater hwn?

Y Prif Weinidog: Nid wyf yn anghytuno â'ch datganiad o'r ffeithiau, sydd fel yr wyf fi'n eu deall. Yr anhawster a gafwyd oedd cael maes clir ar gyfer gwneud penderfyniad a ddylid cael ymchwiliad cyhoeddus. Tra bod ymchwiliadau ar droed mewn man arall, gallai unrhyw benderfyniad a allai fod o blaid ymchwiliad cyhoeddus gael ei ddirymu'n fuan gan gais adolygiad barnwrol pe gwelid ei fod yn effeithio ar wrandawriad arall mewn cyd-destun arall, fel eiddo'r Cyngor Meddygol Cyffredinol, neu beth bynnag arall a allai fod. Nid wyf yn meddwl y gallaf roi ichi'r ateb diamod yr ydych yn edrych amdano'n unol â'r ffordd y rhoesoch y cwestiwn ar ddiwedd eich cyfraniad.

Alun Davies: Hoffwn ychwanegu fy llais innau at lais arweinydd yr wrthblaid. Mae pawb ohonom sy'n cynrychioli'r teulu yn yr achos hwn yn teimlo'n ddwys fod colli Robbie Powell 19 mlynedd yn ôl nid yn unig yn drychineb i'r teulu, ond ei fod yn codi cwestiynau arwyddocaol yn nhermau polisi cyhoeddus a gweinyddiad polisi cyhoeddus yn y maes hwn. Brif Weinidog, yr oeddech yn uchel eich cloch ar y pryd yn siarad dros y teulu hwn ac mae arnom i gyd eisiau gweld diwedd glo i'r achos hwn. Pan fydd y maes yn glir, byddai mynegiad mai bwriad y

Cardiff to call a public inquiry when it is able to do so would set the family's mind to rest, and then we can start to move towards a conclusion in this terrible case.

The First Minister: I can do nothing more than repeat what I have said before: it would be wholly inappropriate for me to say that on my feet today. It is so that I can take a decision that I need a clear field, not to commit myself to one decision or another. Let us be clear about that.

Ongoing inquiries as regards the ombudsman have recently concluded. Will Powell's complaint has been upheld, although there will inevitably be fallout from that. We do not know what fallout there will be from the recent decision by the High Court to throw out the application by Action against Medical Accidents for a judicial review of the General Medical Council's decision not to investigate the general practitioners concerned. What I have said against it before is that it is appropriate to take the decision when I have a pretty good idea that there would be no basis, or a very limited one, for an application for judicial review to challenge the sense behind the decision. That really means that I need a clear field in which to do it.

Sefydlu Coleg Ffederal

C7 Nerys Evans: A wnaiff y Prif Weinidog ddatganiad am sefydlu coleg ffederal yng Nghymru? OAQ(3)2374(FM)

Y Prif Weinidog: Yr wyf yn cefnogi'n llwyr y model cydweithredol sy'n ganolog i'r argymhellion ynghylch y coleg ffederal. Bydd y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, Jane Hutt, yn gwneud datganiad yn y Cyfarfod Llawn ar 25 Tachwedd a fydd yn amlinellu'r ffordd ymlaen o ran y strategaeth addysg uwch, a bydd y datganiad hwnnw yn cynnwys ystyriaeth o'r coleg ffederal.

Llywodraeth hon yng Nghaerdydd fyddai galw ymchwiliad cyhoeddus pan fydd yn gallu gwneud hynny yn tawelu meddwl y teulu, ac wedyn gallwn ddechrau symud tuag at ddiwedd glo yn yr achos ofnadwy hwn.

Y Prif Weinidog: Ni allaf wneud dim mwy nag ailadrodd yr hyn a ddywedais o'r blaen: byddai'n gwbl amhriodol imi ddweud hynny ar fy nhraed heddiw. Er mwyn gallu gwneud penderfyniad y mae angen maes clir arnaf, nid er mwyn ymrwymo i un penderfyniad neu'r llall. Gadewch inni fod yn glir ynglŷn â hynny.

Mae ymholiadau sydd ar droed ynglŷn â'r ombwdsmon wedi dod i ben yn ddiweddar. Mae cwyn Will Powell wedi'i gadarnhau, er y bydd canlyniadau i hynny, yn anochel. Ni wyddom pa ganlyniadau a ddaw o'r penderfyniad diweddar gan yr Uchel Lys i daflu allan y cais gan Action against Medical Accidents am adolygiad barnwrol o benderfyniad y Cyngor Meddygol Cyffredinol i beidio ag ymchwilio i'r meddygon teulu dan sylw. Yr hyn yr wyf wedi'i ddweud yn ei erbyn o'r blaen yw ei bod yn briodol gwneud y penderfyniad pan fydd gennyf syniad go lew na fyddai dim sail, neu un gyfyngedig iawn, i gais am adolygiad barnwrol i herio'r synnwyr y tu ôl i'r penderfyniad. Mae hynny'n golygu mewn gwirionedd fod arnaf angen maes clir i'w wneud ynddo.

Establishing a Federal College

Q7 Nerys Evans: Will the First Minister make a statement on establishing a federal college in Wales? OAQ(3)2374(FM)

The First Minister: I fully support the collaborative model that is at the heart of the recommendations for the *coleg ffederal*. The Minister for Children, Education, Lifelong Learning and Skills, Jane Hutt, will make a statement to Plenary on 25 November, which will set out the way forward for the higher education strategy, and that statement will include a consideration of the *coleg ffederal*.

Nerys Evans: Rai wythnosau yn ôl, fe'ch holais am y datblygiadau o ran y coleg ffederal. Yr wyf yn falch o'r gwaith a wnaed eisoes gan Lywodraeth Cymru i'w ddatblygu, ond mae angen datblygiadau pellach. Yr ydych newydd ddweud y byddwn yn clywed mwy o fanylion erbyn diwedd y mis, ond a allwch gadarnhau a fyddant yn cynnwys manylion am fuddsoddiad cyllidol Llywodraeth Cymru ac am yr amserlen i benodi prifathro neu bennaeth i'r coleg yn ystod y cyfnod cysgodol, a hynny er mwyn sicrhau bod yr ymrwymiad hwn yn cael ei wireddu?

Y Prif Weinidog: Rhaid ichi fod ychydig yn fwy amyneddgar, oherwydd bydd Jane Hutt yn amlinellu'r strategaeth bythefnos i yfory. Ni allaf ddweud beth fydd cynnwys y strategaeth, oherwydd mae pythefnos arall o waith eto i'w wneud. Felly, ni allaf ateb eich cwestiwn heddiw, ond ni fyddwch yn aros yn hir iawn i glywed union fanylion y strategaeth, gan gynnwys strwythur y coleg ffederal, amserlen ei sefydlu ac amserlen penodi pennaeth.

Paul Davies: Mae'n bwysig bod y broses o sefydlu coleg ffederal Cymraeg yn symud yn ei blaen cyn gynted â phosibl, ac yr wyf yn falch o glywed y bydd datganiad amdano ar ddiwedd y mis. A all y Prif Weinidog ddweud wrthym a yw'n dymuno gweld y prifathro yn cael ei benodi'n fuan yn yr amser cysgodol hwn, ac ai'r bwriad yw iddo fod yn lladmeredd neu'n arweinydd dros addysg uwch cyfrwng Cymraeg?

Y Prif Weinidog: 'Amynedd, amynedd, amynedd' yw'r ateb i'ch cwestiwn chi hefyd, mae arnaf ofn. Ni fydd gofyn ichi aros yn hir. Ni chaiff datganiad y Gweinidog ei ohirio, ac mae hi yma i glywed eich cwestiwn a'r ateb hwn heddiw. Mae pawb yn deall mor bwysig yw cael y broses o sefydlu'r coleg ffederal yn gywir, a hynny er mwyn cael y strategaeth gyfan yn iawn. Golyga hynny y bydd yn rhaid aros nes i Jane Hutt wneud ei datganiad ar 25 Tachwedd.

Nerys Evans: Some weeks ago, I asked you about the developments regarding the *coleg ffederal*. I am pleased to see the work that has already been done by the Welsh Government in developing it, but further developments are needed. You have just stated that we will be given more details by the end of the month, but could you confirm whether they will include details about the financial investment by the Welsh Government, and about the timetable for appointing a principal or head to the college during the shadow period, in order to ensure that this commitment is achieved?

The First Minister: You need to be a little more patient, because Jane Hutt will outline the strategy a fortnight tomorrow. I cannot tell you what that strategy will contain, because there is another fortnight's work yet to be done on it. Therefore, I cannot answer your question today, but you will not have to wait too long to hear about the exact details of the strategy, including the structure of the *coleg ffederal*, the timescale for its establishment and for appointing a principal.

Paul Davies: It is important that the process of setting up the Welsh-medium *coleg ffederal* moves forward as soon as possible, and I am pleased to hear that there will be a statement on it at the end of the month. Could the First Minister tell us whether he wants to see the principal appointed soon during the shadow period, and is it the intention for that person to be an advocate or a promoter of Welsh-medium higher education?

The First Minister: 'Patience, patience, patience' is the answer to your question, too, I am afraid. You will not have to wait too long. The Minister's statement will not be delayed, and she is here today to hear your question and this answer. Everyone appreciates how important it is to get the process of setting up the *coleg ffederal* right, to get the full strategy right. That means that you will have to wait until Jane Hutt has made her statement on 25 November.

Public Bodies' Financial Management**Rheoli Arian Cyrff Cyhoeddus**

Q8 Jonathan Morgan: Will the First Minister outline how the Welsh Assembly Government ensures good financial management by public bodies? OAQ(3)2373(FM)

The First Minister: I am glad to be answering this question because, in challenging financial times, the good financial management of public bodies depends more than ever on re-engineering our public services, both as regards back-office functions and in how services are directly provided to the citizens of Wales. No part of the public sector will be exempt from the drive to do both those things.

2.20 p.m.

Jonathan Morgan: I am grateful for that response. In recent years, the Assembly Government has picked up the pace of writing off financial liabilities incurred by the NHS. The practice of giving health bodies money at the end of the financial year to help them to break even—which is a legal requirement for them—has become commonplace in certain parts of Wales. The First Minister may be aware that the new local health boards now have debts of some £95 million hanging over them, and I think that the people of Wales will want assurances about how the Assembly Government intends to deal with that liability. We will also need assurances that you want the NHS to manage its resources more rigorously. The Assembly Government simply cannot continue finding the money to write off the financial liabilities incurred by the NHS year after year. Have you sought those assurances from the NHS, and can the Assembly Government give a clear indication of what it intends to do with that £95 million liability?

The First Minister: You may be giving the Assembly the impression that this is a new

C8 Jonathan Morgan: A wnaiff y Prif Weinidog amlinellu sut y mae Llywodraeth Cynulliad Cymru yn sicrhau bod cyrff cyhoeddus yn rheoli eu harian yn dda? OAQ(3)2373(FM)

Y Prif Weinidog: Mae'n dda gennyf fy mod yn ateb y cwestiwn hwn oherwydd, mewn cyfnod ariannol heriol, mae rheolaeth ariannol dda ar gyrff cyhoeddus yn dibynnu fwy nag erioed ar ailbeiriannu ein gwasanaethau cyhoeddus, o ran swyddogaethau swyddfa gefn ac o ran y modd y darperir gwasanaethau'n uniongyrchol i ddinasyddion Cymru. Ni chaiff unrhyw ran o'r sector cyhoeddus ei heithrio o'r ymgyrch i wneud y ddau beth hynny.

Jonathan Morgan: Yr wyf yn ddiolchgar am yr ymateb hwnnw. Yn y blynyddoedd diweddar, mae Llywodraeth y Cynulliad wedi mynd ati fwyfwy i ddileu rhwymedigaethau ariannol y gwasanaeth iechyd gwladol. Mae'r arfer o roi arian i gyrff iechyd ar ddiwedd y flwyddyn ariannol i'w helpu i fantoli'r cyfrifon—sydd yn ofyniad cyfreithiol arnynt—wedi dod yn gyffredin mewn rhannau o Gymru. Efallai fod y Prif Weinidog yn ymwybodol fod gan y byrddau iechyd lleol bellach ddyledion o ryw £95 miliwn yn pwyso arnynt, a chredaf y bydd ar bobl Cymru eisiau gwybod sut mae Llywodraeth y Cynulliad yn bwriadu delio â'r rhwymedigaeth honno. Bydd arnom angen sicrwydd hefyd fod arnoch eisiau i'r GIG reoli ei adnoddau'n fwy llym. Ni all Llywodraeth y Cynulliad ddal i ganfod yr arian i ddileu rhwymedigaethau ariannol y GIG flwyddyn ar ôl blwyddyn. A ydych wedi gofyn am y sicrwydd hwnnw gan y GIG, ac a all Llywodraeth y Cynulliad roi amcan clir ynghylch beth y mae'n bwriadu ei wneud gyda'r ddyled £95 miliwn honno?

Y Prif Weinidog: Yr ydych efallai'n rhoi'r argraff i'r Cynulliad mai peth newydd yw

issue, but that would be wrong, as it is not. We were quite surprised to find that we had inherited a situation in which the Treasury would approve the write-offs of the debts of trusts if we so chose—the debts would be quietly forgotten. That practice has been going on for some 30 years or more, so it is not a new issue, and we found it quite surprising. We wrestle with it so as not to penalise those authorities that are financially well managed and that break even. We do not want them to look across with disappointment at the writing-off of debts of neighbouring authorities that they feel have not gone through the pain, as it were, of reorganising their services. It is important to set the right incentives for the senior management of the NHS—as indeed of local government or any department of the Assembly Government. We do not want to see any inappropriate incentives for lazy accounting or failure to reform. That is never wise, but especially so given the financially challenging times that we are in. I will ask Edwina Hart to write to you on the allegation about the £95 million, because the information that I have is that the closing accounts of the former local health boards and the opening accounts of the seven new local health boards do not reflect any outstanding debt. The only loan to a trust that we are aware of—namely the Welsh Ambulance Services NHS Trust—is being repaid over three years. It has not yet been fully repaid, and the outstanding sum is £8.1 million.

Val Lloyd: First Minister, you will be aware of the continuing pressure on Government departments to reduce running costs drastically in response to the current economic climate. As a result, staff working for Fujitsu at the DVLA in my constituency are faced with redundancy. The posts at risk are highly skilled, and there is concern locally that they will be replaced by a cheaper workforce, possibly from outside the area. That would have a serious impact on the local economy. Do you agree that, in the current economic climate, the local skilled workforce should be protected so that a high-

hyn, ond byddai hynny'n anghywir, gan nad felly y mae. Cawsom gryn syndod o ganfod ein bod wedi etifeddu sefyllfa lle byddai'r Trysorlys yn cymeradwyo dileu dyledion ymddiriedolaethau pe dewisem—câi'r dyledion eu hanghofio'n ddistaw. Mae'r arfer hwnnw'n digwydd ers rhyw 30 mlynedd neu fwy, felly nid yw'n beth newydd, a bu'n gryn syndod i ni. Yr ydym yn ymrafael ag ef er mwyn peidio cosbi'r awdurdodau hynny sydd dan reolaeth ariannol dda ac sy'n talu eu ffordd. Nid oes arnom eisiau iddynt edrych draw â siom wrth weld dileu dyledion awdurdodau cyfagos gan deimlo nad ydynt hwy wedi mynd trwy'r boen, fel petai, o ad-drefnu eu gwasanaethau. Mae'n bwysig gosod y cymhellion iawn i uwch reolwyr y GIG—ac, yn wir, lywodraeth leol neu unrhyw adran o Lywodraeth y Cynulliad. Nid oes arnom eisiau gweld unrhyw gymhellion amhriodol i ddiogi wrth wneud cyfrifon neu fethu diwygio. Nid yw hynny byth yn ddoeth, ond yn enwedig felly o gofio'r cyfnod ariannol heriol yr ydym ynddo. Fe ofynnaf i Edwina Hart ysgrifennu atoch am yr honiad am y £95 miliwn, oherwydd y wybodaeth sydd gennyf fi yw nad yw cyfrifon cau'r hen fyrddau iechyd lleol a chyfrifon agor y saith bwrdd iechyd lleol newydd yn dangos unrhyw ddyled heb ei thalu. Mae'r unig fenthyciad i ymddiriedolaeth yr ydym ni'n ymwybodol ohono—sef i Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru—yn cael ei ad-dalu dros dair blynedd. Nid yw wedi'i ad-dalu'n llawn eto, ac £8.1 miliwn yw'r swm sy'n ddyledus o hyd.

Val Lloyd: Brif Weinidog, byddwch yn ymwybodol o'r pwysau parhaus ar adrannau'r Llywodraeth i gwtogi'n llym ar gostau rhedeg mewn ymateb i'r hinsawdd economaidd gyfredol. O ganlyniad, mae staff sy'n gweithio i Fujitsu yn y DVLA yn fy etholaeth i'n wynebu colli eu swyddi. Swyddi medrus iawn yw'r rhai sydd mewn perygl, ac mae pryder yn lleol y cymerir eu lle gan weithlu rhatach, efallai o'r tu allan i'r ardal. Câi hynny effaith ddifrifol ar yr economi leol. A ydych yn cytuno, yn yr hinsawdd economaidd gyfredol, y dylid gwarchod y gweithlu medrus lleol fel y gellir parhau i roi

quality service can continue to be delivered to customers?

The First Minister: If that is happening, it is very sad, but I was not aware of that until you raised it with me. It is not a matter for us but for the Department for Transport, given that the DVLA is one of its agencies. It is a massive employer in the Swansea area, and, when it was set up in Swansea back in the late 1960s, it was one of the first, if not the first, major public service agency anywhere in the world to be computerised. It was a brave computerisation project undertaken by the then-Secretary of State for Transport, Barbara Castle. Thank goodness the DVLA came to Wales and not to Peterborough, as was originally intended. We are pleased to have it here, and the Fujitsu employees at the heart of the computerisation project would be the inheritors of that original, pioneering work to set up a computerised driver and vehicle licensing system. As highly skilled employees, one would guess that they would have a fair chance of re-employment elsewhere but, as you say, not necessarily in the Swansea area. I will raise this issue with the Department for Transport.

Peter Black: First Minister, you will be aware of recent evidence to the Assembly's Public Accounts Committee to the effect that public bodies are failing to achieve the efficiency savings required of them by the Welsh Assembly Government. What is your Government doing to review the situation following that evidence? Do you intend to press public bodies to deliver the efficiency savings that you require of them?

The First Minister: I think that it was the Finance Committee and not the Public Accounts Committee that received the interesting evidence from the finance director of the Cardiff and Vale NHS Trust on behalf of the other finance directors in the new system, saying that he thought that £1 billion

gwasanaeth o ansawdd uchel i gwsmeriaid?

Y Prif Weinidog: Os yw hynny'n digwydd, mae'n drist iawn, ond nid oeddwn yn ymwybodol o hynny nes i chi ei godi. Nid mater i ni yw hyn ond i'r Adran Drafnidiaeth, gan mai un o'i hasiantaethau hi yw'r DVLA. Mae'n gyflogwr enfawr yn ardal Abertawe, a phan sefydlwyd hi yn Abertawe'n ôl yn niwedd y 1960au, hi oedd un o'r asiantaethau gwasanaeth cyhoeddus cyntaf, os nad y gyntaf, yn unrhyw le yn y byd i weithio'n gyfrifiadurol. Yr oedd yn brosiect cyfrifiaduro dewr a gyflawnwyd gan yr Ysgrifennydd Gwladol dros Drafnidiaeth ar y pryd, Barbara Castle. Diolch byth mai i Gymru y daeth y DVLA ac nid i Peterborough, fel y bwriadwyd yn wreiddiol. Yr ydym yn falch o'i chael yma, a byddai gweithwyr Fujitsu wrth galon y prosiect cyfrifiaduro'n etifeddion y gwaith arloesol gwreiddiol hwnnw i sefydlu system gyfrifiadurol i drwyddedu gyrwyr a cherbydau. A hwythau'n weithwyr medrus iawn, gellir dyfalu y byddai ganddynt siawns dda o gael eu hailgyflogi yn rhywle arall ond, fel y dywedwch, nid o reidrwydd yn ardal Abertawe. Fe godaf y mater hwn gyda'r Adran Drafnidiaeth.

Peter Black: Brif Weinidog, byddwch yn ymwybodol o dystiolaeth ddiweddar i Bwyllgor Cyfrifon Cyhoeddus y Cynulliad fod cyrff cyhoeddus yn methu cyflawni'r arbedion effeithlonrwydd y gofynnodd Llywodraeth Cynulliad Cymru iddynt eu gwneud. Beth mae eich Llywodraeth yn ei wneud i adolygu'r sefyllfa yn sgîl y dystiolaeth honno? A ydych yn bwriadu pwyso ar gyrff cyhoeddus i gyflawni'r arbedion effeithlonrwydd yr ydych wedi gofyn iddynt eu gwneud?

Y Prif Weinidog: Credaf mai'r Pwyllgor Cyllid ac nid y Pwyllgor Cyfrifon Cyhoeddus a dderbyniodd y dystiolaeth ddiddorol oddi wrth gyfarwyddwr cyllid Ymddiriedolaeth GIG Caerdydd a'r Fro ar ran y cyfarwyddwyr cyllid eraill yn y system newydd, yn dweud ei fod yn meddwl y gellid arbed £1 biliwn

could be saved by having better day-case rates, shorter stays in hospital and so on. We know that there are low-hanging fruits to be plucked, and I think that Paul Davies was simply repeating what we already know about spreading best practice. If surgeon B has a much poorer day-case rate than surgeon A and has 10 follow-up appointments instead of two following orthopaedic operations and so on, we need to know why. We need much quicker acceptance of best practice. He said that £1 billion could be saved and we do not disagree. There is the potential to save £1 billion through more efficient practice, as he recently explained.

Chris Franks: What recent discussions has the Welsh Government had with NHS bodies and health workers regarding good financial management? I am sure that you are aware of the document, 'Emergency Care: A Call for Action', produced by the Royal College of Nursing. What talks have you had with the new local health boards regarding performance management, monitoring nursing staffing levels and the skills mix in emergency care departments? What scope is there to allow skilled nurses to administer emergency care, which does not currently happen? Patients, and indeed public finances, could well benefit from the implementation of some aspects of the RCN's action plan.

The First Minister: I do not want to get into some difficult area of trade disputes between the medical and nursing professions. We all remember that nurses used to be allowed to put stitches in and take stitches out in casualty departments. Doctors then said that they should not be allowed to do that because it was essential training for junior doctors, although many patients said that they would rather have their stitches put in by an experienced nurse than an inexperienced junior doctor learning the trade. Perhaps Dr Gibbons has a different view on that. [*Laughter.*] However, nurses were stopped from stitching, but then frequently found themselves teaching army nurses who, of

trwy gael gwell cyfraddau achosion dydd, arosiadau byrrach yn yr ysbyty ac ati. Gwyddom fod ffrwythau isel yno i'w pigo, ac yr wyf yn meddwl mai dim ond ailadrodd yr hyn a wyddom yn barod am ledaenu arferion gorau y mae Paul Davies. Os oes gan lawfeddyg B gyfradd achosion dydd lawer gwaeth na llawfeddyg A a bod ganddo 10 apwyntiad dilynol yn lle dau yn dilyn llawdriniaethau orthopedig ac ati, mae angen inni wybod pam. Mae angen i'r arferion gorau gael eu derbyn yn llawer cynt. Dywedodd y gellid arbed £1 biliwn ac nid ydym yn anghytuno. Mae'r potensial yno i arbed £1 biliwn trwy ymarfer mwy effeithlon, fel yr eglurodd yn ddiweddar.

Chris Franks: Pa drafodaethau diweddar y mae Llywodraeth Cymru wedi'u cael â chyrrff y GIG a gweithwyr iechyd ynglŷn â rheolaeth ariannol dda? Yr wyf yn siŵr eich bod yn ymwybodol o'r ddogfen, 'Emergency Care: A Call for Action', a gynhyrchwyd gan y Coleg Nyrsio Brenhinol. Pa drafodaethau yr ydych wedi'u cael gyda'r byrddau iechyd lleol newydd ynglŷn â rheoli perfformiad, monitro lefelau staffio nyrsio a'r cymysgedd sgiliau mewn adrannau gofal brys? Pa gyfle sydd i ganiatáu i nyrsys medrus weinyddu gofal brys, nad yw'n digwydd ar hyn o bryd? Gallai cleifion, a chyllid cyhoeddus yn wir, yn hawdd elwa o weithredu rhai agweddau ar gynllun gweithredu'r Coleg Nyrsio Brenhinol.

Y Prif Weinidog: Nid oes arnaf eisiau mynd i faes dyrys anghydfod gwaith rhwng y proffesiynau meddygol a nyrsio. Yr ydym i gyd yn cofio yr arferid caniatáu i nyrsys roi pwythau i mewn a thynnu pwythau allan mewn adrannau damweiniau. Wedyn dywedodd meddygon na ddylid caniatáu iddynt wneud hynny am ei fod yn hyfforddiant hanfodol i feddygon iau, er y dywedai llawer o gleifion y byddai'n well ganddynt gael eu pwythau wedi'u rhoi i mewn gan nyrs brofiadol na chan feddyg iau dibrofiadol yn dysgu'r grefft. Efallai fod gan Dr Gibbons farn wahanol am hynny. [*Chwerthin.*] Fodd bynnag, ataliwyd nyrsys rhag rhoi pwythau, ond yn aml fe'u caent eu

course, are allowed to stitch. That situation is plainly absurd. This happened about 25 years ago; whether it was reversed more recently, I do not know. I would be very much in favour of it, but I do not want to rush in where angels fear to tread in trade disputes between nurses and doctors.

hunain yn dysgu nyrsys y fyddin sydd, wrth gwrs, yn cael rhoi pwythau. Mae'r sefyllfa honno'n amlwg yn hurt. Digwyddodd hyn ryw 25 mlynedd yn ôl; a gafodd ei wrthdroi'n ddiweddarach, ni wn i ddim. Byddwn yn gryf iawn o blaid hynny, ond nid oes arnaf eisiau rhuthro'n fyrbwyll i mewn i ddadleuon gwaith rhwng nyrsys a meddygon.

Financial Exclusion

Q9 Mohammad Asghar: Will the First Minister make a statement on financial exclusion in South Wales East? OAQ(3)2359(FM)

The First Minister: Immediate actions to tackle financial exclusion include assistance to credit unions and post offices, promoting local authorities' benefit take-up campaigns, which we fund, and supporting Citizens Advice in its vital work, particularly given the rapid increase in debt advice queries that it has received. I will be saying more on that very subject this evening at the seventieth anniversary celebrations of citizens' advice bureaux.

Mohammad Asghar: Thank you for that reply, First Minister. I am sure that you are aware of the media campaign launched by Community Housing Cymru last week highlighting how housing association tenants are particularly vulnerable to illegal money lenders. Some tenants are being charged interest at an annual percentage rate of 149,000 per cent by loan sharks. Can you advise the Assembly of any new strategies that your Government will action in light of such reports, and do you agree that we desperately need an ethical and publicly owned financial service that will particularly support those who are currently financially excluded?

First Minister: To address the short term, we approve of credit unions because, as you say, not only are loan sharks charging

Allgáu Ariannol

C9 Mohammad Asghar: A wnaiff y Prif Weinidog ddatganiad am allgáu ariannol yn Nwyrain De Cymru? OAQ(3)2359(FM)

Y Prif Weinidog: Mae'r camau a gymerir yn syth i fynd i'r afael ag allgáu ariannol yn cynnwys cymorth i undebau credyd a swyddfeydd post, hyrwyddo ymgyrchoedd awdurdodau lleol, a ariennir gennym ni, i berswadio pobl i gymryd budd-daliadau, a chefnogi Cyngor Ar Bopeth yn ei waith hollbwysig, yn enwedig yn wyneb y cynnydd cyflym yn yr ymholiadau a gafodd am gyngor ar ddyled. Byddaf yn dweud rhagor ar yr union bwnc hwnnw heno yn nathliadau 70 mlynedd y canolfannau cynghori.

Mohammad Asghar: Diolch am yr ateb hwnnw, Brif Weinidog. Yr wyf yn siŵr eich bod yn ymwybodol o'r ymgyrch cyfryngol a lanswyd gan Gartrefi Cymunedol Cymru yr wythnos diwethaf i ddangos y modd y mae tenantiaid cymdeithasau tai mewn perygl arbennig o fynd yn ysglyfaeth i fenthycwyr arian anghyfreithlon. Mae siarcod benthyca'n codi llog ar gyfradd flynyddol o 149,000 y cant ar rai tenantiaid. A allwch ddweud wrth y Cynulliad am unrhyw strategaethau newydd y bydd eich Llywodraeth yn eu gweithredu yn sgîl adroddiadau o'r fath, ac a gytunwch fod arnom ddirfawr angen gwasanaeth ariannol moesegol ac mewn perchnogaeth gyhoeddus a fydd yn rhoi cefnogaeth yn arbennig i bobl sydd ar hyn o bryd wedi'u hallgáu'n ariannol?

Y Prif Weinidog: O ran y tymor byr, yr ydym yn cymeradwyo undebau credyd oherwydd, fel y dywedwch, nid yn unig y

astronomical rates, but their methods of extracting money if people fail to pay the astronomical rates fall very short of ethical standards. Well, ethical standards do not come anywhere near it. Then there is the halfway house, with companies such as Provident, which charges 250 per cent. That is much less than a loan shark would charge but an awful lot more than a credit union would charge. So, that is the short term. In the long term, there is the question of whether we in Wales can set up a citizens' bank for Wales, which could provide services devoted to the financially excluded without clearing the pitch for the credit unions. That is the key thing that we would like to see.

William Graham: I note your last answer, and, as you well know, loan sharks prey on the most vulnerable in society. What action can you take to strengthen your Government's links with law enforcement agencies? A simple example was given to me the other day: if you borrowed £4 at an interest rate of 25 per cent, you would pay back £5 at the end of the week, which does not sound too bad, particularly for people who are desperate for cash. In reality, that is 11 million per cent per annum.

2.30 p.m.

The First Minister: Indeed. I am grateful for the mathematical explanation, which, I must admit, I could not have done myself; I probably could have done it when I was 10 years old, but not now, sadly. It is important that we realise the number of times that people are conned by what looks like a soft option but very much is not it. We must explain to them, 'Look; for goodness' sake, join your local credit union; it involves a bit of commitment at the start, but, my goodness me, it keeps you out of the hands of the loan sharks who not only would charge 11 million per cent per annum, but goodness knows what they would do to you if you did not repay the money'. It would never be very far from either the threat or actuality of physical

mae siarcod benthycyca'n codi llogau aruthrol, ond mae eu dulliau o gael yr arian os bydd pobl yn methu talu'r llogau aruthrol yn syrthio'n fyr iawn o safonau moesegol. Wel, ni ddaw safonau moesegol ar gyfyl y peth. Wedyn ceir y tŷ hanner ffordd, gyda chwmmŷiau fel Provident, sy'n codi 250 y cant. Mae hynny'n llawer llai nag a godai siarc benthycyca ond beth wmbredd yn fwy nag a godai undeb credyd. Felly, dyna'r tymor byr. Yn y tymor hir, mae gennym y cwestiwn a allwn ni yng Nghymru sefydlu banc dinasyddion i Gymru, a allai ddarparu gwasanaethau'n benodol i bobl sydd wedi'u hallgáu'n ariannol heb ddrys cynlluniau'r undebau credyd. Dyna'r peth allweddol yr hoffem ei weld.

William Graham: Nodaf eich ateb diwethaf, ac, fel y gwyddoch yn iawn, bydd siarcod benthycyca'n ysbeilio'r mwyaf bregus mewn cymdeithas. Pa gamau y gallwch chi eu cymryd i gryfhau cysylltiadau eich Llywodraeth ag asiantaethau gorfodi'r gyfraith? Rhoddwyd enghraifft syml imi'r dydd o'r blaen: pe caech fenthyg £4 ar gyfradd log o 25 y cant, byddech yn talu £5 yn ôl ar ddiwedd yr wythnos, nad yw'n swnio'n rhy ddrwg, yn enwedig i bobl sydd ag angen taer am arian. Mewn gwirionedd, mae hynny'n 11 miliwn y cant y flwyddyn.

Y Prif Weinidog: Yn wir. Yr wyf yn ddiolchgar am yr esboniad mathemategol, na allaswn ei wneud fy hun, yr wyf yn cyfaddef; mae'n debyg y gallaswn ei wneud pan oeddwn yn 10 mlwydd oed, ond nid bellach, ysywaeth. Mae'n bwysig inni sylweddoli'r nifer o weithiau y caiff pobl eu twyllo gan rywbeth sy'n edrych fel dewis meddal ond nad yw felly o bell ffordd. Rhaid inni esbonio iddynt, 'Edrychwch; da chi, ymunwch â'ch undeb credyd lleol; mae'n golygu ychydig o ymrwymiad yn y dechrau, ond, bobol bach, mae'n eich cadw allan o ddwylo'r siarcod benthycyca a fyddai nid yn unig yn codi 11 miliwn y cant y flwyddyn, ond dyn a wŷr beth a wnaent ichi pe nad ad-dalech yr arian'. Ni fyddai byth ymhell o fod un ai'n fgythiad

violence.

Effective use of Resources by the NHS

Q10 Peter Black: Will the First Minister make a statement on the effective use of resources by the NHS? OAQ(3)2362(FM)

The First Minister: I will amplify what I said earlier about the evidence recently given to the Finance Committee by Paul Davies on behalf of the seven NHS finance directors. I have already mentioned some of the issues about day-case rates, but there is also the issue of preventing inappropriate hospitalisation, particularly of frail elderly persons. I commend a wider use of the Llanrhymney experiment by the University Hospital of Wales by consultant physicians to keep people out of hospital, because it is cheaper and, above all, it is much better for the patient.

Peter Black: My question related to the Auditor General for Wales's evidence to the Audit Committee. In terms of the effective use of resources in the NHS, and your Government's commitment to the prevention agenda, when is it likely that you will be publishing an all-Wales tobacco strategy?

The First Minister: I do not have the details of that. You will know that there are many aspects to a prevention strategy. From time to time, people refer to tobacco as being important and, more recently, we have referred to how to reduce alcohol take-up and the harm that it can cause. We have mentioned substance misuse, and the enormous expansion of beds because of our commitment to the substance misuse strategy over the past five or six years. These are all very important parts of trying to get people to realise how much they can benefit in terms of their enjoyment of a healthy life if they amend a dysfunctional lifestyle, hard though it may be if you are addicted.

trais corfforol neu'n drais go iawn.

Defnyddio Adnoddau'n Effeithiol yn y GIG

C10 Peter Black: A wnaiff y Prif Weinidog ddatganiad am ddefnyddio adnoddau'n effeithiol yn y GIG? OAQ(3)2362(FM)

Y Prif Weinidog: Ymhelaethaf ar yr hyn a ddywedais yn gynharach am y dystiolaeth a roddwyd yn ddiweddar i'r Pwyllgor Cyllid gan Paul Davies ar ran saith cyfarwyddwr cyllid y gwasanaeth iechyd gwladol. Yr wyf eisoes wedi crybwyll rhai o'r materion ynghylch cyfraddau achosion dydd, ond ceir y cwestiwn hefyd o atal rhoi pobl mewn ysbyty'n amhriodol, yn enwedig bobl oedranus bregus. Cymeradwyaf ddefnydd ehangach o arbrawf Llanrhymni gan Ysbyty Athrofaol Cymru gan feddygon ymgynghorol i gadw pobl allan o'r ysbyty, oherwydd mae'n rhatach ac, yn anad dim, mae'n llawer gwell i'r claf.

Peter Black: Yr oedd fy nghwestiwn yn gysylltiedig â thystiolaeth Archwilydd Cyffredinol Cymru i'r Pwyllgor Archwilio. O ran defnyddio adnoddau'n effeithiol yn y GIG, ac ymrwymiad eich Llywodraeth i'r agenda ataliol, pa bryd y mae'n debygol y byddwch yn cyhoeddi strategaeth dybaco i Gymru gyfan?

Y Prif Weinidog: Nid oes gennyf fanylion hynny. Gwyddoch fod sawl agwedd i strategaeth atal. O bryd i'w gilydd, bydd pobl yn sôn bod tybaco'n bwysig ac, yn fwy diweddar, yr ydym wedi cyfeirio at sut i leihau'r defnydd o alcohol a'r niwed y gall ei achosi. Yr ydym wedi crybwyll camddefnydd sylweddau, a'r cynnydd enfawr mewn gwelyau oherwydd ein hymrwymiad i'r strategaeth camddefnydd sylweddau dros y pump neu chwe blynedd diwethaf. Mae'r rhain i gyd yn rhannau pwysig iawn o geisio cael pobl i sylweddoli cymaint y gallant elwa o ran mwynhau bywyd iach os newidiant ffordd o fyw sy'n gamweithredol, er mor anodd y gall fod os ydych yn gaeth.

Gareth Jones: Mewn cwestiynau i'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn y gorffennol, cefais sicrwydd y bydd Ysbyty Llandudno yn rhan annatod o ddyfodol y gwasanaeth iechyd yn y gogledd ar ôl yr ailstrwythuro diweddar. Fel llawer o bobl, yr wyf wrth fy modd â hyn, fel y gallwch ddychmygu, oherwydd cafodd Ysbyty Llandudno ei anghofio a'i anwybyddu gan Lywodraethau eraill yn y gorffennol. Pa ddatblygiadau buddiol pellach y gall pobl Aberconwy a'r gogledd eu disgwyl yn sgîl creu Bwrdd Iechyd Prifysgol Betsi Cadwaladr?

Y Prif Weinidog: Gan fy mod wedi bod yn bennaeth ar y Llywodraethau eraill yr ydych yn cyfeirio atynt, o bosibl, mae'n well imi gywiro'r hanes. Y clinigwyr lleol a gynigiodd y dylem dorri'r gwasanaethau a oedd ar gael yn Llandudno, a chyn-bennaeth yr adran iechyd yn y Llywodraeth a ddywedodd mai strategaeth gwbl anghywir oedd honno. Os cofiaf yn iawn, Brian Gibbons oedd y Gweinidog perthnasol ar y pryd, a dywedodd 'Peidiwch â gwneud hynny'. Felly, nid y Llywodraeth ond y gwasanaeth iechyd yn yr ardal a oedd yn dymuno lleihau nifer y gwasanaethau. Erbyn hyn, mae pawb yn derbyn bod Ysbyty Llandudno yn ysbyty modern a'i fod mewn lleoliad gwych, a bod ganddo ddyfodol fel rhan o rwydwaith angenrheidiol y gwasanaethau yn y gogledd sydd bellach yn cael eu cynnal gan Fwrdd Iechyd Prifysgol Betsi Cadwaladr.

Alun Cairns: Spending resources effectively and efficiently in the NHS is important. In this respect, do you recognise that significant deficiencies remain in the ambulance service in terms of how it spends its resources? The latest figures show that almost a third of all category-A calls are not being answered within the eight-minute target that is recommended. What do you think of the policy in some parts of Wales, where one-way ambulances are not permitted? If a disabled patients can get to the hospital, because they do not want to miss an appointment with the consultant, they are not allowed to have an ambulance for the return

Gareth Jones: In questions to the Minister for Health and Social Services in the past, I have been assured that Llandudno Hospital will play a vital role in the future of the health service in north Wales following the recent restructuring. Like many others, I am delighted with that, as you can imagine, because previous Governments have ignored and forgotten about Llandudno Hospital. What other benefits can the people of Aberconwy and north Wales expect as a result of the creation of the Betsi Cadwaladr University Health Board?

The First Minister: As I probably led the other Governments to which you refer, I should correct the history. The proposals to cut services in Llandudno came from local clinicians, and it was the former head of the Government's health department who said that that strategy was completely wrong. If I remember correctly, it was Brian Gibbons, the relevant Minister at the time, who said 'Don't do that'. Therefore, it was not the Government but the health service locally that wanted to reduce the number of services. Everyone now accepts that Llandudno Hospital is a modern hospital in an excellent setting, and that it has a future as part of a vital network of services currently provided in north Wales by the Betsi Cadwaladr University Health Board.

Alun Cairns: Mae gwario adnoddau'n effeithiol ac yn effeithlon yn y GIG yn bwysig. Yn y cyswllt hwn, a ydych yn cydnabod bod diffygion sylweddol o hyd yn y gwasanaeth ambiwlans o ran y modd y mae'n gwario'i adnoddau? Dengys y ffigurau diweddaraf fod bron i draean o'r holl alwadau categori A yn mynd heb eu hateb o fewn y targed wyth munud a argymhellir. Beth yw eich barn am y polisi mewn rhai rhannau o Gymru, lle na chaniateir ambiwlansiau unffordd? Os gall cleifion anabl gyrraedd yr ysbyty, am nad oes arnynt eisiau colli apwyntiad gyda'r ymgynghorydd, ni chaniateir iddynt gael ambiwlans ar gyfer

journey only. The ambulance service has said that they need to make two journeys: one to the hospital, and one from it. How does that complicate the efficient expenditure of resources in the ambulance service and cause targets to be missed?

The First Minister: I have not heard of that before, but with regard to the overall management of the Welsh Ambulance Services NHS Trust, there is a clear pattern: its service performance is improving. We believe that that is because we have been putting it on a drip feed of assistance, which it receives provided it performs. The better that it performs, the more that we will assist it through financial considerations, new equipment, grants and so forth. The results of that over the past six months have been evident, but we need to see more evidence of further increases in performance, in order to bring the Welsh ambulance trust up to the standard that we and the people of Wales have a right to expect.

Y Llywydd: Diolch i'r Prif Weinidog am ei atebion.

y daith adref yn unig. Mae'r gwasanaeth ambiwlans wedi dweud bod angen iddynt wneud dwy siwrnai: un i'r ysbyty ac un oddi yno. Sut mae hynny'n cymhlethu gwariant effeithiol adnoddau yn y gwasanaeth ambiwlans ac yn achosi methu targedau?

Y Prif Weinidog: Nid wyf wedi clywed am hynny o'r blaen, ond ynglŷn â rheolaeth gyffredinol Ymddiriedolaeth GIG Gwasanaethau Ambiwllans Cymru, ceir patrwm clir: mae ei pherfformiad gwasanaeth yn gwella. Credwn fod hynny am ein bod wedi ei bwydo â chymorth fesul diferyn, a hithau'n ei gael ar yr amod ei bod yn perfformio. Po orau y perfformia, mwyaf y gwnawn ei chynorthwyo drwy ystyriaethau ariannol, offer newydd, grantiau ac ati. Bu canlyniadau hynny dros y chwe mis diwethaf yn amlwg, ond mae arnom angen gweld mwy o dystiolaeth o welliannau pellach mewn perfformiad, er mwyn dod ag ymddiriedolaeth ambiwlans Cymru i fyny i'r safon y mae gennym ni a phobl Cymru hawl i'w disgwyl.

The Presiding Officer: I thank the First Minister for his replies.

Datganiad a Chyhoeddiad Busnes Business Statement and Announcement

The Counsel General and Leader of the House (Carwyn Jones): Llywydd, there are changes to report to this week's Government business. Gwenda Thomas has withdrawn her statement on social services from this afternoon's business, because she will be covering the issues in next week's scheduled debate on safeguarding and protecting children in Wales. In view of the pressure on today's business, the statement on the Isle of Anglesey County Council recovery board has been moved to tomorrow afternoon. Business for the next three weeks is as set out in the Business Statement and Announcement, which can be found in the agenda papers, which are available to Members electronically.

Nick Bourne: I thank the Leader of the

Y Cwnsler Cyffredinol ac Arweinydd y Tŷ (Carwyn Jones): Lywydd, mae newidiadau i'w hadrodd i fusnes y Llywodraeth yr wythnos hon. Mae Gwenda Thomas wedi tynnu ei datganiad ar wasanaethau cymdeithasol allan o fusnes y prynhawn yma, oherwydd bydd yn trafod y materion yn y ddadl sydd wedi'i threfnu ar gyfer yr wythnos nesaf ar ddiogelu ac amddiffyn plant yng Nghymru. Oherwydd y pwysau ar fusnes heddiw, mae'r datganiad am fwrdd adfer Cyngor Sir Ynys Môn wedi'i symud i brynawn fory. Mae busnes y tair wythnos nesaf fel y'i hamlinellir yn y Datganiad a Chyhoeddiad Busnes, a welir yn y papurau agenda sydd ar gael i Aelodau'n electronig.

Nick Bourne: Diolch i Arweinydd y Tŷ am y

House for the business statement. The hot issue in Wales at the moment is that of the business rate revaluation. Has the Leader of the House consulted with other members of the Government on whether a statement will be forthcoming, particularly on the issue of small business rate relief? We await an announcement on that. It is causing great concern and anxiety around Wales. Over the last few days I have visited many businesses in my region, many of which have seen increases of 100 per cent and above. I visited a hotel yesterday that saw an increase of 51 per cent in its rateable value, which means a £7,000 increase in the rates that it will be paying next year. Smaller businesses do not know what the level of business rate relief will be, and do not know whether there will be any transitional arrangements to lessen the impact of some of these massive increases. Can we expect a Government statement or debate on this?

Carwyn Jones: I have heard the Minister discuss the issue with you in the Chamber. It is a matter that the Minister is considering carefully for the future. It is right to say that there has been a change in rateable values. Some people have done better as a result, while some have not done so well. As a Government, we have a good record of helping small businesses and, in particular, of helping small businesses with rate relief. The Minister will be considering how best to help small businesses in the future.

Alun Davies: Leader of the House, you will be aware that the body of Corporal Nicholas Webster-Smith is being repatriated today. Tomorrow is Remembrance Day, when we will be remembering all those servicemen and servicewomen who have given their lives in the service of this country. Would it be appropriate to have an Assembly debate on how we can provide support for servicemen, servicewomen and their families, to ensure that people understand that the Assembly stands full square behind our armed services in the sacrifices that they are making?

Carwyn Jones: It is certainly the case that,

datganiad busnes. Y pwnc llosg yng Nghymru ar y funud yw ailbrisio ardrethi busnes. A ydyw Arweinydd y Tŷ wedi ymgynghori ag aelodau eraill o'r Llywodraeth ynghylch a geir datganiad, yn enwedig ar fater rhyddhad ardrethi i fusnesau bach? Disgwyliwn am gyhoeddiad ar hynny. Mae'n peri poen a phryder mawr o gwmpas Cymru. Dros yr ychydig ddiwrnodau diwethaf yr wyf wedi ymweld â llawer o fusnesau yn fy rhanbarth, llawer ohonynt wedi gweld cynnydd o 100 y cant a mwy. Ymwelais â gwesty ddoe a welodd gynnydd o 51 y cant yn ei werth ardrethol, sy'n golygu cynnydd o £7,000 yn yr ardrethi y bydd yn eu talu'r flwyddyn nesaf. Nid yw busnesau llai'n gwybod beth fydd lefel y rhyddhad ardrethi busnes, ac ni wyddant a fydd unrhyw drefniadau pontio i leihau effaith rhai o'r codiadau anferth hyn. A allwn ddisgwyl datganiad gan y Llywodraeth neu ddadl ar hyn?

Carwyn Jones: Yr wyf wedi clywed y Gweinidog yn trafod y mater gyda chi yn y Siambr. Mae'n fater y mae'r Gweinidog yn ei ystyried yn ofalus ar gyfer y dyfodol. Mae'n gywir dweud y bu newid mewn gwerthoedd ardrethol. Mae rhai pobl yn well eu byd o ganlyniad, tra bod eraill heb wneud cystal. Fel Llywodraeth, mae gennym record dda o helpu busnesau bach ac, yn enwedig, o helpu busnesau bach gyda rhyddhad ardrethi. Bydd y Gweinidog yn ystyried sut orau i helpu busnesau bach yn y dyfodol.

Alun Davies: Arweinydd y Tŷ, byddwch yn ymwybodol bod corff y Corporal Nicholas Webster-Smith yn cael ei ddychwelyd adref heddiw. Yfory mae Dydd y Cofio, pryd y byddwn yn cofio'r holl filwyr, yn ddyinion a menywod, sydd wedi rhoi eu bywydau wrth wasanaethu'r wlad hon. A fyddai'n briodol cael dadl yn y Cynulliad ar sut y gallwn gynnig cefnogaeth i filwyr a'u teuluoedd, i sicrhau bod pobl yn deall bod y Cynulliad yn sefyll yn gadarn y tu ôl i'n lluoedd arfog yn yr aberthau y maent yn eu gwneud?

Carwyn Jones: Mae'n sicr yn wir ein bod,

as a Government, we want to do as much as possible to help servicemen and servicewomen once they return to the UK. After the first world war, the mantra that was repeated by politicians was that they would build a land fit for heroes—they never did. We have read about what happened, particularly in the 1920s and 1930s, when the promise that was made to those heroes who returned from the first world war was never fulfilled.

I know that several of my colleagues are looking at ways in which returning servicemen and servicewomen can be assisted. Members will recall that, some weeks ago, a statistic was published that showed—I think that I am right in saying this—that 10 per cent of those who are currently in prison were previously in the armed services. That shows that there is still a job to be done to help people to reintegrate into civilian life. That is something that the Welsh Assembly Government and the UK Government will be looking to do as we see more servicemen and servicewomen returning from areas of conflict.

2.40 p.m.

Kirsty Williams: Leader of the House, in June of this year the Welsh Liberal Democrats tabled a debate on the needs of the 3,800 premature and sick babies who are born in Wales each year. In response to that debate, the Deputy Minister for Social Services assured the Chamber that the Minister for Health and Social Services would take action to address the shortage of neonatal nurses and medics in Wales. It is six months since that debate. Could you ask the Minister for Health and Social Services to make a statement to update the Chamber on what action she has taken in the last six months to improve the situation?

Carwyn Jones: I will ask the Minister to write to you with an update regarding the information that you have asked for. I do not

fel Llywodraeth, yn awyddus i wneud cymaint ag y gallwn i helpu milwyr unwaith y dychwelant i'r Deyrnas Unedig. Wedi'r rhyfel byd cyntaf, y geiriau a ailadroddwyd gan wleidyddion oedd yr adeiladent wlad addas i arwyr—ni wnaethant hynny fyth. Yr ydym wedi darllen am yr hyn a ddigwyddodd, yn enwedig yn y 1920au a'r 1930au, pan na wireddwyd byth yr addewid a wnaed i'r arwyr hynny a dychwelodd o'r rhyfel byd cyntaf.

Gwn fod llawer o'm cyd-Weinidogion yn edrych ar ffyrdd y gellir cynorthwyo milwyr a ddaeth adref. Bydd Aelodau'n cofio y cyhoeddwyd ystadegyn ychydig wythnosau'n ôl a ddangosai—yr wyf yn meddwl fy mod yn iawn wrth ddweud hyn—fod 10 y cant o'r rhai sydd yn y carchar ar hyn o bryd wedi bod gynt yn y lluoedd arfog. Mae hynny'n dangos bod gwaith i'w wneud o hyd i helpu pobl ailymdoddi i fywyd fel sifiliaid. Dyna rywbeth y bydd Llywodraeth Cynulliad Cymru a Llywodraeth y Deyrnas Unedig yn ceisio'i wneud wrth inni weld mwy o filwyr yn dychwelyd o faes y gad.

Kirsty Williams: Arweinydd y Tŷ, ym Mehefin eleni cyflwynodd Democratiaid Rhyddfrydol Cymru ddadl ar anghenion y 3,800 o fabanod cynamserol a sâl a enir yng Nghymru bob blwyddyn. Mewn ymateb i'r ddadl honno, rhoddodd y Dirprwy Weinidog dros Wasanaethau Cymdeithasol sicrwydd i'r Siambr y byddai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn gweithredu i ddatrys y prinder nyrsys a meddygon i'r newydd-anedig yng Nghymru. Mae chwe mis ers y ddadl honno. A allech ofyn i'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol wneud datganiad i ddweud wrth y Siambr pa gamau y mae hi wedi'u cymryd yn y chwe mis diwethaf i wella'r sefyllfa?

Carwyn Jones: Fe ofynnaf i'r Gweinidog ysgrifennu atoch i roi ichi'r wybodaeth ddiweddaraf y gofynasoch amdani. Ni wn a

know whether you have pursued this with the Minister in correspondence, but I will raise it with her.

Chris Franks: Last week, in response to my question, you indicated that the Government has a good record regarding habitats for birds. Although I welcome the commitment that has been shown, the fact remains that 40 per cent of widespread species from farmland and woodland have declined. Included in this sad roll are the starling and the cuckoo. The loss of farmland birds is well recorded, but we now face the disappearance of woodland species. We must guarantee that our policies ensure that our countryside continues to be graced with wildlife, especially birds. I ask for a statement from the Minister.

Further to that, will you arrange a statement from the Minister for Social Justice and Local Government, Brian Gibbons, regarding the relationship between town and community councils and county councils? Unfortunately, the situation in some authorities, such as the Vale of Glamorgan, has deteriorated to the extent that Barry Town Council is withdrawing from the charter arrangement with the Vale council. This is an important matter, and I would appreciate a statement on it.

Carwyn Jones: The relationship between town and community councils on the one hand and county and county borough councils on the other is not a matter for the Welsh Assembly Government. That relationship is a matter for them. However, both organisations are ultimately answerable to their electors for the actions that they take.

I support your call for greater biodiversity in Wales. It is some 40 years since the book *Silent Spring* was written, which predicted that we would eventually lose much, if not all, of our native species of birds and flora and fauna. A lot has been done since that time, such as the agri-environment schemes that have been in place in Wales for 10 years or more, starting with Tir Cymen, originally,

ydych wedi mynd ar ôl hyn gyda'r Gweinidog mewn gohebiaeth, ond fe'i codaf gyda hi.

Chris Franks: Yr wythnos diwethaf, mewn ymateb i'm cwestiwn, dywedasoich fod gan y Llywodraeth record dda ynglŷn â chynefinoedd i adar. Er y croesawaf yr ymrwymiad sydd wedi'i ddangos, erys y ffaith fod 40 y cant o rywogaethau cyffredin i dir amaeth a thir coediog wedi dirywio. Yn y rhestr drist hon cynhwysir y drudwy a'r gog. Mae llawer o gofnodion am y colli adar tir amaeth, ond yn awr wynebwn ddifflaniad rhywogaethau coetir. Rhaid inni warantu bod ein polisiau'n sicrhau bod ein cefn gwlad yn dal i gael ei harddu gan fywyd gwyllt, yn enwedig adar. Gofynnaf am ddatganiad gan y Gweinidog.

Ar ben hynny, a wneuch chi drefnu datganiad gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, Brian Gibbons, ynglŷn â'r berthynas rhwng cynghorau tref a chymuned a chynghorau sir? Yn anffodus, mae'r sefyllfa mewn rhai awdurdodau, fel Bro Morgannwg, wedi dirywio i'r graddau bod Cyngor Tref y Barri'n tynnu allan o'r trefniant siarter gyda chynghor y Fro. Mae hyn yn fater pwysig, a gwerthfawrogwn ddatganiad arno.

Carwyn Jones: Nid mater i Lywodraeth Cynulliad Cymru yw'r berthynas rhwng cynghorau tref a chymuned ar y naill law a chynghorau sir a bwrdeistref sirol ar y llall. Mater iddynt hwy yw'r berthynas honno. Fodd bynnag, mae'r ddau gorff yn y pen draw yn atebol i'w hetholwyr am y modd y gweithredant.

Cefnogaf eich galwad am fwy o fioamrywiaeth yng Nghymru. Aeth rhyw 40 mlynedd heibio ers ysgrifennu'r llyfr *Silent Spring*, a broffwydodd y byddem maes o law'n colli llawer, os nad y cyfan, o'n rhywogaethau adar, planhigion ac anifeiliaid brodorol. Mae llawer wedi'i wneud ers hynny, fel y cynlluniau amaeth-amgylchedd sydd gennym yng Nghymru ers 10 mlynedd

then Tir Gofal and all of the successor schemes. That has helped with certain bird species. However, it is right to say that some are still in decline. There are some successes, such as the red kite, which has been a tremendous success story as far as Wales is concerned. We have seen ospreys nesting once again in Wales for the first time in many years, but we need to ensure that the efforts that led to an increase in raptor species also lead to an increase in bird species across the board.

Mark Isherwood: I call for a statement on shared surfaces and the impact, in particular, on those who are blind or visually impaired and who use canes or guide dogs. In August, I visited Caernarfon with Guide Dogs for the Blind—its policy manager, a local guide-dog owner and the guide-dog trainer—and, as much as a seeing person can, I experienced the barriers that they face. I understand that these matters are being considered, but Guide Dogs for the Blind feels strongly that there should be a moratorium on future shared surface developments until guidance from the Welsh Government on future direction is released. Therefore, I would welcome a statement from the Welsh Government on the current state of play in this respect.

Carwyn Jones: You raise an important issue and I will raise the matter with the appropriate Minister in order to provide you with more information on that topic.

Bethan Jenkins: You may be aware that Wall Colmonoy, with which the First Minister last month celebrated the company's fortieth anniversary in Wales, is planning to make 19 members of staff redundant from its Pontardawe factory. Workers there are rightly angry and claim that the company stopped short of 20 redundancies so that it would not have to make an announcement to the public. I urge the Welsh Assembly Government to initiate urgent talks with the company in

neu fwy, gan ddechrau gyda Tir Cymen, yn wreiddiol, wedyn Tir Gofal a'r holl gynlluniau a'u holynodd. Mae hynny wedi helpu gyda rhai rhywogaethau adar. Fodd bynnag, mae'n gywir dweud bod rhai'n dal i ddirywio. Mae rhai llwyddiannau, fel y barcud, sydd wedi bod yn stori lwyddiant aruthrol o safbwynt Cymru. Yr ydym wedi gweld gweilch y pysgod yn nythu unwaith eto yng Nghymru am y tro cyntaf ers blynyddoedd lawer, ond mae angen inni sicrhau bod yr ymdrechion a arweiniodd at gynnydd mewn rhywogaethau adar ysglyfaethus yn arwain hefyd at gynnydd mewn rhywogaethau adar yn gyffredinol.

Mark Isherwood: Galwaf am ddatganiad ar rannu arwynebau a'r effaith, yn enwedig, ar bobl sy'n ddall neu'n rhannol ddall ac sy'n defnyddio ffyn neu gŵn tywys. Ym mis Awst, ymwelais â Chaernarfon gyda Chymdeithas Cŵn Tywys y Deillion—ei rheolwr polisi, perchennog ci tywys lleol a'r hyfforddwr cŵn tywys—ac, i'r graddau y gall rhywun sy'n gweld, profais y rhwystrau y maent yn eu hwynebu. Deallaf fod y materion hyn dan ystyriaeth, ond mae Cymdeithas y Cŵn Tywys yn teimlo'n gryf y dylai fod moratoriwm ar ddatblygiadau pellach sy'n caniatáu rhannu arwynebau nes rhyddheir canllawiau gan Lywodraeth Cymru ar y cyfeiriad i'r dyfodol. Felly, croesawn ddatganiad gan Lywodraeth Cymru ar y sefyllfa bresennol yn hyn o beth.

Carwyn Jones: Yr ydych yn codi mater pwysig ac fe godaf y mater gyda'r Gweinidog priodol er mwyn rhoi mwy o wybodaeth ichi ar y pwnc hwnnw.

Bethan Jenkins: Efallai eich bod yn ymwybodol fod cwmni Wall Colmonoy, yr ymunodd y Prif Weinidog ag ef i ddathlu deugain mlynedd yng Nghymru y mis diwethaf, yn bwriadu diswyddo 19 aelod staff o'i ffatri ym Mhontardawe. Mae gweithwyr yno'n ddig, a hynny gyda chyfiawnhad, a honnant fod y cwmni wedi ymatal rhag diswyddo 20 fel na fyddai'n rhaid iddo wneud cyhoeddiad i'r cyhoedd. Anogaf Lywodraeth Cynulliad Cymru i gychwyn

question to find out what the issues are behind this particular incident. Can we have a statement in Plenary about that update, or at least a statement to Assembly Members representing the affected region?

Carwyn Jones: Thank you, Bethan. It is the normal practice of the Government to engage with employers as quickly as possible to look to prevent or mitigate job losses. I will raise this with the Deputy First Minister, who, I am sure, will provide you with information on the contact that the Government has had with this company and what the response was.

William Graham: I ask you to make time for a statement from the Minister for Children, Education, Lifelong Learning and Skills with particular emphasis on the Flying Start programme and its effect in Newport. The Minister will be well aware, as will you, Leader of the House, of what an excellent scheme this is. However, the way in which it has been run in Newport means that there is a threat to 479 children in vulnerable families. This also has consequences for the children and young people's partnership, which will have to develop an exit strategy for staff if they are not needed. I ask for a statement on this matter urgently.

Carwyn Jones: As I understand it, the intention with Flying Start in the future is to improve the depth of the reach for families rather than the width—in other words, to ensure that a smaller number of people are helped more intensively. Nevertheless, I will take this up with the relevant Minister, who will, no doubt, write to you with further information.

Leanne Wood: I would be grateful if you would consider making time available for either a statement from the First Minister or a debate in the Chamber on a matter that is not devolved but which has caused immense strain for a group of workers in Cardiff. I am, of course, talking about the Allied Steel and

trafodaethau brys gyda'r cwmni dan sylw i ganfod beth sydd y tu cefn i'r digwyddiad arbennig hwn. A gawn ni ddatganiad yn y Cyfarfod llawn am y wybodaeth honno, neu o leiaf ddatganiad i Aelodau'r Cynulliad sy'n cynrychioli'r rhanbarth yr effeithir arno?

Carwyn Jones: Diolch, Bethan. Mae'n arferiad i'r Llywodraeth ymgysylltu â chyflogwyr cyn gynted ag y bo modd i geisio atal neu liniaru colli swyddi. Codaf hyn gyda'r Dirprwy Brif Weinidog, ac yr wyf yn siŵr y gwnaiff yntau roi'r wybodaeth ichi am y cysylltiad a gafodd y Llywodraeth â'r cwmni hwn a beth oedd yr ymateb.

William Graham: Gofynnaf ichi wneud amser ar gyfer datganiad gan y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau gyda phwyslais arbennig ar y rhaglen Dechrau'n Deg a'i heffaith yng Nghasnewydd. Bydd y Gweinidog yn ymwybodol iawn, fel chithau, Arweinydd y Tŷ, o ragoriaeth y cynllun hwn. Fodd bynnag, mae'r modd y mae wedi cael ei redeg yng Nghasnewydd yn golygu bod bygythiad i 479 o blant mewn teuluoedd bregus. Mae gan hyn ganlyniadau hefyd i'r bartneriaeth plant a phobl ifanc, a fydd yn gorfod datblygu strategaeth ymadael i staff os nad oes eu hangen. Gofynnaf am ddatganiad ar y mater hwn ar fyrder.

Carwyn Jones: Yn ôl a ddeallaf fi, y bwriad gyda Dechrau'n Deg yn y dyfodol yw gwella dyfnder y cyrhaeddiad i deuluoedd yn hytrach na'i led—mewn geiriau eraill, sicrhau y caiff nifer lai o bobl gymorth mwy dwys. Serch hynny, fe godaf hyn gyda'r Gweinidog perthnasol, a wnaiff, yn ddi-os, ysgrifennu atoch â gwybodaeth bellach.

Leanne Wood: Byddwn yn ddiolchgar pe ystyriech ddarparu amser ar gyfer naill ai ddatganiad gan y Prif Weinidog neu ddadl yn y Siambr ar fater nad yw wedi'i ddatganoli ond sydd wedi achosi straen aruthrol i griw o weithwyr yng Nghaerdydd. Sôn yr wyf, wrth gwrs, am weithwyr Allied Steel and Wire a

Wire workers who lost their pensions, as well as their jobs, back in 2002. I am asking for time to be set aside to discuss this here, because I believe that there are representations that the First Minister could make to Ministers in Westminster. The recommendations of the Parliamentary and Health Service Ombudsman state that the former ASW workers should be paid 100 per cent compensation for their pension losses. Those recommendations have yet to be implemented, and the unfairness of the situation is exacerbated by the fact that the workers know that, had they saved that money themselves, they would not have lost it. Instead, they invested in a private pension and lost the lot. That is a bad message for younger workers to receive, as they may then think that investing in a private pension is a complete waste of money. We need to ensure that the First Minister does everything that he can to press the case for the former ASW workers so that they can receive 100 per cent compensation for the loss of their pension funds. I would be grateful if you could find time for such a debate in the Assembly.

Carwyn Jones: You raise an important point. Many of us remember the difficulties—and that is an understatement—that the workers went through when they lost their pension entitlements. It affected a large number of families in this area and I know that they are still fighting. One way of dealing with this matter might be this: if those affected feel that there are fresh representations that could be made on their behalf by the First Minister, perhaps they could communicate with the First Minister's office to see whether something can be done on their behalf. That might be a more effective and quicker way of getting their representations across to the First Minister and of seeing whether anything further can be done for them.

gollodd eu pensiynau, yn ogystal â'u swyddi, yn ôl yn 2002. Yr wyf yn gofyn am neilltuo amser i drafod hyn yma, oherwydd y credaf fod yna sylwadau y gallai'r Prif Weinidog eu gwneud i Weinidogion yn San Steffan. Dywed argymhellion yr Ombwdsmon Seneddol a Gwasanaeth Iechyd y dylid talu iawndal 100 y cant i gyn-weithwyr ASW am golli eu pensiynau. Nid yw'r argymhellion hynny wedi'u gweithredu eto, a gwaethygir annhegwch y sefyllfa gan y ffaith fod y gweithwyr yn gwybod, pe baent wedi cynilo'r arian hwnnw eu hunain, na fuasent wedi'i golli. Yn lle hynny, buddsoddasant mewn pensiwn preifat a cholli'r cyfan. Mae hynny'n neges wael i'w rhoi i weithwyr iau, gan y gallant hwythau feddwl wedyn fod buddsoddi mewn pensiwn preifat yn wastraff arian llwyr. Mae angen inni sicrhau y gwnaiff y Prif Weinidog bopeth a all i bwysu'r achos dros gyn-weithwyr ASW fel y gallant gael iawndal 100 y cant am golli eu cronfeydd pensiwn. Byddwn yn ddiolchgar pe gallech ganfod amser ar gyfer dadl o'r fath yn y Cynulliad.

Carwyn Jones: Yr ydych yn codi pwynt pwysig. Mae llawer ohonom yn cofio'r anawsterau—a gair rhy gynnil yw hwnnw—yr aeth y gweithwyr drwyddynt pan gollasant eu hawliau pensiwn. Effeithiodd ar nifer fawr o deuluoedd yn yr ardal hon a gwn eu bod yn dal i ymladd. Un ffordd o ddelio â'r mater hwn efallai fyddai hyn: os yw'r rhai yr effeithiwyd arnynt yn teimlo bod yna sylwadau newydd y gallai'r Prif Weinidog eu gwneud ar eu rhan, hwyrach y gallent gyfathrebu â swyddfa'r Prif Weinidog i weld a ellir gwneud rhywbeth ar eu rhan. Gallai hynny fod yn ffordd fwy effeithiol a chyflymach o gael eu sylwadau drosodd at y Prif Weinidog ac o weld a ellir gwneud unrhyw beth pellach drostynt.

Pwynt o Drefn Point of Order

Nick Bourne: I believe that the Minister is

Nick Bourne: Credaf fod y Gweinidog yn

aware of this point of order, although we have not had a detailed exchange on it. It relates to Standing Order No. 4, on Ministers, and Standing Order No. 7, on Plenary business, and I refer in particular to the issue that I have just raised regarding a statement on small business rate relief and businesses. I repeat that this issue is of great concern. I was disturbed—it may be that the Labour MP is exceeding his writ in this case—that Nick Ainger MP claims to have had a meeting with Brian Gibbons about this, and I have before me the letter he sent to traders in Narberth, which states that thresholds for the small business rate relief scheme will increase by around 20 per cent. Members have not been told this, and it is of a great concern to businesses. Surely, Assembly Members should be notified of such things before anyone else, let alone Labour MPs in their constituencies.

The Presiding Officer: I am grateful to the leader of the opposition for providing me with some advance notice of that point of order, and I will call the Minister if he wishes to contribute after I have made my initial response. I am, of course, pleased at all times when Members of Parliament take an interest in what we do in the National Assembly and meet with our Ministers. However, these are not matters for me, and certainly the content of any letters sent to constituents of UK Members of Parliament about matters that may or may not be the policy of the Welsh Government and matters that are debated in the Assembly are not matters with which I should properly concern myself. However, I do concern myself with the issue of whether information is being shared that is not being made available to Members of the Assembly when the Government has taken decisions in a particular area. As it happens, I can tell the leader of the opposition that I am the happy recipient of many letters from the very same Minister that have indicated clearly to me, in the space of the last few days, that the Government is indeed considering these matters in depth at the moment. I am certain that if the Minister was in a position to make

ymwybodol o'r pwynt hwn o drefn, er nad ydym wedi cael sgwrs fanwl amdano. Mae'n ymwneud â Rheol Sefydlog Rhif 4, am Weinidogion, a Rheol Sefydlog Rhif 7, am fusnes y Cyfarfod Llawn, a chyfeiriau yn arbennig at y mater yr wyf newydd ei godi ynglŷn â datganiad ar ryddhad ardrethi i fusnesau bach, a busnesau. Dywedaf eto fod hwn yn fater o bryder mawr. Fe'm haflonyddwyd—efallai fod yr AS Llafur yn mynd y tu hwnt i'w writ yn yr achos hwn—fod Nick Ainger AS yn honni iddo gael cyfarfod â Brian Gibbons ynglŷn â hyn, ac mae gennyf o'm blaen y llythyr a anfonodd at fasnachwyr yn Arberth, sy'n datgan y bydd y trothwyon ar gyfer y cynllun rhyddhad ardrethi i fusnesau bach yn codi ryw 20 y cant. Nid yw Aelodau wedi cael gwybod hyn, ac mae'n destun pryder mawr i fusnesau. Siawns na ddylid hysbysu Aelodau'r Cynulliad am y cyfryw bethau cyn neb arall, heb sôn am ASau Llafur yn eu hetholaethau.

Y Llywydd: Yr wyf yn ddiolchgar i arweinydd yr wrthblaid am roi rhywfaint o ragrybudd o'r pwynt hwnnw o drefn, a galwaf ar y Gweinidog os dymuna yntau gyfrannu wedi i mi roi fy ymateb cychwynnol. Yr wyf, wrth gwrs, yn falch bob amser pan fydd Aelodau Seneddol yn cymryd diddordeb yn yr hyn a wnawn ni yn y Cynulliad Cenedlaethol a phan gwrddant â'n Gweinidogion. Fodd bynnag, nid materion i mi yw'r rhain, ac yn sicr nid materion y dylwn i yn briodol ymddiddori ynddynt yw cynnwys unrhyw lythyron a anfonir at etholwyr Aelodau Seneddol y Deyrnas Unedig am faterion a all fod yn bolisi Llywodraeth Cymru ac yn faterion a drafodir yn y Cynulliad neu beidio. Fodd bynnag, y mae'n fater i mi os rhennir gwybodaeth nad yw'n cael ei darparu i Aelodau'r Cynulliad pan fo'r Llywodraeth wedi gwneud penderfyniadau mewn maes penodol. Fel y mae'n digwydd, gallaf ddweud wrth arweinydd yr wrthblaid fy mod yn dderbynnwyd llawen llawer o lythyrau oddi wrth yr un Gweinidog yn union sydd wedi dweud yn glir wrthyf, yn yr ychydig ddyddiau diwethaf, fod y Llywodraeth yn wir yn ystyried y materion hyn mewn dyfnder ar

a public statement, he would make it first in the Chamber. That is the information that I gleaned from the correspondence that I have had with him. I do not know whether the Minister wishes to add anything to that.

hyn o bryd. Yr wyf yn sicr pe bai'r Gweinidog mewn sefyllfa i wneud datganiad cyhoeddus, y gwnâi hynny'n gyntaf yn y Siambr. Dyna'r wybodaeth yr wyf wedi'i chasglu o'r ohebiaeth a gefais ag ef. Ni wn a yw'r Gweinidog yn dymuno ychwanegu unrhyw beth at hynny.

2.50 p.m.

The Minister for Social Justice and Local Government (Brian Gibbons): Thank you, Presiding Officer, for that. We have had a considerable exchange of correspondence and I am pleased to confirm that what you have said accurately reflects the situation. I met Nick Ainger because he was particularly concerned about business rates in his constituency, and in Narberth in particular. He proposed a wide range of issues as possible responses and we explored a range of issues, but, as the Presiding Officer has said, I do not yet have a definitive set of proposals that I can place before the Assembly. I hope to have some discussions with ministerial colleagues in the next week. However, I am not in a position to guess the outcome of those discussions. As you said in your remarks, this is a matter that I am addressing as Minister. When there is a definitive set of proposals in place, I will be more than pleased to come to the Assembly with either a written or an oral statement, depending on the circumstances.

Nick Bourne: Further to that point of order, I am grateful for what the Minister has said, but I come back to my basic concern. It may be—perhaps the Minister will confirm this—that the letter is incorrect. The letter from Nick Ainger MP to a business in his constituency, which has been passed to me, says that

‘the Minister set out the current position, thresholds for the small business rate relief scheme will increase by around 20 per cent.’

Did the Minister say that to Nick Ainger or not? If he said that to Nick Ainger, why did

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Diolch, Lywydd, am hynny. Yr ydym wedi cyfnewid gohebiaeth yn sylweddol ac yr wyf yn falch o gadarnhau bod yr hyn a ddywedasoch yn adlewyrchiad cywir o'r sefyllfa. Cyfarfûm â Nick Ainger oherwydd ei fod yn arbennig o bryderus am ardrethi busnes yn ei etholaeth, ac yn Arberth yn arbennig. Cynigiodd ystod eang o faterion fel ymatebion posibl ac ymchwiliad i ystod o faterion, ond, fel y dywedodd y Llywydd, nid oes gennyf set bendant o gynigion eto y gallaf eu gosod ger bron y Cynulliad. Gobeithiaf gael trafodaethau gyda chyd-weinidogion yn yr wythnos nesaf. Fodd bynnag, nid wyf mewn sefyllfa i ddyfalu canlyniad y trafodaethau hynny. Fel y dywedasoch yn eich sylwadau, mater yw hwn yr wyf yn rhoi sylw iddo fel Gweinidog. Pan fydd gennyf set bendant o gynigion, byddaf yn fwy na balch i ddod i'r Cynulliad â datganiad ysgrifenedig neu un llafar, yn dibynnu ar yr amgylchiadau.

Nick Bourne: Ymhellach i'r pwynt hwnnw o drefn, yr wyf yn ddiolchgar am yr hyn a ddywedodd y Gweinidog, ond dychwelaf at fy mhryder sylfaenol. Efallai—hwyrach y gwnaiff y Gweinidog gadarnhau hyn—fod y llythyr yn anghywir. Mae'r llythyr oddi wrth Nick Ainger AS at fusnes yn ei etholaeth, a drosglwyddwyd i mi, yn dweud

‘amlinellodd y Gweinidog y sefyllfa gyfredol, bydd y trothwy ar gyfer y cynllun rhyddhad ardrethi i fusnesau bach yn codi ryw 20 y cant.’

A ddywedodd y Gweinidog hynny wrth Nick Ainger ai peidio? Os dywedodd hynny wrth

he not say it to us?

Nick Ainger, pam na ddywedodd hynny wrthym ni?

The Presiding Officer: Order. I thought that I made it clear at the beginning that whereas I welcome the interest that MPs at Westminster take in our proceedings, it is not for us to debate their letters in this Chamber. If the leader of the opposition wishes to ask a specific question of the Minister on those lines, it is open to him to write to the Minister to do so. I do not wish to entertain a debate about a letter from a Member of Parliament following what was obviously a private meeting with a Minister. That is territory that I cannot go into. I think that the Minister has made his best intentions clear to us. He has made it clear that he will come here with either a written or an oral statement. In view of the interest in this matter, I think that we would enjoy an oral statement more than a written statement, Minister.

Y Llywydd: Trefn. Yr oeddwn yn meddwl imi ei gwneud yn glir ar y dechrau, er fy mod yn croesawu'r diddordeb a gymer ASau yn San Steffan yn ein trafodion, nad mater i ni yw trafod eu llythyrau yn y Siambr hon. Os dymuna arweinydd yr wrthblaid ofyn cwestiwn penodol i'r Gweinidog ar y llinellau hynny, mae'n agored iddo ysgrifennu at y Gweinidog i wneud hynny. Nid oes arnaf eisiau cynnal dadl am lythyr oddi wrth Aelod Seneddol yn dilyn cyfarfod a oedd yn amlwg yn un preifat gyda Gweinidog. Dyna diriogaeth na allaf fynd iddi. Yr wyf yn meddwl bod y Gweinidog wedi gwneud ei fwriadau gorau'n eglur inni. Mae wedi datgan yn glir y daw yma â datganiad ysgrifenedig neu un llafar. Yn wyneb y diddordeb yn y mater hwn, credaf y mwynhaem ddatganiad llafar yn fwy na datganiad ysgrifenedig, Weinidog.

*Daeth y Dirprwy Lywydd (Rosemary Butler) i'r Gadair am 2.53 p.m.
The Deputy Presiding Officer (Rosemary Butler) took the Chair at 2.53 p.m.*

**Cynnig i Gymeradwyo Egwyddorion Cyffredinol y Mesur Arfaethedig ynghylch
Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru)
Motion to Approve the General Principles of the Proposed Social Care Charges
(Wales) Measure**

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol (Gwenda Thomas): Cynigiau fod

The Deputy Minister for Social Services (Gwenda Thomas): I move that

Cynulliad Cenedlaethol Cymru, yn unol â Rheol Sefydlog Rhif 22.34:

the National Assembly for Wales in accordance with Standing Order No. 22.34:

yn cytuno ar egwyddorion cyffredinol y Mesur Arfaethedig ynghylch Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru). (NDM4317)

agrees to the general principles of the Proposed Social Care Charges (Wales) Measure. (NDM4317)

Yr wyf yn falch o agor y ddadl ar egwyddorion cyffredinol Mesur Taliadau Gofal Cymdeithasol (Cymru). Mae'r Mesur arfaethedig yn gam allweddol tuag at gyflawni ein hymrwymiad yn 'Cymru'n Un' i sicrhau mwy o degwch o ran y taliadau y mae

I am pleased to open the debate on the general principles of the Proposed Social Care Charges (Wales) Measure. The proposed Measure is a key step towards achieving our commitment in 'One Wales' to ensure greater fairness in the charges made

awdurdodau lleol yn eu codi am wasanaethau cymdeithasol amhreswyl. Mae'n ceisio mynd i'r afael â'r gwahaniaethau mawr yn y tâl sy'n cael ei godi, drwy sefydlu trefn ddeddfwriaethol newydd. Bydd y drefn hon yn caniatáu ar gyfer cyflwyno rheoliadau a chanllawiau i sicrhau mwy o gysondeb pan fo awdurdodau yn penderfynu codi tâl am wasanaethau cymdeithasol amhreswyl. Bydd hyn yn golygu y bydd modd sefydlu system godi tâl sy'n fwy teg i bob grŵp o gleientiaid, ac sy'n haws ei deall, yn gost-effeithiol i'w gweinyddu ac yn lleihau'r baich talu ar ddefnyddwyr y gwasanaethau.

Local authorities provide a range of non-residential social services, including homecare, day care, transport to day care, and meals. Some 66,000 adults in Wales received community-based services in 2007-08. Those who rely on these services represent the most vulnerable members of society, and without these services, they would have a poorer quality of life. Due to various safeguards that have already been introduced, the majority receive these services free of charge, but in 2007-08, 14,000 users were nevertheless charged for these services. There is a clear need to ensure that those charged are treated fairly and equitably so that charging is undertaken in a broadly consistent way across Wales.

Progress has been made in recent years in influencing authorities' charging policies. In 2002, we issued good practice guidance to help authorities that had decided to charge to design reasonable and fair charging policies. In 2007, we extended those safeguards. Nevertheless, wide variation remains. The range of services charged for, the types of users who are charged, the financial assessments undertaken, and the level of charges, all vary between authorities. This unequal treatment has the potential to be unfair and inequitable, and it confirms that we were right to identify this as a matter requiring further legislation.

by local authorities for non-residential social services. It tries to get to grips with the great variations in charges, by putting in place a new legislative system. This system will allow for the introduction of regulations and guidelines to ensure more consistency when local authorities decide to charge for non-residential social services. This will mean that a charging system can be established that is fairer for every group of clients, and which is easier to understand, is cost-effective to administer and which reduces the payment burden on service users.

Mae awdurdodau lleol yn darparu amrediad o wasanaethau cymdeithasol amhreswyl, gan gynnwys gofal cartref, gofal dydd, cludiant i ofal dydd, a phrydau bwyd. Cafodd rhyw 66,000 o oedolion yng Nghymru wasanaethau yn y gymuned yn 2007-08. Aelodau mwyaf bregus ein cymdeithas yw'r rhai sy'n dibynnu ar y gwasanaethau hyn, a hebddynt byddai ganddynt ansawdd bywyd tlotach. Oherwydd mesurau diogelu amrywiol sydd eisoes wedi'u cyflwyno, caiff y rhan fwyaf ohonynt y gwasanaethau hyn yn ddi-dâl, ond yn 2007-08, codwyd tâl serch hynny ar 14,000 o ddefnyddwyr am y gwasanaethau hyn. Mae angen clir i sicrhau y caiff y rhai y codir tâl arnynt eu trin yn deg a chyfiawn fel y codir tâl mewn ffordd gyson, fwy neu lai, ar draws Cymru.

Cymerwyd camau mewn blynyddoedd diweddar i ddylanwadu ar bolisiau awdurdodau o ran codi tâl. Yn 2002, cyhoeddasom ganllawiau arferion da i helpu awdurdodau a oedd wedi penderfynu codi tâl i gynllunio polisiau codi tâl rhesymol a theg. Yn 2007, estynasom y mesurau diogelu hynny. Serch hynny, ceir amrywiadau mawr o hyd. Mae'r ystod gwasanaethau y codir tâl amdanynt, y mathau o ddefnyddwyr y codir tâl arnynt, yr asesiadau ariannol a wneir, a lefel y taliadau, i gyd yn amrywio rhwng awdurdodau. Mae potensial i'r driniaeth anghydradd hon fod yn annheg ac yn anghyfiawn, ac mae'n cadarnhau ein bod yn iawn i nodi hyn fel mater yr oedd gofyn am ddeddfu pellach arno.

The proposed Measure is based on strong research evidence and extensive consultation with stakeholders. It seeks to address very real problems by amending existing legislation and enacting a new provision to govern charging for non-residential social services in Wales. It will provide for more consistency, through regulations, about the types of services that may be charged for, the client groups that may be charged, the financial assessment process, the maximum charge that may be made, and the way in which authorities review charges. Authorities will continue to be able to set charges as they consider reasonable. However, this discretion will be subject to specific, detailed limitations, which will be set out in regulations. Authorities will not be obliged to charge under the new regime, and they will continue to be able to decide not to charge at all, or to charge less than any requirement in the legislation. The proposed Measure will also place an obligation on authorities to provide information about the services for which they charge, their standard charges and means testing. Where an authority decides to impose a charge, they will be required to provide information to the user about the proposed charge, how it was calculated and how it may be reviewed. While some authorities already provide such information, this step will enforce good practice and provide a clear and consistent approach to its provision.

The Stage 1 committee scrutiny of the proposed Measure has been undertaken by Legislation Committee No. 5, and Members will have seen its report, published on 3 November. I am grateful to that committee and to the Finance Committee and the Subordinate Legislation Committee for the professional way in which they have considered the proposals concerning this narrow, yet complex, aspect of local authority social services. I was heartened to read of the wide support for the principles and aims of the proposed Measure that were expressed by the committee and the stakeholders who gave evidence.

Mae'r Mesur arfaethedig yn seiliedig ar dystiolaeth ymchwil gref ac ymgynghori helaeth â rhanddeiliaid. Ceisia roi sylw i broblemau real iawn drwy ddiwygio'r ddeddfwriaeth bresennol a sefydlu darpariaeth newydd i reoli codi tâl am wasanaethau cymdeithasol amhreswyl yng Nghymru. Bydd yn darparu ar gyfer mwy o gysondeb, trwy reoliadau, ynglŷn â'r mathau o wasanaethau y gellir codi tâl amdanynt, y grwpiau cleient y gellir codi tâl arnynt, y broses asesu ariannol, y tâl uchaf y gellir ei godi, a'r modd y bydd awdurdodau'n adolygu taliadau. Bydd awdurdodau'n dal i allu gosod taliadau fel y barnant sy'n rhesymol. Fodd bynnag, bydd y disgrisiwn hwn yn amodol ar gyfyngiadau penodol, manwl, a amlinellir mewn rheoliadau. Ni fydd yn ofynnol i awdurdodau godi tâl dan y drefn newydd, a byddant yn dal i allu penderfynu peidio â chodi tâl o gwbl, neu godi llai nag unrhyw ofyniad yn y ddeddfwriaeth. Bydd y Mesur arfaethedig yn gosod dyletswydd ar awdurdodau hefyd i ddarparu gwybodaeth am y gwasanaethau y codant dâl amdanynt, eu taliadau safonol a phroffion modd. Lle penderfyna awdurdod godi tâl, bydd yn ofynnol iddo roi gwybodaeth i'r defnyddiwr am y tâl arfaethedig, sut y'i cyfrifwyd a sut y gellir ei adolygu. Er bod rhai awdurdodau eisoes yn darparu gwybodaeth o'r fath, bydd y cam hwn yn gorfodi arferion da ac yn darparu agwedd glir a chyson at ei ddarpariaeth.

Mae'r craffu pwyllgor Cyfnod 1 ar y Mesur arfaethedig wedi'i wneud gan Bwyllgor Deddfwriaeth Rhif 5, a bydd Aelodau wedi gweld ei adroddiad, a gyhoeddwyd ar 3 Tachwedd. Yr wyf yn ddiolchgar i'r pwyllgor hwnnw ac i'r Pwyllgor Cyllid a'r Pwyllgor Is-ddeddfwriaeth am y modd proffesiynol y maent wedi ystyried y cynigion ynglŷn â'r agwedd hon ar wasanaethau cymdeithasol awdurdodau lleol, sy'n gul, ond yn gymhleth. Fe'm calonogwyd o ddarllen am y gefnogaeth eang i egwyddorion ac amcanion y Mesur arfaethedig a fynegwyd gan y pwyllgor a'r rhanddeiliaid a roddodd dystiolaeth.

3.00 p.m.

I was pleased to see that the committee acknowledged that, while the proposed Measure needs to clearly set out the framework and parameters within which our planned new regime would operate, the day-to-day administrative and operational arrangements are matters more appropriate for regulations. This is normal practice in legislation of this nature. That said, I note the issues that were raised over those regulations being considered widely before their implementation. Therefore, I take this opportunity of reiterating the commitment that I gave to the committee that we will engage at an early stage with stakeholders on our intentions for those regulations. The regulations will also be subject to public consultation and a regulatory impact assessment in accordance with the Assembly Government's usual practice. I hope that this commitment allays the worries that the committee and some stakeholders had over the potential inability to influence or scrutinise those regulations and their effects before they were introduced.

I also note the concerns over the need to fully reimburse local government for the costs of the first steps improvement package that I plan to implement from April 2011 to introduce more consistency. I confirmed previously that I estimate that the cost of the new items in this package to be £11 million per annum at current prices. Given these concerns, I reiterate the assurance that I gave in committee that we are committed, under our partnership agreement with local government, to reimburse authorities for these additional costs. Therefore, should the proposed Measure be made, we will engage with local government to agree the detail and level of this estimate, as well as its revaluation to 2011-12 prices to coincide with the timing of the package's implementation.

I confirmed during the committee's scrutiny that the proposed Measure does not currently

Yr oeddwn yn falch o weld bod y pwyllgor yn cydnabod, er bod angen i'r Mesur arfaethedig bennu'n glir y fframwaith a'r paramedrau y byddai ein trefn newydd arfaethedig yn gweithredu o'u mewn, bod y trefniadau gweithredol a gweinyddol o ddydd i ddydd yn faterion mwy priodol ar gyfer rheoliadau. Dyma'r arfer normal mewn deddfwriaeth o'r natur hwn. Wedi dweud hynny, nodaf y materion a godwyd ynghylch ystyried y rheoliadau hynny'n eang cyn eu gweithredu. Felly, cymeraf y cyfle hwn i ailadrodd yr ymrwymiad a roddais i'r pwyllgor y byddwn yn ymgysylltu'n gynnar â rhanddeiliaid ynghlŷn â'n bwriadau ar gyfer y rheoliadau hynny. Bydd y rheoliadau hefyd yn destun ymgynghoriad cyhoeddus ac asesiad effaith rheoleiddiol yn unol ag arferion arferol Llywodraeth y Cynulliad. Gobeithio bod yr ymrwymiad hwn yn tawelu'r pryderon a oedd gan y pwyllgor a rhai rhanddeiliaid ynghylch yr anallu potensial i ddylanwadu neu graffu ar y rheoliadau hynny a'u heffeithiau cyn iddynt gael eu cyflwyno.

Nodaf y pryderon hefyd ynghlŷn â'r angen i ad-dalu'n llawn i lywodraeth leol am gostau'r pecyn gwella camau cyntaf y bwriadaf ei roi ar waith o Ebrill 2011 i gyflwyno mwy o gysondeb. Cadarnheais o'r blaen fy mod yn amcangyfrif i'r eitemau newydd yn y pecyn hwn gostio £11 miliwn y flwyddyn ar brisiau heddiw. Yn wyneb y pryderon hyn, ailadroddaf y sicrwydd a roddais yn y pwyllgor ein bod wedi ymrwymo, dan ein cytundeb partneriaeth â llywodraeth leol, i ad-dalu i awdurdodau am y costau ychwanegol hyn. Felly, os gwneir y Mesur arfaethedig, byddwn yn ymgysylltu â llywodraeth leol i gytuno ar fanylion a lefel yr amcangyfrif hwn, yn ogystal â'i ailbrisio i brisiau 2011-12 i gyd-fynd ag amseriad gweithredu'r pecyn.

Cadarnheais yn ystod proses graffu'r pwyllgor nad yw'r Mesur arfaethedig ar hyn

extend to those who were or who would be in receipt of direct payments. I plan to address this by way of Government amendments to the proposed Measure at Stage 2. In addition, I note that the committee's report also contained a number of technical recommendations in certain areas where other amendments to the proposed Measure are suggested. I will consider these carefully in drawing up other amendments we may need to bring forward at that Stage, should it be agreed that the proposed Measure should proceed further.

In conclusion, the committee and stakeholders have provided many supportive and constructive views during the scrutiny that has taken place so far, for which I thank them. I look forward to the further examination of the proposed Measure that will take place in this debate. If agreed, this legislation has the potential to materially benefit some of the most vulnerable members of society. I commend the proposed Measure to you and I hope that you share my enthusiasm for it.

Mark Isherwood: Yr wyf yn falch o gyfrannu i'r drafodaeth hon fel Cadeirydd Pwyllgor Deddfwriaeth Rhif 5 sy'n gyfrifol am graffu ar y Mesur arfaethedig hwn. Yn gyntaf, diolch yn fawr i'r holl unigolion a sefydliadau a gyfrannodd dystiolaeth ysgrifenedig a llafar i'r pwyllgor.

We found broad support for the proposed Measure. We agree that there is a need for the proposed Measure to address the inconsistency in charging policies across Wales. This should ensure that there is a fairer system in place. We therefore agree with the general principle.

Our report highlights a number of areas in which we think the legislation could be improved. First, witnesses raised key issues about how the proposed Measure will be implemented. This is a framework proposed Measure that will give Welsh Ministers the powers to make regulations to implement the policy. Therefore, it was difficult for us to

o bryd yn ymestyn at bobl a oedd neu a fyddai'n derbyn taliadau uniongyrchol. Bwriadaf roi sylw i hyn drwy gyfrwng gwelliannau gan y Llywodraeth i'r Mesur arfaethedig yng Ngham 2. Yn ogystal, nodaf fod adroddiad y pwyllgor hefyd yn cynnwys nifer o argymhellion technegol mewn meysydd penodol lle awgrymir gwelliannau eraill i'r Mesur arfaethedig. Ystyriaif y rhain yn ofalus wrth lunio gwelliannau eraill y bydd angen inni eu cyflwyno efallai yn y Cyfnod hwnnw, os cytunir y dylai'r Mesur arfaethedig fynd yn ei flaen ymhellach.

I gloi, mae'r pwyllgor a'r rhanddeiliaid wedi cynnig llawer o sylwadau cefnogol ac adeiladol yn ystod y craffu sydd wedi digwydd hyd yn hyn, a diolchaf iddynt am hynny. Edrychaf ymlaen at yr archwilio pellach ar y Mesur arfaethedig a fydd yn digwydd yn y ddadl hon. Os cytunir arni, mae gan y ddeddfwriaeth hon y potensial i fod o fudd materol i rai o aelodau mwyaf bregus ein cymdeithas. Cymeradwyaf y Mesur arfaethedig ichi a gobeithiaf y rhannwch fy mrwdfrydedd drosto.

Mark Isherwood: I am pleased to contribute to this debate as the Chair of Legislation Committee No. 5 which is responsible for scrutinising this proposed Measure. First, our thanks to the individuals and organisations which contributed oral and written evidence to the committee.

Cawsom gefnogaeth eang i'r Mesur arfaethedig. Cytunwn fod angen i'r Mesur arfaethedig ddelio â'r anghysondeb mewn polisiau codi tâl ar draws Cymru. Dylai hyn sicrhau bod system decach yn ei lle. Felly, cytunwn â'r egwyddor gyffredinol.

Mae ein hadroddiad yn amlygu nifer o fannau lle credwn y gellid gwella'r ddeddfwriaeth. Yn gyntaf, cododd tystion gwestiynau allweddol ynghylch y modd y gweithredir y Mesur arfaethedig. Mesur arfaethedig fframwaith yw hyn a fydd yn rhoi i Weinidogion Cymru y pwerau i wneud rheoliadau i weithredu'r polisi. Felly, yr oedd

measure the impact of the proposed Measure on service users, service providers and local authorities. That is why we stress the need for robust regulatory impact assessments for the future regulations. We welcome the Deputy Minister's commitment to consult widely on the draft regulations. We also recommend that regulations made in a number of areas should be subject to the affirmative procedure. This would strengthen the Assembly's opportunity to scrutinise Welsh Ministers' future proposals.

To move on to specific sections of the proposed Measure, I will start with sections 1 and 2 on maximum charges. Several concerns were raised in this regard, such as whether there was a danger that it would become a standard charge, not a maximum charge, and how it would be calculated. Welsh Ministers will have a wide discretion when they decide on an appropriate level for charges in future regulations. Therefore, we recommend that any regulations under section 2 of the proposed Measure should be subject to the affirmative procedure.

However, our key recommendation is that the proposed Measure should be amended to include the underlying principle that no service user should be worse off as a result of its introduction. We believe that it will be important for the Deputy Minister to monitor the impact of the regulations to ensure that no service user is worse off. The proposed Measure should include a duty to review the regulations on annually. Whether the proposed Measure achieves its objectives will entirely depend on how local authorities implement the regulations, and the financial implications of its introduction. I will return to that later.

Section 3 deals with excluding categories of persons or services from charging. We believe that these provisions raise significant equality implications. Again, any regulations under this section should be subject to the affirmative procedure. Regarding section 4

yn anodd i ni fesur effaith y Mesur arfaethedig ar ddefnyddwyr gwasanaethau, darparwyr gwasanaethau ac awdurdodau lleol. Dyna pam yr ydym yn pwysleisio'r angen am asesiadau effaith rheoleiddiol cadarn i'r rheoliadau a ddaw. Croesawn ymrwymiad y Dirprwy Weinidog i ymgynghori'n eang ar y rheoliadau drafft. Argymhellwn hefyd y dylai rheoliadau a wneir mewn nifer o fannau fod yn destun y weithdrefn gadarnhaol. Byddai hyn yn cryfhau cyfle'r Cynulliad i graffu ar gynigion Gweinidogion Cymru yn y dyfodol.

A symud ymlaen at adrannau penodol o'r Mesur arfaethedig, dechreuaf gydag adrannau 1 a 2 ar uchafswm taliadau. Codwyd sawl pryder ynglŷn â hyn, er enghraifft a oedd perygl y deuai'n dâl safonol, nid yn dâl uchaf, a sut y câi ei gyfrif. Bydd gan Weinidogion Cymru ddisgresiwn mawr wrth iddynt benderfynu ar lefel briodol ar gyfer taliadau mewn rheoliadau yn y dyfodol. Felly, argymhellwn y dylai unrhyw reoliadau dan adran 2 y Mesur arfaethedig fod yn amodol ar y weithdrefn gadarnhaol.

Fodd bynnag, ein hargymhelliad allweddol yw y dylid diwygio'r Mesur arfaethedig i gynnwys yr egwyddor waelodol na ddylai yr un defnyddiwr gwasanaeth fod yn waeth arno o ganlyniad i'w gyflwyno. Credwn y bydd yn bwysig i'r Dirprwy Weinidog fonitro effaith y rheoliadau i sicrhau na fydd yr un defnyddiwr gwasanaeth yn waeth ei fyd. Dylai'r Mesur arfaethedig gynnwys dyletswydd i adolygu'r rheoliadau'n flynyddol. Bydd a fydd y Mesur arfaethedig yn cyflawni ei amcanion yn dibynnu'n gyfangwbl ar sut y bydd awdurdodau lleol yn gweithredu'r rheoliadau, a goblygiadau ariannol ei gyflwyno. Dychwelaf at hynny toc.

Mae adran 3 yn ymdrin ag eithrio categorïau o bobl neu wasanaethau o'r tâl. Credwn fod y darpariaethau hyn yn codi goblygiadau arwyddocaol o ran cydraddoldeb. Eto, dylai unrhyw reoliadau dan yr adran hon fod yn amodol ar y weithdrefn gadarnhaol. Ynglŷn

on means testing, there were many concerns about what income may be disregarded. Means testing is a sensitive issue and affects the standard of living of people receiving care. The devil will be in the detail. We therefore recommend that any regulations made under section 4 should be subject to the affirmative procedure.

We heard evidence that service users will sometimes receive a bill for services that they have received before they are informed about the outcome of any means testing and the level of charges that they will be expected to pay. This can come as a nasty surprise, so we would like to see an end to this, in line with the current guidance on fairer charging. We recommend that section 5 should be amended so that local authorities have to give clients information in a timely way that avoids this occurring.

Section 6, which gives users the right to request a review of charging decisions, should be amended to make it clear that carers or an independent advocate could request a review on behalf of the service user. There is a right to a simple review in section 6. However, we felt that it was not clear whether there would then be a separate right to an appeal. We believe that it is important to distinguish between these processes. Section 6 should therefore be amended to give individuals a right to an appeal, and not just a review. We also recommend that any appeal mechanism should be independent of the local authority, which we think is important.

Our biggest concerns are about the financial and potential knock-on effects of the proposed Measure. The Deputy Minister has said that the Welsh Government is committed

‘to reimburse local authorities for the cost of any additional financial burden’.

That is essential to ensure that the proposed Measure works in practice. If local authorities do not receive full reimbursement,

ag adran 4 ar brofion modd, yr oedd llawer o bryderon ynghylch pa incwm y gellir ei ddiystyru. Mae profion modd yn fater sensitif ac yn effeithio ar safon byw pobl sy'n cael gofal. Bydd y manylion yn hollbwysig. Argymhellwn felly y dylai unrhyw argymhellion a wneir dan adran 4 fod yn amodol ar y weithdrefn gadarnhaol.

Clywsom dystiolaeth y bydd defnyddwyr gwasanaethau weithiau'n cael bil am wasanaethau a gawsant cyn iddynt gael gwybod am ganlyniad unrhyw brofion modd a lefel y taliadau y bydd disgwyl iddynt eu talu. Gall hyn ddod fel sioc annifyr, felly hoffem weld diwedd ar hyn, yn unol â'r canllawiau cyfredol ar godi taliadau tecach. Argymhellwn y dylid diwygio adran 5 fel bod yn rhaid i awdurdodau lleol roi gwybodaeth i glientau mewn modd amserol sy'n atal hyn rhag digwydd.

Dylid diwygio adran 6, sy'n rhoi'r hawl i ddefnyddwyr ofyn am adolygiad o benderfyniadau codi tâl, i'w gwneud yn glir y gallai gofalywyr neu eiriolwr annibynnol ofyn am adolygiad ar ran y defnyddiwr gwasanaeth. Mae hawl i adolygiad syml yn adran 6. Fodd bynnag, teimlem nad oedd yn glir a fyddai hawl i apelio ar wahân wedyn. Credwn ei bod yn bwysig gwahaniaethu rhwng y prosesau hyn. Felly dylid diwygio adran 6 i roi hawl i unigolion apelio, ac nid i gael adolygiad yn unig. Argymhellwn hefyd y dylai unrhyw beirianwaith apêl fod yn annibynnol ar yr awdurdod lleol, sydd yn bwysig, yn ein tyb ni.

Mae ein pryderon mwyaf am effeithiau ariannol a sgîl-effeithiau potensial y Mesur arfaethedig. Mae'r Dirprwy Weinidog wedi dweud bod Llywodraeth y Cynulliad wedi ymrwymo

‘i ad-dalu i awdurdodau lleol gost unrhyw faich ariannol ychwanegol’.

Mae hynny'n hanfodol i sicrhau bod y Mesur arfaethedig yn gweithio'n ymarferol. Os na chaiff awdurdodau lleol ad-daliad llawn,

they might try to manage demand for services, for example, by cutting services or raising the eligibility threshold for care services. We believe that no service user should be worse off when it comes to the maximum charge that they pay compared with their current situation. Likewise, we do not wish to see any user suffer any reduction in the level of services that they receive. The proposed Measure has to result in improving the lives of those receiving care.

As to addressing the inconsistencies across Wales, the proposed Measure only addresses half of the problem. If local authorities remain free to set their own eligibility criteria, it means that the level of service that you can expect from your local authority may be different to that offered by the neighbouring authority. The so-called postcode lottery could still exist. This potential problem is not addressed in the proposed Measure. We believe that the Welsh Government should seek legislative competence to allow us to legislate on this. That will be the only way of ensuring that inconsistencies do not persist in other ways across Wales.

The Welsh Local Government Association and the Association of Directors of Social Services Cymru also stressed that the reimbursement for implementing this policy should not be at the expense of future funding of current services, which they consider essential. The Deputy Minister referred to two grants to social services that are ending in 2011, which could free up resources to fund the reimbursement to local authorities. The Welsh Local Government Association was particularly concerned about the end of the joint working grant, which promotes joint working between councils, the NHS and the third sector, so that service users and carers receive a more seamless service. The WLGA said the end of this grant would have a 'catastrophic' impact on service users and local intervention schemes.

gallent geisio rheoli'r galw am wasanaethau, er enghraifft, drwy dorri gwasanaethau neu godi'r trothwy cymhwyster ar gyfer gwasanaethau gofal. Credwn na ddylai unrhyw ddefnyddwyr gwasanaethau fod yn waeth eu byd o safbwynt y tâl uchaf a dalant o gymharu â'u sefyllfa bresennol. Yn yr un modd, nid oes arnom eisiau gweld unrhyw ddefnyddiwr yn dioddef unrhyw leihad yn lefel y gwasanaethau a gaiff. Rhaid i'r Mesur arfaethedig arwain at wella bywydau'r rhai sy'n cael gofal.

O ran rhoi sylw i'r anghysonderau ar draws Cymru, dim ond hanner ateb y broblem a wna'r Mesur arfaethedig. Os bydd awdurdodau lleol yn dal yn rhydd i osod eu meini prawf cymhwyster eu hunain, mae'n golygu y gall y lefel gwasanaeth y gallwch ei disgwyl gan eich awdurdod lleol fod yn wahanol i'r hyn a gynigir gan yr awdurdod nesaf atoch. Gallai'r loteri cod post bondigrybwyll hwn fodoli o hyd. Nid atebir y broblem hon yn y Mesur arfaethedig. Credwn y dylai Llywodraeth Cymru geisio cymhwysedd deddfwriaethol i ganiatáu inni ddeddfu ar hyn. Dyna fydd yr unig ffordd i sicrhau na fydd anghysonderau'n parhau mewn ffyrdd eraill ar draws Cymru.

Pwysleisiodd Cymdeithas Llywodraeth Leol Cymru a Chymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru hefyd na ddylai'r ad-daliad am weithredu'r polisi hwn ddim dod ar draul cyllid y dyfodol i'r gwasanaethau cyfredol, sydd yn eu barn hwy'n hanfodol. Cyfeiriodd y Dirprwy Weinidog at ddau grant i wasanaethau cymdeithasol sy'n dod i ben yn 2011, a allai ryddhau adnoddau i ariannu'r ad-daliad i awdurdodau lleol. Yr oedd Cymdeithas Llywodraeth Leol Cymru'n arbennig o bryderus am ddiwedd y grant cydweithio, sy'n hyrwyddo cydweithio rhwng cynghorau, y GIG a'r trydydd sector, fel bod defnyddwyr gwasanaethau a gofalwyr yn cael gwasanaeth mwy di-wniad. Dywedodd y Gymdeithas y byddai terfynu'r grant hwn yn cael effaith 'drychinebus' ar ddefnyddwyr gwasanaethau a chynlluniau ymyrraeth lleol.

3.10 p.m.

They say that it is counterintuitive to move towards a scenario where we are closing down or diminishing services that will need to be at the heart of a modernised health and social care system. I therefore ask that the Deputy Minister takes note.

Finally, we welcome the Deputy Minister's intention to table amendments at stage 2 to bring all those in receipt of direct payments within the scope of the proposed Measure.

The Deputy Presiding Officer: I call on Nick Ramsay to speak on behalf of the Finance Committee.

Nick Ramsay: I am pleased to give the views of the Finance Committee on this proposed Measure.

This is another proposed Measure for which there is only limited financial information. The proposed Measure is essentially an enabling power, which will allow the Government to make a wide range of regulations in relation to charges for the provision of non-residential social care services. However, the costs presented by the Minister do not include all the potential financial implications of the proposed Measure—they are merely those for one aspect of it, namely, the first steps improvement package. The Finance Committee in its report noted that it is impossible to estimate the full financial implications of this proposed Measure.

The committee was concerned that so much was being left to the Minister to do through regulations. While it is appropriate to give Ministers powers to adjust charge levels by regulation, to allow them to respond to factors such as inflation, the proposed Measure goes much further and allows every aspect to be determined by regulation. This means that the use of these powers will receive a much lighter level of scrutiny. While the Finance Committee recognised that

Dywedant mai peth croes i reddf yw symud tuag at senario lle byddwn yn cau neu'n lleihau gwasanaethau y bydd angen iddynt fod wrth galon cyfundrefn iechyd a gofal cymdeithasol fodern. Gofynnaf felly i'r Dirprwy Weinidog nodi hynny.

Yn olaf, croesawn fwriad y Dirprwy Weinidog i gyflwyno gwelliannau yng nghanam 2 i ddod â phawb sy'n derbyn taliadau uniongyrchol o fewn rhychwant y Mesur arfaethedig.

Y Dirprwy Lywydd: Galwaf ar Nick Ramsay i siarad ar ran y Pwyllgor Cyllid.

Nick Ramsay: Mae'n bleser gennyf roi sylwadau'r Pwyllgor Cyllid ar y Mesur arfaethedig hwn.

Dyma Fesur arfaethedig arall nad oes ond gwybodaeth ariannol gyfyngedig ar ei gyfer. Pŵer galluogi yw'r Mesur arfaethedig yn ei hanfod, a fydd yn caniatáu i'r Llywodraeth wneud ystod eang o reoliadau ynglŷn â chodi tâl am ddarparu gwasanaethau gofal cymdeithasol amhreswyl. Fodd bynnag, nid yw'r costau a gyflwynwyd gan y Gweinidog yn cynnwys holl oblygiadau ariannol posibl y Mesur arfaethedig—dim ond y rhai ar gyfer un agwedd arni, sef y pecyn gwella camau cyntaf. Yn ei adroddiad nododd y Pwyllgor Cyllid ei bod yn amhosibl amcangyfrif goblygiadau ariannol llawn y Mesur arfaethedig hwn.

Yr oedd y pwyllgor yn bryderus bod cymaint yn cael ei adael i'r Gweinidog ei wneud trwy reoliadau. Er ei bod yn briodol rhoi pwerau i Weinidogion i addasu lefelau taliadau trwy reoliadau, i ganiatáu iddynt ymateb i ffactorau fel chwyddiant, aiff y Mesur arfaethedig yn llawer pellach gan ganiatáu penderfynu pob agwedd trwy reoliad. Mae hyn yn golygu y bydd lefel lawer ysgafnach o graffu ar ddefnydd y pwerau hyn. Tra cydnabu'r Pwyllgor Cyllid y caiff unrhyw

any regulations will be considered by the Subordinate Legislation Committee, they will not be scrutinised by the Finance Committee, and in most cases will be approved by negative resolution. The Finance Committee believes that this is unsatisfactory for a proposed Measure that is essentially financial.

One obvious example of this is in relation to setting maximum charges. The Finance Committee can see a need for flexibility here in relation to inflation, but this does not apply to the more fundamental question of whether the Government should have the power to set a maximum charge at all. It seems far more appropriate for this power to be contained within the proposed Measure itself, and then, having allowed the principle to be discussed fully, it would be perfectly logical for the Government to have the power to set the level of the charge by regulation.

The committee was concerned about the use of two existing grant schemes—the promoting independence and wellbeing grant, and the joint working grant—as sources of funding for the first steps improvement package. The Deputy Minister told the Committee that these were coming to an end, and that it was always the intention that these activities would be built into and mainstreamed by local authorities. If this is the case then, under the Essex-Jones agreement, the Government has a commitment to funding these new responsibilities placed on local government and so these funds will still be needed for their original purpose. While the level of future funding might not be as great as in previous years, the Finance Committee found it difficult to accept that there would not be some continuing commitment.

The committee noted that these concerns are shared by others, including the Welsh Local Government Association, and has asked the Deputy Minister to provide a clear statement on the transitional arrangements for all these grants. This will ensure that everyone is clear about what is expected of local government

reoliadau eu hystyried gan y Pwyllgor Is-ddeddfwriaeth, ni fydd y Pwyllgor Cyllid yn craffu arnynt, ac yn y rhan fwyaf o achosion fe'u cymeradwyir trwy benderfyniad negyddol. Cred y Pwyllgor Cyllid fod hyn yn anfodddhaol i Fesur arfaethedig sydd yn ei hanfod yn un ariannol.

Ceir un enghraifft amlwg o hyn yng nghyswllt gosod y taliadau uchaf. Gall y Pwyllgor Cyllid weld angen am hyblygrwydd yma mewn perthynas â chwyddiant, ond nid yw hyn yn berthnasol i'r cwestiwn mwy sylfaenol sef a ddylai'r Llywodraeth gael y grym i osod tâl uchaf o gwbl. Mae'n ymddangos yn llawer mwy priodol i'r grym hwn gael ei gynnwys o fewn y Mesur arfaethedig ei hun, ac wedyn, ar ôl caniatáu i'r egwyddor gael ei thrafod yn llawn, byddai'n berffaith resymegol i'r Llywodraeth gael y grym i osod lefel y tâl trwy reoliad.

Yr oedd y pwyllgor yn bryderus ynghylch defnyddio'r ddau gynllun grant presennol—y grant hyrwyddo annibyniaeth a lles, a'r grant cydweithio—fel ffynonellau arian ar gyfer y pecyn gwella camau cyntaf. Dywedodd y Dirprwy Weinidog wrth y Pwyllgor fod y rhain yn dod i ben, ac mai'r bwriad erioed oedd y câi'r gweithgareddau hyn eu hadeiladu i mewn i awdurdodau lleol a'u prif-ffrydio ganddynt. Os felly, yna, dan gytundeb Essex-Jones, mae gan y Llywodraeth ymrwymiad i ariannu'r cyfrifoldebau newydd hyn a osodir ar lywodraeth leol ac felly bydd angen yr arian hwn o hyd ar gyfer ei ddiben gwreiddiol. Efallai na fydd lefel y cyllid yn y dyfodol gymaint ag mewn blynyddoedd blaenorol, ond cafodd y Pwyllgor Cyllid anhawster i dderbyn na fyddai rhyw gymaint o ymrwymiad yn parhau.

Nododd y pwyllgor y rhennir y pryderon hyn gan eraill, gan gynnwys Cymdeithas Llywodraeth Leol Cymru, ac mae wedi gofyn i'r Dirprwy Weinidog ddarparu datganiad clir ar y trefniadau pontio i'r holl grantiau hyn. Bydd hyn yn sicrhau bod pawb yn glir ynghylch beth a ddisgwylir gan lywodraeth

and the funding support that is being provided. The committee looks forward to considering her response.

We noted the Deputy Minister's commitment to reimbursing local authorities for the loss of income arising from the first steps improvement package. We also noted her commitment to talk to the Welsh Local Government Association, and to individual authorities, and to look at any extra costs that might arise by the time the proposed Measure is introduced in 2011-12. It hopes that the same approach will apply in respect of all other regulations made under this proposed Measure.

There are also a number of operational matters that concerned the Finance Committee. I have already referred to the power to set a maximum charge. The Finance Committee was concerned that the maximum charge could quickly become the de facto charge for these services. It was also concerned that authorities might be tempted to raise their eligibility criteria in order to manage the pressures on services caused by the proposed Measure. The Deputy Minister has indicated that she has confidence in local authorities that this will not happen, and the Finance Committee hopes that her confidence will be justified.

Subject to these concerns, the Finance Committee has no objection to the principle of this proposed Measure.

Janet Ryder: On 30 September, the Subordinate Legislation Committee took evidence on the Proposed Social Care Charges (Wales) Measure. We considered written evidence given to Legislation Committee No. 5 by the Wales Neurological Alliance, which made reference to the subordinate legislation provisions within the Bill. Having scrutinised the proposed Measure, the Subordinate Legislation Committee has made three recommendations, which relate to: section 2 on maximum charging; section 3 on person and services excluded from charging; and section 10 on

leol a'r gefnogaeth ariannol a ddarperir. Mae'r pwyllgor yn edrych ymlaen at ystyried ei hymateb.

Nodasom ymrwymiad y Dirprwy Weinidog i ad-dalu i awdurdodau lleol am yr incwm a gollir yn sgîl y pecyn gwella camau cyntaf. Nodasom hefyd ei hymrwymiad i siarad â Chymdeithas Llywodraeth Leol Cymru, ac ag awdurdodau lleol unigol, ac i edrych ar unrhyw gostau ychwanegol a allai godi erbyn yr adeg y cyflwynir y Mesur arfaethedig yn 2011-12. Gobeithia y dilynir yr un ffordd o fynd ati yng nghyswllt yr holl reoliadau eraill a wneir dan y Mesur arfaethedig hwn.

Mae nifer o faterion gweithredol a barodd bryder i'r Pwyllgor Cyllid hefyd. Yr wyf eisoes wedi cyfeirio at y grym i osod tâl uchaf. Yr oedd y Pwyllgor Cyllid yn pryderu y gallai'r tâl uchaf yn fuan ddod yn dâl de facto am y gwasanaethau hyn. Yr oedd yn bryderus hefyd y gallai awdurdodau gael eu temptio i godi eu meini prawf cymhwyster er mwyn rheoli'r pwysau ar wasanaethau a achosir gan y Mesur arfaethedig. Mae'r Dirprwy Weinidog wedi dweud bod ganddi hyder mewn awdurdodau lleol na wnaiff hyn ddigwydd, ac mae'r Pwyllgor Cyllid yn gobeithio y bydd cyfiawnhad dros ei hyder.

Yn amodol ar y pryderon hyn, nid oes gan y Pwyllgor Cyllid ddim gwrthwynebiad i egwyddor y Mesur arfaethedig hwn.

Janet Ryder: Ar 30 Medi, derbyniodd y Pwyllgor Is-ddeddfwriaeth dystiolaeth ar y Mesur Arfaethedig ar Daliadau Gofal Cymdeithasol (Cymru). Ystyriasom dystiolaeth ysgrifenedig a roddwyd i Bwyllgor Is-ddeddfwriaeth Rhif 5 gan Gynghrair Niwrolegol Cymru, a gyfeiriodd at y darpariaethau is-ddeddfwriaeth o fewn y Mesur. Wedi craffu ar y Mesur arfaethedig, mae'r Pwyllgor Is-ddeddfwriaeth wedi gwneud tri argymhelliad, sy'n cyfeirio at: adran 2 ar y tâl uchaf; adran 3 ar bobl a gwasanaethau a eithrir rhag talu; ac adran 10 ar Orchmynion a rheoliadau.

Orders and regulations.

With regard to the maximum charging, the committee accepts the rationale for setting the level of a maximum charge by regulation, since the maximum charge would need regular updating. However, we queried whether or not a formula for calculating the maximum charge should be included on the face of the proposed Measure. We noted the evidence submitted by the Wales Neurological Alliance, which stated that it expected the proposed Measure to show a formula that would be used to set charges on the face of the proposed Measure, as that would be subject to debate, thus allowing

‘Assembly Members the ability to contribute to the debate as to what level of charges are reasonable for people wanting to access social care.’

Therefore, the first recommendation of the committee is that a formula for calculating the maximum charge appears on the face of the proposed Measure. The committee does not consider that this would restrict the Welsh Ministers’ ability to cap maximum charges, should that be the Ministers’ desire, as suitable provision could be inserted into the proposed Measure to ensure that the maximum charge generated by a formula does not exceed the maximum amount predetermined by the Minister.

Given the framework nature of this section of the proposed Measure, together with the financial impact that it would have on those in receipt of social care services, the committee further recommends that any regulations made under section 2 of the proposed Measure should be subject to the affirmative procedure.

With regard to section 3 on the person and services excluded from charging, the committee was concerned as to why details of the persons and service users exempt from charging do not appear on the face of the proposed Measure. We also considered whether to allow debate by Members of the

Ynglŷn â’r tâl uchaf, mae’r pwyllgor yn derbyn y rhesymeg dros osod lefel tâl uchaf trwy reoliad, gan y byddai angen diweddar’r tâl uchaf yn rheolaidd. Fodd bynnag, yr oeddem yn cwestiynu a ddylid cynnwys fformiwla ar wyneb y Mesur arfaethedig ar gyfer cyfrifo’r tâl uchaf ai peidio. Nodasom y dystiolaeth a gyflwynwyd gan Gynghrair Niwrolegol Cymru, a ddywedodd ei bod yn disgwyl i’r Mesur arfaethedig ddangos fformiwla a ddefnyddid i osod taliadau ar wyneb y Mesur arfaethedig, gan y byddai hynny’n destun dadl, gan ganiatáu felly

‘i Aelodau’r Cynulliad allu cyfrannu at y ddadl ynghylch pa lefel o daliadau sy’n rhesymol i bobl sydd eisiau cael gofal cymdeithasol.’

Felly, argymhelliad cyntaf y pwyllgor yw bod fformiwla ar gyfer cyfrifo’r tâl uchaf yn ymddangos ar wyneb y Mesur arfaethedig. Nid yw’r pwyllgor yn meddwl y byddai hyn yn cyfyngu ar allu Gweinidogion Cymru i gapio’r tâl uchaf, pe dymunai’r Gweinidogion wneud hynny, gan y gellid rhoi darpariaeth addas yn y Mesur arfaethedig i sicrhau na fyddai’r tâl uchaf a gynhyrchir gan fformiwla ddim yn uwch na’r swm uchaf a bennwyd ymlaen llaw gan y Gweinidog.

Oherwydd natur fframwaith yr adran hon o’r Mesur arfaethedig, ynghyd â’r effaith ariannol a gâi ar rai sy’n derbyn gwasanaethau gofal cymdeithasol, argymhella’r pwyllgor ymhellach y dylai unrhyw reoliadau a wneir dan adran 2 y Mesur arfaethedig fod yn amodol ar y weithdrefn gadarnhaol.

Ynglŷn ag adran 3 ar y bobl a’r gwasanaethau a eithrir rhag y codi tâl, yr oedd y pwyllgor yn bryderus ynghylch pam nad yw manylion y bobl a’r defnyddwyr gwasanaethau a gaiff eu heithrio rhag y tâl yn ymddangos ar wyneb y Mesur arfaethedig. Ystyriasom hefyd a ddylid caniatáu dadl gan

Assembly and that the provisions for exempting users should be subject to the affirmative procedure. The committee accepted the Minister's response that there is a need for maximum flexibility in considering which persons or groups should be exempt, however the Wales Neurological Alliance stated that

'the proposed Measure as drafted would allow the current Welsh Minister or future Minister to exclude groups of people who the government believe to be special cases without this decision being fully consulted by the National Assembly for Wales.'

For this reason, the second recommendation of the committee is that the provision in section 3, which allows Welsh Ministers to make regulations to exempt from charges certain persons and certain services, should be subject to the affirmative procedure.

With regard to section 10 and Orders and regulations, the committee is increasingly concerned by the framework nature of the Measures being proposed by the Welsh Assembly Government. Our concerns stem from the NHS Redress (Wales) Measure 2008, and I have also mentioned the issue in relation to other Measures, most recently the proposed Education (Wales) Measure. Given the framework nature of this proposed Measure, together with the potential impact that it may have on those in receipt of social care services, the final recommendation of the committee is that the first set of regulations made under the Measure are subject to the affirmative procedure.

Plenary will no doubt have noted that all the recommendations from the Subordinate Legislation Committee relate to the use of the affirmative rather than the negative procedure. The committee perceives there to be an increased use of the negative procedure, and it has growing concerns on this matter. The negative procedure, while having its advantage of clearing work very quickly and dealing with technical matters,

Aelodau'r Cynulliad ac y dylai'r darpariaethau ar gyfer eithrio defnyddwyr fod yn amodol ar y weithdrefn gadarnhaol. Derbyniodd y pwyllgor ymateb y Gweinidog fod angen yr hyblygrwydd mwyaf wrth ystyried pa unigolion neu grwpiau y dylid eu heithrio, fodd bynnag, dywedodd Cynghrair Niwrolegol Cymru

'byddai'r Mesur arfaethedig fel y mae wedi'i ddrafftio'n caniatáu i'r Gweinidog Cymreig presennol neu Weinidog yn y dyfodol eithrio grwpiau o bobl y cred y llywodraeth eu bod yn achosion arbennig heb i'r penderfyniad hwn gael ei wyntyllu'n llawn gan Gynulliad Cenedlaethol Cymru.'

Am y rheswm hwn, ail argymhelliad y pwyllgor yw y dylai'r ddarpariaeth yn adran 3, sy'n caniatáu i Weinidogion Cymru wneud rheoliadau i eithrio rhai pobl a rhai gwasanaethau rhag y taliadau, fod yn amodol ar y weithdrefn gadarnhaol.

Ynglŷn ag adran 10 a Gorchmynion a rheoliadau, mae'r pwyllgor yn pryderu fwyfwy am natur fframwaith y Mesurau a gynigir gan Lywodraeth Cynulliad Cymru. Mae ein pryderon yn deillio o Fesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008, ac yr wyf wedi crybwyll y mater hefyd mewn perthynas â Mesurau eraill, yn fwyaf diweddar y Mesur arfaethedig ar Addysg (Cymru). Oherwydd natur fframwaith y Mesur arfaethedig hwn, ynghyd â'r effaith bosibl y gallai ei chael ar rai sy'n derbyn gwasanaethau gofal cymdeithasol, argymhelliad terfynol y pwyllgor yw bod y set gyntaf o reoliadau a wneir dan y Mesur yn amodol ar y weithdrefn gadarnhaol.

Bydd y Cyfarfod Llawn wedi sylwi, mae'n siŵr, fod yr holl argymhellion gan y Pwyllgor Is-ddeddfwriaeth yn ymwneud â defnyddio'r weithdrefn gadarnhaol yn hytrach na'r un negyddol. Mae'r pwyllgor yn canfod bod defnydd cynyddol o'r weithdrefn negyddol, ac mae ganddo bryderon cynyddol ynglŷn â hyn. Nid yw'r weithdrefn negyddol, er bod iddi'r fantais o glirio gwaith yn gyflym iawn a delio â materion technegol, yn

does not allow for debate by Plenary. While a great deal of work could be progressed on this path, in instances such as this, where the impact could be far-reaching, we regard that regulations should be subject to the affirmative procedure.

The committee recommends that the Government considers making, at least in the first instance, these regulations under the affirmative procedure, thus allowing any Member who has a concern to raise it, on the record, in Plenary. The committee accepts that the negative procedure is used when technical or administrative changes are made, but, as I have said, we have increasing concerns that this path is being used far more widely. Therefore, in instances where those changes could have a substantive impact or alter slightly the original scope of a Measure, the affirmative route should be the preferred one.

3.20 p.m.

Andrew R.T. Davies: I thank the Deputy Minister for her opening address. When I first came to the Assembly, I sat on the committee that dealt with the Proposed NHS Redress (Wales) Measure. I would like to reiterate the comments of the Chair of the Subordinate Legislation Committee, particularly with regard to regulation and how important it is to have the affirmative resolution route, so that Members can scrutinise legislation and hold people to account, particularly with regard to charging for things. That is one thing that this proposed Measure will seek to address. As the Deputy Minister said in her opening comments, the purpose of the proposed Measure is to establish a more equitable way of dealing with care, so that there are not these anomalies between local authorities.

It is a concern when you see so many powers being passed to Ministers, because I have found, in sitting on legislation committees and the Subordinate Legislation Committee, that Ministers tend to deal with the here and now, as though they, as individuals, will

caniatáu ar gyfer dadl gan y Cyfarfod Llawn. Er y gellid cyflawni llawer iawn o waith ar y llwybr hwn, mewn achosion fel hwn, lle gallai'r effaith fod yn bellgyrhaeddol, teimlwn y dylai rheoliadau fod yn amodol ar y weithdrefn gadarnhaol.

Mae'r pwyllgor yn argymhell y dylai'r Llywodraeth ystyried gwneud, o leiaf yn y lle cyntaf, y rheoliadau hyn dan y weithdrefn gadarnhaol, gan ganiatáu felly i unrhyw Aelod sydd â phryder ei godi, ar y cofnod, yn y Cyfarfod Llawn. Mae'r pwyllgor yn derbyn y defnyddir y weithdrefn negyddol pan wneir newidiadau technegol neu weinyddol, ond, fel y dywedais, mae gennym bryderon cynyddol fod y llwybr hwn yn cael ei ddefnyddio'n llawer ehangach. Felly, mewn enghreifftiau lle gallai'r newidiadau hynny gael effaith sylweddol neu newid ychydig ar gwmpas gwreiddiol Mesur, dylid dewis y llwybr cadarnhaol.

Andrew R.T. Davies: Diolch i'r Dirprwy Weinidog am ei hanerchiad agoriadol. Pan ddeuthum i'r Cynulliad gyntaf, eisteddais ar y pwyllgor a ddeliodd â'r Mesur Gwneud Iawn am Gamweddau'r GIG (Cymru). Hoffwn adleisio sylwadau Cadeirydd y Pwyllgor Is-ddeddfwriaeth, yn enwedig ynglŷn â rheoleiddio ac mor bwysig yw cael y llwybr penderfyniad cadarnhaol, fel y gall Aelodau graffu ar ddeddfwriaeth a dal pobl i gyfrif, yn enwedig ynglŷn â chodi tâl am bethau. Dyna un peth y bydd y Mesur arfaethedig hwn yn ceisio mynd i'r afael ag ef. Fel y dywedodd y Dirprwy Weinidog yn ei sylwadau agoriadol, pwrpas y Mesur arfaethedig yw sefydlu ffordd decach o ddelio â gofal, fel na cheir yr anghysonderau hyn rhwng awdurdodau lleol.

Mae'n bryder pan welwch drosglwyddo cymaint o bwerau i Weinidogion, oherwydd yr wyf wedi canfod, wrth eistedd ar bwyllgorau deddfwriaeth a'r Pwyllgor Is-ddeddfwriaeth, fod Gweinidogion yn tueddu i ddelio â'r sefyllfa bresennol, fel pe be baent

always be in that position, thinking that something would not happen on their watch. I well remember the Minister for Health and Social Services appearing before the committee considering the Proposed NHS Redress (Wales) Measure 2008 and making the point that she would never do the thing that Members were concerned about. Members pointed out that she would not always be the Minister. The Assembly could have a different make-up or the resource situation could be different. Two years ago, who would have thought that we would have gone through the financial whirlwind that we have gone through? It is important that the Deputy Minister responds to the concerns that have been raised by three committee spokespeople and me.

I hope that the proposed Measure achieves the aspiration of an equitable service across local authorities, because we are talking about the most vulnerable people in society. The Deputy Minister touched on the point that 14,000 individuals and their families will benefit from the proposed Measure, through having some certainty and understanding of the package of care and its cost to them. The Chair of Legislation Committee No. 5 highlighted the fact that he believed that it was wrong that, in certain instances, bills were presented to users with no process for those to be challenged and that such bills were such a shock, particularly for people on limited incomes. I would be grateful if the Deputy Minister could address the concern that the committee highlighted, because it causes enormous distress when people face charges and feel that they have no control over the amount being charged.

We have also heard about the financial impact of the proposed Measure. The process of considering Measures in Plenary or legislation committees focuses people's minds on the financial cost of delivering them. Some authorities have devised a charging mechanism that reflects the local

hwy, fel unigolion, yn mynd i fod yn y safle hwnnw am byth, gan feddwl na ddigwyddai dim dan eu goruchwyliaeth hwy. Cofiaf yn dda y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn ymddangos ger bron y pwyllgor a oedd yn ystyried y Mesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008 ac yn gwneud y pwynt na fyddai hi byth yn gwneud y peth yr oedd Aelodau'n pryderu amdano. Nododd yr Aelodau nad hi fyddai'r Gweinidog am byth. Gallai'r Cynulliad fod â chyfansoddiad gwahanol neu gallai'r sefyllfa adnoddau fod yn wahanol. Ddwy flynedd yn ôl, pwy a feddyliai y buasem wedi mynd trwy'r corwynt ariannol yr ydym wedi mynd trwyddo? Mae'n bwysig fod y Dirprwy Weinidog yn ymateb i'r pryderon sydd wedi'u codi gan dri llefarydd ar ran y pwyllgor a gennyf fi.

Gobeithio y bydd y Mesur arfaethedig yn cyflawni'r dyhead o gael gwasanaeth teg ar draws awdurdodau lleol, oherwydd yr ydym yn sôn am y bobl fwyaf bregus yn ein cymdeithas. Cyfeiriodd y Dirprwy Weinidog at y pwynt y bydd 14,000 o unigolion a'u teuluoedd yn elwa o'r Mesur arfaethedig, trwy gael rhywfaint o sicrwydd a dealltwriaeth o'r pecyn gofal a'i gost iddynt hwy. Pwysleisiodd Cadeirydd Pwyllgor Deddfwriaeth rhif 5 y ffaith ei fod yn credu ei bod yn anghyfiawn fod biliau, mewn rhai achosion, wedi'u cyflwyno i ddefnyddwyr heb ddim proses ar gyfer eu herio, a bod biliau o'r fath yn gymaint o sioc, yn enwedig i bobl ar incwm cyfyngedig. Byddwn yn ddiolchgar pe gallai'r Dirprwy Weinidog roi sylw i'r pryder a amlygodd y pwyllgor, oherwydd mae'n peri cyfyngder aruthrol pan fydd pobl yn wynebu taliadau ac yn teimlo nad oes ganddynt ddim rheolaeth dros y swm sy'n cael ei godi arnynt.

Yr ydym wedi clywed hefyd am effaith ariannol y Mesur arfaethedig. Mae proses ystyried Mesurau yn y Cyfarfod Llawn neu mewn pwyllgorau deddfwriaeth yn canolbwyntio meddyliau pobl ar gost ariannol eu cyflenwi. Mae rhai awdurdodau wedi dyfeisio peirianwaith codi tâl sy'n

need and the political priorities they attach to various things in the authority area. Others have chosen to subsidise certain aspects of care, keeping the cost lower to the user. I note that there is a difference of opinion on exactly how much the proposed Measure will cost. In her address to Plenary this afternoon, the Deputy Minister talked of a figure of some £11 million, while the Welsh Local Government Association identified a figure, set out in the committee's report, of £14 million.

The Deputy Minister said today that she will be engaging fully with local authorities, which will ultimately be charged with delivering this, on their difficulties, as they see it, first in finding the finance to meet the aspiration of the proposed Measure, and, secondly, with regard to having confidence, going forward, that the Welsh Assembly Government will work as a partner on the provisions of the proposed Measure, and not as a dictator that sets out what must happen. This must go ahead on a consensual basis, so that local authorities can see the improvements that will happen in their communities and see that services and service users will benefit from the proposed Measure.

The Deputy Minister also talked about the capacity for appeal and review. The Chair of Legislation Committee No. 5 highlighted the importance of this aspect of the proposed Measure, and I could not agree more with him. I hope that the Deputy Minister will touch on the difference between review and appeal and confirm that people will have the right to appeal should a decision go against them or should they feel that an injustice has been done to them. Above all, we must ascertain how eligibility is determined locally. In particular, we must ascertain how the local authorities, along with Government, work to ensure that eligibility does not become the crack between the two stones through which many people fall down, and which leads to duty of care being lost. I look forward to hearing the Deputy Minister's comments in closing this debate to see

adlewyrchu'r angen lleol a'r blaenoriaethau gwleidyddol a roddant i wahanol bethau yn ardal yr awdurdod. Mae eraill wedi dewis rhoi cymhorthdal i rai agweddau gofal, gan gadw'r gost yn is i'r defnyddiwr. Nodaf fod gwahaniaeth barn ynghylch beth yn union fydd cost y Mesur arfaethedig. Yn ei haraith i'r Cyfarfod Llawn y prynhawn yma, soniodd y Dirprwy Weinidog am ffigur o ryw £11 miliwn, tra nododd Cymdeithas Llywodraeth Leol Cymru ffigur, a roddir yn adroddiad y pwyllgor, o £14 miliwn.

Dywedodd y Dirprwy Weinidog heddiw y bydd hi'n ymgysylltu'n llawn ag awdurdodau lleol, a gaiff y cyfrifoldeb yn y pen draw o gyflwyno hyn, ynghlŷn â'u hanawsterau, fel y'u gwelant, yn gyntaf i ganfod y cyllid i gyflawni dyhead y Mesur arfaethedig, ac, yn ail, ynghlŷn â chael hyder, wrth symud ymlaen, y bydd Llywodraeth Cynulliad Cymru'n gweithio fel partner ar ddarpariaethau'r Mesur arfaethedig, ac nid fel unben sy'n dweud beth sydd raid digwydd. Rhaid i hyn fynd yn ei flaen ar sail gydsyniol, fel y gall awdurdodau lleol weld y gwelliannau a fydd yn digwydd yn eu cymunedau a gweld y bydd gwasanaethau a defnyddwyr gwasanaethau ar eu hennill diolch i'r Mesur arfaethedig.

Soniodd y Dirprwy Weinidog hefyd am y cyfle i apelio a chael adolygiad. Pwysleisiodd Cadeirydd Pwyllgor Deddfwriaeth Rhif 5 bwysigrwydd yr agwedd hon ar y Mesur arfaethedig, ac yr wyf yn cytuno'n llwyr ag ef. Gobeithio y gwnaiff y Dirprwy Weinidog gyffwrdd ar y gwahaniaeth rhwng adolygiad ac apêl a chadarnhau y bydd gan bobl yr hawl i apelio os aiff penderfyniad yn eu herbryn neu os teimlant eu bod wedi cael cam. Yn anad dim, rhaid inni gael gwybod i sicrwydd sut y penderfynir ar gymhwyster yn lleol. Yn arbennig, rhaid inni bennu sut y bydd yr awdurdodau lleol, ynghyd â'r Llywodraeth, yn gweithio i sicrhau nad cymhwyster fydd yr hollt rhwng dwy garreg y bydd llawer o bobl yn syrthio i lawr drwyddo, ac sy'n arwain at golli dyletswydd gofal. Edrychaf ymlaen at glywed sylwadau'r Dirprwy Weinidog wrth gau'r ddadl hon i weld a

whether she addresses some of the concerns that I have expressed.

Joyce Watson: I also welcome the opportunity to discuss the Proposed Social Care Charges (Wales) Measure. This proposal uses powers gained successfully through the domiciliary care legislative competence Order, the committee on which I chaired through its initial process. It will establish more consistency not only between the different local authorities in Wales, but within individual authorities in terms of what they charge their service users from one year to the next. This is just as important because it means that people can plan ahead without having to worry about unexpected and steep rises in non-residential care costs. Unfortunately, this happened to a constituent who contacted me earlier this year. Gwynedd Council had arguably undercharged for social care in recent years, but because of budget constraints it increased its charges this year, and, for my constituent, the sudden price increase put real pressure on the weekly household budget. That in itself is the only issue that I can add to this debate today, particularly as many of the other issues that I was going to raise have been raised. The proposed Measure as it stands will bring about a fairer system of charging for social care, which is welcome.

Mick Bates: As a member of Legislation Committee No. 5, I wish to thank the Chair and the support staff for the way in which they have undertaken the Stage 1 committee report. I also wish to thank all of those who gave evidence. At the outset, I want to say how much the Welsh Liberal Democrats agree with the principle. We are deeply concerned that the quality of the lives of the 14,000 people who currently pay for their non-residential social care will be improved by the general principle of this piece of legislation. We look forward to the implementation of all of the good practice that is available.

ydyw'n mynd i'r afael â rhai o'r pryderon a fynegais.

Joyce Watson: Croesawaf finnau'r cyfle i drafod y Mesur Arfaethedig ar Daliadau Gofal Cymdeithasol (Cymru). Mae'r cynnig hwn yn defnyddio pwerau a enillwyd yn llwyddiannus drwy'r Gorchymyn cymhwysedd deddfwriaethol ar ofal cartref, y cadeiriais innau'r pwyllgor arno drwy ei broses gychwynnol. Bydd yn sefydlu mwy o gysondeb nid yn unig rhwng y gwahanol awdurdodau lleol yng Nghymru, ond o fewn awdurdodau unigol o ran beth a godant ar ddefnyddwyr eu gwasanaethau o un flwyddyn i'r nesaf. Mae hyn lawn cyn bwysiced oherwydd mae'n golygu y gall pobl gynllunio ymlaen heb orfod poeni am godiadau sydyn annisgwyl mewn costau gofal amhreswyl. Yn affodus, digwyddodd hyn i etholwr a gysylltodd â mi'n gynharach eleni. Yr oedd Cyngor Gwynedd, gellid dadlau, wedi codi rhy ychydig am ofal cymdeithasol yn y blynyddoedd diweddar, ond oherwydd cyfyngiadau cyllidebol fe gododd daliadau uwch eleni, ac, i'm hetholwr, rhoddodd y cynnydd sydyn yn y pris bwysau go iawn ar gyllideb wythnosol y teulu. Hynny ynddo'i hun yw'r unig fater y gallaf ei ychwanegu at y ddadl hon heddiw, yn enwedig gan fod llawer o'r materion yr oeddwn yn mynd i'w codi wedi cael eu codi. Bydd y Mesur arfaethedig fel y saif yn cyflwyno trefn decach o godi tâl am ofal cymdeithasol, sydd i'w chroesawu.

Mick Bates: Fel aelod o Bwyllgor Deddfwriaeth Rhif 5, hoffwn ddiolch i'r Cadeirydd a'r staff ategol am y modd y maent wedi ymgymryd ag adroddiad pwyllgor Cyfnod 1. Hoffwn ddiolch hefyd i bawb a roddodd dystiolaeth. Ar y dechrau, mae arnaf eisiau dweud gymaint y mae Democratiaid Rhyddfrydol Cymru'n cytuno â'r egwyddor. Yr ydym yn awyddus iawn y caiff ansawdd bywydau'r 14,000 o bobl sydd ar hyn o bryd yn talu am eu gofal cymdeithasol amhreswyl ei wella drwy egwyddor gyffredinol y darn deddfwriaeth hwn. Edrychwn ymlaen at weithredu'r holl arferion da sydd ar gael.

My comments relate to three parts of this legislation: information; costs; and process. The Welsh Liberal Democrats wholeheartedly support the requirement for local authorities to provide information to service users about the services and the delivery costs of those services that they can expect. We believe that this principle is essential because we heard evidence that service users are often informed of increases and changes in the regime after they have received the service. Therefore, the bills fall and can come as a great shock to the families. Joyce Watson just mentioned the pressures on families when they face these changes in cost, as they can affect their whole existence.

We further believe that this process of providing information about changes in the services to service users should be extended beyond this particular part of social care to all social care and health services. We believe that it is extremely important that individuals are given better access to the treatment that they will receive and the cost of that treatment in the area of health services and social care.

In terms of costs, we accept that there are huge variations between authorities. I have seen evidence that, in some cases, charges can be as high as £200 per week while, in others, it can be £16.20 per week. This piece of legislation has embedded in it terms of social equality, which we applaud. On the face of it, some of those charges seem completely unfair. However, there are often circumstances that account for a variation in charging. For example, in the case of rural authorities, the cost of travel is often overlooked in the differential relating to the delivery of residential care services.

If the Government is to impose a maximum charge on local authorities, these maximum charges must be backed up with additional

Mae a wnelo fy sylwadau â thair rhan o'r ddeddfwriaeth hon: gwybodaeth; costau; a phroses. Mae Democratiaid Rhyddfrydol Cymru'n cefnogi'n galonnog y gofyniad ar i awdurdodau lleol ddarparu gwybodaeth i ddefnyddwyr gwasanaethau am y gwasanaethau ac am gostau cyflenwi'r gwasanaethau hynny y gallant ddisgwyl eu cael. Credwn fod yr egwyddor hon yn hanfodol oherwydd clywsom dystiolaeth y caiff defnyddwyr gwasanaethau eu hysbysu'n aml am godiadau a newidiadau yn y drefn wedi iddynt dderbyn y gwasanaeth. Felly, daw'r biliau a gallant fod yn sioc fawr i'r teuluoedd. Mae Joyce Watson newydd sôn am y pwysau ar deuluoedd pan wynebant y newidiadau hyn yn y gost, gan y gallant effeithio ar eu holl fodolaeth.

Credwn ymhellach y dylai'r broses hon o ddarparu gwybodaeth am newidiadau yn y gwasanaethau i ddefnyddwyr gwasanaethau gael ei ymestyn y tu hwnt i'r rhan arbennig hon o ofal cymdeithasol i holl wasanaethau gofal cymdeithasol ac iechyd. Credwn ei bod yn eithriadol o bwysig i unigolion gael gwell mynediad at y driniaeth a dderbyniant a chost y driniaeth honno ym maes gwasanaethau iechyd a gofal cymdeithasol.

O ran costau, derbyniwn fod amrywiadau enfawr rhwng awdurdodau. Yr wyf wedi gweld dystiolaeth y gall y taliadau, mewn rhai achosion, fod gyfuch â £200 yr wythnos, tra gallant fod yn £16.20 yr wythnos mewn eraill. Wedi'u mewnbllannu yn y darn deddfwriaeth hwn y mae telerau cydraddoldeb cymdeithasol, a gymeradwyir gennym. Ar yr wyneb, mae rhai o'r taliadau hynny'n ymddangos yn gwbl annheg. Fodd bynnag, yn aml ceir amgylchiadau sy'n gyfrifol am amrywiad yn y tâl a godir. Er enghraifft, yn achos awdurdodau gwledig, yn aml anghofir cost teithio wrth ystyried y gwahaniaeth o gymharu â chost cyflenwi gwasanaethau gofal preswyl.

Os yw'r Llywodraeth am osod tâl uchaf ar awdurdodau lleol, rhaid i'r taliadau uchaf hyn gael eu cefnogi â chyllid ychwanegol oddi

funding from the Welsh Assembly Government. The Deputy Minister said at committee,

‘we are committed to reimbursing local authorities for the cost of the introduction of the proposed Measure’.

We have already heard other people—including the Welsh Local Government Association—suspect that this £11 million that the Deputy Minister mentioned may not actually cover the total cost. If the total costs are not given or reimbursed, the proposed Measure will be completely counter-productive. The knock-on effect will be that councils will have to take cash from other parts of their budget. That will be totally counter-productive. We would like to see an amendment, possibly at Stage 2, to guarantee that the Government will be responsible for total reimbursement.

3.30 p.m.

We acknowledge some of the key concerns raised about when the proposed Measure will be implemented. They will have to be addressed when the regulations are developed. We therefore welcome the Deputy Minister’s commitment to consult widely on the draft regulations. However, we agree with the Coalition on Charging Cymru and other witnesses that the underlying principle of the proposed Measure should be that no service user should be worse off as a result of its introduction. The proposed Measure should include that principle.

The regulation-making power gives the Welsh Ministers wide discretion to identify an appropriate level of charges or a formula. We therefore welcome the Deputy Minister’s commitment to consult widely on the draft regulations, as the concerns raised can be explored properly. Further to that, we believe that there should be a full regulatory impact assessment, and the Finance Committee should be able to look again at the details of the financial support available from the Deputy Minister. On the monitoring, we

wrth Lywodraeth Cynulliad Cymru. Dywedodd y Dirprwy Weinidog yn y pwyllgor,

‘yr ydym wedi ymrwymo i ad-dalu i awdurdodau lleol am gost cyflwyno’r Mesur arfaethedig’.

Yr ydym eisoes wedi clywed pobl eraill—gan gynnwys Cymdeithas Llywodraeth Leol Cymru—yn amau efallai na fydd yr £11 miliwn hyn a grybwyllodd y Dirprwy Weinidog yn ddigon i dalu’r gost lawn. Os na chaiff y costau llawn eu rhoi neu eu had-dalu, bydd y Mesur arfaethedig yn gwbl wrthgynhyrchiol. Y sgîl-effaith fydd y bydd yn rhaid i gynghorau gymryd arian allan o rannau eraill o’u cyllideb. Bydd hynny’n hollol wrthgynhyrchiol. Hoffem weld gwelliant, o bosibl yng Ngham 2, i warantu y bydd y Llywodraeth yn gyfrifol am ad-daliad llwyr.

Cydnabyddwn rai o’r pryderon allweddol a fynegwyd ynghylch pa bryd y gweithredir y Mesur arfaethedig. Bydd yn rhaid rhoi sylw iddynt pan ddatblygir y rheoliadau. Felly croesawn ymrwymiad y Dirprwy Weinidog i ymgynghori’n eang ar y rheoliadau drafft. Fodd bynnag, cytunwn â’r Gynghrair ar Godi Tâl yng Nghymru a thystion eraill y dylai egwyddor waelodol y Mesur arfaethedig sicrhau na ddylai’r un defnyddiwr gwasanaethau fod yn waeth arno o ganlyniad i’w gyflwyno. Dylai’r Mesur arfaethedig gynnwys yr egwyddor honno.

Mae’r pŵer gwneud rheoliadau’n rhoi i Weinidogion Cymru ddisgresiwn eang i bennu lefel briodol o daliadau neu fformiwla. Felly croesawn ymrwymiad y Dirprwy Weinidog i ymgynghori’n eang ar y rheoliadau drafft, fel y gellir ymchwilio’n iawn i’r pryderon a godwyd. Ar ben hynny, credwn y dylai fod asesiad effaith rheoleiddiol llawn, ac y dylai’r Pwyllgor Cyllid allu edrych eto ar fanylion y gefnogaeth ariannol sydd ar gael oddi wrth y Dirprwy Weinidog. Ynglŷn â’r monitro,

believe that there should be an annual report and debate so that we can scrutinise the legislation and determine how well it is working.

Finally, in the light of these concerns and their likely financial consequences, we stress the Welsh Government's commitment to reimbursing local authorities for the cost of any additional financial burden, as stated in paragraph 12.32 of the committee's report. We note again the concerns of the Welsh Local Government Association and the Association of Directors for Social Services Cymru that the introduction of the proposed Measure should not be at the expense of the future funding of current services, which they consider to be essential.

The Deputy Minister for Social Services (Gwenda Thomas): The proposed Measure is an important step in tackling the inconsistency that currently exists in local authority charging for non-residential social services. The new legislative regime that it will put in place will allow for the introduction of regulations and guidance to ensure greater consistency where authorities decide to charge. It will provide for a charging system that is fairer to all client groups, is simpler to understand, is cost-effective to administer, and that reduces the charging burden on service users.

I will now deal with some individual points. Mark Isherwood, Nick Ramsay and Andrew R.T. Davies brought up the point about eligibility criteria. The proposed Measure and the LCO from which our competence in this area stems are designed to address a specific problem with the existing regime for charging. I cannot foresee a situation in which a local authority would deliberately alter its eligibility criteria as a result of the proposed legislation. Indeed, it would be difficult to see how it could do so even if it so wished. The Care and Social Services Inspectorate Wales is already considering the eligibility criteria and is conducting a national review of access and eligibility for

credwn y dylid cael adroddiad blynyddol dadl fel y gallwn graffu ar y ddeddfwriaeth a phenderfynu pa mor dda y mae'n gweithio.

Yn olaf, yng ngolau'r pryderon hyn a'u canlyniadau ariannol tebygol, pwysleisw'n ymrwymiad Llywodraeth Cymru i ad-dalu i awdurdodau lleol am gost unrhyw faich ariannol ychwanegol, fel y dywedir ym mharagraff 12.32 yn adroddiad y pwyllgor. Nodwn eto bryderon Cymdeithas Llywodraeth Leol Cymru a Chymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru na ddylai cyflwyniad y Mesur arfaethedig fod ar draul cyllid gwasanaethau cyfredol i'r dyfodol, y credant hwy eu bod yn hanfodol.

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol (Gwenda Thomas): Mae'r Mesur arfaethedig yn gam pwysig i fynd i'r afael â'r anghysondeb sy'n bodoli ar hyn o bryd yn y taliadau a godir gan awdurdodau lleol am wasanaethau cymdeithasol amhreswyl. Bydd y drefn ddeddfwriaethol newydd a sefydlir ganddo'n caniatáu cyflwyno rheoliadau a chanllawiau i sicrhau mwy o gysondeb lle penderfyna awdurdodau godi tâl. Bydd yn darparu ar gyfer system godi tâl sy'n decach i bob grŵp cleient, yn symlach i'w deall, yn gost-effeithiol i'w gweinyddu, ac yn lleihau baich y tâl ar ddefnyddwyr gwasanaethau.

Deliaf yn awr â rhai pwyntiau unigol. Cododd Mark Isherwood, Nick Ramsay ac Andrew R.T. Davies y pwynt am y meini prawf cymhwyster. Mae'r Mesur arfaethedig a'r eLCO y mae ein cymhwysedd yn y maes hwn yn deillio ohono wedi'u cynllunio i roi sylw i broblem benodol gyda'r drefn godi tâl sy'n bodoli. Ni allaf ragweld sefyllfa lle byddai awdurdod lleol yn newid ei feini prawf cymhwyster yn fwriadol o ganlyniad i'r ddeddfwriaeth arfaethedig. Yn wir, mae'n anodd gweld sut y gallai wneud hynny hyd yn oed pe dymunai. Mae Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru eisoes yn ystyried y meini prawf cymhwyster ac yn cynnal adolygiad cenedlaethol o fynediad a

social services. It is due to report next year, and is considering the thresholds for accessing services, the application of eligibility criteria, whether the criteria are fair and consistent, how eligibility fits with the broader issues on accessing services, and the monitoring of how those criteria are applied. I am sure that you would agree that that is a valuable piece of work.

Nick Ramsay questioned why we need to leave things to regulations in certain instances. The details are to be set out in regulations and not on the face of the proposed Measure because they will be subject to regular review. The Department for Work and Pensions, for example, updates benefit levels annually, and is currently reviewing certain forms of benefits. We need that flexibility to review on a regular basis.

Mark Isherwood, Andrew R.T. Davies, and Janet Ryder all referred to the consultation on regulations. I note the committee's report and the fact that it has raised the issue of the regulations being considered widely before they are implemented. As I said earlier in this debate, I give an absolute commitment that we will engage at an early stage with stakeholders on our intentions for those regulations.

The question of the regulations and the procedure for making regulations was, once again, raised by Mark, Janet and Andrew R.T. Davies—and I think that Nick also raised this issue. I note that the committee's report makes a number of recommendations in this area of procedure. I will consider these further. However, as I explained in committee, given the nature of the regulations and particularly the fact that they will need to be reviewed and revised regularly, the negative procedure is the appropriate procedure to use, with one exception. That one exception is section 10, which Janet raised. That concerns a statutory instrument that amends, repeals or revokes any provision of an Act of Parliament or

chymhwyster ar gyfer gwasanaethau cymdeithasol. Disgwylir ei hadroddiad y flwyddyn nesaf, ac mae'n ystyried y trothwyon ar gyfer cael mynediad at wasanaethau, y modd y defnyddir meini prawf cymhwyster, a yw'r meini prawf yn deg ac yn gyson, a monitro'r modd y defnyddir y meini prawf hynny. Yr wyf yn siŵr y cytunchod fod hynny'n ddarn gwerthfawr o waith.

Holodd Nick Ramsay pam y mae angen inni adael pethau i reoliadau mewn rhai achosion. Caiff y manylion eu gosod yn y rheoliadau ac nid ar wyneb y Mesur arfaethedig oherwydd byddant yn destun adolygu rheolaidd. Mae'r Adran Gwaith a Phensiynau, er enghraifft, yn diweddarau lefelau budd-daliadau'n flynyddol, ac mae wrthi ar hyn o bryd yn adolygu rhai ffurfiau o fudd-daliadau. Mae arnom angen yr hyblygrwydd hwnnw i adolygu'n rheolaidd.

Cyfeiriodd Mark Isherwood, Andrew R.T. Davies a Janet Ryder ill tri at yr ymgynghori ar reoliadau. Nodaf adroddiad y pwyllgor a'r ffaith ei fod wedi codi mater ystyried y rheoliadau'n eang cyn eu gweithredu. Fel y dywedais yn gynharach yn y ddadl hon, rhoddaf ymrwymiad absoliwt yr ymgysylltwn ar gyfnod cynnar â rhanddeiliaid ynglŷn â'n bwriadau ar gyfer y rheoliadau hynny.

Codwyd cwestiwn y rheoliadau a'r weithdrefn ar gyfer gwneud rheoliadau, unwaith eto, gan Mark, Janet ac Andrew R.T. Davies—a chredaf i Nick godi'r mater hwn hefyd. Nodaf fod adroddiad y pwyllgor yn gwneud nifer o argymhellion yn y maes gweithdrefn hwn. Fe ystyriaf y rhain ymhellach. Fodd bynnag, fel yr egluais yn y pwyllgor, oherwydd natur y rheoliadau ac yn enwedig y ffaith y bydd angen eu hadolygu a'u diwygio'n rheolaidd, y weithdrefn negyddol yw'r weithdrefn briodol i'w defnyddio, gydag un eithriad. Yr un eithriad hwnnw yw adran 10, a godwyd gan Janet. Mae honno'n ymwneud ag offeryn statudol sy'n diwygio, yn diddymu neu'n dirymu unrhyw un o ddarpariaethau Deddf Seneddol

Measure of the National Assembly. This is common practice and appropriate given that it will involve the amendment of an Act of Parliament or an Assembly Measure.

Janet also raised the maximum weekly charge and questioned whether we should set the formula on the face of the proposed Measure. I was persuaded that the proposal that we set before you was the better one—a maximum weekly charge of £50. We asked ourselves how we would develop that formula. Would we wait for all local authorities to set their charges? That would delay the process. Therefore, having considered in depth the benefits of a formula, I was persuaded that what we have put before you today is far better, clearer and easier to understand.

Mick, Andrew, Mark and Nick Ramsay all referred to the local government issue and the reimbursement of local government. I recognise and understand what you are saying. However, I reiterate the assurance that I gave in committee: we are committed under our partnership agreement with local government to reimburse authorities for these additional costs. We are in dialogue with local government, and that will continue.

Mark, you referred to your fear, I think, that the £50 per week could become a standard charge, as did Nick. The proposed Measure does not alter the present position that it is a matter for authorities to determine the reasonable charge for the services that they provide. Authorities would be able to charge £50 per week for the services that a service user receives only where they could justify it. I could give you the details of section 1(2) if that would be helpful. I will raise that with officials.

Mark also called for the monitoring and review of the implementation of the regulations. I take that point seriously. He mentioned the right to appeal, and I think that Mick Bates also raised the difference between a review and an appeal. The

neu Fesur gan y Cynulliad Cenedlaethol. Mae hyn yn arfer cyffredin ac yn briodol gan y bydd yn golygu diwygio Deddf Seneddol neu Fesur gan y Cynulliad.

Crybwyllodd Janet y tâl wythnosol uchaf hefyd a holodd a ddylem osod y fformiwla ar wyneb y Mesur arfaethedig. Fe'm darbwyllyd mai'r cynnig a osodasom ger eich bron oedd yr un gorau—uchafswm tâl wythnosol o £50. Gofynasom i ni'n hunain sut y datblygem y fformiwla honno. A arhosem i bob awdurdod lleol osod eu taliadau? Byddai hynny'n oedi'r broses. Felly, wedi dwys ystyried fanteision fformiwla, fe'm darbwyllyd bod yr hyn yr ydym wedi'i gyflwyno ger eich bron heddiw'n llawer gwell, mwy eglur a haws ei ddeall.

Cyfeiriodd Mick, Andrew, Mark a Nick Ramsay i gyd at gwestiwn llywodraeth leol ac ad-dalu i lywodraeth leol. Sylweddolaf a deallaf yr hyn yr ydych yn ei ddweud. Fodd bynnag, ailadroddaf y sicrwydd a roddais yn y pwyllgor: yr ydym wedi ymrwymo dan ein trefniant partneriaeth â llywodraeth leol i ad-dalu i awdurdodau am y costau ychwanegol hyn. Yr ydym mewn deialog â llywodraeth leol, a bydd hynny'n parhau.

Mark, cyfeiriasoch at eich ofn, yr wyf yn meddwl, y gallai'r £50 yr wythnos fynd yn dâl safonol, fel y gwnaeth Nick. Nid yw'r Mesur arfaethedig yn newid y sefyllfa bresennol sef mai mater i awdurdodau yw penderfynu'r tâl rhesymol am y gwasanaethau a ddarparant. Dim ond lle y gallent gyfiawnhau hynny y byddai awdurdodau'n gallu codi £50 yr wythnos am y gwasanaethau a dderbynia defnyddiwr gwasanaethau. Gallwn roi manylion adran 1(2) ichi pe bai hynny o gymorth. Fe godaf hynny gyda swyddogion.

Galwodd Mark hefyd am fonitro ac adolygu gweithrediad y rheoliadau. Cymeraf y pwynt hwnnw o ddifrif. Soniodd am yr hawl i apelio, ac yr wyf yn meddwl y crybwyllodd Mick Bates yntau y gwahaniaeth rhwng adolygiad ac apêl. Y cynnig yw sefydlu

proposal is to set up a simple review, which will look quite quickly at an assessment. We must bear in mind that a local authority's complaints procedure will remain and will be accessible. Therefore, I do not think that it would be helpful to have another stage of appeal between those two. However, as I said, I will consider the points, Mick.

Joyce raised a point about consistency. I do not know whether I have missed anyone out but, if I have, I will seek to put that right in writing. Once again, I commend this proposed Measure to the Chamber.

The Deputy Presiding Officer: The proposal is to agree the motion. Does any Member object? I see that there is no objection. Therefore, the motion is agreed in accordance with Standing Order No. 7.35.

*Derbyniwyd y cynnig.
Motion agreed.*

3.40 p.m.

**Penderfyniad Ariannol ynghylch y Mesur Arfaethedig ynghylch Codi Ffioedd am
Wasanaethau Gofal Cymdeithasol (Cymru)
Financial Resolution for the Proposed Social Care Charges (Wales) Measure**

The Deputy Minister for Social Services (Gwenda Thomas): I move that

the National Assembly for Wales, for the purposes of any provisions resulting from the Proposed Social Care Charges (Wales) Measure, agrees to any increase in expenditure of a kind referred to in Standing Order No. 23.80(ii), arising in consequence of the Measure. (NDM4318)

The Deputy Presiding Officer: The proposal is to agree the motion. Does any Member object? I see that there are no objections. The motion is therefore agreed in accordance with Standing Order No. 7.35.

*Derbyniwyd y cynnig.
Motion agreed.*

adolygiad syml, a fydd yn edrych ar asesiad yn eithaf cyflym. Rhaid cofio y bydd gweithdrefn gwynion awdurdod lleol yn dal i fodoli ac y bydd modd troi at honno. Felly, nid wyf yn meddwl y byddai o gymorth cael cam apêl arall rhwng y ddau hynny. Fodd bynnag, fel y dywedais, fe ystyriaf y pwyntiau, Mick.

Cododd Joyce bwynt am gysondeb. Ni wn a ydwyf wedi gadael rhywun allan ond, os ydwyf, fe geisïaf gywiro hynny mewn ysgrifen. Unwaith eto, cymeradwyaf y Mesur arfaethedig hwn i'r Siambr.

Y Dirprwy Lywydd: Y cynnig sydd gerbron yw ein bod yn derbyn y cynnig. A oes unrhyw Aelod yn gwrthwynebu? Gwelaf nad oes. Felly, yn unol â Rheol Sefydlog Rhif 7.35, caiff y cynnig ei dderbyn.

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol (Gwenda Thomas): Cynigiad fod

Cynulliad Cenedlaethol Cymru, at ddibenion unrhyw ddarpariaethau sy'n deillio o'r Mesur Arfaethedig ynghylch Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru), yn cytuno ar unrhyw gynnydd mewn gwariant o'r math y cyfeiriwyd ato yn Rheol Sefydlog Rhif 23.80(ii), sy'n codi o ganlyniad i'r Mesur. (NDM4318)

Y Dirprwy Lywydd: Y cynnig sydd gerbron yw ein bod yn derbyn y cynnig. A oes unrhyw Aelod yn gwrthwynebu? Gwelaf nad oes. Felly, yn unol â Rheol Sefydlog Rhif 7.35, caiff y cynnig ei dderbyn.

The Deputy Presiding Officer: That concludes Stage 1 of the passage of this proposed Assembly Measure. In accordance with Standing Order No. 23.29, Stage 2, the detailed consideration by committee, begins on the first working day after Stage 1 is completed. Therefore, from tomorrow, Members may table amendments to the proposed Measure for consideration by the Stage 2 committee. Amendments to proposed Measures should be tabled through the Legislation Office, and Members will receive an e-mail in due course explaining the process and key deadlines.

Y Dirprwy Lywydd: Dyna gwblhau Cyfnod 1 o hynt y Mesur Cynulliad arfaethedig hwn. Yn unol â Rheol Sefydlog Rhif 23.29, bydd Cyfnod 2, sef ystyriaeth fanwl gan bwyllgor, yn dechrau ar y diwrnod gwaith cyntaf wedi cwblhau Cyfnod 1. Felly, o yfory ymlaen, caiff Aelodau gyflwyno gwelliannau i'r Mesur arfaethedig i'w hystyried gan y pwyllgor Cyfnod 2. Dylai gwelliannau i Fesurau arfaethedig gael eu cyflwyno drwy'r Swyddfa Ddeddfwriaeth, a chaiff Aelodau e-bost maes o law'n egluro'r broses a'r dyddiadau cau allweddol.

**Cynnig i Gymeradwyo Rheoliadau Awdurdodau Lleol (Trefniadau Amgen)
(Cymru) (Diwygio) 2009
Motion to Approve the Local Authorities (Alternative Arrangements) (Wales)
(Amendment) Regulations 2009**

The Minister for Social Justice and Local Government (Brian Gibbons): I move that

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Cynigiau fod

the National Assembly for Wales in accordance with Standing Order No. 24.4:

Cynulliad Cenedlaethol Cymru, yn unol â Rheol Sefydlog Rhif 24.4:

1. considers the report of the Subordinate Legislation Committee, laid in the Table Office on 14 October 2009, in relation to the draft Local Authorities (Alternative Arrangements) (Wales) (Amendment) Regulations 2009;

1. yn ystyried adroddiad y Pwyllgor Is-ddeddfwriaeth a osodwyd yn y Swyddfa Gyflwyno ar 14 Hydref 2009 mewn perthynas â'r rheoliadau drafft, Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) (Diwygio) 2009;

2. approves that the draft Local Authorities (Alternative Arrangements) (Wales) (Amendment) Regulations 2009 be made in accordance with:

2. yn cymeradwyo bod y rheoliadau drafft, Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) (Diwygio) 2009, yn cael eu gwneud yn unol ag:

a) the draft laid in the Table Office on 29 September 2009; and

a) y drafft a osodwyd yn y Swyddfa Gyflwyno ar 29 Medi 2009; a

b) the explanatory memorandum laid in the Table Office on 29 September 2009. (NDM4319)

b) y memorandwm esboniadol a osodwyd yn y Swyddfa Gyflwyno ar 29 Medi 2009. (NDM4319)

These regulations concern the allocation of functions and responsibilities for those county and county borough councils

Mae a wnelo'r rheoliadau hyn â dyrannu swyddogaethau a chyfrifoldebau i'r cynghorau sir a bwrdeistref sirol hynny sy'n

operating alternative arrangements, also known as 'fourth option' councils. They update and amend the principal regulations made in 2007, the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007, which specify which local government functions must not be, need not be, or are not solely to be board functions.

The Local Government Act 2000 introduced executive arrangements and alternative arrangements as the new forms of political structures for county and county borough councils in Wales. Nineteen authorities adopted the executive arrangements and three decided on alternative arrangements, namely Gwynedd, Merthyr Tydfil and Powys.

In effect, all functions of a council operating alternative arrangements fall to the board unless specifically excluded by primary or secondary legislation. The same is true for those councils operating executive arrangements, with all functions falling to the executive unless specifically excluded by legislation.

You may wonder why you are not being asked today to consider making similar regulations for those councils operating executive arrangements. Such regulations have been prepared but are being taken forward under the negative resolution procedure, in accordance with parliamentary requirements under the Local Government Act 2000. The changes set out in the regulations are minor but allow for the better allocation of responsibilities to local government.

At the request of local government, a number of specified functions under the Highways Act 1980 and the Wildlife and Countryside Act 1981 are being made local choices. That means that authorities decide for themselves whether to make them board or non-board functions.

gweithredu trefniadau amgen, a elwir hefyd yn gynghorau'r 'pedwerydd opsiwn'. Maent yn diweddarau ac yn diwygio'r prif reoliadau a wnaed yn 2007, Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2007, sy'n pennu pa swyddogaethau llywodraeth leol y mae'n rhaid iddynt beidio â bod, nad oes angen iddynt fod, neu na ddylent fod yn unig yn swyddogaethau bwrdd.

Cyflwynodd Deddf Llywodraeth Leol 2000 drefniadau gweithrediaeth a threfniadau amgen fel ffurfiau newydd y strwythurau gwleidyddol i gynghorau sir a bwrdeistref sirol yng Nghymru. Mabwysiadodd 19 awdurdod y trefniadau gweithrediaeth a phenderfynodd tri ar drefniadau amgen, sef Gwynedd, Merthyr Tudful a Phowys.

I bob pwrpas, mae holl swyddogaethau cyngor sy'n gweithredu trefniadau amgen yn disgyn ar y bwrdd oni waherddir hynny'n benodol gan ddeddfwriaeth sylfaenol neu is-ddeddfwriaeth. Mae'r un peth yn wir am y cynghorau hynny sy'n gweithredu trefniadau gweithrediaeth, gyda'r holl swyddogaethau'n disgyn i'r weithrediaeth oni waherddir hynny'n benodol gan ddeddfwriaeth.

Efallai eich bod yn meddwl tybed pam na ofynnir ichi heddiw ystyried gwneud rheoliadau tebyg ar gyfer y cynghorau hynny sy'n gweithredu trefniadau gweithrediaeth. Mae'r cyfryw reoliadau wedi'u paratoi ond maent yn cael eu cario ymlaen dan y weithdrefn penderfyniad negyddol, yn unol â gofynion seneddol dan Ddeddf Llywodraeth Leol 2000. Mae'r newidiadau a amlinellir yn y rheoliadau'n fach ond maent yn caniatáu gwell dyraniad cyfrifoldebau i lywodraeth leol.

Ar gais llywodraeth leol, gwneir nifer o swyddogaethau penodol dan Ddeddf Briffyrdd 1980 a Deddf Bywyd Gwyllt a Chefn Gwlad 1981 yn ddewisiadau lleol. Mae hynny'n golygu bod awdurdodau'n penderfynu drostynt eu hunain p'run ai i'w gwneud yn swyddogaethau i'r bwrdd ai peidio.

Several functions under the Gambling Act 2005, the provisions of which did not come into force until the 2007 regulations were made, are also being made local matters. That follows current practice in relation to gambling and licensing functions, and reflects the greater degree of flexibility that we have given councils in Wales when compared with England.

The relatively new duty on local authorities to prepare and publish rights of way improvement plans is added to the list of plans that are not solely board functions. In other words, they must be fully agreed by the council. I commend the regulations to the Assembly.

The Deputy Presiding Officer: There are no other speakers. Do you wish to reply to the debate, Minister? [*Laughter.*]

Brian Gibbons: No.

The Deputy Presiding Officer: The proposal is to agree the motion. Does any Member object? I see that there are no objections. Therefore, the motion is agreed in accordance with Standing Order No. 7.35.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth y Llywydd i'r Gadair am 3.44 p.m.
The Presiding Officer took the Chair at 3.44 p.m.*

**Dadl Cyfnod 3 o dan Reol Sefydlog Rhif 23.57 ar y Mesur Arfaethedig ynghylch
Plant a Theuluoedd (Cymru)
Stage 3 Standing Order No. 23.57 Debate on the Proposed Children and Families
(Wales) Measure**

Y Llywydd: Yr wyf wedi dethol y cyfan o'r gwelliannau a gyflwynwyd ac, at ddibenion y ddadl, yr wyf wedi grwpio'r gwelliannau fel y maent yn ymddangos yn y rhestr o welliannau wedi'u grwpio. Byddwn yn pleidleisio ar y gwelliannau yn unol â'r rhestr o welliannau wedi'u didoli.

Mae sawl swyddogaeth dan Ddeddf Hapchwarae 2005, na ddaeth ei darpariaethau i rym nes y gwnaed rheoliadau 2007, hefyd yn cael eu gwneud yn faterion lleol. Mae hynny'n dilyn yr arfer cyfredol mewn perthynas â swyddogaethau hapchwarae a thrwyddedu, ac yn adlewyrchu'r radd fwy o hyblygrwydd yr ydym wedi'i rhoi i gynghorau yng Nghymru o gymharu â Lloegr.

Caiff y ddyletswydd gymharol newydd ar awdurdodau lleol i baratoi a chyhoeddi cynlluniau gwella hawliau tramwy ei hychwanegu at y rhestr o gynlluniau nad ydynt yn swyddogaethau bwrdd yn unig. Mewn geiriau eraill, rhaid eu cytuno'n llawn gan y cyngor. Cymeradwyaf y rheoliadau i'r Cynulliad.

Y Dirprwy Lywydd: Nid oes dim siaradwyr eraill. A ydych yn dymuno ymateb i'r ddadl, Weinidog? [*Chwerthin.*]

Brian Gibbons: Na.

Y Dirprwy Lywydd: Y cynnig sydd gerbron yw ein bod yn derbyn y cynnig. A oes unrhyw Aelod yn gwrthwynebu? Gwelaf nad oes. Felly, yn unol â Rheol Sefydlog Rhif 7.35, caiff y cynnig ei dderbyn.

The Presiding Officer: I have selected all of the amendments tabled and, for the purposes of debate, I have grouped the amendments as shown on the groupings list. We will be voting on the amendments according to the order in the marshalled list.

Amcanion Eang—Tlodi Tanwydd (Gwelliant 60)
Broad aims—Fuel Poverty (Amendment 60)

Y Llywydd: Mae'r grŵp cyntaf o welliannau yn ymwneud ag amcanion eang—tlodi tanwydd. Yr unig welliant yn y grŵp yw gwelliant 60. Galwaf ar Mark Isherwood i gynnig gwelliant 60.

Mark Isherwood: I move amendment 60 in my name and with the name of Jenny Randerson in support.

National Energy Action Cymru and fuel poverty charities across Wales believe that the proposed Measure needs to ensure that local government plays an active role in tackling fuel poverty as part of its efforts to combat child poverty. This can be achieved through ensuring that local government has a duty to implement affordable-warmth action plans. They believe that the proposed Measure needs to ensure that the public sector is adequately monitoring progress on tackling fuel poverty as part of its effort to combat child poverty. There should, therefore, be a requirement to tackle fuel poverty, but there can be no guarantee that the intention will be achieved if authorities are able to select the objectives that will be set out in their strategies. The amendment drafted incorporates the reduction of fuel poverty as a broad aim. The wording and the reference to 10 per cent is based on a current Government definition.

Jenny Randerson: I am pleased to be able to support amendment 60. The Minister claimed that it would be incorrect to single out fuel poverty as a particular element that affects the income of a family. However, I believe that that approach is fundamentally wrong, simply because fuel poverty is one of the biggest and most important elements of poverty. Indeed, in its announcements this week, the Government has recognised that. I believe that the strength of public feeling about the impact of fuel poverty is considerable. We know that the topic has

The Presiding Officer: The first group of amendments relates to broad aims—fuel poverty. The only amendment in the group is amendment 60. I call on Mark Isherwood to move amendment 60.

Mark Isherwood: Cynigaf welliant 60 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Mae Gweithredu Ynni Cenedlaethol (NEA) Cymru ac elusennau tlodi tanwydd ledled Cymru'n credu bod angen i'r Mesur arfaethedig sicrhau bod llywodraeth leol yn chwarae rhan weithredol i fynd i'r afael â thlodi tanwydd fel rhan o'i hymdrechion i ymladd tlodi plant. Gellir cyflawni hyn drwy sicrhau bod gan lywodraeth leol ddyletswydd i weithredu cynlluniau gweithredu cynhesrwydd fforddiadwy. Credant fod angen i'r Mesur arfaethedig sicrhau bod y sector cyhoeddus yn monitro'r gwaith ar fynd i'r afael â thlodi tanwydd yn effeithiol fel rhan o'i ymdrech i ymladd tlodi plant. Dylai fod yn ofynnol mynd i'r afael â thlodi tanwydd, felly, ond ni all fod gwarant y cyflawnir y bwriad os bydd awdurdodau'n gallu dethol yr amcanion a amlinellir yn eu strategaethau. Mae'r gwelliant sydd wedi'i ddrafftio'n ymgorffori lleihau tlodi tanwydd fel nod eang. Mae'r geiriad a'r cyfeiriad at 10 y cant yn seiliedig ar ddiffiniad cyfredol gan y Llywodraeth.

Jenny Randerson: Yr wyf yn falch o allu cefnogi gwelliant 60. Haerodd y Gweinidog y byddai'n anghywir canolbwyntio ar tlodi tanwydd fel elfen arbennig sy'n effeithio ar incwm teulu. Fodd bynnag, credaf fi fod yr agwedd honno'n sylfaenol anghywir, yn syml am mai tlodi tanwydd yw un o elfennau mwyaf a phwysicaf tlodi. Yn wir, yn ei chyhoeddiadau'r wythnos hon, mae'r Llywodraeth wedi cydnabod hynny. Credaf fod cryfder y teimlad cyhoeddus ynglŷn ag effaith tlodi tanwydd yn sylweddol. Gwyddom fod y pwnc wedi'i drafod sawl

been debated many times in the Chamber. How many debates have we had on this issue? How many questions have been asked on it? How many warm words have been spoken about fuel poverty? However, here we are, with a real opportunity to do something about it, by putting it in legislation, which will make a difference. I believe that only by ensuring that it is placed in legislation will we ensure that, in the long run, there is a real difference in outcomes. I believe that we should all support amendment 60 in order to ensure that the next time that we talk about fuel poverty, we can do so with a clear conscience, rather than simply using hollow words.

The Minister for Social Justice and Local Government (Brian Gibbons): Tackling child poverty is highly complex and involves a range of interrelated policy solutions. No single policy area or area of Government will be able to deliver the solutions to what is a deep-seated, intergenerational, social issue. It is within this context that we have developed this new legislation. In particular, this is the policy rationale for section 1 of the proposed Measure. Eradicating child poverty requires a cross-cutting policy approach and this is the backdrop to the 13 broad aims that are set out in section 1. Of course, it is not an exhaustive list of policy aims. They are the aims that we consider to be the most important to achieve, if we are to succeed in ensuring that our most disadvantaged children and young people are not consigned to a life of poverty and its associated disadvantages.

On amendment 60 specifically, the extent of the broad aims for contributing to the eradication of child poverty in the proposed Measure reflect the Assembly Government's view that the determinants of child poverty are highly complex. These are not simply about income alone, but elements that need to be addressed across a wide range of different activities. The broad aims are deliberately intended to be broad and general, with Assembly authorities having discretion to choose the detailed, specific objective or

gwaith yn y Siambr. Sawl dadl yr ydym ni wedi'u cael ar y pwnc hwn? Sawl cwestiwn sydd wedi'u gofyn arno? Faint o eiriau cynnes sydd wedi'u siarad am dlodi tanwydd? Fodd bynnag, dyma ni, a chyfle gwirioneddol i wneud rhywbeth amdano, drwy ei roi mewn deddfwriaeth, a fydd yn gwneud gwahaniaeth. Credaf mai dim ond trwy sicrhau y caiff ei roi mewn deddfwriaeth y gwnawn ni sicrhau y ceir gwahaniaeth go iawn mewn canlyniadau yn y tymor hir. Credaf y dylem i gyd gefnogi gwelliant 60 er mwyn sicrhau y tro nesaf y siaradwn am dlodi tanwydd, y gallwn wneud hynny â chydwybod glir, yn hytrach na defnyddio geiriau gwag yn unig.

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Mae mynd i'r afael â thlodi plant yn gymhleth iawn ac yn gofyn am amrediad o atebion polisi cydgysylltiedig. Ni fydd un maes polisi neu faes Llywodraeth unigol yn gallu rhoi'r atebion i fater cymdeithasol sydd wedi gwreiddio'n ddwfn ac yn mynd o genhedlaeth i genhedlaeth. O fewn y cyddestun hwn yr ydym wedi datblygu'r ddeddfwriaeth newydd hon. Yn enwedig, dyma'r sail polisi ar gyfer adran 1 y Mesur arfaethedig. I ddileu tlodi plant rhaid wrth ddull polisi trawsbynciol a dyma'r cefndir i'r 13 o nodau eang a amlinellir yn adran 1. Wrth gwrs, nid yw'n rhestr hollgynhwysol o nodau polisi. Dyma'r nodau yr ystyriwn ei bod bwysicaf eu cyflawni, os ydym am lwyddo i sicrhau na chaiff ein plant a'n pobl ifanc mwyaf difreintiedig eu condemnio i fywyd o dlodi a'i anfanteision cysylltiedig.

Ar welliant 60 yn benodol, mae hyd a lled y nodau eang ar gyfer cyfrannu at ddileu tlodi plant yn y Mesur arfaethedig yn adlewyrchu barn Llywodraeth y Cynulliad fod y ffactorau sy'n penderfynu tlodi plant yn gymhleth dros ben. Nid yw'r rhain yn ymwneud ag incwm yn unig, ond ag elfennau sydd angen sylw ar draws amrediad eang o wahanol weithgareddau. Mae'r nodau eang yn fwriadol eang a chyffredinol, gyda disgresiwn i awdurdodau ddewis yr amcan neu amcanion manwl, penodol ar gyfer pob

objectives for each aim. It is not possible to include every conceivable aspect of poverty as a broad aim, important though these aspects are, because to attempt to do so would mean a departure from the broad-aims approach. We recognise that, in trying to address the issue of income, there are many elements that will contribute to the income of a family, but to pick out fuel poverty in isolation would create an imbalance. It can readily be accommodated within the current list of broad aims; for example, it can be addressed through the broad aims in section 1 and, to the extent that it is affected by the energy performance of properties, through the broad aim in section 1(2)(h). I therefore urge rejection of amendment 60.

3.50 p.m.

At the Wales level, the Assembly Government's new child poverty strategy, which will be published next year, will reflect the importance of tackling fuel poverty in our drive to reduce child poverty. In addition, our draft fuel poverty strategy, which went out for consultation this week, as Jenny mentioned, recognises the need to target support at the most vulnerable groups, such as those families on low incomes.

Mark Isherwood: You referred to the consultation on the revised fuel poverty strategy. Clearly, we have to see what the responses identify. We already know of the concerns that this might penalise the working poor, for example, because of the definitions so far made available.

You referred to a concern about definitions based on income, but we are only using that definition because it is the current UK Government definition, also accepted by the Welsh Government. If Government had a different definition, we would be using that one. The key point is that local government needs to play an active role in tackling fuel poverty as part of its efforts to combat child poverty. Charities working in this field

nod. Nid yw'n bosibl cynnwys pob agwedd ddirnadwy ar dlodi fel nod eang, er mor bwysig yw'r agweddau hyn, oherwydd byddai ceisio gwneud hynny'n golygu symud i ffwrdd oddi wrth y dull nodau eang. Yr ydym yn cydnabod, wrth geisio mynd i'r afael â chwestiwn incwm, fod llawer o elfennau a fydd yn cyfrannu at incwm teulu, ond byddai canolbwyntio ar dlodi tanwydd ar ei ben ei hun yn creu anghydbwysedd. Gellir ei gynnwys yn hawdd yn y rhestr gyfredol o nodau eang; er enghraifft, gellir rhoi sylw iddo trwy'r nodau eang yn adran 1 ac, i'r graddau yr effeithir arno gan berfformiad ynni adeiladau, trwy'r nod eang yn adran 1(2)(h). Felly anogaf wrthod gwelliant 60.

Ar lefel Cymru, bydd strategaeth newydd Llywodraeth y Cynulliad ar dlodi plant, a gyhoeddir y flwyddyn nesaf, yn adlewyrchu pwysigrwydd mynd i'r afael â thlodi tanwydd yn ein hymgyrch i leihau tlodi plant. Yn ogystal, mae ein strategaeth ddrafft ar dlodi tanwydd, a aeth allan i ymgynghoriad yr wythnos hon, fel y crybwyllodd Jenny, yn cydnabod yr angen i dargedu cefnogaeth ar y grwpiau mwyaf bregus, fel teuluoedd sydd ar incwm isel.

Mark Isherwood: Cyfeiriasoch at yr ymgynghoriad ar y strategaeth ddiwygiedig ar dlodi tanwydd. Yn amlwg, rhaid inni weld beth y mae'r ymatebion yn tynnu sylw ato. Gwyddom eisoes am y pryderon y gallai hyn gosbi'r tlodion sy'n gweithio, er enghraifft, oherwydd y diffiniadau sydd wedi'u darparu hyd yma.

Cyfeiriasoch at bryder ynghylch diffiniadau seiliedig ar incwm, ond nid ydym ond yn defnyddio'r diffiniad hwnnw am mai dyna ddiffiniad cyfredol Llywodraeth y Deyrnas Unedig, sydd wedi'i dderbyn hefyd gan Lywodraeth Cymru. Pe bai gan y Llywodraeth ddiffiniad gwahanol, byddem yn defnyddio hwnnw. Y pwynt allweddol yw bod angen i lywodraeth leol chwarae rhan weithredol mewn mynd i'r afael â thlodi

strongly feel that this is a means of achieving that. I urge Members to support this amendment accordingly.

The Presiding Officer: Mark, I assume that you wish to move to a vote on amendment 60.

Y cwestiwn yw a ddylid derbyn gwelliant 60. A oes unrhyw wrthwynebiad? Gwelaf fod Felly, symudwn i bleidlais.

tanwydd fel rhan o'i hymdrechion i ymladd tlodi plant. Mae elusennau sy'n gweithio yn y maes hwn yn teimlo'n gryf bod hyn yn fodd o gyflawni hynny. Anogaf Aelodau i gefnogi'r gwelliant hwn felly.

Y Llywydd: Mark, yr wyf yn cymryd eich bod yn dymuno symud at bleidlais ar welliant 60.

The question is that amendment 60 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 60: O blaid 14, Ymatal 0, Yn erbyn 21.

Amendment 60: For 14, Abstain 0, Against 21.

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Ramsay, Nick
Randerson, Jenny
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Cuthbert, Jeff
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Jenkins, Bethan
Jones, Carwyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 60.
Amendment 60 not agreed.*

**Amcanion Eang—Tlodi, Amddifadedd Sylweddol, Incwm Canolrifol
(Gwelliannau 69, 68 a 55)**

**Broad Aims—Poverty, Material Deprivation, Median Income
(Amendments 69, 68 and 55)**

Y Llywydd: Mae'r gwelliannau hyn yn ymwneud â thlodi, amddifadedd sylweddol ac incwm canolrifol. Y prif welliant yw gwelliant 69 yn enw Mark Isherwood.

The Presiding Officer: These amendments deal with poverty, material deprivation and median income. The lead amendment is amendment 69 in the name of Mark Isherwood.

Mark Isherwood: I move amendment 69 in my name and with the name of Jenny Randerson in support.

Amendment 69 would confer a duty on Welsh Ministers to make regulations that would provide for the determination of material deprivation and median income, thereby avoiding geographical variations that could arise were Welsh authorities to make their own determinations.

In committee, the Joseph Rowntree Foundation said that it was important for there to be some definition of these terms that all partners would be able to sign up to and use, and that having something specified in the proposed Measure would be an effective way of achieving that. It stated that this would also aid future accountability, in that setting these determinations at the outset would allow their progress to be judged more easily later on. This was supported by Save the Children, Children in Wales and Tros Gynnal, which thought that it would be helpful to have a determination of median income in the proposed Measure, rather than expect it to find its own level and then rely on guidance locally.

The Joseph Rowntree Foundation, however, believed that the issue of 'up-rating' any determination of material deprivation, in particular, should be borne in mind. It said that measuring material deprivation is usually

'done on a basket of goods and services and you basically ask families whether or not they have certain things or are able to do certain things. Something would need to be built in to enable that to be uprated according to how public opinion and normal life changed. Therefore, having a basket specified now would not necessarily be the right basket in 10 years' time... and there would need to be something built in to make sure that it stayed up to date with normal life.'

Mark Isherwood: Cynigiaf welliant 69 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Byddai gwelliant 69 yn gosod dyletswydd ar Weinidogion Cymru i wneud rheoliadau a fyddai'n darparu ar gyfer pennu beth yw amddifadedd sylweddol ac incwm canolrifol, gan osgoi felly amrywiadau daearyddol a allai godi pe gadewid i awdurdodau Cymru wneud eu diffiniadau eu hunain.

Yn y pwyllgor, dywedodd Sefydliad Joseph Rowntree ei bod yn bwysig cael rhyw ddiffiniad o'r termau hyn y byddai pob partner yn gallu eu derbyn a'u defnyddio, ac y byddai cael rhywbeth wedi'i bennu yn y Mesur arfaethedig yn ffordd effeithiol o sicrhau hynny. Dywedodd y byddai hyn hefyd yn cynorthwyo atebolrwydd yn y dyfodol, gan y byddai pennu'r diffiniadau hyn ar y dechrau'n caniatáu barnu eu llwyddiant yn haws yn ddiweddarach. Cefnogwyd hyn gan Achub y Plant, Plant yng Nghymru a Thros Gynnal, a farnodd y byddai'n fuddiol cael diffiniad o incwm canolrifol yn y Mesur arfaethedig, yn hytrach na disgwyl iddo ganfod ei lefel ei hun ac wedyn dibynnu ar arweiniad yn lleol.

Credai Sefydliad Joseph Rowntree, fodd bynnag, y dylid cofio am gwestiwn 'uwchraddio' unrhyw ddiffiniad o amddifadedd sylweddol, yn enwedig. Dywedodd y mesurir amddifadedd sylweddol fel arfer

'ar sail basged o nwyddau a gwasanaethau, a gofyn i deuluoedd yn y bôn a oes ganddynt hyn-a-hyn neu a ydynt yn gallu gwneud hyn-a-hyn. Byddai angen adeiladu rhywbeth i mewn i alluogi uwchraddio hynny yn ôl y modd y byddai'r farn gyhoeddus a bywyd normal yn newid. Felly, ni fyddai diffinio basged yn awr yn golygu o reidrwydd mai dyna fyddai'r fasged iawn ymhen 10 mlynedd... a byddai angen adeiladu rhywbeth i mewn i wneud yn siŵr ei bod yn cadw'n gyfoes â bywyd normal.'

The Welsh Government objected to this approach at Stage 2 on the grounds that the intention is to align the determinations with those to be used by the UK Government, as the inability of local authorities to make their own determinations could be problematic if there was a delay in bringing forward regulations and that, further, the amendments would bring about inflexibility in the system, as the Department for Work and Pensions regularly reviews the list of necessities contained in the Family Resources Survey, which is used to inform the definition of material deprivation. So, flexibility is needed to change in line with developments elsewhere. However, the latter point seems relevant only if local authorities have access to the Family Resources Survey and can use it to frame their own determinations.

As regards Government regulations, the time taken to make regulations would be the same, whether they were made under a discretionary power or under a duty. Questions must be asked as to how quickly a strategy can be affected and reviewed by a change of determination.

Jenny Randerson: I am pleased to support this amendment. A piece of legislation that purports to lead to the eradication of child poverty without a definition of what you mean by eradicating child poverty, or, indeed, what you mean by child poverty, and which does not place an obligation on the Government to define what it means, fundamentally undermines the whole purpose of the legislation. The idea that local authorities should be put in a position where they had to invent their own definition of child poverty, because the Government was too slow on the uptake to do it, suggests that child poverty, by that time, would have slipped down the Government's agenda. The Government's lack of willingness to come forward with crisp, precise definitions is surprising. If people are to be persuaded of the need for this legislation and its effectiveness, they must know what the Government means by this legislation.

Gwrthwynebodd Llywodraeth Cymru hyn ar y sail mai'r bwriad yw alinio'r diffiniadau â'r rhai a ddefnyddir gan Lywodraeth y Deyrnas Unedig, gan y gallai anallu awdurdodau lleol i wneud eu diffiniadau eu hunain beri problem pe ceid oedi wrth gyflwyno rheoliadau ac, ymhellach, y byddai'r gwelliannau'n creu anhyblygrwydd yn y system, gan fod yr Adran Gwaith a Phensiynau'n adolygu'r rhestr o angenrheidiau a geir yn yr Arolwg Adnoddau Teuluoedd, a ddefnyddir i hysbysu'r diffiniad o amddifadedd sylweddol, yn rheolaidd. Felly, mae angen hyblygrwydd i newid yn unol â datblygiadau mewn mannau eraill. Fodd bynnag, nid yw'r pwynt olaf ond yn ymddangos yn berthnasol os oes gan awdurdodau lleol fynediad at yr Arolwg Adnoddau Teuluoedd ac y gallant ei ddefnyddio i fframio'u diffiniadau eu hunain.

Ynglŷn â rheoliadau'r Llywodraeth, byddai'r amser a gymerir i wneud y rheoliadau'r un fath, p'run ai y'u gwneid dan bwerau disgresiwn neu dan ddyletswydd. Rhaid gofyn cwestiynau o ran pa mor gyflym y gall strategaeth gael ei heffeithio a'i hadolygu wrth newid diffiniad.

Jenny Randerson: Yr wyf yn falch o gefnogi'r gwelliant hwn. Mae darn o ddeddfwriaeth sy'n honni arwain at ddileu tlodi plant heb ddiffiniad o'r hyn a olygwch wrth ddileu tlodi plant, nac, yn wir, yr hyn a olygwch wrth dlodi plant, ac nad yw'n gosod dyletswydd ar y Llywodraeth i ddiffinio'r hyn y mae'n ei olygu, yn tansailio'n sylfaenol holl bwrpas y ddeddfwriaeth. Mae'r syniad y dylid rhoi awdurdodau lleol mewn sefyllfa lle byddai'n rhaid iddynt ddyfeisio'u diffiniad eu hunain o dlodi plant, am fod y Llywodraeth yn rhy araf yn ei gweld hi i wneud hynny, yn awgrymu y byddai tlodi plant, erbyn hynny, wedi llithro i lawr agenda'r Llywodraeth. Mae diffyg parodrwydd y Llywodraeth i ddod ymlaen â diffiniadau miniog, cywir yn destun syndod. Os am berswadio pobl o'r angen am y ddeddfwriaeth hon a'i heffeithiolrwydd, rhaid iddynt wybod beth y mae'r Llywodraeth yn ei olygu gyda'r ddeddfwriaeth hon. Felly, cefnogaf y

Therefore, I support the amendment.

Brian Gibbons: It is clearly our intention to bring forward regulations in respect of determining material deprivation and median income as soon as possible. However, we also intend to align these measures with those set out by the UK Government, which intends to publish such regulations following the Royal Assent for the UK Child Poverty Bill. On that basis, I urge the rejection of amendment 69.

Amendment 68 is undesirable and potentially removes the flexibility that is currently provided. It removes the provision that, in the absence of regulations for the determination of material deprivation and median income, Welsh authorities can make the determination themselves. There is potential lag between when the proposed Measure becomes operational and when the regulations are brought forward to specifically define what we mean by income poverty. So, if there is a gap, we need some means by which authorities covered by this regulation can decide what deprivation means in their context. Rather than being a formula for procrastination, as Jenny Randerson said, this section of the proposed Measure is intended to ensure that action against child poverty occurs, regardless of whether or not the proposed Measure and regulations are in place.

The amendments would introduce unnecessary inflexibility to the system, and the example of the Department of Work and Pensions' regular review of the list of necessities is an example in point. There will need to be a time between the information becoming available and the necessary updating occurring. We need that flexibility to change in line with developments elsewhere. Therefore, I urge the Assembly to reject the inflexibility that is demanded by this particular amendment.

Turning to amendment 55, which is also in this group, we feel that it is unnecessary,

gwelliant.

Brian Gibbons: Mae'n amlwg mai ein bwriad yw dod â rheoliadau ymlaen o ran diffinio amddifadedd sylweddol ac incwm canolrifol cyn gynted ag y bo modd. Fodd bynnag, bwriadwn hefyd alinio'r mesurau hyn â'r rhai a amlinellir gan Lywodraeth y Deyrnas Unedig, sy'n bwriadu cyhoeddi'r cyfryw reoliadau yn dilyn y Cydsyniad Brenhinol i Fesur Tlodi Plant y Deyrnas Unedig. Ar y sail honno, anogaf wrthod gwelliant 69.

Mae gwelliant 68 yn ddiiesiau a chanddo'r potensial i ddileu'r hyblygrwydd a ddarperir ar hyn o bryd. Mae'n dileu'r ddarpariaeth y gall awdurdodau Cymru, yn absenoldeb rheoliadau i ddiffinio amddifadedd sylweddol ac incwm canolrifol, wneud y diffiniad eu hunain. Mae bwlch potensial rhwng yr adeg y daw'r Mesur arfaethedig yn weithredol a'r adeg y cyflwynir y rheoliadau i ddiffinio'n benodol beth a olygwn wrth dlodi incwm. Felly, os bydd bwlch, mae angen rhyw fodd i'r awdurdodau dan y rheoliad hwn allu penderfynu beth y mae amddifadedd yn ei olygu yn eu cyd-destun hwy. Yn hytrach na bod yn fformiwla ar gyfer tin-droi, fel y dywedodd Jenny Randerson, bwriedir i'r adran hon o'r Mesur arfaethedig sicrhau bod gweithredu yn erbyn tlodi plant yn digwydd, ni waeth a ydyw'r Mesur arfaethedig a'r rheoliadau wedi'u sefydlu ai peidio.

Byddai'r gwelliannau'n cyflwyno anhyblygrwydd diangen i'r system, ac mae esiampl adolygiad rheolaidd yr Adran Gwaith a Phensiynau o'r rhestr angenrheidiu'n enghraifft o hyn. Bydd angen cyfnod rhwng bod y wybodaeth ar gael a bod yr uwchraddio angenrheidiol yn digwydd. Mae arnom angen yr hyblygrwydd hwnnw i newid yn unol â datblygiadau mewn mannau eraill. Felly, anogaf y Cynulliad i wrthod yr anhyblygrwydd a fynnir gan y gwelliant arbennig hwn.

A throi at welliant 55, sydd hefyd yn y grŵp hwn, teimlwn ei fod yn ddiangen, oherwydd

because it is, in effect, a repetition. Sections 1(3) and 1(4) of the proposed Measure already describe the relevant income group for the purposes of the broad aims in sections 1(2)(a) and 1(2)(b) as being those children in households with incomes of less than 60 per cent of the mean income and 70 per cent of the median income. As this is the case, there is no need for this amendment, as it is repetitive and adds nothing new to the proposed Measure. Therefore, I urge the Assembly to reject the main amendment and the subsequent amendments in this broad section.

4.00 p.m.

Mark Isherwood: Thank you for your response, but I would contend that the amendments will increase the flexibility and urgency applying to the purpose of the proposed Measure. As I said, the inability of local authorities to make their own determinations could be problematic. It would delay bringing forward regulations, whereas the time taken to make regulations would be the same whether they were made under a discretionary power or under a duty. There must be questions as to how quickly a strategy could be put into effect and reviewed by a change in determination.

The committee received evidence from Save the Children and Children in Wales calling for the proposed Measure to include a definition of 'eradication' or 'eradication of poverty' as a means of strengthening the legislation, which requires a clear and cogent definition of child poverty, which is provided by this amendment.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 69. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

y mae, i bob pwrpas, yn ailadrodd. Mae adrannau 1(3) ac 1(4) y Mesur arfaethedig eisoes yn disgrifio'r grŵp incwm perthnasol i ddibenion y nodau eang yn adrannau 1(2)(a) ac 1(2)(b) fel y plant hynny ar aelwydydd ag incwm llai na 60 y cant o'r incwm cymedrig a 70 y cant o'r incwm canolrifol. Gan hynny, nid oes angen y gwelliant hwn, gan ei fod yn ailadroddus a heb ychwanegu dim byd newydd i'r Mesur arfaethedig. Felly, anogaf y Cynulliad i wrthod y prif welliant a'r gwelliannau dilynol yn yr adran fras hon.

Mark Isherwood: Diolch am eich ymateb, ond fe ddadleuwn i y bydd y gwelliannau'n cynyddu'r hyblygrwydd a'r brys mewn perthynas â diben y Mesur arfaethedig. Fel y dywedais, gallai anallu awdurdodau lleol i wneud eu penderfyniadau eu hunain beri problem. Byddai'n oedi cyflwyno rheoliadau, tra byddai'r amser a gymerir i wneud rheoliadau'r un fath p'run ai y'u gwneid dan bwerau disgresiwn neu dan ddyletswydd. Rhaid holi pa mor gyflym y gellid rhoi strategaeth ar waith a'i adolygu wrth newid diffiniad.

Derbyniodd y pwyllgor dystiolaeth gan Achub y Plant a Phlant yng Nghymru yn galw am i'r Mesur arfaethedig gynnwys diffiniad o 'ddileu' neu 'ddileu tlodi' fel modd o gryfhau'r ddeddfwriaeth, sy'n gofyn am ddiffiniad clir a chymhellol o dlodi plant, a ddarperir gan y gwelliant hwn.

The Presiding Officer: The question is that amendment 69 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 69: O blaid 14, Ymatal 0, Yn erbyn 28.
Amendment 69: For 14, Abstain 0, Against 28.*

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

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Ramsay, Nick
Randerson, Jenny
Williams, Kirsty

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Jenkins, Bethan
Jones, Carwyn
Jones, Helen Mary
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd gwelliant 69.
Amendment 69 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 68.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendment 68.

I invite Mark Isherwood to move amendment 68.

Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 68.

Mark Isherwood: I move amendment 68 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 68 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 68. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 68 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 68: O blaid 14, Ymatal 0, Yn erbyn 29.
Amendment 68: For 14, Abstain 0, Against 29.*

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

Bates, Mick
Black, Peter

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

Andrews, Leighton
Asghar, Mohammad

Bourne, Nick
 Burnham, Eleanor
 Cairns, Alun
 Davies, Paul
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Millar, Darren
 Ramsay, Nick
 Randerson, Jenny
 Williams, Kirsty

Barrett, Lorraine
 Chapman, Christine
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Jocelyn
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Gregory, Janice
 Griffiths, John
 Griffiths, Lesley
 Hart, Edwina
 Jenkins, Bethan
 Jones, Carwyn
 Jones, Helen Mary
 Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce
 Wood, Leanne

*Gwrthodwyd gwelliant 68.
 Amendment 68 not agreed.*

Y Llywydd: Ni fyddwn yn pleidleisio yn awr ar welliant 55, ond down yn ôl ato ar yr adeg briodol yn y trafodion.

The Presiding Officer: We will not vote on amendment 55 now, but we will come back to it at the appropriate point in proceedings.

**Strategaethau—Targedau a Cherrig Milltir
 (Gwelliant 39)
 Strategies—Targets and Milestones
 (Amendment 39)**

Y Llywydd: Yr unig welliant yn y grŵp hwn yw gwelliant 39. Galwaf ar Jenny Randerson i gynnig a siarad am welliant 39.

The Presiding Officer: The only amendment in the group is amendment 39. I call on Jenny Randerson to move and speak to amendment 39.

Jenny Randerson: I move amendment 39 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiaf welliant 39 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

I am pleased to speak to amendment 39 and urge you all to support it. The purpose of this amendment is to ensure that there are targets and milestones. In Stage 2 proceedings, the Minister accepted the need for careful monitoring of progress. I remind you that it was a lack of early targets and milestones that

Yr wyf yn falch o siarad dros welliant 39 ac fe'ch anogaf i gyd i'w gefnogi. Pwrpas y gwelliant hwn yw sicrhau y ceir targedau a cherrig milltir. Yn nhrefodion Cyfnod 2, derbyniodd y Gweinidog yr angen am fonitro cynnydd yn ofalus. Fe'ch atgoffaf mai diffyg targedau a cherrig milltir cynnar a roddodd

effectively put paid to this Government's original ambitions in relation to child poverty. Yet, here we are again, with the Government shying away from the need for targets and milestones.

I fundamentally reject the Minister's assertion that it is not sensible to use performance indicators to measure our progress, as he said in committee. I ask you, my fellow Assembly Members, in what other walk of life do we reject the approach of using performance indicators in order to measure progress? The Welsh Assembly Government consistently requires the whole of the public sector to work to performance indicators and one wonders why it does not ask the same of itself in this context. There is also a contrast between the proposed Measure and the Child Poverty Bill. Unlike the Child Poverty Bill, the proposed Measure does not set a target to be achieved by a specific year. We have taken an approach that is similar to the one that the Assembly Government took in the Local Government (Wales) Measure 2009 by providing an additional power in our amendment for Welsh Ministers to provide for performance indicators in regulations relating to strategies. I appreciate entirely the sensitivity and variability of local needs, but the crucial point here is that we have the opportunity to ensure that good intentions at a local level are transferred into action that makes progress at a national level.

Only through Welsh Ministers having the power to set performance indicators and targets can we, as an Assembly, and the public as a whole, scrutinise achievement. I know that the Minister recognises that there are good intentions at a local level, but there are always, when it comes down to it, hurdles and problems. Just because there are good intentions, we will not necessarily be able to achieve our goals without a Welsh Minister having the power to set performance indicators. I am not sure how we will measure progress unless we can set performance indicators.

derfyn i bob pwrpas ar uchelgeisiau gwreiddiol y Llywodraeth hon mewn perthynas â thlodi plant. Eto, dyma ni eto, gyda'r Llywodraeth yn gwingo rhag yr angen am dargedau a cherrig milltir.

Gwrthodaf yn sylfaenol haerid y Gweinidog nad yw'n gall defnyddio dangosyddion perfformiad i fesur ein cynnydd, fel y dywedodd yn y pwyllgor. Gofynnaf i chi, fy nghyd-Aelodau Cynulliad, ym mha faes arall y gwrthodir defnyddio dangosyddion perfformiad i fesur cynnydd? Mae Llywodraeth Cynulliad Cymru yn gyson yn mynnu bod y sector cyhoeddus cyfan yn gweithio yn ôl dangosyddion perfformiad a rhaid holi pam nad yw'n gofyn yr un peth ganddi ei hun yn y cyd-destun hwn. Mae cyferbyniad hefyd rhwng y Mesur arfaethedig a'r Mesur Tlodi Plant. Yn wahanol i'r Mesur Tlodi Plant, nid yw'r Mesur arfaethedig yn pennu targed i'w gyflawni erbyn dyddiad penodol. Yr ydym wedi mynd ati mewn ffordd debyg i'r un a gymerwyd gan Lywodraeth y Cynulliad ym Mesur Llywodraeth Leol (Cymru) 2009 drwy ddarparu pŵer ychwanegol yn ein gwelliant i Weinidogion Cymru ddarparu ar gyfer dangosyddion perfformiad mewn rheoliadau cysylltiedig â strategaethau. Yr wyf yn llawn sylweddoli sensitifrwydd ac amrywioldeb anghenion lleol, ond y pwynt allweddol yma yw bod gennym y cyfle i sicrhau y caiff bwriadau da ar lefel leol eu trosglwyddo'n weithredu a gymer gamau ymlaen ar lefel genedlaethol.

Dim ond trwy i Weinidogion Cymru gael y pŵer i osod targedau a dangosyddion perfformiad y gallwn ni, fel Cynulliad, a'r cyhoedd yn gyffredinol, graffu ar yr hyn a gyflawnwyd. Gwn fod y Gweinidog yn cydnabod bod bwriadau da ar lefel leol, ond yn y bôn, ceir rhwystrau a phroblemau bob amser. Nid yw bwriadau da'n gwarantu y byddwn o reidrwydd yn gallu cyflawni ein nodau heb fod gan un o Weinidogion Cymru y pŵer i osod dangosyddion perfformiad. Nid wyf yn siŵr sut y gwnawn ni fesur cynnydd os na allwn osod dangosyddion perfformiad.

Mark Isherwood: It is my understanding that this amendment follows a committee recommendation at Stage 1 and seeks to satisfy the requirement that authorities should strive to achieve targets or milestones when implementing their strategies. Unlike the Child Poverty Bill, the proposed Measure does not set a target to be achieved by a target year. On that basis, the amendment takes an approach similar to that taken in the Local Government (Wales) Measure 2009, and provides an additional power for Welsh Ministers to set performance indicators in regulations relating to strategies.

The committee received evidence from a number of stakeholders concerned that the broad aims were not linked to any indicators or milestones, and that this may affect the success of delivery. Save the Children welcomed the broad aims in general, but felt that they should be strengthened so that local authorities were clear about what they were expected to do, and when. It argued that the inclusion of outcome measures and indicators, to be placed against each broad aim, would assist authorities in prioritising. Children in Wales agreed with this, suggesting that there should be short-term, medium-term and long-term milestones. When asked whether it would be appropriate for more detail to be included on the face of the proposed Measure, Save the Children said:

‘We recognise that there needs to be further detail in the regulations and the guidance, but there also needs to be more detail in the proposed Measure. It would be helpful to have a definition of “eradicating child poverty” in the proposed Measure, and there should be consideration of having interim targets, and, potentially, having an interim target in or around 2015 in relation to giving us a chance to take stock in Wales’.

At Stage 2, the Minister agreed that it was important that progress be monitored against targets, and to have a feel for what progress

Mark Isherwood: Fy nealltwriaeth i yw bod y gwelliant hwn yn dilyn argymhelliad pwyllgor yng Ngham 1 a'i fod yn ceisio bodloni'r gofyniad y dylai awdurdodau geisio cyflawni targedau neu gerrig milltir wrth weithredu eu strategaethau. Yn wahanol i'r Mesur Tlodi Plant, nid yw'r Mesur arfaethedig yn pennu targed i'w gyflawni erbyn blwyddyn darged. Ar y sail honno, mae'r gwelliant yn cymryd agwedd debyg i honno a gymerir ym Mesur Llywodraeth Leol (Cymru) 2009, ac yn darparu pŵer ychwanegol i Weinidogion Cymru osod dangosyddion perfformiad mewn rheoliadau sy'n ymwneud â strategaethau.

Derbyniodd y pwyllgor dystiolaeth oddi wrth nifer o randdeiliaid a oedd yn bryderus nad oedd y nodau eang wedi'u cysylltu ag unrhyw ddangosyddion neu gerrig milltir, ac y gallai hyn effeithio ar lwyddiant y cyflawniad. Yr oedd Achub y Plant yn croesawu'r nodau eang yn gyffredinol, ond yn teimlo y dylid eu cryfhau fel bod awdurdodau lleol yn glir ynghylch beth y disgwyliid iddynt ei wneud, a pha bryd. Dadleuodd y byddai cynnwys mesuriadau a dangosyddion canlyniadau, i'w gosod yn erbyn pob nod eang, yn helpu awdurdodau i osod blaenoriaethau. Cytunodd Plant yng Nghymru â hyn, gan awgrymu y dylid cael cerrig milltir tymor byr, tymor canolig a thymor hir. Pan ofynnwyd iddo a fyddai'n briodol cynnwys mwy o fanylion ar wyneb y Mesur arfaethedig, dywedodd Achub y Plant:

‘Cydabyddwn fod angen mwy o fanylder yn y rheoliadau a'r canllawiau, ond mae angen mwy o fanylder yn y Mesur arfaethedig hefyd. Byddai'n gymorth cael diffiniad o “dileu tlodi plant” yn y Mesur arfaethedig, a dylid ystyried cael targedau interim, ac, efallai, gael targed interim yn 2015 neu oddeutu hynny mewn perthynas â rhoi cyfle inni adolygu'r sefyllfa yng Nghymru’.

Yng Ngham 2, cytunodd y Gweinidog ei bod yn bwysig monitro perfformiad yn erbyn targedau, a chael ymdeimlad o'r hyn sy'n

looks like, but was unconvinced that a new set of performance indicators rather than milestones was desirable. However, when I checked my dictionary this morning, it said that milestones are merely flags in a workplan, giving zero direction and involving no effort. The Minister went on to describe a new outcomes measure framework that is in the course of development, but it does not meet the identified need for clear indicators in the proposed Measure if delivery of its broad aims is not to be affected.

Brian Gibbons: Our focus is on providing key outcomes for our most disadvantaged children and young people. This is very much at the heart of this proposed Measure. However, Jenny and Mark are correct: we must be able to measure the progress of Welsh authorities towards achieving our shared objective of eradicating child poverty by 2020.

However, what is being proposed here is an additional layer of performance indicators on top of what is already being proposed by the Assembly Government. We already have a cluttered field of performance indicators, which, if anything, needs to be consolidated and simplified in line with the ambitions of the proposed Measure, providing a real focus for action. We are in no way shying away from performance indicators; we are already committed to the publication of the children and young people's wellbeing monitor. We have published one edition already, another is due to be published in 2010, and we will be publishing it every three years subsequently. The 2010 monitor will provide a baseline assessment of child poverty in Wales for the new child poverty strategy and, where possible, it will report on key indicators of wellbeing that influence educational and health outcomes for children living in Wales. In addition, it will report on key measures at an all-Wales level related to the outcome measurement framework, thereby providing local authorities with national comparison data.

arwydd o gynnydd, ond nid oedd wedi'i ddarbwylllo bod set newydd o ddangosyddion perfformiad yn hytrach na cherrig milltir yn rhywbeth i'w ddeisyfu. Fodd bynnag, pan edrychais yn fy ngeiriadur y bore yma, dywedai mai dim ond fflagiau mewn cynllun gwaith yw cerrig milltir, nad ydynt yn cynnig unrhyw gyfeiriad nac yn gofyn am unrhyw ymdrech. Aeth y Gweinidog ymlaen i ddisgrifio fframwaith mesur canlyniadau newydd sydd ar y gweill, ond nid yw'n ateb yr angen a nodwyd am ddangosyddion clir yn y Mesur arfaethedig os am osgoi effeithio ar gyflawniad ei nod eang.

Brian Gibbons: Yr ydym yn canolbwyntio ar ddarparu canlyniadau allweddol i'n plant a phobl ifanc mwyaf difreintiedig. Mae hyn yn greiddiol i'r Mesur arfaethedig hwn. Fodd bynnag, mae Jenny a Mark yn iawn: rhaid inni allu mesur cynnydd awdurdodau Cymru tuag at gyflawni'r amcan a rannwn i ddileu tlodi plant erbyn 2020.

Fodd bynnag, beth sy'n cael ei gynnig yma yw haen ychwanegol o ddangosyddion perfformiad ar ben yr hyn a gynnigir eisoes gan Lywodraeth y Cynulliad. Mae gennym eisoes doreth anniben o ddangosyddion perfformiad, y mae angen, os rhywbeth, eu cydgrynhoi a'u symleiddio'n unol ag uchelgeisiau'r Mesur arfaethedig, gan ddarparu canolbwynt gwirioneddol ar gyfer gweithredu. Nid ydym yn gwingo rhag dangosyddion perfformiad o gwbl; yr ydym eisoes wedi ymrwymo i gyhoeddi monitor lles plant a phobl ifanc. Yr ydym wedi cyhoeddi un rhifyn yn barod, dylid cyhoeddi un arall yn 2010, a byddwn yn ei gyhoeddi bob tair blynedd wedi hynny. Bydd monitor 2010 yn darparu asesiad sylfaenol o dlodi plant yng Nghymru ar gyfer y strategaeth tlodi plant newydd a, lle bo modd, bydd yn rhoi adroddiad ar ddangosyddion lles allweddol sy'n dylanwadu ar ganlyniadau addysgol ac iechyd i blant sy'n byw yng Nghymru. Ar ben hynny, bydd yn adrodd ar gamau allweddol ar lefel Cymru gyfan sy'n ymwneud â'r fframwaith mesur canlyniadau, gan ddarparu data cymharu cenedlaethol i

awdurdodau lleol.

We are also in the process of developing the new outcomes measurement framework, which will provide a set of measurements for each core aim that underpins the children and young people's plans at a local level. That will be one of the main delivery vehicles for the proposed Measure. The framework will consist of high-level measurements on which all local authorities must report, and also will contain groups of additional measures from which a selection can be made in order to measure performance against local priorities. The framework has been designed to incorporate, in addition to the seven core aims of the local plan, the 13 broad aims set out in this proposed Measure, thereby supporting the policy intention that local child poverty strategies be firmly integrated into the children and young people's plans. We intend to have a consultation on the outcome measures framework by April 2010. Outcome measures included in the Welsh Ministers' child poverty strategy will need to link and reflect the work across the children and young people's plans as well as the strategies flowing from the child poverty Measure.

4.10 p.m.

Setting an additional range of prescriptive national targets will work against the local basis on which these strategies will be delivered. The proposed Measure will ask local authorities to decide on the crucial objectives to deliver on child poverty targets locally, and there is a risk that any unduly prescriptive national performance indicators will not contribute to local sensitivity. Indeed, it may result in people chasing after the target, rather than addressing local needs; we know that that has happened in many instances in other cases.

Therefore, in light of what I have said, confirming that a range of robust performance indicators underpins this proposed Measure, I wonder whether the mover of the amendment, and the person who

Yr ydym wrthi hefyd yn datblygu'r fframwaith mesur canlyniadau newydd, a fydd yn darparu set o fesuriadau ar gyfer pob nod craidd i danategu'r cynlluniau plant a phobl ifanc ar lefel leol. Dyna fydd un o brif gyfryngau cyflenwi'r Mesur arfaethedig. Bydd y fframwaith yn cynnwys mesuriadau lefel uchel y bydd yn rhaid i bob awdurdod lleol adrodd arnynt, a bydd hefyd yn cynnwys grwpiau o fesurau ychwanegol y gellir dethol o'u plith er mwyn mesur perfformiad yn erbyn blaenoriaethau lleol. Mae'r fframwaith wedi'i gynllunio i ymgorffori, yn ogystal â saith nod craidd y cynllun lleol, yr 13 nod eang a amlinellir yn y Mesur arfaethedig hwn, gan gefnogi'r bwriad polisi y dylai strategaethau tloidi plant lleol gael eu hintegreiddio'n gadarn yn y cynlluniau plant a phobl ifanc. Bwriadwn gynnal ymgynghoriad ar y fframwaith mesur canlyniadau erbyn Ebrill 2010. Bydd angen i fesuriadau canlyniadau a gynhwysir yn strategaeth tloidi plant Gweinidogion Cymru gysylltu ac adlewyrchu'r gwaith ar draws y cynlluniau plant a phobl ifanc yn ogystal â'r strategaethau sy'n llifo o'r Mesur tloidi plant.

Bydd gosod ystod ychwanegol o dargedau cenedlaethol rhagnodol yn gweithio yn erbyn gweithredu'r strategaethau hyn ar sail leol. Bydd y Mesur arfaethedig yn gofyn i awdurdodau lleol benderfynu ar yr amcanion allweddol i'w cyflawni ar dargedau tloidi plant yn lleol, ac mae perygl na fydd dangosyddion perfformiad cenedlaethol rhy ragnodol yn cyfrannu at sensitifrwydd lleol. Yn wir, gall beri i bobl fynd ar ôl y targed, yn hytrach nag ateb anghenion lleol; gwyddom fod hynny wedi digwydd sawl gwaith mewn achosion eraill.

Felly, yng ngolau'r hyn yr wyf wedi'i ddweud, gan gadarnhau bod ystod o ddangosyddion perfformiad cadarn yn tanategu'r Mesur arfaethedig hwn, tybed a fyddai cynigydd y gwelliant, a'r sawl a

added his name in support, would consider the withdrawal of the amendment. If that is not possible, I urge that the amendment be rejected.

Jenny Randerson: I wish to push this to a vote, Minister. I am pleased that you accept that there must be targets and indicators, but, having said that, why should they not appear on the face of the proposed Measure? Forgive me for being sceptical, but the record of Governments is that they are keen on targets and indicators until things go wrong and then things get blurred. We want consistency over time. You suggest that targets can distort matters. I accept that entirely, but the problem in that case is with the type of targets, rather than their existence. If targets are well defined and well-thought through, and are so-called 'SMART' targets—specific, measurable, achievable, relevant and timed—they do not lead people to just work to the targets but to ensure that the work that people do contributes towards the ultimate aim of whatever service it is that you are applying them to.

Your scepticism about the use of targets concerns me greatly, because the whole of Government works to targets. It is often the role of the opposition here to suggest that there are too many targets, but that does not mean that you should do away with them entirely. The fact that you are using this debate as an opportunity to express scepticism about targets does not lead us to have confidence that the targets that you are suggesting will be rigorous and produced in a sufficiently timely manner to ensure that the legislation is effective from day one. I wish to push this amendment, Presiding Officer, to a vote.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 39. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

ychwanegodd ei enw fel cefnogwr, yn ystyried tynnu'r gwelliant yn ôl? Os nad yw hynny'n bosibl, anogaf y dylid gwrthod y gwelliant.

Jenny Randerson: Yr wyf yn dymuno gwthio hyn i bleidlais, Weinidog. Yr wyf yn falch eich bod yn derbyn bod yn rhaid cael targedau a dangosyddion, ond, wedi dweud hynny, pam na ddylent ymddangos ar wyneb y Mesur arfaethedig? Maddeuwch imi am fod mor amheus, ond record Llywodraethau yw eu bod yn frwd dros dargedau a dangosyddion nes yr aiff rhywbeth o'i le ac wedyn aiff pethau'n niwlog. Mae arnom eisiau cysondeb dros amser. Yr ydych chi'n awgrymu y gall targedau ystumio pethau. Derbyniaf hynny'n llwyr, ond y math o dargedau yw'r broblem yn yr achos hwnnw, yn hytrach na'u bodolaeth. Os bydd targedau wedi'u diffinio'n dda a bod meddwl trwyadl y tu ôl iddynt, a'u bod yn dargedau 'CAMPUS', fel y'u gelwir—cyraddadwy, amserol, mesuradwy, penodol, uchelgeisiol a synhwyrol—ni fyddant yn arwain pobl i weithio at y targedau'n unig, ond i sicrhau y bydd y gwaith a wna pobl yn cyfrannu tuag at nod terfynol pa bynnag wasanaeth yr ydych yn eu gosod ar ei gyfer.

Mae eich amheuaeth ynglŷn â defnyddio targedau'n fy mhoeni'n fawr, oherwydd mae'r Llywodraeth gyfan yn gweithio at dargedau. Rôl yr wrthblaid yma'n aml yw awgrymu bod gormod o dargedau, ond nid yw hynny'n golygu y dylech eu hepgor yn gyfan gwbl. Nid yw'r ffaith eich bod yn defnyddio'r ddadl hon fel cyfle i fynegi amheuaeth am dargedau'n rhoi hyder inni y bydd y targedau yr ydych yn eu hawgrymu'n rhai llym a fydd wedi'u cynhyrchu mewn modd digon amserol i sicrhau bod y ddeddfwriaeth yn effeithiol o'r diwrnod cyntaf. Yr wyf yn dymuno gwthio'r gwelliant hwn, Lywydd, i bleidlais.

The Presiding Officer: The question is that amendment 39 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 39: O blaid 17, Ymatal 0, Yn erbyn 32.
Amendment 39: For 17, Abstain 0, Against 32.*

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

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

*Gwrthodwyd gwelliant 39.
Amendment 39 not agreed.*

**Dull sy'n Canolbwyntio ar y Plentyn (Gwelliant 67)
Child-centred Approach (Amendment 67)**

Y Llywydd: Mae'r pedwerydd grŵp yn ymwneud â mabwysiadu dull sy'n canolbwyntio ar y plentyn. Yr unig welliant yn y grŵp yw gwelliant 67. Galwaf ar Mark Isherwood i gynnig a siarad am welliant 67.

Mark Isherwood: I move amendment 67 in my name and with the name of Jenny Randerson in support.

In evidence to committee, the Joseph Rowntree Foundation stated that it would

The Presiding Officer: The fourth group refers to adopting a child-centred approach. The only amendment in the group is amendment 67. I call on Mark Isherwood to move and speak to amendment 67.

Mark Isherwood: Cynigiau welliant 67 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Yn ei dystiolaeth i'r pwyllgor, dywedodd Sefydliad Joseph Rowntree y byddai'n poeni

have real concerns about the proposed Measure's ability to address child poverty if the strategy was to rely entirely on the Cymorth and Flying Start programmes. It stated that research suggested that there are more children in poverty living outside the areas designated as disadvantaged than inside them, and I know that recent research by the Joseph Rowntree Foundation has confirmed that. It went on to state that:

'More broadly, relying on programmes that are geographically targeted to deliver on a goal that is household-based will cause some problems. Everything points to the two programmes being very good, and doing an immense amount of good, but it seems highly unlikely that they will be sufficient in themselves to deliver on the child poverty goal. There will be families that do not fall within those criteria that really need support...So I would assume that, for the delivery of the strategy, you will have to go outside those two programmes and their criteria to be effective.'

The children's commissioner supported this view, saying that, in talking about the eradication of child poverty, the word 'eradication' and its associated target goes beyond a targeted approach. He said:

'My office receives calls from families who see other families, perhaps across the road or in the neighbouring village, such is the targeting, accessing services and support that they cannot access. You can explain the targeted approach to them and why it should be the case, but...it does not make a lot of sense to the people living in that community or having that experience.'

Children in Wales also agreed with this, making a similar point:

'At the very beginning, there was a need to look at where the huge deprivation was to be found and to see where we could effectively

o ddifrif am allu'r Mesur arfaethedig i fynd i'r afael â thlodi plant petai'r strategaeth yn dibynnu'n llwyr ar y rhaglen Cymorth a'r rhaglen Dechrau'n Deg. Dywedodd fod gwaith ymchwil yn awgrymu bod mwy o blant mewn tlodi'n byw y tu allan i'r ardaloedd a ddynodwyd yn ardaloedd dan anfantais nag sy'n byw y tu mewn iddynt, a gwn fod ymchwil ddiweddar gan Sefydliad Joseph Rowntree wedi cadarnhau hynny. Aeth rhagddo i ddweud:

Yn fwy cyffredinol, bydd dibynnu ar raglenni sydd wedi'u targedu'n ddaearyddol er mwyn gwireddu nod sy'n seiliedig ar aelwydydd yn creu ychydig o broblemau. Mae popeth yn awgrymu bod y ddwy raglen yn dda iawn, a'u bod yn gwneud llawer iawn o les, ond mae'n ymddangos yn annhebygol y byddant yn ddigon ar eu pen eu hunain i gyrraedd y nod o ran tlodi plant. Bydd rhai teuluoedd nad ydynt yn dod o fewn y meini prawf hynny er bod gwir angen cymorth arnynt...Felly, byddwn yn tybio, er mwyn gwireddu'r strategaeth, y bydd yn rhaid ichi fynd y tu allan i'r ddwy raglen hyn a'u meini prawf er mwyn bod yn effeithiol.

Yr oedd y comisiynydd plant yn cefnogi'r farn hon, gan ddweud, wrth sôn am ddileu tlodi plant, fod y gair 'dileu' a'r targed sy'n gysylltiedig ag ef yn gofyn mynd gam ymhellach na tharged. Dywedodd:

Bydd fy swyddfa'n cael galwadau gan deuluoedd sy'n gweld teuluoedd eraill, dros y ffordd efallai, neu yn y pentref nesaf, oherwydd y targedu, yn gallu manteisio ar wasanaethau a chymorth na allant hwythau fanteisio arnynt. Gallwch esbonio'r targedu iddynt a pham mae felly y dylai fod, ond...nid yw'n gwneud llawer o synnwyr i'r bobl sy'n byw yn y gymuned honno neu sy'n cael y profiad hwnnw.

Cytunai Plant yng Nghymru â hyn hefyd, gan wneud pwynt tebyg:

Ar y cychwyn un, yr oedd angen edrych ar y manau hynny lle'r oedd amddifadedd enfawr a gweld ymhle y gallem dargedu

target resources first. However, Flying Start and Communities First have been in place for some years. It is time to move on and to be a bit more flexible, so that we move away from the system in which one family on one side of the street can access services, support and free childcare, but a family across the street that is in a worse financial situation cannot.'

Jenny Randerson: I support the amendment moved by Mark Isherwood for one simple, clear reason, which, as Mark said, is based entirely on the evidence from the Joseph Rowntree Foundation, which is supported by a number of others. That evidence is that concentrating money on Communities First areas, as the Government's strategy so far has done, misses the majority of children living in poverty. It is a wasteful approach in that it is often targeting money at children who are not living in poverty but who happen to live in a Communities First area. Therefore, we wish to ensure that the Government's policy concentrates on the individual child, and not on the area where the child happens to live. If the Government is going to make progress against child poverty in Wales, the use of money must be as efficient and effective as possible. The policies so far have failed to hit the mark in so many cases, and we have seen that in the lack of progress made.

Brian Gibbons: Section 3, to which amendment 67 relates, is concerned with the strategies of Welsh Ministers. However, the amendment as drafted places new duties on Welsh authorities, which are not covered by section 3. If the intention was to add new duties to those of Welsh authorities, this would not seem to be the correct section in which to do so. However, with regard to the intended effect of the proposed amendment, there are certainly cases where putting the interests of the child first is very valuable. For example, there is provision in the Children Act 1989 and the Adoption and

adnoddau'n effeithiol gyntaf. Serch hynny, mae Dechrau'n Deg a Chymunedau yn Gyntaf wedi bod ar waith ers sawl blwyddyn. Mae'n bryd symud ymlaen a bod ychydig yn fwy hyblyg, er mwyn inni symud oddi wrth system lle y bydd un teulu ar y naill ochr i'r stryd yn gallu manteisio ar wasanaethau, cymorth a gofal plant am ddim, ond lle na all teulu ar yr ochr arall i'r stryd wneud hynny er ei fod yn waeth ei fyd.

Jenny Randerson: Cefnogaf y gwelliant a gynigiwyd gan Mark Isherwood am un rheswm syml a chlr, sydd, fel y dywedodd Mark, wedi'i seilio'n llwyr ar y dystiolaeth gan Sefydliad Joseph Rowntree, a gefnogir gan nifer o rai eraill. Y dystiolaeth honno yw nad yw canolbwyntio arian ar ardaloedd Cymunedau yn Gyntaf, fel y mae strategaeth y Llywodraeth wedi'i wneud hyd yn hyn, yn cyrraedd mwyafrif y plant sy'n byw mewn tloidi. Mae'n ffordd wastraffus o fynd o'i chwmpas hi am ei bod yn aml yn targedu arian at blant nad ydynt yn byw mewn tloidi ond sy'n digwydd byw mewn ardal Cymunedau yn Gyntaf. Felly, dymunwn sicrhau bod polisi'r Llywodraeth yn canolbwyntio ar y plentyn unigol yn hytrach nag ar yr ardal lle mae'r plentyn yn digwydd byw. Os yw'r Llywodraeth am wella pethau o ran tloidi plant yng Nghymru, rhaid defnyddio arian mor effeithlon ac mor effeithiol ag y bo modd. Hyd yn hyn, mae'r polisiâu wedi methu â chyrraedd y nod mewn cynifer o achosion, ac yr ydym wedi gweld hynny yn y diffyg cynnydd.

Brian Gibbons: Mae a wnelo Adran 3, y mae gwelliant 67 yn ymwneud â hi, â strategaethau Gweinidogion Cymru. Fodd bynnag, mae'r gwelliant fel y'i drafftwyd yn gosod dyletswyddau newydd ar awdurdodau Cymru, nad yw adran 3 yn eu cynnwys. Os mai'r bwriad oedd ychwanegu dyletswyddau newydd at ddyletswyddau awdurdodau Cymru, nid yr adran hon, i bob golwg, yw'r lle i wneud hynny. Fodd bynnag, o ran yr effaith y bwriedir i'r gwelliant a gynigir ei chael, mae'n sicr bod achosion lle mae'n werthfawr iawn rhoi buddiannau'r plentyn yn gyntaf. Er enghraifft, ceir darpariaeth yn

Children Act 2002 that requires local authorities and courts, when making decisions about children in certain contexts, to have the child's welfare as the paramount consideration. This kind of provision is valuable when looking at the case of the individual child, as Jenny referred to. When there are a great many other competing interests of other parties that may be affected by the decision, it is established for the decision-maker that the first and overriding priority is the child in question, regardless of how it affects the interests of others.

However, the transposition of these duties, which are intended for the individual child, does not work when we are looking at children collectively. The reason we have such a range of factors, which bear on child poverty and which are expressed as broad aims in section 1, is that child poverty itself is multifactorial. Many of the broad aims in section 1 are targeted at the parents or at least recognise that parents' interests are of equal importance in delivering better outcomes for children.

4.20 p.m.

The reason why child poverty is defined in terms of household income is because the welfare and outcomes for children are inextricably linked up with that of their parents, carers or others in the household. In addition, there may be cases when the needs of a sub-group of children need prioritisation with service targeting. Such targeting might be interpreted as being at odds with the words used in this particular amendment. On these grounds, I urge the rejection of this particular amendment.

Mark Isherwood: The amendment was carefully worded based on the advice received from Assembly lawyers, precisely because child poverty—as you say—is multifactorial. It is not area based; it needs to be child centred, focusing on the complex mix of economic, social, psychological and

Neddf Plant 1989 ac yn Neddf Mabwysiadu a Phlant 2002 sy'n ei gwneud yn ofynnol i awdurdodau lleol a llysoedd, wrth iddynt benderfynu ynglŷn â phlant o dan amgylchiadau penodol, ystyried lles y plentyn uwch pob dim arall. Mae'r math hwn o ddarpariaeth yn werthfawr wrth edrych ar achos y plentyn unigol, fel y dywedodd Jenny. Pan fydd gan bartïon eraill lu o fuddiannau eraill sy'n cystadlu â lles y plentyn ac y gall y penderfyniad effeithio ar y rheini, disgwylir i'r penderfynwr gofio mai'r plentyn dan sylw yw'r flaenoriaeth bennaf a phwysicaf, ni waeth sut y bydd hynny'n effeithio ar fuddiannau pobl eraill.

Serch hynny, nid yw trosglwyddo'r dyletswyddau hyn, a fwriedir ar gyfer y plentyn unigol, yn gweithio wrth inni edrych ar blant yn eu crynswth. Y rheswm pam mae cynifer o ystod o ffactorau gennym sy'n dylanwadu ar dlodi plant ac a elwir yn nodau eang yn adran 1, yw bod sawl ffactor yn perthyn i dlodi plant ei hun. Mae llawer o'r nodau eang yn adran 1 wedi'u targedu at y rhieni neu o leiaf yn cydnabod bod buddiannau rhieni yr un mor bwysig o ran sicrhau gwell canlyniadau i blant.

Y rheswm dros ddiffinio tlodi plant yn ôl incwm yr aelwyd yw bod lles plant a'r canlyniadau ar eu cyfer yn annatod ynghlwm wrth les eu rhieni, eu gofawr neu bobl eraill ar yr aelwyd. Yn ogystal â hynny, weithiau, efallai y bydd achosion pan fydd angen blaenoriaethu anghenion is-grŵp o blant drwy dargedu gwasanaethau. Gellid dehongli targedu o'r fath fel petai'n groes i'r geiriau a ddefnyddir yn y gwelliant penodol hwn. Am y rhesymau hyn, pwysaf amoch i wrthod y gwelliant penodol hwn.

Mark Isherwood: Geiriwyd y gwelliant yn ofalus ar sail y cyngor a gafwyd gan gyfreithwyr y Cynulliad, a hynny oherwydd bod tlodi plant—fel y dywedwch—yn cynnwys sawl ffactor. Nid yw'n seiliedig ar ardal; mae angen iddo ganolbwyntio ar y plentyn, canolbwyntio ar y cymysgedd

environmental factors, which impact on whether a child lives in a household in poverty, and therefore whether that child is in poverty. That is the purpose of this amendment and that is the reason why we are standing by the amendment, which I move accordingly.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 67. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

cymhleth o ffactorau economaidd, cymdeithasol, seicolegol ac amgylcheddol, sy'n penderfynu a yw plentyn yn byw ar aelwyd dlawd, ac felly a yw'r plentyn hwnnw mewn tlodi. Dyna ddiben y gwelliant hwn a dyma pam yr ydym yn glynu wrtho. Felly, fe'i cynigïaf.

The Presiding Officer: The question is that amendment 67 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 67: O blaid 15, Ymatal 0, Yn erbyn 30.
Amendment 67: For 15, Abstain 0, Against 30.*

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

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

*Gwrthodwyd gwelliant 67.
Amendment 67 not agreed.*

**Strategaethau—Ymgynghoriad â Sefydliadau Gwirfoddol Perthnasol (Gwelliant 40)
Strategies—Consultation with Relevant Voluntary Organisations (Amendment 40)**

Y Llywydd: Mae'r pumed grŵp o **The Presiding Officer:** The fifth group of

welliannau'n ymwneud ag ymgynghori â sefydliadau gwirfoddol perthnasol wrth baratoi strategaethau. Yr unig welliant yn y grŵp hwn yw gwelliant 40. Galwaf ar Jenny Randerson i gynnig ei gwelliant ac i siarad amdano.

Jenny Randerson: I move amendment 40 in my name and with the name of Mark Isherwood in support.

Amendment 40 seeks to ensure that when drawing up strategies, the Welsh authorities, including Welsh Ministers, must consult with relevant voluntary organisations. In this amendment we try to enshrine and secure the input of the voluntary sector in this process. I hope that Members will give this amendment their support.

At Stage 2, a similar amendment was proposed but it was not voted upon because it fell automatically after a Government amendment was passed. I am deeply concerned, on behalf of the voluntary sector, that although the Government of Wales Act 2006 contains a duty to consult with the voluntary sector, this section is important to ensure that consultation takes place in the context of this legislation, rather than in the general terms of the duty that exists in the Government of Wales Act 2006. It is rather like saying that the Assembly has a general duty to consider sustainable development placed upon it in legislation and therefore we do not need to worry about that in any subsequent legislation. I believe that that analogy applies here with this amendment. We are all aware of the general duty that we have under the Government of Wales Act 2006, but that does not mean that we never mention consultation with the voluntary sector again.

This is an important amendment because it is clear that, in some cases, the voluntary sector is not appropriately and fully consulted, or that that consultation is not given sufficient prominence. Sometimes, it is consultation in

amendments relates to consultation with relevant voluntary organisation when preparing strategies. Amendment 40 is the only amendment in this group. I call on Jenny Randerson to move and to speak to the amendment.

Jenny Randerson: Cynigïaf welliant 40 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Nod gwelliant 40 yw sicrhau ei bod yn rhaid i awdurdodau Cymru, gan gynnwys Gweinidogion Cymru, wrth iddynt lunio strategaethau, ymgynghori â sefydliadau gwirfoddol perthnasol. Yn y gwelliant hwn, yr ydym yn ceisio cynnwys a sicrhau bod y sector gwirfoddol yn cyfrannu yn y broses hon. Gobeithiaf y bydd yr Aelodau'n cefnogi'r gwelliant hwn.

Yn ystod Cyfnod 2, cyflwynwyd gwelliant tebyg ond ni phleidleisiwyd arno oherwydd iddo fethu'n awtomatig ar ôl derbyn un o welliannau'r Llywodraeth. Yr wyf yn poeni'n fawr, ar ran y sector gwirfoddol. Er bod Deddf Llywodraeth Cymru 2006 yn cynnwys dyletswydd i ymgynghori â'r sector gwirfoddol, mae'r adran hon yn bwysig er mwyn sicrhau bod ymgynghori'n digwydd yng nghyd-destun y ddeddfwriaeth hon, yn hytrach nag yng nghyd-destun cyffredinol y ddyletswydd sydd yn Neddf Llywodraeth Cymru 2006. Mae bron fel dweud bod gan y Cynulliad ddyletswydd gyffredinol i ystyried datblygu cynaliadwy mewn deddfwriaeth ac felly nad oes angen inni boeni am hynny mewn unrhyw ddeddfwriaeth a ddaw wedyn. Credaf fod y gymhariaeth honno'n berthnasol yma gyda'r gwelliant hwn. Yr ydym i gyd yn ymwybodol o'r ddyletswydd gyffredinol sydd arnom o dan Ddeddf Llywodraeth Cymru 2006, ond nid yw hynny'n golygu nad ydym byth yn sôn am ymgynghori â'r sector gwirfoddol eto.

Mae hwn yn welliant pwysig am ei bod yn glir, mewn ambell achos, nad ymgynghorir yn briodol ac yn llawn â'r sector gwirfoddol, neu na roddir digon o bwys ar yr ymgynghori hwnnw. Weithiau, ymgynghori mewn enw

name only and is not really effective because the views of the voluntary sector are not taken on board. Sometimes, a consultation comes too late in the day to be effective.

When this proposal was put forward in committee, the Minister talked about the current practice in relation to consultation with the voluntary sector, but I do not believe that such a mandate currently exists. I believe that, across Wales, consultation with the voluntary sector is not sufficiently engrained in our political DNA to be able to afford to ignore it in this legislation. The fact that the present Government consults with the voluntary sector is not an argument for not putting it in legislation here today, because legislation is for the future; it is not just for the current Government.

Mark Isherwood: As we have heard, the proposed Measure seeks to require the input of the voluntary sector by requiring a Welsh authority to consult it when preparing its strategy. It is about a partnership of equality. By virtue of section 12 of the proposed Measure, the requirement to consult will apply to Welsh Ministers or to a Welsh authority. The committee report stated:

‘In relation to the role of the voluntary sector in the drawing up and delivery of strategies under Part 1 of the proposed Measure, we accept the Minister’s argument that there are limits to the statutory duties that can be placed directly on voluntary sector organisations’.

It added:

‘However, we are persuaded by the evidence from stakeholders that the role of the voluntary sector in Wales in contributing to the eradication of child poverty is so important that the proposed Measure should make some provision in this regard... On this basis, we believe the proposed Measure should place a duty on the Welsh Ministers and the Welsh authorities to consult with

ydyw’n unig ac nid yw’n wir yn effeithiol oherwydd nad yw safbwyntiau’r sector gwirfoddol yn cael sylw. Weithiau, bydd yr ymgynghori’n rhy hwyr i fod yn effeithiol.

Pan gynigiwyd y cynnig hwn yn y pwyllgor, soniodd y Gweinidog am yr arferion presennol o ran ymgynghori â’r sector gwirfoddol, ond ni chredaf fod mandad o’r fath yn bodoli ar hyn o bryd. Credaf nad yw ymgynghori â’r sector gwirfoddol wedi ymdreiddio ddigon i’n DNA gwleidyddol ledled Cymru inni allu fforddio’i anwybyddu yn y ddeddfwriaeth hon. Nid yw’r ffaith bod y Llywodraeth bresennol yn ymgynghori â’r sector gwirfoddol yn ddadl dros beidio â’i gynnwys mewn deddfwriaeth yma heddiw, oherwydd ar gyfer y dyfodol y mae deddfwriaeth; nid dim ond ar gyfer y Llywodraeth hon.

Mark Isherwood: Fel y clywsom, nod y Mesur arfaethedig yw ei gwneud yn ofynnol i’r sector gwirfoddol gyfrannu drwy fynnu bod awdurdod yng Nghymru’n ymgynghori ag ef wrth baratoi ei strategaeth. Mae a wnelo â phartneriaeth gydradd. Yn rhinwedd adran 12 o’r Mesur arfaethedig, bydd y gofyniad i ymgynghori’n berthnasol i Weinidogion Cymru neu i awdurdod yng Nghymru. Dywedodd adroddiad y pwyllgor:

‘O safbwynt rôl y sector gwirfoddol yn llunio a gweithredu strategaethau o dan Ran 1 o’r Mesur arfaethedig, rydym yn derbyn dadl y Gweinidog bod yna gyfyngiadau i’r dyletswyddau statudol y gellir eu gosod yn uniongyrchol arsefydliadau’r sector gwirfoddol.’

Ychwanegodd:

‘Fodd bynnag, rydym wedi ein darbwyllo gan dystiolaeth rhanddeiliaid bod rôl y sector gwirfoddol yng Nghymru o ran cyfrannu at ddileu tlodi plant mor bwysig nes y dylai’r Mesur arfaethedig wneud rhywfaint o ddarpariaeth yn y cyswllt hwn... Ar y sail hon, credwn y dylai’r Mesur arfaethedig osod dyletswydd ar Weinidogion Cymru ac awdurdodau Cymreig i ymgynghori â

appropriate voluntary sector organisations in the preparation of their strategies under Part 1'.

Without that, strategies will continue to be made in the dark, without the essential input and expertise of key agencies that work on the front line of need, and with the risk that they remain mere consultees after the event.

Brian Gibbons: I will outline the Government's position on amendment 40, as it is relevant to a range of similar amendments that have been put forward at other Stages of the proposed Measure. Let there be no doubt that, in principle and in practice, the role of the third sector in protecting children and promoting their wellbeing is vital, and the sector is a key partner of the Welsh Assembly Government in delivering these objectives. This excellent working relationship is underpinned by the duties laid out in the Government of Wales Act 2006, and is formalised in our third-sector scheme. Therefore, Jenny's statement that it is some sort of woolly, inconsequential statutory duty does not hold water, neither in theory nor in practice. Jenny is proposing some form of legal belt-and-braces approach, when in fact the belt does the job more than adequately. To accept the amendment would suggest that the arrangements for consultation with the third sector under the Government of Wales Act 2006 are somehow deficient. I do not accept that, and nor do I accept that the Welsh Assembly Government is not honouring those arrangements in some way. Therefore, an additional legal duty does not need to be put in place. The Welsh Assembly Government has an excellent record on consultation, and we do not believe that there is a need for a new statutory duty to consult with the voluntary sector to be placed on the face of the proposed Measure.

If you look at the record to date of developing child poverty work specifically, it will confirm the importance that we place on working in close partnership with

sefydliadau priodol y sector gwirfoddol wrth baratoi eu strategaethau o dan Ran 1'.

Heb hynny, bydd y strategaethau'n dal i gael eu llunio yn y tywyllwch, heb gyfraniad ac arbenigedd hanfodol asiantaethau allweddol sy'n gweithio ar reng flaen angen, a'r perygl yw na fyddant fwy nag ymgynghoreion ar ôl y digwyddiad.

Brian Gibbons: Egluraf safbwynt y Llywodraeth ar welliant 40, gan ei fod yn berthnasol i ystod o welliannau tebyg sydd wedi'u cyflwyno yn ystod Cyfnodau eraill y Mesur arfaethedig. Na foed i neb amau nad yw rôl y trydydd sector yn hanfodol, mewn egwyddor ac o safbwynt ymarferol, o ran amddiffyn plant a hybu eu lles, ac mae'r sector yn un o bartneriaid allweddol Llywodraeth y Cynulliad wrth gyflawni'r amcanion hyn. Mae'r dyletswyddau yn Neddf Llywodraeth Cymru 2006 yn sail i'r berthynas weithio ragorol hon, ac mae ein cynllun trydydd sector yn ffurfioli'r berthynas honno. Felly, nid yw datganiad Jenny mai rhyw fath o ddyletswydd statudol ddibwys niwlog ydyw yn dal dŵr, nac mewn theori nac o safbwynt ymarferol. Mae Jenny'n cynnig rhyw fath o ddull cyfreithiol sy'n defnyddio gwregys a bresys, er bod y gwregys ar ei ben ei hun mewn gwirionedd yn hen ddigon da at y gwaith. Byddai derbyn y gwelliant yn awgrymu bod y trefniadau ar gyfer ymgynghori â'r trydydd sector o dan Ddeddf Llywodraeth Cymru 2006 rywsut yn ddiffygiol. Nid wyf yn derbyn hynny ac nid wyf yn derbyn ychwaith nad yw Llywodraeth y Cynulliad yn parchu'r trefniadau hynny mewn rhyw fodd. Felly, nid oes angen creu dyletswydd gyfreithiol ychwanegol. Mae gan Lywodraeth y Cynulliad hanes rhagorol o ymgynghori, ac ni chredwn fod angen cynnwys dyletswydd statudol newydd i ymgynghori â'r sector gwirfoddol yn y Mesur arfaethedig ei hun.

Os edrychwch ar hanes datblygu gwaith tlodi plant yn benodol hyd yn hyn, bydd yn cadarnhau faint o bwysigrwydd a roddwn ar weithio mewn partneriaeth glos â sefydliadau

organisations in the third sector, which play such a unique and valuable role in working with our hardest-to-reach children. One of my first actions as Minister with lead responsibility for tackling child poverty was to initiate six-monthly meetings of End Child Poverty Network Cymru, which allows the sector to raise issues of interest and concern on a regular basis.

In addition, organisations such as Save the Children have been commissioned to do work on behalf of the Assembly Government, to inform our policy. That has produced useful and innovative child poverty solutions, and has taken place in partnership with Welsh local government, which is a key instrument in delivering this strategy. Our policy development has been strongly influenced by third-sector organisations such as the Bevan Foundation and the Joseph Rowntree Foundation. Indeed, research from both organisations is shaping the development of our new child poverty strategy, which will be published as a result of this legislation.

We do not believe that there is any case to answer on current practice, and therefore the amendment is not necessary. There will be extensive consultation in the development of a child poverty strategy for Wales, and the third sector will continue to be fully involved, as it is now. My officials met End Child Poverty Network Cymru on 16 September to outline the plans to develop the new strategy, and I am due to meet the network again on 2 December. In conclusion, this amendment adds nothing to the current statutory duty that exists and nothing to the current practice that the Assembly Government is complying with. Therefore, I urge the rejection of amendment 40.

4.30 p.m.

Jenny Randerson: In summing up on this amendment, I would like to say that I am deeply disappointed by the Minister's rather naïve response. To give examples of when he

yn y trydydd sector, sy'n chwarae rhan mor unigryw a gwerthfawr wrth weithio gyda'n plant anhawsaf eu cyrraedd. Un o'r pethau cyntaf a wneuthum, a minnau'n Weinidog â'r prif gyfrifoldeb dros fynd i'r afael â thlodi plant, oedd cychwyn cyfarfodydd chwe-misol o Rwydwaith Dileu Tlodi Plant Cymru. Mae hyn yn rhoi cyfle rheolaidd i'r sector godi materion sydd o ddiddordeb ac sy'n destun pryder iddynt.

At hynny, mae sefydliadau megis Achub y Plant wedi'u comisiynu i wneud gwaith ar ran Llywodraeth y Cynulliad, i fod yn sail i'n polisiau. Mae hynny wedi arwain at atebion buddiol ac arloesol ar gyfer tlodi plant, ac wedi digwydd mewn partneriaeth â llywodraeth leol yng Nghymru, sy'n gyfrwng allweddol er mwyn gwireddu'r strategaeth hon. Mae sefydliadau'r trydydd sector, megis Sefydliad Bevan a Sefydliad Joseph Rowntree wedi dylanwadu'n gryf ar ddatblygu'n polisiau. Yn wir, mae gwaith ymchwil gan y ddau sefydliad yn dylanwadu ar ddatblygu'n strategaeth newydd ar gyfer tlodi plant a gyhoeddir yn sgil y ddeddfwriaeth hon.

Ni chredwn fod dadl i'w hateb o gwbl ynglŷn â'r drefn fel y mae ar hyn o bryd, ac felly, nid oes angen y gwelliant. Ymgynghorir yn eang wrth ddatblygu strategaeth tlodi plant i Gymru, a bydd y trydydd sector yn dal i chwarae rhan lawn, fel y mae yn awr. Cyfarfu fy swyddogion â Rhwydwaith Dileu Tlodi Plant Cymru ar 16 Medi i sôn am y cynlluniau i ddatblygu'r strategaeth newydd, a byddaf finnau'n cyfarfod â'r rhwydwaith eto ar 2 Rhagfyr. I gloi, nid yw'r gwelliant hwn yn ychwanegu dim at y ddyletswydd statudol sy'n bodoli eisoes na dim at y drefn bresennol y mae Llywodraeth y Cynulliad yn cydymffurfio â hi. Felly, pwysaf arnoch i wrthod gwelliant 40.

Jenny Randerson: Wrth gloi ar y gwelliant hwn, hoffwn ddweud fy mod yn siomedig iawn gydag ymateb naif braidd y Gweinidog. Mae rhoi enghreifftiau ohono'n ymgynghori

has consulted with the voluntary sector and suggesting that this means that everything is hunky-dory is disingenuous. The existence of the general statutory duty in the 2006 Act does not mean that there should never be a reference again to the importance, or essential nature, of consulting with the voluntary sector in any future legislation. Minister, if that general statutory duty is so strong and so good, why does it not currently work properly all of the time? It is because it does not currently work properly all the time that we have suggested that this legislation needs to be stronger and needs to enshrine the voluntary sector at the centre.

The public sector can do a great deal to raise young people out of poverty, but it will not work if the voluntary sector is not absolutely centre stage, because the voluntary sector contributes, across Wales, not only to guiding Government policy, but in supplementing public money in the way in which it acts. This is absolutely crucial if we are to deal with the problem of child poverty across Wales. You and I both know, Minister, that the power of statutory consultees in relation to legislation across the whole remit of Government is essential in many cases. They can be the absolute deciding factor in Government legislation and Government policy. I believe, Minister, that you are making a grave mistake in brushing aside the importance of the voluntary sector in relation to this legislation.

The Presiding Officer: Do you wish to move to a vote on amendment 40?

Jenny Randerson: Yes.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 40. A oes gwrthwynebiad? Gwelaf fod gwrthwynebiad. Felly, symudwn i bleidlais.

â'r sector gwirfoddol gan awgrymu bod hyn yn golygu bod popeth yn iawn yn ffuantus. Nid yw'r ffaith bod dyletswydd statudol gyffredinol yn Neddf 2006 yn golygu na ddylid byth eto gyfeirio nac at bwysigrwydd nac at natur hanfodol ymgynghori â'r sector gwirfoddol mewn unrhyw ddeddfwriaeth yn y dyfodol. Weinidog, os yw'r ddyletswydd statudol gyffredinol honno cyn gryfed a chystal, pam nad yw'n gweithio'n iawn drwy'r amser ar hyn o bryd? Nid yw'n gweithio'n iawn drwy'r amser ar hyn o bryd a dyna pam yr ydym wedi awgrymu bod angen i'r ddeddfwriaeth hon fod yn gryfach a bod angen cynnwys y sector gwirfoddol yng nghanol y ddeddfwriaeth hon.

Gall y sector cyhoeddus wneud llawer iawn i godi pobl ifanc o dlodi, ond ni fydd yn gweithio oni fydd y sector gwirfoddol yn gadarn ar ganol y llwyfan, oherwydd mae'r sector gwirfoddol yn cyfrannu, ledled Cymru, nid yn unig at dywys polisiau'r Llywodraeth, ond drwy ategu arian cyhoeddus yn y ffordd y mae'n gweithredu. Mae hyn yn gwbl hanfodol er mwyn inni ymdrin â phroblem tlodi plant ym mhob cwr o Gymru. Gwyddom ein dau, Weinidog, fod grym ymgynghoreion statudol yn hanfodol mewn llawer ei achos yng nghyswllt deddfwriaeth ar draws holl gylch gorchwyl Llywodraeth. Weithiau, hwy yw'r ffactor penderfynu absoliwt yn neddfwriaeth y Llywodraeth a pholisiau'r Llywodraeth. Credaf, Weinidog, eich bod yn gwneud camgymeriad difrifol yn ysgubo pwysigrwydd y sector gwirfoddol o'r neilltu yng nghyswllt y ddeddfwriaeth hon.

Y Llywydd: A hoffech chi symud i bleidlais ar welliant 40?

Jenny Randerson: Hoffwn.

The Presiding Officer: The question is that amendment 40 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 40: O blaid 15, Ymatal 0, Yn erbyn 34.
Amendment 40: For 15, Abstain 0, Against 34.*

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

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

*Gwrthodwyd gwelliant 40.
Amendment 40 not agreed.*

Strategaethau—Adroddiadau Blynyddol Dros Dro (Gwelliannau 41 a 53) Strategies—Interim Annual Reporting (Amendments 41 and 53)

Y Llywydd: Symudwn yn awr at grŵp 6. Y prif welliant yn y grŵp hwn yw gwelliant 41. Gwahoddaf Jenny Randerson i gynnig gwelliant 41 ac i siarad am y gwelliant arall hefyd.

Jenny Randerson: I move amendment 41 in my name and with the name of Mark Isherwood in support.

The model for this was the Child Poverty Bill, which refers to annual reporting. We are trying to enshrine effective annual scrutiny of the aims of this legislation. While I

The Presiding Officer: We now turn to group 6. The lead amendment in this group is amendment 41. I invite Jenny Randerson to move amendment 41 and to speak to the other amendment in the group also.

Jenny Randerson: Cynigiau welliant 41 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y model ar gyfer hyn oedd y Mesur Tlodi Plant, sy'n cyfeirio at adroddiadau blynyddol. Yr ydym yn ceisio cynnwys craffu blynyddol effeithiol ar amcanion y ddeddfwriaeth hon.

appreciate and welcome the inclusion of the proposal to report to the Assembly every third year, the stage 1 committee was absolutely clear in its recommendation that an annual interim report is essential in order to monitor progress effectively.

We all know that, in any aspect of Government, there can be statistical blips from one year to another. The Government's argument against an interim annual report was that statistical blips from one year to another could distort the picture. However, that can apply to your rubbish collection services as well. It is a factor whatever aspect of Government you are looking at. If we fail to discuss this key issue more often than once every three years, we will miss opportunities to put right those things that are not working effectively, and we will miss opportunities to ensure that we remain on course.

As well as reporting to the Assembly, we believe that an appropriate committee should have an annual opportunity to scrutinise in detail the progress made and identified in the Government report. There is, Minister, little point in the bold aims of this proposed Measure unless we are able to measure successes, scrutinise failures and suggest changes. I emphasise once again that this amendment is fully in line with the stage 1 report.

At the last stage, the Minister expressed his sympathies with a similar amendment but said that he would not enshrine it in legislation. One of the biggest mistakes—and I referred to this earlier this afternoon—that we have seen Ministers make time and again when bringing forward legislation is to reject amendments based on powers and regulations, stating that they intend to do it anyway. That is bad law making. I repeat that we are making law in the Assembly for the future; we are not making law for this Government. This Government will not exist after 2011. We will have a new Government

Er fy mod yn gwerthfawrogi ac yn croesawu cynnwys y cynnig i adrodd i'r Cynulliad bob tair blynedd, yr oedd pwyllgor cyfnod 1 yn gwbl glir yn ei argymhelliad ei bod yn hanfodol cael adroddiad interim bob blwyddyn er mwyn monitro'r cynnydd yn effeithiol.

Gwyddom oll, mewn unrhyw agwedd ar Lywodraeth, y gall yr ystadegau fod yn anghyson o'r naill flwyddyn i'r llall. Dadl y Llywodraeth yn erbyn adroddiad interim blynyddol oedd y gallai anghysonderau ystadegol o'r naill flwyddyn i'r llall ystumio'r darlun. Fodd bynnag, gall hynny fod yr un mor wir am eich gwasanaethau casglu sbwriel hefyd. Mae'n ffactor, ni waeth pa agwedd ar y Llywodraeth yr ydych yn ei hystyried. Oni thrafodwn y mater allweddol hwn yn amlach nag unwaith bob tair blynedd, byddwn yn colli cyfle i gywiro'r pethau hynny nad ydynt yn gweithio'n effeithiol, ac yn colli cyfle i sicrhau ein bod yn cadw ar y trywydd iawn.

Yn ogystal ag adrodd i'r Cynulliad, credwn y dylai pwyllgor priodol gael cyfle bob blwyddyn i graffu'n fanwl ar y cynnydd a wnaethpwyd ac a nodwyd yn adroddiad y Llywodraeth. Weinidog, nid oes fawr o bwynt i nodau uchelgeisiol y Mesur arfaethedig hwn oni allwn fesur llwyddiannau, craffu ar fethiannau ac awgrymu newidiadau. Pwysleisiaf unwaith eto fod y gwelliant hwn yn gwbl gyson ag adroddiad cyfnod 1.

Yn y cyfnod diwethaf, dywedodd y Gweinidog ei fod yn cydymdeimlo â gwelliant tebyg ond dywedodd na fyddai'n ei gynnwys yn y ddeddfwriaeth. Un o'r camgymeriadau mwyaf—a chyferiais at hyn yn gynharach y prynhawn yma—yr ydym wedi gweld Gweinidogion yn ei wneud dro ar ôl tro wrth iddynt gyflwyno deddfwriaeth yw eu bod yn gwrthod gwelliannau sy'n seiliedig ar bwerau a rheoliadau, gan ddweud eu bod yn bwriadu gwneud hynny beth bynnag. Deddfu gwael yw hynny. Dywedaf eto ein bod yn creu deddfwriaeth yn y Cynulliad ar gyfer y dyfodol; nid creu deddfwriaeth ar

after 2011. We are looking forward to those days. Indeed, we could have a different Government after the beginning of December. It is important that we look to the future here and to the legacy. Government should be making legislation that will stand the test of time and of generations to come and not just legislation that is in accordance with the policy of the current Ministers who happen to be sitting on the seats at this particular time. The sooner this Government wakes up to its full role and responsibility in making legislation for the Wales of the future, the better it will be for the people of Wales now and in the generations to come.

Mark Isherwood: I endorse that. We are all custodians of the future and Governments have unique responsibilities accordingly.

The committee stated that it recognised the importance of regular reporting by Welsh Ministers on their progress towards eradicating child poverty, particularly in the context of the 'One Wales' commitment to eradicate child poverty in Wales by 2020.

The committee noted there are plans to require the UK Government to report annually to Parliament on its progress towards eradicating child poverty and it understood that progress in Wales will feature as part of those annual reports. In order to ensure that progress on the eradication of child poverty in Wales is always to the fore and that it is regularly monitored to allow any problems to be identified at the earliest stage, the committee recommended that Welsh Ministers produce an interim report on an annual basis, to be considered by the appropriate Assembly committee.

At stage 2, the Minister reiterated that he was keen to ensure that the Children and Young People Committee received annual updates but pointed out the limitations of looking at

gyfer y Llywodraeth hon yr ydym. Ni fydd y Llywodraeth hon yn bodoli ar ôl 2011. Bydd gennym Lywodraeth newydd ar ôl 2011. Yr ydym yn edrych ymlaen at y dyddiau hynny. Yn wir, gallai fod gennym Lywodraeth wahanol ar ôl dechrau mis Rhagfyr. Mae'n bwysig inni edrych tua'r dyfodol yma ac ystyried y gwaddol. Dylai Llywodraeth fod yn creu deddfwriaeth a fydd yn gallu sefyll prawf amser a phrawf cenedlaethau'r dyfodol, ac nid dim ond deddfwriaeth sy'n unol â pholisïau'r Gweinidogion presennol sy'n digwydd bod yn eistedd ar y seddi ar hyn o bryd. Gyntaf y bydd y Llywodraeth hon yn deffro i'w swyddogaeth a'i chyfrifoldeb llawn, sef creu deddfwriaeth ar gyfer Cymru'r dyfodol, gorau oll i bobl Cymru'n awr ac i'r cenedlaethau a ddaw.

Mark Isherwood: Ategaf hynny. Ceidwaid y dyfodol ydym i gyd ac felly, mae gan Lywodraethau gyfrifoldebau unigryw.

Dywedodd y pwyllgor ei fod yn sylweddoli pwysigrwydd cael adroddiadau rheolaidd gan Weinidogion Cymru am eu cynnydd at ddileu tlodi plant, yn enwedig yng nghyd-destun ymrwymiad 'Cymru'n Un' i ddileu tlodi plant yng Nghymru erbyn 2020.

Nododd y pwyllgor fod cynlluniau i'w gwneud yn ofynnol i Lywodraeth y Deyrnas Unedig gyflwyno adroddiad bob blwyddyn i'r Senedd ynglŷn â'i chynnydd at ddileu tlodi plant a chafodd ar ddeall y bydd cynnydd yng Nghymru'n rhan o'r adroddiadau blynyddol hynny. Er mwyn sicrhau bod cynnydd o ran dileu tlodi plant yng Nghymru bob tro ar flaen meddwl pobl a'i fod yn cael ei fonitro'n rheolaidd er mwyn inni allu gweld unrhyw broblemau cyn gynted ag y bo modd, argymhelliad y pwyllgor oedd y dylai Gweinidogion Cymru gyhoeddi adroddiad interim bob blwyddyn, i'w ystyried gan y pwyllgor priodol yn y Cynulliad.

Yng nghyfnod 2, dywedodd y Gweinidog eto ei fod yn awyddus i sicrhau bod y Pwyllgor Plant a Phobl Ifanc yn cael diweddariadau blynyddol, ond tynnodd sylw at gyfyngiadau

small numbers on an annual basis. He also pointed to the requirement to keep the Government's strategy under review and stated that a report would be published that would assess the extent to which objectives in the strategy had been achieved. He said that the three-yearly reporting cycle would provide a more robust basis upon which to report. He said that an annual report would be provided but that it was not considered appropriate to require that on the face of the proposed Measure. However, Minister, that does not seem to differ greatly from the suggested amendment. If an annual report assessing the extent to which objectives have been achieved is to be produced, why not refer to it on the face of the proposed Measure?

Brian Gibbons: During the stage 1 scrutiny process, I made it clear that I was keen to ensure that the Assembly's Children and Young People Committee receives an annual update of progress against our own child poverty targets, as set out in 'Eradicating Child Poverty in Wales—Measuring Success', which contains 31 indicators. That is a much more proportionate and evidence-based approach compared with what the amendment seeks. If a future Government decided not to continue with such a practice, I am sure that the National Assembly would be more than capable and willing to hold it to account for that refusal.

4.40 p.m.

However, the issue is that this amendment could generate more heat than light. There is concern about the lack of robustness in looking at small numbers in an annual cycle in Wales. I am sure that our attitude towards the amendment would be considerably different if there was that sense of robustness in the data. It is simply that the robustness is not there and, consequently, there are real limitations in looking at small numbers on an annual basis and there is the distinct possibility of drawing inappropriate

edrych ar niferoedd bach bob blwyddyn. Tynnodd sylw hefyd at y gofyniad i adolygu strategaeth y Llywodraeth yn barhaus gan ddweud y cyhoeddiad adroddiad a fyddai'n pwysu a mesur i ba raddau y llwyddwyd i gyflawni amcanion y strategaeth. Dywedodd y byddai'r cylch adrodd tair blynedd yn cynnig sylfaen fwy cadarn ar gyfer adroddiadau. Dywedodd y darperid adroddiad blynyddol ond nad ystyrid ei bod yn briodol gwneud hynny'n ofynnol yn y Mesur ei hun. Serch hynny, Weinidog, nid yw hynny i bob golwg yn wahanol iawn i'r gwelliant a awgrymir. Os cyhoeddir adroddiad blynyddol sy'n pwysu a mesur i ba raddau y mae'r amcanion wedi'u cyflawni, pam peidio â chyfeirio at hynny yn y Mesur arfaethedig ei hun?

Brian Gibbons: Yn ystod proses craffu cyfnod 1, fe'i gwneuthum yn glir fy mod yn awyddus i sicrhau bod Pwyllgor Plant a Phobl Ifanc y Cynulliad yn cael diweddariad blynyddol ynglŷn â'r cynnydd gyda'n targedau tlodi plant ni'n hunain, fel y'u nodir yn 'Dileu Tlodi Plant yng Nghymru—Mesur Llwyddiant', sy'n cynnwys 31 o ddangosyddion. Mae mynd ati fel hynny'n ffordd fwy cymesur o lawer ac yn ffordd sydd wedi'i seilio'n fwy ar dystiolaeth na'r hyn a geisir drwy'r gwelliant. Petai Llywodraeth yn y dyfodol yn penderfynu peidio â pharhau i wneud hyn, yr wyf yn siŵr y byddai'r Cynulliad Cenedlaethol yn fwy na galluog ac yn fwy na pharod i'w ddal yn atebol am wrthod gwneud hynny.

Fodd bynnag, y gwir yw y gallai'r gwelliant hwn greu mwy o wres nag o oleuni. Yr wyf yn poeni am edrych ar niferoedd bychain mewn cylch blynyddol yng Nghymru am nad yw'r ffigyrau'n ddigon cadarn. Yr wyf yn siŵr y byddai ein hagwedd at y gwelliant yn sylweddol wahanol petai'r data'n cynnig rhywfaint o gadernid. Y gwir yw, nid yw'r cadernid hwnnw yno ac, felly, mae edrych ar niferoedd bychain bob blwyddyn yn creu cyfyngiadau go iawn. Yn wir, gallai data sydd wedi'u seilio ar dystiolaeth wael arwain

conclusions from poorly evidenced data. This is simply because of the small numbers in a short reporting cycle.

As has been conceded, monitoring of the Assembly Government's child poverty targets will be an integral part of the child wellbeing monitor that has been published. In addition, section 3 of the proposed Measure requires Assembly Ministers to keep the new child poverty strategy under review. We must also, in 2013, and in every third subsequent year, publish a report containing an assessment of the extent to which the objectives in our strategy have been achieved. As Jenny accepted, that will be laid before the National Assembly.

I believe that the three-year reporting cycle will allow us to demonstrate progress more effectively and it will tie in with the three-yearly publication of the children and young people's wellbeing monitor, the local children and young people's plans and the relevant outcome measures. I suggest that this three-yearly formal way of reporting is a much more robust and reliable basis upon which performance can be measured. These arrangements, taken together, will demonstrate that there is ample opportunity to review our performance in this crucial policy area. I would urge the Assembly to reject this amendment. In doing so, because they are both in group 6, I would urge the rejection of amendment 53, which obviously becomes superfluous if amendment 41 is not agreed.

The Presiding Officer: Thank you for your procedural advice, Minister; it is always helpful.

Jenny Randerson: I must take issue with the Minister's logic. The Minister says that the report will not be robust because the statistics will not be robust as a result of the numbers being small. The Government regularly takes action against local authorities based on much smaller numbers than these. The argument that you cannot criticise or scrutinise because the numbers are small, or

at gasgliadau amhriodol. Y rheswm dros hyn yn syml yw bod y niferoedd yn fychain pan fydd gennych gylch adrodd byr.

Fel yr addefwyd, bydd monitro targedau tlodi plant Llywodraeth y Cynulliad yn rhan hanfodol o'r monitor lles plant sydd wedi'i gyhoeddi. At hynny, mae adran 3 o'r Mesur arfaethedig yn ei gwneud yn ofynnol i Weinidogion y Cynulliad adolygu'r strategaeth tlodi plant newydd yn barhaus. Rhaid inni hefyd, yn 2013, ac wedyn bob tair blynedd, gyhoeddi adroddiad sy'n pwysu a mesur i ba raddau y llwyddwyd i gyflawni amcanion ein strategaeth. Fel y derbyniodd Jenny, rhoddir hynny gerbron y Cynulliad Cenedlaethol.

Credaf y bydd y cylch adrodd tair blynedd yn caniatáu inni ddangos cynnydd yn fwy effeithiol a bydd yn cyd-fynd â chyhoeddi'r monitor lles plant a phobl ifanc bob tair blynedd, y cynlluniau plant a phobl ifanc lleol a'r dulliau mesur canlyniadau perthnasol. Awgrymaf fod y ffordd ffurfiol hon o adrodd bob tair blynedd yn sail fwy cadarn a dibynadwy ar gyfer mesur perfformiad. Gyda'i gilydd, bydd y trefniadau hyn yn dangos bod digon o gyfle i adolygu'n perfformiad yn y maes polisi hollbwysig hwn. Byddwn yn pwysu ar y Cynulliad i wrthod y gwelliant hwn. Wrth wneud hynny, oherwydd eu bod ill dau yng ngrŵp 6, byddwn yn pwysu arnoch i wrthod gwelliant 53, sy'n amlwg yn ddiangen oni dderbynnir gwelliant 41.

Y Llywydd: Diolch ichi am eich cyngor ynglŷn â'r weithdrefn, Weinidog; mae hynny bob tro'n gymorth.

Jenny Randerson: Rhaid imi anghytuno â rhesymeg y Gweinidog. Dywed y Gweinidog na fydd yr adroddiad yn gadarn oherwydd na fydd yr ystadegau'n gadarn am fod y niferoedd yn fychain. Bydd y Llywodraeth yn cymryd camau'n rheolaidd yn erbyn awdurdodau lleol ar sail ffigurau llai o lawer na'r rhain. Twyllresymeg lwyr yw'r ddadl na allwch feirniadu na chraffu oherwydd bod y

that you cannot applaud because the numbers are small, is a complete fallacy. The Minister says that we will be able to hold the Government to account, but it is much more difficult to hold the Government to account if you have not formalised the idea of regular reporting. I am absolutely sure that when we seek information on an interim basis, the Government will tell us, 'Well, it is difficult to provide that because we are only doing three-yearly reports'. Minister, you are making it very difficult for the opposition to do its job effectively.

Brian Gibbons: Jenny, do you accept that we have agreed to publish a whole range of annual data based on the child poverty statistics database and, therefore, that there will be plenty of data available? Indeed, that data will be available to be used, for example, in the Westminster annual reports.

Jenny Randerson: I am sorry, Minister, but you have just argued very neatly with yourself. You have said that you are going to publish the data and that it can be used, but you have also said that it cannot be used because it is not robust enough. I do not mind which one you want, but you cannot have both points of view at the same time.

Brian Gibbons: Jenny, surely it can be the case that the data is available but because of small numbers it is rendered not robust? The fact that the information is available does not guarantee the robustness of that information.

Jenny Randerson: Minister, I think that you need to go back and read the Record of this debate in order to see that you have argued with yourself in a very neat circle. Minister, I do not mind which point of view you take, but you may either say that you are not going to produce the goods because the data will not be robust enough or that you are going to produce the goods and, therefore, the data is robust enough. I do not mind which one you

niferoedd yn fychain, neu na allwch ganmol am fod y niferoedd yn fychain. Dywed y Gweinidog y byddwn yn gallu dal y Llywodraeth yn atebol, ond mae'n anos o lawer ichi ddal y Llywodraeth yn atebol os nad ydych wedi ffurfioli'r syniad o gael adroddiadau rheolaidd. Yr wyf yn gwbl sicr, pan geisiwn gael gwybodaeth interim, y bydd y Llywodraeth yn dweud wrthym, 'Wel, mae'n anodd darparu'r wybodaeth honno oherwydd dim ond adroddiadau bob tair blynedd yr ydym yn eu paratoi'. Weinidog, yr ydych yn ei gwneud yn anodd iawn i'r gwrthbleidiau wneud eu gwaith yn effeithiol.

Brian Gibbons: Jenny, a ydych yn derbyn ein bod wedi cytuno i gyhoeddi ystod eang o ddata blynyddol wedi'i seilio ar gronfa ddata'r ystadegau tlodi ac, felly, y bydd digonedd o ddata ar gael? Yn wir, bydd y data hynny ar gael i'w defnyddio, er enghraifft, yn adroddiadau blynyddol San Steffan.

Jenny Randerson: Mae'n ddrwg gennyf, Weinidog, ond yr ydych newydd anghytuno'n ddestlus iawn â chi'ch hun. Yr ydych wedi dweud eich bod yn mynd i gyhoeddi'r data ac y bydd modd eu defnyddio, ond yr ydych hefyd wedi dweud nad oes modd eu defnyddio am nad ydynt yn ddigon cadarn. Nid oes wahaniaeth gennyf pa safbwynt y dymunwch ei arddel, ond ni allwch arddel y ddau ohonynt yr un pryd.

Brian Gibbons: Jenny, onid yw'n bosibl bod y data ar gael ond nad yw'r data hynny'n gadarn oherwydd y niferoedd bychain? Nid yw'r ffaith bod yr wybodaeth ar gael yn gwarantu bod yr wybodaeth honno'n gadarn.

Jenny Randerson: Weinidog, credaf fod angen ichi fynd yn ôl a darllen Cofnod y ddadl hon er mwyn gweld eich bod wedi anghytuno â chi'ch hun mewn cylch destlus. Weinidog, nid oes wahaniaeth gennyf pa safbwynt a ddewiswch, ond cewch naill ai ddweud nad ydych yn mynd i ddarparu'r wybodaeth oherwydd na fydd y data'n ddigon cadarn ynteu eich bod yn bwriadu darparu'r wybodaeth ac felly, bod y data'n

are going for, but you cannot go for both at once.

May I go to the fundamental point behind all this? If you produce a report every three years, you build in a time lag that is a three-year time lag. If something goes wrong three months after the most recent report, there will be an in-built three-year delay in responding to that problem. Your argument about the data's lack of robustness strongly suggests that the Government will not take any action for the whole of the intervening three years. I remind you, Minister, that every time we see a report, annual or otherwise, that delves well back into the past, your Government tells us, 'Oh well, those figures are now out of date'. One of the key things in these matters is to be able to say that you are dealing with them as soon as possible. A three-yearly report will mean a three-year time lag for dealing with these issues, and for that reason, we should have annual reports that will lead to swifter action being taken.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 41. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

ddigon cadarn. Nid oes wahaniaeth gennyf pa un a ddewiswch, ond ni allwch ddewis y ddau ar unwaith.

A gaf fynd at y pwynt sylfaenol sy'n wraidd i hyn oll? Os cyhoeddwch adroddiad bob tair blynedd, byddwch yn cynnwys tair blynedd o oedi yn rhan o'r drefn. Os aiff rhywbeth o'i le dri mis ar ôl yr adroddiad diweddaraf, bydd y drefn yn golygu bod tair blynedd o oedi cyn ymateb i'r broblem honno. Mae eich dadl ynglŷn â diffyg cadernid y data'n awgrymu'n gryf na fydd y Llywodraeth yn cymryd camau am y tair blynedd llawn rhwng yr adroddiadau. Fe'ch atgoffaf, Weinidog, bob tro y gwelwn adroddiad sy'n tyrchu ymhell i'r gorffennol, boed hwnnw'n adroddiad blynyddol neu beidio, fod eich Llywodraeth yn dweud wrthym, 'O wel, mae'r ffigurau hynny'n hen erbyn hyn'. Un o'r pethau allweddol yn y cyswllt hwn yw gallu dweud eich bod yn ymdrin â hwy cyn gynted ag y bo modd. Bydd adroddiad bob tair blynedd yn golygu oedi am dair blynedd cyn mynd i'r afael â'r materion hyn, a dyna pam y dylem gael adroddiadau blynyddol a fydd yn arwain at gymryd camau'n gyflymach.

The Presiding Officer: The question is that amendment 41 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 41: O blaid 15, Ymatal 0, Yn erbyn 33.
Amendment 41: For 15, Abstain 0, Against 33.*

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

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane

James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Law, Trish
 Lewis, Huw
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce
 Wood, Leanne

*Gwrthodwyd gwelliant 41.
 Amendment 41 not agreed*

Yr Awdurdodau Cymreig (Gwelliant 42) Welsh Authorities (Amendment 42)

Y Llywydd: Mae'r seithfed grŵp o welliannau yn ymwneud ag awdurdodau Cymreig. Gwelliant 42 yw'r unig un yn y grŵp.

Jenny Randerson: I move amendment 42 in my name and with the name of Mark Isherwood in support.

I am pleased that the Minister listened to the Stage 1 committee's report and tabled amendments at Stage 2 to broaden the list of Welsh institutions that will be affected by this legislation. My amendment 42 deals with one further set of organisations and institutions, namely further education institutions, which are still omitted from it. I have to admit that I am puzzled as to why that is the case. It is clear that schools will be affected by this, and higher education is drawn in via the Higher Education Funding Council for Wales, but FE is not included. We should embrace the current opportunities to include FEIs in this legislation in line with the concerns expressed in paragraphs 37 and 201 of the Stage 1 report. Indeed, I believe that it is exceptionally odd for them to be excluded, because they play such an important role in the lives of Welsh families.

The Presiding Officer: The seventh group of amendments relates to Welsh authorities. Amendment 42 is in a group of its own.

Jenny Randerson: Cynigaf welliant 42 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Yr wyf yn falch i'r Gweinidog wrando ar adroddiad pwyllgor Cyfnod 1 a chyflwyno gwelliannau yng Nghyfnod 2 i ehangu'r rhestr o sefydliadau yng Nghymru y bydd y ddeddfwriaeth hon yn effeithio arnynt. Mae fy ngwelliant 42 yn ymdrin ag un set arall o gyrff a sefydliadau, sef sefydliadau addysg bellach, sydd wedi'u hepgor ohoni o hyd. Rhaid imi gyfaddef nad wyf yn deall pam. Mae'n amlwg y bydd hyn yn effeithio ar ysgolion ac mae addysg uwch yn cael ei chynnwys drwy gyfrwng Cyngor Cyllido Addysg Uwch Cymru, ond ni chynhwysir addysg bellach. Dylem achub ar y cyfleoedd sydd ar gael yn awr i gynnwys sefydliadau addysg bellach yn y ddeddfwriaeth hon yn unol â'r pryderon a fynegwyd ym mharagraffau 37 a 201 o adroddiad Cyfnod 1. Yn wir, credaf ei bod yn eithriadol o ryfedd eu heithrio, oherwydd eu bod yn chwarae

rhan mor bwysig ym mywydau teuluoedd Cymru.

If the Minister cannot see the importance of further education, I refer him to my experience as a further education lecturer, many years past. I can recall two separate occasions on which I was alerted to the needs of particular families—and this is in my career alone. My students were acting in the role of young carers, which revealed the exceptional poverty of their families, and of the young children within those families. Under this legislation, as a lecturer, I would have had an obligation to take action because of the information that came to my attention. I believe that the institution for which I worked should have had responsibilities towards those young people, given the information that was given to it. This is not an irrelevant factor. I would argue that it affects probably hundreds of young people in our further education institutions throughout the country.

I draw to the attention of Members on the other side of the Chamber the fact that the trade unions have shown strong support for this amendment. I believe that further education institutions should be included in section 5A, and that could be achieved by agreeing to this amendment.

4.50 p.m.

I accept the Minister's point that he would reconsider. However, he made that point after the Stage 1 report, and I put on record my disappointment that his commitment to examine this recommendation did not result in his supporting the amendment at Stage 2, given that it was supported by the trade unions. I am afraid that the Minister may regret rejecting it in future.

Mark Isherwood: Jenny made a telling point about young carers, which is a significant issue. A couple of weeks ago, I attended the Flintshire Barnardo's celebration day and its annual general meeting, where I met some young carers, many of whom are now getting

Oni all y Gweinidog weld pwysigrwydd addysg bellach, fe'i cyfeiriaf at fy mhrofiad fel darlithydd addysg bellach flynnyddoedd lawer yn ôl. Gallaf gofio dau wahanol achlysur pan dynnwyd fy sylw at anghenion teuluoedd penodol—ac nid yw hynny ond yn fy ngyrfa i. Yr oedd fy myfyrwyr yn gwneud gwaith gofalwyr ifanc, ac yr oedd hynny'n datgelu tlodi eithriadol eu teuluoedd, a'r plant ifanc yn y teuluoedd hynny. O dan y ddeddfwriaeth hon, byddai wedi bod yn ddyletswydd arnaf, fel darlithydd, i wneud rhywbeth yn sgil yr wybodaeth a ddaeth i'm sylw. Credaf y dylasai fod gan y sefydliad yr oeddwn yn gweithio iddo gyfrifoldebau at y bobl ifanc hynny, ac ystyried yr wybodaeth a roddwyd iddo. Nid yw hwn yn yn ffactor amherthnasol. Byddwn yn dadlau ei fod yn effeithio ar gannoedd o bobl ifanc, mae'n siŵr, yn ein sefydliadau addysg bellach drwy'r wlad.

Tynnaf sylw'r Aelodau ar ochr arall y Siambr at y ffaith bod yr undebau llafur wedi dangos cefnogaeth gref i'r gwelliant hwn. Credaf y dylid cynnwys sefydliadau addysg bellach yn adran 5A ac y gellid gwneud hynny drwy dderbyn y gwelliant hwn.

Derbyniaf bwynt y Gweinidog y byddai'n ailystyried. Serch hynny, gwnaeth y pwynt hwnnw ar ôl adroddiad Cyfnod 1, a dymunaf gofnodi fy siom nad arweiniodd ei ymrwymiad i ystyried yr argymhellid hwn at gefnogi'r gwelliant yng Nghyfnod 2, a chofio bod yr undebau llafur yn ei gefnogi. Mae arnaf ofn y byd y gweinidog o bosibl yn difaru ei wrthod yn y dyfodol.

Mark Isherwood: Gwnaeth Jenny bwynt pwysig am ofalwyr ifanc, sy'n fater o bwys. Ychydig wythnosau'n ôl, bûm yn niwrnod dathlu Barnardo's sir y Fflint a'i gyfarfod cyffredinol blynyddol, lle cyfarfûm â nifer o ofalwyr ifanc, ac mae llawer ohonynt erbyn

support, thankfully. Until the intervention of Barnardo's through its excellent projects, many were missing out.

The committee noted evidence relating to the inclusion of the Arts Council of Wales, the National Library of Wales and the Sports Council for Wales. This amendment in the name of Jenny Randerson simply provides that an FE institution is a Welsh authority for the purposes of the proposed Measure. In its oral evidence, the Joseph Rowntree Foundation suggested that further education colleges, the Sports Council for Wales and the Arts Council of Wales be added to the list because what they do is central to tackling child poverty, by helping young people living in child poverty and, potentially, their parents to get work, which could lift their families out of poverty.

On further education institutions, the Minister's officials said in evidence to the committee that this was a matter that they would need to consider further. On the one hand, the Welsh Ministers have responsibility for funding further education institutions, so they are already covered by the proposed Measure. On the other, the Government needs to look at the extent to which it is included in that, and it might need to use the funding mechanisms as a lever for requiring what is needed.

Surely the weight of evidence from engaged organisations supports the agreement of this amendment and encourages Members from across the Chamber to vote accordingly.

Brian Gibbons: I thank Jenny for acknowledging the changes that have been made to the proposed Measure at different stages. It has been through a substantial range of changes on the basis of the evidence with which we were presented during its earlier stages through the National Assembly.

On the issues surrounding amendment 42, I have further elaborated on our thinking in a

hyn yn cael cymorth, diolch byth. Tan i Barnardo's ymyrryd, drwy ei brosiectau rhagorol, yr oedd llawer ohonynt ar eu colled.

Nododd y pwyllgor dystiolaeth yn ymwneud â chynnwys Cyngor Celfyddydau Cymru, Llyfrgell Genedlaethol Cymru a Chyngor Chwaraeon Cymru. Y cyfan y mae'r gwelliant hwn yn enw Jenny Randerson yn ei wneud yw dweud bod sefydliad addysg bellach yn un o awdurdodau Cymru at ddibenion y Mesur arfaethedig. Yn ei dystiolaeth lafar, awgrymodd Sefydliad Joseph Rowntree y dylid ychwanegu colegau addysg bellach, Cyngor Chwaraeon Cymru a Chyngor Celfyddydau Cymru at y rhestr oherwydd bod eu gwaith yn ganolog o ran mynd i'r afael â thlodi plant, drwy gynorthwyo pobl ifanc sy'n byw mewn tlodi plant, a'u rhieni, o bosibl i gael gwaith, gwaith a allai godi eu teuluoedd o dlodi.

O ran sefydliadau addysg bellach, dywedodd swyddogion y Gweinidog mewn tystiolaeth i'r pwyllgor fod hwn yn fater y byddai angen iddynt ei ystyried eto. Ar y naill law, mae Gweinidogion Cymru'n gyfrifol am ariannu sefydliadau addysg bellach, felly maent eisoes yn dod o dan y Mesur arfaethedig. Ar y llaw arall, mae angen i'r Llywodraeth ystyried i ba raddau y mae wedi'i chynnwys yn hynny, ac efallai y bydd angen iddi ddefnyddio'r mecanweithiau ariannu'n sbardun i fynnu'r hyn y mae ei angen.

Siawns nad yw grym y dystiolaeth gan y sefydliadau y cysylltwyd â hwy'n cefnogi derbyn y gwelliant hwn ac yn pwysu ar yr Aelodau ar ochr draw'r Siambr i bleidleisio o'i blaid.

Brian Gibbons: Diolchaf i Jenny am gydnabod y newidiadau sydd wedi'u gwneud i'r Mesur arfaethedig yn ystod gwahanol gamau. Mae wedi bod drwy ystod sylweddol o newidiadau ar sail y dystiolaeth a gyflwynwyd inni yn ystod ei gyfnodau cynharach drwy'r Cynulliad Cenedlaethol.

O ran y materion sy'n ymwneud â gwelliant 42, yr wyf wedi ymhelaethu ynglŷn â'n

letter to the Chair of the scrutiny committee and during the Stage 2 proceedings, as Jenny mentioned. The Assembly Government appreciates the vital role that further education institutions can play in delivering the child poverty agenda, but that is not to say that we must include them on the face of the proposed Measure. To do so would be to depart from the general approach that is taken in the proposed Measure towards institutions that are not of national or strategic importance. In addition, the benefits can be achieved in another way.

As it stands, section 5A of the proposed Measure places a duty on bodies that have a national and regional reach, such as the Higher Education Funding Council for Wales. The exceptions are local authorities and local health boards, and there are good reasons for that. Local authorities bring together a broad range of different functions, and the range of functions that health boards bring together is also wide and covers every aspect of healthcare. However, the proposed Measure does not place a duty on individual public bodies such as HE institutions. The other Welsh authorities listed in section 5A(1) are national and strategic in nature, while FEIs are not all-Wales bodies.

At this stage, I am not convinced that we need to make a special exemption for FE institutions, or that they should be treated any differently from universities or schools in Wales. In addition, the Welsh Ministers are the FE equivalent of HEFCW and provide funding to FE colleges. The funding granted to FE institutions is issued under a financial memorandum to each FEI, detailing the conditions of that funding. Those conditions will need to reflect the new statutory duties to tackle child poverty that will fall on the Welsh Assembly Government as a consequence of the proposed Measure and the consequent strategies. We will use those

meddyliau mewn llythyr at Gadeirydd y pwyllgor craffu ac yn ystod trafodion Cyfnod 2, fel y crybwyllodd Jenny. Mae Llywodraeth y Cynulliad yn gwerthfawrogi'r rôl hollbwysig y gall sefydliadau addysg bellach ei chwarae o ran gwireddu'r agenda tlodi plant, ond nid yw hynny'n golygu ei bod yn rhaid inni eu cynnwys yn y Mesur arfaethedig ei hun. Byddai gwneud hynny'n golygu gwyro oddi wrth yr ymagwedd gyffredinol yn y Mesur arfaethedig at sefydliadau nad oes iddynt bwysigrwydd cenedlaethol neu strategol. Yn ogystal â hynny, mae modd sicrhau'r manteision drwy ddull arall.

Fel y mae, mae adran 5A o'r Mesur arfaethedig yn gosod dyletswydd ar gyrff a chanddynt gylch cyfrifoldeb cenedlaethol a rhanbarthol, megis Cyngor Cyllido Addysg Uwch Cymru. Yr eithriadau yw awdurdodau lleol a byrddau iechyd lleol, ac mae rhesymau da dros hynny. Mae awdurdodau lleol yn dwyn ynghyd ystod eang o wahanol swyddogaethau, ac mae ystod y swyddogaethau y bydd byrddau iechyd yn eu dwyn ynghyd yn eang hefyd ac yn ymwneud â phob agwedd ar ofal iechyd. Fodd bynnag, nid yw'r Mesur arfaethedig yn gosod dyletswydd ar gyrff cyhoeddus unigol megis sefydliadau addysg uwch. Cyrff cenedlaethol a strategol eu natur yw'r awdurdodau eraill yng Nghymru a restrir yn adran 5A(1). Nid yw sefydliadau addysg bellach yn gyrff Cymru gyfan.

Ar hyn o bryd, nid wyf yn argyhoeddedig bod angen inni wneud sefydliadau addysg bellach yn eithriad arbennig, nac y dylid eu trin yn wahanol o gwbl i brifysgolion neu ysgolion yng Nghymru. At hynny, mae Gweinidogion Cymru, o ran addysg bellach, yn cyfateb i CCAUC, a hwy sy'n ariannu colegau addysg bellach. Rhoddir yr arian i sefydliadau addysg bellach o dan femorandwm ariannol i bob sefydliad, ac mae'r femorandwm yn cynnwys amodau'r ariannu hwnnw. Bydd angen i'r amodau hynny adlewyrchu'r dyletswyddau statudol newydd i fynd i'r afael â thlodi plant a ddaw i ran Llywodraeth y Cynulliad yn sgil y Mesur

conditions, as far as is possible, to ensure that child poverty issues are embraced by FE colleges as appropriate, just as HEFCW will be expected to do in relation to universities.

As Jenny conceded, I have agreed that we must monitor that in practice, and I am willing to repeat the assurance that I have already given on the record at the Stage 2 committee proceedings. We, as an Assembly Government, are willing to revisit this as part of our review mechanisms. If the evidence shows that the arrangements in the proposed Measure are not working, we will consider using the power in section 5A(2) to add FE colleges to the list of Welsh authorities by Order. On that basis, I urge Members to reject amendment 42.

Jenny Randerson: While I am reassured that the Minister keeps an open mind on this issue, I am disappointed that, once again, further education is seen as an expendable part of the complete picture. I fail to understand why naming other public sector bodies is regarded as necessary but naming further education institutions is not. I am disappointed that the Minister has not seen fit to take this straightforward approach, as recommended and supported by the trade unions, as it would apply an effective control and duty on those working in the sector, which is an important sector for tackling child poverty.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 42. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

arfaethedig a'r strategaethau a ddaw i'w ganlyn. Byddwn yn defnyddio'r amodau hynny, cyn belled ag y bo modd, i sicrhau bod colegau addysg bellach yn mynd i'r afael, fel sy'n briodol, â materion sy'n ymwneud â thlodi plant, yn union fel y bydd disgwyl i CCAUC ei wneud yng nghyswllt prifysgolion.

Fel y derbyniodd Jenny, yr wyf wedi cytuno ei bod yn rhaid inni fonitro hynny'n ymarferol, ac yr wyf yn barod i ailadrodd yr hyn yr wyf eisoes wedi'i addo ar glawr yn nhrefodion pwyllgor Cyfnod 2. Yr ydym ni, Lywodraeth y Cynulliad, yn barod i ystyried hyn eto, fel rhan o'n mecanweithiau adolygu. Os dengys y dystiolaeth nad yw'r trefniadau yn y Mesur arfaethedig yn gweithio, byddwn yn ystyried defnyddio'r pŵer yn adran 5A(2) i ychwanegu colegau addysg bellach at y rhestr o awdurdodau Cymru drwy Orchymyn. Ar y sail honno, pwysaf ar yr Aelodau i wrthod gwelliant 42.

Jenny Randerson: Er fy mod yn falch o glywed bod y Gweinidog yn cadw meddwl agored ynglŷn â'r mater hwn, yr wyf yn siomedig o weld unwaith eto, bod addysg bellach yn cael ei gweld yn elfen y gellir ei hepgor o'r darlun cyflawn. Nid wyf yn deall pam y mae'n cael ei hystyried yn angenrheidiol enwi cyrff eraill yn y sector cyhoeddus ond nad oes angen enwi sefydliadau addysg bellach. Yr wyf yn siomedig nad yw'r Gweinidog wedi gweld yn dda mynd ati yn y ffordd syml hon, fel yr argymhellwyd ac fel y'i cefnogwyd gan yr undebau llafur, gan y byddai'n ffordd effeithiol o reoli a gosod dyletswydd ar y rheini sy'n gweithio yn y sector, sy'n sector pwysig er mwyn mynd i'r afael â thlodi plant.

The Presiding Officer: The question is that amendment 42 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 42: O blaid 15, Ymatal 0, Yn erbyn 35.
Amendment 42: For 15, Abstain 0, Against 35.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

The following Members voted against:

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

*Gwrthodwyd gwelliant 42.
Amendment 42 not agreed.*

**Cyfleoedd Chwarae (Gwelliannau 43, 59, 44, 45, 62 a 61)
Play Opportunities (Amendments 43, 59, 44, 45, 62 and 61)**

The Presiding Officer: I invite Jenny Randerson to move amendment 43 and to speak to the other amendments in the group.

Jenny Randerson: I move amendment 43 in my name and with the name of Mark Isherwood in support.

There are other amendments in this group in my name, but I make the point now that, as Welsh Liberal Democrats, we will be unable to support amendment 61 in the name of Mark Isherwood. I will come to the reasons for that in due course.

Y Llywydd: Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 43 ac i siarad am y gwelliannu eraill yn y grŵp.

Jenny Randerson: Cynigiau welliant 43 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Mae gwelliannau eraill yn y grŵp hwn yn fy enw, ond dymunaf ddweud yn awr, na fyddwn ni, Ddemocratiaid Rhyddfrydol Cymru, yn gallu cefnogi gwelliant 61 yn enw Mark Isherwood. Soniaf am y rhesymau dros hynny maes o law.

It is essential that the definitions of ‘play’ and ‘play opportunities’ be tied into the proposed Measure. We have tabled these amendments to ensure that that happens. The Stage 1 committee recognised the challenge for the Minister in defining play but concluded that a definition was essential. This lead amendment ensures that play opportunities are defined as being appropriate for the age of the child. To give you an illustration, if the age clause is not included, a local authority could provide a sandpit and claim that as evidence that play opportunities are provided for a teenager.

My other amendments in this group are in line with the Stage 1 committee’s recommendation, in paragraph 370 of its report, for a requirement ‘to have regard to accessibility’ as well as the quality and quantity of play equipment. To give you another illustration, a local authority could argue that it provided plenty of play opportunities, and if you took the total number of play areas, the authority might well be meeting the target—but all the play areas might be at the southern end of the borough, with nothing provided at the northern end. You have to look at play from all these different perspectives if you are to have a thorough and rigorous approach to the provision of adequate play opportunities.

5.00 p.m.

The Welsh Liberal Democrats will be supporting the Conservative amendments 59 and 62. Amendment 59 is particularly important, as the definition of play, unless properly prescribed, can be very fluid and loose. By setting up a simple definition of children’s behaviour, which is freely chosen, personally directed, intrinsically motivated, and performed for no external goal or reward, sets a strong and accepted definition of the term, which has also been used by this Government. Indeed, the Government’s definition of play in this legislation is at odds with its own definition of play elsewhere, and

Mae’n hanfodol bod ‘chwarae’ a ‘chfyloedd chwarae’ yn cael eu cynnwys yn y Mesur arfaethedig. Yr ydym wedi cyflwyno’r gwelliannau hyn er mwyn sicrhau bod hynny’n digwydd. Yr oedd pwyllgor Cyfnod 1 yn cydnabod bod diffinio chwarae’n her i’r Gweinidog ond casglodd ei bod yn hanfodol cael diffiniad. Mae’r prif welliant hwn yn sicrhau bod cyfleoedd chwarae’n cael eu diffinio’n rhai sy’n briodol ar gyfer oedran y plentyn. I roi enghraifft ichi, oni chynhwysir y cymal ynglŷn ag oedran, gallai awdurdod lleol ddarparu pwll tywod a honni bod hynny’n dystiolaeth ei fod yn darparu cyfleoedd chwarae i rywun yn ei ardegau.

Mae fy ngwelliannau eraill yn y grŵp hwn yn unol ag argymhelliad pwyllgor Cyfnod 1, ym mharagraff 370 ei adroddiad sef y dylai fod gofyniad ‘i ystyried hygrychedd’ yn ogystal ag ansawdd a nifer y cyfarpar chwarae. I roi enghraifft arall ichi, gallai awdurdod lleol ddadlau ei fod yn darparu digon o gyfleoedd chwarae, a phetaech yn ystyried cyfanswm nifer yr ardaloedd chwarae, mae’n ddigon posibl bod yr awdurdod yn cyrraedd y targed—ond efallai fod yr ardaloedd chwarae i gyd ym mhen deheuol y fwrdeistref, ac nad oes dim yn cael ei ddarparu yn y pen gogleddol. Rhaid ichi edrych ar chwarae o’r holl wahanol safbwyntiau hyn er mwyn mynd ati i ddarparu cyfleoedd chwarae digonol mewn ffordd drwyadl a thrylwyr.

Bydd Democratiaid Rhyddfrydol Cymru yn cefnogi gwelliannau 59 a 62 y Ceidwadwyr. Mae gwelliant 59 yn arbennig o bwysig, oherwydd gall y diffiniad o chwarae, oni chaiff ei bennu’n iawn, fod yn amwys ac yn llac iawn. Drwy gael diffiniad syml o ymddygiad plant, sefy ymddygiad sy’n gwbl wirfoddol, yn dilyn cyfeiriad a ddewisir yn bersonol, yn bod er ei fwyn ei hun ac yn cael ei gyflawni heb unrhyw nod na gwobr allanol’, bydd gennych ddiffiniad cryf a dderbynnir ar gyfer y term, diffiniad sydd hefyd wedi’i ddefnyddio gan y Llywodraeth hon. Yn wir, mae’r diffiniad o chwarae a geir

consistency is important here. The definition of play in this proposed Measure is so wide as to include anything that might be regarded as a leisure activity—it was pointed out in committee that this might include shopping, for example, although I would not agree with that, or online gaming, which can be a problem if used too frequently.

Turning briefly to Conservative amendment 61, which we will not be supporting, I welcome the intent behind it, and the principle, but I cannot accept its precise phrasing, because it becomes much too broad. It refers to ‘play opportunities’ rather than ‘play facilities’. If the phrase ‘play facilities’ had been used, then I would have been much happier. The problem is that the term ‘opportunity’ could include, for example, a local-authority-run play scheme, and if the authority decided to end that play scheme, but to open another one, they would have to consult on those changes. They should only have to consult on a major change, such as the amount of open space made available for young people.

In practice, local authorities change the times of play opportunities often—they would be changing it constantly and consulting constantly. So, although I understand the principle that Mark is getting at, I believe that the amendment—and we are now down to the line-by-line, word-by-word scrutiny rather than a consideration of the general principles—is worded too loosely to be practical. For that reason, we will not be supporting that particular amendment.

Mark Isherwood: Organisations such as the North Wales Play Association have told us that they would wish to see the inclusion of standards relating to age-appropriateness, from toddlers to young teens. This should be given due consideration alongside housing density, the child populations of given areas,

gan y Llywodraeth yn y ddeddfwriaeth hon yn groes i’w diffiniad hi ei hun o chwarae mewn mannau eraill, ac mae cysondeb yn bwysig yma. Mae’r diffiniad o chwarae yn y Mesur arfaethedig hwn mor eang nes ei fod yn cynnwys unrhyw beth y gellid ei ystyried yn weithgaredd hamdden—tynnwyd sylw’r pwyllgor at y ffaith y gallai hyn gynnwys siopa, er enghraifft, er na fyddwn yn cytuno â hynny, neu chwarae gemau ar-lein, a all fod yn broblem o’i wneud yn rhy aml.

A throi’n gryno at welliant 61 y Ceidwadwyr, gwelliant na fyddwn yn ei gefnogi, croesawaf y bwriad sy’n gefn iddo, a’r egwyddor, ond ni allaf dderbyn ei eiriad manwl, oherwydd ei fod yn dod yn rhy eang o lawer. Mae’n cyfeirio at ‘gyfleoedd chwarae’ yn hytrach nag at ‘gyfleusterau chwarae’. Petai’r ymadrodd ‘cyfleusterau chwarae’ wedi’i ddefnyddio, yna, buaswn yn hapusach o lawer. Y broblem yw y gallai’r term ‘cyfle’ gynnwys, er enghraifft, gynllun chwarae a gynhelir gan awdurdod lleol, a phetai’r awdurdod yn penderfynu dod â’r cynllun chwarae hwnnw i ben, ond agor un arall, byddai’n rhaid iddynt ymgynghori ynglŷn â’r newidiadau hynny. Ni ddylent ond orfod ymgynghori ynglŷn â newid mawr, megis faint o dir agored a ddarperir ar gyfer pobl ifanc.

O safbwynt ymarferol, bydd awdurdodau lleol yn newid amserau cyfleoedd chwarae’n aml—byddent yn newid pethau o hyd ac yn ymgynghori o hyd. Felly, er fy mod yn deall yr egwyddor sydd gan Mark dan sylw, credaf fod y gwelliant—ac yr ydym yn awr wedi cyrraedd y craffu linell wrth linell, air wrth air, yn hytrach nag yn ystyried yr egwyddorion cyffredinol—wedi’i eirio’n rhy lac i fod yn ymarferol. Dyna pam na fyddwn yn cefnogi’r gwelliant penodol hwnnw.

Mark Isherwood: Mae sefydliadau megis Cymdeithas Chwarae Gogledd Cymru wedi dweud wrthym y byddent yn dymuno gweld cynnwys safonau sy’n ymwneud â phriodoldeb ar gyfer oedran, o blant bach i rai yn eu harddegau. Dylid rhoi sylw dyledus i hyn, ochr yn ochr â dwysedd tai,

environmental features, traffic management systems, the pedestrian travel ranges of children of different ages, and the needs of children of mixed abilities, including children with disabilities. In pursuing these considerations we would advise that the introduction of a play needs assessment would be of considerable value. The NWPA would strongly suggest that such criteria could and should be embraced within a strategically planned, integrated and hierarchical system of play provision.

poblogaethau plant mewn ardaloedd penodol, nodweddion amgylcheddol, systemau rheoli traffig, pa mor bell y mae plant o wahanol oedran yn gallu cerdded, ac anghenion plant cymysg eu gallu, gan gynnwys plant a chanddynt anableddau. Wrth fynd ar drywydd yr ystyriaethau hyn, byddem yn awgrymu y byddai'n werthfawr iawn cyflwyno asesiad o anghenion chwarae. Byddai Cymdeithas Chwarae Gogledd Cymru yn awgrymu'n gryf y gallai meini prawf o'r fath fod yn rhan o system darpariaeth chwarae integredig a hierarchaidd sydd wedi'i chynllunio'n strategol, ac mai felly y dylai fod.

Amendment 59 brings the definition of 'play' in line with Government policy. North East Wales Play says that, having spoken to other play organisations across Wales, it believes that there is consensus that current Welsh Assembly Government play policy is fit for purpose. Its concerns about the inclusion of the words 'includes any recreational activity' seems to pull against the play/work principles and would be a massive backwards step for children's play in Wales. If the proposals go through and play sufficiency audits are required from each local authority area, then this will be hard to do well—who is to say what is sufficient play provision? Even if there is sufficient play provision, would it matter if it was all poor quality? Play value is difficult to measure, as it is very subjective, and it is this play value that we should be striving for. As Jenny said, the devil is now in the detail, in the line by line analysis of the proposed legislation. If recreation were to be included—shopping is recreation, as is flower arranging—would that mean that play teams across Wales would have to audit whether there are enough shopping and floristry opportunities in their county area?

Mae gwelliant 59 yn cysoni'r diffiniad o 'chwarae' yn unol â pholisi'r Llywodraeth. Dywed Cymdeithas Chwarae Gogledd Ddwyrain Cymru, ar ôl siarad a sefydliadau chwarae eraill ledled Cymru, ei bod yn credu bod consensws ynglŷn â pholisi chwarae presennol Llywodraeth y Cynulliad, sef ei fod yn addas i'r diben. Mae ei bryderon ynglŷn â chynnwys y geiriau 'yn cynnwys unrhyw weithgaredd hamdden' i bob golwg yn tynnu'n groes i'r egwyddorion chwarae/gwaith a byddai'n gam yn ôl enfawr i chwarae plant yng Nghymru. Os aiff y cynigion drwodd a bod gofyn i ardal pob awdurdod lleol gynnal archwiliadau i ddigonolrwydd chwarae, yna, bydd hyn yn anodd ei wneud yn dda—pwysydd i ddweud beth sy'n ddarpariaeth chwarae ddigonol? Hyd yn oed os yw'r ddarpariaeth chwarae'n ddigonol, a fyddai ots petai ansawdd y cyfan yn wael? Mae gwerth chwarae'n anodd ei fesur, am ei fod yn oddrychol iawn, a'r gwerth chwarae hwn yw'r hyn y dylem fod yn ymdrechu i'w sicrhau. Fel y dywedodd Jenny, yn y manylion y mae'r diafol yn awr, wrth ddadansoddi'r ddeddfwriaeth arfaethedig linell wrth linell. Petai hamdden yn cael ei gynnwys—mae siopa'n hamdden, a threfnu blodau hefyd—a fyddai hynny'n golygu y byddai'n rhaid i dimau chwarae ledled Cymru archwilio a oes digon o gyfleoedd i siopa a thrin blodau yn ardal eu sir?

The North Wales Play Association is also

Mae Cymdeithas Chwarae Gogledd Cymru

vigorously opposed to a definition that includes any recreational activity. It states that play is not an activity, but a developmental process, and I understood that the Welsh Assembly Government agreed with that in its previous strategies. It is an innate, human need, without parameters and pathological and measurable outcomes. Recreational activity, however, includes a massive range of interests, from walking in the countryside and climbing mountains to playing poker and, as such, is pursued by all ages, but mainly by adults. Without hesitation, these organisations would support the definition as determined in the existing Welsh Assembly Government national play policy.

Play Wales has also written to Members stating that, of the amendments laid, it is asking for our collective support for two. It stated that amendments 59 and 61 have the potential to further strengthen and future-proof the proposed Measure in respect of children's play. It added that amendment 59, if adopted, would bring the face of the proposed Measure into line with the Assembly play policy adopted in 2002, thereby reducing the risk of ambiguity and confusion and ensuring that regulations pertaining to sufficiency are better contextualised. It added in a further e-mail to me that, as the proposed Measure stands, it is groundbreaking in respect of play, but that, with the amendments proposed, it could be that much stronger. It is sad that, to date, this has not been more widely recognised.

A number of consultees, including Fields in Trust and Children in Wales, questioned whether there was enough detail in the proposed Measure as to what constitutes 'sufficient' play opportunities. Both Fields in Trust and Rhondda Cynon Taf local authority stated that it was unclear as to what would constitute play sufficiency, and that there was

hefyd yn gwrthwynebu'n gryf ddiffiniad sy'n cynnwys unrhyw weithgaredd hamdden. Mae'n dweud nad gweithgaredd yw chwarae, ond proses ddatblygol, a deallaf i Lywodraeth y Cynulliad gytuno â hynny yn ei strategaethau blaenorol. Mae'n angen dynol cynhenid, heb iddo na pharmedrau na chanlyniadau patholegol a mesuradwy. Fodd bynnag, mae gweithgaredd hamdden yn cynnwys amrywiaeth enfawr o ddiddordebau, o gerdded yng nghefn gwlad a dringo mynyddoedd i chwarae pocer, ac, yn hynny o beth, bydd pobl o bob oedran yn dilyn gweithgareddau hamdden, ond oedolion sy'n gwneud hynny'n bennaf. Yn ddiamau, byddai'r sefydliadau hyn yn cefnogi'r diffiniad fel y'i ceir ym mholisi chwarae cenedlaethol presennol Llywodraeth y Cynulliad.

Mae Chwarae Cymru wedi ysgrifennu at yr Aelodau hefyd yn dweud ei fod yn gofyn inni i gyd gefnogi dau o blith y gwelliannau a gyflwynwyd. Yr oedd yn dweud y gallai gwelliannau 59 a 61 gryfhau'r Mesur arfaethedig eto yng nghyswllt chwarae plant a sicrhau ei fod yn gallu ymdopi â datblygiadau yn y dyfodol. Ychwanegodd y byddai gwelliant 59, o'i fabwysiadu, yn golygu bod cynnwys y Mesur arfaethedig ei hun yn gyson â pholisi chwarae'r Cynulliad a fabwysiadwyd yn 2002, a thrwy hynny'n lleihau'r perygl o amwysedd a dryswch gan sicrhau bod y rheoliadau sy'n ymwneud â digonolrwydd yn gweddu'n well i'w cydestun. Ychwanegodd mewn e-bost arall ataf, fod y Mesur arfaethedig fel y mae, yn torri tir newydd o ran chwarae, ond y gallai fod gymaint â hynny'n gryfach gyda'r gwelliannau a gynigir. Mae'n drist nad yw hyn wedi cael cydnabyddiaeth ehangach hyd yn hyn.

Yr oedd nifer o'r rhai yr ymgynghorwyd â hwy, gan gynnwys Meysydd Chwarae Cymru a Phlant yng Nghymru yn holi a oedd digon o fanylion yn y Mesur arfaethedig ynglŷn â beth yw cyfleoedd chwarae 'digonol'. Dywedodd Meysydd Chwarae Cymru ac awdurdod lleol Rhondda Cynon Taf ill dau nad oedd yn glir beth a fyddai'n cael ei

a need for further detail. Children in Wales questioned who would judge the level of sufficiency in an area. It stated that

‘we need to be clear when we talk about sufficiency because if you asked an adult what constituted sufficient play provision in an area, the answer would be very different from the one that you would get if you spoke directly to children and young people’.

Fields in Trust went on to suggest that sufficiency should be judged against measures of quality, quantity and accessibility. Play Wales, the Children’s Commissioner for Wales, and Children in Wales agreed with this point. Children in Wales stated that

‘the issue about sufficiency links very much to the fact that any piece of legislation needs to be tight enough to ensure that there is no misinterpretation of what local authorities are required to deliver by way of play opportunities’.

Its concern was that, if there is no clear definition of sufficiency in terms of targets and minimum standards for local authorities to work towards, it would be difficult to monitor the effectiveness of their delivery. Play Wales was of the view, therefore, that local authorities should look at sufficiency audits in the broadest sense, taking account of children playing on pavements, in car parks, city centres, open spaces and even derelict ground. The views and informed observations of so many front-line organisations cannot be ignored.

Darren Millar: I will speak specifically to amendment 61, which was tabled, on my behalf, in the name of my colleague Mark Isherwood.

As you can see, this amendment seeks to place a duty on local authorities to consult when seeking to discontinue a play

ystyried yn chwarae digonol, a bod angen rhagor o fanylion. Holodd Plant yng Nghymru pwy a fyddai’n barnu beth a oedd yn ddigonol mewn ardal. Dywedodd

mae angen inni fod yn glir wrth sôn am ddigonolrwydd oherwydd petaech yn gofyn i oedolyn beth sy’n ddarpariaeth chwarae digonol mewn ardal, byddai’r ateb yn wahanol iawn i’r ateb a gaech petaech yn siarad yn uniongyrchol â phlant a phobl ifanc..

Aeth Meysydd Chwarae Cymru rhagddo i awgrymu y dylid barnu digonolrwydd ar sail ansawdd, nifer a hygyrchedd. Cytunai Chwarae Cymru, Comisiynydd Plant Cymru a Phlant yng Nghymru â’r pwynt hwn. Dywedodd Plant yng Nghymru

mae cysylltiad cryf rhwng mater digonolrwydd a’r ffaith bod angen i unrhyw ddarn o ddeddfwriaeth fod yn ddigon tynn i sicrhau nad oes dim camddechongli ar yr hyn y mae gofyn i awdurdodau lleol ei wneud o ran cyfleoedd chwarae.

Yr oedd yn poeni, os nad oes diffiniad clir o ddigonolrwydd o ran targedau a safonau gofynnol i awdurdodau lleol weithio tuag atynt, y byddai’n anodd monitro i ba raddau y gwireddwyd y targedau a’r safonau hynny. Barn Chwarae Cymru, felly, oedd y dylai awdurdodau lleol edrych ar archwiliadau digonolrwydd yn yr ystyr ehangaf, gan ystyried plant yn chwarae ar balmentydd, mewn meysydd parcio, yng nghanol dinasoedd, mewn llecynnau agored a hyd yn oed ar dir diffaith. Ni ellir anwybyddu barn a sylwadau gwybodus cynifer o sefydliadau’r rheng flaen.

Darren Millar: Siaradaf yn benodol am welliant 61, a gyflwynwyd, ar fy rhan, yn enw fy nghyd-Aelod Mark Isherwood.

Fel y gwelwch, nod y gwelliant hwn yw gosod dyletswydd ar awdurdodau lleol i ymgynghori wrth geisio dod â chyfle chwarae

opportunity, and also to require them to give consideration to any representations received. I am a little disappointed to hear that the Liberal Democrats will not be supporting this particular amendment. It will include and cover all of the play facilities that I know that Jenny and her fellow Members care passionately about, and it has been phrased in the way that it has to include play opportunities, rather than play facilities, because of the legal advice that we received when tabling the amendment. 'Play opportunities' is a term used throughout the proposed Measure. There have been a number of cases in my constituency of play facilities being removed with no consultation whatsoever with stakeholders. That is why I asked for this amendment to be tabled.

5.10 p.m.

One such example is that of a popular paddling pool in a park in Ruthin, which Denbighshire County Council filled in overnight without any discussion with the local community. It was a disaster for local democracy; it was a public relations disaster for the council; and, most importantly, it was a disaster for people of all generations who had enjoyed using the paddling pool over many years. There are other examples, such as that of the playground closed by Conwy County Borough Council in Kinnel Bay without warning, and that of significant changes being made to a playing field in Abergele, which, overnight, was transformed into an outdoor 'trim trail'—a kind of outdoor gym—without any thought being given to local residents and their children. These are examples that could be taken from any constituency in Wales. That is why we need support today to ensure that this amendment is agreed so that there is proper protection for these facilities.

It goes without saying that play opportunities, particularly outdoor play opportunities, are very important in the lives of children and their families for all sorts of reasons, including exercise and the development of social skills. We must ensure that there is a

i ben, a hefyd i'w gwneud yn ofynnol iddynt ystyried unrhyw sylwadau a gafwyd. Yr wyf yn siomedig braidd o glywed na fydd y Democratiaid Rhyddfrydol yn cefnogi'r gwelliant arbennig hwn. Bydd yn cynnwys yr holl gyfleusterau chwarae y gwn fod Jenny a'i chyd-Aelodau'n eu cefnogi'n frwd, ac mae wedi'i eirio fel hyn i gynnwys cyfleoedd chwarae yn hytrach na chyfleusterau chwarae, oherwydd y cyngor cyfreithiol a gawsom wrth gyflwyno'r gwelliant. Mae 'cyfleoedd chwarae' yn derm a ddefnyddir yn y Mesur arfaethedig drwyddo draw. Mae nifer o achosion wedi bod yn fy etholaeth lle y cafwyd gwared ar gyfleusterau chwarae heb ymgynghori â rhanddeiliaid o gwbl. Dyna pam y gofynnais am gyflwyno'r gwelliant hwn.

Un enghraifft o'r fath yw pwll padlo poblogaidd yn Rhuthun, pwll y cafodd Cyngor Sir Ddinbych wared ohono dros nos heb drafod o gwbl gyda'r gymuned leol. Yr oedd yn drychineb i ddemocratiaeth leol; yr oedd yn drychineb cysylltiadau cyhoeddus i'r cyngor; ac, yn anad dim, yr oedd yn drychineb i bobl o bob cenhedlaeth a oedd wedi mwynhau defnyddio'r pwll padlo dros flynyddoedd lawer. Ceir enghreifftiau eraill, megis y cae chwarae a gaewyd yn ddirybudd gan Gyngor Bwrdeistref Sirol Conwy ym Mae Cinnel, a newidiadau sylweddol i gae chwarae yn Abergele, a drowyd dros nos yn 'llwybr ffitrwydd' awyr agored—math o gampfa awyr agored—heb feddwl dim am y trigolion lleol a'u plant. Mae'r rhain yn enghreifftiau y gellid eu codi o unrhyw etholaeth yng Nghymru. Dyna pam y mae angen cymorth arnom heddiw i sicrhau bod y gwelliant hwn yn cael ei dderbyn er mwyn gwarchod y cyfleusterau hyn yn iawn.

Afraid dweud bod cyfleoedd chwarae, yn enwedig cyfleoedd chwarae awyr agored, yn bwysig iawn ym mywydau plant a'u teuluoedd am bob math o resymau, gan gynnwys ymarfer corff a meithrin sgiliau cymdeithasol. Rhaid inni sicrhau bod

degree of protection for them so that they cannot be removed on a whim without proper consultation with stakeholders. Importantly, if agreed, amendment 61 will ensure that the proposed Measure is coherent and consistent with the Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure, which, as we know, seeks to place a duty on local authorities in respect of their disposal of school playing fields. Play opportunities can be every bit as important as the local playing field in many of our communities across Wales.

What is important is that this amendment proposes not only that local authorities should inform people about their plans, but that they should take into account any objections received. We hear time and again that people feel that their views do not matter or that local democracy is being undermined. I hope that the Liberal Democrats will reconsider their rejection of it. This amendment would help to address that complaint by making it a statutory obligation to consider the views of local mums, dads, grandparents and children, who will quite accurately tell you how important or otherwise a park or play area might be. Ultimately, the aim is to ensure that play opportunities exist for all children and that they will not be removed without the knowledge and agreement of local people. If people are happy for a facility to be removed, fair enough, but, if they are not, those facilities need to be safeguarded for the enjoyment of future generations. I urge Members to give amendment 61 their support.

Brian Gibbons: The amendments in group 8 refer to various aspects of play provision, so I wish to speak to all of them. Amendment 43 seeks to extend the play sufficiency assessment criteria to specifically include play opportunities appropriate for the age of the children wishing to access them. This amendment was previously discussed at Stage 2, and now, as then, I am unclear about what it will add to the existing provision,

rhywfaint o warchodaeth iddynt fel nad oes modd cael gwared ohonynt drwy fymppy heb ymgynghori'n iawn â rhanddeiliaid. Un peth pwysig yw y bydd gwelliant 61, os derbynnir ef, yn sicrhau bod y Mesur arfaethedig yn ystyrllon ac yn gyson â Mesur Meysydd Chwarae Arfaethedig (Cynnwys y Gymuned mewn Penderfyniadau Gwaredu) (Cymru), sydd fel y gwyddom, yn ceisio gosod dyletswydd ar awdurdodau lleol yng nghyswllt cael gwared ar feysydd chwarae ysgolion. Gall cyfleoedd chwarae fod yr un mor bwysig â meysydd chwarae lleol mewn llawer o'n cymunedau drwy Cymru.

Yr hyn sy'n bwysig yw bod y gwelliant hwn nid yn unig yn cynnig y dylai awdurdodau lleol roi gwybod i bobl am eu cynlluniau, ond y dylent ystyried unrhyw wrthwynebiadau a gânt. Clywn dro ar ôl tro fod pobl yn teimlo nad yw eu barn o bwys neu fod democratiaeth leol yn cael ei thanseilio. Gobeithiaf y gwnaiff y Democratiaid Rhyddfrydol ailystyried eu penderfyniad i'w wrthod. Byddai'r gwelliant hwn yn gymorth i fynd i'r afael a'r gŵyn honno drwy ei gwneud yn ddyletswydd statudol ystyried barn mamau, tadau, neiniau a theidiau a phlant lleol, a fydd yn dweud wrthyich, a hynny'n gwbl gywir, pa mor bwysig neu beidio y gall parc neu ardal chwarae fod. Yn y pen draw, y nod yw sicrhau bod cyfleoedd chwarae ar gael i bob plentyn ac na cheir gwared ar y rheini heb yn wybod i'r bobl leol a heb iddynt gytuno. Os yw pobl yn hapus i awdurdod gael gwared ar gyfleuster, digon teg, ond os nad ydynt, mae angen diogelu'r cyfleusterau hynny er mwyn i genedlaethau'r dyfodol eu mwynhau. Pwysaf ar yr Aelodau i gefnogi gwelliant 61.

Brian Gibbons: Mae'r gwelliannau yng ngrŵp 8 yn cyfeirio at wahanol agweddau ar ddarpariaeth chwarae, felly dymunaf siarad am bob un ohonynt. Nod gwelliant 43 yw ymestyn y meini prawf ar gyfer asesu digonolrwydd chwarae i gynnwys yn benodol gyfleoedd chwarae sy'n briodol ar gyfer oedran y plant sy'n dymuno'u defnyddio. Trafodwyd y gwelliant hwn o'r blaen yng Nghyfnod 2, ac nid oedd yn glir imi bryd

particularly with regard to section 9A(5)(b), which already specifically refers to the need to take the ages of children into account. This amendment would add unnecessary duplication. Two separate references to age in the proposed Measure would make it difficult to understand the provisions. Therefore, I am unable to support that amendment.

Turning to amendments 44 and 45, the proposal is that specific reference be made to accessibility in the proposed Measure. Again, this seems to be unnecessary. As I said at Stage 2, the notion of accessibility is absolutely inherent in the concept of opportunity. A play opportunity cannot be described as an opportunity if it is not accessible. If it was not accessible, it would clearly fail any reasonable quantity and quality test.

I know that amendment 59 has been modified, compared to a similar amendment presented at the Stage 2 committee, to address some of the concerns that I raised about it then, particularly in relation to the fact that it was too narrowly focused. It now includes a rider to make clear that it is not an exclusive definition. However, in doing so, it creates a further, fairly fundamental problem.

First, I would reiterate our commitment to placing the new proposed duty in respect of play firmly within the context of the Assembly Government's play policy. The definition in the play policy, with or without this amendment, does not readily transfer into legislation because it focuses on particular aspects of play at the core. The words 'is not limited to' mean that this particular definition is not limited to those words; it significantly broadens the concept. In effect, because the words 'is not limited to' are included in the amendment, it broadens it out so that there are no limits or boundaries. Indeed, many of the examples given in this debate, from shopping to the even more esoteric, could conceivably be included within the definition

hynny nac yn awr ychwaith beth y bydd yn ei ychwanegu at y ddarpariaeth bresennol, yn enwedig gyda golwg ar adran 9A(5)(b), sydd eisoes yn cyfeirio'n benodol at yr angen i ystyried oedran y plant. Byddai'r gwelliant hwn yn ychwanegu dyblygu diangen. Byddai dau gyfeiriad ar wahân at oedran yn y Mesur arfaethedig yn ei gwneud yn anodd deall y darpariaethau. Felly, ni allaf gefnogi'r gwelliant hwnnw.

A throi at welliannau 44 a 45, y cynnig yw y dylid cyfeirio'n benodol at hygyrchedd yn y Mesur arfaethedig. Unwaith eto, mae hyn i bob golwg yn ddiangen. Fel y dywedais yng Nghyfnod 2, mae hygyrchedd yn ei hanfod yn elfen o gyfle. Ni ellir disgrifio cyfle chwarae'n gyfle onid yw'n hygyrch. Pe na bai'n hygyrch, byddai'n amlwg yn methu unrhyw brawf sy'n mesur nifer ac ansawdd.

Gwn fod gwelliant 59 wedi'i newid, o'i gymharu â gwelliant tebyg a gyflwynwyd adeg pwyllgor Cyfnod 2, er mwyn mynd i'r afael â rhai o'r pryderon a godais amdano bryd hynny, yn enwedig yng nghyswllt y ffaith ei fod yn rhy gul ei ffocws. Mae yn awr yn cynnwys atodeg sy'n ei gwneud yn glir nad yw'n ddiffiniad holl gynhwysfawr. Fodd bynnag, wrth wneud hynny, mae'n creu problem arall weddol sylfaenol.

Yn gyntaf, hoffwn ailddatgan ein hymrwymiad i osod y ddyletswydd arfaethedig newydd yng nghyswllt chwarae yn gadarn o fewn cyd-destun polisi chwarae Llywodraeth y Cynulliad. Nid yw'n rhwydd trosglwyddo'r diffiniad yn y polisi chwarae i'r ddeddfwriaeth, gyda'r gwelliant neu hebddo, oherwydd ei fod yn canolbwytio yn y bôn ar agweddau penodol ar chwarae. Mae'r geiriau 'nid yw wedi'i gyfyngu i' yn golygu nad yw'r diffiniad penodol hwn yn gyfyngedig i'r geiriau hynny; mae'n ehangu'r cysyniad yn sylweddol. Mewn gwirionedd, oherwydd bod y geiriau 'nid yw wedi'i gyfyngu i' wedi'u cynnwys yn y gwelliant, mae'n ei ehangu fel nad oes na therfyn na ffin. Yn wir, o bosibl y gellid cynnwys llawer

should the amendment be agreed, because of the words 'is not limited to'. As Jenny said in her contribution, at this particular stage of the legislation, we need to be precise in our wording.

I recognise that the distinctions that we were able to draw in relation to play policy between play opportunities that may be preferable, and play opportunities that we would not wish to exclude, are subtle ones, but nonetheless I feel that the definition that we have put in place is more fit for purpose. This kind of distinction between preferred play opportunities, and those opportunities that we would not exclude, is best left to regulations and guidance, which will have the flexibility to reflect the particular nature of our own distinctive Welsh play policy.

In making primary legislation, it is much better and more transparent to express the duty in the broadest possible terms and then use the guidance and regulations to help local authorities to focus on the areas of greatest importance.

Turning to amendment 62, I have already set out my thoughts on this in relation to the appropriate procedure for regulations to be made in respect of the new play duty in my letter to the Legislation Committee on 2 December and, indeed, repeated that at the Stage 2 committee at the beginning of October. We have been clear about the key role that stakeholders will play in this process, and about our commitment to working in partnership with them from the outset; however, I remain of the view that the negative procedure is the correct approach. The proposed Measure places play sufficiency assessments on a statutory basis. What, specifically, goes into making up the play sufficiency assessment, as we have heard from other contributions in this debate, is a point of detail, albeit very important detail. Detail about what matters are to be

o'r enghreifftiau a roddwyd yn y ddadl hon, o siopa i'r mwy esoterig hyd yn oed, o fewn y diffiniad, pe derbynnid y gwelliant, oherwydd y geiriau 'nid yw wedi'i gyfyngu i'. Fel y dywedodd Jenny yn ei chyfraniad, wrth i'r broses ddeddfu gyrraedd y cyfnod penodol hwn, mae angen i'n geiriad fod yn fanwl gywir.

Yr wyf yn cydnabod bod y gwahaniaethau y llwyddasom i'w nodi yng nghyswllt polisi chwarae rhwng cyfleoedd chwarae a allai fod yn fwy dymunol, a chyfleoedd chwarae na fyddem am eu heithrio, yn wahaniaethau cynnil, ond wedi dweud hynny, teimlaf fod y diffiniad yr ydym wedi'i roi'n fwy addas at y diben. Mae'r math hwn o wahaniaethu rhwng cyfleoedd chwarae a fyddai'n ddymunol a'r cyfleoedd hynny na fyddem yn eu heithrio, yn rhywbeth y mae'n well ei adael ar gyfer y rheoliadau a'r canllawiau, a fydd yn ddigon hyblyg i adlewyrchu natur benodol ein polisi chwarae unigryw ni'n hunain yng Nghymru.

Wrth greu deddfwriaeth sylfaenol, mae'n well o lawer ac yn fwy tryloyw inni fynegi'r ddyletswydd yn y telerau ehangaf posibl ac yna ddefnyddio'r canllawiau a'r rheoliadau i gynorthwyo awdurdodau i ganolbwyntio ar y meysydd pwysicaf.

A throi at welliant 62, yr wyf eisoes wedi mynegi fy marn am hyn yng nghyswllt y weithdrefn briodol ar gyfer gwneud rheoliadau yng nghyswllt y ddyletswydd chwarae newydd yn fy llythyr at y Pwyllgor Deddfwriaeth ar 2 Rhagfyr, ac, yn wir, ailadroddwyd hynny ym mhwyllgor Cyfnod 2 ddechrau mis Hydref. Yr ydym wedi bod yn glir ynglŷn â'r rôl allweddol y bydd rhanddeiliaid yn ei chwarae yn y broses hon, ac ynglŷn â'n hymrwymiad i weithio mewn partneriaeth â hwy o'r cychwyn; serch hynny, yr wyf yn dal i gredu mai'r weithdrefn negyddol yw'r ffordd gywir o fynd o'i chwmpas. Mae'r Mesur arfaethedig yn gosod asesiadau digonolrwydd chwarae ar sail statudol. Mae union gynnwys yr asesiad digonolrwydd chwarae, fel yr ydym wedi'i glywed gan gyfranwyr eraill yn y ddadl hon, yn bwynt y mae angen manylu arno, er bod y

taken into account in the assessment of sufficiency is perhaps more significant in shaping the duty, but I do not think that that should be overstated. All of this detail will be outlined in subsequent regulations and guidance. As we are not dealing with a point of principle or essence in relation to these matters, the negative procedure seems to be the right way to proceed. It is proportionate, and provides for the need for speed and flexibility in adjusting the regulations as needed. The use of the negative procedure does not in any way imply that these regulations will not be subject to scrutiny, and if colleagues deem that they are deficient in any significant way, they retain the right to bring them before Plenary and have the power to annul them.

Turning to amendment 61 in the name of Mark Isherwood, I do not agree with the suggestion inherent in this amendment that there is a need to prescribe arrangements in respect of the discontinuation of any and every play opportunity. That seems to me to be unnecessarily onerous and disproportionate. The proposed Measure, as it stands, will require local authorities, for the very first time, to assess the sufficiency of play opportunities in their area, and to secure sufficient play opportunities in the light of those assessments insofar as that is reasonably practicable.

I acknowledge that, in undertaking play sufficiency assessments, local authorities will have to take into account considerations such as the need for new or different provision, including identifying areas in which provision is not necessarily meeting need.

5.20 p.m.

Darren Millar: I appreciate what you are saying, Minister, but we are talking about facilities that local authorities can, at the moment, remove without conducting any

manylion hynny'n bwysig iawn. Efallai fod y manylion ynglŷn â pha faterion y dylid eu hystyried wrth asesu digonolrwydd yn fwy arwyddocaol wrth lunio'r ddyletswydd, ond ni chredaf y dylid gorbwysleisio hynny. Bydd yr holl fanylion hyn yn cael eu cynnwys mewn rheoliadau a chanllawiau a ddaw i ganlyn hyn. Gan nad ydym yn ymwneud â phwynt o egwyddor neu yn y cyswllt hwn, ymddengys mai'r weithdrefn negyddol yw'r ffordd iawn o fwrw ymlaen. Mae'n gymesur ac mae'n golygu y gellir addasu'r rheoliadau'n gyflym ac yn hyblyg yn ôl y galw. Nid yw defnyddio'r weithdrefn negyddol yn awgrymu mewn unrhyw fodd na fydd y rheoliadau hyn yn destun craffu, ac, os bydd fy nghyd-Aelodau'n meddwl eu bod yn ddiffygiol mewn unrhyw fodd sylweddol, bydd ganddynt yr hawl i ddod â hwy gerbron y Cyfarfod Llawn a bydd ganddynt y pŵer i'w dirymu.

A throi at welliant 61 yn enw Mark Isherwood, nid wyf yn cytuno â'r awgrym sy'n gynhenid yn y gwelliant hwn bod angen rhagbennu'r trefniadau ar gyfer rhoi'r gorau i unrhyw a phob cyfle chwarae. I mi, mae hynny'n ymddangos yn ddiangen o feichus ac anghymesur. Bydd y Mesur arfaethedig, fel y mae, yn ei gwneud yn ofynnol i awdurdodau lleol, am y tro cyntaf erioed, asesu digonolrwydd cyfleoedd chwarae yn eu hardal, a sicrhau bod digon o gyfleoedd chwarae yng ngoleuni'r asesiadau hynny, i'r graddau bod hynny'n rhesymol ymarferol.

Yr wyf yn cydnabod y bydd yn rhaid i awdurdodau lleol, wrth iddynt asesu digonolrwydd chwarae, ystyried pethau megis yr angen am ddarpariaeth newydd neu wahanol, gan gynnwys nodi meysydd lle nad yw'r ddarpariaeth o anghenraid yn diwallu'r angen.

Darren Millar: Yr wyf yn deall yr hyn yr ydych yn ei ddweud, Weinidog, ond yr ydym yn sôn am y cyfleusterau y gall awdurdodau lleol, ar hyn o bryd, gael gwared arnynt heb

consultation whatsoever with stakeholders. I have given you some examples from my constituency, and there are examples from other constituencies across Wales. Are you saying that allowing that to continue is acceptable? Why can you not be a man and accept the proposal—

The Presiding Officer: Order. I would ask you to rephrase that. The Minister is clearly a fine specimen of manhood.

Darren Millar: Can you be brave enough, Minister, to accept an opposition amendment? Will you be brave enough to accept an opposition amendment that will safeguard play facilities in communities across Wales? Those facilities could be threatened if you do not.

Brian Gibbons: The whole purpose of this requirement in the legislation relates to the test of sufficiency. Therefore, if changes are made so that the area does not meet the sufficiency test, there will be a requirement to put in place sufficient play opportunities, as far as is reasonably practicable. Therefore, the issue that you are trying to highlight is covered in the legislation. If provision is not adequate, the sufficiency assessment will reveal that, and there will be a statutory duty to address that, as far as is reasonably practicable. Therefore, I feel that this issue is addressed.

Furthermore, the proposed Measure will require local authorities to publish their assessments. The requirement to publish the assessment, and the assessment itself, will make the process much more transparent and open, and will, indeed, mitigate the risk of the kind of ad-hoc discontinuation that Darren identified in his contribution. As I said, making every discontinuation of a play facility, regardless of a sufficiency test, subject to the type of process suggested in the amendment would be disproportionate and unduly onerous, and would greatly hamper local authorities in their efforts to deploy valuable resources where they can be used to

ymgyngori o gwbl â rhanddeiliaid. Yr wyf wedi rhoi ambell enghraifft ichi o'm hetholaeth, ac mae enghreifftiau ar gael o etholaethau eraill ledled Cymru. A ydych yn dweud bod caniatáu i hynny barhau'n dderbyniol? Pam na allwch fod yn ddyn a derbyn y cynnig—

Y Llywydd: Trefn. Gofynnwn ichi aralleirio hynny. Mae'n amlwg bod y Gweinidog yn ddyn o'r iawn ryw.

Darren Millar: A allwch fod yn ddigon dewr, Weinidog, i dderbyn gwelliant gan wrthblaid? A fyddwch yn ddigon dewr i dderbyn gwelliant gan wrthblaid a fydd yn diogelu cyfleusterau chwarae mewn cymunedau ledled Cymru? Gallai'r cyfleusterau hynny fod dan fygythiad oni wnewch.

Brian Gibbons: Mae holl ddiben y gofyniad hwn yn y ddeddfwriaeth yn ymwneud â'r prawf digonolrwydd. Felly, os newidir pethau fel nad yw'r ardal yn pasio'r prawf digonolrwydd, bydd gofyn iddynt ddarparu cyfleoedd chwarae digonol, cyn belled ag sy'n rhesymol ymarferol. Felly, mae'r mater yr ydych yn ceisio tynnu sylw ato wedi'i gynnwys yn y ddeddfwriaeth. Os nad yw'r ddarpariaeth yn ddigonol, bydd yr asesiad digonolrwydd yn datgelu hynny, a bydd dyletswydd statudol i fynd i'r afael â hynny, cyn belled ag sy'n rhesymol ymarferol. Felly, teimlaf fod sylw'n cael ei roi i'r mater hwn.

Yn ogystal â hynny, bydd y Mesur arfaethedig yn ei gwneud yn ofynnol i awdurdodau lleol gyhoeddi eu hasesiadau. Bydd y gofyniad i gyhoeddi'r asesiad, a'r asesiad ei hun, yn gwneud y broses yn fwy tryloyw ac agored o lawer, ac yn wir, bydd yn lliniaru'r perygl o gael gwared ar gyfleoedd ad-hoc, fel y cyfeiriodd Darren ati yn ei gyfraniad. Fel y dywedais, byddai mynnu bod pob cyfleuster chwarae y ceir gwared ohono, ni waeth am brawf digonolrwydd, yn destun y math o broses a awgrymir y gwelliant, yn anghymesur ac yn ddiangen o feichus, a byddai'n llesteirio awdurdodau lleol yn fawr wrth iddynt geisio

best effect.

Jenny Randerson: I agree with Darren on his examples, but they are examples of play facilities, not play opportunities. My opposition to the amendment is not based in a disagreement with the principle at all; I agree entirely with the principle, but, in practice, the amendment, as drafted, is too broad. I am sure that the Minister will be relieved to hear that, for once, I agree with him when he says that it would be onerous and unduly burdensome. It would be totally impractical for a large local authority to consult on every minute change to play opportunities. Indeed, it may well be that a local authority, in its guise as the local education authority, is unaware that some play opportunities within schools are changing. It could be impossible for authorities to follow this through fully.

I repeat that, when we get to this Stage, it is our responsibility as legislators to vote only for those things that we know will be workable. We have gone beyond the point of good intentions and general principles, and we have a responsibility to vote only for those things that we know would work in practice. I would point out that there appears to be a major gap between how the Minister defines the term 'play opportunity' and how Mark defined it earlier. There seems to be a yawning gap between the definitions. The Minister said that the definition of 'opportunity' encompasses the issue of accessibility. If, in this instance, 'opportunity' includes accessibility then, at some point in the legislation, it ought to say that 'opportunity' includes accessibility. I do not think that, in our common usage of 'opportunity', accessibility is necessarily included. We are constantly offered opportunities in life that are not accessible to us in practice. The Government is using 'opportunity' here in a way that it is not usually used. For that reason, I would strongly urge Members to support the

defnyddio adnoddau gwerthfawr lle y gwnânt fwyaf o les.

Jenny Randerson: Cytunaf a Darren ynglŷn â'i enghreifftiau, ond enghreifftiau o gyfleusterau chwarae yw'r rhain, nid cyfleoedd chwarae. Nid yw fy ngwrthwynebiad i'r gwelliant wedi'i seilio ar anghytundeb â'r egwyddor o gwbl; cytunaf yn llwyr â'r egwyddor, ond, o safbwynt ymarferol, mae'r gwelliant, fel y mae wedi'i ddrafftio, yn rhy eang. Yr wyf yn siŵr y bydd yn ollyngdod i'r Gweinidog glywed fy mod, am unwaith, yn cytuno ag ef pan ddywed y byddai'n feichus ac yn ddiangen o drafferthus. Byddai'n gwbl anymarferol i awdurdod lleol mawr ymgynghori ynglŷn â phob newid pitw i gyfleoedd chwarae. Yn wir, efallai nad yw'r awdurdod lleol, ac yntau'n gwisgo'i het awdurdod addysg lleol, yn gwybod bod rhai cyfleoedd chwarae o fewn ysgolion yn newid. Gallai fod yn amhosibl i awdurdodau ddilyn hyn i'w ben draw.

Dywedaf eto, pan gyraeddwn y Cyfnod hwn, mai ein cyfrifoldeb ni sy'n creu'r ddeddfwriaeth yw pleidleisio'n unig dros y pethau hynny y gwyddom y bydd modd iddynt weithio. Yr ydym wedi mynd y tu hwnt i bwynt bwriadau da ac egwyddorion cyffredinol, ac mae'n gyfrifoldeb arnom bleidleisio'n unig dros y pethau hynny y gwyddom y byddent yn gweithio'n ymarferol. Byddwn yn tynnu sylw at y bwllch ymddangosiadol rhwng sut mae'r Gweinidog yn diffinio'r term 'cyfle chwarae' a sut y'i diffiniwyd gan Mark gynnu. Mae'n ymddangos bod bwllch llydan rhwng y diffiniadau. Dywedodd y Gweinidog fod y diffiniad o 'gyfle' yn cynnwys mater hygyrchedd. Os yw 'cyfle' yn y cyswllt hwn yn cynnwys hygyrchedd, yna, ar ryw bwynt yn y ddeddfwriaeth, dylid dweud bod 'cyfle' yn cynnwys hygyrchedd. Ni chredaf fod hygyrchedd o reidrwydd wedi'i gynnwys yn y ffordd y byddwn fel rheol yn defnyddio'r gair 'cyfle'. Cynigir cyfleoedd inni'n rheolaidd mewn bywyd nad ydynt yn hygyrch inni ar lefel ymarferol. Mae'r Llywodraeth yn defnyddio 'cyfle' yma mewn

amendments in my name.

ffordd nad yw'n cael ei ddefnyddio fel rheol. Dyna pam y byddwn yn pwyso'n gryf ar yr Aelodau i gefnogi'r gwelliannau yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 43. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 43 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 43: O blaid 11, Ymatal 0, Yn erbyn 30.
Amendment 43: For 11, Abstain 0, Against 30.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle

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

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

*Gwrthodwyd gwelliant 43.
Amendment 43 not agreed.*

Joyce Watson: I wish to raise a point of order. I find it objectionable when Members are engaged in a debate and the tone is such that it leads to asking someone to 'be a man'. I find that very offensive, and I am sure that others share my view. It is unnecessary, and does not befit this Chamber.

Joyce Watson: Hoffwn godi pwynt o drefn. Yr wyf yn ei chael yn wrthun pan fydd Aelodau'n cyfrannu at ddadl a bod ei thôn yn arwain at ofyn i rywun 'fod yn ddyn'. Yr wyf yn cael hynny'n sarhaus iawn, ac yr wyf yn siŵr bod pobl eraill yn cytuno â mi. Nid oes ei angen, ac nid yw'n deilwng o'r Siambr hon.

The Presiding Officer: Thank you for that point of order. I asked Darren Millar to rephrase his remark, and I believe that he did, but that may have been lost in the response from both sides of the Chamber. Further to that point of order, I call Darren Millar.

Darren Millar: No offence was intended, and I rephrased my statement. I appreciate your taking note of that, Llywydd.

The Presiding Officer: Thank you.

Yn unol â'r rhestr o welliannau wedi eu didoli, symudwn ymlaen i waredu gwelliannau 59, 44 a 45. Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 59.

Mark Isherwood: I move amendment 59 in my name and with the name of Jenny Randerson in support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 59. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

Y Llywydd: Diolch ichi am y pwynt o drefn hwnnw. Gofynnais i Darren Millar aralleirio'i sylw, a chredaf iddo wneud hynny, ond efallai iddo fynd ar goll yn yr ymateb gan y naill ochr o'r Siambr a'r llall. Yn sgil y pwynt o drefn hwnnw, galwaf ar Darren Millar.

Darren Millar: Nid oeddwn yn bwriadu unrhyw sarhad, ac aralleiriais fy natganiad. Gwerthfawrogaf ichi sylwi ar hynny, Lywydd.

Y Llywydd: Diolch.

In accordance with the marshalled list, we now come to dispose of amendments, 59, 44 and 45. I invite Mark Isherwood to move amendment 59.

Mark Isherwood: Cynigïaf welliant 59 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

The Presiding Officer: The question is that amendment 59 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 59: O blaid 11, Ymatal 0, Yn erbyn 26.

Amendment 59: For 11, Abstain 0, Against 26.

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Helen Mary
Law, Trish
Lloyd, David
Lloyd, Val

Mewies, Sandy
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 59.
Amendment 59 not agreed.*

Y Llywydd: Symudwn at waredu gwelliant 44. Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 44.

The Presiding Officer: We come to dispose of amendment 44. I invite Jenny Randerson to move amendment 44.

Jenny Randerson: I move amendment 44 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 44 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 44. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 44 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 44: O blaid 11, Ymatal 0, Yn erbyn 27.
Amendment 44: For 11, Abstain 0, Against 27.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Gareth
Jones, Helen Mary
Law, Trish
Lloyd, David
Lloyd, Val
Mewies, Sandy
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

Gwrthodwyd gwelliant 44.

Amendment 44 not agreed.

Y Llywydd: Symudwn at waredu gwelliant 45. Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 45.

The Presiding Officer: We come to dispose of amendment 45. I invite Jenny Randerson to move amendment 45.

Jenny Randerson: I move amendment 45 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 45 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 45. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 45 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 45: O blaid 12, Ymatal 0, Yn erbyn 27.
Amendment 45: For 12, Abstain 0, Against 27.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Gareth
Jones, Helen Mary
Law, Trish
Lloyd, David
Lloyd, Val
Mewies, Sandy
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd y gwelliant 45.
Amendment 45 not agreed.*

**Cymryd Rhan (Gwelliant 58)
Participation (Amendment 58)**

Y Llywydd: Yr ydym wedi cyrraedd grŵp 9,

The Presiding Officer: We have reached

sydd yn ymwneud â phlant yn cymryd rhan ym mhenderfyniadau awdurdodau lleol. Galwaf ar Mark Isherwood i gynnig gwelliant 58.

Mark Isherwood: I move amendment 58 in my name and with the name of Jenny Randerson in support.

This amendment, which states that participation by children means the involvement of children in decisions, planning and the evaluation of actions that might affect them, is in line with Welsh Government policy. The North Wales Play Association, among others, has said that while it fully supports the need for consultation with children, allowing local authorities to determine the arrangements, without specific requirements for the participation of children in the decision-making procedures leaves too much to chance. It recommended that such consultation is conducted through or with the full involvement of organisations that have direct knowledge of, and direct contact with, children and which have professional knowledge and experience of children's play developmental needs in addition to the necessary communication skills to work with children and young people.

5.30 p.m.

In its view, the consultation, monitoring, evaluation and needs assessment can best be achieved through the establishment of children's play councils, consisting of statutory and voluntary agencies, in every local authority area.

I can see nothing in this amendment that could be seen to counter any of the goals in this Government-proposed Measure, and I therefore urge Members to support it.

Jenny Randerson: I formally indicate my support.

The Minister for Social Justice and Local

group 9, which relates to children taking part in local authority decisions. I call on Mark Isherwood to move amendment 58.

Mark Isherwood: Cynigiau welliant 59 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Mae'r gwelliant hwn, sy'n dweud mai ystyr 'plant i gymryd rhan' yw cynnwys plant wrth wneud penderfyniadau, wrth gynllunio ac wrth werthuso camau pan all y pethau hynny effeithio arnynt, yn unol â pholisïau Llywodraeth Cymru. Mae Cymdeithas Chwarae Gogledd Cymru, ymhlith eraill, wedi dweud, er ei bod yn cefnogi'n llwyr bod angen ymgynghori â phlant, bod caniatáu i awdurdodau lleol bennu'r trefniadau, heb fod gofynion penodol ar gyfer plant yn cymryd rhan yn y gweithdrefnau penderfynu, yn gadael gormod yn agored i siawns. Ei argymhelliad oedd y dylid cynnal ymgynghori o'r fath drwy gyfrwng neu drwy gynnwys yn llawn y sefydliadau y mae ganddynt wybodaeth uniongyrchol am blant a chysylltiad uniongyrchol â hwy, sefydliadau y mae ganddynt wybodaeth a phrofiad proffesiynol o anghenion datblygol plant drwy chwarae yn ogystal â'r sgiliau cyfathrebu angenrheidiol i weithio gyda phlant a phobl ifanc.

Yn ei barn hi, y ffordd orau o drefnu'r ymgynghori, y monitro, y gwerthuso ac asesu anghenion yw drwy sefydlu cynghorau chwarae plant, a'r rheini'n cynnwys asiantaethau statudol a gwirfoddol, yn ardal pob awdurdod lleol.

Ni allaf weld dim yn y gwelliant hwn y gellid ei ystyried yn groes i unrhyw un o nodau'r Mesur hwn a gynigir gan y Llywodraeth, ac felly, pwysaf ar yr Aelodau i'w gefnogi.

Jenny Randerson: Dangosaf fy nghefnogaeth yn ffurfiol.

Y Gweinidog dros Gyfiawnder

Government (Brian Gibbons): In this revised proposed Measure, local authorities will have a duty to promote and facilitate participation by children in decisions of a local authority that might affect them rather than restricting them through the scope of the duty to those decisions that would do so directly. This was a further change to the proposed Measure in the light of earlier considerations of it.

Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Yn y Mesur diwygiedig arfaethedig hwn, bydd gan awdurdodau lleol ddyletswydd i hybu a hwyluso trefn i blant gymryd rhan mewn penderfyniadau gan awdurdod lleol a allai effeithio arnynt yn hytrach na'u cyfyngu yn sgil cwmpas y ddyletswydd i'r penderfyniadau hynny a fyddai'n effeithio'n uniongyrchol arnynt. Yr oedd hyn yn newid arall a wnaethpwyd i'r Mesur arfaethedig yn sgil ei ystyried o'r blaen.

I share the view that fully involving children and young people in planning and evaluation is key to ensuring that policies and practice are better aligned to their needs, as Mark said, and, consequently, they are more likely to achieve their intended outcome. This is made absolutely clear in the explicit reference to the participation of children in the planning, delivery and evaluation of public policy, services and initiatives that affect children, which is contained in the statutory guidance, and which will underpin this new duty by virtue of section 10.3. In our view, involving children in decisions that might affect them encompasses involving them at the planning stage and evaluating afterwards. For that reason, we do not feel that the amendment adds to the duty as it is now drafted.

Yr wyf yn cytuno â'r farn bod cynnwys plant a phobl ifanc yn llawn, wrth gynllunio a gwerthuso, yn allweddol er mwyn sicrhau bod polisiau ac arferion yn fwy cydnaws â'u hanghenion, fel y dywedodd Mark, ac o ganlyniad i hynny, maent yn fwy tebygol o sicrhau'r canlyniad a fwriedir. Gwneir hyn yn gwbl glir yn y cyfeiriad pendant at blant yn cymryd rhan wrth gynllunio, darparu a gwerthuso polisiau, gwasanaethau a chynlluniau cyhoeddus sy'n effeithio ar blant, a gynhwysir yn y canllawiau statudol, ac a fydd yn sail i'r ddyletswydd newydd hon yn rhinwedd adran 10.3. Yn ein barn ni, mae cynnwys plant mewn penderfyniadau a allai effeithio arnynt yn golygu eu cynnwys yn y cam cynllunio ac yn y gwerthuso wedyn. Dyna pam nad ydym yn teimlo bod y gwelliant yn ychwanegu at y ddyletswydd fel y mae wedi'i drafftio yn awr.

In addition, there are some particular drafting concerns that may seem picky or pedantic in the extreme, but they can be crucial to the understanding of what is, in effect, primary legislation. For example, in the drafting, does 'involvement' mean something narrower or wider than 'participation'? The change in terminology implies that something different must be meant. Equally, does the word, 'decisions' connect to 'actions' or is it just 'planning and evaluation' that connects to 'actions'? Are there decisions that do not result in actions that can be excluded by this drafting? As I say, I am conscious that these may seem to be highly picky points, but when we are drafting primary legislation, as Jenny said earlier, it is crucial that we get it

At hynny, mae ambell beth penodol ynglŷn â'r drafftio sy'n destun pryder, ac efallai fod y rhain yn ymddangos fel petawn yn hollti blew neu'n eithafol o bedantig, ond gallant fod yn hollbwysig er mwyn deall yr hyn sydd, yn y bôn, yn ddeddfwriaeth sylfaenol. Er enghraifft, yn y drafftio, a yw 'cynnwys' yn golygu rhywbeth culach ynteu rhywbeth ehangach na 'chymryd rhan'? Mae'r newid yn y derminoleg yn awgrymu bod yr ystyr o reidrwydd yn wahanol. Yn yr un modd a yw'r gair 'penderfyniadau' yn berthnasol i'r 'camau' ynteu ai dim ond y 'cynllunio a'r gwerthuso' sy'n berthnasol i'r 'camau'? A oes penderfyniadau nad ydynt yn arwain at gamau y gellir eu heithrio yn sgil y drafftio hwn? Fel y dywedaf, sylweddolaf y gellid

right. For those reasons, I would urge opposing amendment 58.

Mark Isherwood: I note what you say, but the amendment is about involving children in decisions, planning and the evaluation of actions, collectively and separately—the three do not have to be linked. This amendment has been proposed because of concerns raised that, despite the best of intentions, as things stand, consultation with children and young people is not always carried out in the best way possible, through people with appropriate professional knowledge and experience. Hence the amendments and the proposal that those specialist bodies in the statutory and voluntary sectors be recognised in this manner.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 58. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

ystyried y pwyntiau hyn yn enghreifftiau o hollti blew, ond pan fyddwn yn drafftio deddfwriaeth sylfaenol, fel y dywedodd Jenny gynnu, mae'n hollbwysig ein bod yn gwneud y peth yn iawn. Dyna pam y byddwn yn pwysu arnoch i wrthod gwelliant 58.

Mark Isherwood: Nodaf yr hyn a ddywedwch ond mae a wnelo'r gwelliant â chynnwys plant wrth wneud penderfyniadau, wrth gynllunio ac wrth werthuso camau, yn eu crynswth ac ar wahân—nid oes yn rhaid i'r tri fod yn gysylltiedig â'i gilydd. Mae'r gwelliant hwn wedi'i gynnig oherwydd pryderon a godwyd nad yw'r ymgynghori â phlant a phobl ifanc, fel y mae pethau ar hyn o bryd, er gwaethaf y bwriadau gorau, bob tro'n cael ei wneud yn y ffordd orau bosibl, sef drwy gyfrwng pobl y mae ganddynt yr wybodaeth a'r arbenigedd proffesiynol priodol. Dyna pam y cyflwynwyd y gwelliannau a'r cynnig y dylid cydnabod y cyrff arbenigol hynny yn y sector statudol a'r sector gwirfoddol fel hyn.

The Presiding Officer: The question is that amendment 58 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 58: O blaid 13, Ymatal 0, Yn erbyn 27.
Amendment 58: For 13, Abstain 0, Against 27.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Gareth
Jones, Helen Mary

Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 58.
 Amendment 58 not agreed.*

**Rhan 1: Arolygiad—Technegol (Gwelliannau 24, 25, 26, 27 a 28)
 Part 1: Inspection—Technical (Amendments 24, 25, 26, 27 and 28)**

Y Llywydd: Y newyddion da yw ein bod wedi cyrraedd grŵp 10, ar Ran 1 o'r Mesur arfaethedig. Mae'r degfed grŵp o welliannau yn ymwneud â darpariaethau arolygu yn Rhan 1 o'r Mesur arfaethedig. Y prif welliant yw gwelliant 24, a galwaf ar y Gweinidog i gynnig y gwelliant ac i siarad am y gwelliannau eraill yn y grŵp.

Brian Gibbons: I move amendment 24 in my name.

These amendments are drafting improvements and remove superfluous wording, which I hope will be clear to colleagues, and I would urge Members to support them.

The Presiding Officer: I have no speakers listed and therefore I will put the question.

Y cwestiwn yw a ddylid derbyn gwelliant 24. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 24 wedi'i dderbyn.

*Derbyniwyd gwelliant 24.
 Amendment 24 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 25. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 25.

Brian Gibbons: I move amendment 25 in my name.

The Presiding Officer: The good news is that we have reached group 10, on Part 1 of the proposed Measure. The tenth group of amendments deals with inspection provisions in Part 1 of the proposed Measure. The lead amendment is amendment 24, and I call on the Minister to move the amendment and to speak to the other amendments in the group.

Brian Gibbons: Cynigiau welliant 24 yn fy enw i.

Gwelliannau drafftio yw'r rhain ac maent yn dileu unrhyw eiriau diangen. Gobeithiaf y bydd hyn yn glir i'm cyd-Aelodau, a byddwn yn pwysu arnynt i'w cefnogi.

Llywydd: Nid oes gennyf yr un siaradwr wedi'i restru ac felly gofynnaf y cwestiwn.

The question is that amendment 24 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 24 is agreed.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 25. I invite the Minister to move amendment 25.

Brian Gibbons: Cynigiau welliant 25 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 25. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 25 wedi'i dderbyn.

The Presiding Officer: The question is that amendment 25 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with Standing Order No. 7.35, that amendment 25 is agreed.

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

**Arolygiad—Technegol a Braint y Proffesiwn Cyfreithiol (Gwelliannau 3, 4, 2 a 30)
Inspection—Legal Professional Privilege and Technical (Amendments 3, 4, 2 and 30)**

Y Llywydd: Mae grŵp 11 yn ymwneud â darpariaethau arolygu a braint y proffesiwn cyfreithiol. Galwaf ar y Gweinidog i gynnig y prif welliant, sef gwelliant 3 a siarad am y gwelliannau eraill yn y grŵp.

The Presiding Officer: Group 11 of amendments relates to provisions for inspections and the privilege of the legal profession. I call on the Minister to move the lead amendment, amendment 3, and to speak to the other amendments in the group.

Brian Gibbons: I move amendment 3 in my name.

Brian Gibbons: Cynigiau welliant 3 yn fy enw i.

Amendments 3 and 4 are technical amendments to avoid any doubt that the inspectorate's power of inspection, the power to require information or the power to produce documents in relation to local authorities' functions for free childcare, health support services, parenting support services, and to play and participation duties, are subject to the right to legal professional privilege in relation to documents to which it may apply. Amendment 2 is a technical amendment to avoid any doubt that the inspection powers for child minding and day care, and the power to seize documents and records are subject to the right to legal privilege in respect of the documents to which it may apply. Without these amendments, doubt would remain as to whether the documents that are subject to the question of legal professional privilege should be handed over and whether a person claiming legal professional privilege would have the burden of proof placed upon them in a court. Amendment 30 is to correct a numbering error.

Gwelliannau technegol yw gwelliannau 3 a 4 er mwyn osgoi unrhyw amheuaeth nad yw pŵer arolygu'r arolygiaeth, sef y pŵer i fynnu gwybodaeth neu'r pŵer i gael gweld dogfennau yng nghyswllt swyddogaethau awdurdodau lleol sy'n ymwneud â gofal plant am ddim, gwasanaethau cymorth iechyd, gwasanaethau cymorth rhianta, ac â dyletswyddau ym maes chwarae a chymryd rhan, yn dod o dan yr hawl i fraint broffesiynol gyfreithiol yng nghyswllt dogfennau y gallai hynny fod yn berthnasol iddynt. Gwelliant technegol yw gwelliant 2 i osgoi unrhyw amheuaeth nad yw'r pwerau arolygu ar gyfer gwarchod plant a gofal dydd, a'r pŵer i atafaelu dogfennau a chofnodion yn dod o dan yr hawl i fraint gyfreithiol yng nghyswllt y dogfennau y gallai fod yn berthnasol iddynt. Heb y gwelliannau hyn, byddai amheuaeth o hyd ynglŷn ag a ddylid trosglwyddo'r dogfennau sy'n dod o dan yr hawl i fraint broffesiynol gyfreithiol ac a fyddai'n rhaid i rywun a oedd yn hawlio braint broffesiynol gyfreithiol brofi hynny mewn llys. Diben gwelliant 30 yw cywiro gwall rhifo.

The Presiding Officer: Again, as I have no speakers, I will now put the question.

Y Llywydd: Unwaith eto, gan nad oes gennyf yr un siaradwr, gofynnaf y cwestiwn.

Y cwestiwn yw a ddylid derbyn gwelliant 3. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 3 wedi'i dderbyn.

The question is that amendment 3 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with Standing Order No. 7.35, that amendment 3 is agreed.

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 26, 27 a 28. Yr wyf yn awgrymu bod y gwelliannau hyn, sy'n ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd oherwydd eu natur. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 26, 27 a 28.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendments 26, 27 and 28. I suggest that these amendments, which appear consecutively on the marshalled list, be disposed of together due to their nature. Are there any objections? I see that there are none. I invite the Minister to move amendments 26, 27 and 28.

I ask, Minister, if you could move those amendments—I love saying this—en bloc.

Gofynnaf, Weinidog, i chi gynnig y gwelliannau hynny—yr wyf wrth fy modd yn dweud hyn—en bloc.

Brian Gibbons: I move amendments 26, 27 and 28 in my name.

Brian Gibbons: Cynigiau welliannau 26, 27 a 28 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 26, 27 a 28. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 26, 27 a 28 wedi'u derbyn.

The Presiding Officer: The question is that amendments 26, 27 and 28 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with Standing Order No. 7.35, that amendments 26, 27 and 28 are agreed.

*Derbyniwyd gwelliannau 26, 27 a 28.
Amendments 26, 27 and 28 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 4. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 4.

The Presiding Officer: In accordance with the marshalled list we come to dispose of amendment 4. I invite the Minister to move amendment 4.

Brian Gibbons: I move amendment 4 in my name.

Brian Gibbons: Cynigiau welliant 4 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 4. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod

The Presiding Officer: The question is that amendment 4 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with

gwelliant 4 wedi'i dderbyn.

Standing Order No. 7.35, that amendment 4 is agreed.

Derbyniwyd gwelliant 4.

Amendment 4 agreed.

**Atal Cofrestrriad—Hyfforddiant (Gwelliant 65)
Suspension of Registration—Training (Amendment 65)**

Y Llywydd: Mae grŵp 12 yn ymwneud â hyfforddiant yn dilyn cyfnod o atal rhag cofrestru fel gwarchodwr plant neu ddarparwr gofal. Yr unig welliant yw gwelliant 65. Galwaf ar Mark Isherwood i gynnig gwelliant 65.

The Presiding Officer: Group 12 relates to training after a period of suspension of registration as a child minder or care provider. The only amendment is amendment 65. I call on Mark Isherwood to move amendment 65.

Mark Isherwood: I move amendment 65 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigïaf welliant 65 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

This amendment seeks to satisfy the concerns raised about a returning or returner childminder being out of date in certain areas of practice. Rather than refer to specific areas of concern and risk the omission of what might subsequently be of concern, the amendment seeks to expand on the powers conferred on the Welsh Ministers to make regulations about suspension by including a power for regulations to deal with reregistration. There are comparisons: for example, a local health board may impose conditions on a practitioner who has been suspended from the relevant list and is subsequently returned to that list. In its written evidence to committee, Wrexham County Borough Council argued that:

Nod y gwelliant hwn yw ymateb i'r pryderon a godwyd ynglŷn â gwarchodwr plant sy'n dychwelyd i'w waith heb fod yn gyfarwydd â rhai o'r datblygiadau diweddaraf mewn meysydd ymarfer penodol. Yn hytrach na chyfeirio at feysydd penodol sy'n destun pryder ac yn sgil hynny, bod perygl i rywun hepgor yr hyn a allai fod yn destun pryder yn y dyfodol, nod y gwelliant yw ehangu ar y pwerau a roddwyd i Weinidogion Cymru wneud rheoliadau ynglŷn ag atal drwy gynnwys pŵer i reoliadau ymdrin â datgofrestru. Mae modd cymharu hyn â'r hyn a geir mewn meysydd eraill: er enghraifft, gall bwrdd iechyd lleol orfodi amodau ar ymarferydd sydd wedi'i atal o'r rhestr berthnasol ac sydd wedyn yn cael ailymuno â'r rhestr honno. Yn ei dystiolaeth ysgrifenedig i'r pwyllgor, dadleuai Cyngor Bwrdeistref Sirol Wrecsam:

'If a time limit were put on suspension lasting more than 3 years the need for a 'return to childminding/day care' course must be considered to ensure that persons returning to the profession have the relevant training and knowledge of new legislative requirements which are vital to the role.'

Petai terfyn amser yn cael ei roi ar ataliad sy'n para mwy na 3 blynedd, rhaid ystyried yr angen am gwrs 'dychwelyd i warchod plant/gofal dydd' er mwyn sicrhau bod gan y sawl sy'n dychwelyd i'r proffesiwn yr hyfforddiant a'r wybodaeth am ofynion deddfwriaethol newydd sy'n hollbwysig i'r rôl.

The committee report stated,

Dywedodd adroddiad y pwyllgor,

'We feel strongly that, in the event of a person returning to childminding where they had been absent from the profession for a considerable period of time, they should, as a minimum requirement of their registration, be required to attend and complete an appropriate training course to ensure that their level of knowledge and expertise meets the standards in force. We call on the Minister to give consideration to making such provision.'

'Teimlwn yn gryf y dylai person sy'n dychwelyd i swydd gwarchodwr plant ar ôl bod yn absennol o'r proffesiwn am gyfnod sylweddol o amser, orfod dilyn a chwblhau cwrs hyfforddiant priodol cyn gallu cofrestru, er mwyn sicrhau bod ei wybodaeth a'i arbenigedd yn bodloni safonau mewn grym. Galwn ar y Gweinidog i ystyried gwneud darpariaeth o'r fath.'

5.40 p.m.

Jenny Randerson: I reiterate Mark's sentiments and I stress what I believe is the essential nature of retraining following a period of suspension. When one casts one mind across the possible reasons for suspension of registration, one sees a whole variety of them, but the one common element is that professional practice, legislation, best practice, training methods all move on rapidly in today's world, and any kind of reason for suspension of registration will make retraining people a necessity. I therefore think that the requirement to retrain should be incorporated in this legislation. I therefore support this amendment.

Jenny Randerson: Ategaf sylwadau Mark a phwysleisiaf fy mod yn credu bod ailhyfforddi'n hanfodol ar ôl cyfnod o atal. Pan fydd rhywun yn ystyried y rhesymau posibl dros atal cofrestriad, gwelir bod amrywiaeth eang ohonynt, ond yr un elfen gyffredin rhyngddynt yw bod arferion proffesiynol, deddfwriaeth, arferion gorau, dulliau hyfforddi i gyd yn datblygu'n gyflym yn y byd sydd ohoni heddiw, a bydd unrhyw fath o reswm dros atal cofrestriad yn golygu bod angen ailhyfforddi pobl. Felly, credaf y dylid cynnwys y gofyniad i ailhyfforddi yn y ddeddfwriaeth hon. Felly, cefnogaf y gwelliant hwn.

Brian Gibbons: When a person returns to childminding or day-care duties after an absence, we share the concern that he or she should be appropriately qualified. Under section 25, Welsh Ministers will be able to use the regulation-making power to enforce the cancellation of registration for those providers who are inactive for a significant period, which seems to be the substance of the contributions to this part of group 12.

Brian Gibbons: Pan fydd rhywun yn dychwelyd i warchod plant neu i ddyletswyddau gofal dydd ar cyfnod o absenoldeb, yr ydym ninnau'n poeni y dylai fod ganddo ef neu ganddi hi'r cymwysterau priodol. O dan adran 25, bydd Gweinidogion Cymru'n gallu defnyddio'r pŵer gwneud rheoliadau i orfodi dileu cofrestriad y darparwyr hynny sy'n segur am gyfnod sylweddol, sef, i bob golwg, sylwedd y cyfraniadau i'r rhan hon o grŵp 12.

The regulation-making powers in section 26 are not appropriate to reregistration issues, as they deal specifically with suspension of registration; that is, periods of registration in circumstances in which the person may be suspended or where voluntary suspension may occur. If a person's registration is temporarily suspended, he or she does not

Nid yw'r pwerau gwneud rheoliadau yn adran 26 yn briodol ar gyfer materion sy'n ymwneud ag ailgofrestru, gan eu bod yn ymwneud yn benodol ag atal cofrestriad; hynny yw, cyfnodau pan fydd rhywun wedi cofrestru ond lle y gall fod wedi'i atal neu lle y bydd yr ataliad o bosibl yn wirfoddol. Os atelir cofrestriad rhywun dros dro, ni fydd

need to reapply to register when the suspension ends. I reiterate that the registration scheme in Part 2 already allows for safeguards to ensure that a person who is returning to childminding or day care after a long absence has to have up-to-date skills and qualifications.

Section 23 allows for the imposition of such conditions on a provider as the registration authority feels fit, including on those who are returning to their profession after a period of suspension, regardless of whether it is voluntary or enforced. I urge Members to reject amendment 65 for those reasons.

Mark Isherwood: I can only reiterate what the committee said, that people returning to childminding, after an absence from the profession for a period—whether by compulsion or choice—should, as a minimum, be required to attend and complete an appropriate training course. That is all that this amendment seeks to do, in line with almost every other profession in all sectors across Wales and the UK.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 65. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

angen iddo ef neu iddi hi wneud cais am ailgofrestru pan ddaw'r ataliad i ben. Dywedaf eto fod y cynllun cofrestru yn Rhan 2 eisoes yn caniatáu ar gyfer camau diogelu er mwyn sicrhau ei bod yn rhaid i rywun sy'n dychwelyd i warchod plant neu i ofal dydd ar ôl cyfnod hir o absenoldeb fod â'r sgiliau a'r cymwysterau diweddaraf.

Mae Adran 23 yn caniatáu ar gyfer gorfodi amodau o'r fath ar ddarparwr fel y gwelo'r awdurdod cofrestru'n dda, gan gynnwys ar y rheini sy'n dychwelyd i'w proffesiwn ar ôl cyfnod o atal, ni waeth a yw hynny'n wirfoddol ynteu'n orfodol. Pwysaf ar yr Aelodau i wrthod gwelliant 65 am y rhesymau hynny.

Mark Isherwood: Ni allaf ond ailadrodd yr hyn a ddywedodd y pwyllgor, sef y dylai fod gofyn i bobl sy'n dychwelyd i warchod plant, ar ôl bod yn absennol o'r proffesiwn am gyfnod—ni waeth ai drwy orfodaeth ynteu o ddewis—fan leiaf, fynychu cwrs hyfforddi priodol a'i gwblhau. Dyna'r cyfan y mae'r gwelliant hwn yn ceisio'i wneud, yn unol â phob proffesiwn arall bron ym mhob sector drwy Gymru a'r Deyrnas Unedig.

The Presiding Officer: The question is that amendment 65 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 6: O blaid 12, Ymatal 0, Yn erbyn 27.

Amendment 6: For 12, Abstain 0, Against 27.

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

Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan

Jones, Alun Ffred
 Jones, Ann
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 65.
 Amendment 65 not agreed.*

**Diogelwch Gweithdrefnol—Technegol (Gwelliant 29)
 Procedural Safeguards—Technical (Amendment 29)**

Y Llywydd: Down felly at grŵp 13, sef gwelliannau sy'n ymwneud â diogelwch gweithdrefnol.

The Presiding Officer: We now come to group 13, which relates to procedural safeguards.

Brian Gibbons: I move amendment 29 in my name.

Brian Gibbons: Cynigaf welliant 29 yn fy enw i.

The purpose of this amendment is to clarify that the requirement on the registration authority to give advance notice before taking certain enforcement steps does not apply in relation to the procedure under section 28. If you look at section 28, you will see that it allows the registration authority to apply to a justice of the peace for an order to cancel registration with immediate effect where there is a significant risk of harm to children. The purpose of this amendment is merely to clarify and remove any doubt about this particular matter, should it exist. I therefore urge support for the amendment.

Pwrpas y gwelliant hwn yw ei gwneud yn glir nad yw'r gofyniad ar i'r awdurdod cofrestru roi rhybudd ymlaen llaw cyn cymryd camau gorfodi penodol yn berthnasol yng nghyswllt y weithdrefn odan adran 28. Os edrychych ar adran 28, gwelwch ei bod yn caniatáu i'r awdurdod cofrestru wneud cais i ynad heddwch am orchymyn i ddileu'r cofrestrriad yn y fan a'r lle os oes perygl niwed sylweddol i blant. Unig bwrpas y gwelliant hwn yw gwneud y mater penodol hwn yn glir a dileu unrhyw amheuaeth, os oes amheuaeth. Felly, pwysaf arnoch i gefnogi'r gwelliant.

The Presiding Officer: As I have no speakers indicated, I will immediately put the question.

Y Llywydd: Gan nad oes neb wedi dweud ei fod am siarad, gofynnaf y cwestiwn yn syth.

Y cwestiwn yw a ddylid derbyn gwelliant 29. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 29 wedi'i dderbyn.

The question is that amendment 29 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with Standing Order No. 7.35, that amendment 29 is agreed.

Derbyniwyd gwelliant 29.

Amendment 29 agreed.

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliannau 2 a 30.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendments 2 and 30.

I invite the Minister to move amendment 2.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 2.

Brian Gibbons: I move amendment 2 in my name.

Brian Gibbons: Cynigiaf welliant 2 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 2. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 2 ei dderbyn.

The Presiding Officer: The question is that amendment 2 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 2 is therefore agreed.

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

The Presiding Officer: I invite the Minister to move amendment 30.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 30.

Brian Gibbons: I move amendment 30 in my name.

Brian Gibbons: Cynigiaf welliant 30 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 30. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 30 ei dderbyn.

The Presiding Officer: The question is that amendment 30 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 30 is therefore agreed.

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

Hysbysiadau o Gosb—Apeliadau (Gwelliant 63) Penalty Notices—Appeals (Amendment 63)

Y Llywydd: Symudwn ymlaen at grŵp 14. Mae'r grŵp hwn yn ymwneud ag apeliadau ynglŷn â hysbysiadau o gosb. Gwahoddaf Mark Isherwood i gynnig gwelliant 63.

The Presiding Officer: We now turn to group 14, which relates to appeals in relation to penalty notices. I invite Mark Isherwood to move amendment 63.

Mark Isherwood: I move amendment 63 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 63 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Amendment 63 allows for an appeal procedure for any childminder issued with a penalty notice. The National Childminding

Mae gwelliant 63 yn caniatáu gweithdrefn apelio ar gyfer unrhyw warchodwr plant y rhoddir hysbysiad o gosb iddo. Wrth roi

Association said in evidence to the committee that it was concerned that section 39 made no provision for an appeals procedure against a fixed penalty notice. It stated that if the Care and Social Services Inspectorate Wales is to be made responsible for gathering evidence to support a fixed penalty notice, the practitioner, whether it is a childminder or a worker in a group setting, should have recourse to appeal. The committee stated in its report that as regards concerns about the lack of any appeals provision in section 39, while it agrees with the general principle that any person found guilty of an offence should have the right to appeal against their conviction, it notes that the acceptance by a person of a fixed penalty notice is an implicit acceptance of guilt by that person. Where that person does not accept the penalty notice, the matter would proceed to a court of law, where there is an established appeals procedure. Therefore, the amendment seeks to introduce equity and fairness so that in deciding whether or not to accept a penalty notice, a childminder knows that they can access an appeals procedure without having to go to court and incur high legal fees. Unless this amendment is passed, a childminder could have a perverse incentive to proceed to a court of law in order to access an appeals procedure if they can afford it, or to accept the penalty notice if they cannot, which would be unjust.

Jenny Randerson: I formally support the amendment.

Brian Gibbons: Section 39 will allow the Care and Social Services Inspectorate Wales to impose fixed penalty notices on registered childminders and day care providers when it is satisfied that a person has committed a fixed penalty offence. Amendment 63 seeks to allow any person that has been issued with a penalty notice to appeal against that decision and to set up an appeal procedure.

tystiolaeth i'r pwyllgor, dywedodd y Gymdeithas Gwarchod Plant Genedlaethol ei bod yn poeni nad oedd dim darpariaeth yn adran 39 ar gyfer gweithdrefn apelio yn erbyn hysbysiad o gosb benodedig. Dywedodd, os bwriedir gwneud Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru yn gyfrifol am gasglu tystiolaeth yn gefn i hysbysiad o gosb benodedig, y dylai fod gan yr ymarferydd, boed yn warchodwr plant ynteu'n weithiwr mewn lleoliad grŵp, yr hawl i apelio. Dywedodd y pwyllgor yn ei adroddiad, o ran y pryderon ynglŷn â'r diffyg darpariaeth ar gyfer apelio yn adran 39, er ei fod yn cytuno â'r egwyddor gyffredinol y dylai fod gan unrhyw un a geir y euog o drosedd yr hawl i apelio yn erbyn ei euogfarn, ei fod yn nodi bod y ffaith bod rhywun yn derbyn hysbysiad o gosb benodedig yn golygu bod y person hwnnw'n derbyn ei fod yn euog. Pe na bai'r person yn derbyn y gosb benodedig, byddai'r mater yn mynd rhagddo i lys barn, ac mae gweithdrefn apelio'n rhan o'r broses honno. Felly, nod y gwelliant yw cyflwyno cydraddoldeb a thegwch. Wrth benderfynu a yw am dderbyn hysbysiad o gosb neu beidio, bydd gwarchodwr plant yn gwybod y gall fanteisio ar weithdrefn apelio heb orfod mynd i'r llys a wynebu ffioedd cyfreithiol drud. Oni dderbynnir y gwelliant hwn, gallai fod gan warchodwr plant gymhelliant gwrthnysig i fynd i lys barn er mwyn defnyddio'r weithdrefn apelio os gall fforddio gwneud hynny, neu i dderbyn yr hysbysiad o gosb os na all ei fforddio. Byddai hynny'n anghyfiawn.

Jenny Randerson: Cefnogaf y gwelliant yn ffurfiol.

Brian Gibbons: Bydd Adran 39 yn caniatáu i'r Arolygiaeth Gofal a Gwasanaethau Cymdeithasol roi hysbysiaidau cosb benodedig i warchodwyr plant cofrestredig a darparwyr gofal dydd pan fydd yn fodlon bod rhywun wedi cyflawni trosedd cosb benodedig. Nod gwelliant 63 yw caniatáu i unrhyw un y rhoddwyd hysbysiad o gosb iddo apelio yn erbyn y penderfyniad hwnnw a chychwyn gweithdrefn apelio.

However, by definition, a fixed penalty notice implies an admission of the offence and offers the registered person the opportunity of paying a fixed penalty in respect of an identified regulatory breach, instead of a court action, which, as Mark said in his contribution, would be potentially protracted or expensive.

If an offence is admitted by the person, there is no need to access the appeals procedure because the person accepts the charge. We will undertake detailed and extensive consultation on the content of the regulations in relation to fixed penalty notices with the inspectorate and the sector more broadly to decide which specific offences are suitable, and what the appropriate level of fine should be. As such, this amendment is unnecessary and I urge Members to reject it.

Mark Isherwood: I ask you to consider the person that is being asked to accept, or not accept, a fixed penalty notice; are they not in a Catch-22 situation? If they want to appeal but are intimidated or cannot afford to go through the court process, they must accept the penalty notice regardless or go to court. Therefore, they are not necessarily conceding that they are guilty, but they might find that they do not have an alternative. All the amendment seeks to do is to ensure that people can accept or reject the notice on a level playing field.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 63. A oes gwrthwynebiad? Gwelaf fod gwrthwynebiad. Felly, symudwn i bleidlais.

Fodd bynnag, yn ôl ei ddiffiniad, mae hysbysiad o gosb benodedig yn golygu bod rhywun yn cyfaddef i'r drosedd ac yn cynnig y cyfle i'r person cofrestredig dalu cosb benodedig am dorri'r rheoliadau mewn modd penodol, yn hytrach na chynnal achos llys, a allai, fel y dywedodd Mark yn ei gyfraniad, fod yn broses hir neu ddrud.

Os bydd y person yn cyfaddef i'r trosedd, nid oes angen defnyddio'r weithdrefn apelio oherwydd bod y person yn derbyn y cyhuddiad. Byddwn yn ymgynghori'n fanwl ac yn helaeth ynglŷn â chynnwys y rheoliadau yng nghyswllt hysbysiadau o gosb benodedig gyda'r arolygiaeth a'r sector yn fwy cyffredinol er mwyn penderfynu pa droseddau penodol sy'n addas, a beth fyddai'r lefel briodol ar gyfer y ddirwy. Yn hynny o beth, mae'r gwelliant hwn yn ddiangen a phwysaf ar yr Aelodau i'w wrthod.

Mark Isherwood: Gofynnaf ichi ystyried y person y gofynnir iddo dderbyn, neu beidio â derbyn, hysbysiad o gosb benodedig; onid ydyw mewn sefyllfa amhosibl? Os bydd am apelio neu os oes ofn arno neu os na all fforddio mynd drwy broses y llys, rhaid iddo dderbyn yr hysbysiad o gosb beth bynnag neu fynd i'r llys. Felly, nid yw o anghenraid yn addef ei fod yn euog, ond efallai ei fod yn meddwl nad oes ganddo ddewis arall. Y cyfan y mae'r gwelliant yn ceisio'i wneud yw sicrhau bod pobl yn gallu derbyn neu wrthod y rhybudd ar gae chwarae gwastad.

The Presiding Officer: The question is that amendment 63 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 63: O blaid 12, Ymatal 0, Yn erbyn 24.
Amendment 63: For 12, Abstain 0, Against 24.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine

Davies, Paul
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Millar, Darren
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

Chapman, Christine
 Cuthbert, Jeff
 Gibbons, Brian
 Gregory, Janice
 Griffiths, John
 Griffiths, Lesley
 Hutt, Jane
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Sargeant, Carl
 Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 63.
 Amendment 63 not agreed.*

5.50 p.m.

Ymgynghoriad—Timau/Byrddau Integredig Cymorth i Deuluoedd (Gwelliannau 66, 46, 47, 57, 56, 48, 49, 50 a 54)

Consultation—Integrated Family Support Teams/Boards (Amendments 66, 46, 47, 57, 56, 48, 49, 50 and 54)

The Presiding Officer: We now turn to group 15. I invite Mark Isherwood to move the lead amendment, which is amendment 66, and to speak to the other amendments in the group.

Y Llywydd: Trown yn awr at grŵp 15. Gwahoddaf Mark Isherwood i gynnig y prif welliant, sef gwelliant 66, ac i siarad am y gwelliannau eraill yn y grŵp.

Mark Isherwood: I move amendment 66 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 66 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

The committee report states:

Dywed adroddiad y pwyllgor:

‘We note the concerns of some stakeholders in relation to the lack of involvement of the voluntary sector in the establishment of IFSTs and IFS boards, and their calls for such involvement to be provided for on the face of the proposed Measure.

‘Rydym yn nodi pryderon rhai rhanddeiliaid ynglŷn â diffyg cynnwys y sector gwirfoddol at y gwaith o sefydlu TICIDau a byrddau integredig cymorth i deuluoedd ac rydym yn nodi eu cais i’r Mesur arfaethedig ddarparu ar gyfer hyn.

‘We are satisfied with the provisions of sections 52(2) and 53(3) as currently drafted, in so far as they relate to the composition of IFSTs and IFS boards. However, we

‘Rydym yn fodlon â darpariaethau 52(2) a 53(3) fel y maent wedi’u drafftio ar hyn o bryd i’r graddau y maent yn ymwneud â chyfansoddiad TICIDau a byrddau

recognise the invaluable contribution of the voluntary sector in providing support to vulnerable children and their families and we therefore feel the proposed Measure would be strengthened by the inclusion of provision for the involvement of the voluntary sector in relation to the work of IFSTs and the establishment of IFS boards, and we so recommend.'

The committee noted the concerns of some stakeholders in relation to the lack of involvement of the voluntary sector in the establishment of IFSTs and IFS boards, and noted their calls for such involvement to be provided for on the face of the proposed Measure. It recognised the invaluable contribution of the voluntary sector in providing support to vulnerable children and their families. We therefore feel that the proposed Measure would be strengthened by the inclusion of provision for the involvement of the voluntary sector in relation to the work of IFSTs and the establishment of IFS boards. I also note a letter that has been sent to Members from the Welsh Local Government Association in which it stresses the importance of ensuring that all agencies, including education, health and other wraparound services, are involved in the teams to ensure the long-term success of any intervention. I hope and trust that 'wraparound services' will include its partners in the voluntary sector.

Jenny Randerson: Briefly, I support what Mark has just said and draw Members' attention to the comment that I made earlier about the vital importance of the voluntary sector in dealing with every aspect of child poverty. If we do not involve the voluntary sector at this stage, its role will be sorely missed. It is important that its position in this respect is formalised.

Brian Gibbons: I wish to speak to the lead amendment, and to the other amendments relating to the integrated family support teams and boards. In responding to

integredig cymorth i deuluoedd. Fodd bynnag, rydym yn cydnabod cyfraniad hanfodol y sector gwirfoddol at y gwaith o ddarparu cymorth i blant agored i niwed a'u teuluoedd ac rydym felly'n teimlo y gellid cryfhau'r Mesur arfaethedig drwy gynnwys darpariaeth i alluogi'r sector gwirfoddol i gyfrannu at waith TICIDau a'r gwaith o sefydlu byrddau integredig cymorth i deuluoedd, ac dyna rydym yn ei argymhell.'

Nododd y pwyllgor bryderon rhai rhanddeiliaid ynglŷn â diffyg cynnwys y sector gwirfoddol at y gwaith o sefydlu'r TICIDau a'r Byrddau Integredig Cymorth i Deuluoedd, gan nodi eu cais am ddarparu ar gyfer hynny yn y Mesur ei hun. Yr oedd yn sylweddoli cyfraniad amhrisiadwy'r sector gwirfoddol o ran darparu cymorth ar gyfer plant agored i niwed a'u teuluoedd. Teimlwn felly y byddai'r Mesur arfaethedig yn gryfach o gynnwys darpariaeth ar gyfer cynnwys y sector gwirfoddol yng nghyswllt gwaith y TICIDau a sefydlu'r byrddau Integredig Cymorth i Deuluoedd. Nodaf hefyd i lythyr gael ei anfon at yr Aelodau gan Gymdeithas Llywodraeth Leol Cymru sy'n pwysleisio pwysigrwydd sicrhau bod pob asiantaeth, gan gynnwys addysg, iechyd a gwasanaethau cofleidiol eraill, yn ymwneud â'r timau i sicrhau bod unrhyw ymyriad yn llwyddo yn y tymor hir. Gobeithiaf a hyderaf y bydd 'gwasanaethau cofleidiol' yn cynnwys ei phartneriaid yn y sector gwirfoddol.

Jenny Randerson: Yn gryno, cefnogaf yr hyn y mae Mark newydd ei ddweud a thynnaf sylw'r Aelodau at yr hyn a ddywedais gynnu am holl bwysigrwydd y sector gwirfoddol o ran ymwneud â phob agwedd ar dlodi plant. Oni chynhwyswn y sector gwirfoddol yn ystod y cyfnod hwn, byddwn yn gweld eisiau ei rôl yn fawr. Mae'n bwysig bod ei sefyllfa'n cael ei ffurfioli yn y cyswllt hwn.

Brian Gibbons: Yr wyf am siarad am y prif welliant, ac am y gwelliannau eraill sy'n ymwneud â'r timau a'r byrddau integredig cymorth i deuluoedd. Wrth ymateb i

amendments 46, 47 and 49, which would place a duty on Welsh Ministers to consult on future regulations developed in respect of the integrated family support teams and boards, I can only restate the point that I made in relation to the group 5 amendment on consultation, which is that there is already a well-established practice for consulting all stakeholders before making any substantial regulations. This is, as I said, enshrined in the Government of Wales Act 2006 and our partnership agreements require Welsh Ministers to consult with local authorities and the voluntary and business sectors, including trade unions and other organisations as Welsh Ministers consider appropriate. We have an excellent track record on consultation and fully engage all sectors in shaping our policies and services. I would argue that the evolution and development of integrated family support teams is a prime example of that.

I can deliver a categorical assurance to Mark, Jenny and other Assembly Members that the Government remains committed to inclusive engagement with all parties and citizens and that active consultation will continue on any regulations and guidance in relation to IFSTs and, more generally, in relation to the proposed Measure. Members are therefore urged to reject amendments 46, 47, 49 and 50 as they are unnecessary and may confuse a well-established and well-understood system and may have unintended consequences. Restating Welsh Ministers' duties of consultation on the face of the proposed Measure might set an unhelpful precedent and expectation that all future Measures would contain a similar provision and might result in a dilution of the existing powers under the Government of Wales Act 2006.

I acknowledge the substance of amendments 48, 56, 57 and 66, submitted by Mark and Jenny. They are intended to ensure that local authorities fully engage with local partners,

welliannau 46, 47, a 49, a fyddai'n gosod dyletswydd ar Weinidogion Cymru i ymgynghori ynglŷn â'r rheoliadau a ddatblygir yn y dyfodol yng nghyswllt y timau a'r byrddau integredig cymorth i deuluoedd, ni allaf ond ailddatgan y pwynt a wneuthum yng nghyswllt gwelliant grŵp 5 ynglŷn ag ymgynghori, sef ei bod yn arfer ers tro inni ymgynghori â phob rhanddeiliaid cyn gwneud unrhyw reoliadau sylweddol. Fel y dywedais, mae hyn wedi'i gynnwys yn Neddf Llywodraeth Cymru 2006 ac mae ein cytundebau partneriaeth yn ei gwneud yn ofynnol i Weinidogion Cymru ymgynghori ag awdurdodau lleol ac â'r sector gwirfoddol a'r sector busnes, gan gynnwys â'r undebau llafur ac â sefydliadau eraill, fel y bydd Gweinidogion Cymru'n ei weld yn briodol. Mae gennym hanes rhagorol o ymgynghori a byddwn yn ymgysylltu'n llawn â phob sector wrth lunio'n polisiau a'n gwasanaethau. Byddwn yn dadlau bod esblygu a datblygu timau integredig cymorth i deuluoedd yn enghraifft berffaith o hynny.

Gallaf ddweud yn hollol bendant wrth Mark, Jenny a gweddill Aelodau'r Cynulliad fod y Llywodraeth yn dal yn ymroddedig i feithrin cysylltiad cynhwysol â phob parti a dinesydd ac y byddwn yn parhau i ymgynghori'n frwd ynglŷn ag unrhyw reoliadau a chanllawiau sy'n berthnasol i'r TICIDau ac, yn fwy cyffredinol, ynglŷn â'r Mesur arfaethedig. Felly, pwysaf ar yr Aelodau i wrthod gwelliannau 46, 47, 49 a 50 gan eu bod yn ddiangen ac y gallent ddrysu system sydd wedi'i hen sefydlu a systemy mae pawb yn ei deall yn dda, gan arwain at ganlyniadau nas bwriadwyd. Gallai ailddatgan dyletswyddau Gweinidogion Cymru i ymgynghori yn y Mesur ei hun osod cynsail na fyddai o gymorth a gallai fod disgwyl i bob Mesur yn y dyfodol gynnwys darpariaeth debyg. Gallai hynny arwain at lastwreiddio'r pwerau presennol o dan Ddeddf Llywodraeth Cymru 2006.

Yr wyf yn cydnabod sylwedd gwelliannau 48, 56, 57 a 66, a gyflwynwyd gan Mark a Jenny. Eu bwriad yw sicrhau bod awdurdodau lleol yn ymgysylltu'n llawn â

in particular the voluntary sector and local communities, in local priorities, as well as in the arrangements for the integrated family support teams and boards, and the categories of professional and other members who may contribute to the team. However, as drafted, the wording of the amendment has wider and, I am sure, unintended ramifications. For example, the inclusion of 'appointing persons' could affect local authorities' employment and recruitment decisions in taking on individuals to work in the IFS teams. That could require a consultation on the outcome of recruitment and the appointment of the individual to an IFS job. The main thrust of the IFS team is to introduce a national approach by way of a common model—a new way of working that is informed by research and similar approaches, such as have been shown to be effective in the Option 2 research project here in Cardiff. The regulatory and statutory guidance will provide sufficient flexibility to allow local areas to respond and tailor their service to their particular circumstances, taking into account the needs and pressure points in their communities, and the legislative framework and regulations will be designed to allow that.

In devising the final local service model, local authorities and local health boards will be required through statutory guidance to consult and engage all sector partners and professional disciplines that have a role in supporting vulnerable families. We all recognise and value the important role that the voluntary sector plays in supporting disadvantaged children and families. Their experience of working with adults with substance misuse problems is extensive, and it is important, and in their best interests, for local authorities and local health boards to maximise the service and skills of the voluntary sector in contributing to, directly or otherwise, the work of IFS teams and boards.

phartneriaid lleol, yn enwedig â'r sector gwirfoddol a chymunedau lleol, ynglŷn â blaenoriaethau lleol, yn ogystal ag ynglŷn â'r trefniadau ar gyfer y timau a'r byrddau integredig cymorth i deuluoedd, a'r categorïau eraill o aelodau proffesiynol ac aelodau eraill a allai gyfrannu at y tîm. Fodd bynnag, fel y mae wedi'i ddrafftio, mae i eiriad y gwelliant oblygiadau ehangach, ac yr wyf yn siŵr bod y rhain yn oblygiadau nas bwriadwyd. Er enghraifft, gallai cynnwys 'penodi personau' effeithio ar benderfyniadau awdurdodau lleol ynglŷn â chyflogi a recriwtio wrth gyflogi unigolion i weithio yn y TICIDau. Gallai hynny olygu bod gofyn ymgynghori ynglŷn â chanlyniad recriwtio a phenodi'r unigolyn i swydd gyda'r TICID. Prif bwrpas y TICID yw cyflwyno dull cenedlaethol ar ffurf model cyffredin—ffordd newydd o weithio sy'n seiliedig ar ymchwil ac ymagweddau tebyg, megis y rheini y dangoswyd eisoes eu bod yn effeithiol ym mhrosiect ymchwil Opsiwn 2 yma yng Nghaerdydd. Bydd y canllawiau rheoleiddiol a statudol yn cynnig digon o hyblygrwydd i ganiatáu i ardaloedd lleol ymateb a theilwra'u gwasanaeth i'w hamgylchiadau penodol, gan ystyried anghenion eu cymunedau a'r manau yno sydd o dan bwysau a llunnir y fframwaith deddfwriaethol a'r rheoliadau er mwyn caniatáu hynny.

Wrth ddyfeisio'r model terfynol ar gyfer gwasanaethau lleol, bydd gofyn i awdurdodau lleol a byrddau iechyd lleol, drwy ganllawiau statudol, ymgynghori ac ymgysylltu â'u holl bartneriaid yn y sector a'r holl ddisgyblaethau proffesiynol sy'n cynorthwyo i gefnogi teuluoedd agored i niwed. Yr ydym i gyd yn sylweddoli ac yn gwerthfawrogi rôl bwysig y sector gwirfoddol yn cefnogi plant a theuluoedd dan anfantais. Mae ganddynt brofiad eang o weithio gydag oedolion a chanddynt broblemau camddefnyddio sylweddau, ac mae'n bwysig, ac er eu budd gorau, i awdurdodau lleol a byrddau iechyd lleol fanteisio i'r eithaf ar wasanaeth a sgiliau'r sector gwirfoddol wrth iddynt gyfrannu at waith y timau a'r byrddau ICID, boed hynny'n uniongyrchol neu fel arall.

The development of the IFS team policy has been a fully inclusive process. The pioneer areas of Newport, Wrexham, Rhondda Cynon Taf and Merthyr Tydfil are working closely with the Welsh Assembly Government central resource team in the final design of the model and the regulations, guidance and tools required to implement IFS teams in local areas by 2010. Testing the arrangements in the pioneer areas will allow for learning and innovation over the following three years, so that any changes to the service model and regulations can be refined and consulted upon as part of the national roll-out. The result will be a process for shared learning over the pioneer period with partners in non-pioneer areas.

In the light of the points I have made, I ask Members to reject amendments 48, 56, 57 and 66 as they are unnecessary. In addition, in respect of amendment 48, Members will appreciate that it will not be helpful or equitable to single out any particular sector that is already covered by our statutory duty.

Amendment 54 merely provides a definition of relevant voluntary organisations, and I would suggest, Presiding Officer, that this would fall if amendments 48 and 66 were not accepted.

The Presiding Officer: I call Mark Isherwood to respond.

Mark Isherwood: I emphasise that the committee concluded, I believe unanimously, that the proposed Measure would be strengthened by the inclusion of provision for the involvement of the voluntary sector in relation to the work of IFS teams and the establishment of IFS boards. You rightly refer to appointments and the problems that can arise in trying to predetermine employment by an employer, which spills over into areas of employment law. This is not about appointment; if a voluntary sector

Mae datblygu polisi'r TICID wedi bod yn broses gwbl gynhwysol. Mae'r ardaloedd arloesi, sef Casnewydd, Wrecsam, Rhondda Cynon Taf a Merthyr Tudful yn gweithio'n glos gyda thîm adnoddau canolog Llywodraeth y Cynulliad wrth ddylunio fersiwn derfynol y model a'r rheoliadau, y canllawiau a'r pecynnau sy'n ofynnol eu cael er mwyn rhoi'r TICIDau ar waith mewn ardaloedd lleol erbyn 2010. Drwy roi'r trefniadau ar brawf yn yr ardaloedd arloesi, bydd modd dysgu ac arloesi dros y tair blynedd wedyn, fel y gellir mireinio unrhyw newidiadau i fodel y gwasanaeth a'r rheoliadau ac ymgynghori yn eu cylch fel rhan o'r lledaenu cenedlaethol. Dros y cyfnod arloesi, bydd y canlyniad yn gyfrwng ar gyfer cyd-ddysgu gyda phartneriaid mewn ardaloedd nad ydynt yn ardaloedd arloesi.

Yng ngoleuni'r pwyntiau yr wyf wedi'u gwneud, gofynnaf i'r Aelodau wrthod gwelliannau 48, 56, 57 a 66 gan eu bod yn ddiangen. At hynny, o ran gwelliant 48, bydd yr Aelodau'n sylweddoli na fydd o gymorth ac na fydd yn deg cyfeirio'n benodol at unrhyw un sector penodol sydd eisoes yn dod o dan ein dyletswydd statudol.

Nid yw gwelliant 54 ond yn cynnig diffiniad o'r sefydliadau gwirfoddol perthnasol, a byddwn yn awgrymu, Lywydd, y byddai hwn yn methu oni dderbynnid gwelliannau 48 a 66.

Y Llywydd: Galwaf ar Mark Isherwood i ymateb.

Mark Isherwood: Pwysleisiaf fod y pwyllgor wedi casglu, yn unfrydol mi gredaf, y byddai'r Mesur yn gryfach o gynnwys darpariaeth ar gyfer cynnwys y sector gwirfoddol yng nghyswllt gwaith y TICIDau a sefydlu Byrddau Integredig Cymorth i Deuluoedd. Yr ydych yn llygad eich lle'n cyfeirio at benodiadau a'r problemau a all godi wrth geisio rhagbennu cyflogaeth gan gyflogwr, sy'n croesi i feysydd cyfraith cyflogaeth. Nid oes a wnelo hyn â phenodi; petai rhywun o'r sector gwirfoddol yn cael ei

person was to be employed by a public sector agency, they would cease to be a voluntary sector representative. This is about the involvement of the voluntary sector at the top table in a real three-sector partnership from the outset. We single out the voluntary sector in this respect because that is what the committee did in its recommendations, and because of the key role it plays.

I will conclude on this group by referring to the work of Barnardo's in north-east Wales, which I understand has helped to inform you and the Welsh Government in taking this forward. Let us just say that, on occasions, its partnerships with local authorities in that area have been productive but, on others, it has felt like the missing link in the chain. If we are to rectify that, this amendment needs to be agreed.

6.00 p.m.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 66. A oes unrhyw wrthwynebiad? Gwelaf fod gwrthwynebiad. Felly, symudwn i bleidlais.

gyflogi gan asiantaeth yn y sector cyhoeddus, ni fyddai'n cynrychioli'r sector gwirfoddol rhagor. Mae a wnelo hyn â sicrhau bod y sector gwirfoddol yn cymryd rhan ar y bwrdd uchaf mewn partneriaeth go iawn rhwng y tri sector o'r cychwyn. Yr ydym yn sôn yn benodol am y sector gwirfoddol yn y cyswllt hwn oherwydd dyma a wnaeth y pwyllgor yn ei argymhellion, ac oherwydd y rôl allweddol y mae'n ei chwarae.

Tynnaf i ben ynglŷn â'r grŵp hwn drwy gyfeirio at waith Barnardo's yn y gogledd-ddwyrain, sydd, fel y caf ar ddeall, wedi cynorthwyo i'ch goleuo chi a Llywodraeth Cymru o ran bwrw ymlaen â hyn. Gadewch inni ond ddweud bod ei bartneriaethau gydag awdurdodau lleol yn yr ardal honno wedi bod yn gynhyrchiol ar brydiau, ond, ar adegau eraill ei fod wedi teimlo fel y ddolen goll yn y gadwyn. Er mwyn unioni hynny, mae angen derbyn y gwelliant hwn.

The Presiding Officer: The question is that amendment 66 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 66: O blaid 12, Ymatal 0, Yn erbyn 29.

Amendment 66: For 12, Abstain 0, Against 29.

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Jones, Helen Mary

Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Wood, Leanne
 Jones, Ieuan Wyn

*Gwrthodwyd gwelliant 66.
 Amendment 66 not agreed.*

Cyfeiriadau Timau Cymorth Teulu Integredig (Gwelliannau 31, 32 a 33) Integrated Family Support Team Referrals (Amendments 31, 32 and 33)

Y Llywydd: Symudwn yn awr at grŵp 16. Yr wyf yn gwahodd y Gweinidog i gynnig prif welliant 31 ac i siarad am y gwelliannau eraill yn y grŵp.

Brian Gibbons: I move amendment 31 in my name.

Integrated family support teams will provide a lifeline for families with intractable problems and complex needs, such as substance misuse or mental illness, and will provide them with extra support to help them to overcome these difficulties. The IFS team will identify problem areas for families and will work intensively with them to change behaviour so that they can prioritise their children's needs before their own.

Families take many forms and do not always fit in with a traditional perception of what constitutes a family. Consequently, amendments 31, 32 and 33 aim to recognise the diversity that exists within families today. These amendments make a small drafting change to ensure that local authorities have the same flexibility when referring not just those who are already parents, but also those who are about to become parents. The change ensures that there will be the same ability in the case of prospective parents to refer those connected with the family.

I urge Members to support amendments 31,

The Presiding Officer: We now move to group 16. I invite the Minister to move lead amendment 31 and to speak to the other amendments in the group.

Brian Gibbons: Cynigiaf welliant 31 yn fy enw i.

Bydd timau integredig cymorth i deuluoedd yn cynnig anadl einioes i deuluoedd a chanddynt broblemau dyrys ac anghenion cymhleth, megis camddefnyddio sylweddau neu salwch meddwl, a byddant yn cynnig cymorth ychwanegol iddynt i'w helpu i oresgyn yr anawsterau hyn. Bydd y TICID yn gweld pa feysydd sy'n peri problem i deuluoedd a bydd yn gweithio'n ddygn gyda hwy i newid eu hymddygiad er mwyn iddynt flaenoriaethu anghenion eu plant o flaen eu hanghenion hwy eu hunain.

Bydd teuluoedd yn amrywio o ran eu ffurf ac nid ydynt bob tro'n cydweddu â'r darlun traddodiadol o'r teulu. Felly, nod gwelliannau 31, 32 a 33 yw cydnabod yr amrywiaeth sydd o fewn teuluoedd heddiw. Mae'r gwelliannau hyn yn newid y drafftio fymryn er mwyn sicrhau bod yr un hyblygrwydd ar gael i awdurdodau lleol wrth atgyfeirio, nid yn unig y rheini sydd eisoes yn rhieni, ond hefyd y rheini sydd ar fin dod yn rhieni. Mae'r newid yn sicrhau y bydd yr un gallu yng nghyswllt darpar rieni i atgyfeirio'r rheini sy'n gysylltiedig â'r teulu.

Pwysaf ar yr Aelodau i gefnogi gwelliannau

32 and 33 in this group. They will ensure that local authorities have the appropriate discretion in deciding which family members can be considered and referred to an IFST for intervention or support, to ensure that the welfare and protection of children and young persons may be addressed regardless of whether they are particularly in need or at risk of being in need in this context.

The Presiding Officer: Thank you, Minister. As there are no further speakers, I will put the question on your lead amendment.

Y cwestiwn yw a ddylid derbyn gwelliant 31. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwellant 31 ei dderbyn.

*Derbyniwyd gwelliant 31.
Amendment 31 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 32 i 33, 46 i 47, 57, 56, 48 a 49.

I invite the Minister to move amendment 32.

Brian Gibbons: I move amendment 32 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 32. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwellant 32 ei dderbyn.

*Derbyniwyd gwelliant 32.
Amendment 32 agreed.*

The Presiding Officer: I invite the Minister to move amendment 33.

Brian Gibbons: I move amendment 33 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 33. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yn unol â Rheol Sefydlog Rhif

31, 32 a 33 yn y grŵp hwn. Byddant yn sicrhau bod gan awdurdodau lleol yr hawl briodol i benderfynu pa aelodau o'r teulu y gellir eu hystyried a'u cyfeirio at TICID er mwyn trefnu ymyriad neu gymorth, er mwyn sicrhau bod sylw'n cael ei roi i les ac i amddiffyn plant a phobl ifanc, ni waeth a ydynt mewn angen arbennig neu fod perygl iddynt fod mewn angen yn y cyd-destun hwn.

Y Llywydd: Diolch, Weinidog. Gan nad oes rhagor o siaradwyr, gofynnaf y cwestiwn ynglŷn â'ch prif welliant.

The question is that amendment 31 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 31 is therefore agreed.

The Presiding Officer: In line with the marshalled list, we now come to dispose of amendments 32 to 33, 46 to 47, 57, 56, 48 and 49.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 32.

Brian Gibbons: Cynigiau welliant 32 yn fy enw i.

The Presiding Officer: The question is that amendment 32 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 32 is therefore agreed.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 33.

Brian Gibbons: Cynigiau welliant 33 yn fy enw i.

The Presiding Officer: The question is that amendment 33 be agreed to. Are there any objections? I see that there are none. In

7.35, caiff gwellant 33 ei dderbyn.

accordance with Standing Order No. 7.35, amendment 33 is therefore agreed.

*Derbyniwyd gwelliant 33.
Amendment 33 agreed.*

The Presiding Officer: I invite Jenny Randerson to move amendment 46.

Y Llywydd: Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 46.

Jenny Randerson: I move amendment 46 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 46 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 46. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 46 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 46: O blaid 12, Ymatal 0, Yn erbyn 29.
Amendment 46: For 12, Abstain 0, Against 29.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny

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

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

*Gwrthodwyd gwelliant 46.
Amendment 46 not agreed.*

The Presiding Officer: I invite Jenny Randerson to move amendment 47.

Y Llywydd: Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 47.

Jenny Randerson: I move amendment 47 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiaf welliant 47 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 47. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 47 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 47: O blaid 12, Ymatal 0, Yn erbyn 29.

Amendment 47: For 12, Abstain 0, Against 29.

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny

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

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

*Gwrthodwyd gwelliant 47.
Amendment 47 not agreed.*

The Presiding Officer: I invite Mark Isherwood to move amendment 57.

Y Llywydd: Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 57.

Mark Isherwood: I move amendment 57 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 57 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 57. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 57 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 57: O blaid 12, Ymatal 0, Yn erbyn 30.
Amendment 57: For 12, Abstain 0, Against 30.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny

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

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

*Gwrthodwyd gwelliant 57.
Amendment 57 not agreed.*

The Presiding Officer: I invite Mark Isherwood to move amendment 56.

Y Llywydd: Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 56.

Mark Isherwood: I move amendment 56 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 56 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 56. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 56 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 56: O blaid 12, Ymatal 1, Yn erbyn 30.
Amendment 56: For 12, Abstain 1, Against 30.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

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

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Cairns, Alun

*Gwrthodwyd gwelliant 56.
Amendment 56 not agreed.*

The Presiding Officer: I invite Jenny Randerson to move amendment 48.

Y Llywydd: Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 48.

Jenny Randerson: I move amendment 48 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 48 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 48. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 48 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 48: O blaid 12, Ymatal 0, Yn erbyn 30.
Amendment 48: For 12, Abstain 0, Against 30.*

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

Bates, Mick
Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

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

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

The Presiding Officer: I invite Jenny Randerson to move amendment 49.

Y Llywydd: Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 49.

Jenny Randerson: I move amendment 49 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 49 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 49. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 49 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 49: O blaid 12, Ymatal 0, Yn erbyn 30.
Amendment 49: For 12, Abstain 0, Against 30.*

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

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

Bates, Mick
 Black, Peter
 Burnham, Eleanor
 Davies, Paul
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Millar, Darren
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

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

*Gwrthodwyd gwelliant 49.
 Amendment 49 not agreed.*

**Rheoliadau—Timau/Byrddau Integredig Cymorth i Deuluoedd (Gwelliant 64)
 Regulations—Integrated Family Support Teams/Boards (Amendment 64)**

Y Llywydd: Symudwn yn awr i grŵp 17, a'r unig welliant yn y grŵp yw gwelliant 64. Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 64.

Mark Isherwood: I move amendment 64 in my name and with the name of Jenny Randerson in support.

Amendment 64 seeks to broaden the range of persons who could be referred to an integrated family support team. The committee report at Stage 1 stated that

‘In relation to the role of GPs, schools and the police in identifying children at risk of harm, we note the Minister’s argument that these professional bodies already have a responsibility to identify and support children who may be at risk’.

The Presiding Officer: We now come to group 17, and the only amendment in this group is amendment 64. I invite Mark Isherwood to move amendment 64.

Mark Isherwood: Cynigïaf welliant 64 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Nod Gwelliant 64 yw ehangu ystod y bobl y gellid eu cyfeirio at dîm integredig cymorth i deuluoedd. Dywedodd adroddiad y pwyllgor yng Nghyfnod 1

‘O safbwynt rôl meddygon teulu, ysgolion a'r heddlu wrth nodi plant sydd mewn perygl o niwed, rydym yn nodi dadl y Gweinidog bod gan y cyrff proffesiynol hyn gyfrifoldeb eisoes i nodi a chynorthwyo plant a all fod mewn perygl.’

The committee was persuaded by the evidence from stakeholders that the role that these organisations play in the early identification of children at risk is vital. It believed that the Minister should give further consideration to making specific reference in section 50 to the role of those involved in childcare, education, healthcare and law enforcement in identifying children in need or at risk.

I call on Members to support amendment 64.

Brian Gibbons: When an IFS team is fully operative, children in need and those whose parents have specific issues, as listed in section 56, such as substance misuse, domestic violence, and mental health problems including a learning disability, may be referred to an IFS team through a local authority.

The listed areas account for more than 80 per cent of the reasons for children being taken into local authority care. Amendment 64 seeks to allow through regulations an extension of the referral of cases that can be made to an IFS team beyond those listed in section 50(6) of the proposed Measure. We understand that the aims of the amendment are to allow the Assembly Government to make regulations to respond to future social and family changes and to require local authorities to take referrals to IFS teams in broader circumstances where there may be a benefit to the child or family. However, in effect, the amendment is the same as the regulation powers in the existing section 50(9) and is therefore unnecessary. I ask Members to reject it.

Mark Isherwood: We continue to recommend that Members support the amendment, and I will be moving it accordingly.

The Presiding Officer: Indeed, you have.

Darbwyllwyd y pwyllgor gan y dystiolaeth gan randdeiliaid fod y rôl a chwaraeir gan y sefydliadau hyn o ran adnabod plant mewn risg yn fuan yn hollbwysig. Credir y dylai'r Gweinidog ystyried eto gyfeirio'n benodol yn adran 50 at rôl y rheini sy'n ymwneud â gofal plant, addysg, gofal iechyd a gorfodi'r gyfraith o ran adnabod plant mewn angen neu mewn risg.

Galwaf ar yr Aelodau i gefnogi gwelliant 64.

Brian Gibbons: Pan fydd TICID ar waith yn llwyr, bydd yn bosibl cyfeirio plant mewn angen a'r rheini y mae gan eu rhieni broblemau penodol, fel y'u rhestrir yn adran 56, megis camddefnyddio sylweddau, trais domestig, a phroblemau iechyd meddwl, gan gynnwys anabledd dysgu, at TICID drwy awdurdod lleol.

Y meysydd a restrir sy'n gyfrifol am fwy nag 80 y cant o'r rhesymau dros gymryd plant i ofal awdurdodau lleol. Nod gwelliant 64 yw ceisio caniatáu, drwy reoliadau, estyniad i'r achosion y gellir eu cyfeirio at TICID y tu hwnt i'r rheini a restrir yn adran 50(6) o'r Mesur arfaethedig. Deallwn mai nodau'r gwelliant yw caniatáu i Lywodraeth y Cynulliad wneud rheoliadau i ymateb i newidiadau cymdeithasol a newidiadau mewn teuluoedd yn y dyfodol ac i'w gwneud yn ofynnol i awdurdodau lleol dderbyn cyfeiriadau at TICIDau o dan amgylchiadau ehangach lle y gallai hynny fod o fudd i'r plentyn neu i'r teulu. Fodd bynnag, yn y bôn, mae'r gwelliant yr un fath â'r pwerau rheoleiddio yn adran 50(9) fel y mae, ac felly mae'n ddiangen. Gofynnaf i'r Aelodau ei wrthod.

Mark Isherwood: Yr ydym yn dal i argymhell y dylai'r Aelodau gefnogi'r gwelliant, a byddaf yn ei gynnig yn unol â hynny.

Y Llywydd: Yn wir, yr ydych wedi gwneud hynny.

Y cwestiwn yw a ddylid derbyn gwelliant 64. The question is that amendment 64 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 64: O blaid 11, Ymatal 0, Yn erbyn 29.
Amendment 64: For 11, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

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

*Gwrthodwyd gwelliant 64.
Amendment 64 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 50. Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 50.

Jenny Randerson: I move amendment 50 in my name and with the name of Mark Isherwood in support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 50. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendment 50. I invite Jenny Randerson to move amendment 50.

Jenny Randerson: Cynigaf welliant 50 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

The Presiding Officer: The question is that amendment 50 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 50: O blaid 11, Ymatal 0, Yn erbyn 29.
Amendment 50: For 11, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

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

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

**Swyddogion Safonau Gwaith Cymdeithasol Teuluol (Gwelliannau 51 a 52)
Family Social Work Standards Officers (Amendments 51 and 52)**

Y Llywydd: Symudwn yn awr i grŵp 18. Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 51.

Jenny Randerson: I move amendment 51 in my name and with the name of Mark Isherwood in support.

6.10 p.m.

This amendment, together with amendment 52, seeks to strengthen the role of family social work standards officers by ensuring that they undertake specific duties, and by adding a new duty on them to report annually

The Presiding Officer: We now come to group 18. I invite Jenny Randerson to move amendment 51.

Jenny Randerson: Cynigiau welliant 51 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Nod y gwelliant hwn, ynghyd â gwelliant 52, yw cryfhau rôl swyddogion safonau gwaith cymdeithasol teuluol drwy sicrhau eu bod yn ymgymryd â dyletswyddau penodol, a thrwy ychwanegu dyletswydd newydd ar iddynt

on the progress made on raising standards and to recommend actions and timescales to drive progress continually.

In tabling this amendment, we bore in mind the clear evidence of the Stage 1 committee that it is essential that these officers have the appropriate level of resources, expertise, powers, and accountability, as well as—crucially— independence and seniority if they are to carry out their roles effectively. Therefore, in line with the recommendation in paragraph 351 of the report of the Stage 1 committee, and to ensure that the responsibility to raise standards in social work practice lies with the authority as a whole, we also propose that a local authority must take account of the annual report of the officer concerned and undertake actions identified within it within the necessary timescales.

I remember that the Minister had concerns about the effect that this may have on the relationship between the director of social services and the officer, but it is clear that our amendment places the emphasis on independence rather than seniority. If the Minister casts his mind back to other situations in the health service and local government in which someone was required to criticise the officers or employees of the authority for which they work, he will see that the key element in being able to do that job effectively is seniority. That is what is needed to ensure that their word, comments, judgments and independence in that organisation are taken seriously. If they are not given that guarantee of independence, they become neutered in that role. It is essential that we ensure that these officers are as strong as they can possibly be.

There was a great deal of comment in committee about the potential confusion and overlap between this officer and that of the senior director of social services, in effect, in local authorities. Any idea of confusion is not

gyflwyno adroddiad bob blwyddyn am y cynnydd a wnaethpwyd o ran codi safonau ac i argymhell camau gweithredu ac amserlenni i sbarduno cynnydd yn barhaus.

Wrth gyflwyno'r gwelliant hwn, cadwyd mewn cof dystiolaeth glir pwyllgor Cyfnod 1 ei bod yn hanfodol bod gan y swyddogion hyn y lefel briodol o adnoddau, arbenigedd, pwerau ac atebolrwydd, yn ogystal â—ac mae hyn yn hanfodol—annibyniaeth a statws—er mwyn iddynt gyflawni eu rolau'n effeithiol. Felly, yn unol â'r argymhelliad ym mharagraff 351 adroddiad pwyllgor Cyfnod 1, ac er mwyn sicrhau mai'r awdurdod yn ei gyfanrwydd sy'n gyfrifol am godi safonau ymarfer gwaith cymdeithasol, cynigiwn hefyd ei bod yn rhaid i awdurdod lleol ystyried adroddiad blynyddol y swyddog dan sylw a chymryd camau a nodir ynddo o fewn yr amserlenni angenrheidiol.

Cofiaf fod y Gweinidog yn poeni am yr effaith y gallai hyn ei chael ar y berthynas rhwng y cyfarwyddwr gwasanaethau cymdeithasol a'r swyddog, ond mae'n glir bod ein gwelliant yn rhoi'r pwyslais ar annibyniaeth yn hytrach nag ar statws. Os gwnaiff y Gweinidog daflu golwg yn ôl ar sefyllfaoedd eraill yn y gwasanaeth iechyd a llywodraeth leol lle'r oedd gofyn i rywun feirniadu swyddogion neu weithwyr yr awdurdod y maent yn gweithio iddo, bydd yn gweld mai'r elfen allweddol o ran gallu gwneud y gwaith hwnnw'n effeithiol yw statws. Dyna'r hyn y mae ei angen er mwyn sicrhau bod eu gair, eu sylwadau, eu penderfyniadau a'u hannibyniaeth yn y sefydliad hwnnw'n cael eu cymryd o ddiffrif. Oni warentir yr annibyniaeth honno iddynt, ni fydd ganddynt rym yn y rôl honno. Mae'n hollbwysig ein bod yn sicrhau bod y swyddogion hyn cyn gryfed byth ag y gallant fod.

Cafwyd llawer o sylwadau yn y pwyllgor am y dryswch a'r gorgyffwrdd posibl rhwng y swyddog hwn a swydd uwch gyfarwyddwr y gwasanaethau cymdeithasol, mewn gwirionedd, mewn awdurdodau lleol. Nid ni,

something that we, as opposition Members, have introduced through this amendment. The confusion exists in many people's minds anyway, and a great deal of careful thought will have to be put into how these roles are implemented if the public, councillors and other officers of local authorities are to have clarity about how the work will be done and how these officers will undertake their role. Therefore, in our minds, the key emphasis is on seniority and independence.

Mark Isherwood: As we have heard, this amendment seeks to strengthen the role of the family social work standards officer by providing that it is to undertake specific duties and by adding a new duty to report annually on the progress made in raising standards and to recommend action and timescales. It also provides that a local authority must take account of the report and undertake the actions referred to therein within the timescale specified.

Stakeholders argued to the committee that family social work standards officers need to have the appropriate level of independence and seniority within a local authority to sustain a working level of objectivity while maintaining a suitable relationship with line managers and colleagues.

Conflicts of interests are inevitable, well documented, and recognised in case after case and in report after report, where independence has not been inbuilt and guaranteed. The committee considered that the responsibility for ensuring that the standards of care services are progressively raised should lie with the local authority, and that the proposed Measure should make provision to ensure that, while it will be the responsibility of the family social work standards officers to report the findings to the authority, the responsibility for raising standards in social work practice ultimately lies with the authority as a whole.

Aelodau'r wrthblaid, wrth inni gyflwyno'r gwelliant hwn, sy'n gyfrifol am unrhyw syniad o ddryswch. Mae'r dryswch yn bodoli ym meddyliau llawer o bobl beth bynnag, a bydd angen meddwl yn ofalus iawn sut y rhoddir y rolau hyn ar waith os yw'r cyhoedd, y cynghorwyr a swyddogion eraill awdurdodau lleol am fod yn glir ynglŷn â sut y gwneir y gwaith a sut y bydd y swyddogion hyn yn ymgymryd â'u rôl. Felly, yn ein golwg ni, ar statws ac annibyniaeth y mae'r prif bwyslais.

Mark Isherwood: Fel yr ydym wedi'i glywed, nod y gwelliant hwn yw cryfhau rôl y swyddog safonau gwaith cymdeithasol teuluol drwy ddweud y dylai ymgymryd â dyletswyddau penodol a thrwy ychwanegu dyletswydd newydd i gyflwyno adroddiad blynyddol ynglŷn â'r cynnydd a wnaethpwyd o ran codi safonau ac i argymhell camau gweithredu ac amserlenni. Mae'n dweud hefyd ei bod yn rhaid i awdurdodau lleol ystyried yr adroddiad a chymryd y camau y cyfeirir atynt ynddo o fewn yr amserlen a bennir.

Dadleuai'r rhanddeiliaid a ddaeth gerbron y pwyllgor fod angen i swyddogion safonau gwaith cymdeithasol teuluol gael y lefel briodol o annibyniaeth a statws o fewn awdurdod lleol er mwyn iddynt sicrhau lefel o wrthrychedd wrth weithio ac eto gynnal perthynas briodol â rheolwyr llinell a chydweithwyr.

Mae'n anochel y bydd gwrthdaro rhwng buddiannau, ac mae'r rheini wedi'u dogfennu'n dda a'u cydnabod mewn achos ar ôl achos ac mewn adroddiad ar ôl adroddiad, lle nad yw annibyniaeth wedi'i chynnwys yn rhan o'r drefn a'i gwarantu. Barn y pwyllgor oedd mai'r awdurdod lleol a ddylai fod yn gyfrifol am sicrhau bod safonau gwasanaethau gofal yn cael eu codi o hyd, ac y dylai'r Mesur arfaethedig wneud darpariaeth er mwyn sicrhau, er mai cyfrifoldeb y swyddogion safonau gwaith cymdeithasol teuluol fydd cyflwyno adroddiad am y canfyddiadau i'r awdurdod, mai'r awdurdod yn ei gyfanrwydd yn y pen draw sy'n gyfrifol am godi safonau ymarfer

gwaith cymdeithasol.

At Stage 2, the Minister was concerned that amendment 51 would undermine the role of the director of social services. However, I would contend that the amendment merely gives the standards officer the independence that he or she would need, which those people in their charge would also desperately need.

Brian Gibbons: For sêrvices to be effective, it is important that they are informed by evidence-based policy and practice, based on robust research and evidence of what is shown to work. That is highly significant in the field of social care in particular. I acknowledge that the intent behind the amendments—we have heard this from Mark and Jenny—is to bolster the role of the family social work standards officers by improving their status, gravitas and independence. However, we can only look at the words that are before us, and, as drafted, the amendments would have a significant effect, as Jenny and Mark have said, on the duties and accountabilities of the director of social services, to such an extent that it would radically realign the current duties and responsibilities.

Family social work standards officers will have a key role in strengthening the research capacity of a local authority and in supporting the professional development of social care excellence. They will have a specific role in championing and promoting best practice in relation to children and families services, building expertise in research and development, sharing their work across the local authority—and, if appropriate, with other partners—and in translating the evidence of what works into everyday practice. They will also need to raise standards in the use of evidence-based practice, and to promote a culture in which local organisations are continuing to learn and expand.

Yng Nghyfnod 2, yr oedd y Gweinidog yn poeni y byddai gwelliant 51 yn tanseilio rôl y cyfarwyddwr gwasanaethau cymdeithasol. Serch hynny, byddwn yn dadlau nad yw'r gwelliant ond yn rhoi'r annibyniaeth i'r swyddog safonau y byddai ei hangen arno neu arni, ac y byddai ei hangen yn ddybryd hefyd ar y bobl o dan eu gofal.

Brian Gibbons: Er mwyn i wasanaethau fod yn effeithiol, mae'n bwysig iddynt gael eu seilio ar bolisiau ac arferion sy'n seiliedig ar dystiolaeth, a'u seilio ar ymchwil gadarn a thystiolaeth ynglŷn â'r hyn y dangoswyd ei fod yn gweithio. Mae hynny'n arwyddocaol iawn ym maes gofal cymdeithasol yn benodol. Yr wyf yn sylweddoli mai'r bwriad y tu ôl i'r gwelliannau—yr ydym wedi clywed hyn gan Mark a Jenny—yw atgyfnerthu rôl y swyddogion safonau gwaith cymdeithasol teuluol drwy gryfhau eu statws, eu hurddas a'u hannibyniaeth. Serch hynny, ni allwn ond edrych ar y geiriau sydd ger ein bron, ac, fel y'u draffiwyd, câi'r gwelliannau effaith sylweddol, fel y mae Jenny a Mark wedi'i ddweud, ar ddyletswyddau ac atebolrwyddau cyfarwyddwyr gwasanaethau cymdeithasol, gymaint felly nes y byddai'n ad-drefnu'n sylweddol y dyletswyddau a'r cyfrifoldebau sydd ganddynt ar hyn o bryd

Bydd gan swyddogion safonau gwaith cymdeithasol teuluol rôl allweddol o ran cryfhau gallu ymchwil awdurdod lleol ac o ran cefnogi datblygiad proffesiynol er mwyn sicrhau rhagoriaeth ym maes gofal cymdeithasol. Bydd ganddynt rôl benodol o ran hwyluso a hybu'r arferion gorau yng nghyswllt gwasanaethau plant a theluoedd, meithrin arbenigedd ym maes ymchwil a datblygu, rhannu eu gwaith ar draws yr awdurdod lleol—ac, os yw'n briodol, gyda phartneriaid eraill—ac wrth droi'r dystiolaeth ynglŷn â'r hyn sy'n gweithio yn arferion beunyddiol. Bydd angen iddynt hefyd godi safonau o ran defnyddio arferion sy'n seiliedig ar dystiolaeth, a hybu diwylliant lle bydd sefydliadau lleol yn parhau i ddysgu ac ehangu.

Amendment 51 appears to place a direct responsibility on the individual social work standards officer to be accountable for the proposed duties listed in sections 59A to 59C, including raising standards in social work practice in children and family services. That appears to be a duty for the family social work standards officer that is parallel to, and that competes with, the responsibility that is already within the remit of the director of social services. Amendment 52 would require the local authority to establish an internal inspection unit, the funding and staffing of which would be at the discretion of and set up by the social work standards officer, with the local authority having no option but to statutorily comply. Accountability for the effectiveness of social services, including ensuring quality social work, currently rests with the director of social services, whose role is explicitly specified in law in the Local Authority Social Services Act 1970. These amendments will create a real conflict with existing lines of accountability. In placing direct duties on an individual social work officer with regard to the effectiveness of the authority's social work practice in children and family services, they are a step too far. A duty on the local authority to comply with the recommended actions could, potentially, conflict with the statutory duties that are outlined for the director of social services.

Promoting a culture of learning and of excellence in practice must be led at a senior level within the authority. Directors and elected members will need to support the social work standards officers in their role, and help them to mobilise others within the organisation to make the necessary change and to use research and evidence to improve

I bob golwg, mae gwelliant 51 yn gosod cyfrifoldeb uniongyrchol ar y swyddog safonau gwaith cymdeithasol unigol i fod yn atebol am y dyletswyddau arfaethedig a restrir yn adrannau 59A i 59C, gan gynnwys codi safonau ymarfer gwaith cymdeithasol gwasanaethau ar gyfer plant a theuluoedd. Ymddengys ei fod yn cynnwys dyletswydd ar gyfer y swyddog safonau gwaith cymdeithasol teuluol sy'n cydreded â'r cyfrifoldeb sydd eisoes o fewn cylch gorchwyl y cyfarwyddwr gwasanaethau cymdeithasol ac yn cystadlu â'r cyfrifoldeb hwnnw. Byddai gwelliant 52 yn ei gwneud yn ofynnol i'r awdurdod lleol sefydlu uned archwilio mewnol, a'r swyddog safonau gwaith cymdeithasol a fyddai'n cael dewis sut y câi honno'i hariannu a'i staffio, a'r swyddog hwnnw hefyd fyddai'n ei sefydlu. Ni fyddai gan yr awdurdod lleol ddewis ond cydymffurfio'n statudol. Ar hyn o bryd, y cyfarwyddwr gwasanaethau cymdeithasol sy'n atebol am effeithiolrwydd y gwasanaethau cymdeithasol, gan gynnwys am sicrhau gwaith cymdeithasol o safon. Mae ei rôl wedi'i bennu'n benodol drwy gyfraith yn Neddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970. Bydd y gwelliannau hyn yn creu gwrthdaro gwirioneddol â'r llinellau atebolrwydd presennol. Wrth roi dyletswyddau uniongyrchol ar y swyddog gwaith cymdeithasol unigol gyda golwg ar effeithiolrwydd ymarfer gwaith cymdeithasol yr awdurdod ym maes gwasanaethau i blant a theuluoedd, mae hynny'n mynd gam yn rhy bell. Drwy ei gwneud yn ddyletswydd ar i'r awdurdod lleol gydymffurfio â'r camau gweithredu a argymhellir, gallai hynny wrthdaro â'r dyletswyddau statudol a nodir ar gyfer y cyfarwyddwr gwasanaethau cymdeithasol.

Rhaid i uwch swyddogion arwain o ran hybu diwylliant dysgu a rhagoriaeth ar lefel ymarferol o fewn yr awdurdod. Bydd angen i gyfarwyddwyr ac aelodau etholedig gefnogi'r swyddogion safonau gwaith cymdeithasol yn eu rôl, a'u cynorthwyo i sbarduno pobl eraill yn y sefydliad i newid yr hyn y mae angen ei newid a defnyddio ymchwil a thystiolaeth er

social work practice. However, it is important that clear lines of accountability are in place; the amendments would not do anything other than confuse the situation. For these reasons, I urge Members to reject amendments 51 and 52.

Jenny Randerson: I will press for a vote on the amendments, because the way in which the Minister has expressed himself illustrates the complexity and confusion that exists in everyone's minds as to what exactly these officers will do, and where their responsibilities will start and finish. The amendments that I have tabled set out what I envisaged the role of these officers would be.

6.20 p.m.

I believe, Minister, that you will be disappointed if you think that there will not be an overlap between these two roles. As it is written, there is a lack of clarity in the legislation, which will ensure that there will be some overlap. That does not mean that I do not support the idea that there should be a role like this within the local authority, as I believe that there should. However, there needs to be a great deal more clarity as to exactly what this role will be and where the division of responsibility lies between the director of social services, the councillors concerned—in their legal obligations, which are significant—and the officer that we are referring to in this amendment. Where the responsibility of each starts and finishes will be crucial to the success or failure of the IFST and the new approach as a whole.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 51. Gwelaf fod gwrthwynebiad. Felly, symudwn i bleidlais.

mwyn gwella ymarfer gwaith cymdeithasol. Serch hynny, mae'n bwysig sefydlu llinellau atebolrwydd clir; y cyfan y byddai'r gwelliannau'n ei fyddai drysu'r sefyllfa. Dyna pam yr wyf yn pwysu ar yr Aelodau i wrthod gwelliannau 51 a 52.

Jenny Randerson: Pwysaf am bleidlais ar y gwelliannau, oherwydd mae'r ffordd y mae'r Gweinidog wedi'i fynegi'i hun yn dangos y cymhlethdod a'r dryswch sydd ym meddwl pawb ynglŷn â beth yn union y bydd y swyddogion hyn yn ei wneud, ac ymhle y bydd eu cyfrifoldebau'n dechrau ac yn gorffen. Mae'r gwelliannau yr wyf wedi'u cyflwyno'n disgrifio'r rôl yr oeddwn i'n ei rhagweld ar gyfer y swyddogion hyn.

Credaf, Weinidog, y cewch eich siomi os credwch na fydd y ddwy rôl hyn yn gorgyffwrdd. Fel y mae wedi'i hysgrifennu, mae diffyg eglurder yn y ddeddfwriaeth, a fydd yn sicrhau y bydd rhywfaint o orgyffwrdd. Nid yw hynny'n golygu nad wyf yn cefnogi'r syniad y dylid cael rôl fel hyn o fewn yr awdurdod lleol, oherwydd yr wyf yn credu y dylai fod. Serch hynny, mae angen mwy o eglurder o lawer ynglŷn â beth fydd y rôl hon ac ymhle y mae'r ffin rhwng cyfrifoldeb y cyfarwyddwr gwasanaethau cymdeithasol, y cynghorwyr dan sylw—o ran eu dyletswyddau cyfreithiol, sy'n sylweddol a'r swyddog yr ydym yn cyfeirio ato yn y gwelliant hwn. Bydd ymhle y mae cyfrifoldeb y naill a'r llall yn dechrau ac yn gorffen yn hollbwysig o ran llwyddiant neu fethiant y TICID a'r ymagwedd newydd drwyddi draw.

The Presiding Officer: The question is that amendment 51 be agreed to. I see that there are objections. Therefore, we will move to a vote.

*Gwelliant 51: O blaid 11, Ymatal 0, Yn erbyn 33.
Amendment 51: For 11, Abstain 0, Against 33.*

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

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

Black, Peter
 Burnham, Eleanor
 Davies, Paul
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Millar, Darren
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

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

*Gwrthodwyd gwelliant 51.
 Amendment 51 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 52. Yr wyf yn gwahodd Jenny Randerson i gynnig gwelliant 52.

The Presiding Officer: In line with the marshalled list, we come to dispose of amendment 52. I invite Jenny Randerson to move amendment 52.

Jenny Randerson: I move amendment 52 in my name and with the name of Mark Isherwood in support.

Jenny Randerson: Cynigiau welliant 52 yn fy enw i a chydag enw Mark Isherwood yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 52. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 52 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 52: O blaid 11, Ymatal 0, Yn erbyn 33.
 Amendment 52: For 11, Abstain 0, Against 33.*

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

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

Black, Peter
 Burnham, Eleanor
 Davies, Paul
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Millar, Darren
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

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

*Gwrthodwyd gwelliant 52.
 Amendment 52 not agreed.*

**Anghenion Plant—Rhieni/Aelodau'r Teulu
 (Gwelliannau 5, 6, 7, 10, 9, 11, 12, 13, 14 a 23)
 Children's Needs—Parent/Family Members
 (Amendments 5, 6, 7, 10, 9, 11, 12, 13, 14 and 23)**

Y Llywydd: Y grŵp nesaf yw grŵp 19, sy'n ymwneud â rhieni ac aelodau'r teulu mewn perthynas ag anghenion plant. Gwelliant 5 yw'r prif welliant.

I call on the Minister to move amendment 5.

Brian Gibbons: I move amendment 5 in my name.

The existing duties in section 59A and 59B were agreed at Stage 2. They will have significant implications for health and social care practice in Wales. They are seen as being essential to integrate the law and the

The Presiding Officer: The next group is group 19, on parents and family members in relation to children's needs. The lead amendment is amendment 5.

Galwaf ar y Gweinidog i gynnig gwelliant 5.

Brian Gibbons: Cynigaf welliant 5 yn fy enw i.

Cytunwyd ar y dyletswyddau presennol yn adran 59A a 59B yng Nghyfnod 2. Bydd iddynt oblygiadau sylweddol i arferion gofal iechyd a gofal cymdeithasol yng Nghymru. Fe'u gwelir yn ddyletswyddau hanfodol er

operational arrangements for health and social care services for children and young adults. Practitioners will be required to consider the needs of the whole family, and parents' health and social care needs cannot be assessed in isolation from the implications that they will have on the needs of any affected children.

Bridging children and adults' social services in this way, through law and practice, is essential to identify earlier emerging issues within families with complex needs to improve safeguards and child welfare. The adult assessment and referral duties in section 59A and 59B are free standing. They will also complement the integrated family support services and are significant in strengthening child protection arrangements between services for adults and children in health and social care.

Members will be aware of two significant reports that were recently published by Health Inspectorate Wales and the Care and Social Services Inspectorate Wales in relation to safeguarding children. In her statement to Members on 20 October, the Deputy Minister for Social Services, Gwenda Thomas, highlighted the significance of the enhanced duties in section 59A and 59B of this proposed Measure regarding accelerating improvements in practice, including the sharing of information between the NHS and social services in order to better protect vulnerable children who are at risk.

However, since bringing forward these amendments at Stage 2, it is clear that there have been some unintended consequences. It would result in conflict in the operational practice and potentially unworkable duties for adult social services, the NHS department's assessment, care management and care delivery and monitoring and review arrangements. Amendments 5, 6, 7, 10, 9, 11,

mwyn integreiddio'r gyfraith a'r trefniadau gweithrediadol ar gyfer gwasanaethau iechyd a gofal cymdeithasol i blant ac oedolion ifainc. Bydd angen i ymarferwyr ystyried anghenion yr holl deulu, ac ni ellir asesu anghenion iechyd a gofal cymdeithasol rhieni heb ystyried y goblygiadau i anghenion unrhyw blant y bydd hynny'n effeithio arnynt.

Mae'n hanfodol pontio gwasanaethau cymdeithasol i blant ac oedolion yn y fath fodd, drwy gyfraith ac arferion, er mwyn canfod problemau'n gynt mewn teuluoedd y mae ganddynt anghenion cymhleth, a bydd hynny'n gwella lles plant ac yn eu diogelu'n well. Mae'r dyletswyddau ar gyfer asesu ac atgyfeirio oedolion yn adrannau 59A a 59B yn annibynnol ar ddyletswyddau eraill. Byddant hefyd yn cyd-fynd â'r gwasanaethau integredig cymorth i deuluoedd ac maent yn arwyddocaol gan eu bod yn cryfhau'r trefniadau ar gyfer diogelu plant rhwng y gwasanaethau gofal iechyd a gofal cymdeithasol i oedolion a'r rhai sydd i blant.

Bydd yr Aelodau'n gwybod am ddau adroddiad o bwys a gyhoeddwyd yn ddiweddar gan Arolygiaeth Iechyd Cymru ac Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru ynghylch diogelu plant. Yn ei datganiad i'r Aelodau ar 20 Hydref, pwysleisiodd Gwenda Thomas, y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, arwyddocâd y dyletswyddau ehangach yn adrannau 59A a 59B o'r Mesur arfaethedig hwn o ran gwella arferion yn gyflymach, gan gynnwys rhannu gwybodaeth rhwng y GIG a gwasanaethau cymdeithasol er mwyn diogelu plant sy'n agored i niwed a'r rhai sy'n wynebu risg yn well.

Fodd bynnag, ers cyflwyno'r gwelliannau hyn yng Nghyfnod 2, mae'n amlwg bod rhai canlyniadau nas bwriadwyd. Byddai hyn yn arwain at wrthdaro yn arferion gweithrediadol a dyletswyddau a allai fod yn anymarferol i'r gwasanaethau cymdeithasol i oedolion, i asesiad adran y GIG, i reoli a darparu gofal, ac i'r trefniadau monitro ac adolygu. Felly, mae gwelliannau 5, 6, 7, 10,

12, 13, 14 and 23 therefore aim to address the position to reflect the policy intention on which we consulted. The amendments will clarify that the new duties apply only in respect of the parents of a child as opposed to any family member. Their effect will be to limit the assessment and referral requirement to any individual who is a parent, or has parental responsibility, for the child, or who has the care of the child. I must emphasise that these amendments do not, in any way, affect the duty on local authorities for referral for integrated family support services. I would, therefore, strongly urge Members to support all the amendments in group 19.

Jenny Randerson: Minister, I seek clarification on these amendments. Clearly, they tighten the scope, as you have just said, to include only the parents of a child, rather than family members. The query that I have is on whether some of these amendments render the provisions of the proposed Measure more restrictive than was originally proposed. You have indicated that it would be, in your view, unworkable to apply this to family members. However, when we read this in committee, my impression was that it would be those family members who were effectively—maybe informally—operating in the place of the parents. I want the exact legal definition of at what point you are talking about parents only, and at what point you would include grandparents acting in the position of parents, for example.

I also want your view on amendment 10. How will this amendment work in cases where a child is subject to a care order, and, hence, a local authority shares parental responsibility for the child? Most of your amendments are technical, but I believe that this set of amendments goes beyond that. Therefore, I would like some further information so that I can decide whether I should be supporting them.

9, 11, 12, 13, 14 a 23 yn ceisio ymateb i'r sefyllfa drwy adlewyrchu'r nod polisi a fu'n sail i'n hymgyngghoriad. Bydd y gwelliannau'n ei gwneud yn glir nad yw'r dyletswyddau newydd ond yn berthnasol i rieni plentyn ac nid i unrhyw aelod o'r teulu. Effaith y gwelliannau fydd cyfyngu'r gofyniad i asesu ac atgyfeirio i unrhyw unigolyn sy'n rhiant, neu y mae ganddo gyfrifoldeb rhiant dros y plentyn, neu sy'n gofalu am y plentyn. Rhaid imi bwysleisio nad yw'r gwelliannau hyn yn effeithio mewn unrhyw ffordd ar ddyletswydd awdurdodau lleol i gyfeirio pobl at wasanaethau integredig cymorth i deuluoedd. Felly, byddwn yn pwyso'n gryf ar yr Aelodau i gefnogi'r holl welliannau yng ngrŵp 19.

Jenny Randerson: Weinidog, hoffwn gael eglurhad ynghylch y gwelliannau hyn. Mae'n amlwgeu bod yn cyfyngu'r cwmpas, fel y dywedasoch, er mwyn cynnwys rhieni'r plentyn yn unig, yn hytrach nag aelodau o'r teulu. Hoffwn wybod a yw rhai o'r gwelliannau hyn yn gwneud darpariaethau'r Mesur arfaethedig yn fwy cyfyngedig na'r hyn a gynigiwyd yn wreiddiol. Yr ydych wedi dweud y byddai'n anymarferol, yn eich barn chi, i hyn fod yn berthnasol i aelodau o'r teulu. Fodd bynnag, pan ddarllenasom hyn yn y pwyllgor, fy argraff i oedd mai'r aelodau hynny o'r teulu a fyddai i bob pwrpas—efallai'n anffurfiol—yn gweithredu yn lle'r rhieni. Yr wyf am gael yr union ddiffiniad cyfreithiol ynghylch pryd yr ydych yn sôn am rieni'n unig, a phryd y byddech yn cynnwys neiniau a theidiau sy'n gweithredu yn lle rhieni, er enghraifft.

Hoffwn glywed eich barn hefyd am welliant 10. Sut y bydd y gwelliant hwn yn gweithio mewn achosion pan fydd plentyn o dan orchymyn gofal, sy'n golygu bod awdurdod lleol yn rhannu'r cyfrifoldeb dros rianta'r plentyn? Gwelliannau technegol yw'r rhan fwyaf o'ch gwelliannau, ond credaf fod y gyfres hon o welliannau yn mynd y tu hwnt i hynny. Felly, hoffwn gael rhagor o wybodaeth er mwyn imi benderfynu a ddylwn eu cefnogi.

Brian Gibbons: To deal with Jenny's substantive point, the key word is 'effectively'. You will see, on the face of the proposed Measure, that while this specifically refers to parents, the definition in this section is that:

'parent', in relation to a child, includes any individual—

(a) who is not a parent of the child but who has parental responsibility for the child, or

(b) who has care of the child'.

For the purposes of this section, parental responsibility has the same meaning as in the Children Act 1989, clause 41. That says that, in determining whether an individual has care of a child, any absence of the child at a hospital, children's home or foster parent placement, or any other temporary absence, is to be disregarded. So, while we are using the word 'parent', the effect of amendment 10 is to broaden that definition to try to capture those people who have responsibility for children.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 5. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 5 wedi'i dderbyn.

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 6 a 7. Cynigiaf fod y gwelliannau hyn, sy'n ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd, ên bloc. A oes gwrthwynebiad? Gwelaf nad oes, felly yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 6 a 7.

Brian Gibbons: I move amendments 6 and 7 in my name.

Brian Gibbons: I ymdrin â phrif bwynt Jenny, y geiriau allweddol yw 'i bob pwrpas'. Yn nhestun y Mesur ei hun, er bod hyn yn cyfeirio'n benodol at rieni, gwelwch mai'r diffiniad yn yr adran honno yw:

'mae "rhiant", o ran plentyn, yn cynnwys unrhyw unigolyn—

(a) nad yw'n rhiant i'r plentyn ond bod ganddo gyfrifoldeb rhiant dros y plentyn, neu

(b) sydd â gofal y plentyn'.

At ddibenion yr adran hon, yr un ystyr sydd i ofal rhiant â'r ystyr a geir yn Neddf Plant 1989, cymal 41. Wrth benderfynu a yw unigolyn yn gofalu am blentyn, mae'r cymal hwnnw'n dweud y dylid diystyru absenoldeb plentyn os yw mewn ysbyty, cartref plant neu gartref rhieni maeth neu'n absennol dros dro am unrhyw reswm arall. Felly, er ein bod yn defnyddio'r gair 'rhiant', effaith gwelliant 10 yw ehangu'r diffiniad hwnnw er mwyn ceisio cynnwys pobl sy'n gyfrifol am blant.

The Presiding Officer: The question is that amendment 5 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 5 is agreed.

The Presiding Officer: In line with the marshalled list, we come to dispose of amendments 6 and 7. I suggest that these amendments, which appear consecutively on the marshalled list, are disposed of together, en bloc. Are there any objections? I see that there are none. Therefore, I invite the Minister to move amendments 6 and 7.

Brian Gibbons: Cynigiaf welliannau 6 a 7 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 6 a 7 ên bloc. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 6 a 7 wedi eu derbyn.

The Presiding Officer: The question is that amendments 6 and 7 be agreed to ên bloc. I see that there are no objections. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 6 and 7 are agreed.

6.30 p.m.

**Anghenion Plant—Technegol (Gwelliant 8)
Children's Needs—Technical (Amendment 8)**

Y Llywydd: Mae grŵp 20 yn ymwneud ag anghenion plant. Galwaf ar y Gweinidog i gynnig gwelliant 8.

The Presiding Officer: Group 20 relates to children's needs. I call on the Minister to move amendment 8.

Brian Gibbons: I move amendment 8 in my name.

Brian Gibbons: Cynigiaf welliant 8 yn fy enw i.

Amendment 8 is of a technical nature and simply disapplies the definitions of 'child in need' and 'community care services' for the purposes of section 59B. The amendment was approved at Stage 2 because these terms are not now being used in that section.

Gwelliant o natur dechnegol y gwelliant 8 a'r unig beth y mae'n ei wneud yw datgymhwyso'r diffiniadau o 'blentyn mewn angen' a 'gwasanaethau gofal yn y gymuned' at ddibenion adran 59B. Cymeradwywyd y gwelliant yng Nghyfnod 2 oherwydd nid yw'r termau hyn yn cael eu defnyddio yn yr adran honno bellach.

The Presiding Officer: As no-one has indicated that they wish to speak on this amendment, I will put the question.

Y Llywydd: Gan nad oes neb wedi dweud eu bod am siarad am y gwelliant hwn, gofynnaf y cwestiwn.

Y cwestiwn yw a ddylid derbyn gwelliant 8. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 8 wedi'i dderbyn.

The question is that amendment 8 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 8 is agreed.

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 10 a 9.

The Presiding Officer: In accordance with the marshalled list we come to dispose of amendments 10 and 9.

I invite the Minister to move amendment 10.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 10.

Brian Gibbons: I move amendment 10 in my name.

Brian Gibbons: Cynigiaf welliant 10 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 10. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 10 wedi'i dderbyn.

*Derbyniwyd gwelliant 10.
Amendment 10 agreed.*

The Presiding Officer: I invite the Minister to move amendment 9.

Brian Gibbons: I move amendment 9 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 9. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 9 wedi'i dderbyn.

*Derbyniwyd gwelliant 9.
Amendment 9 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 11, 12, 13 ac 14. Yr wyf yn awgrymu bod y gwelliannau hyn am resymau yr wyf wedi'u nodi o'r blaen yn cael eu gwaredu gyda'i gilydd ên bloc. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 11 i 14 ên bloc.

Brian Gibbons: I move amendments 11, 12, 13 and 14 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 11, 12, 13 ac 14. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 11, 12, 13 ac 14 wedi'u derbyn.

*Derbyniwyd gwelliannau 11, 12, 13 ac 14.
Amendments 11, 12, 13 and 14 agreed.*

Y Llywydd: Gan fod gwelliannau 66 a 48

The Presiding Officer: The question is that amendment 10 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 10 is agreed.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 9.

Brian Gibbons: Cynigiaf welliant 9 yn fy enw i.

The Presiding Officer: The question is that amendment 9 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 9 is agreed.

The Presiding Officer: In accordance with the marshalled list we come to dispose of amendments 11, 12, 13 and 14. I suggest that these amendments, for reasons that I have noted before, be disposed of together en bloc. I invite the Minister to move amendments 11 to 14 en bloc.

Brian Gibbons: Cynigiaf welliannau 11, 12, 13 ac 14 yn fy enw i.

The Presiding Officer: The question is that amendments 11, 12, 13 and 14 be agreed to. Are there any objections? I see that there are none. Therefore, I declare, in accordance with Standing Order No. 7.35, that amendments 11, 12, 13 and 14 are agreed.

The Presiding Officer: As amendments 66

wedi'u gwrthod, bydd gwelliannau 53 a 54 yn methu.

and 48 were not agreed, amendments 53 and 54 will fall.

*Methodd gwelliannau 53 a 54.
Amendments 53 and 54 fell.*

Amserlenni—Technegol
(Gwelliannau 34, 35, 38, 1, 15, 36, 37, 17, 18, 19, 20, 21, 22 a 16)
Schedules—Technical
(Amendments 34, 35, 38, 1, 15, 36, 37, 17, 18, 19, 20, 21, 22 and 16)

Y Llywydd: Mae'r grŵp olaf hwn yn ymwneud ag amserlenni.

The Presiding Officer: This last group relates to schedules.

I call on the Minister to move the lead amendment, amendment 34, and to speak to the other amendments in the group.

Galwaf ar y Gweinidog i gynnig y prif welliant, sef gwelliant 34, a siarad am y gwelliannau eraill yn y grŵp.

Brian Gibbons: I move amendment 34 in my name.

Brian Gibbons: Cynigïaf welliant 34 yn fy enw i.

I will also speak to all the other amendments in the group. This group includes Government amendments that are technical in nature and I will address them as listed in the group, but will talk to amendments 15 and 16 together as they are complimentary to each other.

Byddaf hefyd yn siarad am yr holl welliannau eraill yn y grŵp. Mae'r grŵp hwn yn cynnwys y gwelliannau hynny gan y Llywodraeth sy'n dechnegol eu natur, ac fe'u trafodaf fel y maent wedi'u rhestru yn y grŵp, ond byddaf yn siarad am welliannau 15 ac 16 ynghyd, gan eu bod yn cyd-fynd â'i gilydd.

Amendment 34 corrects references to a provision in the proposed Measure that will be inserted in the Magistrates' Courts Act 1980. Amendment 35 is to reflect the fact that the Supreme Court Act 1981 has been renamed the 'Senior Courts Act 1981'. This is to avoid confusion that the 1981 Act might relate specifically to the newly created Supreme Court of the United Kingdom, which was established with effect from 1 October this year. Amendment 38 is a consequence of the repeal of section 113F of the Police Act 1997, which occurred in October this year. The repeal is part of the changes brought about by the implementation of the Safeguarding Vulnerable Groups Act 2006.

Mae gwelliant 34 yn cywiro cyfeiriadau at ddarpariaeth yn y Mesur arfaethedig a gaiff ei hychwanegu at Ddeddf y Llysoedd Ynadon 1980. Mae gwelliant 35 yn adlewyrchu'r ffaith bod Deddf y Goruchaf Lys 1981 wedi cael ei ailnodi yn 'Ddeddf yr Uwchlysoedd 1981'. Mae hyn i osgoi cymhlethdod y gallai Deddf 1981 gyfeirio'n benodol at Uwchllys Deyrnas Unedig, sef sefydliad newydd sy'n bodoli er 1 Hydref eleni. Mae gwelliant 38 yn deillio o ddiddymu adran 113F o Ddeddf yr Heddlu 1997, a ddigwyddodd fis Hydref eleni. Mae'r diddymiad yn rhan o'r newidiadau a ddaeth yn sgil rhoi Deddf Diogelu Grwpiau Hyglwyf 2006 ar waith.

Amendment 1 is technical and preserves the status quo by replacing the old reference to section 79T of the Children Act 1989 with

Gwelliant technegol yw gwelliant 1 ac mae'n cadw'r sefyllfa sydd ohoni drwy ddisodli'r hen gyfeiriad at adran 79T o Ddeddf Plant

the relevant provision of this proposed Measure. It also updates reference to the Assembly with references to the Welsh Assembly Government. Part IV of the Care Standards Act 2000 makes provision about regulation of the social care workforce. Section 55 sets out a range of different sorts of social care workers who can be brought into the scheme of registration. Section 55(3)(e) includes, in that category, employees of the registration authority and refers to them by reference to their functions under Part XA of the Children Act 1989.

Amendments 15 and 16 are technical amendments. A separate legislative exercise is under way to remove reference to 'children's services authority'. This term is used in a number of pieces of legislation instead of the term 'local authority'. The power to amend references to 'children's services authority' in Acts of Parliament already exists, but it is not phrased so as to enable corresponding changes in Measures. Amendment 15 seeks to ensure that the provisions of this proposed Measure can be updated to reflect the change to terminology in due course. Amendment 16 ensures that amendment 15 comes into force as soon as this proposed Measure is approved in the Privy Council.

Amendments 36 and 37 are a consequence of the repeal of section 113F of the Police Act 1997, again in October of this year. The repeal is part of the changes brought about by the implementation of the Safeguarding Vulnerable Groups Act 2006.

Finally, amendments 17 to 22 are technical amendments, which seek to repeal provisions and clear redundant provisions from the statute book. I urge support of these amendments.

The Presiding Officer: I have no indication that anyone wishes to speak to these amendments, so I will put the question.

1989 gyda'r ddarpariaeth berthnasol yn y Mesur arfaethedig hwn. Mae hefyd yn diweddarau'r cyfeiriadau at y Cynulliad drwy gyfeirio at Lywodraeth Cynulliad Cymru yn lle hynny. Mae rhan IV o Ddeddf Safonau Gofal 2000 yn gwneud darpariaeth ynghylch rheoleiddio'r gweithlu gofal cymdeithasol. Mae adran 55 yn pennu amryw o wahanol fathau o weithwyr cymdeithasol y gellid cynnwys yn y cynllun cofrestru. Mae adran 55(3)(e) yn cynnwys, yn y categori hwnnw, weithwyr yr awdurdod cofrestru, a chyfeirir atynt drwy gyfeirio at eu swyddogaethau o dan Ran XA o Ddeddf Plant 1989.

Gwelliannau technegol yw gwelliannau 15 ac 16. Mae gwaith deddfwriaethol ar wahân yn mynd rhagddo i gael gwared ar y cyfeiriad at 'children's services authority'. Defnyddir y term mewn sawl darn o ddeddfwriaeth yn hytrach na'r term 'local authority'. Mae'r pŵer i ddiwygio cyfeiriadau at 'children's services authority' mewn Deddfau Seneddol eisoes yn bodoli, ond nid yw wedi'i eirio mewn ffordd sy'n caniatáu gwneud newidiadau cyfatebol mewn Mesurau. Mae gwelliant 15 yn ceisio sicrhau y gellir diweddarau darpariaethau'r Mesur arfaethedig hwn er mwyn adlewyrchu'r newid yn y derminoleg maes o law. Mae gwelliant 16 yn sicrhau bod gwelliant 15 yn dod i rym cyn gynted ag y caiff y Mesur arfaethedig hwn ei gymeradwyo yn y Cyfrin Gyngor.

Mae gwelliannau 36 a 37 yn deillio o ddiddymu adran 113F o Ddeddf yr Heddlu 1997, unwaith eto fis Hydref eleni. Mae'r diddymiad yn rhan o newidiadau a ddaeth yn sgil rhoi Deddf Diogelu Grwpiau Hyglwyf 2006 ar waith.

Yn olaf, gwelliannau technegol yw gwelliannau 17 i 22, gyda'r nod o ddiddymu darpariaethau a chael gwared ar ddarpariaethau diangen o'r llyfr statudau. Pwysaf arnoch i gefnogi'r gwelliannau hyn.

Y Llywydd: Nid oes neb wedi dweud eu bod am siarad am y gwelliannau hyn, felly gofynnaf y cwestiwn.

Y cwestiwn yw a ddylid derbyn gwelliant 34. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 34 wedi'i dderbyn.

*Derbyniwyd gwelliant 34.
Amendment 34 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliannau 35, 38, 1, 15, 36, 37, 17, 18, 19, 20, 21 a 22.

I invite the Minister to move amendment 35.

Brian Gibbons: I move amendment 35.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 35. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 35 wedi'i dderbyn.

*Derbyniwyd gwelliant 35.
Amendment 35 agreed.*

The Presiding Officer: I invite the Minister to move amendment 38.

Brian Gibbons: I move amendment 38.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 38. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 38 wedi'i dderbyn.

*Derbyniwyd gwelliant 38.
Amendment 38 agreed.*

The Presiding Officer: I invite the Minister to move amendment 1.

Brian Gibbons: I move amendment 1.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 1. A oes unrhyw wrthwynebiad?

The question is that amendment 34 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 34 is agreed.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendments 35, 38, 1, 15, 36, 37, 17, 18, 19, 20, 21 and 22.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 35.

Brian Gibbons: Cynigiaf welliant 35.

The Presiding Officer: The question is that amendment 35 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 35 is agreed.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 38.

Brian Gibbons: Cynigiaf welliant 38.

The Presiding Officer: The question is that amendment 38 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 38 is agreed.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 1.

Brian Gibbons: Cynigiaf welliant 1.

The Presiding Officer: The question is that amendment 1 be agreed to. Are there any

Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 1 wedi'i dderbyn.

objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 1 is agreed.

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

The Presiding Officer: I invite the Minister to move amendment 15.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 15.

Brian Gibbons: I move amendment 15.

Brian Gibbons: Cynigiau welliant 15.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 15. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 15 wedi'i dderbyn.

The Presiding Officer: The question is that amendment 15 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 15 is agreed.

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

Y Llywydd: Cynigiau fod gwelliannau 36 a 37, sy'n ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd. A oes unrhyw wrthwynebiad? Gwelaf nad oes.

The Presiding Officer: I move that amendments 36 and 37, which appear consecutively on the marshalled list, are disposed of together. Are there any objections? I see that there are none.

I invite the Minister to move amendments 36 and 37.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 36 a 37.

Brian Gibbons: I move amendments 36 and 37.

Brian Gibbons: Cynigiau welliannau 36 a 37.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 36 a 37. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 36 a 37 wedi'u dderbyn.

The Presiding Officer: The question is that amendments 36 and 37 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 36 and 37 are agreed.

*Derbyniwyd gwelliannau 36 a 37.
Amendments 36 and 37 agreed.*

Y Llywydd: Cynigiau fod gwelliannau 17 a 18, sydd eto yn ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd.

The Presiding Officer: I propose that amendments 17 and 18, which also appear consecutively on the marshalled list, be disposed of together.

I invite the Minister to move amendments 17

Yr wyf yn gwahodd y Gweinidog i gynnig

and 18 en bloc.

Brian Gibbons: I move amendments 17 and 18.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 17 a 18. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 17 a 18 wedi'u dderbyn.

*Derbyniwyd gwelliannau 17 a 18.
Amendments 17 and 18 agreed.*

Y Llywydd: Cynigiau fod gwelliannau 19 a 20, sydd eto ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd. A oes unrhyw wrthwynebiad? Gwelaf nad oes.

I invite the Minister to move amendments 19 and 20.

Brian Gibbons: I move amendments 19 and 20.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 19 a 20. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 19 a 20 wedi'u dderbyn.

*Derbyniwyd gwelliannau 19 a 20.
Amendments 19 and 20 agreed.*

Y Llywydd: Cynigiau fod gwelliannau 21 a 22, sydd ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd. A oes unrhyw wrthwynebiad? Gwelaf nad oes.

I invite the Minister to move amendments 21 and 22 en bloc.

Brian Gibbons: I move amendments 21 and 22.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 21 a 22. A oes unrhyw

gwelliannau 17 a 18 en bloc.

Brian Gibbons: Cynigiau welliannau 17 a 18.

The Presiding Officer: The question is that amendments 17 and 18 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 17 and 18 are agreed.

The Presiding Officer: I propose that amendments 19 and 20, which also appear consecutively on the marshalled list, are disposed of together. Are there any objections? I see that there are none.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 19 a 20.

Brian Gibbons: Cynigiau welliannau 19 a 20.

The Presiding Officer: The question is that amendments 19 and 20 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 19 and 20 are agreed.

The Presiding Officer: I propose that amendments 21 and 22, which appear consecutively on the marshalled list, be disposed of together. Are there any objections? I see that there are none.

Yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 21 a 22 en bloc.

Brian Gibbons: Cynigiau welliannau 21 a 22.

The Presiding Officer: The question is that amendments 21 and 22 be agreed to. Are

wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliannau 21 a 22 wedi'u dderbyn.

there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 21 and 22 are agreed.

*Derbyniwyd gwelliannau 21 a 22.
Amendments 21 and 22 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliannau 62, 16, 55, 61 a 23.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendments 62, 16, 55, 61 and 23.

I invite Mark Isherwood to move amendment 62.

Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 62.

Mark Isherwood: I move amendment 62 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiaf welliant 62 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 62. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 62 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 62: O blaid 11, Ymatal 0, Yn erbyn 32.
Amendment 62: For 11, Abstain 0, Against 32.*

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

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

Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri

Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd gwelliant 62.
Amendment 62 not agreed.*

The Presiding Officer: I invite the Minister to move amendment 16.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 16.

Brian Gibbons: I move amendment 16.

Brian Gibbons: Cynigiau welliant 16.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 16. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 16 wedi'i dderbyn.

The Presiding Officer: The question is that amendment 16 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 16 is agreed.

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

The Presiding Officer: I invite Mark Isherwood to move amendment 55.

Y Llywydd: Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 55.

Mark Isherwood: I move amendment 55 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiau welliant 55 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 55. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 55 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 55: O blaid 11, Ymatal 0, Yn erbyn 32.
Amendment 55: For 11, Abstain 0, Against 32.*

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

Black, Peter
Burnham, Eleanor
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John

Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd gwelliant 55.
Amendment 55 not agreed.*

The Presiding Officer: I invite Mark Isherwood to move amendment 61.

Y Llywydd: Yr wyf yn gwahodd Mark Isherwood i gynnig gwelliant 61.

Mark Isherwood: I move amendment 61 in my name and with the name of Jenny Randerson in support.

Mark Isherwood: Cynigiau welliant 61 yn fy enw i a chydag enw Jenny Randerson yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 61. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 61 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

6.40 p.m.

*Gwelliant 61: O blaid 7, Ymatal 0, Yn erbyn 36.
Amendment 61: For 7, Abstain 0, Against 36.*

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

Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice

Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd gwelliant 61.
Amendment 61 not agreed.*

The Presiding Officer: I invite the Minister to move amendment 23.

Y Llywydd: Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 23.

Brian Gibbons: I move amendment 23 in my name.

Brian Gibbons: Cynigiaf welliant 23 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 23. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, fod gwelliant 23 wedi'i dderbyn.

The Presiding Officer: The question is that amendment 23 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 23 is agreed.

*Derbyniwyd gwelliant 23.
Amendment 23 agreed.*

Y Llywydd: Gan ein bod wedi dod at ddiwedd ystyriaeth Cyfnod 3 y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru), yr wyf yn datgan, yn ôl Rheolau Sefydlog Rhifau 23.55 a 23.56, y bernir fod pob adran ac Atodlen i'r Mesur arfaethedig wedi'i derbyn. Felly, dyna ddiwedd ar drafodion Cyfnod 3.

The Presiding Officer: As we have come to the end of Stage 3 consideration of the Proposed Children and Families (Wales) Measure, I declare that, in accordance with Standing Orders Nos. 23.55 a 23.56, that all sections of and Schedules to the proposed Measure are deemed agreed. That concludes the Stage 3 proceedings.

**Dadl Cyfnod 4 o dan Reol Sefydlog Rhif 23.58 ar y Mesur Arfaethedig ynghylch
Plant a Theuluoedd (Cymru)
Stage 4 Standing Order No. 23.58 Debate on the Proposed Children and Families
(Wales) Measure**

The Minister for Social Justice and Local Government (Brian Gibbons): I move that

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Cynigiaf fod

the National Assembly for Wales, in accordance with Standing Order No. 23.58, approves the Proposed Children and Families (Wales) Measure.

Cynulliad Cenedlaethol Cymru, yn unol â Rheol Sefydlog Rhif 23.58, yn cymeradwyo'r Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru).

The proposed Measure is a truly cross-cutting Measure, and on behalf of myself and my fellow Ministers, the Minister for Children, Education, Lifelong Learning and Skills and the Deputy Minister for Social Services, I thank all of those that have contributed to the development of this proposed Measure at all stages of the process. Its broad range has brought its own complexities to the legislation, and its development and scrutiny have required considerable effort and dedication by all involved. I am grateful to all those who have contributed inside and outside of the National Assembly.

Mae'r Mesur arfaethedig yn Fesur gwirioneddol drawsbynciol, ac ar fy rhan i a'm cyd-Weinidogion, y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau a'r Dirprwy Weinidog dros Wasanaethau Cymdeithasol, diolchaf i bawb o'r rheini sydd wedi cyfrannu at ddatblygu'r Mesur arfaethedig hwn yn ystod pob cyfnod o'r broses. Oherwydd ei fod mor eang ei ystod, mae hynny wedi gwneud y ddeddfwriaeth yn gymhleth, ac mae ei datblygu a chraffu arni wedi gofyn cryn ymdrech ac ymroddiad gan bawb dan sylw. Yr wyf yn ddiolchgar i bawb o'r rheini sydd wedi cyfrannu y tu mewn i'r Cynulliad Cenedlaethol a'r tu allan iddo.

Throughout its passage, the proposed Measure has been subject to robust and professional scrutiny, by the Stage 1 and Stage 2 legislation committees, and also the Finance Committee and Subordinate Legislation Committee. I also value Members' contributions in the Chamber at the introduction of the proposed Measure in March, during the Stage 1 debate, and today. I believe that this level of scrutiny commitment has resulted in a much stronger proposed Measure. At each stage, we as a Government have listened and given full consideration to recommendations, and have brought forward amendments to improve the proposed Measure.

Drwy gydol ei daith, mae'r Mesur arfaethedig wedi bod yn destun craffu trwyadl a phroffesiynol, gan bwyllgorau deddfwriaeth Cyfnod 1 a Chyfnod 2, a hefyd gan y Pwyllgor Cyllid a'r Pwyllgor Is-ddeddfwriaeth. Yr wyf hefyd yn gwerthfawrogi cyfraniadau'r Aelodau yn y Siambr adeg cyflwyno'r Mesur arfaethedig ym mis Mawrth, yn ystod dadl Cyfnod 1, a heddiw. Credaf fod y lefel hon o ymrwymiad wrth graffu wedi arwain at Fesur arfaethedig cryfach o lawer. Yn ystod pob cyfnod, yr ydym ni'r Llywodraeth wedi gwrandao ar yr argymhellion a'u hystyried yn llawn, ac yr ydym wedi cyflwyno gwelliannau i wella'r Mesur arfaethedig.

I sincerely hope that the end effect is a new legal framework that will mobilise all public

Yr wyf yn wir yn gobeithio mai'r effaith yn y pen draw fydd fframwaith cyfreithiol newydd

agencies in Wales in the task of moving towards eradicating the causes and effects of child poverty. The proposed Measure also provides a framework to deliver new and better support to those children and their families who face particularly complex and difficult problems. Our success at addressing these problems will be an indication of our commitment to social justice and fairness in Wales, and to the future of our country and its citizens, no matter who they are. All are entitled to contribute to making Wales a more prosperous, sustainable and fairer country, and to share fairly in the benefits that flow from this.

It has been a privilege for me to steer this proposed Measure in the Assembly, and I look forward to the next stages and bringing forward the relevant commencement Orders and the production of the statutory guidance. I ask the Assembly for its support to pass this important proposed Measure.

Mark Isherwood: Thank you for the statement, Minister. I feel that we have raised many points in the debate that we believe were pertinent. In most cases, we were raising them on behalf of organisations working in the sector across Wales. We are 100 per cent supportive of the objectives of the proposed Measure, but we are gravely concerned that some of the amendments and concerns have not been taken forward. We will consider our position accordingly.

Y Llywydd: Y cwestiwn yw a ddylid cymeradwyo'r Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru). A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

a fydd yn sbarduno pob asiantaeth gyhoeddus yng Nghymru at y dasg o symud tuag at ddileu achosion ac effeithiau tlodi plant. Mae'r Mesur arfaethedig hefyd yn cynnig fframwaith i sicrhau cymorth newydd a gwell cymorth i'r plant hynny a'u teuluoedd sy'n wynebu problemau arbennig o gymhleth ac anodd. Bydd ein llwyddiant i fynd i'r afael â'r problemau hyn yn arwydd o'n hymrwymiad i gyfiawnder a thegwech cymdeithasol yng Nghymru, ac i ddyfodol ein gwlad a'i dinasyddion, ni waeth pw ydynt. Mae gan bawb yr hawl i gyfrannu at wneud Cymru'n wlad fwy llewyrchus, cynaliadwy a thecach, ac i rannu'n deg yn y buddiannau sy'n deillio o hyn.

Mae wedi bod yn ffrainc imi lywio'r Mesur arfaethedig hwn yn y Cynulliad, ac edrychaf ymlaen at y camau nesaf ac at ddwyn y Gorchmynion cychwyn perthnasol ymlaen a chynhyrchu'r canllawiau statudol. Gofynnaf i'r Cynulliad am ei gefnogaeth i basio'r Mesur arfaethedig pwysig hwn.

Mark Isherwood: Diolch ichi am y datganiad, Weinidog. Teimlaf inni godi llawer o bwyntiau yn y ddadl sy'n berthnasol yn ein tyb ni. Gan amlaf, yr oeddem yn eu codi ar ran sefydliadau sy'n gweithio yn y sector ledled Cymru. Yr ydym yn cefnogi amcanion y Mesur arfaethedig gant y cant, ond yr ydym yn poeni o ddifrif nad yw rhai o'r gwelliannau a'r pryderon wedi cael eu derbyn. Byddwn yn ystyried ein sefyllfa'n unol â hynny.

The Presiding Officer: The question is that the Proposed Children and Families (Wales) Measure be agreed. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Cynnig: O blaid 36, Ymatal 7, Yn erbyn 0.
Motion: For 36, Abstain 7, Against 0.*

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine

Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Morgan, Jonathan
Williams, Brynle

Derbyniwyd y cynnig.
Motion agreed.

Y Llywydd: Felly, yr wyf yn datgan bod y Mesur arfaethedig wedi'i gymeradwyo. Diolch ichi gyd am eich amynedd. Dyna ddiwedd ein trafodion am heddiw.

The Presiding Officer: Therefore, I declare the proposed Measure agreed. I thank you all for your patience. That is the end of our proceedings today.

Daeth y cyfarfod i ben am 6.44 p.m.
The meeting ended at 6.44 p.m.

Aelodau a'u Pleidiau
Members and their Parties

Andrews, Leighton (Llafur – Labour)
 Asghar, Mohammad (Plaid Cymru – The Party of Wales)
 Barrett, Lorraine (Llafur – Labour)
 Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Bourne, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
 Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Burns, Angela (Ceidwadwyr Cymreig – Welsh Conservatives)
 Butler, Rosemary (Llafur – Labour)
 Cairns, Alun (Ceidwadwyr Cymreig – Welsh Conservatives)
 Chapman, Christine (Llafur – Labour)
 Cuthbert, Jeff (Llafur – Labour)
 Davidson, Jane (Llafur – Labour)
 Davies, Alun (Llafur – Labour)
 Davies, Andrew (Llafur – Labour)
 Davies, Andrew R.T. (Ceidwadwyr Cymreig – Welsh Conservatives)
 Davies, Jocelyn (Plaid Cymru – The Party of Wales)
 Davies, Paul (Ceidwadwyr Cymreig – Welsh Conservatives)
 Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
 Evans, Nerys (Plaid Cymru – The Party of Wales)
 Franks, Chris (Plaid Cymru – The Party of Wales)
 German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Graham, William (Ceidwadwyr Cymreig – Welsh Conservatives)
 Gregory, Janice (Llafur – Labour)
 Griffiths, John (Llafur – Labour)
 Griffiths, Lesley (Llafur – Labour)
 Gibbons, Brian (Llafur – Labour)
 Hart, Edwina (Llafur – Labour)
 Hutt, Jane (Llafur – Labour)
 Isherwood, Mark (Ceidwadwyr Cymreig – Welsh Conservatives)
 James, Irene (Llafur – Labour)
 Jenkins, Bethan (Plaid Cymru – The Party of Wales)
 Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
 Jones, Ann (Llafur – Labour)
 Jones, Carwyn (Llafur – Labour)
 Jones, Elin (Plaid Cymru – The Party of Wales)
 Jones, Gareth (Plaid Cymru – The Party of Wales)
 Jones, Helen Mary (Plaid Cymru – The Party of Wales)
 Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
 Law, Trish (Annibynnol – Independent)
 Lewis, Huw (Llafur – Labour)
 Lloyd, David (Plaid Cymru – The Party of Wales)
 Lloyd, Val (Llafur – Labour)
 Melding, David (Ceidwadwyr Cymreig – Welsh Conservatives)
 Mewies, Sandy (Llafur – Labour)
 Millar, Darren (Ceidwadwyr Cymreig – Welsh Conservatives)
 Morgan, Jonathan (Ceidwadwyr Cymreig – Welsh Conservatives)
 Morgan, Rhodri (Llafur – Labour)
 Neagle, Lynne (Llafur – Labour)
 Ramsay, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
 Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Ryder, Janet (Plaid Cymru – The Party of Wales)
 Sargeant, Carl (Llafur – Labour)
 Sinclair, Karen (Llafur – Labour)
 Thomas, Gwenda (Llafur – Labour)
 Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
 Watson, Joyce (Llafur – Labour)
 Williams, Brynle (Ceidwadwyr Cymreig – Welsh Conservatives)
 Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Wood, Leanne (Plaid Cymru – The Party of Wales)