

## Children and Young People Committee

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Meeting Venue:  
**Committee Room 1 – Senedd**

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Meeting date:  
**6 November 2013**

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Meeting time:  
**09:15**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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### Agenda

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**Private Pre-meeting – 09.15 – 09.30**

**1 Introductions, apologies and substitutions (09.30)**

**2 Children's Commissioner's Annual Report (09.30 – 10.30)** (Pages 1 - 75)

CYP(4)-28-13 – Paper 1- Commissioner's Annual Report

Keith Towler, Children's Commissioner for Wales  
Eleri Thomas, Chief Executive

**3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

Item 4

**4 Education (Wales) Bill – Stage 1 – Consideration of key issues (10.30 – 12.00)** (Pages 76 - 97)

CYP(4)-28-13 – Private Paper 2

**5 Papers to note**

**Papers to Note – Cover Sheet** (Page 98)

**Welsh Government Draft Budget 2014 – 2015 – Additional information from the**

**Minister for Education and Skills** (Pages 99 - 102)

CYP(4)-28-13 – Paper to note 3

**Welsh Government Draft Budget 2014 – 2015 – Additional Information from the Minister for Communities and Tackling Poverty** (Pages 103 - 127)

CYP(4)-28-13 – Paper to note 4

**Additional information from the WLGA following the meeting on 26 September**  
(Pages 128 - 130)

CYP(4)-28-13 – Paper to note 5

**E-mail from Funky Dragon regarding the Welsh Government Draft budget 2014–2015 scrutiny session** (Page 131)

CYP(4)-28-13- Paper to note 6

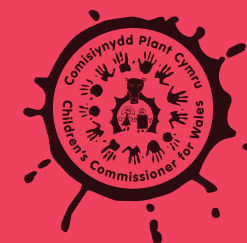
# Agenda Item 2

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**Adroddiad Blynyddol a Chyfrifon**  
Annual Report & Accounts  
**12/13**



**Comisiynydd  
Plant Cymru**  
Children's  
Commissioner  
for Wales

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07	<b>Rhagair</b> Introduction
12	<b>Sut rydyn ni wedi hyrwyddo</b> How we have championed
18	<b>Sut rydyn ni wedi gwrandao a chynnwys plant a phobl ifanc</b> How we have listened and involved children and young people
22	<b>Sut rydyn ni wedi cyngori</b> How we have advised
30	<b>Sut rydyn ni'n craffu Llywodraeth Cymru</b> How we scrutinise Welsh Government
40	<b>Sut mae fy nhim yn ffurfio ac yn dylanwadu ar bolisi</b> How my team shape and influence policy
76	<b>Casgliad</b> Conclusion
78	<b>Cyfrifon</b> Accounts

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# Comisiynydd Plant Cymru

## Children's Commissioner for Wales

Mae'r adroddiad hwn yn trafod yr hyn a ddigwyddodd rhwng  
1 Ebrill 2012 a 31 Mawrth 2013.  
This report covers the period 1 April 2012 to 31 March 2013.

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Wrth i mi edrych yn ôl dros y deuddeg mis diwethaf, bu un thema hollbwysig yn amlycach na dim yng ngwaith fy swyddfa, sef diogelu. Gwaetha'r modd, yn llawer rhy aml mae'r achosion difrifol sy'n dod i'm sylw yn nodyn atgoffa poenus am ddifrifoldeb trefniadau diogelu annigonol, ar ben y ffaith bod lleisiau plant a phobl ifanc yn aml yn cael eu hanwybyddu'n llwyr.

Rhoddwyd llawer o gyhoeddusrwydd yn y cyfryngau yn ystod y flwyddyn ddiwethaf i'r achosion pwysig niferus oedd yn ymwneud â diogelu. Mae'r honiadau hanesyddol ynghylch cam-drin plant mewn cartrefi plant yng ngogledd Cymru wedi dangos pa mor hanfodol yw rhoi cyfle i ddioddefwyr camdriniaeth gael eu clywed a'u cymryd i ddiwedd. Fe ddywedais ar y pryd, pan oedd honiadau newydd yn cael eu gwneud ynghylch y cartrefi plant yng ngogledd Cymru, fy mod yn teimlo bod yma ddigon o destun pryder i alw am ymchwiliad eang. Rwyf wedi fy nghalonogi, felly, bod cynifer o ddioddefwyr wedi cael eu grymuso i gysylltu â thîm yr ymchwiliad, a bod eu lleisiau'n cael eu clywed o'r diwedd. Bu'r honiadau ynghylch camdriniaeth broffesiynol, ynghyd â'r trefniadau ar gyfer diogelu ac amddiffyn plant yn y gwasanaethau addysg yn Sir Benfro hefyd yn achosi pryderon difrifol.

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As I look back over the past twelve months there is one critical theme which has dominated the work of my office, and that is the issue of safeguarding. Sadly, all too often the serious cases brought to my attention are a stark reminder of the severity of insufficient safeguarding arrangements, coupled with the fact that often, the voices of children and young people are completely ignored.

The numerous significant cases relating to safeguarding have been much publicised in the media during the past year. The claims of historical child abuse at children's homes in north Wales has shown how critical it is to offer victims of abuse the opportunity to be heard and taken seriously. I said at the time, when fresh allegations were being made in relation to the children's homes in north Wales, that I felt there was sufficient concern to call for a wide ranging investigation. I am encouraged therefore that so many victims have felt empowered to contact the investigation team and that their voices are finally being heard. The allegations of professional abuse along with the arrangements for safeguarding and protecting children in education services in Pembrokeshire also raised grave concerns.

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Dim ond trwy ddysgu gwersi o ddigwyddiadau'r flwyddyn ddiwethaf y gallwn adeiladu dyfodol gwell i blant a phobl ifanc yng Nghymru. Mae Erthygl 12 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn erthygl sy'n galluogi, ac mae'n nodi bod gan blant a phobl ifanc hawl i ddweud beth maen nhw'n meddwl dylai ddigwydd, pan fo oedolion yn gwneud penderfyniadau sy'n effeithio arnyn nhw, ac i gael eu barn wedi'i hystyried. Mae fy adolygiad o eiriolaeth broffesiynol annibynnol 'Lleisiau Coll' ar gyfer plant sy'n derbyn gofal, rhai sy'n gadael gofal a phlant mewn angen, yn dangos bod plant a phobl ifanc yn cael trafferth mewn rhai ardaloedd i gael mynediad i gefnogaeth eiriolwr annibynnol. Rwyf wedi cyhoeddi adolygiad o'r trefniadau comisiynu, ac mae diffyg cyflymdra'r cynnydd wedi achosi rhwystredigaeth i mi. Rwyf wedi galw am arweinyddiaeth ar bob lefel, i sicrhau ein bod yn rhoi eiriolaeth yn ôl ar y llwybr cywir.

Mae angen i ni sicrhau bod y dull synnwyr cyffredin o wrando ar blant a phobl ifanc, clywed eu llais a gweithredu ar sail eu pryderon, yn cael ei gymryd o ddifri gan bawb sydd â dyletswydd i'w hamddiffyn.

Mae'n bwysig nodi bod Llywodraeth Cymru wedi codi'r bar wrth hyrwyddo CCUHP, ac rwy'n cydnabod y cynnydd a wnaed yn y cyfnod byr ers cyflwyno'r Mesur. Mae'r ymdrechion a'r gweithgaredd i'w canmol, ac rwy'n canolbwyntio yn awr ar sut mae helpu i sicrhau ym ddeddf strategol sy'n cynnal, ac yn wir, yn sicrhau cynnydd yn ymrwymiad presennol Llywodraeth Cymru i CCUHP. Mae llygaid y byd ar Gymru. Ochr yn ochr â braint torri tir newydd daw cyfrifoleb i wneud pethau'n iawn a sicrhau bod Cymru'n gweithredu'n gymeradwy ar lefel ryngwladol, ac yn hyrwyddo CCUHP yn effeithiol yng Nghymru ac ar draws y byd.

## Keith Towler Comisiynydd Plant Cymru

### Edrych ymlaen – Gwaith Prosiect

Eleni rwyf wedi penderfynu ymgymryd â nifer o brosiectau a fydd yn edrych ar faterion sy'n destun pryder i mi, ac yn hysbysu fy ngwaith er mwyn dylanwadu ar newid yn y meysydd hyn.

#### Lles dysgwyr mewn Unedau Cyfeirio Disgyblion

Cyhoeddodd Estyn ganfyddiadau ac argymhellion eu harolwg o'r trefniadau ar gyfer lles a rheoli ymddygiad disgyblion mewn unedau cyfeirio disgyblion ym mis Ionawr 2012. Mae canfyddiadau'r arolwg yn destun pryder i mi, ac yn awgrymu bod angen gwella'r systemau a'r mesurau i gynnal lles disgyblion trwy reoli ymddygiad yn effeithiol. Rwy'n bwriadu edrych ar y materion hyn yn fanylach trwy brosiect a fydd yn canolbwyntio ar farn dysgwyr, eu lles a'u hawl i gael addysg.

#### Mynediad i leoliadau ysgol ar gyfer plant a phobl ifanc anabl

Mae Deddf Cydraddoldeb 2010 yn gofyn bod awdurdodau lleol yn cynllunio hygyrchedd ysgolion ar gyfer disgyblion anabl, ac mae'n ofynnol bod gan ysgolion unigol gynllun hygyrchedd. Mae tystiolaeth wedi dod i'm sylw sy'n awgrymu nad yw'r dyletswyddau hyn yn cael eu cyflawni'n gyson ledled Cymru. Rwy'n bwriadu ymchwilio i gydymffurfiaeth â Deddf Cydraddoldeb 2010 ac effaith hynny ar y cyfleoedd i blant anabl fwynhau eu hawliau i addysg heb gamwahaniaethu.

#### Egwyliau byr i ofalwyr plant a phobl ifanc anabl

Cyhoeddwyd 'Datganiadau Gwasanaethau Egwyliau Byr' awdurdodau lleol ym mis Medi 2012, yn unol â rheoliadau Llywodraeth Cymru. Yn ogystal â chefnogi gofalwyr, mae egwyliau byr yn chwarae rôl bwysig o ran cynnig cyfleoedd i blant a phobl ifanc anabl fwynhau'r hawliau sy'n gysylltiedig â gweithgareddau cymdeithasol. Rwy'n bwriadu edrych yn fanwl ar weithrediad y rheoliadau newydd hyn, a'u heffaith ar y cyfleoedd i blant anabl fwynhau eu hawl i chwarae, hamdden ac adloniant. Byddaf yn benodol yn edrych ar yr ystod o wasanaethau a ddarperir ac i ba raddau mae plant anabl a'u gofalwyr yn teimlo bod y rhain yn diwallu eu hanghenion.

Only through learning lessons from the events of the past year can we build a better future for children and young people in Wales. Article 12 of the United Nations Convention on the Rights of the Child is an enabling article and states that children and young people have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account. My review of independent professional advocacy 'Missing Voices' for looked after children, care leavers and children in need, demonstrates that children and young people do struggle in some areas to access the support of an independent advocate. I have published a review of commissioning arrangements and have been frustrated with the pace of progress. I have called for leadership at all levels to ensure we get advocacy back on track.

We need to ensure that the common sense approach of listening to children and young people, hearing their voice and acting upon their concerns, is taken seriously by all those who have a duty to protect them.

It is important to note that Welsh Government has raised the bar in the promotion of the UNCRC and I acknowledge the progress being made during the short period from when the Measure was introduced. The efforts and activity are to be commended and my focus is now centred on how to assist in securing a strategic approach which sustains, and indeed progresses, Welsh Government's existing commitment to the UNCRC. The eyes of the world are indeed on Wales. With the privilege of breaking new ground brings responsibility to get it right and ensure that Wales gives a good account of itself at an international level and effectively promotes the UNCRC in Wales and across the world.

## Keith Towler Children's Commissioner for Wales

### Looking Forward – Project Work

This year I have decided to undertake a number of projects which will look at issues of concern to me and inform my work to influence change in these areas.

#### Learner well-being in Pupil Referral Units

Estyn published the findings and recommendations of their survey of the arrangements for pupils' wellbeing and behaviour management in pupil referral units in January 2012. The survey findings are of concern to me and suggest that systems and measures to support pupil well-being through effective behaviour management need to be improved. I intend to examine these issues in more depth through a project which will focus on the views of learners, their well-being and their right to education.

#### Access to school settings for disabled children and young people

The Equality Act 2010 requires local authorities to plan the accessibility of schools for disabled pupils and individual schools are required to have an accessibility plan in place. Evidence has been brought to my attention which suggests that these duties are not being fulfilled consistently across Wales. I intend to investigate compliance with the Equality Act 2010 and the impact of this on the opportunities for disabled children to enjoy their rights to education without discrimination.

#### Short breaks for carers of disabled children and young people

Local authorities' 'Short Breaks Services Statements' were published in September 2012 as required by Welsh Government regulations. As well as providing support to carers short breaks have an important role in offering disabled children and young people opportunities to enjoy the rights associated with social activities. I intend to examine in detail the implementation of these new regulations the impact of this on the opportunities for disabled children to enjoy their right to play, leisure and recreation. In particular I will be looking at the range of services provided and the degree to which disabled children and their carers feel these meet their needs.

# Sut rydyn ni wedi hyrwyddo

How we have championed



# Fy ngwaith fel Pencampwr Plant... Rwy'n codi llais dros blant a phobl ifanc yn genedlaethol ar faterion pwysig – fi yw pencampwr Plant Cymru.

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Eleni mae ymwybyddiaeth o Gomisiynydd Plant Cymru a Chonfensiwn y CU ar Hawliau'r Plentyn yn uwch nag erioed o'r blaen. Yn 2012, roedd 39% o'r bobl yn yr arolwg wedi dlywed am Gomisiynydd Plant Cymru<sup>1</sup>. Roedd chwarter o'r rheiny'n cytuno mai rôl y Gomisiynydd Plant yw sicrhau bod pawb yn gwybod am Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn.

Bu ein gwaith cyfathrebu yn sbardun allweddol ar gyfer y cynnydd hwn. Eleni, gwelodd y swyddfa gynnydd o 112% yn y sylw yn y cyfryngau: sicrhawyd 1,114 o enghreifftiau o sylw, gan gynhyrchu 1.4 biliwn o gyfleoedd i ddarllen neu glywed am waith y Comisiynydd. Roedd hyn yn gyfwerth â gwerth £4.4m o hysbysebu – cost prynu'r lle petasai'r erthygl yn hysbyseb. Hefyd sicrhawyd dros 1000 o ddilynwyr newydd ar Twitter – offeryn sy'n prysur ddod yn borth allweddol i bobl gysylltu a chadw mewn cysylltiad â'r swyddfa.

## See Me / Dyma Fi

Roedd gwaith partneriaeth yn un o nodweddion allweddol y swyddogaeth gyfathrebu eleni. Denodd yr ymgyrch See Me I Dyma Fi, sy'n ceisio chwalu stereoteipiau o bobl ifanc, sylw proffil uchel gan sefydliadau oedd yn cynnwys Ofcom, BBC Trust, FILMCLUB Cymru ac S4C. Cynhaliwyd seminar lwyddiannus yn yr Eisteddfod Genedlaethol ym Mro Morgannwg. Lle trafodwyd syniadau ynghylch gweithio ar y cyd. Arweiniodd hynny at FILMCLUB Cymru yn cytuno i gyflwyno tymor oedd yn canolbwyntio ar yr ymgyrch See Me I Dyma Fi yn ei holl ysgolion, ac at S4C yn ein gwahodd i fod yn rhan o brosiect digidol mawr a fydd yn gweld pobl ifanc ledled Cymru yn rhannu clipiau fideo o'u bywydau er mwyn creu map rhithiol newydd sbon dan y brand 'Dyma Fi'. Bydd y prosiect yn cloi â rhaglen ddogfen 60 munud fydd yn cael ei darlledu yn yr hydref.

Elfen newydd o'r ymgyrch a gaiff ei lansio'n ddiweddarach eleni fydd cronfa heb daliadau hawlfraint o ddelweddau o bobl ifanc. Datblygwyd y gronfa hon o ddelweddau gyda phobl ifanc, ac mae'n ymgais i dorri nôl ar y defnydd o ddelweddau negyddol o bobl ifanc yn y cyfryngau, trwy ddarparu dewisiadau amgen cyfrifol iddyn nhw.

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<sup>1</sup> Comisiynydd Plant Cymru, Arolwg Omnibus Cymru, Tachwedd 2012

# My work as Children's Champion... I speak up for children and young people nationally on important issues – being the children's champion in Wales.

This year awareness of the Children's Commissioner for Wales and the UN Convention on the Rights of the Child has reached a record high. In 2012 39% of people surveyed had heard about the Children's Commissioner for Wales<sup>1</sup>. A quarter of those agreed that the role of the Children's Commissioner is to ensure that everyone knows about the United Nations Convention on the Rights of the Child.

A key driver for this increase has been our communications work. This year, the office saw a 112% increase in media coverage: 1,114 pieces of coverage were secured, generating 1.4 billion opportunities to read or hear about the Commissioner's work. This coverage equated to £4.4 m advertising value equivalent – the cost of buying the space had the article been an advertisement. Over 1000 new followers were also secured on Twitter – a tool which is fast becoming a key gateway for people to contact and liaise with the office.

## See Me / Dyma Fi

Partnership working was a key feature of the communications function this year. The See Me I Dyma Fi campaign, which aims to smash the stereotypes of young people, attracted some high profile attention from organisations including Ofcom, BBC Trust, FILMCLUB Cymru and S4C. A successful seminar was held at the National Eisteddfod in the Vale of Glamorgan where ideas around joint working were discussed. It materialised in FILMCLUB Cymru agreeing to roll out a season focussing on the See Me I Dyma Fi campaign in all its schools and S4C inviting us to become a part of a major digital project which will see young people from across Wales sharing video clips of their lives for a brand new virtual map under the 'Dyma Fi' brand. The project will culminate in a 60-minute documentary to be screened this autumn.

A new feature of the campaign to be launched later this year will be the launch of a royalty-free bank of images of young people. Developed with young people, this image bank is an attempt to curb the use of negative images of young people by the media by providing them with responsible alternatives.

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<sup>1</sup> Children's Commissioner for Wales, Wales Omnibus Survey November 2012

## Kids in Museums

Crewyd cysylltiadau â sefydliadau eraill hefyd eleni, yn cynnwys Kids in Museums. Fel rhan o'r bartneriaeth hon ymunodd fy staff â Kids in Museums a Llywodraeth Cymru i rymuso plant a phobl ifanc i 'redeg' amgueddfeydd am ddiwrnod. Bu 29 o amgueddfeydd ac orielau'n cymryd rhan, gan ein galluogi i arddangos y cyfraniad cadarnhaol mae plant a phobl ifanc yn ei wneud i'n cymdeithas.

## Gweithio gyda'r Ddraig Ffyni

Mae gwaith wedi parhau rhwng fy swyddfa a'r Ddraig Ffyni, Cynulliad Plant a Phobl Ifanc Cymru. Yn dilyn llwyddiant y prosiect peilot yn 2011/12, penderfynwyd cynnal ail gyfnod, sydd wedi gweld aelodau ifanc o'r Ddraig Ffyni yn helpu i gynyddu ymwybyddiaeth o rôl y Comisiynydd a CCUHP yn eu fforymau a'u cymunedau eu hunain, yn ogystal â helpu i hysbysu prosiectau penodol yn ein cynllun gwaith.

Byddwn yn cynnal cyfarfodydd rheolaidd i helpu i symud y gwaith yn ei flaen.



## Kids in Museums

Links were also forged with other organisations this year including Kids in Museums. This particular partnership saw my staff team up with Kids in Museums and Welsh Government to empower children and young people to 'run' museums for the day. Twenty nine museums and galleries took part and enabled us to showcase the positive contribution children and young people make to our society.

## Working with Funky Dragon

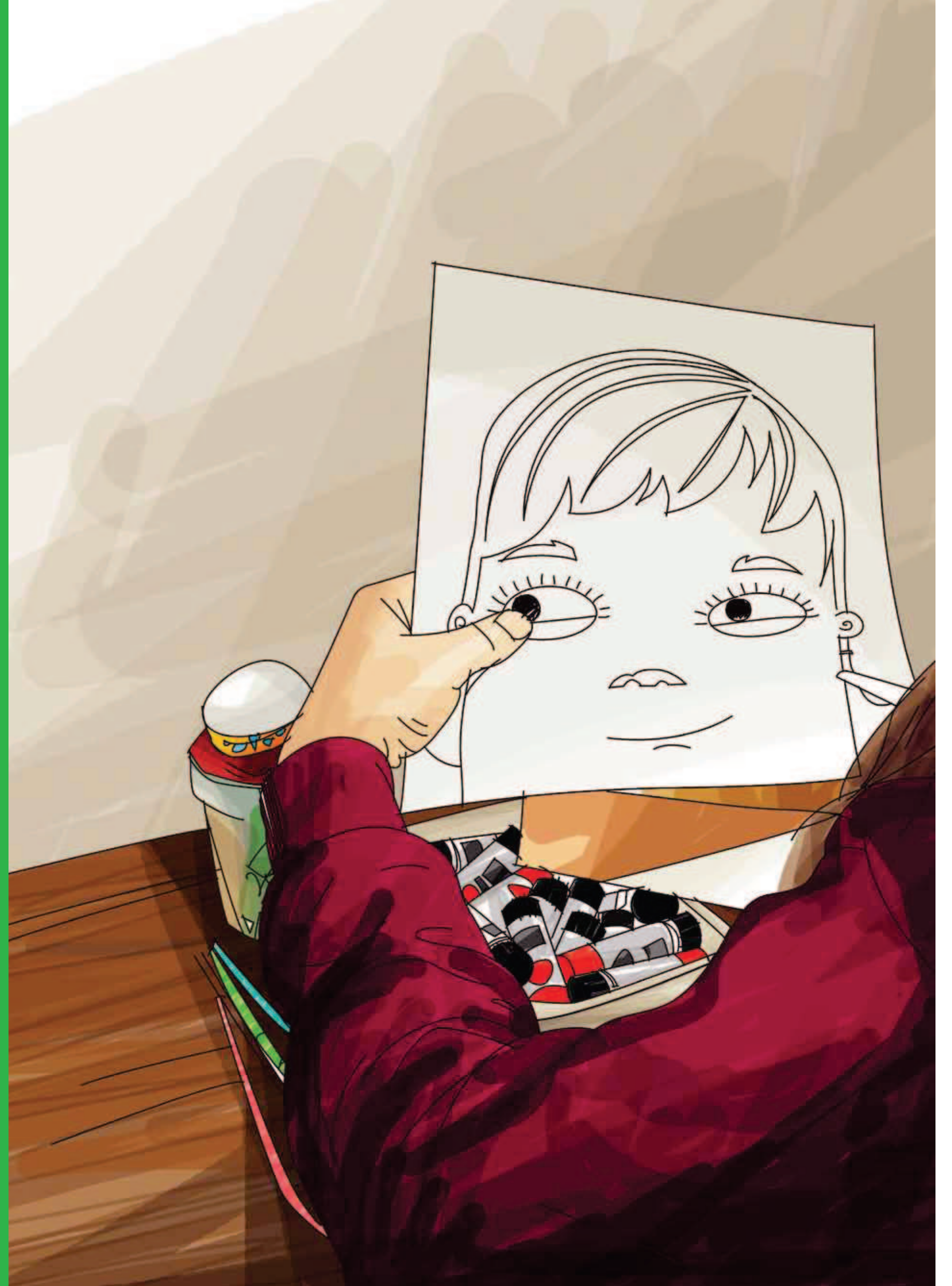
Work has continued between my office and Funky Dragon, the Children and Young People's Assembly for Wales. Following the success of the pilot project in 2011/12 it was decided to run with the second phase, which has seen young members of Funky Dragon helping to raise awareness of the Commissioner's role and the UNCRC within their own forums and communities as well as helping to inform specific projects within our work plan.

We will hold regular meetings to help progress the work.



# Sut rydyn ni'n gwrando ac yn cynnwys plant a phobl ifanc

How we have  
listened and  
involved children  
and young people



## Llysgenhadon Gwych

Mae fy llysgenhadon ysgol wedi chwarae rhan hanfodol yn ein gwaith cyfranogiad ers dros saith mlynedd. Mae ein rhwydwaith o llysgenhadon mewn ysgolion cynradd ledled Cymru yn tyfu, ac mae mwy na 200 o ysgolion bellach wedi cofrestru yn aelodau.

Disgyblion blwyddyn 6 yw llysgenhadon, sy'n cael eu hethol gan eu cyfoedion ac yn gyfrifol am gynyddu ymwybyddiaeth o Gomisiynydd Plant Cymru a hawliau plant, fel yr amlinellwyd yng Nghonfensiwn y CU ar Hawliau'r Plentyn (CCUHP), yn eu hysgolion.

Er mwyn sicrhau bod gwybodaeth am y cynllun ar gael yn hwylus i bob ysgol, ac i helpu i annog pob ysgol gynradd i ymuno â'r cynllun, bu'r staff yn gweithio gyda llysgenhadon presennol i ddatblygu gwefan newydd ryngweithiol ac ap. Ces fy nghalonogi'n arbennig i glywed am ymrwymiad Arweinydd Cyngor Sir Penfro y bydd holl ysgolion cynradd Sir Benfro yn ymuno â'm Cynllun Llysgenhadon Gwych yn 2013.

Mae'r wefan – [www.llysgenhadongwych](http://www.llysgenhadongwych) – yn cynnwys gwybodaeth am y cynllun, adnoddau i'w hargraffu, gêm addysgol ryngweithiol a chanolbwynt lle gall ysgolion rannu arfer da. Efen newydd i'r cynllun eleni yw'r swyddogaeth 'tasgau arbennig', y mae llysgenhadon yn cael eu gwahodd i'w cwblhau bob tymor. Gall y tasgau arbennig hyn fod ar ffurf holiaduron ar-lein a luniwyd gan fy staff, neu'n waith prosiect i archwilio thema sy'n gysylltiedig â'n cynllun gwaith blynyddol.

Yn mis Tachwedd 2012, fe gynhaliais i fy ngweminar gyntaf erioed – sgwrs fideo fyw a oedd yn helpu i nodi lansi'r wefan newydd yn Ysgol Gynradd y Bryn, Llanelli. Ymunodd dros 36 o ysgolion ledled Cymru â ni'n fyw i glywed am y cynllun, a chafwyd dros 150 o gwestiynau gan ddisgyblion. Yn dilyn llwyddiant y gweminar cychwynnol, mae digwyddiadau tebyg yn cael eu cynllunio ar gyfer y flwyddyn nesaf.

## Llysgenhadon Cymunedol

Yn dilyn fy ymweliadau â phrosiectau Cymunedau yn Gyntaf yn haf 2012, fe ddaidais i gyfle i grwpiau cymryd rhan mewn peilot Llysgenhadon Cymunedol. Roedd hwn wedi'i seilio ar y cynllun llysgenhadon ysgol sefydledig, ac roedd disgwyl i bobl ifanc fyddai'n dod yn Llysgenhadon Cymunedol wneud y pethau canlynol:

1. **dweud wrth eraill am CCUHP;**
2. **dweud wrth eraill am Gomisiynydd Plant Cymru;**
3. **bod yn llais ar lawr gwlad i rannu'r pethau cadarnhaol a'r pethau sydd eu hangen i wella.**

Darparodd y staff weithdai hyfforddi cychwynnol a chefnogaeth barhaus i'r prosiectau peilot, oedd yn cynnwys grwpiau yn Abertawe, Caerdydd, Rhondda Cynon Taf a Sir Gaerfyrddin. Roedd gwybodaeth o'r grwpiau hyn yn cael ei fwydo'n uniongyrchol i'm Strategaeth Tlodi Plant gyntaf erioed, a gyhoeddwyd ym mis Hydref 2012.

I helpu i gofnodi gwaith y peilot, cytunodd Film Agency Wales i ffilmio a chreu DVD gyda'n Llysgenhadon Cymunedol ifanc. Yn amodol ar ganlyniadau'r prosiect peilot yn ne Cymru, mae bwriad i estyn y cynllun i grwpiau ledled Cymru o hydref 2013, gan ddefnyddio'r DVD i rannu arfer da.



## Ymgysylltu â phlant a phobl ifanc

Er bod gennym ni dîm cyfranogiad ymroddedig, mae disgwyl i bob aelod o'n fîm gael cyfle yn ystod y flwyddyn i weithio'n uniongyrchol gyda phlant a phobl ifanc. Anogir staff i'm cysgodi yn ystod ymweliadau ag ysgolion, sy'n digwydd o leiaf unwaith yr wythnos, yn ogystal â mynd i weithdai a digwyddiadau mae fy swyddfa'n eu cynnal. Mae gwybodaeth a gasglir yn ystod yr ymweliadau a'r digwyddiadau yma'n bwydo'n uniongyrchol i'r cylch cynllunio corfforaethol ac yn aml yn dod i'r amlwg ar ffurf llinyn gwaith penodol.

Er enghraifft, mae'r negeseuon allweddol a gasglwyd yn ystod ymweliadau wedi cynnwys materion ynghylch bod mewn gofal, stereoteipio cymunedau sipsiwn a theithwyr a gofawyr ifanc yn teimlo'n anweledig yn y gymdeithas – bydd pob un o'r rhain yn amlwg iawn yng nghynllun gwaith y flwyddyn nesaf fel rhan o'n hymgyrch See Me/Dyma Fi.

Eleni fe wnaethon ni gyhoeddi, ar y cyd â Llywodraeth Cymru, daflen am roi caniatâd mewn lleoliadau gofal iechyd. Roedd plant a phobl ifanc yn rhan o ddatblygu cynnwys a dyluniad y daflen yma.

Ochr yn ochr â'm staff, fe fues i hefyd yn ymgysylltu â phlant a phobl ifanc mewn amrywiol ddigwyddiadau ledled Cymru, oedd yn cynnwys:

- **Sialens y Gnoll i ysgolion**
- **Digwyddiad arbennig i rai oedd yn gadael gofal yng Ngholeg yr Iwerydd**
- **Eisteddfod yr Urdd, Eryri**

## Super Ambassadors

My school ambassadors have played an integral part in our participation work for over seven years. Our network of ambassadors in primary schools across Wales is growing, with over 200 schools now registered as members.

Ambassadors are year 6 pupils who are elected by their peers and are tasked with raising awareness about the Children's Commissioner for Wales and children's rights, as outlined in the UN Convention on the Rights of the Child (UNCRC), within their schools.

To ensure information about the scheme is readily available to all schools, and to help encourage every primary school to join the scheme, staff worked with existing ambassadors to develop a new interactive website and app. I am particularly encouraged to learn of the commitment made by the Leader of Pembrokeshire Council to have all primary schools in Pembrokeshire signed up to my Super Ambassador scheme in 2013.

The website – [www.superambassadors.org.uk](http://www.superambassadors.org.uk) - houses information about the scheme, printable resources, an interactive educational game and a hub for schools to share good practice. New to the scheme this year is the 'special missions' function, which ambassadors are invited to complete every term. These special missions can take the form of online questionnaires set by my staff or can be project work to explore a theme linked to our annual work plan.

In November 2012, I hosted my first ever webinar – a live video chat which helped mark the launch of the new website at Bryn Primary School in Llanelli. Over 36 schools from across Wales joined in live to hear about the scheme and over 150 questions were received from pupils. Following the success of the inaugural webinar, similar events are being planned for next year.

## Community Ambassadors

Following my visits to Community First projects in the summer of 2012 I offered groups the opportunity to take part in a Community Ambassador pilot. Based on the established Super Ambassador scheme, young people who became Community Ambassadors were expected to:

1. **tell others about the UNCRC;**
2. **tell others about the Children's Commissioner for Wales;**
3. **be a voice on the ground and share the positive things that are happening in communities and the things that could be improved.**

Staff provided initial training workshops and on-going support to the pilot projects including groups in Swansea, Cardiff, Rhondda Cynon Taf and Carmarthenshire. Information from these groups fed in directly to my first-ever Child Poverty Strategy, which was published in October 2012.

To help capture the pilot work, Film Agency Wales agreed to film and create a DVD with our young Community Ambassadors. Subject to the outcomes of the pilot project in south Wales, the intention is to roll out the scheme to groups across Wales from autumn 2013, using the DVD to share good practice.

## Engagement with children and young people

Whilst we have a dedicated participation team, it is expected that every member of our team has the opportunity during the year to work directly with children and young people. Staff are encouraged to shadow me during school visits, of which there are at least one a week, as well as attend workshops and events my office hosts. Information captured during these visits and events feeds directly into the corporate planning cycle and often materialise as a specific work strand.

For example, key messages that have been captured during visits have included issues in relation to being in care, the stereotyping of gypsy and traveller communities and young carers feeling invisible within society – all of which will feature heavily in next year's work plan as part of our See Me/Dyma Fi campaign.

This year we published, in conjunction with Welsh Government, a leaflet about consent in health care settings. Children and young people were part of developing the content and design of the consent leaflet.

Along with my staff, I also engaged with children and young people at various events across Wales, which included:

- **Local Aid Schools Challenge**
- **A special care leavers event at Atlantic College**
- **Eisteddfod yr Urdd, Eryri**



# Sut rydyn ni wedi cynggori

How we have advised

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# Sut mae fy nhîm wedi rhoi cyngor... Mae'r staff yn rhoi cyngor i blant a phobl ifanc a'r rhai sy'n gofalu amdany'n nhw os byddan nhw'n teimlo eu bod nhw'n methu troi at neb arall gyda'u problemau.

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Roedd materion oedd yn ymwneud â gwasanaethau cymdeithasol ac addysg i'w gweld yn amlwg yng ngwaith ein gwasanaeth cyngor a chymorth eleni.

Bu ein Swyddogion Ymchwiliadau a Chyngor yn trafod 535 o achosion yn 2012.

- roedd 187 o faterion yn ymwneud â gwasanaethau cymdeithasol
- roedd 207 o faterion yn ymwneud ag addysg
- roedd 59 o faterion yn ymwneud â chyfraith teulu
- roedd 51 o faterion yn ymwneud â'r amgylchedd
- roedd 41 o faterion yn ymwneud â iechyd

Roedd swyddogion mewn sefyllfa i roi cyngor ar unwaith mewn 217 o achosion – a elwir yn achosion untro – fel bod y galwyr yn gallu datrys y materion eu hunain. Daeth y 318 achos arall yn achosion llawn, ac roedd y materion dan sylw yn cynnwys y canlynol:

- gwasanaethau cymdeithasol: lleoliadau maeth, gadael gofal ac eiriolaeth, cwynion a darparu gwasanaethau;
- addysg: anghenion addysgol arbennig, cludiant i'r ysgol a chwynion, amddiffyn plant;
- cyfraith teulu: achosion gofal, cwynion a gorchmynion adran 8 (Deddf Plant 1989) yng nghyswllt preswyliaeth;

- iechyd: gwasanaethau iechyd meddwl plant a phobl ifanc, darpariaeth, cyllid a chwynion;
- amgylchedd: chwarae a hamdden, trafniadaeth a chyllid.

Sut bu pobl yn cysylltu â'r gwasanaeth:

- 326 o weithiau dros y ffôn (gan gynnwys trwy ein cyfleuster Rhadffôn)
- 147 o weithiau drwy e-bost
- 40 o weithiau drwy lythyr
- 14 o weithiau yn bersonol
- 8 o weithiau trwy neges destun.

Pwy fu'n cysylltu â'r gwasanaeth:

- 248 o achosion trwy riant
- 52 o achosion trwy blentyn neu berson ifanc
- 39 o achosion trwy'r teulu estynedig
- 18 o achosion trwy ofalwr maeth

Ymhlith y lleill roedd aelod etholedig (17), gwasanaeth eiriolaeth (14) ac aelod o'r cyhoedd (74).

# How my team have advised... Staff advise children and young people and those who care for them if they feel they've got nowhere else to go with their problems.

Issues in relation to social services and education featured prominently in the work of our advice and support service this year.

535 cases were handled by our Investigations and Advice Officers in 2012.

- 187 issues were in relation to social services
- 207 issues were in relation to education
- 59 issues in relation to family law
- 51 issues were in relation to environment
- 41 issues were in relation to health.

Officers were able to provide immediate advice to 217 cases – classed as one-off cases – to enable callers to resolve the issues themselves. The remaining 318 cases became full cases, where issued included:

- social services: foster placements, leaving care and advocacy, complaints and provision of services;
- education: special educational needs, school transport and complaints, child protection;
- family law: care proceedings, complaints and section 8 orders (Children's Act 1989) in relation to residency;
- health: CAMHS, provision, funding and complaints;
- environment: play and leisure, transport and funding.

How people contacted the service:

- 326 times by phone (including via our Freephone facility)
- 147 times by email
- 40 times by letter
- 14 times in person
- 8 times via text message.

Who contacted the service:

- 248 cases via a parent
- 52 cases via a child or young person
- 39 cases via an extended family
- 18 cases via a foster carer.

Others included elected member (17), advocacy service (14) and member of the public (74).



## Engbreiffiau o waith fy nhîm

### Gwasanaethau Cymdeithasol

Cyfeiriwyd achos person ifanc atom ni gan asiantaeth faethu annibynnol. Roedd cytundeb gan y person ifanc i aros yn ei lleoliad maeth ar ôl cael ei phen-blwydd yn 18, tan ddiwedd y flwyddyn academaidd. Fodd bynnag, pan adawodd hi ei chwrs coleg, roedd wedi cofrestru ar gyfer cwrs hyfforddi yn y gwaith, a dywedodd y Gwasanaethau Cymdeithasol nad oedd y cwrs hyfforddi'n cael ei gydnabod fel cwrs addysg amser llawn, ac felly y byddai lleoliad y person ifanc yn dod i ben wedi iddo gael ei phen-blwydd yn 18. O ganlyniad, fe wnaethom ni ei chynghori nad oedd yr Awdurdod Lleol yn gweithredu eu polisiau ar gyfer pobl ifanc mewn gofal.

Fe wnaethon ni roi gwylbod i'r person ifanc am y broses gwynion hefyd, ac fe wnaeth hi gwyn ffurfiol yn sgîl hynny. Gan fod mis tan y symudiad arfaethedig, fe wnaethon ni gefnogi'r person ifanc a chyflwyno sylwadau ar ei rhan i Gyfarwyddwr y Gwasanaethau Cymdeithasol. Bu'r person ifanc hefyd yn ysgrifennu at ei chynrychiolwyr etholiadol. Ar ôl cyflwyno sylwadau, a chyd-drafod rhwng y Gwasanaethau Cymdeithasol a'r asiantaeth faethu, cytunwyd y byddai'r person ifanc yn aros yn ei lleoliad tan ddiwedd y flwyddyn academaidd, yn unol â'r cynllun gwreiddiol, pa gwrs bynnag y byddai hi'n ei ddilyn.

### Addysg

Gwnaeth mam plentyn atgyfeiriad uniongyrchol i'n gwasanaeth cyngor annibynnol, yn ceisio cymorth i'w mab, oedd yn cael trafferth mynd i'r ysgol oherwydd materion iechyd meddwl, oedd yn cynnwys pryder difrifol o ganlyniad i gael ei fwlio.

Person ni mewn cysylltiad â thîm lles addysg yr ysgol, a oedd yn ymwybodol o'r achos, ac a ddywedodd eu bod wedi rhoi cynnig ar bopeth i ceisio annog y person ifanc i ddod i'r ysgol. Ar ôl cynhyrchu tystiolaeth feddygol oedd yn cefnogi tiwtora gartref, fe fuon ni mewn cysylltiad â'r Swyddog Lles Addysg, a hwylusodd diwtora gartref fel bod modd i'r plentyn gwblhau ei addysg TGAU o'i gartref.

### Iechyd

Gwnaeth mam plentyn atgyfeiriad uniongyrchol i'm gwasanaeth cyngor a chymorth yn ceisio cymorth ar gyfer sefyllfa ei mab. Gan ei fod yn ddifrifol awtistig ac yn dioddef o anawsterau ymddygiad difrifol, roedd mam y plentyn yn pryderu am iechyd ei mab, gan fod angen iddo gael triniaeth endosgopi archwiliadol, nad oedd modd ei wneud yn ei fwrdd iechyd lleol.

Fe wnaethon ni ymholiadau ar ran y teulu a chasglu persbectif pediatregydd y plentyn, yn ogystal â'i weithiwr cymdeithasol. Roedd yn amlwg bod angen endosgopi arno ar frys i ganfod achos ei symptomau.

Trwy gysylltu â'n Swyddogion Cyswllt Dynodedig yn y ddau Fwrdd Iechyd Lleol, llwyddwyd i ddod â'r gweithwyr iechyd proffesiynol at ei gilydd i drefnu ei fod yn cael y driniaeth ar frys. Unwaith roedd hynny wedi digwydd, gwelodd iechyd y plentyn.

### Cludiant i'r Ysgol

Cysylltodd rhiant pryderus â'm tim Ymchwiliadau a Chyngor ynghylch diogelwch personol eu plant wrth gerdded i'r ysgol gan nad oedd y teulu'n byw'n ddigon pell o'r ysgol i fod yn gymwys i dderbyn cludiant i'r ysgol.

Roedd yr heddlu wedi cyfleu eu pryderon ynghylch y llwybr oherwydd y goleuo, y manau ynysig, a hefyd bod y llwybr yn mynd trwy ardal oedd yn adnabyddus am oedolion yn defnyddio cyffuriau. Cyfeiriodd fy swyddfa y mater dan sylw at y bwrdd diogelu lleol, ac fe wnaethon nhw ymrwymo i edrych ar y mater ac ymgysylltu â'r awdurdod lleol. Mae'r heddlu hefyd wedi comisiynu asesiad ffurfiol.

Nid digwyddiad ynysig oedd hyn, gan fod nifer o hanesion wedi dod i'r amlwg yn y cyfryngau, er enghraifft un Pennaeth yn penderfynu trefnu bws mini ar gyfer disgyblion oedd yn methu hawlio cludiant am ddim i'r ysgol, ac a oedd wedi derbyn llwybr cerdded amgen a oedd yn annioegel, yn marn y Pennaeth.

Gwnaed fy nhîm polisi yn gyfrifol am edrych yn fanylach ar y mater hwn, i ganfod a oedd problem systemig yr oedd angen ei datrys, ac ymddengys mai dyna yw'r sefyllfa, yn bendant.

Ymddengys mai'r cyfan y mae'n rhaid i awdurdod lleol ei wneud, wrth nodi llwybrau cerdded i'r ysgol, yw edrych ar y berthynas rhwng cerddwyr a thraffig. Nid yw materion diogelwch personol plant sy'n teithio ar eu pennau eu hunain yn cael eu hystyried. O'r achosion y deuwyd â hwy at fy sylw, felly, ymddangosai fod awdurdodau lleol yn cydymffurfio â'u goblygiadau statudol, o ran llythyren y ddeddf, ynghylch llwybrau cludiant i'r ysgol.

Fy safbwynt i yw nad yw'r canllawiau hyn yn adlewyrchu sefyllfa glir Llywodraeth Cymru o ran hybu lles plant a phobl ifanc a'u diogelu. Mae angen i blant a phobl ifanc deimlo'n hyderus eu bod yn gallu teithio i'r ysgol ac o fewn eu cymunedau yn ddiogel. Mae hynny'n golygu nid yn unig bod angen iddynt fod yn ddiogel rhag damweiniau traffig ar y ffordd wrth gerdded, mae hefyd yn golygu eu bod yn cael cynnig llwybrau sydd wedi'u goleuo'n dda, ac sydd ddim yn cynnwys manau ynysig nac ardaloedd sy'n hysbys am ymddygiad gwrthymdeithasol.

Ymddengys hefyd fod anghysondebau rhwng gwahanol ddarnau o ddeddfwriaeth sy'n berthnasol i'r maes polisi hwn, ac mae angen mynd i'r afael â hynny. Rwyf wedi bod yn chwilio am ffyrdd o ddylanwadu ar newid, a byddaf yn parhau i wneud hynny. Un llwybr hollbwysig yw'r Bil Teithio Llesol (Cymru) sydd, yn y pen draw, yn ceisio creu rhwydwaith o lwybrau di-draffig ledled Cymru.

Wrth i awdurdodau lleol nodi a mapio llwybrau diogel a phriodol, ac mewn cynlluniau dilynol, rwy'n galw am sicrhau bod addasrwydd llwybrau trwy gymunedau at leoliadau addysg, hamdden a chwarae yn destun asesiad o safbwynt plant a phobl ifanc.

Er fy mod yn croesawu'r darpariaethau allweddol yn y Bil, rwy'n galw am newid ar ei wyneb yng nghyswllt yr ystyriaethau y mae'n rhaid i awdurdodau lleol sylw iddynt wrth benderfynu a yw'n addas ystyried llwybr fel llwybr teithio gweithredol. Rwyf am weld ychwanegu 'diogelwch personol' fel ystyriaeth bwysig. Byddai hepgor cymal o'r fath yn groes i Erthygl 19 o CCUHP, sy'n ymwneud â diogelu.

Byddaf yn parhau i roi pwysau ar Lywodraeth Cymru ynghylch y mater sy'n ymwneud â Bil Teithio Llesol (Cymru), yn ogystal â phob cyfle arall perthnasol.

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## Examples of the work of my team

### Social Services

A young person's case was referred to us by an independent fostering agency. The young person had an agreement to stay in her foster placement beyond her 18th birthday until the end of the academic year. However, when she left the college course she was enrolled on to take up a work based training course, Social Services claimed that the training course was not recognised as a full time education course, and therefore the young person's placement would be ended following her 18th birthday. As a result, we advised that the Local Authority was not implementing their policies for young people in care.

We also advised the young person of the complaints process and she subsequently made a formal complaint. As the proposed move was a month away, we supported the young person and made representations on her behalf to the Director of Social Services. The young person also wrote to her electoral representatives. Following representations made and negotiations between Social Services and the fostering agency it was agreed for the young person to stay in her placement until the end of the academic year as originally planned, irrelevant of the course she was pursuing.

### Education

A child's mother made a direct referral to our independent advice service, seeking assistance for her son, who was having difficulty attending school due to mental health issues including severe anxiety as a result of being bullied.

We liaised with the school's education welfare team, who were aware of the case, and said they had exhausted all options in encouraging the young person to attend school. Following the production of medical evidence supporting home tuition, we liaised with the Education Welfare Officer who facilitated home tuition so that the child could complete his GCSE education from home.

### Health

A child's mother made a direct referral to our advice and support service seeking assistance for her son's situation. Being severely autistic and with severe behavioral difficulties, the child's mother was concerned about her son's health as he needed an exploratory endoscopy procedure which could not be undertaken by his local health board.

We made enquiries on behalf of the family and sought the perspectives of the child's paediatrician as well as the child's social worker. It was apparent that he needed an endoscopy urgently in order to identify the cause of the symptoms he was presenting with.

Through contacting our Designated Liaison Officers in the two Local Health Boards we were able to bring the health professionals together to arrange for him to have the procedure completed as a matter of urgency. The child's health improved following completion of the procedure.

### School Transport

My Investigation and Advice Team were contacted by a concerned parent in relation to the personal safety of their children on their walk to school, as the family did not meet the distance criteria to qualify for school transport.

The police had communicated their concerns regarding the route due to lighting, areas of isolation and also that the route passed through an area well known for drug use by adults. My office referred the issue to the Local Safeguarding Board and they agreed to examine the issue and engage with the local authority. The police also commissioned a formal assessment.

This was not an isolated incident as a number of stories emerged in the media, for example one Headteacher decided to run a mini-bus for pupils who could not access free school transport and were presented with an alternative walking route which the Headteacher deemed unsafe.

My policy team was tasked to look into this issue in more detail to ascertain whether there was a systemic issue which needed resolving and it appeared that this was very much the case.

Local authorities, in identifying walking routes to schools, must look at the relationship between pedestrians and traffic only. Personal safety issues of children travelling alone are not considered. It therefore appeared from the cases brought to my attention, that by the letter of the law, local authorities were compliant with the statutory obligations relating to school transport routes.

My position is that these guidelines do not reflect the Welsh Government's clear position in relation to promoting the welfare and safeguarding of children and young people. Children and young people need to feel confident that they can travel to school and within their communities safely. This does not only mean that they need to be safe from road traffic accidents as pedestrians, it also means that they are offered well lit routes that do not include isolated areas or areas known for antisocial behaviour.

It also seems that that there are disparities between various pieces of legislation which are relevant to this policy area and this needs addressing. I have been seeking ways in which to influence change and will continue to do so. One critical avenue is the Active Travel (Wales) Bill which ultimately seeks to create a network of traffic free routes throughout Wales.

In the identification and mapping of safe and appropriate routes by local authorities and in subsequent plans, I am calling for the suitability of routes through communities to places of education, recreation and play to be subject to an assessment from the position of children and young people.

While I welcome the key provisions in the Bill I am calling for a change on the face of the Bill in relation to the considerations that local authorities must take into account in deciding whether it is suitable for a route to be regarded as an active travel route. I wish to see the addition of 'personal safety' as a material consideration. An omission of such a clause would run contrary to Article 19 of the UNCRC which relates to safeguarding.

I will continue to press the Welsh Government on the issue regarding the Active Travel (Wales) Bill as well as all other relevant opportunities.

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## Operation Pallial ac Adolygiad Macur

Ym mis Tachwedd 2012 daeth fy swyddfa'n rhan o ddarn sylweddol o waith oedd yn ymwneud ag achos hanesyddol o gam-drin plant mewn cartrefi gofal yng ngogledd Cymru ac adroddiad Waterhouse.

Ar 2 Tachwedd 2012, darlledodd Newsnight, rhaglen materion cyfoes y BBC, gyfweiliad a oedd yn cynnwys honiadau ynghylch achos hanesyddol o gam-drin plant yn y system ofal yng Ngogledd Cymru, a datganiad bod Ymchwiliad Waterhouse, a sefydlwyd i ymchwilio i gam-drin plant mewn cartrefi yng ngogledd Cymru yn y 1970au a'r 1980au, wedi methu a darganfod gwir hyd a lled y camdriniaeth. Fe ddywedais i'n eglur, os oedd materion heb eu datrys yng nghyswllt adroddiad Waterhouse a'r cam-drin a oedd wedi digwydd yn y cartrefi gofal yng Ngogledd Cymru, a dylid ymchwilio'n drylwyr iddynt, er mwyn y dioddefwyr.

Ar ôl y darllediad, dechreuodd Heddlu Gogledd Cymru, yr NSPCC, Gwasanaeth Iechyd Gwladol Cymru, y CEOP (Canolfan Amddiffyn Plant rhag Ecsbloetio ac Ar-lein) a gwasanaethau eraill cyhoeddus a gwirfoddol, a'm swyddfa i, dderbyn cwynion niferus am achosion hanesyddol o gam-drin plant oedd yn gysylltiedig â system ofal Gogledd Cymru.

Derbyniodd fy swyddfa gyfanswm o 99 o alwadau, yr oedd 48 ohonynt yn ymwneud yn uniongyrchol â cham-drin mewn cartrefi yng Ngogledd Cymru, a 24 ohonynt â cham-drin plant mewn lleoliadau eraill.

Yn fuan iawn, arweinodd y diddordeb dwys a ennynnwyd yn y cyhoedd yn sgîl yr honiadau at sefydlu dau adolygiad annibynnol.

Sefydlwyd Operation Pallial yn ymchwiliad annibynnol oedd yn edrych ar honiadau ynghylch achosion hanesyddol o gam-drin plant mewn cartrefi plant yng ngogledd Cymru. Roedd fîm yr ymchwiliad yn gyfrifol am ddarparu adroddiad i Brif Gwnstabl Gogledd Cymru, yn cyflwyno argymhellion ar gyfer camau canlyniadol i'w cymryd erbyn diwedd Ebrill 2013.

Tas Adolygiad Macur, adolygiad annibynnol dan gadeiryddiaeth Mrs Ustus Macur DBE, oedd ystyried cwmpas ymchwiliad gwreiddiol Waterhouse, a'r oedd unrhyw honiadau penodol am gam-drin plant a oedd oddi mewn i'r carchor gorchwyl heb dderbyn sylw gan yr Ymchwiliad.

Roeddwn i'n gwbl eglur y dylem ni fod mor benderfynol ag erioed i gyrraedd y gwir, ac i sicrhau bod yr ymchwiliadau mor drylwyr ac mor dryloyw â phosib. Ddylem ni ddim anghofio pa mor anodd oedd y cyfnod hwn i'r dioddefwyr. Mae angen i ni barchu'r rhai sydd ddim am ail-fyw eu profiadau, a sicrhau bod cymorth arbenigol digonol ar gael i'r rhai sydd am godi llais.

Mae fy swyddfa wedi gweithio'n agos gydag Operation Pallial ac adolygiad Macur, i sicrhau bod y dioddefwyr a fu'n adrodd am gamdriniaeth i'r swyddfa yn cael eu cyfeirio ymlaen at y ddau adolygiad, ac yn gweithio gyda'r ddau adolygiad i sicrhau bod darpariaeth gwnsela briodol yn cael ei rhoi ar waith.

Mae fy swyddfa wedi gweithio'n agos gydag Operation Pallial ac adolygiad Macur, i sicrhau bod y dioddefwyr a fu'n adrodd am gamdriniaeth i'r swyddfa yn cael eu cyfeirio ymlaen at y ddau adolygiad, ac yn gweithio gyda'r ddau adolygiad i sicrhau bod darpariaeth gwnsela briodol yn cael ei rhoi ar waith.

Rwyf wedi mynegi pryderon o'r blaen ynghylch y ddarpariaeth gwnsela i ddiodeffwyr. Rwyf wedi bod yn falch o weld ymdrechion awdurdodau lleol ar draws gogledd Cymru yn cyd-dynnu i sicrhau bod diodeffwyr a thystion yn derbyn asesiadau gwaith cymdeithasol a chymorth cwnsela. Byddaf yn parhau i bwysleisio wrth Lywodraeth Cymru fod angen sicrhau bod cymorth arbenigol digonol ar gael i'r rhai sydd ei angen.

Fe gyfunais i fod yn rhan o grŵp Cydlynol Strategol Operation Pallial fel sylwedydd, ac ar y ddealltwriaeth glir fod annibyniaeth Comisiynydd Plant Cymru yn cael ei pharchu'n llwyr, a bod hynny'n cael ei adlewyrchu yng ngwaith y grŵp.

Fy mhrif amcan wrth weithio gyda'r grŵp cydlynol strategol oedd sicrhau bod unrhyw un a oedd yn dymuno gwneud honiadau ynghylch camdriniaeth a ddigwyddodd yn ystod y cyfnod pan oedd nhw'n blant yng ngofal cynghorau sir Clwyd a Gwynedd ar y pryd yn cael gwrandawriad, cefnogaeth, a thriniaeth sensitif. Bu fy ymwneud â'r grŵp cydlynol strategol hefyd yn fodd i mi gyflwyno at sylw Keith Bristow, oedd yn arwain yr adolygiad, unrhyw bryderon am y ffordd roedd diodeffwyr yn cael eu trin yn ystod Operation Pallial. Roedd hynny'n sicrhau bod modd cymryd camau adferol a rhoi gweithdrefnau priodol ar waith i ddarparu cefnogaeth berthnasol i'r rhai yr effeithiwyd amyn nhw.

By fy Swyddogion Ymchwiliadau a Chyngor annibynnol yn helpu galwyr i rannu gwybodaeth gyda thimau'r ymchwiliad a'r adolygiad, ac yn sicrhau bod cwnsela therapiwtig priodol ar gael i'r rhai mewn angen.

## Operation Pallial and the Macur Review

In November 2012 my office became involved in a significant piece of work relating to the historical abuse of children in north Wales care homes and the Waterhouse report.

On 2 November 2012, the BBC current affairs programme Newsnight broadcast an interview which included allegations of historic child abuse in the North Wales care system – along with a statement that the Waterhouse Inquiry, set up to investigate child abuse in north Wales homes in the 1970s and 1980s, had failed to uncover the full extent of abuse. I made it clear that if there were outstanding issues relating to the Waterhouse report and the abuse that had taken place in the North Wales care homes, these should be investigated thoroughly for the sake of the victims.

Following the broadcast, the North Wales Police, the National Society for the Prevention of Cruelty to Children (NSPCC), National Health Service (NHS) Wales, the Child Exploitation and Online Protection Centre (CEOP) other public and voluntary services, and my office began to receive multiple complaints of historic child abuse related to the North Wales care system.

My office received a total of 99 calls, 48 of which were directly related to abuse in North Wales homes, 24 of which were related to child abuse in other settings.

The intense public interest generated by the allegations made very quickly led to two independent reviews being established.

Operation Pallial was established as an independent investigation examining claims of historical child abuse at children's homes in north Wales. The investigation team was tasked with providing the Chief Constable of North Wales with a report making recommendations for consequential action by the end of April 2013.

The Macur Review, an independent review chaired by Mrs Justice Macur DBE, was tasked with considering the scope of the initial Waterhouse Inquiry and whether any specific allegations of child abuse falling within the terms of reference were not investigated by the Inquiry.

I was very clear that we should be as determined as ever to get to the truth and to make sure the investigations were as thorough and as transparent as possible. We shouldn't forget how difficult this period was for the victims. We need to respect those who don't want to relive their experiences and to ensure there is adequate specialist support available to those who do want to speak out.

My office has worked closely with Operation Pallial and the Macur review ensuring that victims who reported abuse to the office were referred on to the two reviews, and working with both reviews to ensure that appropriate counselling provision was put in place.

I have previously expressed concerns about the provision of counselling for victims. I have been pleased to see the efforts of local authorities from across north Wales pulling together to ensure social work assessment and counselling support is given to victims and witnesses. I will continue to impress on Welsh Government the need to ensure that there is adequate specialist support in place for those who need it.

I agreed to be part of Operation Pallial Strategic Co-ordinating group as an observer and on the clear understanding that the independence of the Children's Commissioner for Wales was absolutely respected and reflected in the work of the group.

My main objective in working with the strategic co-ordinating group was to ensure that anyone who wished to make allegations of abuse which occurred during the time when they were children in the care of the former county councils of Clwyd and Gwynedd were listened to, supported and dealt with sensitively. My involvement with the strategic co-ordinating group also enabled me to bring to the attention of Keith Bristow who was leading the review, any concerns about the way victims were treated during the course of Operation Pallial. This ensured that remedial steps could be taken and adequate procedures put in place to provide the relevant support to those affected.

My independent Investigations and Advice Officers assisted callers to share information with the investigation and review teams and ensured appropriate therapeutic counselling was made available to those in need.



# Sut rydyn ni'n craffu llywodraeth Cymru

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**Prif nod y Comisiynydd wrth ymarfer ei swyddogaethau yw diogelu a hybu hawliau a lles plant, un o'r ffyrdd rydym yn gwneud hyn yw galw Llywodraeth Cymru i gyfrif ar bolisiau a deddfwriaeth sy'n effeithio ar blant a phobl ifanc yng Nghymru.**

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**The principal aim of the Commissioner in exercising his functions is to safeguard and promote the rights and welfare of children, one of the ways in which we do this is to hold Welsh Government to account on policies and legislation affecting children and young people in Wales.**

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## Ad-drefnu

Bu nifer o newidiadau yng nghabinet Llywodraeth Cymru eleni, yn arbennig yn y portffolios sy'n effeithio ar blant. Sefydlwyd portffolio newydd trwy'r Gweinidog Cymunedau a Threchu Tlodi. Nododd y Prif Weinidog y bydd y portffolio'n canolbwyntio ar amddiffyn teuluoedd a chymunedau ac yn cwmpasu'r Cynllun Gweithredu Trechu Tlodi; Cymunedau yn Gyntaf; Cydraddoldebau; Plant; Diwygio Lles a'r Sector Gwirfoddol, yn ogystal â chyfrifoldeb trosfwaol am Ddatblygu Cynaliadwy. Sefydlodd y Prif Weinidog hefyd rôl Dirprwy Weinidog Trechu Tlodi<sup>2</sup>.

Mae'r cyfrifoldeb am gysylltu â Chomisiynydd Plant Cymru wedi symud oddi wrth y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol i'r Gweinidog Cymunedau a Threchu Tlodi. Rhaid i mi ddiolch i Gwenda Thomas AC am ei gwaith ar faterion plant ac am y berthynas waith iach sydd wedi datblygu rhyngom ni. Roedd y Dirprwy Weinidog yn bendant ei hymrwymiad i symud yr agenda hawliau plant ymlaen yng Nghymru, ac roedd ei gwybodaeth yn y maes yn golygu bod modd cael deialog adeiladol, cadarn. Bu'r Dirprwy Weinidog yn goruchwyllo nifer o ddatblygiadau pwysig, nid lleiaf cyhoeddi'r Cynllun Hawliau Plant cyntaf erioed i Gymru, oedd yn ofynnol o dan Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011.

Er nad oes cyfeiriad at blant yn nheiti portffolio newydd Gwenda Thomas, sef Dirprwy Weinidog y Gwasanaethau Cymdeithasol, gan fod y Dirprwy Weinidog wedi cadw cyfrifoldeb am feysydd hollbwysig ym mywydau plant, er enghraifft darparu gwasanaethau cymdeithasol i blant a goruchwyllo hynny; gwasanaethau mabwysiadu a maethu yng Nghymru, cwynion, sylwadau ac eiriolaeth o dan Ddeddf Plant 1989 mewn perthynas â'r Gwasanaethau Cymdeithasol; rwy'n sicr y byddwn yn cysylltu â'n gilydd yn aml o dan y trefniadau newydd.

Yn dilyn symudiad Huw Lewis AC i bortffolio Addysg, penodwyd Jeff Cuthbert AC yn Weinidog Cymunedau a Threchu Tlodi. Rwy'n edrych ymlaen at y datblygu perthynas waith effeithiol gydag ef, yn ogystal â'r Dirprwy Weinidog Trechu Tlodi, Vaughan Gething AC. Byddaf yn rhoi pwysau ar y Dirprwy Weinidog i gynnal ffocws ar dlodi plant oddi mewn i'r agenda trechu tlodi.

Byddaf yn monitro â diddordeb sut bydd y cabinet ar ei newydd wedd yn gweithio er lles pennaf plant. Mae nifer o heriau o dan y trefniadau hyn, sef:

— canfod effeithiolrwydd y cysylltiad rhwng portffolio'r Gwasanaethau Cymdeithasol a meysydd y Gweinidog Cymunedau a Threchu Tlodi, a'r angen am ddileu unrhyw beryglon o ran sut mae meysydd polisi penodol wedi cael eu gwahanu. Enghraifft o hyn yw'r angen am sicrhau bod blaenoriaethau deddfwriaethol yn cael eu cyflwyno'n effeithiol, megis yr elfennau ymyrraeth gynnar sy'n sylfaen ar gyfer y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru). Bydd llawer o hyn yn dibynnu ar gyflawni trwy'r maes polisi plant a theuluoedd, sydd bellach y tu allan i gyfrifoldeb Gweinidogol Dirprwy Weinidog y Gwasanaethau Cymdeithasol.

Mae'n hanfodol bwysig bod Llywodraeth Cymru'n cynnal ei ffocws ar gydlyn hawliau plant ar draws gwahanol feysydd y Llywodraeth, ac yn cydnabod bod hawliau plant yn berthnasol i bob portffolio. Mae gan Weinidog newydd Cymunedau a Threchu Tlodi rôl allweddol o ran cynnig yr arweinyddiaeth sy'n ofynnol yn hyn o beth.

Mae ffurf newydd y cabinet hefyd yn cynnig cryn gyfleoedd. Mae posiblirwydd i gydnabod yn llawn hawliau plant a phobl ifanc fel dinasyddion cyflawn a chydannau gwerthfawr o'n cymuned yn y portffolio 'cymunedau'. Dylai hefyd ein galluogi ni i gyd i gwestiynu'n llawnach sut gallwn ni yng Nghymru osod gwerth ar yr hyn sydd gan blant a phobl ifanc i'w gynnig i gymunedau a gwneud yn fawr ohono. Ar ben hynny, rwy'n falch o weld cydraddoldeb ochr yn ochr â phlant yn y portffolio, ac rwy'n gobeithio y bydd y ffaith fod plant yn rhannu'r portffolio gwrthdlodi yn sicrhau ffocws digonol ar y gofynion penodol sydd yn yr her tlodi plant yng Nghymru.

Mae'r Memorandwm o Ddealltwriaeth yr wyf fi wedi'i sefydlu gyda Llywodraeth Cymru yn adlewyrchu egwyddorion clir ynghylch fy mherthynas â Llywodraeth Cymru sydd, yn fy marn i, yn cadw cydbwysedd cywir rhwng cynnal fy annibyniaeth ar y Llywodraeth trwy alw Gweinidogion i gyfrif,

ond hefyd fy mod yn meddu ar rôl adeiladol. Cyflawnir hyn trwy awgrymu meysydd ar gyfer gwelliant a chynnig yr arbenigedd a geir yn fy swyddfa i hysbysu rhai o'r trafodaethau sydd wedi hynny'n hysbysu penderfyniadau Llywodraeth Cymru, sydd wrth gwrs yn gyfrifoldeb ac yn swyddogaeth i Weinidogion Cymru yn unig.

## Heriau i'r Gweinidog Newydd

### Adroddiad Cydymffuriaeth

Y llynedd fe nodais mai pasio Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 oedd y datblygiad mwyaf arwyddocaol yng nghyd-destun hawliau plant yng Nghymru. O dan y Mesur roedd rhwymedigaeth ar Lywodraeth Cymru i gyhoeddi cynllun a fyddai'n amlinellu'r trefniadau a fyddai mewn lle gan Weinidogion Cymru i sicrhau eu bod hwy a staff Llywodraeth Cymru yn cydymffurfio â'r ddyletswydd i roi sylw dyledus i CCUHP wrth ddatblygu neu weithio ar ddeddfwriaeth newydd arfaethedig, polisiau newydd arfaethedig ac unrhyw adolygiad neu newid i bolisi presennol.

Ym mis Ionawr 2013, cyhoeddwyd yr adroddiad cydymffuriaeth cyntaf gan Lywodraeth Cymru.

Y materion allweddol rwyf wedi eu codi yw:

### Agwedd gyson a thryloyw at Asesiadau o'r Effaith ar Hawliau Plant (CRIA)

Does dim modd i mi ddod i gasgliad pendant ynghylch a yw'r broses Asesiadau Effaith ar Hawliau Plant yn effeithiol neu beidio oherwydd nad oes trefniant ffurfiol, cyson sy'n caniatáu craffu arnynt. Byddai sicrhau'r tryloywder hwn yn hwyluso gwell dysgu ar draws adrannau Llywodraeth Cymru, yn ogystal ag ar draws Cymru'n fwy cyffredinol, yn ogystal â chaniatáu craffu priodol ar gymhwysu dyletswydd sylw dyledus.

Mae'n ddyddiau cynnar iawn ar y prosesau hyn, ac mae'n bwysig cofio hynny, ond rwyf hefyd yn credu mai'r gwersi cynnar iawn yw bod angen i ni sicrhau bod proses yr Asesiadau yn dryloyw, yn ogystal â'i ffurfioli.

Nid tasg hawdd yw hynny, oherwydd dylid gweld proses yr Asesiadau fel un sy'n llifo ar draws y broses o ddatblygu polisi a deddfwriaeth, gydag ymatebion a thystiolaeth yn cael eu hadolygu, cyn dychwelyd at yr Asesiad. Ar hyn o bryd, fodd bynnag, mae'n ymddangos mai mater i ddisgresiwn adrannau yw cyhoeddi CRIA o gwbl.

Byddai cyhoeddi Asesiadau o'r Effaith ar Hawliau Plant yn gyson, gan ganiatáu ymatebion iddynt a rhoi cyfle i Weinidogion Cymru ymdrin â sylwadau ac adborth, yn helpu i roi sicrwydd bod Gweinidogion Cymru'n gweithredu â meddwl agored ac yn drylwyr wrth lunio polisi a deddfwriaeth. Nid yw hynny'n golygu y byddai'n rhaid i Weinidogion dderbyn barn arall a newid eu bwriadau, ond yn hytrach ymdrin yn adeiladol â'r pryderon neu'r persbectifau eraill.

### Materion eraill a godais wrth graffu ar yr adroddiad cydymffuriaeth oedd:

— beth oedd y ffordd orau o sicrhau bod cymhwysiad y Mesur yn destun craffu ar lefel briodol oddi mewn i ddeddfwrfa a rôl Cynulliad Cenedlaethol Cymru;

— eglurder ynghylch y sail ar gyfer adolygu'r Cynllun Hawliau Plant, ac amseriad hynny;

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<sup>2</sup> Mae'r datblygiadau hyn yn adlewyrchu dau gam ad-drefnu yn y cabinet. Mae'r ail gam, pryd y penodwyd Jeff Cuthbert AC yn Weinidog Cymunedau a Threchu Tlodi, a phryd sefydlwyd swydd newydd Dirprwy Weinidog Trechu Tlodi, y tu allan i'r cylch adrodd blynyddol, ond penderfynwyd cynnwys y datblygiadau hyn er mwyn osgoi dryswch wrth gyhoeddi'r adroddiad.

## Reshuffle

There have been a number of changes within the Welsh Government cabinet this year, particularly within portfolios affecting children. A new portfolio was established via the Minister for Communities and Tackling Poverty. The First Minister stated that the portfolio will focus on protecting families and communities and encompass the Tackling Poverty Action Plan; Communities First; Equalities; Children; Welfare Reform and the Voluntary Sector as well as an overarching responsibility for Sustainable Development. The First Minister also established the role of Deputy Minister for Tackling Poverty<sup>2</sup>.

Responsibility for liaison with the Children's Commissioner for Wales has moved from what was the Deputy Minister for Children and Social Services to the Minister for Communities and Tackling Poverty. I must thank Gwenda Thomas AM for her work on children's issues and for the healthy working relationship she and I have developed. The Deputy Minister was resolute in her commitment to progress the child rights agenda in Wales and her knowledge in this field enabled a constructive and robust dialogue. The Deputy Minister oversaw a number of significant developments, not least the publishing of the first ever Children's Rights Scheme for Wales, required by the Rights of Children and Young People (Wales) Measure 2011.

Whilst children are not referred to in Gwenda Thomas' new portfolio title as Deputy Minister for Social Services, given that the Deputy Minister has maintained responsibility for critical areas of children's lives, for instance on the provision of social services for children and its oversight; adoption and fostering services in Wales, complaints, representations and advocacy under the 1989 Children Act in relation to Social Services; I'm sure that we will be engaging on a frequent basis under the new arrangements.

Following Huw Lewis AM's move to the Education portfolio, Jeff Cuthbert AM was appointed as Minister for Communities and Tackling Poverty. I look forward to developing an effective working relationship with him as well as the Deputy Minister for Tackling Poverty, Vaughan Gething AM. I will be pressing the Deputy Minister to maintain a focus on child poverty within the tackling poverty agenda.

I will monitor with interest the way in which the new cabinet formulation will work in the best interests of children. There are a number of challenges under these arrangements, namely:

— ascertaining the effectiveness at which the Social Services portfolio will link into the Minister for Communities and Tacking Poverty areas and the need to negate any dangers regarding how particular policy areas have been divorced from each other. An example of this is the need to ensure effective delivery of legislative priorities such as the early intervention elements which underpin the Social Services and Wellbeing (Wales) Bill. Much of this will depend on delivery via the children and families policy area which now sits outside of the Ministerial responsibility of the Deputy Minister for Social Services.

It is of critical importance that Welsh Government maintains its focus on the co-ordination of children's rights over the disparate areas of Government and acknowledges that children's rights are relevant to all portfolios. The new Minister for Communities and Tacking Poverty has a key role to play in offering the required leadership in this regard.

The new cabinet formation also offers significant opportunities. There is the potential to fully recognise children and young people's rights as full citizens and valuable components of our community within the 'communities' portfolio. It should also enable us all to more fully question how we in Wales can value and capitalise on what children and young people can offer communities. In addition, I welcome equality sitting alongside children within the portfolio and would also hope that having children sharing the anti-poverty portfolio will ensure sufficient focus on the specific requirements within the child poverty challenge in Wales.

The Memorandum of Understanding which I have established with Welsh Government reflects clear principles regarding my relationship with Welsh Government which I believe strikes the appropriate balance between maintaining my independence from Government by holding Ministers to

account but also having a constructive role to play. This is achieved by suggesting areas for improvement and offering the expertise within my office to inform some of the discussions which subsequently inform Welsh Government decision making, which of course is the role and responsibility for Welsh Ministers alone.

## Challenges for the New Minister

### Compliance Report

Last year I identified the passing of the Rights of Children and Young Persons (Wales) Measure 2011 as the most significant development within the context of children's rights in Wales. Under the Measure the Welsh Government were obliged to publish a scheme which would outline the arrangements that Welsh Ministers will have in place to make sure that they and Welsh Government staff comply with the duty to have due regard to the UNCRC when working on or developing proposed new legislation, proposed new policies and any review of, or change to existing policy.

In January 2013, the first compliance report was published by Welsh Government.

The key issues I have raised are:

### Consistent and transparent approach to Child Rights Impact Assessment (CRIA)

It is not possible for me to fully conclude whether or not the Child Rights Impact Assessments process is effective or otherwise because there is no formal and consistent arrangement which allows for scrutiny of the CRIA. Affording this transparency would facilitate improved learning across Welsh Government departments, as well as across Wales more generally, as well as enabling appropriate scrutiny of the application of the due regard duty.

These processes are in their infancy and it is important to consider this, but I also believe the very early learning is that we need to ensure transparency of the CRIA process as well as formalising the process.

This is not an easy task because the CRIA process should be seen as a fluid one throughout the process of policy and legislative development, with responses and evidence being reviewed and the CRIA revisited. Currently however, it appears that publishing a CRIA at all is at the discretion of departments.

Publishing CRIAs consistently, enabling responses to the assessments and affording Welsh Ministers the opportunity to address comments and feedback would help provide assurances that Welsh Ministers are operating with an open mind and with rigour in formulating policy and legislation. That is not to say that Ministers would be bound to accept alternative views and amend their intentions, but merely to constructively address the concerns or alternative perspectives.

### Other issues I raised in scrutinising the compliance report were:

— how best to ensure that the application of the Measure is given the appropriate level of scrutiny within the legislature and the role of the National Assembly for Wales;

— clarity on the basis for and timings for revisions of the Children's Rights Scheme;

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<sup>2</sup> These developments reflect two cabinet reshuffles. The second, in which Jeff Cuthbert AM was appointed Minister for Communities and Tackling Poverty, and in which the new post of Deputy Minister for Tackling Poverty was established, falls outside the annual reporting cycle, however the decision was taken to include these developments in order that confusion is avoided during publication of the report.

— Mae'n werth craffu'n fanylach i weld a yw deddfwriaeth y Comisiynydd Plant yn cynnig y ddarpariaeth ofynnol er mwyn herio Gweinidogion yn effeithiol. Mae hyn yn arbennig o berthnasol o gofio'r awgrym yn y Cynllun Hawliau Plant y gall y rheiny sydd am herio Gweinidogion Cymru geisio gwneud hynny trwy Gomisiynydd Plant Cymru.

Mae cynnwys adran sy'n amlinellu effaith y Mesur i'w groesawu, ond yn adroddiadau'r dyfodol bydd angen darparu tystiolaeth fwy cadarn o sut mae'r Mesur yn gwneud gwahaniaeth a rhoi ystyriaeth i ddatblygu mecanwaith gwerthuso ar gyfer gwneud hynny. Mae mwy o gyfranogiad gan blant a phobl ifanc a datblygu dogfennau hwylus i blant a phobl ifanc yn rhywbeth i'w groesawu, ac mae'n sicr bod y Mesur yn hybu'r agenda hon, ond nid yw hynny ynddo'i hun yn adlewyrchu cymhwysiad digonol o ran sylw dyledus.

## Y Camau Nesaf:

O fis Mai 2014, bydd cwmpas y Mesur yn ehangu i gynnwys yr holl swyddogaethau Gweinidogol, a bydd y Cynllun Hawliau Plant yn cael ei ddiweddarau. Nod fy sylwadau yw gwneud cyfraniad adeiladol at ddatblygiad y Cynllun Plant diwygiedig, ac rwy'n edrych ymlaen at ymgysylltu â Llywodraeth Cymru wrth iddyn nhw ddatblygu eu gwaiht yng nghyswllt y Mesur.

## Rôl Cynulliad Cenedlaethol Cymru

Elfen hanfodol bwysig os yw Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 i gael ei gymhwyso'n effeithiol yw'r craffu gan y ddeddfwrfa ar weithgaredd Llywodraeth Cymru. Mae'n galonogol iawn bod Pwyllgor Plant a Phobl Ifanc Cynulliad Cenedlaethol Cymru wedi dilyn hyfforddiant ar sut mae holi ynghylch cymhwysiad CCUHP yn eu rôl graffu. Mae hyn i'w gymeradwyo, ac rwy'n edrych ymlaen at estyn hyfforddiant perthnasol i bob pwyllgor, fel bod mwy i'r holl Aelodau Cynulliad herio Llywodraeth Cymru'n effeithiol. Mae awyddion calonogol bod ACau yn holi Gweinidogion ynghylch sut maen nhw wedi cymhwyso CCUHP mewn amrywiol feysydd polisi – hir y parhaed.

Mwy Pwyllgor Plant a Phobl Ifanc hefyd i'w longyfarch ar nodi sesiynau craffu penodol ar gymhwyso'r Mesur Hawliau yn ogystal â chynllun gweithredu CCUHP i Gymru.

Mae'r Mesur nid yn unig yn codi'r bar i Llywodraeth Cymru, ond hefyd ar gyfer y ddeddfwrfa a'r gymuned hawliau plant yng Nghymru, gan gynnwys fy swyddfa. Wrth alw Llywodraeth Cymru i gyfrif, mae'n bwysig ein bod ni i gyd yn gallu ychwanegu gwerth at ddatblygu polisi a deddfwriaeth yng Nghymru. Mae hynny'n golygu gallu dangos ym mha ffordd rydyn ni'n teimlo bod CCUHP heb ei gymhwyso'n effeithiol eto, gan gynnig dewisiadau amgen ac adborth adeiladol yn yr achosion hynny, yn ogystal â chydabod a chynyddu ymwybyddiaeth o'r achlysuron pryd y gall Llywodraeth Cymru ddarparu tystiolaeth o gymhwyso hawliau plant yn effeithiol.

## Diweddariad Gwneud Pethau'n Iawn – cynllun gweithredu CCUHP i Gymru

Yn ogystal â fframweithiau deddfwriaethol sy'n ymwneud â CCUHP, elfen bwysig o fesurau gweithredu cyffredinol y confensiwn yng Nghymru yw'r cynllun gweithredu cenedlaethol.

Cefais fy siomi gan yr adroddiad cynnydd a'r cynllun gweithredu wedi'i ddiweddarau. Rwy'n cwestiynu a ellir ystyried ei fod yn addas at y diben o gynnig map ffordd i Llywodraeth Cymru ar gyfer sbarduno newid cadarnhaol i blant a phobl ifanc yng Nghymru yng nghyd-destun hawliau. Mae materion yn codi hefyd ynghylch cydlyniant y ddogfen ddiwygiedig, a sut mae'n adlewyrchu gweithgaredd Llywodraeth Cymru mewn nifer o feysydd polisi.

Serch hynny, rwy'n deall bod Llywodraeth Cymru yn eglur mai dogfen 'newidiol' yw hon, ac rydym yn gobeithio y byddaf yn gallu ymgysylltu ymhellach â Llywodraeth Cymru, yn ogystal ag annog eraill i gryfhau'r ddogfen.

Mae'r gallu i ddarparu tystiolaeth o'r dull strategol, cydlynus hwn o gymhwyso CCUHP gan Lywodraeth Cymru yn rhywbeth y mae'n rhaid rhoi blaenoriaeth iddo. Elfen allweddol o hyn yw hyfforddiant systemig i weithwyr proffesiynol sy'n gweithio gyda phlant a phobl ifanc ar ddefnyddio dull seiliedig ar hawliau i ddarparu gwasanaethau.

## Adroddiadau CCUHP

Mae Parti Gwladol y DU i gyflwyno'u hadroddiad i Bwyllgor y CU ar Hawliau'r Plentyn ym mis Ionawr 2014, gan amlinellu sut maen nhw'n credu bod y DU yn cydymffurfio â CCUHP ac yn disgrifio sut maen nhw wedi ymdrin â phryderon ac argymhellion blaenorol a wnaed gan Bwyllgor y CU ar Hawliau'r Plentyn. Byddaf yn monitro datblygiad y cyflwyniad hwn, gan gynnwys cyfraniad Llywodraeth Cymru at adroddiad y parti gwladol, ac rwy'n gobeithio y bydd y broses yn hwyluso trafodaeth iach ynghylch cynnydd ym maes cynnal hawliau plant yng Nghymru.

## Comisiynwyr yr Heddlu a Throsedd

Yn sgîl cyflwyno Comisiynwyr yr Heddlu a Throsedd gan Lywodraeth y DU ym mis Tachwedd 2012, etholwyd Comisiynwyr i bob un o bedwar awurdorod yr heddlu yng Nghymru. Fu fues i'n cwrdd â phob un o'r Comisiynwyr Heddlu a Throsedd yn gynnar yn 2013.

Fe atwais ar y Comisiynwyr i roi ystyriaeth i bwysau'r dystiolaeth sy'n cefnogi manteision cadarnhaol dulliau sy'n canolbwyntio ar ataliaeth a dargyfeirio yng nghyswllt cyfiawnder ieuencid. Rwyf hefyd wedi nodi fy nisgwyliadau o ran yr heddlu yng nghyswllt eu rôl bwysig ym maes diogelu plant a phobl ifanc. Rwyf yn benodol wedi tynnu sylw at fater ymatebion cadarn yr heddlu i blant sy'n mynd ar goll, ac i blant a phobl ifanc sydd mewn perygl o gael eu cam-drin trwy ecsbloetio rhywiol, neu sydd wedi dioddef hynny.

Fe fues i hefyd yn siarad â'r Comisiynwyr am yr angen i herio stereoteipiau negyddol o bobl ifanc, a gysylltir yn aml ag ymddygiad gwrthgymdeithasol, a'u gwahodd i gefnogi fy ymgyrch See Me/Dyma Fi. Rwyf hefyd wedi gofyn i'r Comisiynwyr ddangos ymrwymiad i ymgysylltu â phlant a phobl ifanc ar y materion sy'n effeithio ar y cymunedau maen nhw'n eu cynrychioli. Rwy'n falch bod Comisiynwyr yr Heddlu a Throsedd yng Nghymru wedi bod yn gadarnhaol yn eu hymatebion cychwynnol i mi ar y materion a godais, a byddaf yn cwrdd â nhw eto'n ddiweddarach eleni.

## Dileu'r Bil Plant a Phobl Ifanc (Cymru)

Yn ystod datganiad deddfwriaethol cychwynnol Llywodraeth Cymru, a wnaed ym mis Gorffennaf 2011, ymrwymodd y Llywodraeth i:

'...gyflwyno'r Bil plant a phobl ifanc (Cymru), a fydd yn adeiladu ar Fesur Hawliau Plant a Phobl Ifanc 2011, a gyflwynwyd yn ystod y Cynulliad diwethaf, ac a fydd yn ehangu rôl Comisiynydd Plant Cymru.'

Ar 17 Gorffennaf 2012, dywedodd Prif Weinidog Cymru nad oedd bwriad bellach i symud ymlaen gyda'r Bil Plant a Phobl Ifanc (Cymru), ar sail y rhesymeg bod bwriadau'r Bil wedi'u cynnwys yn y Bil Gwasanaethau Cymdeithasol a Llesiant a chyflawni Gwasanaethau Cymdeithasol Cynaliadwy i Gymru.

Mae'n amlwg nad yw'r bwriadau a nodwyd yn y datganiad deddfwriaethol cychwynnol ar gyfer y Bil Plant a Phobl Ifanc (Cymru) yn cael eu hadlewyrchu yn y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru), ac nid oedd cyfeiriad o gwbl at ymdrin â fframwaith deddfwriaethol Comisiynydd Plant Cymru yn natganiad 2012.

Mae hyn yn fy siomi, gan fod yr angen am ddiwygio sail statudol swyddfa'r Comisiynydd Plant wedi cael ei dderbyn ers sawl blwyddyn, a bu consensws ar draws y pleidiau yn siambr Senedd Cynulliad Cenedlaethol Cymru (CCC) ers blynyddoedd lawer. Mae'r ddeddfwriaeth a sefydlodd Gomisiynydd Plant Cymru yn perthyn i'r cyfnod hwnnw, ac mae Cymru wedi symud ymlaen yn sylweddol yn ystod y 12 mlynedd hynny. Hefyd cwestiynwyd cyloch gorchwyll y Comisiynydd wrth graffu ar y Mesur Plant a Phobl Ifanc (Cymru) 2011.

— It is worth examining further whether or not the Children's Commissioner legislation offers the required provision to effectively challenge Ministers. This is especially relevant given the suggestion in the Children's Right Scheme that those wanting to challenge Welsh Ministers may seek to do so via the Children's Commissioner for Wales.

A section outlining the impact of the Measure is a welcome inclusion, however, in future reports there will be a need to evidence more robustly the way in which the Measure makes a difference and consideration given to develop an evaluation mechanism for doing so. Greater participation of children and young people and development of children and young people friendly documents are welcome and no doubt the Measure assists in promoting this agenda, but in itself, does not reflect a sufficient application of due regard.

## Next Steps:

From May 2014, the scope of the Measure will expand to all Ministerial functions and the Child Rights Scheme will be updated. My comments are aimed at constructively contributing to the development of the revised Children's Scheme and I look forward to engaging with Welsh Government as they develop their work in relation to the Measure.

## The Role of the National Assembly for Wales

Of critical importance to the effective application of the Rights of Children and Young People (Wales) 2011 is the scrutiny by the legislature of Welsh Government activity. It is very encouraging that the NAfW Children and Young People Committee undertook training on how to interrogate the application of the UNCRC in their scrutiny role. This is to be commended and I look forward to relevant training being rolled out to all committees so that all Assembly Members can effectively challenge Welsh Government. There are encouraging signs of AMs questioning Ministers regarding how they have applied the UNCRC in various policy areas and long may this continue.

The Children and Young People's Committee are also to be congratulated on identifying specific scrutiny sessions on the application of the Rights Measure as well as the UNCRC action plan for Wales.

The Measure not only raises the bar for Welsh Government, but also for the legislature and the child rights community in Wales, including my office. In holding Welsh Government to account, it is important that we can all add value to the development of policy and legislation in Wales. This means being able to show the way in which we believe the UNCRC has not been applied effectively, offering alternatives and constructive feedback when this is the case as well as acknowledging and raising awareness of the occasions when Welsh Government can evidence effective application of children's rights.

## Update of the Getting it Right – the UNCRC action plan for Wales

As well as legislative frameworks relating to the UNCRC, an important element of the general measures of implementation of the convention in Wales is the national action plan.

I was disappointed with the progress report and updated action plan. I question whether it can be considered fit for purpose in offering a road map for Welsh Government in driving positive change for children and young people in Wales within a rights context. There are issues regarding the coherence of the revised document and how it reflects Welsh Government activity in a number of policy areas.

I do however, understand that Welsh Government is clear that the action plan is a "fluid" document and we are hopeful that I can further engage with Welsh Government as well as encouraging others to strengthen the document.

The ability to evidence this strategic and co-ordinated approach to the application of the UNCRC by Welsh Government is something which requires

prioritisation. A key element of this is the systemic training of professionals working with children and young people on the application of a rights based approach in the way in which they deliver services.

## UNCRC Reporting

The UK State Party is due to submit their Report to the UN Committee on the Rights of the Child in January 2014, outlining how they believe the UK is complying with the UNCRC and describing how they have addressed previous concerns and recommendations made by the UN Committee on the Rights of the Child. I will monitor the development of the submission, including the Welsh Government contribution to the State Party Report and hope that the process will facilitate a healthy debate regarding progress in upholding children's rights in Wales.

## Police and Crime Commissioners

The introduction of Police and Crime Commissioners (PCCs) by the UK Government in November 2012 saw the election of Commissioners to each of the four police authorities in Wales. I met with each Police and Crime Commissioner in early 2013.

I called on the Commissioners to give consideration to the weight of evidence supporting the positive benefits of approaches that focus on prevention and diversion in relation to youth justice. I have also set out my expectations of the police in relation to the important role they play in safeguarding children and young people. Specifically I have drawn attention to the issue of robust police responses to children who go missing and to children and young people at risk of and abused through child sexual exploitation.

I also spoke to the PCCs about the need to challenge negative stereotypes of young people, often associated with anti-social behaviour and invited them to support my See Me/Dyma Fi campaign. I have also asked the PCCs to show a commitment to engage with children and young people on the issues affecting the communities they represent. I am pleased that the Police and Crime Commissioners in Wales have been positive in their initial responses with me on the issues I raised and I will be meeting with them again later in the year.

## Removal of the Children and Young Persons (Wales) Bill

During the initial Welsh Government legislative statement made in July 2011, the Government committed to:

'...introduce the Children and Young Persons (Wales) Bill, which will build on the Rights of Children and Young Persons (Wales) Measure 2011, which was introduced during the last Assembly, and which will expand the role of the Children's Commissioner for Wales.'

On 17 July 2012, the First Minister stated that there was no longer an intention to progress with the Children and Young Persons (Wales) Bill based on the rationale that the intentions of the Bill were incorporated into the Social Services and Wellbeing Bill and the delivery of Sustainable Social Services for Wales.

It is apparent that the intentions noted in the initial legislative statement for the Children and Young Persons (Wales) Bill are not reflected in the Social Service and Wellbeing (Wales) Bill and there was no mention at all of addressing the Children's Commissioner for Wales' legislative framework in the 2012 statement.

This is disappointing as the need to reform the statutory basis for the Children's Commissioner's office has been accepted over a number of years and there has been a cross party consensus in the National Assembly for Wales (NAfW) Senedd chamber for many years. The Children's Commissioner for Wales' establishing legislation is of its time and Wales has moved on considerably in those 12 years. The Children's Commissioner for Wales' remit was also questioned during the scrutiny of the Children and Young Persons (Wales) Measure 2011.

## Bil Plant a Theuluoedd San Steffan

Y llynedd fe nodais yr ymateb cadarnhaol gan Lywodraeth y DU i argymhelliaid bod modd cynrychioli buddiannau plant ar draws gwledydd y DU yn llawn gan y Comisiynydd Plant yn yr awdurdodaeth honno. Byddai hynny'n golygu bod modd i mi fod yn weithredol mewn meysydd sydd heb eu datganoli, cyhyd â bod y mater yn ymwneud â Chymru, er enghraifft cyfiawnder ieuencid.

Nod rhan o'r Bil Plant a Theuluoedd yw newid y ddeddfwriaeth ar gyfer Comisiynydd Plant Lloegr, ac mae hynny'n gyfle i ymdrin â mater peidio â chyfyngu ar fy mhwerau mewn meysydd sydd heb eu datganoli. Yn anffodus, nid yw'r Bil arfaethedig yn cynnig ateb, gan nad yw'n cynnwys darpariaeth i newid y ddeddfwriaeth berthnasol. Byddaf yn parhau i geisio dylanwadu ar y broses ddeddfwriaethol a hysbysu cynrychiolwyr Cymru yn San Steffan ynghylch yr angen am ymdrin â'r broblem hon.

Ni welaf unrhyw reswm pam na ddylid rhoi pwerau eang i'r Comisiynydd Plant i ddelio â phob mater sy'n ymwneud â phlant yng Nghymru. Ni fyddai hyn o reidrydd yn golygu datganoli pwerau deddfwriaethol neu weithredol pellach i Gymru. Mewn gwirionedd, mae'n anodd deall pam mae angen cysylltu swyddogaethau'r Comisiynydd Plant â materion datganoledig perthnasol yn unig o gwbl. Rôl Comisiynydd Plant Cymru yw gwasanaethu buddiannau plant yng Nghymru. Yn fy marn i, mae hyn ar wahân i fater pa bwerau deddfwriaethol a gweithredol sy'n cael eu datganoli i Gynulliad Cenedlaethol Cymru a Gweinidogion Cymru.

## Sylw Cyffredinol ar Erthygl 31 CCUHP

Ym mis Chwefror 2011 cyhoeddodd Pwyllgor y CU ar Hawliau'r Plentyn y byddent yn paratoi Sylw Cyffredinol ar Erthygl 31 o'r Confensiwn. Mae Erthygl 31 dweud:

**1. Mae parhau gwladol yn cydnabod hawl y plentyn i orffwys a hamdden, i gymryd rhan mewn chwarae a gweithgareddau a hamdden priodol ar gyfer oedran y plentyn, ac i gyfranogi'r ddirwystr mewn bywyd diwylliannol a'r celfyddydau.**

**2. Rhaid i barhau gwladol barchu a hybu hawl y plentyn i gyfranogi'n llawn mewn bywyd diwylliannol ac artistig, a rhaid iddynt annog darparu cyfleoedd priodol a chyfartal ar gyfer gweithgareddau diwylliannol, artistig, adloniadol a hamdden.**

Dogfen yw Sylw Cyffredinol a gyhoeddir gan Bwyllgor y CU ar Hawliau'r Plentyn sy'n darparu dehongliad manwl o erthygl neu fater sy'n ymwneud â'r Confensiwn ar Hawliau'r Plentyn, ac yn rhoi arweiniad ar y camau sy'n ofynnol gan lywodraethau i sicrhau ei fod yn cael ei weithredu.

Roedd wedi dod ym amlwg i Bwyllgor y CU nad yw Erthygl 31 yn cael ei deall yn dda na'i gwerthfawrogi gan oedolion sy'n ymwneud yn uniongyrchol â phlant a phobl ifanc. Y gobaiith, felly, oedd y byddai Parhau Gwladol ar draws y byd yn rhoi mwy o sylw i Erthygl 31 ar hawliau plant yn sgîl cynhyrchu sylw cyffredinol.

Gofynnodd y Pwyllgor i'r Gymdeithas Chwarae Ryngwladol (IPA) chwarae rhan arweiniol yn y broses o drefnu a datblygu'r Sylw Cyffredinol. Roeddwn wrth fy modd yn cael fy ngwahodd i ymuno â gweithgor rhyngwladol i helpu gyda'r drafftio a fabwysiadwyd gan Bwyllgor y CU ar 1 Chwefror 2013, sef CCUHP.

Yr amcanion a nodir ar gyfer y Sylw Cyffredinol yw:

**1. Gwella dealltwriaeth o bwysigrwydd Erthygl 31 i les a datblygiad plant, ac i wireddu hawliau eraill yn y Confensiwn.**

**2. Darparu dehongliad i Barhau Gwladol o ran y darpariaethau, a'r rhwymedigaethau dilynol, sy'n gysylltiedig ag Erthygl 31.**

**3. Rhoi arweiniad ar y mesurau deddfwriaethol, barnwrol, gweinyddol, cymdeithasol ac addysgol sy'n angenrheidiol i sicrhau ei weithrediad i bob plentyn heb gamwahaniaethu, ac ar sail cyfle cyfartal.**

Mae enw da i Gymru a Llywodraeth Cymru ar y llwyfan rhyngwladol mewn perthynas â chwarae plant, o ystyried y ddyletswydd statudol sydd yn ei lle yn Adran 11 o Fesur Plant a Theuluoedd (Cymru) 2010.

Mae chwarae, adloniant, gorffwys, hamdden ac ymwneud â bywyd diwylliannol ac artistig i gyd yn perthyn i'w gilydd, ac yn hanfodol i sicrhau plentynod hapus, bodlon. Rwy'n cwrrdd â phlant a phobl ifanc bob wythnos yn fy rôl, ac mae'n bwysig helpu oedolion i ddeall pa mor bwysig yw chwarae yn eu bywydau. Rwy'n gwylbod bod hyn yn cael ei gydnabod gan Lywodraeth Cymru, awdurdodau lleol a chymdeithas sifil yng Nghymru. Mae cyhoeddi'r Sylw Cyffredinol yn gyfle delfrydol i gynyddu ymwybyddiaeth o bwysigrwydd Erthygl 31 ymhellach, ac rwy'n edrych ymlaen at weithio gyda rhanddeiliaid yng Nghymru i wneud hynny.

## Diwygio Cyfreithiol – Amddiffyniad Cyfartal

Y llynedd fe wnes i gyfeirio at y ddadl sy'n parhau yng Nghynulliad Cenedlaethol Cymru a chrosawu sut bu'r Cynulliad yn pleidleisio ar gynnig i ddileu amddiffyniad 'cosb resymol'.

Byddai'r potensial i'r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) (gweler tudalen 56) gyflawni'r bwriad i wella llesiant plant a phobl ifanc yng Nghymru yn cael ei gryfhau'n sylweddol petai mater amddiffyniad cyfartal yn derbyn sylw drwy'r Bil hwn.

Rhaid i Lywodraeth Cymru weithredu ar fater amddiffyniad cyfartal i blant a phobl ifanc os ydyw i anfon neges glir i blant a phobl ifanc bod ganddynt hawl i fod yn ddiogel.

Mae Deddf Plant 2004 yn methu â gwahardd pob cosb gorfforol o fewn y teulu. Lle bo rhiant yn taro plentyn, gall hawlio amddiffyniad sy'n cyfiawnhau hynny – un na fyddai ar gael petai'r dioddefydd dros 16 oed. Nid yw plant, felly, yn derbyn amddiffyniad cyfartal o dan y gyfraith. Rhaid i hyn ddod i ben, ac rwy'n annog Llywodraeth Cymru i gynnal eu hymrwymadau blaenorol i ymdrin â'r achos gwaelodol hwn o dorri hawl plentyn.

Nid oes unrhyw gyfiawnhad posibl dros y diffyg amddiffyniad cyfartal ag oedolion sy'n bodoli ar hyn o bryd.



## The Westminster Children and Families Bill

Last year I noted the positive response from the UK Government to a recommendation that the interests of children across the nations of the UK can be fully represented by the Children's Commissioner in that jurisdiction. That would mean that I could be active in areas which are non-devolved as long as the issue related to Wales, for instance youth justice.

Part of the Children and Families Bill is aimed at amending the legislation for the Children's Commissioner for England and this offers an opportunity to address the issue of my powers not being restricted in areas which are not devolved. Unfortunately, the proposed Bill does not offer a solution as it includes no provision to amend the relevant pieces of legislation. I will continue to seek to influence the legislative process and inform Welsh representatives in Westminster of the need to address this problem.

I see no reason why the Children's Commissioner should not be given broad powers to deal with all matters relating to children in Wales. This would not necessarily involve devolving further legislative or executive powers to Wales. In fact it is difficult to understand why the Children's Commissioner's functions need to be linked only to relevant devolved matters at all. The role of the Children's Commissioner for Wales is to serve the interests of children in Wales. I take the view that this is separate from the issue of what legislative and executive powers are devolved to the National Assembly for Wales and Welsh Ministers.

## UNCRC Article 31 General Comment

In February 2011 the UN Committee on the Rights of the Child announced that they would prepare a General Comment on Article 31 of the Convention. Article 31 states:

**1. States parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.**

**2. States parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.**

A General Comment is a document published by the UN Committee on the Rights of the Child which provides a detailed interpretation of an article or issue relating to the Convention on the Rights of the Child, and provides guidance on the actions required by governments to ensure its implementation.

It had become obvious to the UN Committee that Article 31 is not well understood or appreciated by adults involved directly with children and young people. The hope therefore was that by producing a general comment that States Parties across the world would give greater attention to children's Article 31 rights.

The International Play Association (IPA) were asked by the Committee to take a lead role in the organisation and development of the General Comment. I was delighted to be invited to join an international working group to assist in the drafting which was adopted by the UN Committee on 1 February 2013.

The stated objectives of the General Comment are:

**1. To enhance understanding of the importance of Article 31 for children's well-being and development, and for the realisation of other rights in the Convention.**

**2. To provide interpretation to States parties with regard to the provisions, and consequent obligations, associated with Article 31.**

**3. To provide guidance on the legislative, judicial, administrative, social and educational measures necessary to ensure its implementation for all children without discrimination and on the basis of equality of opportunity.**

Wales and the Welsh Government are viewed very highly on the international stage in relation to children's play given the statutory duty it has in place within Section 11 Children and Families (Wales) Measure 2010. Play, recreation, rest, leisure and involvement in cultural and artistic life are all interrelated and critical to a happy and fulfilling childhood. I meet children and young people every week in my role and it's important to help adults understand how important play is in their lives. I know that this is recognised by Welsh Government, local authorities and civil society in Wales. The publication of the General Comment provides an ideal opportunity to further raise awareness of the importance of Article 31 and I'm looking forward to working with stakeholders in Wales to do just that.

## Legal Reform – Equality of Protection

I referred last year to the ongoing debate within the National Assembly for Wales and welcomed the way in which the Assembly voted on a motion to remove the defence of 'reasonable chastisement'.

The potential for the Social Services and Wellbeing (Wales) Bill (see page 57) to deliver on the intention to improve the well-being of children and young people in Wales would be considerably strengthened if the issue of equal protection was addressed through this Bill.

Welsh Government must take action on the issue of equal protection for children and young people if it is to provide a clear message to children and young people that they have the right to be safe.

The Children Act 2004 fails to prohibit all physical punishment in the family. Where a parent hits a child, they are able to claim a justifying defence – one that would not be available if the victim was over the age of 16. As such, children are denied the equal protection of the law. This must not continue and I urge Welsh Government to uphold their previous commitments to address this fundamental breach of a child's right.

The current lack of equality of protection with adults simply cannot be justified.

# Sut mae fy nhîm yn ffurfio ac yn dylanwadu ar bolisi

How my team  
shape and  
influence policy

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# Yn ystod y 12 mis diwethaf, gwelwyd Llywodraeth Cymru yn cyhoeddi nifer o gynigion deddfwriaethol ac ymgynghoriadau strategol sy'n darparu ar gyfer polisi sy'n berthnasol i bob oed. Mae Llywodraeth Cymru'n ymagweddu'n 'oed-gynhwysol' i ddatblygiadau polisi, fel yr amlinellir isod.

Rhaid mai un ffocws canolog i'm rôl i yw asesu i ba raddau mae anghenion gwahanol a phenodol plant a phobl ifanc yn cael eu hadlewyrchu mewn polisiau sy'n deillio o'r dull hwn. Effen ganolog o'r asesiad hwn yw'r angen am dystiolaeth glir bod Gweinidogion wedi cyflawni eu dyletswydd i roi sylw dyledus i CCUHP, a bod hynny'n cael ei arddangos yn y canlyniadau deddfwriaethol a pholisi. Yn ystod y 12 mis diwethaf bu gennyf achos i herio Llywodraeth Cymru lle na chafodd dystiolaeth o'r fath ei harddangos yn glir.

Mae Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn cyflwyno cysyniad 'pobl y mae angen gofal a chefnogaeth arnynt'. Mae Llywodraeth Cymru wedi cyflwyno eu bwriad polisi o ran yr angen am sicrhau bod gwasanaethau gofal cymdeithasol yn cael eu darparu ar sail angen, yn hytrach nag oedran. Yn fy ymatebion polisi i'r broses deddfwriaethol sy'n gysylltiedig â'r Bil, rwyf wedi lleisio pryderon ynghylch darpariaeth sy'n cyfuno dyletswyddau yng nghyswllt llesiant pobl mewn un Ddeddf, p'un a ydynt yn blant neu'n oedolion. Rwyf wedi cyflwyno'r manau lle mae'r Bil, yn fy marn i, yn methu â rhoi ystyriaeth lawn i gymhwysio CCUHP.

Bwriad y strategaeth 'Law yn llaw at Iechyd Meddwl' yw dod â gwasanaethau at ei gilydd i greu un system gynhwysfawr, ddi-fwlch ar gyfer ymddrin ag anghenion iechyd meddwl ar draws pob oedran. Rwyf fi wedi dadlau y gallai colli strategaeth genedlaethol wahanol, unigryw ar gyfer plant a phobl ifanc, a'i disodli â strategaeth i bob oed, o bosib wanhau'r sylw a roddir i fwradau CCUHP.

Yn fy adroddiad blynyddol diwethaf, fe alwas ar Lywodraeth Cymru i gyhoeddi, a hynny ar frys, Gynllun Gweithredu Trechu Tlodi a fyddai'n gosod y camau gweithredu ar gyfer tlodi plant oddi mewn i fframwaith a seiliwyd ar hawliau plant. Fodd bynnag, pan gyhoeddwyd y Cynllun Gweithredu Trechu Tlodi i bob oed ym mis Mehefin 2012, roedd yn destun pryder arbennig i mi bod hyn wedi arwain i bob golwg at golli fframwaith clir seiliedig ar hawliau, oedd yn unol â dyletswydd Gweinidogion i roi sylw dyledus i CCUHP.

Ers sawl blwyddyn rwyf wedi bod yn galw am strategaeth genedlaethol ar wahân i ofalwyr ifanc. Cyflwynodd y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol ar y pryd y gofyniad am bennod ar wahân ynghylch diwallu anghenion gwybodaeth ac ymgynghori gofalwyr ifanc mewn canllawiau ar y Mesur Strategaethau Gofalwyr (Cymru), a gyflwynwyd yn 2012. Adlewyrchwyd y gofyniad hwn hefyd yn nrafft ymgynghori 'Diweddarau'r Strategaeth ar gyfer Gofalwyr yng Nghymru', sy'n cynnwys pennod ar wahân ar ofalwyr ifanc. Fodd bynnag, rwyf wedi dadlau bod rhaid i'r bennod hon gynnig camau gweithredu mwy cadarn yng nghyswllt diogelu hawliau gofalwyr ifanc yng Nghymru.

Rwyf hefyd wedi ymateb i ymgynghoriadau Llywodraeth Cymru ar feysydd polisi eraill megis y Fframwaith Gweithredu ar gyfer Byw'n Annibynnol, a'r Fframwaith Adfywio Newydd: Lleoedd Llewyrchus Llawn Addewid, lle rwyf wedi galw am roi mwy o ystyriaeth i oblygiadau'r fframweithiau polisi fel offerynnau ar gyfer hybu hawliau plant a phobl ifanc yng Nghymru.

Yn ystod y deuddeg mis nesaf byddaf yn parhau i graffu ar gynigion deddfwriaethol a pholisiau Llywodraeth Cymru wrth iddynt ddatblygu, nes fy mod wedi fy modloni eu bod yn gallu darparu cyfeiriad strategol sy'n cynnal parch at CCUHP a'i hyrwyddo. O edrych ymhellach i'r dyfodol, fy rôl fydd asesu ym mha ffyrdd mae'r cyfeiriad polisi cenedlaethol hwn yn effeithio ar gynllunio lleol ac ymarfer yng nghyswllt sicrhau hawliau a llesiant plant a phobl ifanc yng Nghymru.

# The past twelve months has seen Welsh Government publish a number of legislative proposals and strategic consultations that provide for policy that applies across all ages. Welsh Government has an 'age-inclusive' approach in relation to policy developments as outlined below.

A central focus of my role must be to assess the degree to which the distinct and specific needs of children and young people are reflected in policies emerging from this approach. Central to this assessment is the need for clear evidence that the duty of due regard to the UNCRC on Welsh Ministers has been applied and is demonstrated within legislative and policy outcomes. Over the past twelve months I have had cause to challenge Welsh Government where such evidence has not been clearly demonstrated.

The Social Services and Well-being (Wales) Bill introduces the concept of 'people in need of care and support'. Welsh Government has set out its policy intent in terms of the need to ensure that social care services are provided on the basis of need and not age. In my policy responses to the legislative process related to the Bill I have voiced concerns about provision that brings together duties in relation to the well-being of people into a single Act whether they are a child or an adult. I have set out the ways in which I believe proposals within the Bill fail to give full consideration to application of the UNCRC.

The 'Together for Mental Health Strategy' is intended to bring services together to form a single, seamless, comprehensive system for addressing mental health needs across all ages. I have argued that the loss of a distinct and separate national strategy for children and young people and its replacement with an all age strategy could potentially dilute regard to the intentions of the UNCRC.

In my last annual report I called on Welsh Government to publish as a matter of urgency a Tackling Poverty Action Plan that would situate actions on child poverty within a child rights based framework. However when the all-age Tackling Poverty Action Plan was published in June 2012 it was of particular concern to me that there is an apparent loss of a clear rights based framework in line with the Ministers duty of due regard to the UNCRC.

I have called over a number of years for a separate national strategy for young carers. The then Deputy Minister for Children and Social Services set out the requirement for a separate chapter on meeting the information and consultation needs of young carers in guidance on the Carers Strategies (Wales) Measure issued in 2012. This requirement has also been reflected in the consultation draft of the 'Refreshing the Carers Strategy for Wales' which includes a separate chapter on young carers. However I have argued that this chapter has to offer more robust actions in relation to securing the rights of young carers in Wales.

I have also responded to Welsh Government consultations on other policy areas such as the Framework for Action on Independent Living, and the Vibrant & Viable Places: New Regeneration Framework where I have called for stronger consideration of the implications of the policy frameworks as tools for promoting the rights of children and young people in Wales.

Over the next twelve months I will continue to scrutinise the legislative proposals and policies of Welsh Government as they develop until I am satisfied that they can provide strategic direction which supports respect for and promotion of the UNCRC. Looking further ahead my role will be to assess the ways in which this national policy direction impacts on local planning and practice in relation to securing the rights and wellbeing of children and young people in Wales.

## Agenda rhesymoli

Y llynedd fe gyflwynais yr angen am ddiogelu ffocws clir ar gynnal hawliau plant a phobl ifanc yng nghyd-destun dull mwy diwastraff o integreiddio cynllunio a phartneriaethau. Cyflwynwyd dogfen statudol Llywodraeth Cymru 'Cydamcanu, Cydymdrechu: Canllawiau ar Integreiddio Partneriaethau a Chynlluniau' ym mis Rhagfyr 2012. Mae'r Canllawiau hyn yn disodli canllawiau statudol blaenorol a oedd yn deillio o sawl darn o ddeddfwriaeth: Mesur Strategaethau Cymunedol (Llywodraeth Leol (Cymru)) 2009, Cynlluniau Plant a Phobl Ifanc (Deddf Plant 2004, Mesur Plant a Theuluoedd (Cymru)) 2010, a Deddf Strategaethau Iechyd, Gofal Cymdeithasol a Llesiant (GIG (Cymru)) 2006. Bwriad polisi Llywodraeth Cymru yw rhesymoli'r broses bartneriaeth a chynllunio ar lefel leol er mwyn lleihau cymhlethdod a dyblygu, a rhyddhau adnoddau. Mae Cynlluniau a Phartneriaethau Plant a Phobl Ifanc wedi darparu strwythur penodol ar gyfer cefnogi cynllunio a darpariaeth lleol ar gyfer plant a phobl ifanc oddi mewn i fframwaith sydd â chysylltiad uniongyrchol â CCUHP. Rwy'n bwriadu asesu i weld a yw'r un ffocws ar gynllunio i ddiwallu anghenion plant a phobl ifanc fel rhan o ymagweddiad cysylltiedig â CCUHP yn cael ei adlewyrchu yn y Cynlluniau Integredig Sengl lleol.

## Nod 1: Dechrau'n deg mewn bywyd

### Cymorth i Deuluoedd

#### Edrych yn ôl

Rwyf wedi croesawu buddsoddiad Llywodraeth Cymru mewn rhaglen o fentrau a luniwyd i ddarparu ymyrraeth gynnar a chymorth i deuluoedd mewn modd cyfannol. Mae cynnodau arloesi'r mentrau hyn bellach wedi'u cwblhau, ac mae darpariaeth awdurdodau lleol ledled Cymru wedi gwneud cynnydd yn 2012. Mae buddsoddiad Llywodraeth Cymru yn y rhaglenni cymorth i deuluoedd blaenllaw a amlinellir isod yn sylweddol, ac mae awdurdodau lleol a'u partneriaid wedi bod yn gweithio mewn tirlun lle ceir newid sylweddol i bolisi ac ymarfer er mwyn eu rhoi ar waith. Mae'r ffaith bod pob un o'r rhaglenni hyn yn targedu plant agored i niwed a'u teuluoedd, a bod system o werthuso parhaus ar waith yn arwyddocaol i mi o ran sicrhau bod bwriad polisi yn cael ei drosi'n well cyfleoedd a chanlyniadau i blant a phobl ifanc yng Nghymru. Wrth edrych ymlaen rwyf am sicrhau bod yr ymyrraeth sy'n canolbwyntio ar y teulu yn cynnwys ffocws cadarn ar ddiwallu anghenion penodol, gwahanol plant a phobl ifanc yn y teuluoedd hynny. Byddaf yn parhau i ystyried canfyddiadau'r prosesau gwerthuso sydd ar waith wrth iddynt gael eu cyhoeddi.

### Dechrau'n Deg

Dechrau'n Deg yw rhaglen Blynnyddoedd Cynnar flaenllaw Llywodraeth Cymru i deuluoedd â phlant o dan 4 oed, ac mae'n targedu cymunedau difreintiedig. Cyflwynodd Llywodraeth Cymru Ganllawiau Strategol newydd ar gyfer Dechrau'n Deg ym mis Ebrill 2012 i hysbysu datblygiad cynllun strategol 3 blynedd gan awdurdodau lleol a'u partneriaid. Mae 4 elfen graidd i'r rhaglen: gofal plant rhan amser i bob plentyn 2-3 oed mewn ardaloedd Dechrau'n Deg; cynnig gwasanaeth Ymweliadau Iechyd Lefel uwch; rhaglen a chymorth magu plant a datblygu iaith gynnar. Rwy'n falch bod Llywodraeth Cymru wedi ymrwymo i ehangu'r rhaglen er mwyn dyblu nifer y plant mewn cymunedau difreintiedig sy'n elwa o gymorth yn y blynnyddoedd cynnar, o 18,000 i 36,000 erbyn 2015. Ar hyn o bryd mae 140 o leoliadau ledled Cymru lle gall rhieni gyrchu cymorth Dechrau'n Deg, a chyhoeddwyd arian cyfalaf newydd hefyd yn 2012 i helpu i ddarparu 146 o ganolfannau ychwanegol. Mae tystiolaeth gref i ddangos bod ymyrraeth ym mlynnyddoedd cynnar bywydau plant yn allweddol i'w cefnogi i sicrhau gwell canlyniadau wrth iddynt dyfu i fyny. Yn bwysig, mae Dechrau'n Deg yn destun gwerthuso parhaus i'r rhaglen ar lefel genedlaethol.

### Teuluoedd yn Gyntaf

Rhaglen o eiddo Llywodraeth Cymru yw Teuluoedd yn Gyntaf, ac mae'n hybu systemau amlasiantaeth i ddarparu cymorth cyfannol i deuluoedd, yn enwedig y rhai sy'n byw mewn tlodi. Darparodd Llywodraeth Cymru gyllid o £42 miliwn yn ystod 2012-13 ar gyfer y rhaglen. O fis Ebrill 2012 roedd disgwyl i bob awdurdod lleol ddatblygu a gweithredu asesu ar y cyd, model fim o gwmpas y teulu, gwasanaethau wedi'u targedu oedd yn canolbwyntio ar y teulu, cyfres ddysgu rhwng awdurdodau, a chynigion i wella'r cymorth i blant a phobl ifanc anabl. Mae canfyddiadau Cyfres Ddysgu Genedlaethol Teuluoedd yn Gyntaf yn awgrymu bod nifer o heriau i weithredu'r rhaglen ar lefel leol, ac mae atebion wedi cael eu cynnig. Mae'r heriau'n cynnwys datblygu dealltwriaeth amlasiantaeth o asesu ar y cyd a dull y fim o gwmpas y teulu, cefnogi defnydd priodol o systemau atgyfeirio, a rhoi cytundebau a systemau rhannu gwybodaeth ar waith. Mae gwahanol ardaloedd yn defnyddio gwahanol systemau a strwythurau i weithredu egwyddorion Teuluoedd yn Gyntaf. Comisiynodd Llywodraeth Cymru werthusiad tair blynedd o'r rhaglen Teuluoedd yn Gyntaf ym mis Gorffennaf 2012.

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### Rationalisation agenda

Last year I set out the need to safeguard a clear focus on upholding the rights of children and young people in the context of the integration of planning and partnerships. Welsh Government statutory guidance: 'Shared Purpose, Shared Delivery: Guidance on Integrating Partnerships and Plans' was issued in December 2012. This Guidance replaces previous statutory guidance from a number of pieces of legislation: Community Strategies (Local Government (Wales) Measure 2009), Children and Young People's Plans (Children Act 2004, Children and Families (Wales) Measure 2010), and Health Social Care and Well-being Strategies (NHS (Wales) Act 2006). Welsh Government's policy intention is to rationalise the partnership and planning process at the local level in order to reduce complexity and duplication and free up resources. Children and Young People's Plans and Partnerships have provided a distinct structure to support local planning and provision for children and young people within a framework directly linked to the UNCRC. I intend to assess if the same focus on planning to meet the needs of children and young people within an approach linked to the UNCRC is reflected in local Single Integrated Plans.

## Aim 1: Flying start in life

### Family Support

#### Looking back

I have welcomed Welsh Government's investment in a programme of initiatives designed to provide early intervention and support for families in a holistic way. The pioneer phases of these initiatives are now complete and local authority delivery across Wales has progressed in 2012. Welsh Government investment in the flagship family support programmes outlined below is considerable and local authorities and their partners have been working in a landscape of considerable policy and practice change in order to implement these. The fact that each of these programmes is targeted at vulnerable children and their families and that a system of on-going evaluation is in place is significant for me in terms of ensuring that policy intent translates into improved opportunities and outcomes for children and young people in Wales. Looking forward I want to ensure that family focussed intervention includes a strong focus on meeting the specific and distinct needs of children and young people within those families. I will continue to consider the findings of the evaluation processes in place as they are published.

### Flying Start

Flying Start is the Welsh Government's flagship Early Years programme for families with children who are under 4 years old and is targeted at deprived communities. Welsh Government issued new Flying Start Strategic Guidance in April 2012 to inform the development of a 3 year strategic plan by local authorities and their partners. The programme has 4 core elements: part-time childcare for all 2-3 year olds in Flying Start areas; an enhanced health visiting service offer; parenting programme and support and early language development. I am pleased that Welsh Government has committed to expanding the programme to double the number of children in disadvantaged communities benefiting from early years support from 18,000 to 36,000 by 2015. There are currently 140 locations across Wales where parents can access Flying Start support and the new capital funding was also announced in 2012 to help provide an extra 146 centres. There is strong evidence to demonstrate that intervention in the early years of children's lives is key to supporting them in securing better outcomes as they grow older. Importantly, Flying Start is subject to ongoing programme evaluation at a national level.

### Families First

Families First is a Welsh Government programme that promotes multi-agency systems to provide holistic support to families, particularly those living in poverty. Welsh Government provided £42 million funding during 2012-13 for the programme. From April 2012 all local authorities were expected to develop and implement joint assessment, a team around the family model, targeted family-focused services, an inter-authority learning set and proposals to improve support for disabled children and young people. Families First National Learning Set findings suggest that there are a number of challenges to implementing the programme at the local level and solutions have been put forward. The challenges include developing a multi-agency understanding of the joint assessment and team around the family approach, supporting appropriate use of referral systems and implementing information sharing agreements and systems. Different areas are using different systems and structures to implement the principles of Families First. Welsh Government commissioned a three-year evaluation of the Families First programme in July 2012.

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## Gwasanaethau Cymorth Integredig i Deuluoedd (IFSS)

Cyflwynwyd Gwasanaethau Cymorth Integredig i Deuluoedd (IFSS) trwy'r Mesur Plant a Theuluoedd (Cymru) 2010. Dechreuodd ardaloedd arloesi weithredu'r rhaglen ym mis Medi 2010, a bydd IFSS yn gweithredu ym mhob ardal yng Nghymru erbyn diwedd 2013. Mae'r rhaglen IFSS yn canolbwyntio ar gefnogi teuluoedd sydd ag anghenion cymhleth, lle gall plentyn/plant fod mewn perygl o ganlyniad i broblemau camddefnyddio sylweddau'r rhieni. Cyflwynir y rhaglen ar ffur dull teuluoel integredig, cyfannol a ddarperir gan awdurdodau lleol a'u partneriaid bwrdd iechyd lleol. Cyflwynodd Llywodraeth Cymru Reoliadau Timau Cymorth Integredig i Deuluoedd (Cyfansoddiad Timau a Swyddogaethau Byrddau) (Cymru) yn 2012, i gefnogi'r dull rhagnodol a ddefnyddiwyd yn y cymorth a'r ymyrraeth a gynigiwyd trwy'r rhaglen. Cyhoeddwyd adroddiad interim cyntaf gwerthusiad parhaus yr IFSS ym mis Mai 2012 ac mae'n cynnig arweiniad ar y gwersi a ddysgwyd yn sgîl cyfnod cynnar y rhaglen.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod gweithrediad eu rhaglenni cymorth i deuluoedd blaenllaw yn cynnwys ffocws pendant ar ddiwallu anghenion unigryw plant a phobl ifanc, a hynny oddi mewn i ddull cyfannol sy'n canolbwyntio ar y teulu.**

## Magu Plant

### Edrych yn ôl

Yn adroddiad y llynedd galwais ar Lywodraeth Cymru i gyhoeddi canllawiau a fyddai'n cynorthwyo awdurdodau lleol i sicrhau darpariaeth gwasanaethau cymorth magu plant cyffredinol i rieni plant, yn unol â'r pŵerau a nodwyd ym Mesur Plant a Theuluoedd (Cymru) 2010. Galwais hefyd am i ganllawiau o'r fath gynnig cyfeiriad ar gyfer y ddarpariaeth i gyfaldfal gofalwyr sy'n perthyn, gofalwyr maeth, gofalwyr mabwysiadol a rhieni sydd â phlentyn anabl. Rydym yn dal heb ganllawiau na strategaeth genedlaethol gyfredol i sbarduno darparu cymorth i bob rhiant a gofalwr yng Nghymru.

Yn ôl Erthygl 18 o CCUHP, at ddibenion gwarantu a hybu hawliau'r Confensiwn, dylid darparu cymorth priodol i rieni a gwarcheidwaid cyfreithiol gyflawni eu dyletswyddau magu plant. Mae rhieni a gofalwyr yn chwarae rhan hanfodol ym mywyd plentyn, ac mae'n rhaid i ni wneud popeth o fewn ein gallu i'w cefnogi. Mae Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn rhoi i awdurdodau lleol a Byrddau Iechyd Lleol fwy o ddyletswyddau i gymryd camau i atal a lleihau anghenion gofal a chymorth pobl yn eu hardal. Dylai cymorth magu plant cyffredinol i rieni a gofalwyr fod yn elfen allweddol o'r ddarpariaeth sy'n cyflawni'r ddyletswydd hon. Bydd angen cyfeiriad cenedlaethol clir o hyd ar ddeiliaid dyletswydd ar lefel leol, er mwyn sicrhau bod cefnogaeth i ddulliau cadarnhaol o fagu plant, er lles pennaf y plentyn, yn cael ei darparu'n gyson ledled Cymru.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i gyhoeddi canllawiau a fydd yn darparu cyfeiriad strategol clir ar gymorth magu plant cyffredinol i rieni a gwarcheidwaid cyfreithiol i hysbysu gweithrediad dyletswyddau uwch er hybu llesiant, fel y nodwyd yn y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2013.**

## Plant sy'n dioddef effaith carchariad rhieni

Nid oes data lefel Cymru ar gael ar nifer y plant yng Nghymru sy'n dioddef effaith carcharu rhiant. Fodd bynnag, mae tystiolaeth y DU yn awgrymu y bydd 7 y cant o'r boblogaeth ysgol yn profi carchariad rhiant ar ryw adeg yn ystod eu cyfnod yn yr ysgol. Mae ymchwil hefyd yn dweud wrthym fod plant sydd â charcharor yn y teulu yn debygol o brofi ystod o anawsterau emosïynol, yn fwy tebygol o ddatblygu problemau iechyd meddwl, yn fwy tebygol o fyw mewn tlodi, yn llai tebygol o fwynhau canlyniadau addysg da, ac mewn mwy o berygl o ddioddef canlyniadau gwael wrth heneiddio.

Yn ystod y 12 mis diwethaf, rwyf wedi cael cyfle i ymgysylltu mewn nifer o ddiwyddiadau ac ymweliadau i ddysgu mwy am y gwaith cymorth i deuluoedd pwysig sy'n datblygu mewn carcharau yng Nghymru. Mae rhai enghreifftiau ardderchog o arloesi, gyda'r carchar a'r gwasanaethau cymunedol yn cydweithio i gynnal teuluoedd, gyda'r nod o sicrhau gwell canlyniadau i'r plant. Hoffwn i weld y gwaith hwn yn cael ei ddatblygu ymhellach i sicrhau bod y plant hyn, y mae eu hanghenion yn aml yn parhau'n anweledig i'r gwasanaethau prif ffrwd, yn gallu gwirredu eu hawliau heb gamwahaniaethu yn eu herbyn, yn unol ag Erthygl 2 o CCUHP.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sefydlu mesurau a fydd yn sicrhau bod eu rhaglenni blaenllaw megis Dechrau'n Deg a Theuluoedd yn Gyntaf yn ymgysylltu'n rhagweithiol â theuluoedd y mae carcharu rhiant wedi effeithio arnynt.**



## Integrated Family Support Services (IFSS)

Integrated Family Support Services (IFSS) were introduced through the Children and Families (Wales) Measure 2010. Pioneer areas started operating the programme in September 2010 and IFSS will operate in all areas in Wales by the end of 2013.

The IFSS programme is focused on supporting families with complex needs, where a child/children can be at risk as a result of parental substance misuse problems. The programme is delivered through an integrated and holistic family approach provided by local authorities and their local health board partners. Welsh Government issued Integrated Family Support Teams (Composition of Teams and Board Functions) (Wales) Regulations in 2012, in support of the prescriptive approach used in the support and intervention offered through the programme. The first interim report of the on-going evaluation of IFSS was published in May 2012 and offers direction on the lessons learnt from the early phase of the programme.

### Looking forward

**I am calling on Welsh Government to ensure that the implementation of their flagship family support programmes includes a strong focus on meeting the distinct needs of children and young people within a holistic family focussed approach.**

## Parenting

### Looking back

In last year's report I called on Welsh Government to publish guidance to support local authorities in securing the provision of universal parental support services to the parents of children in line with powers set out in the Children and Families (Wales) Measure 2010. I also called for such guidance to provide direction on provision to support kinship carers, foster carers, adoptive carers and parents who have a disabled child. There is still no guidance or current national strategy to drive the provision of support to all parents and carers in Wales.

Article 18 of the UNCRC provides that for the purpose of guaranteeing and promoting the rights of the Convention, appropriate assistance should be provided to parents and legal guardians in the performance of their child-rearing duties. Parents and carers have a pivotal role in the life of a child and we must do all we can to support them. The Social Services and Well-being (Wales) Bill affords enhanced duties on local authorities and Local Health Boards to take steps to prevent and reduce the needs for care and support of people in their area. Universal parenting support to parents and carers should be a key component of provision to meet this duty. Local duty bearers will still need clear national direction from Welsh Government to ensure that support for positive parenting in the best interests of the child is consistently delivered across Wales.

### Looking forward

**I am calling on Welsh Government to publish guidance to provide clear strategic direction on universal parenting support for parents and legal guardians to inform the implementation of enhanced duties to promote well-being as contained in the Social Services and Well-being (Wales) Bill 2013.**

## Children affected by parental imprisonment

There is no Wales level data available on the number of children in Wales who are affected by the imprisonment of a parent. However UK evidence suggests that 7 per cent of the school population will experience the imprisonment of a parent at some point during their time in school. Research also tells us that children with a prisoner in the family are likely to experience a range of emotional difficulties, are at greater risk of developing mental health problems, more likely to live in poverty, less likely to enjoy good educational outcomes and at greater risk of poor outcomes as they grow older.

Over the past 12 months I have had the opportunity to engage in a number of events and visits to learn more about the important family support work that is developing in prisons in Wales. There are some excellent examples of innovation where the prison and community services are working together to support families with the aim of securing better outcomes for children. I would like to see this work developed further to ensure that these children, whose needs often remain invisible to mainstream services, are able to realise their rights without discrimination in line with Article 2 of the UNCRC.

### Looking forward

**I am calling on Welsh Government to put in place measures to ensure that their flagship programmes such as Flying Start and Families First proactively engage with families affected by parental imprisonment.**

## Nod 2: Mynediad at gyfleoedd addysg, hyfforddiant a dysgu

### Trefniadaeth Ysgolion

#### Edrych yn ôl

Y llynedd fe alwais ar Lywodraeth Cymru i gyflwyno mesurau a fyddai'n sicrhau bod plant a phobl ifanc yn cael eu cydnabod fel rhanddeiliaid allweddol yng nghyswllt y prosesau ymgysylltu sy'n gysylltiedig â safonau a threfniadaeth ysgolion. Rwy'n falch bod y Côd Trefniadaeth Ysgolion Drafft, a gyflwynwyd gan Lywodraeth Cymru ym mis Hydref 2012, yn nodi bod rhaid i gynhywyr wneud trefniadau i ymgynghori â disgyblion o unrhyw ysgol yr effeithir arni, a phennir ymgynghori â chynghorau ysgol fel isafswm. Rwy'n croesawu'r ffaith bod y Côd Trefniadaeth Ysgolion Drafft hefyd yn cyflwyno'r gofynion ar gyfer cynhyrchu gwybodaeth mewn fformatau oed-briodol, ac yn cynnwys cyfeiriad uniongyrchol at safonau cyfranogiad cenedlaethol. Mae'r darpariaethau hyn yn cynnal bwriadau Erthygl 12 (hawl plant i fynegi barn yn rhydd ar bob mater sy'n effeithio arnynt) ac Erthygl 13 (yr hawl i dderbyn a rhoi gwybodaeth trwy gyfrwng o ddewis y plentyn) o CCUHP. Rwy'n gobeithio y bydd canllawiau a rheoliadau dilynol a gyflwynir o dan y Bil Safonau a Threfniadaeth Ysgolion (Cymru) yn adlewyrchu darpariaethau CCUHP mewn modd tebyg.

Yn ystod y deuddeg mis diwethaf, mae'r Gweinidog hefyd wedi cyhoeddi cynllun gweithredu cenedlaethol newydd ar gyfer addysg 3-16 yng Nghymru – 'Gwella Ysgolion'. Mae'r cynllun yn cynnwys tair blaenoriaeth allweddol ar gyfer gwella ansawdd y dysgu a'r addysg a chanlyniadau addysgol dysgwyr yng Nghymru: gwella llythrennedd, gwella rhifedd a lleihau effaith amddifadedd ar ganlyniadau addysgol. Rwy'n croesawu'r ffaith bod Llywodraeth Cymru yn rhoi arweiniad a chyfeiriad cenedlaethol clir i ddarparu'r addysg ledled Cymru. Mae'r sbardun strategol cadarn hwn a'r mesurau sy'n cael eu sefydlu i gefnogi athrawon, penaethiaid a chyrrff llywodraethu yn darparu sylfaen ar gyfer newid i gynnal hawl pob plentyn i gael addysg (Erthygl 28, CCUHP). Fodd bynnag, mae'r achosion sy'n dal i ddraedd fy swyddfa yn dangos yn eglur i mi na ddylem danbrisiu'r her sydd o'n blaenau o ran sicrhau'r cynnig addysgol mae pob plentyn yn ei hysgota. Rwy'n falch, felly, bod y Gweinidog wedi gofyn i OECD (y Sefydliad ar Gyfer Cydweithrediad a Datblygiad Economaidd) gynnal adolygiad o'r trefniadau diwygio cyfredol ac amlygu meysydd polisi a darpariaeth a fydd yn ychwanegu gwerth at y rhaglen ddiwygio.

Mae'r Gweinidog hefyd wedi cychwyn adolygiad annibynnol manwl (adolygiad Hill) i effeithiolrwydd y system darparu addysg gyfredol, ar lefel ysgol ac awdurdod lleol. Cyhoeddwyd yr adolygiad fis Tachwedd diwethaf, ac mae'n canolbwyntio ar yr opsiynau cyflwyno er mwyn cynnal y gwaith o wella ysgolion, arweinyddiaeth ysgolion a chanlyniadau dysgwyr.

#### Llesiant dysgwyr

Cyhoeddwyd tystiolaeth a gyflwynwyd gan Estyn yng nghyswllt effeithiolrwydd ysgolion wrth drechu tlodi ac anfantais yn 2012, ac mae'n cyflwyno achos cryf dros bwysigrwydd cynnal llesiant disgyblion er mwyn sicrhau cyrhaeddiad. Mae'r adroddiad yn awgrymu bod yr ysgolion sy'n effeithiol o dan amgylchiadau heriol yn ymagwedd fel ysgol gyfan, ac yn meddu ar systemau cydlynus, strwythuredig i godi cyflawniad. Seilwyd y dull hwn ar ddealltwriaeth o'r berthynas rhwng llesiant disgyblion a safonau. O ganlyniad, mae ffocws ar ddatblygu sgiliau cymdeithasol ac emosiynol, a chynnal anghenion cymdeithasol ac emosiynol y dysgwyr. Mae ysgolion effeithiol hefyd yn rhoi pwyslais ar wrando ar ddysgwyr a rhoi cyfleoedd iddynt gyfranogi'n llawn ym mywyd yr ysgol. Nododd Estyn hefyd fod ysgolion effeithiol yn ymgysylltu â dysgwyr mewn cyfoeth o weithgareddau allgyrsiol, ac yn ymgysylltu'n dda â rhieni a gofaluwr i'w helpu nhw a'u plant i oresgyn rhwystrau i ddysgu. Mae ysgolion effeithiol yn canolbwyntio'n barhaus ar bresenoldeb da, prydlondeb ac ymddygiad cadarnhaol, yn meddu ar system addas o gosbau, ond yn canfod bod systemau gwobrwyo'n gweithio'n arbennig o dda. Mae Estyn yn nodi cyfanswm o 10 elfen o arfer da. Byddwn i'n disgwyl i unrhyw newidiadau a gyflwynir yn dilyn yr adolygiad sicrhau bod strwythurau a systemau cryf yn eu lle i gynnal diogelu a hybu llesiant y dysgwyr, yn unol â thystiolaeth Estyn ynghylch arfer effeithiol gyda dysgwyr sydd o dan anfantais.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod diwygiadau i'r system addysg yng Nghymru yn cynnwys ffocws clir ar lesiant dysgwyr a'u diogelu.**

#### Cyfranogiad mewn lleoliadau addysg

#### Edrych yn ôl

Yn fy adroddiad diwethaf fe nodais y cyfraniad sylweddol rwyf i'n credu y gall cyfranogiad mewn lleoliadau addysg ei wneud i agenda gwella ysgolion. Soniais hefyd am fy siom fod tystiolaeth o arolwg 2011 Llywodraeth Cymru ar ymgysylltiad disgyblion yn awgrymu bod plant a phobl ifanc yn dal i adrodd nad oeddent yn cael gwrandawriad ystyrlon. Cyhoeddodd Estyn eu hadroddiad ar 'Arfer effeithiol wrth fynd i'r afael â thlodi ac anfantais mewn ysgolion' yn 2012. Mae'r adroddiad yn nodi'n glir bod yr ysgolion llwyddiannus sy'n wynebu amgylchiadau heriol wedi canfod bod mentrau i ddatblygu ymgysylltiad dysgwyr a'r penderfyniadau a wneir ganddynt yn yr ysgol yn cael effaith gadarnhaol ar uchelgais y dysgwyr, eu safonau, eu presenoldeb a'u hymddygiad.

Rwy'n croesawu'r ffaith bod Llywodraeth Cymru wedi diweddarau ac ail-lansio gwefan Llais Disgyblion Cymru y llynedd, ac rwy'n gobeithio y bydd ysgolion yn defnyddio'r safle yn adnodd i gynnal eu hymarfer.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru ac Estyn i symud ymlaen mewn ymateb i'm galwadau yn y gorfennol ynghylch yr angen am adolygiad thematig o safonau cyfranogiad ac ymarfer mewn ysgolion yng Nghymru.**

#### Diogelu ym myd addysg

#### Edrych yn ôl

Mae Llywodraeth Cymru wedi ymateb i'r pryderon a godais ynghylch y meini prawf ar gyfer atgyfeirio pryderon amddiffyn plant, drwy gyhoeddi, yn gynharach eleni, ganllawiau diwygiedig ar weithdrefnau disgyblu a diswyddo ar gyfer staff ysgolion. Ymddengys bod y canllawiau diwygiedig yn darparu cyngor cliriach a mwy cadarn i gyrrff llywodraethu ysgolion. Fodd bynnag, mae'n rhaid i benaethiaid a chyrrff llywodraethu ysgolion dderbyn yr hyfforddiant a'r gefnogaeth angenrheidiol i sicrhau eu bod yn gallu defnyddio'r gweithdrefnau newydd fel y bwriadwyd.

Rwy'n ymwybodol bod Llywodraeth Cymru hefyd yn adnewyddu'r canllawiau diogelu ym myd addysg ar gyfer awdurdodau lleol a chyrrff llywodraethu, a gyflwynwyd yn 2007. Rwy'n gobeithio bod y newidiadau a wnaed i'r canllawiau yn adlewyrchu'r ddyletswydd i roi sylw dyledus i CCUHP, ac o ganlyniad yn cynnwys cyfarwyddyd clir ar egwyddor lles pennaaf (Erthygl 3), yn ffocws i arfer diogelu mewn lleoliadau addysg.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro'n fanwl weithrediad y canllawiau newydd ar weithdrefnau disgyblu a diswyddo i staff ysgolion.**

**Rwy'n galw ar Lywodraeth Cymru i gymhwyso'r ddyletswydd i roi sylw dyledus i CCUHP wrth adnewyddu'r canllawiau diogelu ym myd addysg i awdurdodau lleol a chyrrff llywodraethu, er mwyn gwneud egwyddor lles pennaaf yn fwy effeithiol (Erthygl 3).**

## Aim 2: Access to education, training and learning opportunities

### School Organisation

#### Looking back

Last year I called on Welsh Government to introduce measures to ensure that children and young people be recognised as key stakeholders in relation to the engagement processes associated with school standards and organisation. I am pleased that the Draft School Organisation Code issued by Welsh Government in October 2012 states that proposers must make arrangements to consult with pupils of any affected school and consultation with school councils is set as a minimum. I welcome the fact that the Draft School Organisation Code also sets out requirements for the production of information in age appropriate formats and includes direct reference to national participation standards. These provisions support the intentions of Article 12 (the right of children to express views freely in all matters affecting them) and Article 13 (the right to receive and impart information through media of the child's choice) of the UNCRC. I hope that subsequent guidance and regulation issued under the School Standards and Organisation (Wales) Bill will reflect the provisions of the UNCRC in a similar way.

In the past twelve months the Minister has also published a new national implementation plan for 3 to 16 education in Wales – 'Improving Schools'. The plan contains three key priorities for improving the quality of learning and teaching and of educational outcomes for learners in Wales: to improve literacy, improve numeracy and reduce the impact of deprivation on educational outcomes. I welcome the fact that Welsh Government is providing strong national leadership and direction to education providers across Wales. This strong strategic drive and the measures being put in place to support teachers, head teachers and governing bodies provides the basis for change to support every child's right to an education (Article 28, UNCRC). However, the cases that continue to come into my office make it clear to me that we should not underestimate the challenge ahead in securing the educational offer every child deserves. I am therefore pleased that the Minister has asked the Organisation for Economic Co-operation and Development (OECD) to undertake a review of the current reform arrangements and to highlight areas of policy and provision that will add value to the reform programme.

The Minister has also initiated an in-depth independent review (the Hill review) into the effectiveness of the current education delivery system, at school and local authority level. The review was announced last November and focuses on options for delivery to support school improvement, school leadership and improved learner outcomes.

#### Learner well-being

Evidence presented by Estyn in relation to school effectiveness in tackling poverty and disadvantage was published in 2012 and provides a strong case for the importance of supporting pupil well-being in order to secure attainment. The report suggests that effective schools in challenging circumstances take a whole-school approach which involves coherent and structured systems to raise achievement. This approach is based on an understanding of the relationship between pupil well-being and standards. As a result there is a focus on developing the social and emotional skills and supporting the social and emotional needs of learners. Effective schools also place importance on listening to learners and providing them with opportunities to participate fully in the life of the school. Estyn also identified the fact that effective schools engage learners in a rich extra-curricular offer and engage well with parents and carers to help them and their children overcome barriers to learning. Effective schools have a persistent focus on good attendance, punctuality and positive behavior, had suitable sanctions in place but found that reward systems work particularly well. Estyn identify 10 elements of good practice in total. I would expect any changes introduced following the review to ensure that there are strong structures and systems in place to support safeguarding and the promotion of learner well-being in line with Estyn's evidence on effective practice with disadvantaged learners.

#### Looking forward

**I am calling on Welsh Government to ensure that reforms to the education system in Wales include a clear focus on learner well-being and safeguarding.**

#### Participation in education settings

#### Looking back

In my last report I set out the significant contribution I believe participation in education settings can make to the school improvement agenda. I also signalled my disappointment that evidence from Welsh Government's 2011 survey on pupil engagement suggested that children and young people were still reporting that they were not being listened to in a meaningful way. Estyn published their report on 'Effective practice in tackling poverty and disadvantage in schools' in 2012. The report is clear that successful schools in challenging circumstances have found that initiatives to develop learners' involvement and decision-making in school have a positive impact on learners' ambition, standards, attendance and behaviour.

I welcome that Welsh Government updated and relaunched the Pupil Voice Wales website last year and I hope that schools will use the site as a resource to support their practice.

#### Looking forward

**I am calling on Welsh Government and Estyn to progress my past calls in relation to the need for a thematic review of participation standards and practice in schools in Wales.**

#### Safeguarding in education

#### Looking back

Welsh Government has responded to the concerns I raised about the criteria for referring child protection concerns with the publication earlier this year of revised guidance on disciplinarily and dismissal procedures for school staff. The revised guidance appears to provide clearer and more robust advice to school governing bodies. However head teachers and school governing bodies must get the training and support needed to ensure that they are able to utilise the new procedures as intended.

I am aware that Welsh Government is also refreshing the safeguarding in education guidance for local authorities and governing bodies that was issued in 2007. I hope that the changes made to the guidance reflect the duty to have due regard to the UNCRC and as a result include clear direction on the best interest principle (Article 3) as the focus of safeguarding practice in education settings.

#### Looking forward

**I am calling on Welsh Government to closely monitor the implementation of new guidance on disciplinary and dismissal procedures for school staff.**

**I am calling on Welsh Government to apply the duty to have due regard to the UNCRC in the process of refreshing safeguarding in education guidance for local authorities and governing bodies in order to give greater effect to the best interest principle (Article 3).**

## Cwynion addysg

### Edrych yn ôl

Yn fy adroddiad blynyddol diwethaf fe gyflwynais fy mhryderon ynghylch oedi wrth gyhoeddi canllawiau cwynion i gyrrff llywodraethu ysgolion yng Nghymru. Mae'r canllawiau hyn bellach wedi'u cyflwyno, ac maent yn cydnabod y diffygion difrifol sydd wedi bodoli yng nghyswllt cydymffurfio â gweithdrefnau cwynion. Ymddengys bod y Canllawiau'n cynnig cyfarwyddyd clir i gyrrff llywodraethu yng Nghymru ar gyfer ymarfer eu dyletswyddau yng nghyswllt trafod cwynion. Mae angen gwneud gwaith yn awr i sicrhau bod llywodraethwyr a phenaethiaid yn derbyn cymorth i ddeall gofynion y canllawiau newydd.

Rwy'n dal i bryderu, er bod y canllawiau cwynion yn cynghori cyrrff llywodraethu i gytuno i ymchwiliad annibynnol, lle bo'r awdurdod lleol yn cynghori hynny, nad oes hawl gan ddisgyblion a rhieni sy'n gwneud cwyn yn erbyn darparwr addysg i droi at gorff ymchwilio annibynnol.

Yng Nghymru, mae gweithdrefn gwynion enghreifftiol newydd i Gymru gyfan wedi cael ei chyflwyno. Mae Llywodraeth Cymru wedi cyflwyno manteision y dull hwn o ran sicrhau cysondeb wrth drafod cwynion ar draws gwasanaethau cyhoeddus, sicrhau eu bod yn cael eu datrys yn gynt ac ar y lefel briodol, a sicrhau bod y dull o'u datrys yn arwain at welliannau yng nghyflwyniad gwasanaethau cyhoeddus. Mae proses tri cham i'r cynllun enghreifftiol, ac mae'n cynnwys ystyriaeth allanol annibynnol gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru yng Cham 3. Ni chynhwyswyd lechyd a'r Gwasanaethau Cymdeithasol yn y cynigion, gan fod cynlluniau cwyno statudol yn y ddau sector fel ei gilydd. Fodd bynnag, bu Llywodraeth Cymru'n ymgynghori'r llynedd ar newidiadau arfaethedig i weithdrefnau cwynion y Gwasanaethau Cymdeithasol, er mwyn sicrhau eu bod yn cyfateb i'r cynllun cwynion enghreifftiol ar gyfer gwasanaethau cyhoeddus yng Nghymru. Rwyf wedi croesawu'r cynigion i ddarparu proses sy'n iach sy'n cynnal gweithdrefn gyffredin ar draws y gwasanaethau cyhoeddus yng nghyswllt cwynion gwasanaethau cymdeithasol, ond gan goffi rhai pryderon ar yr un pryd ynghylch yr angen am gefnogi'n well dealltwriaeth plant a phobl ifanc o'u hawl i gwyno a'u hawliau yn y broses gwynion. Ni allaf weld rheswm da pam na ddylai'r ddarpariaeth addysg fod yn destun y cynllun cwynion enghreifftiol ar gyfer gwasanaethau cyhoeddus yng Nghymru.

Mae tystiolaeth o hyd y gall plant, pobl ifanc a rhieni gael trafferth i ddeall eu hawl i gwyno neu beth all fod yn sail ar gyfer cwyn. Mae canllawiau Llywodraeth Cymru'n cynnwys gwybodaeth am gwynion enghreifftiol i ddisgyblion, ac mae'n hanfodol bod hyn yn cael ei rannu gyda'r disgyblion. Rwyf hefyd yn credu y gallai'r wybodaeth honno gael ei gwella.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro'n ofalus weithrediad y canllawiau newydd ar gwynion ysgol.**

**Rwy'n galw ar Lywodraeth Cymru i sefydlu mesurau a fydd yn sicrhau bod y ddarpariaeth Addysg yn cyfateb i'r cynllun cwynion enghreifftiol ar gyfer gwasanaethau cyhoeddus yng Nghymru.**

### Presenoldeb ac Ymddygiad

Yn gynharach eleni fe wnes i ddarparu tystiolaeth i Ymchwiliad Pwyllgor Plant a Phobl Ifanc Cynulliad Cenedlaethol Cymru i Bresenoldeb ac Ymddygiad. Roedd yr ymchwiliad hwn yn ystyried y materion a godwyd trwy adroddiad NBAR (yr Adolygiad Cenedlaethol o Ymddygiad a Phresenoldeb) (2008). Roedd y dystiolaeth a gasglwyd i hysbysu fy sylwadau i'r Pwyllgor yn codi nifer o bryderon i mi.

## Rheoli ymddygiad

Mae tystiolaeth a archwiliwyd yng nghyswllt ymchwiliad y Pwyllgor yn awgrymu bod rhieni yn dal yn brin o hyder yng ngallu athrawon i ddefnyddio technegau rheoli ymddygiad cadarnhaol. Cyhoeddodd Llywodraeth Cymru Gynllun Gweithredu Ymddygiad a Phresenoldeb yn 2013, ac mae hefyd wedi lansio gwefan Dysgu Cymru i ddarparu gwybodaeth, canllawiau ac astudiaethau achos yng nghyswllt meysydd gwelliant, yn cynnwys ymddygiad a phresenoldeb. Fodd bynnag, testun siom yw nad yw 'Hwb' dysgu rhithiol Llywodraeth Cymru, a lansiwyd yn ddiweddar ac sy'n darparu adnoddau ystafell dosbarth, ar hyn o bryd yn cwmpasu materion rheoli ymddygiad cadarnhaol a phresenoldeb. Canfu arolwg Estyn o'r trefniadau mewn unedau cyfeirio disgyblion (2012) mai'r unedau a oedd wedi mabwysiadu strategaethau rheoli ymddygiad, ymyriad corfforol cyfyngol a dulliau ataliaeth a achredwyd gan Sefydliad Anableddau Dysgu Prydain oedd y rhai mwyaf effeithiol. Roedd hyn yn gysylltiedig â'r ffaith bod gan yr unedau staff a oedd wedi'u hyfforddi'n dda ac a oedd yn hyderus wrth ddefnyddio technegau i dawelu sefyllfaoedd a allai fod yn heriol.

### Gwaharddiadau o'r ysgol

Rwy'n croesawu'r ffaith bod y gostyngiad yn y gwaharddiadau parhaol o ysgolion yng Nghymru yn ystod y pum mlynedd diwethaf wedi parhau. Fodd bynnag, yn 2010/11 roedd 158 o waharddiadau parhaol o hyd o leoliadau addysg yng Nghymru. Y rheswm mwyaf cyffredin a roddwyd am waharddiadau cynnod penodol yn ystod y cyfnod 2010/11 oedd 'herio'r rheolau'. Rhyddhawyd canllawiau Llywodraeth Cymru ar wahardd o ysgolion ac unedau cyfeirio disgyblion yn 2012, ac mae'n eglur na ddylid penderfynu gwahardd dysgwyr ond lle bu achos difrifol o dorri polisi ymddygiad yr ysgol neu lle gallai ymddygiad disgybl niweidio'n ddifrifol allu eraill i ddisgu. Nid wyf yn eglur ynghylch pa brosesau sydd yn eu lle i gefnogi ymwybyddiaeth disgyblion a'u rhieni/gofalwyr a'u dealltwriaeth o bolisiau ymddygiad ysgolion. Rwy'n pryderu bod cyfradd mor uchel o waharddiadau cynnod penodol am 'herio'r rheolau'. Mae tystiolaeth a gynhwyswyd yn yr astudiaeth a gomisiynwyd gan Lywodraeth Cymru ar waharddiadau anghyfreithlon o'r ysgol (2011) yn destun pryder arbennig i mi.

### Addysg Heblaw yn yr Ysgol

Nododd Adroddiad NBAR (2008) faterion oedd yn ymwneud â chyfyngiadau mewn Addysg Heblaw yn yr Ysgol o ran cynnig addysg ddigonol i blant a phobl ifanc. Cyhoeddodd Estyn adroddiad ar les mewn unedau cyfeirio disgyblion yn 2012 sy'n awgrymu bod cyfres o faterion o hyd y mae angen ymdrin â hwy mewn lleoliadau addysg amgen.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i ddarparu mwy o arweiniad i ysgolion ar fanteision mabwysiadu dulliau ysgol gyfan ar sail tystiolaeth sy'n canolbwyntio ar les disgyblion, gan gefnogi eu hymgyssylltiad a'u cyrhaeddiad addysgol.**

**Rwy'n galw ar Lywodraeth Cymru i roi arweiniad i leoliadau addysg ynghylch mabwysiadu strategaethau rheoli ymddygiad effeithiol, wedi'u hachredu, ymyriad corfforol cyfyngol a dulliau ataliaeth.**

**Rwy'n bwriadu gwneud darn penodol o waith yn ystod y flwyddyn nesaf a fydd yn edrych yn fanwl ar les disgyblion mewn unedau cyfeirio disgyblion yng ngoleuni'r pryderon a godwyd trwy adroddiad Estyn yn 2012.**

## Education complaints

### Looking back

In my last annual report I set out my concerns about delays in the publication of complaints guidance for school governing bodies in Wales. This guidance has now been issued and acknowledges the serious short fallings that have existed in relation to compliance with complaints procedures. The Guidance appears to offer governing bodies in Wales clear direction on the exercise of their duties in relation to handling complaints. Work is now needed to ensure that governors and head teachers receive support in understanding the requirements of the new guidance.

I remain concerned that although the complaints guidance advises governing bodies to agree to an independent investigation where this is advised by the local authority, there is no right of recourse to an independent investigation body for pupils and parents making a complaint against an education provider.

In Wales, a new all Wales model complaints procedure has been introduced. Welsh Government has set out the benefits of this approach in terms of achieving consistency for handling complaints across public services, for ensuring that they are resolved more quickly and at the appropriate level, and ensuring that their resolution leads to improvements in the delivery of public services. The model scheme has a three stage process with Stage 3 involving independent external consideration by the Public Services Ombudsman for Wales. Health and Social Services were not included in the proposals as both sectors have statutory complaint schemes. However, Welsh Government consulted last year on proposed changes to the Social Services complaints procedures to bring them in line with the model complaints scheme for public services in Wales. I have welcomed the proposals to provide a simplified process supporting a common procedure across public services in relation to social services complaints while raising some concerns about the need to better support children's and young people's understanding of their right to complain and their rights in the complaints process. I can see no good reason why education provision should not be subject to the model complaints scheme for public services in Wales.

There is still evidence that children, young people and parents can find it difficult to understand their right to complain or what represents grounds for making a complaint. The Welsh Government guidance includes model complaints information for pupils, it is essential that this is shared with pupils. I also believe that this information could be improved upon.

### Looking forward

**I am calling on Welsh Government to closely monitor the implementation of new guidance on school complaints.**

**I am calling on Welsh Government to take measures to bring Education provision in line with the model complaints scheme for public services in Wales.**

### Attendance and Behaviour

Earlier this year I provided evidence to the National Assembly for Wales' Children and Young People Committee's Inquiry into Attendance and Behaviour. This inquiry considered the issues raised through the National Behaviour and Attendance Review (NBAR) report (2008). The evidence gathered to inform my submission to the Committee raised a number of concerns for me.

## Behaviour management

Evidence examined in relation to the Committee's inquiry suggests that parents still lack confidence in teachers' ability to apply positive behaviour management techniques. Welsh Government published a Behaviour and Attendance Action Plan in 2013 and has also launched the Learning Wales website to provide information, guidance and case studies in relation to improvement areas, including behaviour and attendance. However it is disappointing that Welsh Government's recently launched virtual learning 'Hwb' that provides classroom based resources, does not currently cover positive behaviour management and attendance issues. Estyn's inspection of arrangements in pupil referral units (2012) found that units that had adopted behaviour management strategies, restrictive physical intervention and restraint methods accredited by the British Institute for Learning Disabilities were most effective. This was linked to the units having staff that were well trained and confident in using techniques to defuse potentially challenging situations.

### School exclusions

I welcome the fact that there has been a continued decrease in permanent exclusions from schools in Wales over the past five years. However in 2010/11 there were still 158 permanent exclusions from education settings in Wales. The most common reason given for fixed-term exclusions in the period 2010/11 was 'defiance of rules'. Welsh Government's guidance on exclusion from schools and pupil referral units was released in 2012 and is clear that the decision to exclude a learner should only be taken where there has been a serious breach of school behaviour policy or where the behaviour of a pupil could seriously harm the ability of others to learn. I am not clear what processes are in place to support pupils and their parents/carers awareness and understanding of schools behaviour policies. I am concerned that there is such a high rate of fixed term exclusions for 'defiance of rules'. Evidence included in Welsh Government's commissioned study of illegal school exclusions (2011) is of particular concern to me.

### Education Otherwise than at School

The NBAR Report (2008) identified issues related to limitations in Education Otherwise than at School in terms of provision of an adequate education offer to children and young people. Estyn published a report on wellbeing in pupil referral units in 2012 that suggests there are still a series of issues to be addressed in alternative education settings.

### Looking forward

**I am calling on Welsh Government to provide further direction to schools on the benefits of adopting evidenced whole-school approaches that focus on pupil well-being in support of educational engagement and attainment.**

**I am calling on Welsh Government to provide direction to education settings on the adoption of effective and accredited behaviour management strategies, restrictive physical intervention, and restraint methods.**

**I intend to undertake a distinct piece of work over the coming year that will examine in detail the well-being of pupils in pupil referral units in light of the concerns raised through Estyn's 2012 report.**

Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru (SENTW) 2012

Daeth Rheoliadau newydd y Tribiwnlys i rym ym mis Mawrth 2012. Mae'r Rheoliadau hyn yn cadarnhau ac yn diwygio'r rheoliadau presennol oedd yn berthnasol i SENTW. Ddeuddeng mis yn ddiweddarach, cyhoeddodd SENTW eu hadroddiad blynyddol am y cyfnod 2011-12. Rwy'n nodi eu bod wedi mynegi pryderon am nifer uchel (33%) yr apeliadau lle bu i'r Awdurdod Lleol gydsynio yn ystod y cyfnod adrodd, ac ymwymriad Gweinidogion i weithredu ynghylch y mater hwn.

Rwy'n croesawu'r ffaith bod SENTW wedi cynhyrchu pecyn gwybodaeth i blant a rhieni ar y rheoliadau newydd. Mae hefyd DVD a gwefan i helpu gyda deall y canllawiau a'u rhoi ar waith.

Mae'r rheoliadau hefyd yn darparu ar gyfer hawl plant a phobl ifanc i wneud eu hapêl anghenion addysgol arbennig eu hunain, i hawlio camwahaniaethu ar sail anabledd mewn addysg. Mae Mesur Peilot Plant (Addysg (Cymru)) 2009 wedi bod ar waith mewn dwy ardal awdurdod lleol. Rwy'n croesawu'r datblygiad pwysig hwn ac yn gobeithio y bydd y peilot yn arwain at estyn y darpariaethau hyn ledled Cymru heb oedi diangen.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro gweithrediad y rheoliadau hyn yn fanwl.**

#### Cynigion ar gyfer diwygio'r fframwaith deddfwriaethol ar gyfer anghenion addysgol arbennig

Cyflwynodd Lywodraeth Cymru ymgynghoriad ar gynigion i ddiwygio'r fframwaith deddfwriaethol ar gyfer anghenion addysgol arbennig ym mis Mehefin 2012. Mae CCUHP yn eglur y dylid cyfeirio addysg y plentyn at datblygiad personoliaeth, doniau a galluoedd meddyliol a chorfforol y plentyn, hyd eithaf ei (g)allu (Erthygl 29). Elfen bwysig yw bod y bwriad i fabwysiadu'r term anghenion ychwanegol yn adlewyrchu'r ystod eang o ddatblygiadau a all lesteirio gallu plentyn neu berson ifanc i ddsygu ac i wireddu'r hawliau a geir yn Erthygl 29. Rwy'n ymwylbodol y gall plant a phobl ifanc wynebu rhwystrau i'w hawl i gael addysg a'u gallu i ddsygu mewn amrywiol ffyrdd. Rwyf hefyd yn deall bod y Gweinidog wedi penderfynu caniatáu amser ychwanegol i fireinio manylion gweithredu'r cynigion cyn i gynigion deddfwriaethol gael eu cyflwyno yn y tymor Cynulliad hwn.

Rydym yn gwybod bod y grwpiau a gynhwyswyd yn y canllawiau Cynnwys a Chynorthwyo Disgyblion (2006) yn fwy tebygol o wynebu rhwystrau i ymgylltu a chyflawniad addysgol na'u cyfoedion, ac mae tystiolaeth nad yw pethau'n gwella'n ddigon cyflym yn dal i ddod i'm sylw. Ymddengys y gallai'r dull a geir yn y cynnig diwygio olygu symud ymlaen wrth ymdrin â'r materion hyn.

Mae rhai pryderon gennyf o hyd ynghylch sut bydd y termau angen ychwanegol, angen sylweddol ac angen difrifol a/neu gymhleth, a'r hawliau sy'n dod yn eu sgîl, yn cael eu cyflysu â phlant a phobl ifanc unigol. Byddwn i'n cefnogi'r cynnig i ddatblygu Meini Prawf Cymhwyster Cenedlaethol, er mwyn tywys cymhwysiad cyson wrth asesu angen ledled Cymru. Fodd bynnag, rwy'n gobeithio y byddai unrhyw ganllawiau o'r fath yn darparu'r hyblygrwydd sy'n ofynnol i ddarparu dull sy'n wirioneddol yn canolbwyntio ar y plentyn, ac sydd wedi'i seilio ar anghenion unigol, newidiol.

Croesawir y bwriad i 'amddiffyn hawl' plant a phobl ifanc sydd eisoes yn meddu ar ddatganiad o AAA. Dylid cyfleu hyn yn eglur i blant, pobl ifanc a'u rhieni a'u gofalwyr, i helpu i leddfu'r pryderon sylweddol y maent wedi eu mynegi wrth fy swyddfa.

Rwy'n nodi'r bwriad i osod dyletswydd ar Weinidogion Cymru i gyflwyno Côt Ymarfer Anghenion Ychwanegol. Fe hoffwn gael eglurhad pellach ar statws cyfreithiol arfaethedig y Côt Ymarfer. Rwy'n ymwylbodol bod statws llawer o Godau Ymarfer cyfredol, megis yr un presennol ar gyfer Anghenion Addysgol Arbennig, yn golygu na ellir ei ddefnyddio i alw asiantaethau

i gyfrif mewn modd cadarn. Rwy'n gobeithio y byddai i'r Côt Ymarfer a gynigid yng nghyswllt y diwygiadau a amlinellwyd yn yr ymgynghoriad hwn sylfaen gyfreithiol ddigonol, ac y byddai'n addas at y diben fel fframwaith atebolrwydd. Rhaid i'r Côt Ymarfer amlinellu arfer sy'n canolbwyntio ar y plentyn, ac ymwneud â hawliau pob plentyn a person ifanc mewn modd clir, diamwys.

Mae plant anabl a'u teuluoedd yn aml yn cwyno am gael yr un sgwrs sawl tro ac ailadrodd eu stori wrth wahanol weithwyr proffesiynol. Ymddengys y gallai'r cynigion i gyflwyno Cynlluniau Datblygu Unigol i blant a phobl ifanc wella profiad plant a'u teuluoedd, ac y gallai arwain at broses sy'n llawer mwy hwylus i blant a phobl ifanc. Fodd bynnag, mae'n hanfodol bod y cynigion asesu a chynllunio a amlinellir yma yn cydweddau â chynigion a datblygiadau gwasanaeth eraill a amlinellwyd gan Lywodraeth Cymru, megis y Bil Gwasanaethau Cymdeithasol a Llesiant.

Rwyf wedi gofyn am eglurhad ar y trefniadau i drosglwyddo cyllid i'r Grant Cynnal Refeniw er mwyn cynorthwyo awdurdodau lleol gyda dyletswyddau newydd cysylltiedig â lleoliadau arbenigol ôl-16. Yn benodol, fe hoffwn i gael sicrhwydd y bydd mesurau'n cael eu rhoi ar waith i sicrhau bod cyllid ar gael i alluogi'r bobl ifanc hyn i wireddu eu potensial.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod y diwygiadau a gynigiwyd yn sicrhau ymatebion plentyn-ganolog i anghenion dysgu plant a phobl ifanc unigol.**

**Rwy'n galw ar Lywodraeth Cymru i sicrhau y bydd gan y Côt Ymarfer a gyflwynir fel rhan o'r diwygiadau statws cyfreithiol digonol i alw deiliaid dyletswydd i gyfrif.**

#### Mynediad i leoliadau ysgol ar gyfer plant a phobl ifanc anabl

Mae Deddf Cydraddoldeb 2010 yn gofyn bod awdurdodau lleol yn cynllunio hygyrchedd ysgolion i ddisgyblion anabl; nid dyletswyddau newydd yw'r rhain, ac roeddent wedi'u cynnwys mewn deddfwriaeth oedd yn rhagflaenu Deddf 2010. Mae hefyd yn ofynnol i ysgolion unigol feddu ar gynllun hygyrchedd, sy'n nodi sut maent yn bwriadu gwella mynediad i ddisgyblion anabl.

Fodd bynnag, daeth tystiolaeth i'm sylw y llynedd sy'n awgrymu bod rhai awdurdodau lleol yn dal heb gynlluniau penodol. Mae CCUHP yn glir y dylai'r holl hawliau a geir yn y Confensiwn, gan gynnwys yr hawl i addysg a geir yn Erthyglau 28 a 29, gael eu darparu heb gamwahaniaethu (Erthygl 2). Mae'n destun pryder i mi fod achosion yn dal i ddod i'm sylw lle na all plant anabl fynd i'w dewis ysgol gyda'u cyfoedion oherwydd nad oes addasiadau rhesymol wedi'u gwneud.

#### Edrych ymlaen

**Rwy'n bwriadu gwneud darn penodol o waith yn ystod y flwyddyn sy'n dod a fydd yn edrych yn fanwl ar faterion hygyrchedd yng nghyswllt addysg plant anabl**

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#### Special Education Needs Tribunal for Wales (SENTW) Regulations 2012

The new Regulations for the Tribunal came into force in March 2012. These Regulations consolidate and revise existing regulations that apply to the SENTW. Twelve months on from this SENTW published their annual report for the period 2011-12. I note that SENTW have expressed concerns about the high numbers (33%) of appeals which were conceded by the Local Authority during the reporting period and the Minister's commitment to take action in relation to this issue.

I welcome that SENTW have produced an information pack for children and young people on the new regulations. There is also a DVD and website to assist with implementation and understanding of the guidance.

The regulations also make provision for the right of children and young people to make their own special educational needs appeal to claim disability discrimination in education. The Children's Pilot (Education (Wales) Measure 2009) has been running in two local authority areas. I welcome this important development and hope that the pilot will lead to a roll out of these provisions across Wales without undue delay.

#### Looking forward

**I am calling on Welsh Government to closely monitor the implementation of these regulations.**

#### Proposals for the reform of the legislative framework for special educational needs

Welsh Government issued a consultation on proposals for the reform of the legislative framework for special educational needs in June 2012. The UNCRC is clear that the education of the child should be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential (Article 29). Importantly the proposed adoption of the term additional needs reflects the wide range of circumstances that can impede a child or young person's ability to learn and to realise the rights contained in Article 29. I am aware of the diversity of ways in which children and young people may face barriers to their right to an education and their ability to learn. I also understand that the Minister has made the decision to allow additional time to refine the operational details of the proposals before legislative proposals are brought forward in this Assembly term.

We know that the groups included in the Inclusion and Pupil Support guidance (2006) are more likely to face barriers to educational engagement and achievement than their peers and evidence that things are not improving fast enough continues to come to my attention. The approach contained in the proposal for reform appears to offer the potential for progression in addressing these issues.

I do still have some concerns about the ways in which the terms additional need, significant need and severe and/or complex need with their attendant entitlements will be ascribed to individual children and young people. I would support the proposed development of National Eligibility Criteria to guide a consistent application of assessment of need across Wales. However I would hope that any such guidance would provide the flexibility required to deliver a truly child centred approach based on individual and changing need.

The intention to retain 'entitlement protection' for children and young people who already hold a statement of SEN is welcomed. Children, young people and their parents and carers should have this clearly communicated to them to help allay the considerable concerns and anxieties they have expressed to my office.

I note the intention to impose a duty on Welsh Ministers to issue an Additional Needs Code of Practice. I would like further clarity on the intended legal status of the Code of Practice. I am aware that the status of many current Codes of Practice such as that currently in place for Special

Educational Needs means that it cannot be used to hold agencies to account in a robust manner. I would hope that the Code of Practice proposed in relation to the reforms outlined in this consultation will have sufficient legal standing and will be fit for purpose as an accountability framework. The Code of Practice must outline practice that is child centered and relate to the rights of each child and young person in a clear and unambiguous manner.

Disabled children and their families often complain about the repeated conversations and retelling of their story to different professionals. It would appear that the proposals to introduce Individual Development Plans for children and young people has the potential to improve the experience of children and their families and that it has the potential to lead to a much more child and young person friendly process. However, it is essential that the assessment and planning proposals outlined here dovetail with other proposals and service developments outlined by Welsh Government such as the Social Services and Well-being Bill.

I have asked for clarification on the arrangements to transfer funding into the Revenue Support Grant to support local authorities in new duties related to post-16 specialist placements. Specifically I would like assurances that measures will be put in place to ensure that the funding available to enable these young people to realise their potential is available to them.

#### Looking forward

**I am calling on Welsh Government to ensure that the proposed reforms secure child-centred responses to the learning needs of individual children and young people.**

**I am calling on Welsh Government to ensure that the Code of Practice introduced as part of the reforms will have sufficient legal status to hold duty bearers to account.**

#### Access to school settings for disabled children and young people

The Equality Act 2010 requires local authorities to plan the accessibility of schools for disabled pupils; these are not new duties and were contained in legislation that precedes the 2010 Act. Individual schools are also required to have an accessibility plan in place that sets out how they aim to improve access for disabled pupils.

However evidence brought to my attention last year suggests that some local authorities still do not have specific plans in place. The UNCRC is clear that all the rights contained in the Convention, including the right to education as provided for in Articles 28 and 29 should be provided without discrimination (Article 2). I am concerned that cases continue to come to my attention where disabled children are unable to attend a school of choice with their peers because reasonable adjustments have not been made.

#### Looking forward

**I intend to undertake a distinct piece of work over the coming year that will examine in detail accessibility issues in relation to the education of disabled children.**

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## Addysg Sipsiwn a Theithwyr

Mae'r Comisiwn Cydraddoldeb a Hawliau Dynol wedi cyhoeddi canllawiau i ddarparwyr addysg yng Nghymru ar gyflawni eu dyletswyddau o dan Ddeddf Cydraddoldeb 2010. Mae'r canllawiau hyn yn argymhell bod darparwyr addysg yn rhoi ystod o ddulliau ymgysylltu ar waith er mwyn sicrhau eu bod yn hygyrch ac yn effeithiol wrth gyrraedd ystod briodol o'r grwpiau perthnasol a amddiffynnir, gan gynnwys plant Sipsiwn a Theithwyr. Yn 2011 cyhoeddodd Estyn eu diweddariad ar y ddarpariaeth addysg i ddisgyblion Sipsiwn a Theithwyr mewn ysgolion uwchradd. Canfyddiad yr adroddiad yw bod cyfraddau presenoldeb disgyblion Sipsiwn a Theithwyr a'u lefelau cyrhaeddiad yn dal yn rhy isel, er gwaethaf ymdrechion gorau llawer o staff Gwasanaeth Addysg Teithwyr dynodedig dros gyfnod hir. Testun pryder arbennig oedd bod Estyn wedi canfod mai ychydig o ysgolion oedd â pholisïau neu ymarfer o oedd yn ymddrin yn benodol ag anghenion disgyblion Sipsiwn a Theithwyr, ac mai ychydig oedd yn cynnig cwricwlwm oedd yn hyrwyddo diwylliant Sipsiwn a Theithwyr yn weithredol.

Mae fy ymgysylltu â Fforwm Ieuenctid Cenedlaethol Sipsiwn a Theithwyr – Teithio Ymlaen yn ystod y 12 mis diwethaf yn awgrymu i mi bod llawer o waith i'w wneud o hyd i ymddrin â'r materion a nodwyd gan Estyn. Mae CCUHP yn glir y dylid darparu'r holl hawliau a geir yn y Confensiwn, gan gynnwys yr hawl i Addysg a geir yn Erthyglau 28 a 29, heb gamwahaniaethu (Erthygl 2). Nid yw plant Sipsiwn a Theithwyr yn cael y cyfleoedd addysgol y dylid eu rhoi iddynt er mwyn iddynt wireddu'r hawliau hyn.

Rwy'n ymwybodol bod Llywodraeth Cymru wedi ymateb i ganfyddiadau adroddiad Estyn yn 2011, ac wedi cyflwyno nifer o gamau gweithredu a fwrddwyd i ymddrin â'r materion a nodwyd ynghylch yr addysg a gynigir i blant Sipsiwn a Theithwyr.

## Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro'n fanwl effaith y camau gweithredu a gymrwyd i ymddrin ag argymhellion adroddiad Estyn ar ymarfer cyfrifoldebau darparwyr Addysg yng nghyswllt ymgysylltu â phlant Sipsiwn a Theithwyr yn unol â darpariaethau Deddf Cydraddoldeb 2010.**

## Nod 3: Mwynhau'r iechyd corfforol, meddyliol, cymdeithasol ac emosiynol gorau posib

### Gwasanaeth Iechyd Meddwl Plant a Phobl Ifanc (CAMHS)

#### Edrych yn ôl

Cyhoeddodd Llywodraeth Cymru y strategaeth genedlaethol gynhwysol o ran oed 'Law yn llaw at Iechyd Meddwl' ym mis Hydref 2012. Mae Llywodraeth Cymru wedi nodi cynnwys plant yn y strategaeth a chatau gweithredu penodol yn y cynllun cyflawni fel datblygiad sy'n gwneud Erthygl 24 o CCUHP (hawl plant i dderbyn gofal iechyd ansawdd da) yn fwy effeithiol. Fodd bynnag, byddwn i'n dadlau y gallai colli strategaeth genedlaethol benodol ar wahân ar gyfer plant a phobl ifanc a'i disodli â strategaeth i bob oed o bosib wanhau'r sylw a roddir i fwrddau CCUHP. Rwy'n croesawu'r ffaith bod y strategaeth yn cynnwys y 7 Nod Craidd i blant a phobl ifanc yng Nghymru o dan CCUHP yn ei dull o weithredu. Fodd bynnag, rwy'n dal heb fy argyhoeddi y gall hyn ddarparu cyfeiriad cryfach yng nghyswllt dull seiliedig ar hawliau o ymddrin â gwasanaethau iechyd meddwl i blant a phobl ifanc nag a fyddai'n cael ei ddarparu mewn strategaeth benodol ar wahân.

Rwy'n ymwybodol bod Grŵp Sicrwydd Cyflenwi Llywodraeth Cymru wedi bod yn gweithio i symud yr agenda hon yn ei blaen, o ran ei pherthnasedd i blant a phobl ifanc. Rwy'n gobeithio y bydd y Bwrdd Partneriaeth Iechyd Meddwl newydd Cenedlaethol yn parhau â'r gwaith hwn ac yn cynrychioli buddiannau plant a phobl ifanc mewn modd cadarn.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro a thystio i ba raddau y gellir dweud bod gweithredu strategaeth i bob oed yn gwneud CCUHP yn fwy effeithiol, ac yn ymddrin ag anghenion unigryw plant a phobl ifanc.**

**Rwy'n bwriadu gwneud darn penodol o waith gyda phlant a phobl ifanc i ddarganfod beth maen nhw eisio ei gael gan wasanaethau a pha ffyrdd o weithio maen nhw'n teimlo sy'n cefnogi eu lles emosiynol a meddyliol orau.**

#### Cwmsela yn yr ysgol

#### Edrych yn ôl

Yn fy adroddiad y llynedd fe alwais ar Lywodraeth Cymru i sicrhau bod y Bil Safonau a Threfniadaeth Ysgolion (Cymru) yn darparu ar gyfer datblygiad pellach a chynaliadwyedd cwmsela yn yr ysgol. Wrth ymateb i'r ymgynghoriad ar y Bil ym mis Mehefin 2012 fe wnes i groesawu'r cynigion i wneud cwmsela yn yr ysgol yn statudol fel un o'r mesurau diogelu wrth drosglwyddo cyllid i'r Grant Cynnal Refeniw.

Daeth y Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 yn gyfraith ar 4 Mawrth 2013. Mae'r Ddeddf yn gofyn bod rhaid i awdurdod lleol sicrhau darpariaeth resymol ar gyfer gwasanaeth sy'n cwmsela ynghylch anghenion iechyd, emosiynol a chymdeithasol i ddisgyblion uwchradd, i eraill yn ardaloedd yr awdurdod sydd rhwng 11 ac 19 oed, ac i ddisgyblion yn eu blwyddyn olaf yn yr ysgol gynradd. Mae'r Ddeddf hefyd yn rhoi cyfle i Weinidogion lunio rheoliadau ar ofynion pellach o ran y ddarpariaeth. Rwy'n croesawu'n fawr yr estyniad i'r hawl pwysig hwn. Fodd bynnag, mae'n dal yn aneglur i mi beth yw bwriad y term 'darpariaeth resymol' a sut bydd y bwriad polisi ymddangosiadol i estyn hawl yn cael ei ddehongli a'i weithredu.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i fonitro'n fanwl weithrediad darpariaethau Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 fel y maen nhw'n berthnasol i gwnsela yn yr ysgol o ran yr union fynediad at gwnsela i ddiwallu anghenion lles emosiynol plant a phobl ifanc.**

## Gypsy and Traveller Education

The Equality and Human Rights Commission has published guidance for education providers in Wales on meeting duties under the Equality Act 2010. This guidance recommends that education providers implement a range of engagement methods to ensure they are accessible and effective in reaching an appropriate range of relevant protected groups, including Gypsy Traveller children. In 2011 Estyn published their update on the provision of education of Gypsy Traveller pupils in secondary schools. The report finds that attendance rates of Gypsy Traveller pupils and their attainment levels remain too low, despite the best efforts of many dedicated Traveller Education Service staff over a long time. It was of particular concern that Estyn found that few schools had policies or practices that specifically addressed the needs of Gypsy and Traveller pupils, and few offered a curriculum that actively promoted Gypsy and Traveller culture.

My engagement with the National Gypsy and Traveller Youth Forum – Travelling Ahead – over the past 12 months suggests to me that there is still much work to be done in addressing the issues identified by Estyn. The UNCRRC is clear that all the rights contained in the Convention, including the right to Education as provided for in Articles 28 and 29 should be provided without discrimination (Article 2). Gypsy and Traveller children are not getting the educational opportunities that should be afforded to them in order to realise these rights.

I am aware that Welsh Government has responded to the findings of the Estyn report of 2011 and has set out a number of actions that are intended to address the issues identified in relation to the education offer made to Gypsy and Traveller children.

#### Looking forward

**I am calling on Welsh Government to monitor the impact that actions to address the recommendations of Estyn's report have on the engagement of Gypsy and Traveller children in education in line with the provisions of the Equality Act 2010.**



## Aim 3: Enjoy the best possible physical, mental, social and emotional health

### Child and Adolescent Mental Health Service (CAMHS)

#### Looking back

Welsh Government published the national age inclusive strategy 'Together for Mental Health' in October 2012. Welsh Government have identified the inclusion of children in the strategy and specific actions in the delivery plan as a development that gives greater effect to Article 24 of the UNCRRC (the right for children to good quality health care). However I would argue that the loss of a distinct and separate national strategy for, and its replacement with an all age strategy could potentially dilute regard to the intentions of the UNCRRC. I welcome the fact that the strategy includes the 7 Core Aims for children and young people in Wales under the UNCRRC within its approach. However I am still not convinced that this can provide stronger direction in relation to a rights based approach to mental health services for children and young people than would be provided in a separate and distinct strategy.

I am aware that Welsh Government's Delivery Assurance Group has been working to progress this agenda as it applies to children and young people. I hope that the new National Mental Health Partnership Board will continue this work and represent the interests of children and young people in a robust manner.

#### Looking forward

**I am calling on Welsh Government to monitor and evidence the degree to which the implementation of an all age strategy can be said to give greater effect to the UNCRRC and address the distinct needs of children and young people.**

**I intend to undertake a distinct piece of work with children and young people to find out what they want from services and which ways of working they think best support their emotional and mental well-being.**

#### School-based counselling

#### Looking back

In my report last year I called on Welsh Government to ensure that the Schools Standards and Organisation (Wales) Bill provided for the further development and sustainability of school-based counselling. In responding to the consultation on the Bill in June 2012 I welcomed the proposals to place school-based counseling on a statutory basis as a safeguard in the transition of funding into the Revenue Support Grant.

The School Standards and Organisation (Wales) Act 2013 became law on March 4th 2013. The Act requires that a local authority must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs to secondary school pupils, others in the authority areas who are between 11 and 19 years of age and for pupils in their final year of primary school. The Act also provides for Ministers to make regulations on further provision requirements. I very much welcome the extension of this important entitlement. However it is still not clear to me what is intended by the term 'reasonable provision' and how the apparent policy intention to extend entitlement will be interpreted and implemented.

#### Looking forward

**I am calling on Welsh Government to closely monitor the implementation of the provisions of the School Standards and Organisation (Wales) Act 2013 as they relate to school-based counselling in terms of actual access to counselling to meet the emotional well-being needs of children and young people.**

## Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru)

Yn adroddiad y llynedd fe nodais rai pryderon ynghylch Papur Gwyn Gwasanaethau Cymdeithasol (Cymru) yn sgîl cyflwyno’r term ‘pobl mewn angen’ ac ymgorffori deddfwriaeth oedolion a phlant mewn un Bil. Fodd bynnag, fe wnes i hefyd groesawu bwriadau polisi eraill a gyflwynwyd yn y Papur Gwyn.

Cyhoeddwyd y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) ym mis Ionawr eleni. Gwnaed Pwllgor Iechyd a Gofal Cymdeithasol Cynulliad Cenedlaethol Cymru yn gyfrifol am graffu ar y Bil, ac rwyf eisoes wedi cyflwyno fy nhystiolaeth ysgrifenedig i’r Pwllgor. Fel Comisiynydd Plant Cymru, rwy’n pryderu ynghylch darpariaeth sy’n cyfuno dyletswyddau a swyddogaethau yng nghyswllt llesiant pobl y mae angen gofal a chefnogaeth arnynt a gofalwyr y mae angen cymorth arnynt mewn un Ddeddf, p’un a ydynt yn blant neu’n oedolion. Mae cyflwyno newid deddfwriaethol a luniwyd i gyflwyno ‘cyfres gyffredin o brosesau’ ar draws pob oedran yn groes i erthygl 3 o CCUHP bod ‘rhaid i les pennaf y plentyn fod yn brif ystyriaeth ym mhob gweithred sy’n ymwneud â phlant, boed hynny drwy law sefydliadau lles cymdeithasol cyhoeddus neu breifat, llysoedd y gyfraith, awdurdodau gweinyddol neu gyrff deddfu’. Nid oes testun cefnogol i esbonio sut bydd y newid arfaethedig i un Ddeddf ar draws y ddarpariaeth plant ac oedolion, a disodli neu ailgyflwyno elfennau o ddeddfwriaeth bresennol sy’n ymwneud â phlant, yn hyrwyddo lles pennaf y plentyn, gan gydymffurfio ag Erthygl 3 o CCUHP.

Roeddwn i wedi galw ar Lywodraeth Cymru i ddileu hawl rhiant i wrthod caniatâd i gynnal asesiad plant mewn angen fel y nodwyd yn Neddf Plant 1989. Fodd bynnag, mae’r Bil nid yn unig yn darparu nad yw dyletswydd yr awdurdod lleol i gynnal asesiad yn berthnasol os bydd unrhyw un â chyfrifoldeb rhiant am blentyn o dan 16 oed yn gwrthod asesiad, mae hefyd yn cyflwyno darpariaeth sy’n golygu nad oes rhwymedigaeth ar yr awdurdod lleol i gynnal asesiad os bydd y plentyn yn gwrthod, oni bai bod y plentyn mewn perygl o gael ei esgeuluso neu ei niweidio. Er bod Erthygl 12 o CCUHP yn darparu bod hawl gan blentyn sy’n alluog i benderfynu drosto/ drosti ei hun i fynegi’r farn honno’n rhydd ym mhob mater sy’n effeithio arno/arni, dylai’r hawl hon i gael eu clywed gynnal yn hytrach na thansellio cynnwysiad Erthygl 3 (lles pennaf) ac Erthygl 19 (Amddiffyniad) o CCUHP.

Mae’r Bil hefyd yn cynnwys cynigion cysylltiedig â’r amodau mae’n rhaid eu bodloni i awdurdod lleol fod o dan ddyletswydd i ddiwallu anghenion gofal a chymorth plentyn yn ei ardal. Mae’r Bil yn dileu’r cysyniad o ‘blentyn mewn angen’ a gyflwynwyd yn adran 17 (10) o’r Ddeddf. Mae ‘plentyn mewn angen’ yn perthyn i un o dri categorï, sy’n cynnwys plentyn ag anabledd, er bod angen o hyd i blentyn mewn angen, o dan adran 17 o’r Ddeddf, gael ei asesu o ran a yw’n bodloni meini prawf cymhwyster perthnasol yr awdurdod lleol.

Mae Adran 23 o’r Bil yn cyflwyno dyletswydd i awdurdodau lleol ‘ddiwallu anghenion gofal a chymorth plentyn’. Bydd y ddyletswydd gyffredinol hon yn ddyledus gan bob awdurdod lleol i’r plant yn ei ardal y mae eu hanghenion yn bodloni meini prawf cymhwyster neu y mae’r awdurdod lleol yn barnu bod angen diwallu eu hanghenion er mwyn amddiffyn y plentyn rhag camdriniaeth, esgeulustod neu niwed arall neu berygl o’r fath niwed. Fodd bynnag, nid yw’r meini prawf cymhwyster ac ystyriaeth o ran yr hyn sydd i’w wneud i ddiwallu anghenion yn cael eu nodi’n benodol ar wyneb y Bil, fel y maent yn Neddf Plant 1989. Felly nid yw’n hysbys ar hyn o bryd pwy fydd yn bodloni’r meini prawf ac a roddwyd sylw dyledus i hawliau plant anabl. Gallai hyn o bosib arwain at lithro’n ôl mewn perthynas ag Erthygl 23 o CCUHP sy’n cydnabod hawliau plentyn anabl i ofal arbennig. Un o fwriadau allweddol y Bil fel y’i cyflwynwyd gan Lywodraeth Cymru yw rhoi i bobl sydd ag anghenion gofal a chymorth ‘lais cryfach a rheolaeth wirioneddol’. Mae eiriolaeth yn chwarae rhan hanfodol yn y broses o alluogi plant a phobl ifanc i’w diogelu eu hunain trwy ymarfer eu hawliau, fel y’u hamlinellir yn CCUHP ac yn benodol yng nghyswllt cael clywed eu lleisiau yn unol ag Erthygl 12. Mae Adran 159 o’r Bil yn dyblygu’r ddarpariaeth yn adran 26A o Ddeddf Plant 1989 yng nghyswllt cymorth i bobl sy’n cyflwyno sylwadau, ond nid yw’n cyfeirio’n benodol at wasanaethau eiriolaeth proffesiynol annibynnol. Mae’r bwch hwn yn destun pryder mawr i mi, a hefyd nid yw’r Bil yn cynnwys fawr ddim darpariaeth i awgrymu y bydd plant yn cael llais cryfach a rheolaeth wirioneddol.

Mae darpariaethau eraill o fewn y Bil sy’n fy ngadael yn ansicr ynghylch goblygiadau tebygol y newidiadau deddfwriaethol i blant yng Nghymru ac o ran hyrwyddo bwriadau CCUHP. Byddaf yn chwilio am sicrwydd y bydd y meini prawf cymhwyster, y cōd ymarfer a rheoliadau a chanllawiau eraill sy’n deillio o’r Bil yn ymdrin yn ddigonol â’r pryderon.

### Edrych ymlaen

**Rwy’n galw ar Lywodraeth Cymru i roi ystyriaeth lawn i’r pryderon a godais wrth graffu ar y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru). Dylai Llywodraeth Cymru ymdrin â’r materion rwyf wedi eu codi yng nghyswllt yr angen am gymhwyso dyletswydd y Gweinidog i roi sylw dyledus i CCUHP mewn modd cadarnach.**

### Rhywioli Plant a Phobl Ifanc

Y llynedd fe gyfeiriais at grŵp trawsbleidiol yng Nghynulliad Cenedlaethol Cymru – Plentynod, Rhywioldeb a Rhywioli a Chydraddoldeb. Roedd hyn o ganlyniad i’r trafodaethau yn Lloegr ynghylch Adolygiad Bailey o Fasnacheddio a Rhywioli Plentynod. Awgrymwyd bod angen trafodaeth yng Nghymru hefyd, ond y dylid canolbwyntio ar farn plant a phobl ifanc fel sylfaen a allai hysbysu ein dull ni i gyd o ymateb i’r materion pwysig hyn. Fel rhan o’r trafodaethau hyn, ac i gynorthwyo’r grŵp trawsbleidiol, fe wnes i, mewn partneriaeth â’r NSPCC, gomisiynu ysgol Gwyddorau Cymdeithasol Prifysgol Caerdydd i wneud darn manwl o ymchwil gyda phlant 10-12 oed er mwyn hysbysu’r trafodaethau.

### Edrych ymlaen

**Cyhoeddir yr adroddiad yn fuan, ac rwy’n edrych ymlaen at drafod goblygiadau’r canfyddiadau.**

### Diogelu

#### Edrych yn ôl

Rwyf wedi cyflwyno’r angen am fwrdd diogelu plant cenedlaethol dan gadeiryddiaeth annibynnol i roi arweiniad a chyfeiriad cenedlaethol ar amddiffyn plant yng Nghymru yn y ddau adroddiad blynyddol diwethaf a gyflwynwyd gennyf. Rwyf felly’n siomedig nad yw’r pryderon a nodwyd y llynedd yng nghyswllt cynigion ar gyfer bwrdd diogelu cenedlaethol ar y cyd wedi derbyn sylw yn narpariaethau’r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru). Rwy’n dal yn sicr bod dadleuon cryf dros sefydlu bwrdd ar wahân ar gyfer plant, ac rwy’n pryderu y bydd y Bwrdd ar y cyd yn cael ei lethu gan faterion sy’n ymwneud â’r fframwaith statudol newydd ar gyfer oedolion agored i niwed.

Cynhaliwyd Ymchwiliad Pwllgor Iechyd, Lles a Llywodraeth Leol Cynulliad Cenedlaethol Cymru i Fyrddau Lleol Diogelu Plant (BLDPau) yn 2010. Mae argymhellion y Pwllgor yn canolbwyntio ar yr angen am fwy o gyfeiriad yn y gofynion sy’n ymwneud â gweithio ar y cyd mewn partneriaeth ar draws asiantaethau a gwell atebolrwydd yng nghyswllt cyfrifoldebau diogelu asiantaethau y tu hwnt i adrannau gwasanaethau cymdeithasol. Bu’r Pwllgor hefyd yn argymhell datblygu fformwla ariannu cenedlaethol ar gyfer BLDPau ac ystyried yr angen am newid y canllawiau cyfredol i bennu y ‘bydd asiantaethau yn cyfrannu’ yn hytrach nag ‘y gallant gyfrannu’. Argymhellodd y Pwllgor hefyd y dylid cyflwyno canllawiau i blant a phobl ifanc sy’n chwarae rhan ystyrlon, gan fod hynny’n berthnasol i waith y BLDP. Rwy’n credu bod Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn offeryn priodol ar gyfer gweithredu’r argymhellion a wnaed gan y Pwllgor yn unol â hyrwyddo Erthygl 19 paragraff 1 o CCUHP. Fodd bynnag, ar hyn o bryd nid adlewyrchir argymhellion y Pwllgor yn y darpariaethau sy’n ymwneud â byrddau diogelu rhanbarthol ar wyneb y Bil.

## Social Services and Well-being (Wales) Bill

In last year’s report I set out some concerns in relation to the Social Services (Wales) White Paper because of the introduction of the term ‘people in need’ and the incorporation of legislation for adults and children into a single Bill. However I also welcomed other policy intentions as they were set out in the White Paper.

The Social Services and Well-being (Wales) Bill was published in January this year. The National Assembly for Wales’ Health and Social Care Committee has been tasked with scrutinising the Bill and I have already submitted my written evidence to the Committee. As Children’s Commissioner for Wales I have concerns related to provision that brings together duties and functions in relation to the well-being of people who need care and support; and carers who need support, into a single Act whether they are a child or an adult. The introduction of legislative change designed to introduce a ‘common set of processes’ across ages is contrary to article 3 of the UNCRC that ‘in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration’. There is no supporting text to explain the ways in which the proposed change to a single Act across children and adults provision and the replacement or restatement of parts of existing legislation relating to children will promote the best interests of the child in compliance with Article 3 of the UNCRC.

I had called on Welsh Government to remove the right of a parent to refuse consent for a child in need assessment to be undertaken as contained in the Children Act 1989. However not only does the Bill provide that the duty on the local authority to assess does not apply if anyone with parental responsibility for a child under 16 refuses an assessment, it also introduces provision that the local authority is not obliged to carry out an assessment if a child refuses unless the child is at risk of neglect or harm. While Article 12 of the UNCRC provides that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting them this right to be heard should support rather than undermine the application of Article 3 (best interests) and Article 19 (protection) of the UNCRC.

The Bill also contains proposals related to the conditions that must be met for a local authority to be under a duty to meet the care and support needs of a child in its area.

The Bill removes the concept of ‘child in need’ set out in section17 (10) of the Act. A ‘child in need’ falls into three categories, which include if he /she is disabled although a child in need, under section 17 of the Act, stills need to be assessed in terms of whether they met the relevant local authority eligibility criteria.

Section 23 of the Bill sets out a duty for local authorities to ‘meet a child’s needs for care and support’. This general duty will be owed by each local authority to children in its area whose needs meet eligibility criteria or whom the local authority consider it necessary to meet their needs in order to protect the child from abuse , neglect or other harm or a risk of such harm. However the eligibility criteria and consideration of what to do to meet needs are not set out explicitly on the face of the Bill as they are in the Children Act 1989. Therefore at present it is an unknown as to who will meet the criteria and whether due regard has been given to the rights of disabled children. This could potentially lead to retrogression in relation to Article 23 of the UNCRC which recognises the rights of a disabled child to special care.

A key intention of the Bill as presented by Welsh Government is to provide people with care and support needs with a ‘stronger voice and real control’. Advocacy plays a critical role in enabling children and young people to safeguard themselves by exercising their rights as outlined in the UNCRC and specifically in relation to having their voices heard in line with Article 12. Section 159 of the Bill replicates the provision in section 26A of the Children Act 1989 in relation to assistance for persons making representations but does not refer to independent professional advocacy services specifically. This omission is of great concern to me, in addition the Bill includes very little provision to suggest that children will be provided with a stronger voice and

real control.

There are other provisions within the Bill that leave me with a lack of certainty around the likely implications of the legislative changes on children in Wales and in terms of the progression of the intentions of the UNCRC. I will be seeking assurances that the eligibility criteria, code of practice and other regulation and guidance emerging from the Bill will adequately address my concerns.

### Looking forward

**I am calling on Welsh Government to give full consideration to the concerns I have raised during the scrutiny of the Social Services and Well-being (Wales) Bill. Welsh Government should address the issues I have raised in relation to the need for more robust application of the Minister’s duty of due regard to the UNCRC.**

### Sexualisation of Children and Young People

Last year I referred to a NAW cross party group – Childhood, Sexuality and Sexualisation and Equalities. This was as a result of the discussions in England regarding the Bailey Review of the Commercialisation and Sexualisation of Childhood. It was suggested that a debate was also needed in Wales, but that there should be a focus on the views of children and young people as a foundation which could inform the way we all respond to these important issues. As part of these discussions and to assist the cross party group, I, in partnership with the NSPCC, commissioned Cardiff University’s School of Social Science to undertake a detailed piece of research with 10-12 year olds to inform the discussions.

### Looking Forward

**The report will be published shortly and I look forward to discussing the implications of the findings.**

### Safeguarding

#### Looking back

I have set out the need for an independently chaired national safeguarding children board to provide national leadership and direction on the protection of children in Wales in my last two annual reports. I am therefore disappointed that the concerns I set out last year in relation to proposals for a joint national safeguarding board have not been addressed in the provisions of the Social Services and Well-being (Wales) Bill. I remain convinced there are strong arguments for the establishment of a separate board for children and I am concerned that the joint Board will be consumed with issues related to the new statutory framework for vulnerable adults.

The National Assembly for Wales’ Health, Well-being and Local Government Committee Inquiry into Local Safeguarding Children Boards (LSCBs) was undertaken in 2010. The Committee recommendations focus on the need for greater direction in requirements related to collaborative partnership working across agencies and better accountability in relation to safeguarding responsibilities of agencies beyond social service departments. The Committee also recommended the development of a national funding formula for LSCBs and consideration of the need for an amendment to current guidance to specify that agencies ‘will contribute’ rather than ‘may contribute’. The Committee also recommended that guidance should be issued to meaningfully involved children and young people as relevant to the work of the LSCB. I believe that the Social Services and Well-being (Wales) Bill provides an appropriate vehicle for the implementation of the recommendations made by the Committee in line with promotion of Article 19 paragraph 1 of the UNCRC. However at this time the recommendations of the Committee are not reflected in the provisions related to regional safeguarding boards on the face of the Bill.



Rwyf hefyd yn pryderu bod y Bil yn rhoi pwerau i Weinidogion Cymru i newid adran 117 o'r Bil i fynnu bod bwrdd Diogelu Plant a bwrdd Diogelu Oedolion yn cyfuno, gan greu byrddau rhanbarthol unigol. Os cymhwysir y ddarpariaeth hon yn y Bil, bydd yn groes i ymrwymiad i bolisi sy'n canolbwyntio ar yr hawliau a warantir gan CCUHP.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i ymddrin â'r pryderon a godais yng nghyswllt effaith rhoi un Bwrdd Diogelu Annibynnol Cenedlaethol yn ei le i ddelio gyda materion oedolion a phlant.**

**Rwy'n galw ar Lywodraeth Cymru i gryfhau'r darpariaethau ar fyrddau diogelu plant rhanbarthol a gynhwyswyd yn y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) fel eu bod yn ymddrin ag argymhellion Ymchwilad Pwyllgor Iechyd, Llesiant a Llywodraeth Leol y Cynulliad Cenedlaethol i Fyrddau Lleol Diogelu Plant, 2010.**

#### Cwynion am y Gwasanaethau Cymdeithasol

#### Edrych yn ôl

'Gwrandao a Dysgu' sy'n darparu'r fframwaith cyfredol ar gyfer trafod ac ystyried cynwion am y Gwasanaethau Cymdeithasol y mae dyletswydd ar awdurdodau lleol i'w darparu neu eu comisiynu. Yn 2012 bu Llywodraeth Cymru'n ymgynghori ar adolygiad o weithdrefnau cynwion y Gwasanaethau Cymdeithasol yng Nghymru. Roeddwn i'n cytuno â'r cynigion i ddarparu proses symlach, gan gefnogi gweithdrefn gyffredin ar draws y gwasanaethau cyhoeddus. Fodd bynnag, fe ofynnais i am i'r gweithdrefnau newydd gynnwys mesurau integredig i sicrhau eu bod yn addas at y diben w'n ddiwallu anghenion penodol plant a phobl ifanc.

Mae darparu gweithdrefn symlach yn annhebygol o gyflawni nod Llywodraeth Cymru o 'sicrhau bod gan ddefnyddwyr gwasanaeth a gofalwyr lais llawer cryfach a mwy o reolaeth' lle bo'r defnyddwyr gwasanaeth a'r gofalwyr hynny'n blant a phobl ifanc, oni sefydlir dull gwybodus o gefnogi system sy'n mynd ati'n rhagweithiol i hwyluso mynediad i blant a phobl ifanc yn cael ei roi yn ei le. Rwyf wedi galw'n benodol am ddatblygu adnoddau gwybodaeth a phrosesau a fydd yn sicrhau bod plant a phobl ifanc yn deall ac yn gallu ymarfer eu hawl i gwyno a'u hawl i gael eiriolwr proffesiynol annibynnol. Cyhoeddodd Llywodraeth Cymru grynodeb o'r ymatebion ymgynghori yn mis Tachwedd 2012, ac rwy'n disgwyl canlyniadau cam nesaf proses yr adolygiad.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod cyflwyno gweithdrefnau cynwion newydd ar gyfer y gwasanaethau cymdeithasol yn cynnwys mesurau i sicrhau eu bod yn addas at y diben o ran diwallu anghenion penodol plant a phobl ifanc.**

#### Ecsbloetio plant yn rhywiol

#### Edrych yn ôl

Pan gwblhawyd fy adroddiad blynyddol diwethaf, roeddwn i'n aros i weld y dystiolaeth a gasglwyd trwy adolygiad Llywodraeth Cymru o weithredu canllawiau 2011 ar ddiogelu plant a phobl ifanc rhag ecsbloetio rhywiol. Mae'r dystiolaeth honno bellach wedi cael ei rhannu gyda mi, ac mae'n awgrymu bod angen hyfforddiant amlasiantaeth pellach a pharhaus ar y canllawiau diogelu cenedlaethol a Phrotocol Cymru Gyfan ar Ecsbloetio Rhywiol. Nododd yr adolygiad hefyd gefnogaeth eang i gynhyrchu gwybodaeth am ddiogelu ac ecsbloetio plant yn rhywiol ar gyfer plant a phobl ifanc. Fis Tachwedd diwethaf, fe ofynnais i randdeiliaid gwrdd â mi i gyfnewid tystiolaeth ynghylch y cynnydd o ran atal ecsbloetio plant yn rhywiol yng Nghymru, a chefnogi dioddefwyr cam-drin o'r math hwn. Rwy'n

falch bod rhai datblygiadau pwysig yn mynd rhagddynt, megis ymateb amlasiantaeth rhanbarthol i blant a phobl ifanc sy'n mynd ar goll yng Ngwent a gwaith uniongyrchol gyda phobl ifanc i ddatblygu gwybodaeth ddiogelu. Fodd bynnag, mae peth tystiolaeth bod bwlch rhwng polisi ac ymarfer yn dal i fodoli yn yr ymatebion diogelu i ecsbloetio plant yn rhywiol, a byddaf yn monitro'r sefyllfa'n ofalus. Byddaf yn hwyluso cam pellach blynyddol o gyfnewid tystiolaeth, i gefnogi'r craffu y byddaf yn ei wneud ar y cynnydd o ran y mater hwn.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod y Bwrdd Diogelu Cenedlaethol arfaethedig yn cynnwys ecsbloetio plant yn rhywiol fel eitem sefydlog ac yn rhoi cyfeiriad strategol clir i'r Byrddau Diogelu Plant newydd rhanbarthol ar weithredu polisi diogelu yng nghyswllt y math hwn o gamdriniaeth.**

#### Masnachu Plant

#### Edrych yn ôl

Y llynedd fe alwais ar Lywodraeth Cymru i adolygu gweithrediad Protocol Cymru Gyfan ar fasnachu plant, a gyhoeddwyd yn 2011. Ers hynny, rwy'n falch bod Grŵp Arweinyddiaeth Cymru yn erbyn Masnachu Pobl wedi cael ei sefydlu, a bod Llywodraeth Cymru wedi pennu mai'r grŵp hwn sydd yn y sefyllfa orau i benderfynu ar yr adeg briodol i adolygu gweithrediad y Protocol. Mae gan fy swyddfa statws sylweddol ar y grŵp hwn a bydd yn codi mater adolygu yn uniongyrchol. Rwy'n croesawu'r ffaith bod Llywodraeth Cymru wedi cytuno i ddarparu cyllid i gefnogi rhaglen o hyfforddiant a fydd yn cefnogi gweithrediad Protocol Cymru Gyfan ar Fasnachu Plant.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod y Bwrdd Diogelu Cenedlaethol arfaethedig yn cynnwys masnachu plant fel eitem sefydlog.**

**Rwy'n galw ar Lywodraeth Cymru i ddarparu cyfeiriad strategol clir i'r Byrddau Diogelu Plant newydd rhanbarthol ynghylch gweithredu'r polisi diogelu yng nghyswllt y math hwn o gamdriniaeth.**

#### Ymddygiad rhywiol niweidiol

Y llynedd, fe alwais am fonitro gweithrediad Protocol Cymru Gyfan ar reoli pobl ifanc sy'n ymddwyn mewn modd rhywiol niweidiol, wedi i fersiwn derfynol y protocol gael ei chyhoeddi. Rwy'n deall bod y Protocol yn dal yn y broses o gael ei gadarnhau ar lefelau diogelu rhanbarthol a lleol, ac rwy'n gobeithio y bydd modd cwblhau'r broses hon cyn gynted â phosib, er mwyn cynnal arfer effeithiol yng nghyswllt y mater hwn.

#### Plant a phobl ifanc sy'n derbyn gofal

#### Edrych yn ôl

Yn adroddiad blynyddol y llynedd fe nodais y Bil preifad gan yr aelodau oedd yn cyflwyno cynigion ar gyfer deddfwriaeth newydd, i ddod â gofal i ben yn fwy graddol, wedi'i deilwra at anghenion y person ifanc nes iddo/iddi gyrraedd 25 oed. Penderfynodd y Gweinidog y dylid cyflwyno'r newidiadau hyn heb fod angen deddfwriaeth newydd, a chyflwynwyd Cynllun anstatudol "Pan fydda i'n Barod" Cynllunio'r broses o bontio i fyd oedolion ar gyfer y sawl sy'n gadael gofal ar gyfer ymgynghori ddiwedd y llynedd. Er fy mod yn cefnogi bwriadau ac egwyddorion cynllun "Pan fydda i'n Barod" mae gen i rai pryderon am gymhwyso'r cynllun yn ymarferol, gan nad oes sail deddfwriaethol amlwg i awdurdodau gyflawni'r gofynion a

I am also concerned that the Bill affords powers to Welsh Ministers to amend section 117 of the Bill to require that a Safeguarding Children board and a Safeguarding Adult Board combine creating single regional boards. Should this provision within the Bill be applied it will be contrary to a commitment to policy that focuses on the rights guaranteed by the UNCRC.

#### Looking forward

**I am calling on Welsh Government to address the concerns I have raised in relation to the impact of putting in place a single National Independent Safeguarding Board to deal with children and adult issues.**

**I am calling on Welsh Government to strengthen the provisions on regional safeguarding children boards as contained in the Social Services and Well-being (Wales) Bill so that they address the recommendations of the National Assembly Health, Well-being and Local Government Committee Inquiry into Local Safeguarding Children Boards, 2010.**

#### Social Services complaints

#### Looking back

'Listening and Learning' provides the current framework for handling and considering complaints about Social Services that local authorities have a duty to provide or commission. In 2012 Welsh Government consulted on a review of Social Services complaints procedures in Wales. I agreed with the proposals to provide a simplified process supporting a common procedure across public services. However I asked for the new procedures to include integrated measures to ensure that they are fit for purpose in meeting the specific needs of children and young people.

The provision of a more simplified procedure is unlikely to achieve Welsh Government's aim to 'ensure that services users and carers have a much stronger voice and greater control' where those service users and carers are children and young people unless an informed approach to supporting a system that actively facilitates access for children and young people is put in place. Specifically I have called for the development of information resources and processes that will ensure that children and young people understand and can exercise their right to complain and their right to an independent professional advocate. Welsh Government published a summary of consultation responses in November 2012 and I await the outcomes of the next phase of the review process.

#### Looking forward

**I am calling on Welsh Government to ensure that the introduction of new social services complaints procedures includes measures to ensure that they are fit for purpose in meeting the specific needs of children and young people.**

#### Child sexual exploitation

#### Looking back

When my last annual report was completed I was waiting to see the evidence gathered through the Welsh Government review of the implementation of 2011 guidance on safeguarding children and young people from sexual exploitation. This evidence has now been shared with me and suggests that there is a need for further and on-going multi-agency training on the national safeguarding guidance and of the All Wales Protocol on Child Sexual Exploitation. The review also identified widespread support for production of information on safeguarding and child sexual exploitation for children and young people. Last November I asked stakeholders to meet with me to exchange evidence in relation to progress in preventing child sexual exploitation in Wales and in supporting the victims of this abuse. I am pleased that some important developments are being

progressed, such as a regional multi-agency response to children and young people who go missing in Gwent and direct work with young people to develop safeguarding information. However there is some evidence that a gap between policy and practice still exists in safeguarding responses to child sexual exploitation and I will be monitoring the situation closely. I will facilitate a further annual evidence exchange to support my scrutiny of progress on this issue.

#### Looking Forward

**I am calling on Welsh Government to ensure that the proposed National Safeguarding Board includes child sexual exploitation as a standing item and provides clear strategic direction to new regional Safeguarding Children Boards on the implementation of safeguarding policy as it relates to this form of abuse.**

#### Trafficking

#### Looking back

Last year I called for Welsh Government to review the implementation of the All Wales Protocol on child trafficking that was published in 2011. Since then I am pleased that a Wales Anti Human Trafficking Leadership Group has been established and Welsh Government have identified this group as best placed to decide on the appropriate time to review implementation of the Protocol. My office has observer status on this group and will raise the issue of review directly. I welcome the fact that Welsh Government has agreed funding to support a programme of training to support the implementation of the All Wales Protocol on Child Trafficking.

#### Looking forward

**I am calling on Welsh Government to ensure that the proposed National Safeguarding Board includes child trafficking as a standing item.**

**I am calling on Welsh Government to provide clear strategic direction to new regional Safeguarding Children Boards on the implementation of safeguarding policy as it relates to this form of abuse.**

#### Sexually harmful behaviour

I called last year for the implementation of the All Wales Protocol on the management of young people engaged in sexually harmful behaviour to be monitored following final publication of the protocol. I understand that the Protocol is still in the process of being ratified at the regional and local safeguarding levels and I hope that this process can be completed as soon as is possible to support effective practice in relation to this issue.

#### Looked after children and young people

#### Looking back

In last year's annual report I noted the private members Bill that made proposals for new legislation on care being phased out more slowly, tailored to young person's needs until up to the age of 25. The Minister made the decision that these changes should be introduced without the need for new legislation and a non-statutory "When I am Ready" Planning Transition to Adulthood for Care Leavers Scheme was put out for consultation at the end of last year. While I support the intentions and principles of the "When I am Ready (WIR)" scheme I do have some concerns about the application of the scheme in practice, as there is no apparent legislative basis for local authorities to deliver on the requirements set within the scheme. The Deputy Minister released a statement following the consultation period setting out the intention to implement the Scheme on a 'pioneer' basis and trial implementation in a small number of local authority areas in the first

bennir yn y cynllun. Rhyddhaodd y Dirprwy Weinidog ddatganiad yn dilyn y cyfnod ymgynghori yn nodi'r bwriad i roi'r Cynllun ar waith ar sail 'arloesi' a'i roi ar waith ar brawf mewn nifer bach o ardaloedd awdurdodau lleol yn y lle cyntaf. Mae'r Dirprwy Weinidog hefyd yn sefydlu Grŵp Monitro i adolygu'r cynnydd yn nghyswllt y Cyfnod Arloesi.

Y llynedd fe nodais fy mwriad i drefnu digwyddiad cenedlaethol a fyddai'n dod â rhoi oedd yn gadael gofal at ei gilydd mewn ymateb i adborth gan bobl ifanc oedd wedi bod yn rhan o ddatblygiad adnodd 'Fy Nghynllunydd', a gyhoeddwyd gen i yn 2011. Cynhaliwyd y digwyddiad hwn ym mis Gorffennaf 2012, a bu'n fodd i ddod â rhoi oedd yn gadael gofal o bob rhan o Gymru at ei gilydd. Daeth dros 80 o bobl ifanc at ei gilydd yng Ngholeg yr Iwerydd i rannu profiadau a dweud wrthyf fi am yr holl arfer da sydd ar waith mewn awdurdodau lleol i gefnogi pobl ifanc wrth iddyn nhw symud i annibyniaeth. Cafodd y bobl ifanc hefyd gyfle i gymryd rhan mewn ystod o weithgareddau yn cynnwys can io, saethyddiaeth a dawnsio. Fe glywais i lawer o bethau da am y gefnogaeth mae pobl ifanc yn ei chael wrth adael gofal. Fe glywais hefyd gan bobl ifanc eu bod nhw'n teimlo ar goll braidd, ac nad ydyn nhw bob amser yn cael yr wybodaeth a'r help sydd eu hangen arnyr nhw. Fe wnaeth hynny fy atgoffa mai pobl a pherthnasoedd yw'r elfen ganolog mewn cefnogaeth dda a gwneud pethau'n iawn. Mae adnoddau'n gwneud gwahaniaeth, ac mae'n rhaid i ni wneud rhywbeth i sicrhau cysondeb gwasanaethau ar draws Cymru, ond yn fwy na dim mae'n rhaid i ni wneud popeth o fewn ein gallu i sicrhau bod oedolion yr ymddiriedir ynddyn nhw bob amser yno i gefnogi pobl ifanc yn eu gofal ac wrth iddyn nhw bontio i fyw'n annibynnol.

Fe wnes i groesawu'r cyfle i gwrrd â phobl ifanc a chlywed am enghreifftiau o sut maen nhw'n cael eu cefnogi gan eu hawdurdodau cartref. Fodd bynnag, bu pobl ifanc hefyd yn dweud wrthyf fi am y pethau sydd angen eu gwella o hyd. Roedd y rhain yn cynnwys gwahaniaeth rhwng gwerth grantiau gadael gofal, yn dibynnu ar ble mae person ifanc yn byw, pryderon ynghylch diffyg cyfleoedd cyflogaeth, opsiynau tai a diffyg cyfleoedd cymdeithasol cadarnhaol i bobl ifanc. Rwyf wedi ymrwymo i drefnu digwyddiad blynyddol i bobl ifanc o bob rhan o Gymru sy'n gadael gofal.

Pam wnaeth Prif Weinidog Cymru ddatganiad ar y rhaglen ddeddfwriaethol ar 17 Gorffennaf 2012, fe nododd y byddai'r Bil Gwasanaethau Cymdeithasol yn gyferyn i 'gryfhau ein dull o gefnogi plant sy'n derbyn gofal', yn ogystal â materion eraill. Fodd bynnag, er bod y bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn darparu peth eglurder ynghylch cymhwyster y rhai sy'n gadael gofal mewn gwahanol amgylchiadau, mewn gwirionedd nid yw'n gwneud llawer iawn i newid y ddeddfwriaeth bresennol yng nghyswllt plant sy'n derbyn gofal yng Nghymru. Cyflwynwyd Canllawiau a Rheoliadau ar fesurau i gryfhau'r trefniadau ar gyfer lleoli, iechyd a llesiant plant a phobl ifanc sy'n derbyn gofal; a chomisiynydd sy'n gyfrifol am ofal iechyd eilaidd i blant a leolir oddi cartref gan Lywodraeth Cymru yn 2007 o dan Ddeddf Plant 2004 a Deddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970. Gellid ymgorffori'r darpariaethau a geir yn y canllawiau hyn yn fuddiol i'r Bil er mwyn gwneud Erthygl 2 (peidio â chamwahaniaethu) ac Erthygl 20 (dewisiadau amgen) yn fwy effeithiol.

### Edrych ymlaen

**Rwyf wedi ymrwymo i drefnu digwyddiad blynyddol i bobl ifanc o bob rhan o Gymru sy'n gadael gofal.**

**Rwy'n galw ar Lywodraeth Cymru i gryfhau'r ddarpariaeth ar gyfer plant sy'n derbyn gofal a rhoi sy'n gadael gofal a geir yn y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru).**

### Gofalwyr Ifanc

#### Edrych yn ôl

Yn fy adroddiad blynyddol diwethaf fe alwais am gydnabod gofalwyr ifanc fel grŵp ar wahân ag anghenion penodol yn y Strategaethau Gwybodaeth ac Ymgynghori i Ofalwyr oedd yn cael eu datblygu o dan y Mesur Strategaethau Gofalwyr (Cymru) 2010, ac am fabwysiadu fframwaith CCUHP ym mhennod y strategaeth ar ofalwyr ifanc. Cyhoeddodd Byrddau Iechyd Lleol a'u hawdurdodau partner eu strategaethau fis Hydref diwethaf. Rwy'n falch bod y cyfan ond un o'r strategaethau'n cynnwys pennod ar wahân ar ofalwyr ifanc. Rwy'n siomedig mai dim ond un strategaeth sy'n cynnwys cyfeiriad uniongyrchol at CCUHP. Fodd bynnag, mae camau gweithredu wedi'u cynnwys ar draws y strategaethau sydd â'r nod o ddiwallu anghenion gofalwyr ifanc fel eu bod mewn sefyllfa well i wireddu eu hawliau, ac mae tystiolaeth o lefelau da o ymgyssylltu â gofalwyr ifanc wrth datblygu'r strategaethau.

Cyhoeddodd Llywodraeth Cymru 'Diweddaru'r Strategaeth ar gyfer Gofalwyr yng Nghymru' fis Tachwedd diwethaf, gan gynnwys pennod ar ofalwyr ifanc, ac rwyf wedi ymateb i'r ymgynghoriad hwnnw. Rwy'n croesawu'r ffaith bod 'gofalwyr ifanc ac oedolion ifanc sy'n ofalwyr' yn dal yn un o'r pum maes blaenoriaeth yn y strategaeth newydd ddrafft. Fodd bynnag, mae'r dystiolaeth a gyflwynir yn brin yng nghyswllt anghenion penodol gofalwyr ifanc ac ystyriaeth ohonynt ar draws y meysydd blaenoriaeth eraill. Rwy'n pryderu bod y bennod ar ofalwyr ifanc fel petai heb uchelgais o ran dyheadau ynghylch newid a darparu cyfeiriad cenedlaethol clir ar y mesurau angenrheidiol i wella canlyniadau a sicrhau hawliau i ofalwyr ifanc yng Nghymru. Un o argymhellion allweddol fy adroddiad 'Bywyd Llawn Gofal' yn 2009 oedd yr angen i Lywodraeth Cymru ystyried darparu Strategaeth Genedlaethol i Ofalwyr Ifanc. Mae'r Rhwydwaith Gofalwyr Ifanc hefyd wedi dweud bod 'angen i Lywodraeth Cymru ysgrifennu Strategaeth Gofalwyr Ifanc i ddweud wrth wahanol wasanaethau beth yw eu rôl yn ein cefnogi'. Yn ei ffurf bresennol, nid yw'r Strategaeth Ofalwyr ar ei newydd wedd yn gwneud llawer i herio'r angen am Strategaeth Genedlaethol benodol ar gyfer Gofalwyr Ifanc.

Mae'r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn creu un ddyletswydd ar awdurdodau lleol i gynnal asesiad 'gofalwyr' o ofalwyr ifanc lle'r ymddengys y gallai fod gan y gofalwyr anghenion cefnogi. Mae hyn yn disodli'r ddeddfwriaeth bresennol ac yn dileu'r gofyniad bod rhaid i'r gofalwr fod yn darparu 'swm sylweddol o ofal yn rheolaidd' a chroesawir hynny. Fodd bynnag, nid oes dyletswydd ar awdurdod lleol ond i ddarparu ar gyfer yr anghenion cefnogi hynny sy'n bodloni meini prawf cymhwyster. Nid yw'r meini prawf cymhwyster ar gael eto, ac rwy'n pryderu am effaith bosibl y meini prawf o ran y gofalwyr ifanc hynny sy'n cael eu diffinio (neu beidio) yn y meini prawf cymhwyster. Nid yw'n glir ychwaith pa gefnogaeth fydd ar gael i'r gofalwyr ifanc hynny sydd ag angen cefnogaeth a nodwyd ond sydd ddim yn bodloni'r meini prawf cymhwyster. Rwy'n croesawu'r ffaith bod y Bil yn darparu cyfeiriad ar yr angen am ystyried a ddylai plant gael eu hystyried yn blentyn sydd ag anghenion gofal a chefnogaeth eu hunain pan gynhelir asesiad gofalwyr ar blentyn. Mae'r ddarpariaeth hon yn gwneud Erthygl 3 (lles pennafl) ac Erthygl 19 (amddiffyniad) o CCUHP yn fwy effeithiol.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i ymdrin â'm pryderon ynghylch yr angen am gamau gweithredu clir a chyfeiriad cenedlaethol mwy pendant ar gyfer deiliaid dyletswydd lleol i ddiwallu anghenion gofalwyr ifanc yn Strategaeth Gofalwyr Cymru ar ei newydd wedd.**

**Yn ystod y flwyddyn nesaf rwy'n bwriadu ymgyssylltu â deiliaid dyletswydd lleol ynghylch y cynnydd wrth ymdrin ag anghenion gofalwyr ifanc yng Nghymru a monitro cynnwys y Strategaethau Gwybodaeth ac Ymgynghori rhanbarthol i Ofalwyr. Bydd y broses hon yn hysbysu adolygiad o argymhellion fy adroddiad 'Bywyd Llawn Gofal'.**

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instance. The Deputy Minister is also establishing a Monitoring Group to review progress in relation to the Pioneer Phase.

Last year I set out my intention to organise a national event to bring together care leavers in response to feedback from young people involved in the development of the 'My Planner' resource that I published in 2011. This event was held in July 2012 and brought together care leavers from across Wales. Over 80 young people met up in Atlantic College, shared experiences and told me all about the good practice taking place in local authorities to support young people as they move to independence. The young people also had an opportunity to take part in a range of activities including canoeing, archery and dancing. I heard a lot of good things about the support that young people get when they leave care. I also heard from young people that they feel a bit lost and don't always have the information and help that they need. It reminded me that good support and getting it right is about people and relationships. Resources do make a difference and we must do something to ensure consistency of services across Wales but more than anything we must do all we can to ensure that trusted adults are always there to support young people in their care and in their transition to independent living.

I welcomed the opportunity to meet with young people and to hear about examples of the ways in which they are being supported by their home authorities. However, young people also told me about the things that still need improving. These include disparity between the value of care leaver grants dependent on where a young person lives, concerns about lack of employment opportunities, housing options, and about a lack of positive social opportunities for young people. I have given my commitment to organise an annual event for young people leaving care from across Wales.

When the First Minister made a statement on the legislative programme on July 17th 2012 he stated that the Social Services Bill would provide the vehicle to 'strengthen our approach to supporting looked-after children' as well as other issues.

However, while the Social Services and Well-being (Wales) Bill provides some clarity on eligibility for care leavers in different circumstances it actually does very little to alter the existing legislation in relation to looked after children in Wales. Guidance and Regulations on measures to strengthen arrangements for the placement, health and well-being of looked after children and young people; and responsible commissioner for secondary health care for children placed away from home, was issued by Welsh Government in 2007 under the Children Act 2004 and the Local Authority Social Services Act 1970. The inclusion of the provisions contained in this guidance could be usefully incorporated into the Bill in order to give greater effect to Article 2 (non-discrimination) and Article 20 (alternative).

#### Looking forward

**I have given my commitment to organise an annual event for young people leaving care from across Wales.**

**I am calling on Welsh Government to strengthen the provision for looked after children and care leavers contained in the Social Services and Well-being (Wales) Bill.**

### Young Carers

#### Looking back

In my last annual report I called for the Carers Information and Consultation Strategies being developed under the Carers Strategies (Wales) Measure 2010 to recognise young carers as a distinct group with specific needs and to adopt a UNCRC framework within the strategy chapter on young carers. Local Health Boards and their partner authorities published their strategies last October. I am pleased that all but one of the strategies includes a separate chapter on young carers. I am disappointed that direct reference to the UNCRC is only included in one of the strategies. However there are actions included across the strategies that are directed at meeting the needs of young carers so that they are better able to realise their rights and there is evidence of good levels of engagement with young carers in the development of the strategies.

Welsh Government published 'Refreshing the Carers Strategy for Wales' last November, which included a chapter on young carers. In my response I welcomed the fact that 'young carers and young adult carers' remain as one of five priority areas. However, there is a lack of evidence presented in relation to or consideration of the specific needs of young carers across the other priority areas. I am concerned that the chapter on young carers appears to lack ambition in relation to aspirations for change and provision of clear national direction on the measures needed to improve outcomes and secure rights for young carers in Wales. A key recommendation of my 'Full of Care' report in 2009 was the need for Welsh Government to consider provision of a National Young Carers Strategy. The Young Carers Network has also said that 'Welsh Government need to write a Young Carers' Strategy telling different services of their role in supporting us'. In its current form the refreshed Carers Strategy does little to challenge the need for a distinct National Young Carers Strategy.

The Social Services and Well-being (Wales) Bill creates a single duty for local authorities to undertake a 'carers' assessment of young carers where it appears that the carer may have support needs. This replaces existing legislation and removes the requirement that the carer must be providing 'a substantial amount of care on a regular basis' and this is welcomed. However a local authority only has a duty to provide for those support needs where the needs meet eligibility criteria. The eligibility criteria is not yet available and I have concerns about the impact the criteria may have in terms of those young carers who are defined (or not) within the eligibility criteria. It is also not clear what support will be open to those young carers who have an identified support need but do not meet eligibility criteria. I welcome the fact that the Bill provides direction on the need to consider whether children should be considered a child with care and support needs in their own right when carrying out a carers assessment on a child. This provision gives greater effect to Article 3 (best interests) and Article 19 (protection) of the UNCRC.

#### Looking forward

**I am calling on Welsh Government to address my concerns in relation to the need for clear actions and stronger national direction for local duty bearers on meeting the needs of young carers in the refreshed Carers Strategy for Wales.**

**Over the next year I intend to engage with local duty bearers in relation to progress in addressing the needs of young carers in Wales and to monitor the contents of the regional Carers Information and Consultation Strategies. This process will inform a review of the recommendations of my 'Full of care' report.**

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## Camddefynddio sylweddau

### Edrych yn ôl

Gall camddefynddio sylweddau gael effaith ddirifrol ar fywydau plant a phobl ifanc. Mae camddefynddio problematig o sylweddau yn effeithio'n negyddol ar iechyd corfforol a meddyliol plant a phobl ifanc, yn effeithio ar eu hymgyllt i addysgol a'u canlyniadau, ac yn cynyddu risgiau ymddygiad troseddol. Mae rhai plant a phobl ifanc mewn perygl arbennig o ddiodeff problemau yn sgîl camddefynddio sylweddau, ac maent yn cynnwys rhai o'n plant a'n pobl ifanc mwyaf agored i niwed, megis pobl ifanc ddigartref, plant sy'n derbyn gofal, plant a phobl ifanc sydd ag anhwylder ymddygiad neu salwch meddwl, pobl ifanc sy'n ymwneud â'r system cyfiawnder ieuenctid a phlant a phobl ifanc sydd â rhieni neu frodyr a chwiorydd sy'n camddefynddio sylweddau.

Daeth ymgynghoriad gan Lywodraeth Cymru ar ganllawiau draft ar gyfer addysg camddefynddio sylweddau, i ddisodli Cylchlythyr presennol Llywodraeth Cymru a gyflwynwyd yn 2002, i ben ym mis Medi 2012. Yn fy ymateb, fe alwais am fwy o ragnddi yng nghyswllt yr angen am ddarparu ymyriadau addysg effeithiol, a seiliwyd ar dystiolaeth ar gamddefynddio sylweddau, er mwyn sicrhau bod cysondeb yn cael ei gynnig i blant a phobl ifanc. Rwyf hefyd wedi gofyn am well canllawiau i leoliadau addysg yng nghyswllt darparu addysg camddefynddio sylweddau sy'n briodol i wahanol arddulliau dysgu a lefelau o angen o ran ymyrraeth.

Rwyf wedi croesawu'r ffaith bod y cynigion yn cynnwys canllawiau ar sut dylai ysgolion ac asiantaethau partner reoli digwyddiadau cysylltiedig â chamddefynddio sylweddau. Rhaid i ddiogelu fod yn ganolog i'r dull o reoli digwyddiadau o'r fath. Fodd bynnag, mae camddefynddio sylweddau'n dal i gael ei nodi fel rheswm dros wahardd disgyblion yn barhaol – dyma'r rheswm a roddwyd am y gwaharddiad mewn rhyw 15% o achosion. Mae'n hysbysu'n glir i mi bod angen archwilio ymarfer wrth ymateb i blant a phobl ifanc sydd â problemau camddefynddio sylweddau a rhoi digwyddiadau cysylltiedig â chamddefynddio sylweddau. Nid yw'r canllawiau terfynol wedi'u cyhoeddi eto.

Mae lechyd Cyhoeddus Cymru wedi darparu tystiolaeth bod y driniaeth a roddir i blant a phobl ifanc yng nghyd-destun camddefynddio sylweddau yn wahanol i'r hyn a roddir i oedolion, ac yn galw am wasanaethau a dulliau gwahanol. Maen nhw hefyd wedi awgrymu bod argaeledd gwasanaethau camddefynddio sylweddau yng Nghymru yn dibynnu ar ble mae pobl yn byw a bod mynediad at driniaeth briodol i bobl ifanc yn broblem. Cyhoeddodd Llywodraeth Cymru "Gweithio gyda'n Gilydd i Leihau Niwed – Camddefynddio Sylweddau – Cynllun Gweithredu ar gyfer 2013-15" ym mis Chwefror. Ymddengys mai nifer cyfyngedig o gamau gweithredu sydd wedi'u cyfeirio'n benodol at ddiwallu anghenion plant a phobl ifanc. Rwy'n croesawu'r camau a furiadwyd i wella mynediad i wasanaethau cymorth i deuluoedd ar gyfer teuluoedd sy'n diodeff effaith camddefynddio sylweddau trwy estyn y Gwasanaethau Integredig Cymorth i Deuluoedd a'r Rhaglen Cryfhau Teuluoedd. Mae'r mentrau hyn yn elfennau pwysig o'r camau gweithredu i ymdrin ag effaith rhieni'n camddefynddio sylweddau ar y plant, a chefnogi teuluoedd i amdiffyn eu plant rhag risg cysylltiedig â chamddefynddio sylweddau. Fodd bynnag, fe hoffwn dderbyn mwy o wybodaeth am y mesurau sy'n cael eu rhoi ar waith gyda'r bwriad o sicrhau bod ansawdd a mynediad at wasanaethau camddefynddio sylweddau ledled Cymru yn cael eu darparu i bobl ifanc yn ogystal ag oedolion.

### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod gweithrediad y Cynllun Camddefynddio Sylweddau ar gyfer 2013-15 yn cynnwys camau i wella ansawdd gwasanaethau camddefynddio sylweddau penodol a mynediad iddynt ar gyfer pobl ifanc ledled Cymru.**

## Egwyliu ar gyfer gofalywyr plant a phobl ifanc anabl

### Edrych yn ôl

Daeth y Rheoliadau Egwyliu ar gyfer Gofalywyr Plant Anabl (Cymru) i rym ym mis Mehefin 2012. Mae'r rheoliadau hyn yn rhagnodi ym mha ffyrdd mae'n rhaid i awdurdodau lleol ddarparu ar gyfer egwyliu byr i ofalwyr plant anabl yn eu hardal. Ochr yn ochr â'r rheoliadau hyn ceir Canllawiau Arfer Gorau Llywodraeth Cymru, sy'n cynnwys ffocws clir ar angen y plentyn ochr yn ochr ag eiddo'r gofalywyr, ond ni cheir cyfeiriad uniongyrchol at CCUHP na'i gymhwysiad.

Mae'r rheoliadau'n darparu ar gyfer rhoi ystod o wasanaethau ar waith i gyflawni'r ddyletswydd hon, ac yn gofyn bod awdurdodau lleol yn paratoi a chyhoeddi 'Datganiad Gwasanaethau Egwyliu Byr' erbyn mis Medi 2012. Rwy'n falch bod y Datganiadau Gwasanaethau Egwyliu Byr a gyhoeddwyd yn cydnabod rôl bwysig egwyliu o ran cefnogi plant a phobl ifanc i gymryd rhan mewn gweithgareddau cymdeithasol a dysgu, a chael mynediad i gyfleoedd newydd i gynnal canlyniadau da. Fodd bynnag, mae rhai o'r datganiadau'n mynd ymhellach nag eraill wrth gyfleu hyn yn eglur fel amcan i'r ddarpariaeth, ynghyd â phwysleisio cyfraniad pwysig egwyliu byr i rieni sy'n ofalwyr a gofalywyr eraill. Rwyf wedi penderfynu edrych yn fanylach yn ystod y 12 mis nesaf ar effaith y rheoliadau newydd fel y'u dehonglir mewn datganiadau gwasanaeth lleol ar y ddarpariaeth i blant anabl a'u gofalywyr.

### Edrych ymlaen

**Rwy'n bwriadu gwneud darn penodol o waith yn ystod y flwyddyn sy'n dod, gan edrych yn fanwl ar weithrediad y rheoliadau newydd trwy ddarparu Datganiadau Gwasanaeth Egwyliu Byr lleol.**

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## Gofal parhaus

### Edrych yn ôl

Cyhoeddodd Llywodraeth Cymru ganllawiau ar ofal parhaus i blant a phobl ifanc ym mis Tachwedd 2012. Rwyf eisoes wedi croesawu cynhyrchu canllawiau ar wahân gan gydnabod y ffaith na ellid diwallu anghenion plant a phobl ifanc trwy offeryn asesu a chanllaw ar gyfer oedolion.

Rwy'n croesawu'r ffaith bod y canllawiau'n ymdrin â rhai o'r pryderon a nodais yn fy ymateb i'r drafft ymgynghori. Mae'r canllawiau terfynol yn darparu mwy o eglurder trwy gynnwys diffiniad o ofal parhaus. Rwy'n falch bod y canllawiau yn awr yn cyfeirio at weithdrefn gwynion y gwasanaethau iechyd, 'Gweithio i Wella – Mynegi Pryder am Wasanaethau Iechyd'. Fodd bynnag, rwy'n pryderu nad yw'r canllawiau'n mynd i'r afael yn ddigonol â'r problemau cysylltiedig ag anghydfod ariannu yng nghyswllt pecynnau gofal parhaus. Nid wyf yn credu bod cyfeirio at y broses o ddatrys anghydfod a nodwyd yn y canllawiau a'r rheoliadau ar gyfer plant sy'n derbyn gofal a gyflwynwyd yn 2007 yn briodol nac yn ddigonol. Yn ôl y canllawiau, bydd angen i Fyrddau Iechyd Lleol ac awdurdodau lleol ddatblygu gweithdrefnau ar gyfer delio gydag anghydfodau sy'n deillio o ddiffyg cytundeb ynghylch cyfrifoldebau ariannu, ac mae'n cyfeirio at yr angen am sicrhau bod rhaid i les y plentyn barhau'n bwysicach na dim. Fodd bynnag, nid yw'n eglur bod unrhyw fesur wedi'i sefydlu i graffu ar gynnwys a gweithrediad cytundebau datrys anghydfod lleol.

Cyflwynodd Llywodraeth Cymru y bwriad i sicrhau bod y canllawiau newydd hyn yn cael eu gweithredu'n effeithiol trwy raglen hyfforddi i gefnogi gweithwyr proffesiynol amlasiantaeth yn eu ymateb i'm hadroddiad blynyddol diwethaf. Mae gweithredu'r canllawiau hyn yn effeithiol yn allweddol i sicrhau bod Erthygl 24 o CCUHP yn dod i rym, fel bod modd i blant fwynhau'r safon uchaf bosib o iechyd a mynediad at gyfleusterau trin salwch ac ailsefydlu iechyd.

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## Substance misuse

### Looking back

Substance misuse can have a serious impact on the lives of children and young people. Problematic substance misuse negatively affects the physical and mental health of children and young people, impacts on their educational engagement and outcomes and increases the risks of offending behaviour. Some children and young people are particularly at risk to experiencing problems with substance misuse, these include some of our most vulnerable children and young people, including homeless young people, looked after children, children and young people with conduct disorder or mental ill health, young people involved in the youth justice system and children and young people who have parents or siblings who misuse substances.

A Welsh Government consultation on draft guidance for substance misuse education to replace the existing Welsh Government Circular issued in 2002 closed in September 2012. In my response I called for greater prescription in relation to the need to provide evidenced and effective substance misuse education interventions to secure a consistent offer for children and young people. I have also asked for better guidance to education settings in relation to providing substance misuse education that is appropriate in relation to different learning styles and levels of need for intervention.

I have welcomed the inclusion in the proposals for guidance on how schools and partner agencies should manage substance misuse related incidents. Safeguarding must be central to the management of such incidents. However substance misuse continues to be cited as a reason for the permanent exclusion of pupils – attributed as a reason for exclusion in around 15% of cases. This suggests to me the need for an examination of practice in the response to children and young people with substance misuse issues and the management of substance misuse related incidents. The final guidance is yet to be published.

Public Health Wales have evidenced that the treatment of substance misuse in children and young people is different than for adults and requires different services and approaches. They have also suggested that the availability of substance misuse services within Wales is dependant on where people live and access to appropriate treatment for young people is an issue. Welsh Government published their Working Together to Reduce Harm - Substance Misuse Delivery Plan for 2013-15 in February. The number of actions that appear to be specifically directed at meeting the needs of children and young people appear to be limited. I welcome the actions intended to improve access to family support services for families affected by substance misuse through the roll out of Integrated Family Support Services and the Strengthening Families Programme. These initiatives are important elements of action to address the impact of parental substance misuse on the children and to support families in protecting their children from risk associated with substance misuse. However I would like to be provided with more information about the measures being put in place that the intention to improve the quality and access to substance misuse services across Wales is delivered for young people as well as adults.

### Looking forward

**I am calling on Welsh Government to ensure that the implementation of the Substance Misuse Delivery Plan for 2013-15 includes actions to improve the quality of and access to specific substance misuse services for young people across Wales.**

## Breaks for carers of disabled children and young people

### Looking back

Breaks for Carers of Disabled Children (Wales) Regulations came into force in June 2012. These regulations prescribe the ways in which local authorities must make provision for short breaks for the carers of disabled children in their area. The regulations are accompanied by Welsh Government Best Practice Guidance which includes a clear focus on the child's need alongside that of the carers but does not include direct reference to the UNCRC or its application.

The regulations provide for a range of services to be put in place to meet this duty and required local authorities to prepare and publish a 'Short Breaks Services Statement' by September 2012. I am pleased that the Short Breaks Services Statements that have been published acknowledge the important role of breaks in supporting children and young people to engage in social and learning activities and to access new opportunities to support good outcomes. However some of the statements go further than others in communicating this clearly as an objective of provision along with emphasising the important contribution short breaks provide to parent carers and other carers. I have decided to examine in more depth over the following 12 months the impact that the new regulations as interpreted through local service statements are having in terms of provision for disabled children and their carers.

### Looking forward

**I intend to undertake a distinct piece of work over the coming year that will examine in detail the implementation of the new regulations through the delivery of local Short Breaks Service Statements.**

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## Continuing care

### Looking back

Welsh Government published children and young people's continuing care guidance in November 2012. I have already welcomed the production of separate guidance in recognition of the fact that the needs of children and young people could not be met through an adult based guidance and assessment tool.

I welcome that the guidance addresses some of the concerns I set out in my response to the consultation draft. The final guidance provides greater clarity through the inclusion of a definition of continuing care. I am pleased that the guidance now refers to the health services complaints procedure, 'Putting things right – Raising Concern about Health Services'. However I am concerned that the guidance does not address adequately the problems associated with funding disputes in relation to continuing care packages. I do not believe that reference to the dispute resolution process set out in guidance and regulation for looked after children which was issued in 2007 is appropriate or sufficient. The guidance states that LHBs and local authorities will need to develop procedures for dealing with disputes that arise out of a lack of agreement on funding responsibilities and refers to the need to ensure that the interest of the child must remain paramount. However it is not clear that there is any measure in place to scrutinise the content and implementation of local dispute resolution agreements.

Welsh Government set out the intention to ensure this new guidance was implemented effectively through a training programme to support multi-agency professionals in their response to my last annual report. The effective implementation of this guidance is key to ensuring that Article 24 of the UNCRC is given effect so that children can enjoy the highest attainable standard of health and access to facilities for the treatment of illness and rehabilitation of health.

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## Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i adolygu cynnwys a gweithrediad gweithdrefnau lleol ar gyfer delio gydag anghydfod yng nghyswllt cyfrifoldebau ariannu pecynnau gofal parhaus.**

**Rwy'n galw ar Lywodraeth Cymru i sicrhau bod y rhaglen hyfforddi i gynnal gweithrediad y canllawiau newydd hyn yn cael ei chyflwyno'n brydlon.**

## Fframwaith Gwasanaeth Cenedlaethol (FfGC) ar gyfer Plant, Pobl Ifanc a Gwasanaethau Mamolaeth

### Edrych yn ôl

Yn adroddiad blynyddol y llynedd fe godais bryderon am ddiffyg eglurder ynghylch statws cyfredol y FfGC ar gyfer plant, pobl ifanc a gwasanaethau mamolaeth ac am dystiolaeth ynghylch gweithrediad gwael rhai o'r safonau a geir yn y Fframwaith. Un o fanteision y Fframwaith yw ei fod yn mabwysiadu dull llesiant sy'n cynnwys ffocws ar ymatebion cymdeithasol yn ogystal â rhai meddygol i anghenion iechyd plant a phobl ifanc. Cyflwynodd ymateb Llywodraeth Cymru i'm hadroddiad blynyddol yr angen am adolygu'r FfGC a datblygu rhaglen sy'n canolbwyntio'n fwy ar ganlyniadau, er mwyn sicrhau bod camau gweithredu ar iechyd plant yn cael eu cyflwyno mewn modd cydlynus. Nid oes dystiolaeth o hyd bod adolygiad o'r fath wedi'i gynnal, ac rydym yn dal heb eglurhad ynghylch statws y FfGC yn awr nac yn y dyfodol.

## Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i ddarparu datganiad clir o fwriad yng nghyswllt statws y FfGC i blant, pobl ifanc a gwasanaethau mamolaeth yn awr ac yn y dyfodol.**

## Cadeiriau olwyn

### Edrych yn ôl

Cynhaliodd Pwyllgor Iechyd a Gofal Cymdeithasol Cynulliad Cenedlaethol Cymru ymchwiliad dilynol i wasanaethau cadeiriau olwyn yng Nghymru, a chyhoeddi eu hadroddiad ym mis Awst 2012. Rwy'n falch bod yr ymchwiliad wedi nodi cynnydd sylweddol o ran amserau aros ar gyfer gwasanaethau pediatrig. Roedd argymhellion y Pwyllgor yn cynnwys yr angen am ystyried cyfleoedd ariannu ar y cyd fel modd i ymdrin ag angen cymdeithasol yn ogystal ag angen clinigol trwy ddarparu ystod o gyfarpar. Mae Erthygl 23 o CCUHP yn nodi'n eglur y dylai plant anabl fwynhau bywyd llawn a gweddus, o dan amodau sy'n sicrhau urddas, yn hyrwyddo hunan-ddibyniaeth, ac yn hwyluso cyfranogiad gweithredol y plentyn yn y gymuned.

## Edrych ymlaen

**Rwy'n disgwyl i Lywodraeth Cymru barhau i fonitro darpariaeth cadeiriau olwyn pediatrig er mwyn sicrhau bod y cynnydd yn cael ei gynnal a'i gyfleu i rieni a gofaluwr.**

**Rwy'n galw ar Lywodraeth Cymru i roi ystyriaeth ddyledus i fesurau y gellir eu rhoi ar waith i gefnogi darparu cyfarpar sy'n ymateb i angen cymdeithasol yn ogystal ag angen clinigol.**

## Fframwaith Gweithredu ar gyfer Byw'n Annibynnol

Ym mis Medi 2012 cyflwynodd Llywodraeth Cymru 'Fframwaith Gweithredu ar gyfer Byw'n Annibynnol: Helpu pobl anabl i fyw bywydau annibynnol' ar gyfer ymgynghori. Bwriad y fframwaith yw cyflwyno, am y tro cyntaf, dull strategol o ymdrin ag anabledd yng Nghymru a dangos beth mae Llywodraeth Cymru yn ei wneud i hyrwyddo cymdeithas gynhwysol a galluogol, yn unol ag amcanion cydraddoldeb. Byddwn yn disgwyl, felly, i'r fframwaith ystyried yn llawn anghenion penodol plant a phobl ifanc, a chynnwys camau gweithredu wedi'u cyfeirio at wneud Erthygl 2 (peidio â chamwahaniaethu) ac Erthygl 23 (hawliau plant anabl) o CCUHP yn fwy effeithiol. Rwyf wedi fy siomi, felly, er bod y fframwaith yn berthnasol i bob oed, nad yw fel petai'n rhoi ystyriaeth ddigonol i anghenion a hawliau unigryw plant a phobl ifanc. Enghraifft o hyn yw'r ffaith na cheir unrhyw gyfeiriadau uniongyrchol at gyfleoedd chwarae, hamdden, diwylliannol nac artistig (Erthygl 31) a chamau gweithredu i ymdrin â rhwystrau i fynediad plant anabl, sy'n golygu nad yw'r Fframwaith yn gwneud Erthygl 31 yn fwy effeithiol.

## Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i newid y Fframwaith Gweithredu ar gyfer Byw'n Annibynnol cyn cyhoeddi drafft terfynol, fel ei fod yn cynnwys camau gweithredu sy'n ceisio gwneud CCUHP yn fwy effeithiol ar gyfer plant a phobl ifanc anabl yng Nghymru.**

## Looking forward

**I am calling on Welsh Government to review the content and implementation of local procedures for dealing with disputes in relation to funding responsibilities for continuing care packages.**

**I am calling on Welsh Government to ensure the timely delivery of the training programme to support the implementation of this new guidance.**

## National Service Framework (NSF) for Children, Young People and Maternity Services

### Looking back

In last year's annual report I raised concerns about a lack of clarity on the current status of the NSF for children, young people and maternity services and about evidence in relation to poor implementation of some of the standards contained in the NSF. One of the benefits of the NSF is that it adopts a well-being approach which includes a focus on social as well as medical responses to the health needs of children and young people. Welsh Government's response to my annual report set out the need to review the NSF and to develop a more outcomes focused programme to ensure the coordinated delivery of action on children's health. There is still no evidence of such a review having been undertaken and there is still no clarity on the current or future status of the NSF.

## Looking forward

**I am calling on Welsh Government to provide a clear statement of intent in relation to the current and future status of the NSF for children, young people and maternity services.**

## Wheelchairs

### Looking back

The National Assembly for Wales Health and Social Care Committee conducted a follow-up inquiry into wheelchair services in Wales and published their report in August 2012. I am pleased that the inquiry has identified that significant progress has been made on waiting times in relation to paediatric services. The Committee recommendations included the need to consider joint funding opportunities as a means of addressing social need in addition to clinical need through the provision of a range of equipment. Article 23 of the UNCRC is clear that disabled children should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

## Looking forward

**I expect Welsh Government to continue to monitor the provision of paediatric wheelchairs to ensure progress is sustained and communicated to parents and carers.**

**I am calling on Welsh Government to give due consideration to measures that can be put in place to support the provision of equipment to meet social need in addition to clinical need.**

## Framework for Action on Independent Living

In September 2012 Welsh Government issued for consultation 'Framework for Action on Independent Living: Supporting disabled people to lead an independent life'. The framework is intended to set out for the first time a strategic approach to disability in Wales and to set out what the Welsh Government is doing to promote an inclusive and enabling society in line with equality objectives. As such I would expect the framework to consider in full the specific needs of children and young people and to include actions directed at giving greater effect to Article 2 (non-discrimination) and Article 23 of the UNCRC (rights of disabled children). I am therefore disappointed that although the framework applies to all ages it does not appear to give sufficient consideration to the distinct needs and rights of children and young people. An example of this is the omission of any direct reference to play, leisure, cultural or artistic opportunities (Article 31) and actions to address barriers to access for disabled children means that greater effect to Article 31 is not provided for through the Framework.

## Looking forward

**I am calling on Welsh Government to amend the Framework for Action on Independent Living before publication of a final draft so that it includes actions directed at giving greater effect to the UNCRC for disabled children and young people in Wales.**

#### Nod 4: Cael mynediad i gyfleoedd chwarae, hamdden, chwaraeon a diwylliannol

##### Chwarae

##### Edrych yn ôl

Yn adroddiad blynyddol y llynedd fe alwais ar Lywodraeth Cymru i fonitro gweithrediad y dyletswyddau ar chwarae a gynhwyswyd ym Mesur Plant a Theuluoedd (Cymru) 2010. Bu Llywodraeth Cymru'n ymgynghori ar Ganllawiau i gefnogi Awdurdodau Lleol i gyflawni eu dyletswyddau fel y nodwyd ym Mesur Plant a Theuluoedd (Cymru) 2010, Adran 11, ar Gyfleoedd Chwarae. Seiliwyd y dyletswydd hon ar Reoliadau sy'n nodi pa faterion sydd i gael eu hystyried wrth asesu a oes gan Awdurdod Lleol gyfleoedd chwarae digonol i blant yn ei ardal. Mae awdurdodau lleol yng Nghymru wedi cyhoeddi eu Hasesiadau Digonolrwydd Chwarae yn ddiweddar, a bydd fy swyddfa'n eu dadansoddi.

Mae digonedd o dystiolaeth o fanteision mynediad i chwarae o ran hybu lles plant a phobl ifanc, a hefyd o effeithiau negyddol cael eu hamddifadu o chwarae. Mae plant a phobl ifanc o aelwydydd incwm isel yn aml yn cael eu cyfyngu o ran mynediad i gyfleoedd chwarae a hamdden strwythuredig oherwydd costau cludiant a mynediad. Er y gallai fod gan blant a phobl ifanc fynediad i gyfleoedd ar gyfer chwarae rhydd yn y gymuned, maent yn aml yn adrodd nad ydynt yn teimlo'n ddiogel a/neu nad yw oedolion yn eu croesawu yn y manau cymunedol lle byddent yn hoffi chwarae. Rwyf wedi croesawu'r cyfarwyddyd a roddwyd yn sgîl y canllawiau ar fesurau i gefnogi manau mwy diogel i blant a phobl ifanc trwy fesurau arafu traffig ac eraill, a'r angen am ddatblygiad cymunedol a diogelwch i gefnogi mynediad i fannau chwarae diogel. Rwyf hefyd wedi croesawu'r ffaith bod rhaid i awdurdodau lleol roi sylw i anghenion plant sy'n bobl ifanc wrth gyflawni eu dyletswyddau o dan y Mesur. Bydd i ba raddau y gellir darparu'r hawl i chwarae o dan Erthygl 31 o CCUHP yn dibynnu nawr a'r camau a gymerir gan awdurdodau lleol i ymdrin â'r materion a nodwyd yn yr Asesiadau Digonolrwydd Chwarae.

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##### Edrych ymlaen

Rwy'n galw ar Lywodraeth Cymru i asesu ansawdd y cynlluniau gweithredu a ddatblygir mewn ymateb i'r Asesiadau Digonolrwydd Chwarae a monitro'u gweithrediad.

#### Y Celfyddydau a Diwylliant

Mae tystiolaeth bod dysgu trwy'r celfyddydau a diwylliant yn gwella cyrhaeddiad ym mhob pwnc. Mae cyfranogiad mewn gweithgareddau celfyddydau strwythuredig yn cynyddu galluoedd gwybyddol ac rydym yn gwybod bod myfyrwyr o deuluoedd incwm isel sy'n cymryd rhan mewn gweithgareddau celfyddydol yn aml yn gwneud yn well mewn addysg uwch. Ar hyd y flwyddyn rwyf wedi bod yn brysur yn cefnogi digwyddiadau oedd yn canolbwyntio ar gynyddu cyfranogiad plant a phobl ifanc mewn cyfleoedd diwylliannol ac artistig, ac yn arbennig ar hyrwyddo gwaith sy'n digwydd i ehangu cyfranogiad er mwyn cynnwys plant a phobl ifanc sydd o dan anfantais. Ers fy adroddiad diwethaf mae'r Gweinidog Addysg wedi lansio Fforwm Tlodi Diwylliannol Plant, i ddod ag ystod eang o brofiadau diwylliannol a chyfleoedd dysgu newydd i'r 200,000 o bobl ifanc yng Nghymru sy'n byw mewn tlodi ar hyn o bryd. Rwy'n croesawu'r ffaith bod yr hawl i gyfranogi'n llawn mewn bywyd diwylliannol ac artistig, y darperir ar ei gyfer yn Erthygl 31 o CCUHP, yn derbyn y sylw mae'n ei haeddu.

##### Chwaraeon

Fis Ebrill diwethaf cyhoeddwyd Strategaeth Gymunedol i'r sector cyfan gan Chwaraeon Cymru, ac fe wnes innau groesawu'r cyfle i gefnogi lansio'r strategaeth uchelgeisiol hon. Mae'n bwysig bod y strategaeth yn ceisio cyrraedd pob plentyn a pherson ifanc yng Nghymru er mwyn iddynt elwa o effaith gadarnhaol bosib cyfranogiad mewn chwaraeon ar les plant a phobl ifanc, a mwynhau eu hawliau o dan Erthygl 31. Yn 2011, cwblhaodd 40,000 o blant a phobl ifanc holiadur ar-lein Arolwg Chwaraeon Ysgol Chwaraeon Cymru – yr arolwg mwyaf o blant, pobl ifanc a chwaraeon yng Nghymru hyd yma. Mae'r Arolwg Chwaraeon Ysgol yn ffordd effeithiol o roi llais i ddisgyblion, yn ogystal â darparu tystiolaeth ynghylch y bylchau o ran cyfranogiad mewn chwaraeon yng Nghymru, ac rwy'n edrych ymlaen at ystyried canlyniadau'r arolwg fydd yn cael ei gynnal yn 2013.

#### Aim 4: Have access to play, leisure, sporting and cultural opportunities

##### Play

##### Looking back

In last year's annual report I called on Welsh Government to monitor the implementation of the duties on play included in the Children and Families (Wales) Measure 2010. Welsh Government consulted on Guidance to support Local Authorities in fulfilling their duties as set out in the Children & Families (Wales) Measure 2010, Section 11, on Play Opportunities. This duty is underpinned by Regulations that set out what matters are to be taken into account when assessing whether a Local Authority has sufficient play opportunities for children in its area. Local authorities in Wales have recently published their Play Sufficiency Assessments, my office will be analysing these assessments.

The benefits of access to play in terms of promoting the wellbeing of children and young people are well evidenced as are the negative impacts of play deprivation. Children and young people from low income households are often restricted in their access to structured play and leisure opportunities because of transport and access costs. Although children and young people may have access to opportunities for community based freely chosen play they commonly report that they do not feel safe and/or are not welcomed by adults in the community spaces where they would like to play. I have welcomed the direction offered through the guidance in relation to measures to support safer spaces for children and young people through traffic calming and other measures and the need for community development and safety to support access to safe play spaces. I have also welcomed the fact that local authorities must have regard to the needs of children who are disabled persons in performing its duties under the Measure. The degree to which the right to play under Article 31 of the UNCRC can be delivered will now depend on the actions taken by local authorities to address the issues identified in the Play Sufficiency Assessments.

##### Looking forward

I am calling on Welsh Government to assess the quality of action plans developed in response to the Play Sufficiency Assessments and to monitor the implementation of these plans.

#### Arts and Culture

There is evidence that learning through arts and culture improves attainment in all subjects. Participation in structured arts activities increases cognitive abilities and we know that students from low-income families who take part in arts activities often do better in higher education. Throughout the year I have been active in supporting events focused on increasing the participation of children and young people in cultural and artistic opportunities and in particular in promoting work underway to extend participation to disadvantaged children and young people. Since my last report the Education Minister has launched the Children's Cultural Poverty Forum to bring a broad range of cultural experiences and new learning opportunities to the 200,000 young people in Wales currently living in poverty. I welcome the fact that the right to participate fully in cultural and artistic life as provided for in Article 31 of the UNCRC is being given the attention it deserves.

##### Sport

Last April a sector wide Community Strategy was published by Sport Wales and I welcomed the opportunity to support the launch of this ambitious strategy. Importantly the strategy is aimed at reaching every child and young person in Wales so that they can benefit from the positive impact that participation in sport can have on the well-being of children and young people and enjoy their rights under Article 31. In 2011, 40,000 children and young people completed the Sport Wales School Sport Survey online questionnaire - the biggest survey of children, young people and sport in Wales to date. The School Sport Survey is an effective way of giving pupils a voice, as well as providing evidence on gaps in sports participation in Wales and I look forward to considering the results of the survey being undertaken in 2013.

## Nod 5: Cael eu trin â pharch a chael cydnabod eu hil a'u hunaniaeth ddiwylliannol

### Eiriolaeth – Lleisiau Coll

#### Edrych yn ôl

O'u hymatebion i Lleisiau Coll, fy adolygiad o wasanaethau eiriolaeth proffesiynol annibynnol ar gyfer plant sy'n derbyn gofal, rhai sy'n gadael gofal a phlant mewn angen yng Nghymru, roedd yn amlwg bod llawer o ewyllys da ar ran y Llywodraeth, awdurdodau lleol a darparwyr eiriolaeth i wneud pethau'n iawn. Serch hynny, rwyf wedi cael fy siomi gan gyflymdra'r newid, gan fod y cynnydd yn rhy araf, ac ymhlyg yn hynny mae'r ffaith fod plant a phobl ifanc yn dal i fethu derbyn y manteision a all fod ar gael iddynt yn sgîl cymorth eiriolaeth.

Rwyf wedi trafod gyda'r Dirprwy Weinidog a swyddogion ar ôl cyhoeddi Lleisiau Coll, ond rwy'n teimlo'n rhwystredig ynghylch y diffyg cynnydd wrth weithredu'r argymhellion a amlinellais yn yr adroddiad. Fe wnes i groesawu Cynhadledd Llywodraeth Cymru ar Eiriolaeth ym mis Chwefror 2013, a sefydlu'r Grŵp Arbenigol Gweinidogol ar Eiriolaeth. Roeddwn i'n glir ynghylch yr angen am arweinyddiaeth ar bob lefel i sicrhau cynnydd amserol.

#### Edrych ymlaen

Rwy'n bwriadu parhau i ddal Llywodraeth Cymru ac awdurdodau lleol i gyfrif am y ddarpariaeth eiriolaeth broffesiynol annibynnol, a byddaf yn parhau i gynnwll cyfarfodydd o randdeiliaid allweddol i sicrhau y cyflawnir newid i blant a phobl ifanc.

Byddaf yn gwneud darn arall o waith ddwy flynedd wedi Lleisiau Coll, ac yn cynnal adolygiad ehangach o'r cynnydd, gan ganolbwyntio ar yr hysbysu a gyflawnwyd gan Lywodraeth Cymru ac Awdurdodau Lleol, gan gyswllt â'r hysbysu a'r argymhellion a bennais ar eu cyfer yn 'Lleisiau Coll'.

### Cyfranogiad

#### Edrych yn ôl

Pan gyhoeddais fy adroddiad diwethaf, roeddwn i'n dal i aros am ganllawiau Llywodraeth Cymru ar strategaethau cyfranogiad lleol, sydd bellach wedi cael eu cyhoeddi ar ffurf Atodiad i'r Canllawiau Cydamcanu-Cydyndrechu ar Integreiddio Partneriaethau a Chynlluniau. Cynghorwyd awdurdodau lleol fod modd cyflawni'r dyletswyddau cyfranogiad o dan Fesur Plant a Theuluoedd 2010 trwy strategaeth ymgysylltu'r cynllun sengl integredig. Rwy'n croesawu'r ffaith bod cyfeiriad at CCUHP, y Mesur Hawliau a'r 7 nod craidd yn yr Atodiad.

Bydd fy swyddfa'n asesu cynnwys Cynlluniau Sengl Integredig awdurdodau lleol yng nghyswllt cyflawni'r ddyletswydd gyfranogiad a gynhwyswyd yn y Mesur ac yn y canllawiau. Byddaf hefyd yn casglu gwybodaeth gan Swyddogion Cyfranogiad a Gweithwyr Fforymau Ieuenctid ledled Cymru i asesu effaith newidiadau mewn strwythurau a pholisi cynllunio ynghylch hyrwyddo Erthygl 12 o CCUHP yng Nghymru.

#### Edrych ymlaen

Rwy'n galw ar Lywodraeth Cymru i fonitro'n fanwl gyflawniad y dyletswyddau cyfranogiad o dan Fesur Plant a Theuluoedd (Cymru) 2010 gan awdurdodau lleol trwy Gynlluniau Sengl Integredig ac effaith hynny ar strwythurau cyfranogiad lleol i blant a phobl ifanc yng Nghymru.

### Gwaith ieuencid

#### Edrych yn ôl

Yn fy adroddiad blynyddol diwethaf roeddwn yn eglur yn nodi pa mor bwysig, yn fy marn i, yw cyfraniad posib gwaith ieuencid i fywydau pobl ifanc. Fe fues i hefyd yn galw am ymdrin â'r oedi cyn diweddar Strategaeth Genedlaethol y Gwasanaeth Ieuenctid yn 2007. Rwy'n siomedig felly nad oes strategaeth wedi'i diweddarar wedi'i chyhoeddi eto. Mae Llywodraeth Cymru wedi nodi eu bwriad i gyhoeddi Fframwaith Ymgysylltu a Chynnydd Ieuenctid newydd a'i roi ar waith yn ddiweddarach eleni. Fodd bynnag, cyhoeddir hwn er mwyn hwyluso'r pontio o Gynllun Gweithredu Ymgysylltu a Chyflogaeth Ieuenctid presennol 2011-2015 i'r Fframwaith newydd a fydd yn canolbwyntio ar chwe phrif gonglfaen sydd fel petaent yn ymwneud yn benodol â mater pobl ifanc nad ydynt mewn addysg, cyflogaeth na hyfforddiant.

Er bod disgwyl i Lywodraeth Cymru ymgynghori ar strategaeth gwasanaeth ieuencid genedlaethol newydd yn fuan, rwy'n pryderu bod hynny'n arwydd o gyfyngu ffocws yng nghyswllt y gwasanaeth ieuencid yng Nghymru. Mae gweithredu i fynd i'r afael â lefelau y bobl ifanc nad ydynt mewn addysg, cyflogaeth na hyfforddiant yn bwysig, yn enwedig yng nghyd-destun lefelau cynyddol o ddiweithdra ieuencid yng Nghymru. Fodd bynnag, rwy'n pryderu na ddylai'r ffocws hwnnw ddigwydd ar draul manteision ehangach gwasanaeth ieuencid seiliedig ar hawliau sy'n cynnal lles pobl ifanc mewn modd cyfannol.

#### Edrych ymlaen

Rwy'n galw ar Lywodraeth Cymru i sicrhau nad yw'r dull seiliedig ar hawliau o ymdrin â gwasanaethau ieuencid, yn unol â CCUHP, fel y cyflwynir yn Ymestyn Hawliau, yn cael ei gollu yn y newid i ffocws strategol ar ganlyniadau cysylltiedig â'r agenda NEET gulach.

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## Aim 5: Treated with respect and have their race and cultural identity recognised

### Advocacy – Missing Voices

#### Looking Back

From their responses to Missing Voices, my review of independent professional advocacy services for looked after children, care leavers, and children in need in Wales it was evident that there was a lot of goodwill from government, local authorities and advocacy providers to get things right. However I have been disappointed at the pace of change. Progress has been too slow and the implication is that children and young people continue to miss out on the benefits that advocacy support can provide.

I have had discussions with the Deputy Minister and officials following the publication of Missing Voices, but have been frustrated at the lack of progress in implementing the recommendations I outlined in the report. I welcomed the Welsh Government Conference on Advocacy in February 2013 and the establishment of the Ministerial Expert Group on Advocacy. I was clear of the need for leadership at all levels to ensure timely progress.

#### Looking Forward

I intend to continue to hold Welsh Government and local authorities to account for the provision of independent professional advocacy and will continue to convene meetings of key stakeholders to ensure that change for children and young people is achieved.

I will be undertaking a further piece of work on the second anniversary of Missing Voices conducting a wider ranging review of progress with a focus on Welsh Government and Local Authorities delivery against the recommendations I set for them in 'Missing Voices'

### Participation

#### Looking back

When I published my last report I was still waiting for Welsh Government guidance on local participation strategies to be issued and this has now been published as an Annex to the Shared Purpose-Shared Delivery Guidance on Integrating Partnerships and Plans. Local authorities have been advised that the participation duties under the Children and Families Measures 2010 can be discharged via the single integrated plan engagement strategy. I welcome the fact that reference is made to the UNCRC, the Rights Measure and the 7 core aims within the Annex.

My office will be assessing the contents of local authority Single Integrated Plans in relation to the discharge of the participation duty contained in the Measure and guidance. I will also be gathering information from Participation Officers and Youth Forum Workers across Wales to assess the impact of changes in planning structures and policy on the promotion of Article 12 of the UNCRC in Wales.

#### Looking forward

I am calling on Welsh Government to closely monitor the discharge of the participation duties under the Children and Families Measures (Wales) 2010 by local authorities through Single Integrated Plans and the impact of this on local participation structures for children and young people in Wales.

### Youth work

#### Looking back

In my last annual report I was clear in setting out the importance I place on the contribution that youth work can make to the lives of young people. I also called for delays in the refresh of the National Youth Service Strategy 2007 to be addressed. I am therefore disappointed that an updated strategy has yet to be published. Welsh Government has set out their intention to publish a new Youth Engagement and Progression Framework and implementation plan later this year. However this will be published to facilitate transition from the current Youth Engagement and Employment Action Plan 2011-2015 to the new Framework which will focus on six key building blocks that appear to be directed specifically at the issue of young people not in education, employment or training.

Whilst Welsh Government is expected to consult on a new national youth service strategy shortly, I am concerned that this signals a narrowing of focus for the youth service in Wales. Action to tackle levels of young people not in education, employment and training is important, especially in the context of rising levels of youth unemployment in Wales. However I am concerned that this focus should not happen at the expense of the wider benefits of a rights based youth service offer which holistically supports the well-being of young people.

#### Looking forward

I am calling on Welsh Government to ensure that the rights based approach to youth services in line with the UNCRC as presented in Extending Entitlement is not lost in the change to a strategic focus on outcomes related to the narrower NEETs agenda.

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## Plant a phobl ifanc sy'n ceisio lloches ac asesiadau oedran

### Edrych yn ôl

Y llynedd fe alwais ar Lywodraeth Cymru i fonitro cynnydd ar weithrediad y Canllawiau Ymarfer newydd ar asesiadau oedran, a gynhwyswyd yng nghanllawiau Grŵp Gweithdrefnau Amddiffyn Plant Cymru Gyfan ar ddiogelu a hybu lles plant ar eu pen eu hunain sy'n ceisio lloches neu sy'n ffoaduriaid. Ers hynny, mae UKBA wedi cynnull Gweithgor yng Nghymru sydd wedi cynhyrchu papur opsiynau ar gyflwyno Asesiadau Oedran yng Nghymru yn y dyfodol. Cynigiwyd pum opsiwn i'r gweithgor. Rwyf innau wedi argymhell model amgen – Panel Amlasiantaeth Annibynnol, fel y cynigiwyd yn yr ymateb a gyflwynwyd ar y cyd gan holl Gomisiynwyr Plant y DU i ymchwiliad y Cyd-bwyllgor Hawliau Dynol (JCHR) i hawliau dynol plant a phobl ifanc mudol ar eu pen eu hunain yn y DU, gyda ffocws penodol ar y rhai sy'n ceisio lloches neu sydd wedi dioddef cael eu masnachu.

Ym mis Chwefror 2013 cyflwynodd Comisiynwyr y DU yr achos dros weithdrefn ffurfiol ar gyfer penderfynu ar les pennaf plant ar eu pen eu hunain a rhai a wahanwyd, a bod y trefniadau cyfredol yn annigonol. Ynghyd â Chomisiynwyr Plant eraill y DU, rwy'n croesawu'r cyhoeddiad sydd i ddod gan Uchel Gomisiynydd y Cenhedloedd Unedig ar gyfer Ffoaduriaid (UNHCR) a UNICEF, a fydd yn darparu canllawiau manwl ar gyfer penderfynu ar les pennaf plant sydd wedi'u gwahanu ac sydd ar eu pen eu hunain mewn gwledydd diwydiannol (Cyd-destun Ewropeaidd). Ein dealltwriaeth ni yw y bydd y canllawiau'n ceisio cynorthwyo Gwladwriaethau i sefydlu proses lles pennaf a fydd yn cwmpasu asesiadau lles pennaf, cynllunio llwybr a'r penderfyniad lles pennaf a fydd yn cysylltu â'r trefniadau presennol ar gyfer lloches, mudo ac amddiffyn plant. Y prosesau allweddol y bydd y canllawiau yn eu hystyried yn fanwl yw'r asesiad lles pennaf (BIA) a'r penderfyniad lles pennaf (BID). Bydd yr asesiad yn hysbysu materion megis mynediad i gyngor cyfreithiol, triniaeth feddygol a gofal iechyd, llefy priodol, gofod a chefnogaeth, asesu oedran, cychwyn olrhain teulu, darpariaeth ariannol a materion eraill y mae angen ymdrin â hwy ar unwaith wrth dderbyngu am y BID. Rhagwelir y bydd y penderfyniad yn weithdrefn ffurfiol i bennu anghenion amddiffyn y plentyn. Bydd y BIA a'r BID yn cynnwys manyrau diogelu gweithdrefnol megis darparu gwarcheidwad, cymorth cyfreithiol, gwasanaethau dehongli a chyfweliadau priodol i blant.

### Edrych ymlaen

Rwy'n galw ar Lywodraeth Cymru i ystyried ym mha ffyrdd y gellir defnyddio canllawiau UNHCR a UNICEF ar benderfyniadau lles pennaf ar gyfer plant ar eu pen eu hunain a rhai a wahanwyd mewn gwledydd diwydiannol a'u haddasu i gyd-destun Cymru, yn unol â dyletswydd Gweinidogion Cymru i roi sylw dyledus i CCUHP.

## Children and young people seeking asylum and age assessment

### Looking back

Last year I called on Welsh Government to monitor progress on the implementation of the new Practice Guidance on age assessments as contained in the All Wales Child Protection Procedures Group guidance on safeguarding and promoting the welfare of unaccompanied asylum seeking/refugee children. Since then UKBA have convened a Working Group in Wales that has produced an options paper on the future delivery of Age Assessment delivery in Wales. Five options were put forward to the working group. I have advocated an alternative model - an Independent Multi-agency Panel, as proposed in the response submitted jointly by all UK Children's Commissioners to the Joint Committee on Human Rights (JCHR) inquiry into the human rights of unaccompanied migrant children and young people in the UK, with a particular focus on those who are seeking asylum or have been the victims of trafficking.

In February 2013 the UK Commissioners presented the case for a formal procedure for determining the best interests of separated and unaccompanied children and that the current arrangements are inadequate. Along with the other UK Children's Commissioners I welcome the forthcoming publication from the United Nations High Commissioner for Refugees (UNHCR) and UNICEF which will provide detailed guidance on best interests determinations for separated and unaccompanied children in industrialised countries (European Context). Our understanding is that the guidance will aim to assist States in establishing a best interests process encompassing best interests assessments, pathway planning and the best interests determination that will link to existing asylum, migration and child protection arrangements. The key processes that the guidance will consider in detail are the best interests assessment (BIA) and the best interests determination (BID). The BIA will inform such matters as access to legal advice, medical treatment and healthcare, appropriate accommodation, care and support, age assessment, commencement of family tracing, education provision and other matters that need addressing immediately pending BID. The BID is envisaged as a formal procedure to determine the child's protection needs. Both the BIA and the BID will contain procedural safeguards such as the provision of a guardian, legal aid, child appropriate interpreting services and interviews.

### Looking forward

I am calling on Welsh Government to consider the ways in which the UNHCR and UNICEF guidance on best interests determinations for separated and unaccompanied children in industrialised countries can be used and adapted to the Welsh context in line with the duty of due regard to the UNCRC on Welsh Ministers.

## Nod 6: Meddu ar gartref a chymuned diogel

### Cyfiawnder ieuencid

#### Edrych yn ôl

Yn fy adroddiad blynyddol diwethaf fe alwais ar Lywodraeth Cymru i gadw egwyddor plant yn gyntaf, troseddwr yn ail, a fframwaith CCUHP cadarn yn eu deddfwriaeth arfaethedig ar gyfiawnder ieuencid yng Nghymru. Daeth y cynnod ymgynghori ar gyfer Papur Gwyrdd Llywodraeth Cymru 'Cynigion i wella gwasanaethau yng Nghymru er mwyn diwallu anghenion plant a phobl ifanc sydd mewn perygl o ddod yn rhan o'r System Cyfiawnder Ieuencid, neu sydd eisoes yn rhan ohoni' i ben ym mis Rhagfyr 2012. Wrth ymateb i'r ymgynghoriaid ar y Papur Gwyrdd rwyf wedi croesawu ymrwymiad parhaus Llywodraeth Cymru i egwyddor trin y rhai sy'n ymddwyn yn droseddol, neu sydd mewn perygl o droseddu, fel plant a phobl ifanc yn gyntaf, yn unol ag ysbryd CCUHP. Fodd bynnag, rwyf hefyd wedi galw am arddangos yn gliriach asesiad y polisi yn erbyn y ddyletswydd i roi sylw dyledus i CCUHP ar hyd y Papur Gwyrdd, yn unol â Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011.

Rwyf hefyd wedi gwneud yn eglur yn fy ymateb i'r cynigion y dylai pob asiantaeth, yn fy marn i, gan gynnwys gofal cymdeithasol, iechyd, addysg a thai, weithio tuag at atal troseddu ieuencid fel canlyniad gwasanaeth. Lle daw plentyn neu berson ifanc i gysylltiad â'r system cyfiawnder ieuencid, dylid gweld hynny fel methiant yn y system, yn hytrach na diffyg yn y plentyn neu'r person ifanc. Rwyf wedi croesawu'r datganiad yn y Papur Gwyrdd yng nghyswilt yr angen i'r heddlu, tîmau troseddu ieuencid, a gwasanaethau datganoledig ehangach gydweithio i asesu a chanfod risgiau a dargyfeirio plant a phobl ifanc i wasanaethau prif ffrwd i'w hatal rhag troseddu, yn unol ag Erthygl 40 (hawliau plant sy'n wynebu honiad, cyhuddiad neu achos cydnabyddedig o fod wedi torri'r gyfraith) o CCUHP. Rwyf wedi nodi fy nghefnogaeth i'r cynnig i gryfhau dyletswyddau presennol ac atebolrwydd awdurdodau lleol a'u partneriaid o ran y plant a'r bobl ifanc hynny sy'n ddiogel i gysylltiad â'r system cyfiawnder ieuencid trwy'r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru), Papur Gwyn Cartrefi i Gymru, Strategaeth Llaw yn Llaw at Iechyd Meddwl a Mesur Iechyd Meddwl (Cymru). Hoffwn hefyd y Diwygiadau arfaethedig i'r Fframwaith Deddfwriaethol ar gyfer Anghenion Addysgol Arbennig wedi'u cynnwys yn y rhestr hon o bolisiau perthnasol.

Dylai egwyddor 'plant yn gyntaf, troseddwr yn ail' gael ei deall gan bob deiliad dyletswydd sy'n gweithio ar draws asiantaethau, a dylid gweld cefnogaeth y Tîm Troseddau Ieuencid fel cymorth ychwanegol yng nghyswilt ymddygiad troseddol, yn hytrach nag fel dewis amgen yn lle'r gwasanaethau cymorth prif ffrwd. Dylai'r canllawiau a roddir o dan y fframweithiau deddfwriaethol perthnasol fod yn gwbl benodol yn hyn o beth, a dylai atgoffa deiliaid dyletswydd bod angen iddynt roi sylw i Erthygl 40 o CCUHP wrth weithredu polisïau Gweinidogion.

Mae Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn dweud na ddylid carcharu plant 'ond pan fo popeth arall wedi methu ac am y cynnod priodol byrraf o amser'. Yn 2008 cyhoeddodd Comisiynwyr Plant y DU eu hadroddiad i Bwyllgor y CU ar Hawliau'r Plentyn. Buom yn glir yn nodi ein pryder nad yw cynnodau yn y ddalfa yn cael eu defnyddio pan fo popeth arall wedi methu, yn enwedig yng Nghymru a Lloegr.

Rwyf felly wedi croesawu bwriadu'r dull a gynigiwyd trwy Ddeddf Cymorth Cyfreithiol Dedfrydu a Chosbi Troseddwr Llywodraeth y DU, wrth geisio lleihau'r achosion diangen o gadw plant yn gaeth. Rwyf hefyd wedi croesawu estyn statws 'plentyn sy'n derbyn gofal' i bob plentyn sy'n cael eu cadw ar remand mewn llety caeth i bobl ifanc a'r ffaith y bydd hyn yn newid y sefyllfa bresennol sy'n golygu bod plentyn sydd â statws derbyn gofal o dan adran 20 o Ddeddf Plant 1989 yn peidio â derbyn gofal ar ôl mynd i'r ddalfa, sefyllfa sy'n amlwg heb fod yn adlewyrchu lles pennaf y plentyn.

Rwy'n falch bod Papur Gwyrdd Llywodraeth Cymru'n cynnwys y cynnig bod plentyn neu berson ifanc a ddedfrydir i gyfnod yn y ddalfa yn cael ei drin fel un sy'n 'derbyn gofal' gan yr awdurdod dynodedig. Mae tystiolaeth Llywodraeth Cymru a gasglwyd fel rhan o'r datblygiad ar gyfer y Papur Gwyrdd yn awgrymu bod y bobl ifanc hyn sy'n mynd i'r ddalfa er gwaethaf cyfraddau is yn y ddalfa yn fwy tebygol o fod ag anghenion ychwanegol cymhleth, sy'n cyfiawnhau cymhwyso statws derbyn gofal er mwyn diogelu eu lles.

Ar hyn o bryd nid yw Llywodraeth Cymru eto wedi nodi ei bwriadau ar gyfer symud ymlaen gyda'r cynigion a geir yn y Papur Gwyrdd. Fy safbwynt i yw y dylai'r cynigion hyn gael eu gwneud yn statud, yn wyneb realiti'r cystadlu am adnoddau cyfyngedig, tystiolaeth am natur agored i niwed plant a phobl ifanc sydd mewn perygl o fynd i'r system cyfiawnder ieuencid neu sydd eisoes ynndd, a thystiolaeth bod rhwystrau'n bodoli i wasanaethau prif ffrwd.

#### Edrych ymlaen

### Rwy'n galw ar Lywodraeth Cymru i roi sail statudol i'r cynigion a gynhwyswyd yn y Papur Gwyrdd.

#### Tai a digartrefedd

#### Edrych yn ôl

Y llynedd fe wnes i godi pryderon am y niferoedd cynyddol o aelwydydd oedd yn cael eu derbyn fel rhai digartref ac effaith newidiadau i reolau budd-dal tai fel rhan o ddiwygiadau lles Llywodraeth y DU o ran cynnydd pellach yn y ffigurau digartrefedd. Mae tystiolaeth a roddwyd i mi gan Shelter Cymru ac eraill yn awgrymu bod newidiadau i'r system fudd-daliadau, ynghyd â'r 'dreth ystafelloedd gwely' eisoes yn cael effaith sylweddol, niweidiol ar deuluoedd yng Nghymru. Rwy'n gwybod bod awdurdodau lleol ledled Cymru yn gweithio'n galed i ddileu effeithiau'r newidiadau hyn ar eu tenantiaid. Fodd bynnag, rwy'n pryderu'n arbennig am dystiolaeth bod staff tai awdurdodau lleol yn cynghori rhieni sengl sydd â phlant ifanc i dderbyn lletywyr. Nid yw effaith lawn y newidiadau i fudd-dal yn amlwg eto, ac mae gen i bryderon difrifol ynghylch canlyniadau'r newidiadau hyn i lesiant plant a phobl ifanc yng Nghymru.

Yr heriau hyn yw un o'r rhesymau pam rwyf wedi croesawu'r ymrwymiad a gafwyd yn Ymgynghoriaid Llywodraeth Cymru 'Cartrefi i Gymru: Papur Gwyn ar gyfer Bywyd Gwell a Chymunedau Gwell' i ddileu digartrefedd teuluoedd erbyn 2019. Fodd bynnag, rhaid i ni sicrhau nad yw plant yng Nghymru heddiw ac yn ystod y 6 blynedd nesaf yn cael eu gadael mewn amgylchiadau tai niweidiol, a'u bod yn derbyn yr ymatebion angenrheidiol i sicrhau eu lles. Rwyf hefyd wedi galw ar Lywodraeth Cymru i wneud ymrwymiad tebyg i ddileu digartrefedd ieuencid erbyn 2019. Rydym yn gwybod mai'r bobl ifanc fwyaf tebygol o beidio â derbyn eu hawl o ran tai yw'r rhai sydd ymhlith y mwyaf agored i niwed, ac rwy'n pryderu bod gormod o bobl ifanc yn dal i ganfod bod eu hanghenion cymhleth yn golygu bod eu gyrfaedd tai cynnar yn cynnwys cyfres o leoliadau sydd wedi methu ac achosion o droi allan, i'r graddau y gellir eu labelu fel rhai 'anodd eu cartrefu'.

Mae'r Papur Gwyn yn cyflwyno cynigion i ddarparu gwasanaeth ymgynghorol cyson ar dai, a byddwn yn disgwyl gweld mesurau sicrhau ansawdd clir yn cael eu sefydlu. Fe fues i'n siarad â phobl ifanc yn gynharach eleni am y gwasanaeth cyngor a phorth tai 'siop dan yr unrto' yn eu hardal. Fe fuon nhw'n disgrifio i mi staff amharod i helpu oedd yn cael trafferth ymateb i'r galw yng ngoleuni adnoddau tai cyfyngedig, ac nad oedd pobl ifanc yn credu bod ganddyn nhw ddi-ddordeb yn eu hanghenion nac mewn sicrhau unrhyw sefydlogrwydd tai iddyn nhw. Rwy'n falch bod materion fel y rhain wedi cael eu cydnabod yn y Papur Gwyn.

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## Aim 6: Have a safe home and community

### Youth justice

#### Looking back

In my last annual report I called on Welsh Government to retain the principle of children first, offender second and a strong UNCRC framework in their proposed legislation on youth justice in Wales. The consultation period in relation to the Welsh Government Green Paper 'Proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System' ended in December 2012. In responding to the consultation on the Green Paper I have welcomed the continued commitment by Welsh Government to the principle of treating those with offending behaviour, or at risk of offending, as children and young people first in line with the spirit of the UNCRC. However I have also called for a clearer demonstration of the assessment of the policy against the duty to have due regard to the UNCRC throughout the Green Paper in line with the Rights of Children and Young Persons (Wales) Measure 2011.

I have also made it clear in my response to the proposals that it is my view that all agencies including social care, health, education and housing should work towards preventing youth offending as a service outcome. Where a child or young person comes into contact with the youth justice system this should be viewed as a failure of the system and not as the result of a deficit in the child or young person. I have welcomed the statement within the Green Paper in relation to the need for the police, youth offending teams and wider devolved services to work together to assess and identify risks and divert children and young people to mainstream services to prevent them from offending in line with Article 40 (rights of children alleged, accused of or recognised as having infringed the law) of the UNCRC. I have set out my support for the proposal to strengthen existing duties and accountability on local authorities and their partners for those children and young people who come into contact with the youth justice system through the Social Services and Well-being (Wales) Bill, the Homes for Wales White Paper, Together for Mental Health Strategy and the Mental Health (Wales) Measure. I would like to see the proposed Reform of the Legislative Framework for Special Educational Needs included in this list of relevant policies.

The principle of 'children first, offenders second' should be clearly understood by all duty bearers working across agencies and the support of the Youth Offending Team should be viewed as an additional support in relation to offending behaviour and not as an alternative to mainstream support services. Guidance issued under the relevant legislative frameworks should be explicit in this regard and should remind duty bearers of their need to have regard to Article 40 of the UNCRC in implementing the policies of Ministers.

The UN Convention on the Rights of the Child says that imprisonment of children should be used 'only as a last resort and for the shortest appropriate period of time'. In 2008 the UK Children's Commissioners published their report to the UN Committee on the Rights of the Child. We were clear in stating our concern that custody is not being used as a last resort, particularly in Wales and England.

I have therefore welcomed the intentions of the approach offered through the UK Government Legal Aid Sentencing and Punishment of Offenders Act in seeking to reduce the unnecessary secure remand of children. I have also welcomed the extension of the status of 'looked after child' to all children remanded to youth detention accommodation and the fact that this will change the current situation through which a child with looked after status under section 20 of the Children Act 1989 ceases to be looked after upon entering custody, a position that clearly does not reflect the best interests of the child.

I am pleased that the Welsh Government Green Paper includes the proposal that a child or young person sentenced to custody be treated as 'looked after' by the designated authority. Welsh Government evidence gathered as part of the development of the Green Paper suggests that those young people who do enter custody despite reduced custody rates are more likely to have complex additional needs that warrant the application of looked after status as a safeguard of their welfare.

At this time Welsh Government has yet to set out its intentions in relation to taking forward the proposals contained in the Green Paper. My position is that in view of the reality of competing demands on limited resources, evidence on the vulnerability of children and young people at risk of entering and already in the youth justice system and evidence that there are barriers to mainstream services in place, these proposals should be put into statute.

#### Looking forward

### I am calling on Welsh Government to give the proposals contained in the Green Paper a statutory basis.

#### Housing and homelessness

#### Looking back

Last year I raised concerns about increasing numbers of households being accepted as homeless and the forthcoming impact of changes to housing benefit rules under the UK Government welfare reforms in terms of further increases to homelessness figures. Evidence provided to me by Shelter Cymru and others suggest that changes to the benefit system combined with the 'bedroom tax' are already having a significant and detrimental impact on families in Wales. I know that local authorities across Wales are working hard to negate the impacts of these changes for their tenants. However I am particularly concerned by evidence that local authority housing staff are advising single parents with young children to take in a lodger. The full impact of the benefit changes is yet to come and I have serious concerns about the outcomes of these changes on the well-being of children and young people in Wales.

These challenges are one of the reasons that I have welcomed the commitment contained in the Welsh Government Consultation 'Homes for Wales: A White Paper for Better Lives and Communities' to end family homelessness by 2019. However we must ensure that children in Wales today and over the next 6 years are not left in damaging housing circumstances and are provided with the responses needed to secure their wellbeing. I have also called for a similar commitment to be made by Welsh Government to ending youth homelessness by 2019. We know that the young people most likely to have their right to housing unmet are among the most vulnerable and I am concerned that too many young people still find that their complex needs mean that their early housing careers involve a succession of failed placements and evictions to the point that they may be labelled as too 'hard to house'.

The White Paper sets out proposals to provide a consistent housing advisory service and I would expect to see clear quality assurance measures put in place. I spoke to young people earlier this year about the 'one stop shop' housing advise and gateway service in their area. They described to me unhelpful staff struggling to meet demand in light of limited housing resources who young people did not believe were interested in their needs or in securing any housing stability for them. I am pleased that issues similar to these have been acknowledged in the White Paper.

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Rwyf wedi croesawu bwriadau ehangach y Papur Gwyn yng nghyswllt cyflwyno deddfwriaeth i wella'r system tai yng Nghymru. Rwy'n arbennig o falch bod cyfeiriad uniongyrchol yn y Papur Gwyn at y ffordd y mae cynigion yn cyfrannu at weithredu Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn, yn arbennig Erthyglau 3 (lles pennaf), 6 (yr hawl i fywyd), 18 (cymorth i rieni) a 27 (safon byw ddigonol).

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i ymrwymo i ddileu digartrefedd ieuencid yn ogystal â digartrefedd teuluoedd erbyn 2019, a hynny trwy newidiadau a gyflwynwyd trwy'r Bil Tai sydd i ddod.**

#### Adfywio cymunedau

Cyflwynodd Llywodraeth Cymru 'Lleoedd Llewyrchus Llawn Addewid: Fframwaith Adfywio Newydd' ar gyfer ymgynghori ym mis Hydref 2012, o ganlyniad i adolygiad polisi o agweddau at adfywio a gychwynwyd gan y Gweinidog Tai, Adfywio a Threfnadaeth. Bwriad yr adolygiad a'r fframwaith dilynol yw chwilio am ffyrdd newydd o ddarparu gwell canlyniadau trwy weithio'n gydlynus a hysbysu gweithrediad egwyddorion arweiniol Llywodraeth Cymru bod datblygu cynaliadwy yn allweddol i drechu tlodi a hybu cyfle cyfartal.

Fel Comisiynydd Plant Cymru rwy'n aml yn cwrdd â phlant a phobl ifanc sy'n siarad â mi am fod eisiau rhyddid i chwarae a 'threulio amser' mewn mannau cymunedol, ac am y rhwystrau maen nhw'n eu hwynebu wrth gyrchu mannau lle gallan nhw deimlo'n ddiogel, a heb eu targedu gan oedolion i'w symud ymlaen. Mae plant a phobl ifanc hefyd yn siarad am dloidi amgylcheddol, ac yn aml am sut maen nhw'n cyfrannu at adfywio mannau cyhoeddus yn eu cymunedau. Mae'r gymuned ryngwladol yn cynnig rhai enghreifftiau cadarn o'r hyn y gellir ei gyflawni pan welir plant a phobl ifanc fel elfen hanfodol o benderfyniadau cynllunio ac adfywio. Yn fy ymateb i'r ymgynghoriad, fe nodais fy mhryderon nad oedd dyletswydd y Gweinidog i roi sylw dyledus i CCUHP o dan Fesur Hawliau Plant a Phobl Ifanc (Cymru) yn cael ei hadlewyrchu'n ddigonol yn y fframwaith polisi. Er bod materion sy'n bwysig i blant a phobl ifanc fel aelodau o'r gymuned yn cael eu cynnwys, fel y mae rhai mesurau canlyniadau perthnasol, fe alwais am ystyriaeth gadarnach i oblygiadau'r fframwaith polisi fel offeryn i hybu hawliau plant a phobl ifanc yng Nghymru.

Rwy'n siomedig felly nad yw draft terfynol y Fframwaith hwn, a lanswyd ym mis Mawrth 2013, yn ymdrin â'r pryderon a godais yn fy ymateb i'r drafft ymgynghori.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i gyflwyno'r mesurau sydd ar waith i sicrhau bod gweithrediad y fframwaith adfywio yn ymdrin yn fwy uniongyrchol ag anghenion plant a phobl ifanc, ac yn hyrwyddo eu hawliau.**

#### Nod 7: Heb fod o dan anfantais yn sgîl tlodi

##### Tlodi Plant

##### Edrych yn ôl

Yn fy adroddiad blynyddol diwethaf fe alwais ar Lywodraeth Cymru i gyhoeddi Cynllun Gweithredu Trechu Tlodi, a hynny ar frys, a fyddai'n gosod y camau gweithredu ar dloidi plant oddi mewn i fframwaith seiliedig ar hawliau plant. Fodd bynnag, pan gyhoeddwyd y Cynllun Gweithredu Trechu Tlodi ym mis Mehefin 2012, roedd yn destun pryder arbennig i mi fod y fframwaith clir, seiliedig ar hawliau, yn unol â dyletswydd Gweinidogion i roi sylw dyledus i CCUHP, i bob golwg wedi cael ei gollu. Mae Llywodraeth Cymru wedi nodi bwriad i gyflwyno fersiwn wedi'i hadnewyddu o'r Cynllun Gweithredu Trechu Tlodi ym mis Mehefin 2013.

Cyhoeddodd Llywodraeth Cymru 'Strategaeth Tlodi Plant i Gymru: Dangosyddion Gwaelodlin' ym mis Mawrth eleni. Mae'r adroddiad hwn yn gwerthuso Strategaeth Tlodi Plant Cymru, gan ddarparu data gwaelodlin ar gyfer 2005 a chymhariaeth â data'r flwyddyn ddiweddaraf ar draws 23 sy'n gysylltiedig â thlodi incwm, addysg, tai a iechyd. Mae'n destun pryder mawr i mi na cheir tystiolaeth o gynnydd ond yng nghyswllt 6 o'r 23 ddangosydd sy'n derbyn sylw yn yr adroddiad. Rwy'n ymwybodol bod y sefyllfa economaidd bresennol yn un heriol, ac y rhagwelir y bydd y Diwygiadau Lles sy'n cael eu gyrru ymlaen gan Lywodraeth y DU yn cael effaith ar deuluoedd â phlant yn arbennig. Fodd bynnag, yn y cyd-destun hwnnw mae'n destun pryder arbennig bod y cynnydd o ran ymdrin ag effaith tlodi plant gan Lywodraeth Cymru yn ymddangos mor gyfyngedig. Mae tystiolaeth glir yn awr, yn fwy nag erioed, bod rhaid i Lywodraeth Cymru adolygu eu dull o weithredu ac ystyried camau cadarn, wedi'u cyfeirio, i ymdrin ag anghenion a hyrwyddo hawliau plant a phobl ifanc sydd mewn tlodi.

Canlyniad tlodi teuluoedd yw tlodi plant. Ond mae dull tlodi plant o fynd i'r afael â hyn yn sylfaenol wahanol i dull tlodi teuluol. Mae dull tlodi plant yn gwneud y plentyn yn ganolog i bob mesur polisi ac yn cydnabod y plentyn fel un sydd â hawliau sy'n estyn y tu hwnt i'r teulu. Unwaith mae wedi'i roi yng nghyd-destun hawliau plant, ar sail CCUHP, daw unigrywiaeth y dull o ymdrin â thlodi plant i'r amlwg, a hynny ddylai ysgogi pob menter polisi i wrthweithio tlodi plant.

#### Edrych ymlaen

**Rwy'n galw ar Lywodraeth Cymru i gynnwys mesurau cadarn yn y Cynllun Gweithredu Trechu Tlodi diweddaraf, er mwyn trechu tlodi plant yn benodol trwy ddull seiliedig ar hawliau, yn unol â'r dyletswydd sydd ar y Gweinidog i roi sylw dyledus i CCUHP.**

I have welcomed the wider intentions of the White Paper in relation to the introduction of legislation to improve the housing system in Wales. I am particularly pleased that there is direct reference within the White Paper to the way in which proposals contribute to implementing the United Nations Convention for the Rights of The Child, notably Articles 3 (best interests), 6 (right to life), 18 (assistance to parents) and 27 (adequate standard of living).

#### Looking forward

**I am calling on Welsh Government to commit to ending youth homelessness in addition to family homelessness by 2019 through changes introduced through the forthcoming Housing Bill.**

#### Regenerating communities

Welsh Government issued 'Vibrant & Viable Places: New Regeneration Framework' for consultation in October 2012 as a result of a policy review of approaches to regeneration instigated by the Minister for Housing, Regeneration & Heritage. The review and resulting framework is intended to seek new ways to deliver better outcomes through joined-up working and to inform implementation of the guiding principles of the Welsh Government that sustainable development is key to tackling poverty and promoting equality of opportunity.

As Children's Commissioner for Wales I frequently meet children and young people who talk to me about wanting the freedom to play and 'hang out' in community spaces and about the barriers they face in accessing spaces where they can feel safe and are not targeted by adults to be moved on. Children and young people also talk about environmental poverty and often about the ways in which they are contributing to the regeneration of public places in their communities. The international community offers some robust examples of what can be achieved when children and young people are seen as integral to decisions about planning and regeneration. In my response to the consultation I set out my concerns that the Minister's duty to have due regard to the UNCRC under the Rights of Children and Young Persons (Wales) Measure was not adequately reflected in the policy framework. Although issues of importance to children and young people as community members are included, as are some relevant outcome measures I called for stronger consideration of the implications of the policy framework as a tool for promoting the rights of children and young people in Wales.

I am therefore disappointed that the final draft of this Framework as launched in March 2013 does not address the concerns I raised in the response I provided to the consultation draft.

#### Looking forward

**I am calling on Welsh Government to set out the measures in place to ensure that implementation of the regeneration framework more directly addresses the needs of children and young people and promotes their rights.**

#### Aim 7: Not disadvantaged by poverty

##### Child Poverty

##### Looking back

In my last annual report I called on Welsh Government to publish as a matter of urgency a Tackling Poverty Action Plan that would situate actions on child poverty within a child rights based framework. However when the Tackling Poverty Action Plan was published in June 2012 it was of particular concern to me that there is an apparent loss of a clear rights based framework in line with the Ministers duty of due regard to the UNCRC. Welsh Government have signaled their intention to issue a refreshed Tackling Poverty Action Plan in June 2013.

Welsh Government published 'Child Poverty Strategy for Wales: Baseline indicators' in March of this year. This report provides an evaluation of Welsh Child Poverty Strategy providing baseline data for 2005 and a comparison with the most recent year's data across 23 related to income poverty, education, housing and health. It is of great concern to me that progress is only evidenced in relation to 6 of the 23 indicators considered in the report. I am aware that the current economic situation is a challenging one and that the Welfare Reforms being pushed forward by the UK Government are anticipated to impact in particular on families with children. However within this context it is particularly worrying that progress in addressing the impact of child poverty by Welsh Government appears to be so limited. There is clear evidence that now, more than ever, Welsh Government must review their approach and consider robust and directed action to address the needs and promote the rights of children and young people in poverty.

Child poverty is the result of family poverty. However a child poverty approach to tackling the issue is essentially different from a family poverty approach. A child poverty approach puts the child at the centre of all policy measures and acknowledges the child as a rights bearer with rights that extend beyond the family. Once framed in a child rights context, based on the UNCRC, the distinctiveness of a child poverty approach becomes clear and should drive all policy initiatives to combat child poverty.

#### Looking forward

**I am calling on Welsh Government to include robust measures within the refreshed Tackling Poverty Action Plan to specifically tackle child poverty through a rights-based approach in line with the Minister's duty of due regard to the UNCRC.**

# Casgliad

## Conclusion

Mae'r flwyddyn ddiwethaf wedi amlygu pwysigrwydd gwranddo ar leisiau plant a phobl ifanc, a hefyd wedi ein hatgoffa i gyd am y trychinebau all ddigwydd pa na chaiff pobl ifanc eu clywed. Yn ystod y deuddeg mis diwethaf, mae difrifoldeb yr achosion hanesyddol amlwg o gamdriniaeth yng Nghymru wedi ategu bod angen ystyried plant a phobl ifanc fel deiliaid hawliau a hefyd, yn fwy hanfodol, bod angen gwranddo a gweithredu ar sail eu pryderon.

Bydd fy nhîm a minnau'n parhau i hyrwyddo hawliau plant a phobl ifanc, ac yn gwneud popeth o fewn ein gallu i sicrhau bod plant yn ymwybodol o'u hawliau ac yn teimlo eu bod yn cael eu grymuso i leisio'u pryderon.

Fel camau nesaf ar gyfer 2013/14, byddwn yn

- edrych yn fanylach ar lesiant dysgwyr er mwyn canolbwyntio ar farn dysgwyr, eu lles a'u hawl i gael addysg;
- ymchwilio i gydymffurfiaeth â Deddf Cydraddoldeb 2010 ac effaith hynny ar y cyfleoedd i blant anabl fwynhau eu hawliau i addysg heb gamwahaniaethu;
- ystyried yr ystod o wasanaethau sy'n cael eu darparu ar gyfer gofalwyr plant a phobl ifanc anabl ac i ba raddau mae plant anabl a'u gofalwyr yn teimlo bod y rhain yn diwallu eu hanghenion.

The past year has highlighted the importance of listening to the voices of children and young people, whilst reminding us all collectively of what can go terribly wrong when young people are not heard. Over the past twelve months, the severity of the much publicised historical abuse cases in Wales has reiterated the need to consider children and young people as rights holders and, more crucially, the need to listen and act upon their concerns.

My team and I will continue to champion the rights of children and young people and we will do all we can to ensure that children are aware of their rights and feel empowered to voice their concerns.

Next steps for 2013/14, we will

- examine learner well-being in more depth to focus on the views of learners, their well-being and their right to education;
- investigate compliance with the Equality Act 2010 and the impact of this on the opportunities for disabled children to enjoy their rights to education without discrimination;
- consider the range of services provided for carers of disabled children and young people and the degree to which disabled children and their carers feel these meet their needs.

# Cyfrifon Sylwadau'r Rheolwyr

## Accounts Management Commentary

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Mae Comisiynydd Plant yn rhywun sy'n codi llais dros blant a phobl ifanc a'u hawliau ac yn helpu i gryfhau a gwella'r systemau sy'n bodoli i'w hamddiffyn a'u galluogi i gyflawni eu potensial. Bernir bod creu sefydliadau hawliau dynol annibynnol o'r fath ar gyfer plant mewn llawer o wledydd ar draws y byd yn angenrheidiol am y rhesymau canlynol:

- weithiau mae hawliau plant yn cael eu hanwybyddu, neu eu hanghofio;
- does dim pŵer economaidd a gwleidyddol gan blant;
- weithiau dyw plant ddim yn cael beth mae arnyn nhw ei angen; ac
- weithiau mae plant mewn perygl.

A Children's Commissioner is someone who speaks up for children and young people and their rights and helps strengthen and improve the systems there to protect them and enable them to fulfil their potential. The establishment of such independent human rights institutions for children in many countries throughout the world is considered necessary because:

- sometimes children's rights are ignored, or forgotten about;
- children lack economic and political power;
- sometimes children don't get what they need; and
- sometimes children are at risk.

## Ar 1 Mawrth 2008, cychwynnodd Keith Towler yn ei swydd fel Comisiynydd newydd, wedi’i benodi gan Brif Weinidog Cynulliad Cenedlaethol Cymru ar ôl cael ei gyfweld gan blant, pobl ifanc ac oedolion.

**Mae ffin o bobl yn gweithio gyda’r Comisiynydd Plant – yn Abertawe a Bae Colwyn – i’w helpu i wneud y canlynol:**

- cefnogi plant a phobl ifanc i gasglu gwybodaeth am hawliau plant
- gwrandao ar blant a phobl ifanc i ddarganfod beth sy’n bwysig iddyn nhw
- cyngori plant, pobl ifanc a’r rhai sy’n gofalu amdanynt os byddant yn teimlo na allant droi at neb arall gyda’u problemau
- dylanwadu ar y llywodraeth a sefydliadau eraill sy’n dweud eu bod yn mynd i wneud gwahaniaeth i fywydau plant, gan sicrhau eu bod yn cadw eu haddewidion i blant a phobl ifanc
- codi llais dros blant a phobl ifanc yn genedlaethol ar faterion pwysig – bod yn bencampwr dros blant Cymru.

Mae’r Comisiynydd yn gweithio dros bob plentyn a pherson ifanc hyd at 18 oed sy’n byw yng Nghymru, neu sydd fel arfer yn byw yng Nghymru. Mae ganddo bŵer hefyd i weithredu ar ran pobl ifanc hŷn o dan rai amgylchiadau.

**O dan y ddeddfwriaeth a sefydlodd Gomisiynydd Plant Cymru mae dyletswydd i wneud y canlynol:**

- rhoi sylw i Gonfensiwn y CU ar Hawliau’r Plentyn (CCUHP) ym mhopeth mae ef a’i dîm yn ei wneud;
- gwneud yn siŵr bod plant a phobl ifanc yn gwybod ble mae De i swyddfeydd a sut mae cysylltu ag ef a’i dîm;
- gannog plant i gysylltu ag ef a’r ffin;
- gofyn barn plant ar ei waith yn awr ac yn y dyfodol, a chaniatáu iddyn nhw ddylanwadu ar ei raglen waith; a
- gwneud yn siŵr ei fod e a’i staff yn mynd i gwrrd â phlant a phobl ifanc.

Nid yw’r gwaith wedi’i gyfyngu i faterion sydd fel arfer yn cael eu hystyried yn gysylltiedig â phlant, er enghraifft iechyd, addysg a gwasanaethau cymdeithasol. Mae cynllunio, trafnidiaeth, yr amgylchedd, datblygu economaidd a materion gwledig hefyd yn rhan o gwmpas ei rôl.

**Gall y Comisiynydd:**

- adolygu effeithiau polisiau, polisiau arfaethedig, a darparu gwasanaethau i blant;
- archwilio’n fanylach achos plentyn neu blant penodol os yw’n ymwneud â mater sy’n gyffredinol berthnasol i fywydau plant yng Nghymru;
- gofyn bod asiantaethau neu bersonau sy’n gweithredu ar eu rhan yn darparu gwybodaeth, a gofyn bod tystion yn rhoi eu tystiolaeth dan lw; a
- darparu cyngor a chymorth i blant a phobl ifanc, ac i eraill sy’n pryderu am eu hawliau a’u lles.

Mae hefyd bŵer pwysig ychwanegol i ystyried a chyflwyno sylwadau i Gynulliad Cenedlaethol Cymru ynghylch unrhyw fater sy’n effeithio ar hawliau a lles plant yng Nghymru.

### Y Pwyllgor Archwilio

Mae Pwyllgor Archwilio’r Comisiynydd yn rhoi cyngor a sicrwydd ynghylch llywodraethu corfforaethol, rheoli risgiau a mesurau rheoli yn swyddfa’r Comisiynydd a digonoldeb y trefniadau archwilio mewnol ac allanol.

Mae’n cwrdd ddwywaith y flwyddyn o leiaf, ac yn cynnwys swyddogion uwch o Swyddfa’r Comisiynydd ac aelodau nad ydynt yn rhan o’r Weithrediaeth. Yn ystod y cyfnod dan sylw cynhaliwyd pedwar cyfarfod o’r Pwyllgor Archwilio. Aelodau’r Pwyllgor Archwilio yw:

- Wyn Mears – Ymgynghorydd Busnes a Chyn Gyfarwyddwr Cymdeithas y Cyfrifyddion Siartredig Ardystiedig;
- Ian Summers – Ymgynghorydd Cyllid a Llywodraethu i Gynulliad Cenedlaethol Cymru a Chyn Bartner yn Swyddfa Archwilio Cymru;
- Greta Thomas – Cyn Gyfarwyddwr yr NSPCC yng Nghymru; a
- Dr Iolo Doull - Pediatregydd Resbiradol Ymgynghorol yn Ysbyty Prifysgol Cymru, Caerdydd

### Uwch swyddogion

Bu’r bobl ganlynol yn gwasanaethu fel Tim Rheoli yn ystod y flwyddyn:

- Keith Towler – Comisiynydd Plant Cymru;
- Eleri Thomas – Prif Swyddog Gweithredol a Dirprwy Gomisiynydd Plant;
- Tony Evans – Pennaeth y Gwasanaethau Corfforaethol;
- Andy Wallsgrove – Pennaeth Gweithrediaeth;
- Sara Young – Swyddog Cyfathrebu; ac
- Amanda Evans – Swyddog Adnoddau Dynol.

### Ariannu

Mae Comisiynydd Plant Cymru yn annibynnol ar Lywodraeth Cymru, ond yn cael ei ariannu ganddi. Yn 2012-13 derbyniodd y Comisiynydd £1.752 miliwn (2011-12: £1.749 miliwn) i ariannu ei weithgareddau. Roedd hyn yn cynnwys £20,000 ychwanegol i dalu am gostau ychwanegol cysylltiedig â’r ymchwiliadau a wnaed i’r honiadau hanesyddol ynghylch cam-drin plant yng Ngogledd Cymru.

### Fformat y cyfrifon

Paratowyd y datganiadau ariannol hyn yn unol â Pharagraff 7(2) Atodlen 2 o Ddeddf Safonau Gofal 2000 a’r Cyfarwyddyd Cyfrifon a gyflwynwyd gan Weinidogion Cymru. Mae copi o’r cyfarwyddyd hwnnw ar gael oddi wrth Bennaeth y Gwasanaethau Corfforaethol, Comisiynydd Plant Cymru, T Ystumllwynarth Llys Siarter, Ffordd Ffenics, Abertawe, SA7 9FS.

Paratowyd y cyfrifon hyn ar gyfer y cyfnod o 1 Ebrill 2012 tan 31 Mawrth 2013, ac maent yn adlewyrchu alldro asedau, rhwymedigaethau ac adnoddau’r Comisiynydd Plant. Paratowyd y datganiadau ariannol hyn yn unol â Llawlyfr Adroddiadau Ariannol y Llywodraeth (FReM) a gyflwynwyd gan Drysorlys Ei Mawrhydi. Mae’r polisiau cyfrifo a geir yn yr FReM yn cymhwyso Safonau Cyfrifo Rhyngwladol (IFRS), fel y’u mabwysiadwyd neu y’u dehonglwyd ar gyfer cyd-destun y sector cyhoeddus.

### Canlyniadau ar gyfer y flwyddyn

Dengys y Datganiad o Wariant Net Cynhwysfawr wariant o £1.755 miliwn ar gyfer y cyfnod (2011-12: £1.637 miliwn). Y gweddill yn y gronfa gyffredinol ar ddiwedd y flwyddyn yw £365,000 (2011-12: £368,000).

Yn ystod 2012-13 newidiodd staff y Comisiynydd i 25.2 (cyfwerth amser llawn) o 22.6 (cyfwerth amser llawn) aelod o staff, sy’n cynnwys gweithwyr llawn amser a rhan amser. Y rheswm am y newid yn niferoedd y staff oedd bod y trefniadau recriwtio wedi cael eu rhewi yn ystod y cyfnod dan sylw.

## On 1st March 2008, Keith Towler took up his post as the new Commissioner, having been appointed by the First Minister of the National Assembly for Wales after being interviewed by children, young people and adults.

**There’s a team of people who work with the Children’s Commissioner – in Swansea and Colwyn Bay – to help him:**

- support children and young people to find out about children’s rights
- listen to children and young people to find out what’s important to them
- advise children, young people and those who care for them if they feel they’ve got nowhere else to go with their problems
- influence government and other organisations who say they’re going to make a difference to children’s lives, making sure they keep their promises to children and young people
- speak up for children and young people nationally on important issues – being the children’s champion in Wales.

The Commissioner works for every child and young person up to the age of 18 who lives in Wales, or who normally lives in Wales. He also has the power to act on behalf of older young people under certain circumstances.

**Under the legislation that established the Children’s Commissioner for Wales there is a duty to:**

- have regard to the UN Convention on the Rights of the Child (UNCRC) in everything he and his team do;
- make sure that children and young people know where his offices are and how to contact him and his team;
- encourage children to contact him and the team;
- ask children what they think about his work and future work, and allow them to influence the work programme; and
- make sure that he and his staff go and meet children and young people.

The work isn’t confined to what are usually considered to be children’s issues, like health, education and social services. Planning, transport, the environment, economic development and rural affairs also fall within the scope of the role.

**The Commissioner can:**

- review the effects of policies, proposed policies and the delivery of services to children;
- examine in more depth the case of a particular child or children if it involves an issue that has a general application to the lives of children in Wales;
- require information from agencies or persons acting on their behalf, and require witnesses to give evidence on oath; and
- provide advice and assistance to children and young people, and others concerned about their rights and welfare.

There is also an important additional power to consider and make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.

### Audit Committee

The Commissioner’s Audit Committee provides advice and assurance in respect of corporate governance, risk management and control within the Commissioner’s office and the adequacy of the internal and external audit arrangements.

It meets at least bi-annually and is made-up of senior officials of the Commissioner’s Office and Non-Executive members. During this reporting period there were four meetings of the Audit Committee. The members of the Audit Committee are:

- Wyn Mears – Business Consultant and Former Director of the Association of Certified Chartered Accountants;
- Ian Summers – Finance and Governance Advisor to the National Assembly for Wales and Former Partner of the Wales Audit Office;
- Greta Thomas – Former Director of NSPCC in Wales; and
- Dr Iolo Doull – Consultant Respiratory Paediatrician at the University Hospital of Wales, Cardiff

### Senior Officers

The following persons served as the Management Team during the year:

- Keith Towler - Children’s Commissioner for Wales;
- Eleri Thomas – Chief Executive Officer and Deputy Children’s Commissioner;
- Tony Evans - Head of Corporate Services;
- Andy Wallsgrove – Head of Operations;
- Sara Young – Communications Officer; and
- Amanda Evans – Human Resources Officer.

### Funding

The Children’s Commissioner for Wales is independent of, but funded by the Welsh Government. In 2012-13 the Commissioner received £1.752 million (2011-12: £1.749 million) to fund his activities. This included an additional £20,000 to meet additional costs associated with the investigations being undertaken into the North Wales historic child abuse allegations.

### Format of the Accounts

These financial statements have been prepared in accordance with Paragraph 7(2) Schedule 2 of the Care Standards Act 2000 and the Accounts Direction issued by Welsh Ministers. A copy of that direction can be obtained from the Head of Corporate Services, Children’s Commissioner for Wales, Oystermouth House, Charter Court, Phoenix Way, Swansea, SA7 9FS.

These accounts have been prepared for the period from 1st April 2012 to 31st March 2013 and reflect the assets, liabilities and resource outturn of the Children’s Commissioner. These financial statements have been prepared in accordance with the Government’s Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Accounting Standards (IFRS) as adopted or interpreted for the public sector context.

### Results for the Year

The Statement of Comprehensive Net Expenditure shows expenditure, for the period, of £1.755 million (2011-12: £1.637 million). The general fund balance as at the year-end is £365,000 (2011-12: £368,000).

During 2012-13 the Commissioner’s staff changed to 25.2 (whole time equivalent) from 22.6 (whole time equivalent) members of staff, which includes full time and part time employees. The change in staff numbers was due to the introduction of a recruitment freeze during this reporting period.

## Ymgynghori â'r Staff

Mae'r Comisiynydd yn ymgynghori'n rheolaidd â'i staff ynghylch newidiadau pwysig i'r sefydliad. Cyflawnir hyn mewn sawl modd, yn cynnwys cyfarfodydd staff, arolygon a'r fewnwyd. Mae'r Comisiynydd hefyd wedi sefydlu Gweithgor Polisi Cyflogaeth i adolygu'r holl bolisiau a gweithdrefnau cyflogaeth mewnol er mwyn sicrhau eu bod yn cydymffurfio â'r gofynion deddfwriaethol ac arfer gorau.

## Hyfforddiant

Mae'r Comisiynydd yn parhau i fuddsoddi mewn darparu cyfleoedd datblygu a hyfforddi ar gyfer y staff. Mae'r swyddfa hefyd yn cynnal pedwar diwrnod dysgu a datblygu blynyddol ar gyfer yr holl staff, yn trafod pynciau megis Cyfranogiad a Diogelu.

## Absenoldeb staff

Yn ystod 2012-13 cyfradd yr absenoldeb salwch yn swyddfa'r Comisiynydd oedd 9.7 y cant (2011-12 7.5 y cant), wedi'i seilio ar ganran o gyfanswm y diwrnodau gwaith oedd ar gael.

## Cynaliadwyedd Amgylcheddol

Mae'r Comisiynydd wedi sefydlu gweithgor i helpu i ddatblygu Cynllun Gweithredu ar gyfer Cynaliadwyedd. Fel rhan o'u gwaith mae'r grŵp wedi bod yn trafod gyda sefydliadau allanol, er mwyn cael cymorth i ddatblygu'r cynllun, er enghraifft, yr Ymddiriedolaeth Garbon, y Ddraig Werdd a'r fenter EcoSgoliau.

**Mae'r Comisiynydd yn ymroddedig i leiafu effaith ei Swyddfa ar yr amgylchedd lle bynnag y bo modd, ac mae'n ceisio lleihau'r effaith honno trwy gymryd y camau canlynol:**

- **Deunydd ysgrifennu ac adnoddau swyddfa:** anogir y staff i gyfyngu gymaint â phosib ar eu defnydd o nwyddau traul y swyddfa;
- **Teithio:** lle bo hynny'n ymarferol, mae swyddogion yn defnyddio cludiant cyhoeddus. Ar ben hynny, cynhelir cyfarfodydd trwy ddefnyddio fideo-gynadledda lle bynnag y bo modd;
- **TYnni:** mae'r Comisiynydd yn annog pob aelod o staff i fod yn ymwybodol o ynni, ac i ystyried ffyrdd o leihau eu hól-troed carbon; a
- **TGwaredu Gwastraff:** mae'r Comisiynydd yn ymroddedig i ailgylchu pob gwastraff, yn amodol ar gyfyngiadau allanol.

## Penodi uwch swyddogion

Penodwyd Keith Towler yn Gomisiynydd Plant Cymru o 1 Mawrth 2008. Cychwynnodd yr uwch swyddogion eraill ar eu penodiadau rhwng Mai 2006 a Thachwedd 2009, ac fe'u penodwyd gan y Comisiynydd o dan Atodlen 2 paragraff 4 o Ddeddf Safonau Gofal 2000.

## Cyfle cyfartal

Ystyrir pob cais am gyflogaeth gyda Chomisiynydd Plant Cymru ar y sail yn dylai pob ymgeisydd am swydd gael cyfle cyfartal am gyflogaeth a dyrchafiad ar sail eu gallu, eu cymwysterau a'u haddasrwydd ar gyfer y gwaith.

Ni ddylai unrhyw ymgeisydd am swydd na gweithwr dderbyn triniaeth lai ffafriol ar sail hll, lliw, rhyw, tueddffryd rhywiol, oedran, statws priodasol, anabledd, crefydd, cyfrifoldebau teuluol/domestig na phatrymau gwaith, ac ni ddylai unrhyw unigolyn gael ei roi dan anfantaes chwaith gan amodau na gofynion na ellir eu cyfiawnhau.

Eleni cyhoeddwyd Cynllun Gweithredu'r Comisiynydd ar Gydraddoldeb – ar 1 Ebrill 2012 – ac mae copi ohono ar gael ar y wefan.

## Polisi Taliadau

O dan Ddeddf Talu Dyledion Masnachol (Llog) yn Hwyr 1998, mae gofyn bod Comisiynydd Plant Cymru'n talu anfonebau cyflenwyr na ddadleuir yn eu cylch o fewn 30 diwrnod i dderbyn nwyddau neu wasanaethau neu anfoneb ddilys, p'un bynnag sydd hwyraf. Yn achos 2011-12 cyflawnodd Comisiynydd Plant Cymru 99.5 y cant (98.6 y cant yn 2010-11) o'r holl daliadau o'r fath a wnaed yn ystod y cyfnod. Ni thalwyd llog yng nghyswllt taliadau hwyr.

## Archwilwyr

Caiff cyfrifon Comisiynydd Plant Cymru eu harchwilio a'u hardystio gan Archwilydd Cyffredinol Cymru yn unol â pharagraff 9 o Atodlen 2 i Ddeddf Safonau Gofal 2000 (Nodyn 8).

Mae RSM Tenon yn darparu gwasanaethau archwilio mewnol ar gyfer y Comisiynydd.

Yn ystod y cyfnod ni thalwyd unrhyw gydnabyddiaeth i'r archwilwyr am waith heblaw archwilio.

## Datgelu gwybodaeth i'r Archwilwyr

Mor bell ag y mae Swyddfa'r Comisiynydd yn ymwybodol, nid oes gwybodaeth archwilio nad yw'r archwilwyr yn ymwybodol ohoni; ac mae'r Swyddfa wedi cymryd pob cam y dylasai ei gymryd er mwyn bod yn ymwybodol o unrhyw wybodaeth archwilio berthnasol ac i sicrhau bod yr archwilwyr yn ymwybodol o'r wybodaeth honno.

## Digwyddiadau Cysylltiedig â Data Personol

O fewn y flwyddyn ariannol, nid adroddwyd am ddigwyddiadau cysylltiedig â data personol. Mae'r Comisiynydd yn cynnal polisi a gweithdrefnau diogelu gwybodaeth sy'n sicrhau y cyfyngir gymaint â phosib ar ddigwyddiadau cysylltiedig â data personol.

## Digwyddiadau ers diwedd y flwyddyn ariannol

Ni fu unrhyw ddigwyddiadau ers dyddiad y fantolen sy'n effeithio ar ddealltwriaeth o'r datganiadau ariannol hyn.

## Staff Consultation

The Commissioner regularly consults with staff on major changes to the organisation. This is achieved through a variety of methods which includes staff meetings, surveys and the intranet. The Commissioner has also established an Employment Policy Working Group to review all internal employment policies and procedures to ensure they comply with legislative requirements and best practice.

## Training

The Commissioner continues to invest in the provision of development and training opportunities for staff. The office also has four annual all staff learning and development days, covering topics, for example, on Participation and Safeguarding.

## Staff Absences

During 2012-13 the sickness absence rate within the Commissioner's office was 9.7 percent (2011-12 7.5 percent), based as a percentage of the total available working days.

## Environmental Sustainability

The Commissioner has established a working group to help develop a Sustainability Action Plan. As part of their work the group has been in discussions with external organisations to help in the development of the plan, for example, the Carbon Trust, Green Dragon and the Eco-Schools initiative.

**The Commissioner is committed to minimising his Office's impact on the environment wherever possible and seeks to reduce its impact via the following steps:**

- **Stationery and office resources:** staff are encouraged to minimise their use of office consumables whenever possible;
- **Travel:** where practical, public transport is used by officers. In addition, meetings are held using video conferencing wherever possible;
- **Energy:** the Commissioner encourages all staff to be energy conscious and consider ways of reducing their carbon footprint; and
- **Waste disposal:** the Commissioner is committed to recycling all waste, subject to external restrictions.

## Senior Official Appointments

Keith Towler was appointed as Children's Commissioner for Wales with effect from 1st March 2008. The remaining senior officers took up appointments between May 2006 and November 2009 and were appointed by the Commissioner under Schedule 2 paragraph 4 of The Care Standards Act 2000.

## Equal Opportunities

All applications for employment with the Children's Commissioner for Wales are considered on the grounds that all job applicants should have equal opportunity for employment and advancement on the basis of their ability, qualifications and suitability for the work.

No job applicant or employee should receive less favourable treatment on grounds of race, colour, sex, sexual orientation, age, marital status, disability, religion, family/domestic responsibilities or working patterns, nor should any individual be disadvantaged by conditions or requirements which cannot be shown to be justifiable.

This year saw the publication of the Commissioner's Equality Action Plan – on 1 April 2012 – a copy of which can be obtained from the website.

## Payment Policy

Under the Late Payment of Commercial Debts (Interest) Act 1998, the Children's Commissioner for Wales is required to pay suppliers' invoices not in dispute within 30 days of receipt of goods or services or valid invoice, whichever is the later. For 2011-12 the Children's Commissioner for Wales achieved 99.5 percent (98.6 percent in 2010-11) of all such payments made during the period. No interest was paid in respect of late payments.

## Auditors

The Children's Commissioner for Wales' accounts are examined and certified by the Auditor General for Wales in accordance with paragraph 9 of Schedule 2 to the Care Standards Act 2000 (Note 8).

RSM Tenon provides internal audit services for the Commissioner.

During the period no remuneration was paid to the auditors for non-audit work.

## Disclosure of Information to the Auditors

So far as the Commissioner's Office is aware, there is no audit information of which the auditors are unaware; and the Office has taken all the steps that it ought to have taken to make itself aware of any relevant audit information and to establish that the auditors are aware of that information.

## Personal Data Related Incidents

Within the financial year, there were no reported incidents involving personal data. The Commissioner maintains an information security policy and procedures that ensure incidents related to personal data related incidents are minimised.

## Events Since the End of the Financial Year

There have been no events since the balance sheet date that affect the understanding of these financial statements.

# Adroddiad Taliadau Cydnabyddiaeth

## Remuneration Report

### Taliadau i aelodau o'r Tîm Rheoli

Gweinidogion Cymru sy'n pennu'r taliad cydnabyddiaeth i Gomisiynydd Plant Cymru, yn unol ag Atodlen 2 paragraff 3 o Ddeddf Safonau Gofal 2000.

Yn achos aelodau eraill y Tîm Rheoli (TRh), pennwyd y taliadau cydnabyddiaeth gan Gomisiynydd Plant Cymru, ar sail cyfarwyddyd gan arbenigwyr recriwtio yn y gwasanaeth sifil.

Mae'r adrannau canlynol, a fu'n destun archwiliad, yn darparu manylion taliadau cydnabyddiaeth a buddion pensiwn swyddogion uchaf y sefydliad:

### Remuneration of members of the Management Team

The Welsh Ministers determine the remuneration of the Children's Commissioner for Wales in accordance with Schedule 2 paragraph 3 to the Care Standards Act 2000.

For other members of the Management Team, remuneration was determined by the Children's Commissioner for Wales based on guidance from civil service recruitment specialists.

The following sections, which have been subjected to audit, provide details of the remuneration and pension benefits of the most senior officials of the organisation:

	2012-13 Ystod cyflog Salary range	2012-13 Buddion mewn Nwyddau (at y £100 agosaf)* Benefits in Kind (to nearest £100)*	2011-12 Ystod cyflog Salary range	2011-12 Buddion mewn Nwyddau (at y £100 agosaf)* Benefits in Kind (to nearest £100)*
	£000*		£000*	
Keith Towler – Comisiynydd Plant Cymru Children's Commissioner for Wales.	90-95	4,700**	90-95**	5,100**
Eleri Thomas – Prif Swyddog Gweithredol a Dirprwy Gomisiynydd Chief Executive Officer and Deputy Commissioner.	60-65	—	55-60	—
Andy Wallsgrove – Pennaeth Gweithrediadau / Head of Operations.	50-55	—	50-55	—
Tony Evans – Pennaeth Gwasanaethau Corfforaethol Head of Corporate Services.	50-55	—	50-55	—

\* Mae'r wybodaeth hon yn destun archwiliad.

\* This information is subject to audit.

\*\* Darparwyd car prydes i Keith Towler. Mae gwerth ariannol y buddion mewn nwyddau yn cwmpasu unrhyw fuddion a ddarparwyd gan y cyflogwr yr oedd Cyllid y Wlad yn eu trin fel enillion trethadwy.

\*\* Keith Towler was provided with a leased car. The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument.

### Canolrif y Taliadau Cydnabyddiaeth Median Remuneration

	2012-13	2011-12
Band taliad cydnabyddiaeth yr unigolyn sy'n derbyn y tâl uchaf / Band of highest paid individual's remuneration (£'000)	95-100	95-100
Cyfanswm y canolrif / Median total	33,200	33,200
Cymhareb / Ratio	2.86	2.86

Mae'n ofynnol fy mod yn datgelu'r berthynas rhwng y taliad a wnaed i'r unigolyn a dderbyniodd y cyflog uchaf a chanolrif taliadau'r gweithwyr. Band taliadau'r unigolyn a dderbyniodd y taliad uchaf yn 2012-13 oedd £95-£100,000 (2011-12, £95-£100,000). Roedd hyn 2.86 gwaith (2011-12 2.86 gwaith) taliad canolrif y gweithwyr. Mae cyfanswm y taliadau yn cynnwys y cyflog a'r buddion mewn nwyddau. Nid yw'n cynnwys cyfraniadau cyflogwr i bensiwn na gwerth trosglwyddo ariannol cyfatebol pensiwnau.

I am required to disclose the relationship between the remuneration of the highest-paid individual and the median remuneration of employees. The banded remuneration of the highest-paid individual in 2012-13 was £95-£100,000 (2011-12, £95-£100,000). This was 2.86 times (2011-12 – 2.86) the median remuneration of employees. Total remuneration includes salary and benefits-in-kind. It does not include employer pension contributions and the cash equivalent transfer value of pensions.

### Taliadau Gwneud Iawn, Dyfarniadau Sylweddol i Uwch Reolwyr Blaenorol Compensation paid, significant awards to former senior managers

Cymerodd Uwch Swyddog ymddeoliad cynnar hyblyg ar 20 Chwefror 2009. Wrth ymadael, derbyniodd gyfandaliad gwneud iawn, a gwneir taliadau blynyddol nes bod y swyddog yn 60 oed.

A Senior Officer took flexible early retirement on 20 February 2009. Upon leaving, a lump sum compensation was made and annual payments will be made until the Officer is age 60.

**Buddion Pensiwn – Cynllun Pensiwn y Gwasanaeth Sifil**  
**Pension Benefits – Civil Service Pension Scheme**

	Pensiwn cronodig ar Accrued pension at 31.3.13* £000	Cynnydd go iawn mewn pensiwn* Real increase in pension* in pension* £000	CETV(i) ar at 31.3.13* £000	CETV(i) ar at 31.3.12* £000	Cynnydd go iawn mewn CETV* Real increase in CETV* in CETV* £000
Keith Towler – Comisiynydd Plant Cymru Children's Commissioner for Wales.	10-15	0-2.5	146	113	19
Eleri Thomas – Prif Swyddog Gweithredol a Dirprwy Gomisiynydd Chief Executive Officer and Deputy Commissioner.	5-10	0-2.5	58	41	10
Andy Wallsgrove – Pennaeth Gweithrediadau / Head of Operations.	30-35	0-2.5	374	337	9
Tony Evans – Pennaeth Gwasanaethau Corfforaethol Head of Corporate Services.	15-20	0-2.5	255	237	3

\* Archwilir y wybodaeth hon.  
 \* This information is subject to audit.

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**Y Cynllun Pensiwn**

Ddeirer buddion pensiwn trwy drefniadau pensiwn y Gwasanaeth Sifil. O 30 Gorffennaf 2007, gall gweision sifil fod yn rhan o un o bedwar cynllun buddion diffiniedig; naill ai cynllun 'cyflog terfynol' (**classic, premium neu classic plus**); neu gynllun 'gyrfa gyfan' (**nuvos**). Nid yw'r trefniadau statudol hyn yn cael eu hariannu, a thelir am gost y buddion ag arian a bleidleisir gan y Senedd bob blwyddyn; er bod y rhain yn gynlluniau buddion a ddiffiniwyd, nid oes modd datgelu cyfanswm asedau a rhwymedigaethau'r cynlluniau. Mae'r pensiwnau sy'n daladwy o dan **classic, premium, classic plus a nuvos** yn cael eu cynyddu'n flynyddol yn unol â newidiadau i'r Mynegai Prisiau Defnyddwyr (CPI). Gall aelodau sy'n ymuno o Hydref 2002 ddewis naill ai'r trefniant buddion priodol diffiniedig neu pensiwn rhanddeiliad 'prynu arian' o awswdd da, gyda chyfraniad sylweddol gan y cyflogwr (cyfrif pensiwn **partneriaeth**).

Pennir cyfraniadau gweithwyr ar lefel o 1.5% o'r enillion pensiynadwy yn achos y **classic** a 3.5% yn achos **premium, classic plus a nuvos**. Mae'r buddion classic yn cronni ar gyfradd o 1/80fed o'r enillion pensiynadwy terfynol am bob blwyddyn o wasanaeth. Ar ben hynny, mae cyfandaliad sy'n cyfateb i dair blynedd o bensiwn yn daladwy adeg ymddeol. Yn achos y **premium**, mae'r buddion yn cronni ar gyfradd o 1/60fed o'r enillion pensiynadwy terfynol am bob blwyddyn o wasanaeth. Yn wahanol i'r **classic**, nid oes cyfandaliad awtomatig. Cyfuniad o'r ddau yw **classic plus** yn y bôn, gyda buddion yng nghyswllt gwasanaeth cyn 1 Hydref 2002 yn cael eu cyfrifo'n fras fel yn achos y classic a'r buddion am wasanaeth o fis Hydref 2002 yn cael eu cyfrifo fel yn achos y **premium**. Yn **nuvos** mae aelod yn crynhoi pensiwn ar sail ei enillion pensiynadwy yn ystod cyfnod ei aelodaeth o'r cynllun. Ar ddiwedd blwyddyn y cynllun (31 Mawrth) mae cyfrif yr aelod ar gyfer y pensiwn a enillwyd yn cael ei gredydu â 2.3% o'i enillion pensiynadwy yn ystod y flwyddyn honno o'r cynllun, a chaiff y pensiwn a gronwyd ei uwchraddio yn unol â'r Mynegai Prisiau Adwerthu. Ym mhob achos gall aelodau ddewis ildio (cymudo) pensiwn am gyfandaliad hyd at y terfynau a bennwyd gan Ddeddf Cyllid 2004.

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**Pension Scheme**

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a 'final salary' scheme (**classic, premium or classic plus**); or a 'whole career' scheme (**nuvos**). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year; and although these are defined benefit schemes it is not possible to disclose the amount of assets and liabilities of the schemes. Pensions payable under **classic, premium, classic plus** and **nuvos** are increased annually in line with changes in the Consumer Prices Index (CPI). Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a good quality 'money purchase' stakeholder pension with a significant employer contribution (**partnership** pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for **classic** and 3.5% for **premium, classic plus** and **nuvos**. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **classic plus** is essentially a hybrid with benefits in respect of service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 calculated as in **premium**. In **nuvos** a member builds up a pension based on their pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with RPI. In all cases members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

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Trefniant pensiwn rhanddeiliad yw'r cyfrif pensiwn **partneriaeth**. Mae'r cyflogwr yn gwneud cyfraniad sylfaenol o rhwng 3% a 12.5% (yn dibynnu ar oedran yr aelod) i mewn i gynnyrch pensiwn rhanddeiliad a ddeuwyswyd gan y cyflogai o banel o dri darparwr. Nid oes rhaid i'r cyflogai gyfrannu, ond lle bo'n dewis gwneud hynny, bydd y cyflogwr yn gwneud taliadau cyfatebol i'r rhain hyd at derbyn o 3% o'r cyflog pensiynadwy (yn ogystal â chyfraniad sylfaenol y cyflogwr). Mae cyflogwyr hefyd yn cyfrannu 0.8% arall o'r cyflog pensiynadwy i dalu am gost yswiriant buddion risg a ddarperir yn ganolog (marw yn eu gwaith ac ymddeol oherwydd afiechyd).

Y pensiwn cronol a ddyfynnwyd yw'r pensiwn y gall yr aelod ei hawlio wrth gyrraedd oedran pensiwn, neu ar unwaith pan fydd yn peidio â bod yn aelod gweithredol o'r cynllun os ydyw eisoes wedi cyrraedd oedran pensiwn neu'n hŷn. Oedran pensiwn yw 60 yn achos aelodau **classic, premium a classic plus** a 65 yn achos aelodau **nuvos**.

Mae manylion pellach am drefniadau pensiwn y Gwasanaeth Sifil ar gael ar y wefan [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk).

**(i) Gwerthoedd Trosglwyddo sy'n Gyfwerth ag Arian Parod (CETV)**

Gwerth Trosglwyddo sy'n Gyfwerth ag Arian Parod (CETV) yw gwerth cyfalafol asesedig actiwaraid y buddion cynllun pensiwn a gronwyd gan aelod ar adeg benodol. Y buddion a brisir yw'r buddion a gronwyd gan yr aelod ac unrhyw bensiwn sy'n daladwy i briod amodol o'r cynllun. Taliad yw CETV a wneir gan gynllun neu drefniant pensiwn i sicrhau buddion pensiwn mewn cynllun neu drefniant pensiwn arall pan fo'r aelod yn gadael cynllun ac yn dewis trosglwyddo'r buddion a gronwyd yn y cynllun blaenorol. Mae'r ffigurau pensiwn a ddangosir yn gysylltiedig â'r buddion y mae'r unigolyn wedi'u cronni o ganlyniad i gyfanswm eu haelodaeth o'r cynllun pensiwn, nid eu gwasanaeth mewn swydd uwch y mae datgelu'n berthnasol iddi yn unig. Mae'r ffigurau'n cynnwys gwerth unrhyw fuddion pensiwn mewn cynllun arall y mae'r unigolyn wedi'u trosglwyddo i drefniadau pensiwn y Prif Wasanaeth Sifil. Maent hefyd yn cynnwys unrhyw fuddion pensiwn ychwanegol a gronwyd i'r aelod o ganlyniad i brynu buddion pensiwn ychwanegol ar eu cost eu hun. Cyfrifir CETVs o fewn y canllawiau a'r fframwaith a ragnodwyd gan Sefydliad a Chyfadran yr Actiariaid ac nid ydynt yn rhoi sylw i unrhyw ostyngiad gwirioneddol na phosibl i fuddion yn sgîl Treth Lwfans Oes y gall fod angen ei thalu pan ddyddir buddion pensiwn.

**(ii) Cynnydd gwirioneddol mewn CETV**

Mae hyn yn adlewyrchu'r cynnydd mewn CETV y telir amdano i bob pwrpas gan y cyflogwr. Nid yw'n cynnwys y cynnydd yn y pensiwn a gronwyd yn sgîl chwyddiant, cyfraniadau a dalwyd gan y cyflogai (gan gynnwys gwerth unrhyw fuddion a drosglwyddwyd o gynllun pensiwn arall), ac mae'n defnyddio ffactorau priso'r farchnad gyffredin ar gyfer dechrau a diwedd y cyfnod.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of three providers. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic, premium and classic plus** and 65 for members of **nuvos**.

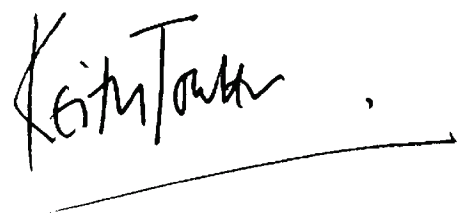
Further details about the Civil Service pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk).

**(i) Cash Equivalent Transfer Values**

A Cash Equivalent Transfer Value (CETV) is the actuarial assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The figures include the value of any pension benefit in another scheme arrangement which the individual has transferred to the Principal Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional pension benefits at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are drawn.

**(ii) Real increase in CETV**

This reflects the increase in CETV effectively funded by the employer. It does not include of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme arrangement) and uses common market valuation factors for the start and end of the period.



Keith Towler  
**Comisiynydd Plant Cymru a Swyddog Cyfrifyddu**  
**Children's Commissioner for Wales and Accounting Officer**  
**Gorffennaf / July 2013**

## DATGANIAD O GYFRIFOLDEBAU'R SWYDDOG CYFRIFYDDU

O dan Atodlen 2 o Ddeddf Safonau Gofal, mae Gweinidogion Cymru wedi rhoi cyfarwyddyd i Gomisiynydd Plant Cymru baratoi datganiad o gyfrifon ar gyfer pob blwyddyn ariannol ar ffurf yr hyn a nodwyd yn y Cyfarwyddyd Cyfrifon ac ar y sail honno. Paratwir y cyfrifon ar sail cronniadau a rhaid iddynt ddarparu darlun gwir a theg o sefyllfa fusnes Comisiynydd Plant Cymru, yr incwm a'r gwariant, newidiadau yn ecwiti trethdalwyr a llofoedd arian y flwyddyn ariannol.

Wrth baratoi'r cyfrifon, mae gofyn bod y Swyddog Cyfrifyddu yn cydymffurfio â gofynion Llawlyfr Adroddiadau Ariannol y Llywodraeth, ac yn arbennig â'r canlynol:

- **glynu at y Cyfarwyddyd Cyfrifon a roddwyd gan Weinidogion Cymru, gan gynnwys y gofynion perthnasol o ran cyfrifo a datgelu, a defnyddio polisiau cyfrifeg addas yn gyson;**
- **dod i benderfyniadau a llunio amcangyfrifon ar sail resymol;**
- **datgan a yw'r safonau cyfrifo perthnasol, fel y'u cyflwynir yn Llawlyfr Adroddiadau Ariannol y Llywodraeth, wedi cael eu dilyn, a datgelu ac egluro unrhyw achosion pwysig yn y cyfrifon lle na ddilynydd y safonau hynny; a**
- **pharatoi'r cyfrifon ar sail busnes gweithredol.**

Y Comisiynydd yw'r Swyddog Cyfrifyddu ar gyfer ei swyddfa yn sgil paragraff 10 o Atodlen 2 i Ddeddf Safonau Gofal 2000. Cyflwynir cyfrifoldebau'r Swyddog Cyfrifyddu, gan gynnwys cyfrifoldeb am briodoldeb a rheoleidd-dra'r arian cyhoeddus y mae Swyddog Cyfrifyddu yn atebol amdano, am ganlyniad cofnodion priodol ac am ddiogelu asedau Comisiynydd Plant Cymru, yn eiddo Memorandwm ar gyfer Swyddogion Cyfrifyddu a luniwyd gan Drysorlys

## DATGANIAD LLYWODRAETHU BLYNYDDOL

### Cwmpas cyfrifoldeb

Fel Swyddog Cyfrifyddu, fi sy'n gyfrifol am gynnal system lywodraethu gadarn sy'n cynnal y gwaith o gyflawni fy mholisiau, fy nodau a'm hamcanion, ond ar yr un pryd yn diogelu'r cronfeydd cyhoeddus a'r asedau yr wyf i'n bersonol gyfrifol amdanynt, yn unol â'r cyfrifoldebau a roddwyd i mi wrth Reoli Arian Cyhoeddus.

### Diben y Fframwaith Llywodraethu

Mae'r Fframwaith Llywodraethu yn cynnwys y systemau a'r prosesau, a'r diwylliant a'r gwerthoedd sy'n darparu sylfaen i mi gyfeirio a rheoli gweithgareddau fy swyddfa. Mae'r Fframwaith yn fy ngalluogi i fonitro cyflawniad fy amcanion strategol a phennu a yw'r amcanion wedi eu cyrraedd mewn modd cost-effeithiol.

Mae'r system reolaeth fewnol yn rhan bwysig o'r Fframwaith ac fe'i lluniwyd i reoli risg ar lefel resymol yn hytrach na dileu pob perygl y methir â chyflawni polisiau, nodau ac amcanion; ni all felly ond darparu sicrwydd rhesymol, yn hytrach nag absoliwt, o effeithiolrwydd.

Mae'r system reolaeth fewnol wedi'i seilio ar broses barhaus a luniwyd i nodi a blaenoriaethu'r risgiau i gyflawni polisiau, nodau ac amcanion, i werthuso pa mor debygol yw gwireddu'r risgiau hynny a'u heffaiith petai hynny'n digwydd, ac i'w rheoli'n effeithiol, yn effeithlon ac yn ddiwastraff. Mae'r system reolaeth fewnol wedi bod ar waith yn swyddfa'r Comisiynydd ar gyfer y flwyddyn yn diweddu ar 31 Mawrth 2012 ac yn parhau hyd at ddyddiad cymeradwyo'r adroddiad blynyddol a'r cyfrifon, mae'r systemau rheolaeth fewnol yn cyd-fynd â chanllawiau'r Trysorlys.

### Y Fframwaith Llywodraethu

Nid oes gan swyddfa Comisiynydd Plant Cymru gorff llywodraethu, yn hytrach mae'n Gorrforaeth Undyn. Byddai corff llywodraethu megis Bwrdd yn gweithredu'n groes i annibyniaeth fy swyddfa. Mae'r annibyniaeth hon yn hanfodol ar gyfer y rôl galw i gyfrif a gyflawnir gan y swyddfa yng nghyswllt hawliau dynol plant a phobl ifanc.

O ystyried y pwyslais ar rôl y Comisiynydd fel unigolyn, mae'r strwythur gwneud penderfyniadau yn wahanol i gyrff eraill sector cyhoeddus mewn rhai ffyrdd. Fodd bynnag, oherwydd ei bod yn rôl gyhoeddus sy'n defnyddio arian cyhoeddus, mae angen i'r atebolrwydd a'r penderfyniadau a wneir fod yn drylwyr ac yn dryloyw.

Mewn egwyddor, dylid gwneud penderfyniadau ar y lefel isaf bosib, fodd bynnag, rhaid sicrhau bod perthynas bob amser rhwng awdurdod a chyfrifoldeb. Dylai fod gan y rhai sy'n gyfrifol am feysydd gwaith penodol awdurdod sydd wedi ei ddiffinio'n glir i wneud penderfyniadau, a llwybr clir a mesur o atebolrwydd. Mae rheolwyr yn gyffredinol gyfrifol am eu meysydd gwaith a goruchwyllo eu timau o staff. Mae'r dirprwyo yn gweithredu ar sail dirprwyo i swyddogion penodol, yn hytrach nag i grwpiau neu bwyllgorau. Mae'n hanfodol felly bod cwmpas a therfynau'r dirprwyo hwnnw yn cael eu nodi'n glir. Pennir hyn yn y Polisi Llywodraethu ac oddi mewn i'r gweithdrefnau ariannol.

Dirprwyr rheolaeth strategol a gweithredol y swyddfa i'r Prif Swyddog Gweithredol a'r Tim Rheoli. Y Prif Swyddog Gweithredol a'r Tim Rheoli sy'n gyfrifol am gyflawni nodau ac amcanion y swyddfa. Wrth geisio cyflawni nodau ac amcanion y swyddfa, rhaid i'r gweithwyr lyngu at bolisiau a gweithdrefnau'r swyddfa a chadw oddi mewn i'r cyllidebau a ddynodwyd.

Mae'r Tim Rheoli yn cwrdd yn fisol, ac o leiaf yn chwarterol gyda mi, fel Comisiynydd. Ei brif ddiben yw darparu arweinyddiaeth, gweledigaeth, pwrpas ac atebolrwydd wrth ddatblygu a chyflawni cenhadaeth y swyddfa. Adolygir y cylch gorchwyl bob chwe mis, a rhoddir copi ar y fewnrwyd.

## STATEMENT OF ACCOUNTING OFFICER'S RESPONSIBILITIES

Under Schedule 2 to the Care Standards Act, Welsh Ministers have directed the Children's Commissioner for Wales to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Children's Commissioner for Wales and of its income and expenditure, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- **observe the Accounts Direction issued by Welsh Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;**
- **make judgements and estimates on a reasonable basis;**
- **state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements; and**
- **prepare the financial statements on a going concern basis.**

The Commissioner is the Accounting Officer for his office by virtue of paragraph 10 of Schedule 2 to the care Standards Act 2000. The responsibilities of the Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Children's Commissioner for Wales' assets, are set out in an Accounting Officers' Memorandum issued by HM Treasury.

## ANNUAL GOVERNANCE STATEMENT

### Scope of Responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of governance that supports the achievement of my policies, aims and objectives, whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Managing Public Money.

### The Purpose of the Governance Framework

The Governance Framework comprises the systems and processes, and culture and values by which I direct and control the activities of my office. The Framework enables me to monitor the achievement of my strategic objectives and to determine whether the objectives have been delivered in a cost effective manner.

The system of internal control is a significant part of the Framework and is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Commissioner's office for the year ended to 31st March 2012 and continuing up to the date of approval of the annual report and accounts, the systems of internal control accords with Treasury guidance.

### The Governance Framework

The office of the Children's Commissioner for Wales has no governing body, but is instead a Corporation Sole. A governing body such as a Board would act counter to the independence of my office. This independence is critical to the holding to account role performed by the office in relation to the human rights of children and young people.

Given the emphasis on the role of the Commissioner as an individual, there are some respects in which the decision-making structure is different to other public sector bodies. However, as it is a public role involving use of public funds, accountability and decision-making need to be rigorous and transparent.

In principle, decisions should be made at the lowest level possible, however, there must always be a relationship between authority and responsibility. Those who are responsible for particular areas of work should have a clearly defined authority to make decisions, and a clear route and measure of accountability. Managers have overall responsibility for their area of work and the supervision of their staff teams. Delegation operates on the basis of delegation to named officers rather than to groups or committees. It is essential therefore that the scope and limits of that delegation be clearly spelled out. This is determined within the Governance Policy and within financial procedures.

The strategic and operational management of the office is delegated to the Chief Executive Officer and the Management Team. The Chief Executive Officer and the Management Team are responsible for the delivery of the aims and objectives of the office. In pursuing the aims and objectives of the office, employees must adhere to office policies and procedures and keep within allocated budgets.

The Management Team meet monthly and at least quarterly with me, as Commissioner. Its primary purpose is to provide leadership, vision, purpose and accountability in taking forward and delivering the mission of the office. The terms of reference are reviewed every six months and a copy is posted onto the intranet.



## Canolbwyntio ar Ddiben y Sefydliad ac ar Ddeilliannau

Cynllunio corfforaethol yw'r dull systemig o bennu ein nodau. Mae'n fy ngalluogi i, fel corfforaeth undyn, i gadw at fy nghylch gwaith deddfwriaethol a chyflawni yn unol â'r weledigaeth a gyflwynwyd yn fy Nghynllun Pum Mlynedd, sef sicrhau newidiadau cadarnhaol a pharhaol i blant a phobl ifanc yng Nghymru. Mae'r prosesau cynllunio corfforaethol a blynyddol yn darparu cyfeiriad strategol cyffredinol ar gyfer holl swyddogaethau'r swyddfa; ac yn helpu i sicrhau ein bod yn gwneud y defnydd mwyaf effeithiol o adnoddau sefydliadol er mwyn mwyaflu ein heffaith dros blant a phobl ifanc yng Nghymru.

Mae'r broses gynllunio flynyddol yn cynnwys y camau canlynol:

— **Cam un – Asesiad cario drosodd** – Bydd y broses gynllunio bob blwyddyn yn cychwyn ym mis Medi gydag asesiad cario drosodd o gynllun gwaith blynyddol y flwyddyn flaenorol.

— **Cam dau – Amgylchedd allanol** - Cwblheir dadansoddiad allanol sy'n edrych ymlaen bob blwyddyn, a bydd yn adeiladu ar yr asesiad cario drosodd a'r trafodaethau cychwynnol yn y Tim Rheoli ym mis Medi/ Hydref.

— **Cam tri (Hydref/Tachwedd) - Casglu gwybodaeth - Barn Plant a phobl ifanc** Cynhelir ymarferiad casglu gwybodaeth, dan arweiniad aelodau'r Tim Rheoli, gyda chefnogaeth aelodau'r fim o staff, ynghylch materion a godwyd gan rwydweithiau o blant a phobl ifanc ar hyd y flwyddyn flaenorol. **Rhanddeiliaid** Cesglir gwybodaeth hefyd o gyswllt â rhanddeiliaid allanol ar hyd y flwyddyn flaenorol, ac ynghylch materion oedd yn destun pryder yng nghyswllt plant a phobl ifanc.

— **Cam pedwar (Tachwedd) – Drafftio ac ymgynghori mewnol** – Llunir cynllun gwaith blynyddol drafft, ynghyd ag amcanion mesuradwy a chyllideb ddangosol. Bydd y cynllun drafft hwn wedi ei gwblhau erbyn diwedd Tachwedd bob blwyddyn, ac yn cael ei ddsbarthu i'r fim ehangach o staff ar gyfer sylwadau a chyfraniadau pellach.

— **Cam pump – Ystyried sylwadau** – Bydd sylwadau ar y cynllun gwaith blynyddol drafft yn cael eu hystyried gan y Tim Rheoli yng nghyfarfod fim rheoli mis Ionawr. Bydd ail ddrafft o'r cynllun yn cael ei lunio wedi'r cyfarfod hwn.

— **Cam chwech – Y gyllideb ac ymgynghori allanol** – Cynhelir cyfarfod dyrannu cyllideb gyda Phennaeth y Gwasanaethau Corfforaethol er mwyn amcangyfrif costau ac adnoddau ail ddrafft y cynllun gwaith blynyddol. Unwaith yr asesydd bod y costau a'r adnoddau yn gyflawnadwy, dosbarthir ail ddrafft y cynllun gwaith blynyddol at y rhanddeiliaid allanol ar gyfer sylwadau yn ystod mis Chwefror ynghyd â'r fim ehangach o staff.

— **Cam saith – Cynllun gwaith terfynol** – Bydd sylwadau ar ail ddrafft y cynllun gwaith blynyddol yn cael eu hystyried gan y Tim Rheoli yng nghyfarfod mis Chwefror o'r fim rheoli, ynghyd ag amcangyfrif manylach o'r gost a'r adnoddau. Bydd cynllun gwaith terfynol yn cael ei lunio a'i gyflwyno i'r fim ehangach o staff erbyn dechrau mis Mawrth.

— **Cam wyth - Cynlluniau gwaith unigol ac arfarnu** – Bydd rheolwyr yn gallu defnyddio'r cynllun gwaith blynyddol terfynol i ddisgrifio amcanion cynlluniau gwaith unigol, ac arfarnu yn erbyn amcanion cynllun y flwyddyn flaenorol, gyda staff y maent yn rheolwyr arnynt, erbyn diwedd Mawrth, yn unol â Pholisi a Gweithdrefn Arfarnu Comisiynydd Plant Cymru.

— **Cam naw** - Bydd y cynllun gwaith blynyddol terfynol yn dod i rym o 1 Ebrill bob blwyddyn.

Caiff dogfen y cynllun gwaith blynyddol ei monitro a'i diweddarau'n chwarterol gan y Tim Rheoli. Adroddir hefyd ar y cyflawniadau o ran y cynllun gwaith, achosion o amserlenni'n llithro a chamau adferol i'r Pwyllgor Archwilio, sy'n cyfarfod bob chwarter.

Mae fy Nghofrestr Risgiau yn cyfateb i'r nodau strategol ac yn cael ei monitro'n rheolaidd gan y Tim Rheoli a'r Pwyllgor Archwilio.

Cyhoeddir y cynllun gwaith blynyddol terfynol y cytunir arno bob blwyddyn ar fewnwyd y staff, ac fe'i defnyddir fel mater o drefn i gynnal a hysbysu prosesau rheoli perfformiad. Mae hefyd grynodedd cyhoeddus o'r cynllun gwaith blynyddol ar wefan y swyddfa.

Hefyd rhennir cofnodion cynnydd gyda'r staff a'u cynnal gan y Prif Swyddog Gweithredol.

## Swyddogion yn Cydweithio i Gyflawni Diben Cyffredin gyda Swyddogaethau a Rolau a Ddiffiniwyd yn Glir

Mae'r rolau a'r cyfrifoldebau wedi eu diffinio'n glir yn y Polisi Llywodraethu a manylir arnynt yn y ddogfen Trosolwg o Rolau a Chyfrifoldebau. Mae'r dogfennau hyn yn amlinellu lefel y cyfrifoldeb a ddirprwywyd yn y swyddfa; ac fe'u rhoddir ar fewnwyd y staff.

Mae gan bob gweithiwr amodau cyflogaeth clir a disgrifiadau swydd, sy'n nodi eu rolau a'u cyfrifoldebau.

Mae gan y Tim Rheoli a'r Pwyllgor Archwilio gylch gorchwyl, sy'n nodi eu rolau a'u cyfrifoldebau.

Mae'r Pwyllgor Archwilio yn rhoi cyngor a sicrwydd ynghylch llywodraethu corfforaethol, rheoli risg a rheolaeth yn y swyddfa, ynghyd â digonoldeb y trefniadau archwilio mewnol ac allanol. Yn 2010-11 cvblhaodd y Pwyllgor Archwilio adolygiad effeithiolrwydd a amlygodd nifer o anghenion datblygu. Yn dilyn yr adolygiad hwn, mae'r Pwyllgor wedi datblygu cynllun gweithredu i symud yr anghenion hyn ymlaen.

## Hyrwyddo Gwerthoedd ar gyfer y Sefydliad ac Arddangos Gwerthoedd Llywodraethu Da trwy Gynnal Safonau Uchel o Ymarfer ac Ymddygiad

Mae fy niffiniad i o werthoedd allweddol fy swyddfa fel a ganlyn:

- **Mae plant a phobl ifanc yn ganolog i bopeth a wnawn;**
- **Rydym yn gwrandao ar blant a phobl ifanc, gan sbarduno gweithredu a newid;**
- **Rydym yn gwneud gwahaniaeth i fywydau plant a phobl ifanc trwy weithio mewn partneriaeth â phobl a sefydliadau a'u galw i gyfrif lle bo angen;**
- **Rydym yn bencampwyr plant a phobl ifanc;**
- **Rydym yn credu yn hawliau pawb, amrywiaeth a pharch;**
- **Rydym yn arwain ac yn herio ag uniondeb a dewrder;**
- **Rydym yn ysbrydoli pobl i wneud eu gorau dros blant a phobl ifanc; ac**
- **Rydym yn buddsoddi mewn staff.**

Datblygwyd y gwerthoedd hyn gyda'r staff a'u cyfleu i'r holl staff. Maent hefyd ar fewnwyd y staff. Mae'r holl staff newydd yn dilyn hyfforddiant sefydlu sy'n darparu gwybodaeth am swyddfa'r Comisiynydd, gwerthoedd a diwylliant, polisïau a gweithdrefnau cysylltiedig â Chyflogaeth, lechyd a Diogelwch, CCUHP, Gweledigaeth a Phwrpas, Gweithdrefnau Ariannol a Diogeledd TGCh.

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## Focusing on the Purpose of the Organisation and on Outcomes

Corporate planning is the systemic approach to determining our goals. It enables me as a corporate sole, to fulfil my legislative remit and to deliver against the vision set out in my Five Year Plan of ensuring positive and lasting changes for children and young people in Wales. The corporate and annual planning processes provide an overall strategic direction for all functions within the office; and helps to ensure we make the most effective use of organisational resources to maximise our impact for children and young people in Wales.

The annual planning process involves the following steps:

— **Step one – Rollover assessment stage** – The planning process each year will commence in September with a rollover assessment of the previous year's annual work plan.

— **Step two – External environment stage** – An external forward looking analysis will be completed each year and will build on the rollover assessment and initial discussions in Management Team in September/October.

— **Step three (October/November) – Information gathering stage Children and Young People views** An information gathering exercise will be conducted, led by members of the Management Team, supported by staff team members, with regards to issues that have been raised by networks of children and young people throughout the preceding year. **Stakeholders** Information will also be gathered from contact with external stakeholders throughout the preceding year and with regards to issues of concern regarding children and young people.

— **Step four (November) – Drafting and internal consultation stage** – A draft annual work plan, complete with measurable objectives, and indicative budget submission will be compiled. This draft plan will be completed by the end of November each year and will be circulated to the wider staff team for comments and further contributions.

— **Step five – Consideration of comments stage** – Comments on the draft annual work plan will be considered by the Management Team at January's management team meeting. A second draft plan will be compiled following this meeting.

— **Step six – Budget and external consultation stage** – A budget allocation meeting will take place with the Head of Corporate Services in order to estimate costs and resources of the second draft annual work plan. Once costs and resources have been assessed as achievable the second draft annual work plan will be circulated to external stakeholders for comment during February along with the wider staff team.

— **Step seven – Final work plan stage** – Comments on the second draft annual work plan will be considered by the Management Team at February's management team meeting along with a more detailed estimate of cost and resources. A final annual work plan will be compiled and issued to the wider staff team by the beginning of March.

— **Step eight - Individual work plans and appraisal stage** – Managers will be able to use the final annual work plan to describe individual work plan objectives, and appraisal against objectives for prior year's plan, with staff that they manage by the end of March in line with CCfW's Appraisal Policy and Procedure.

— **Step nine** – The final annual work plan will be effective from **1st April** each year.

The annual work plan document is monitored and updated on a quarterly basis by the Management Team. Achievement against work plan, slippage and remedial action is also reported to the Audit Committee, which meets quarterly.

My Risk Register is aligned with the strategic goals and monitored regularly by the Management Team and the Audit Committee.

The final annual work plan agreed each year is published on the staff intranet and is used routinely to support and inform performance management processes. There is also a public summary version of the annual work plan on the office's website.

Records of progress is also shared with staff and maintained by the Chief Executive Officer.

## Officers Working Together to Achieve a Common Purpose with Clearly Defined Functions and Roles

Roles and responsibilities are clearly defined in the Governance Policy and detailed within the Overview of Roles and Responsibilities document. These documents outline the level of delegated responsibility within the office; and are posted onto the staff intranet.

All employees have clear conditions of employment and job descriptions, which set out their roles and responsibilities.

The Management Team and Audit Committee have terms of reference, which sets out their roles and responsibilities.

The Audit Committee provides advice and assurance in respect of corporate governance, risk management and control within the office and the adequacy of the internal and external audit arrangements. In 2010-11 the Audit Committee completed an effectiveness review which highlighted a number of development needs. Following on from this review, the Committee have developed an action plan to take forward these needs.

## Promoting Values for the Organisation and Demonstrating the Values of Good Governance through Upholding High Standards of Conduct and Behaviour

**I define my office's key values as:**

- **Children and young people are at the centre of everything we do;**
- **We listen to children and young people, driving action and change;**
- **We make a difference to children and young people's lives by working in partnership with people and organisations and holding them to account where necessary;**
- **We champion children and young people;**
- **We believe in everyone's rights, diversity and respect;**
- **We lead and challenge with integrity and courage;**
- **We inspire people to do their best for children and young people; and**
- **We invest in staff.**

These values have been developed with staff and communicated to all staff and are posted onto the staff intranet. All new staff undertake induction training which provides information on the Commissioner's office, values and culture, policies and procedures relating to Employment, Health and Safety, UNCR, Vision and Purpose, Financial procedures and ICT Security.

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Rwy'n cymryd materion yn ymwneud â thwyll a chamweinyddu yn gwbl o ddiFri, ac rwyf wedi sefydlu'r polisiâu canlynol:

- **Polisi Datgelu camarfer;**
- **Polisi Gwrth-dwyll;**
- **Polisiau yn ymwneud â disgyblu neu gôd ymddygiad; a**
- **Pholisi Cwynion.**

Mae'r Tîm Rheoli yn adolygu'r polisiâu hyn yn rheolaidd ac yn monitro cydymffurfiaeth â hwy.

## Gwneud Penderfyniadau Gwybodus a Thyryloyw sy'n Destun Craffu Effeithiol a Rheoli Risg

Fi sy'n gyfrifol am wneud penderfyniadau yn y swyddfa, ond rwyf wedi dirprwyo'r penderfyniadau gweithredol i'r Tîm Rheoli. Dogfennir lefel y dirprwyo yn y Polisi Llywodraethu.

Nodir dyletswyddau'r Tîm Rheoli yn ei Gylch Gorchwyl. Nodir a chofnodir penderfyniadau a wneir gan y Tîm Rheoli yn y cofnodion, a roddir ar fewnwyd y staff.

Hysbysir yr holl staff am benderfyniadau a wneir gan y Tîm Rheoli, ac fe'u cyfleir trwy e-bost, diweddariadau i'r fewnwyd a diweddariadau a gyflwynir gan y Prif Swyddog Gweithredol.

Mae gennyf Bolisi a Fframwaith Rheoli Risgiau, ac rwyf wedi penodi Rheolwr Strategaeth Risgiau. Rwyf wedi sicrhau bod fy Rheolwr Strategaeth Risgiau wedi asesu'r risgiau cysylltiedig â rheoli gwybodaeth o fewn fy swyddfa. Mae'r holl staff yn ymwybodol o'r polisi a'r fframwaith sy'n manylu ar y dull o ymwith â rheoli risgiau a'r agwedd at hynny, ac yn diffinio'r strwythur ar gyfer rhannu risgiau a pherchnogaeth arnynt.

Hyfforddwyd yr holl reolwyr sydd ag awdurdod i wneud penderfyniadau yn gyflych trafod risgiau, gan gydnabod y bydd angen cyfeirio rhai risgiau at y tîm rheoli. Anogir pob aelod o staff i drafod materion rheoli risg yn ystod eu cyfarfodydd tîm. Rwyf wedi gofyn i'm harchwilwyr mewnol, RSM Tenon, gynnal hyfforddiant wedi ei ddiweddaru ar gyfer yr holl staff er mwyn sicrhau eu bod yn ymwybodol o ganllawiau ac arfer gorau. Darperir yr hyfforddiant hwn hefyd i aelodau annibynnol fy Mhwylgor Archwilio. Cynhelir yr hyfforddiant yn y flwyddyn ariannol newydd. Mae Pennaeth fy Ngwasanaethau Corfforaethol yn aelod o'r Rhwydwaith Cyfarwyddwyr Ariannol, lle trafodir rheoli risgiau, ac rydym yn dysgu o'u profiadau.

Ymgorfforir rheoli risgiau i'r broses gynllunio gorfforaethol. Asesir y risgiau strategol allweddol gan y Tîm Rheoli. Mae pob risg yn eiddo i aelod o'r tîm, ac mae'r gofrestr risgiau ar gael i'r holl staff. Yn ystod y flwyddyn, mae'r gofrestr risgiau wedi cael ei hadolygu'n rheolaidd yng nghyfarfodydd y Tîm Rheoli. Caiff unrhyw risgiau newydd neu newidiadau eu nodi a'u gwerthuso. Pennir yr awydd i gymryd risgiau gan y Tîm Rheoli yng nghyd-destun yr effaith ar enw da'r swyddfa; perfformiad gweithredol, gweithrediadol ac unigol; annibyniaeth y swyddfa; ac adolygiad annibynnol, gwrthrychol o weithgareddau, cerydd o unrhyw fath gan gyrrf rheoliadol, colled ariannol, gwerth gwael am arian, defnydd amhriodol o arian cyhoeddus neu unrhyw achos o dorri rheoleidd-dra neu briodoldeb. Cynhelir asesiad risg o bob gweithgaredd gweithrediadol neu brosiect cyn cychwyn arno.

Mae fy archwilwyr mewnol, RSM Tenon, wedi cynnal adolygiad o'm strategaeth risgiau yn y gorfennol. Maent hefyd wedi cynnal adolygiad o'm cydymffurfiaeth â threfniadau rheoli gwybodaeth ac â Deddf Diogelu Data. Maent wedi cyflwyno nifer o argymhellion, sy'n cael eu rhoi ar waith. Mae'r canfyddiadau allweddol yn ymwneud â datblygu fy mholsi Diogeledd System Dechnoleg Gyfathrebu ymhellach, ac yn arbennig, cynnwys canllawiau ar ddefnyddio dyfeisiau cludadwy.

## Datblygu Cynneddf a Gallu Swyddogion i fod yn Effeithiol

Trwy fy Nhîm Rheoli, rwy'n sicrhau bod gan bob aelod o staff y sgiliau, yr wybodaeth a'r capasiti angenrheidiol i gyflawni eu cyfrifoldebau. Rwy'n cydnabod pwysigrwydd gweithwyr galluog, sydd wedi eu hyfforddi'n dda, i sicrhau bod fy amcanion yn cael eu cyflawni'n effeithiol. Mae pob aelod newydd o staff yn dilyn proses sefydlu sy'n eu cyflwyno i'r polisiâu a'r gweithdrefnau; a diwylliant y swyddfa.

Rwyf wedi cyflwyno Polisi Arfarnu, sy'n cysylltu perfformiad a datblygiad yr unigolyn ag amcanion corfforaethol y sefydliad. Fe'i lluniwyd i wella perfformiad pob gweithiwr a'u cyfraniad at gyflawni'r amcanion corfforaethol trwy roi iddynt y sgiliau a'r amgylchedd priodol i'w galluogi i wneud eu gwaith hyd eithaf eu gallu.

Rwy'n ymroddedig i alluogi a grymuso gweithwyr i gyrraedd nodau unigol, tîm a chorfforaethol, ac yn fy marn i mae'r broses arfarnu flynyddol, pennu amcanion a phrosesau cynllunio datblygiad personol yn rhan hanfodol o gyflawni hynny.

Mae gweithwyr yn cael eu goruchwyllo'n rheolaidd er mwyn cefnogi datblygiad profesiynol parhaus. Mae hynny'n chwarae rhan hanfodol o ran cynnal y staff wrth eu gwaith, sydd yn aml yn gymhleth ac yn heriol. Mae goruchwyliaeth yn gyfle i'r staff fyfyrto ar ansawdd eu hymarfer a'i berchnogi. Mae hefyd yn hanfodol i wella gwasanaethau'n barhaus.

Mae rheoli perfformiad yn broses sy'n cyfrannu at reolaeth effeithiol ar unigolion a thimau er mwyn cyflawni lefelau uchel o berfformiad sefydliadol. Mae'n sefydlu dealltwriaeth a rennir ynghylch beth sydd i'w gyflawni ac agwedd at arwain a datblygu pobl a fydd yn sicrhau ei fod yn cael ei gyflawni. Mae rheoli perfformiad yn strategol yn yr ystyr ei fod yn ymwneud â materion ehangach a nodau tymor hir, ac mae'n integredig yn yr ystyr ei fod yn cysylltu amrywiol agweddau ar y sefydliad, rheoli pobl, unigolion a thimau.

Seilwyd y rheolaeth ariannol ar fframwaith o wybodaeth a ddarperir yn rheolaidd i reolwyr a chyfres o weithdrefnau ariannol clir. Mae'r wybodaeth i reolwyr yn cynnwys monitro ac adrodd rheolaidd ar y gyllideb; a datblygu targedau ariannol a mesurau perfformiad eraill.

## Ymgysylltu â Phobl Leol a Rhanddeiliaid Eraill

Rwyf yn cael fy llywodraethu gan ddeddfwriaeth sy'n nodi bod rhaid i mi gymryd camau rhesymol i sicrhau bod plant a phobl ifanc yn cael eu hannog i roi eu barn ar rôl a swyddogaethau'r Comisiynydd a'r rhaglen o waith mae'n ei chyflawni.

Fel rhan o'r broses gynllunio gorfforaethol, cynhelir ymgynghoriad gyda rhanddeiliaid allanol.

Mae'r Tîm Rheoli wedi datblygu Strategaeth Gyfathrebu. Mae'r strategaeth hon yn sicrhau bod negeseuon allweddol y Comisiynydd yn cael eu cyfleu i'r holl rhanddeiliaid perthnasol, ac yn sicrhau bod cyhoeddiadau o ansawdd uchel yn cael eu chynhyrchu a'u dosbarthu i'r rhanddeiliaid perthnasol. Rhan o'r strategaeth yw datblygu a gweithredu Polisi Cyfyngau Cymdeithasol y Comisiynydd, sy'n cynnwys rheoli cyfrifon ar Twitter a Flickr.

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I take issues around fraud and maladministration very seriously and have established the following policies:

- **Whistleblowing Policy;**
- **Anti-Fraud Policy;**
- **Policies relating to disciplinary or code of conduct; and**
- **Complaints Policy.**

The Management Team regularly review and monitor compliance with these policies.

## Taking Informed and Transparent Decisions which are Subject to Effective Scrutiny and Managing Risk

Responsibility for decision making in the office rests with me, however, I have delegated the operational decision making to the Management Team. The level of delegation is documented in the Governance Policy.

The duties of the Management Team are documented within its Terms of Reference. Decisions made by the Management Team are documented and recorded in the minutes, which are posted to the staff intranet.

All staff are informed of decisions made by the Management Team which are communicated via email, updates to the intranet and through updates presented by the Chief Executive Officer.

I have a Risk Management Policy and Framework in place and I have appointed a Risk Strategy Manager. I have ensured that my Risk Strategy Manager has assessed the risks associated with the management and control of information within my office. All staff are aware of the policy and framework which details the approach and attitude to risk management and defines the structure for management and ownership of risk.

Training has been provided to all managers with authority to make decisions about risk treatment, recognising that some risks will need to be referred to the management team. All staff are encouraged to discuss risk management issues during their team meetings. I have asked my internal auditors, RSM Tenon, to undertake updated training for all staff to ensure that they are aware of guidance and best practice. This training will also be provided to the independent members of my Audit Committee. The training will take place in the new financial year. My Head of Corporate Service is a member of the Directors of Finance Network, where risk management is discussed and we learn from their experiences.

Risk management is incorporated into the corporate planning process. The key strategic risks are assessed by the Management Team. Each risk is owned by a member of the team and the risk register is made available to all staff. During the year, the risk register has been regularly reviewed at Management Team meetings. Any new risks or changes are identified and evaluated. The risk appetite is determined by the Management Team in the context of the impact on the reputation of the office; the executive, operational and individual performance; the independence of the office; and the independent and objective review of activities, censure of any kind by regulatory bodies, financial loss, poor value for money, inappropriate use of public funds or any breach of regularity or propriety. A risk assessment of each operational or project activity is undertaken prior to commencement.

My internal auditors, RSM Tenon, have previously undertaken a review of my risk strategy. In addition they have undertaken a review of my compliance with the control and management of information and my compliance with the Data Protection Act. They have made a number of recommendations which are being implemented. The key findings relate to further development of my Communicating Technology System Security policy, in particular, the inclusion of guidance on the use of portable devises.

## Developing the Capacity and Capability of Officers to be Effective

Through my Management Team, I ensure that all members of staff have the necessary skills, knowledge and capacity to discharge their responsibilities. I recognise the importance of competent and well trained employees to ensure the effective deliver of my objectives. All new members of staff attend an induction process which introduces them to the policies and procedures; and culture of the office.

I have introduced an Appraisal Policy, which links individual performance and development to the corporate objectives of the organisation. This is designed to improve every employee's performance and contribution to the achievement of corporate objectives by providing them with the right skills and environment to do the job to the best of their ability.

I am committed to enabling and empowering employees to meet individual, team and corporate goals and I consider the process of annual appraisals, objective setting and personal development planning processes to be fundamental to achieving this aim.

In support of continuing professional development, employees have regular supervision. This has a vital role to play in supporting staff in their work which is often complex and challenging. Supervision provides an opportunity for staff to reflect on and take ownership of the quality of their practice. It is also fundamental to the continuous improvement of services.

Performance management is a process which contributes to the effective management of individuals and teams in order to achieve high levels of organisational performance. It establishes a shared understanding about what is to be achieved and an approach to leading and developing people which will ensure that it is achieved. Performance management is strategic in that it is about broader issues and long term goals and integrated in that it links various aspects of the organisation, people management, individuals and teams.

Financial management is based upon a framework of regular management information and a set of clear financial procedures. Management information involves regular budget monitoring and reporting; and the development of financial targets and other performance measures.

## Engaging with Local People and Other Stakeholders

I am governed by legislation that states I must take reasonable steps to ensure that children and young people are encouraged to give their views on the role and functions of the Commissioner and the programme of work he undertakes.

As part of the corporate planning process consultation is completed with external stakeholders.

The Management Team has developed a Communication Strategy. This strategy ensures that the Commissioner's key messages are communicated to all relevant stakeholders, and ensures that high-quality publications are produced and disseminated to relevant stakeholders. As part of the strategy is the development and implementation of the Commissioner's Social Media Policy, which includes managing accounts on Twitter and Flickr.

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## Adolygu Effeithiolrwydd

Fel Swyddog Cyfrifyddu, fi sy'n gyfrifol am adolygu effeithiolrwydd y system lywodraethu. Hysbysir fy adolygiad o'r system honno gan waith yr archwilywyr mewnol a'r Tim Rheoli sy'n gyfrifol am ddatblygu a chynnal y fframwaith rheoli mewnol a sylwadau'r archwilywyr allanol yn eu llythyr at y rheolwyr ac adroddiadau eraill. Rwyf hefyd wedi derbyn cyngor ynghylch effeithiolrwydd y system lywodraethu trwy waith y Pwyllgor Archwilio. Rwyf wedi ymrwmo i sicrhau gwelliant parhaus yn y systemau mewnol ac i ymdrin ag unrhyw wendiaid wrth iddynt godi.

**Roedd y broses a ddefnyddiwyd wrth gynnal ac adolygu effeithiolrwydd y fframwaith llywodraethu fel a ganlyn:**

- bu'r Tim Rheoli yn trafod ac yn adolygu gweithrediad y mesurau rheoli ariannol mewnol ar y cyd;
- cwblhaodd archwilio mewnol adolygiad o effeithiolrwydd y mesurau rheoli mewnol allweddol; a
- chyfarfu'r Pwyllgor Archwilio yn ystod y flwyddyn a chynghori ar oblygiadau sicrwydd a roddwyd ynghylch llywodraethu corfforaethol, rheoli risgiau a mesurau rheoli, digonoldeb y trefniadau archwilio mewnol ac allanol ac ymatebion rheolwyr i'r argymhellion archwilio.

RSM Tenon sy'n darparu gwasanaeth Archwilio Mewnol i'm swyddfa. Maent yn gweithredu'n unol â safonau Archwilio Mewnol y Llywodraeth. Maent yn cyflwyno adroddiadau rheolaidd sy'n cynnwys barn annibynnol ar ddigonoldeb ac effeithiolrwydd system rheolaeth fewnol y Comisiynydd, ynghyd ag argymhellion ar gyfer gwelliant. Yn ystod 2012-13 darparodd RSM Tenon sicrwydd rhesymol i mi ar gyfer y cyfnod hwn fod gennyf broses reoli fewnol effeithiol a digonol i reoli'r gwaith o gyflawni fy amcanion.

Ar ôl fy adolygiad effeithiolrwydd, nid oes materion rheolaeth fewnol a ddoddaol yn codi.


## Rhaglen o Welliant ar gyfer Materion Llywodraethu

Yn ystod y cyfnod dan sylw nid oedd materion arwyddocaol a oedd yn effeithio ar y fframwaith llywodraethu.

Bydd y Tim Rheoli yn parhau i fonitro'r amgylchedd rheoli mewnol a sicrhau bod y fframwaith llywodraethu yn parhau i ddiwallu anghenion y sefydliad.

## Ardystiad gan y Swyddog Cyfrifyddu

Cefais fy sicrhau bod y system lywodraethu a fu'n weithredol yn fy swyddfa yn ystod 2011-12 yn un gadarn. Ar sail yr adolygiad o effeithiolrwydd y systemau rheoli mewnol, cefais fy sicrhau bod y trefniadau presennol yn diwallu anghenion y swyddfa ac yn sicrhau eu bod yn cydymffurfio ag arfer gorau.



Keith Towler  
Comisiynydd Plant Cymru a Swyddog Cyfrifyddu  
Gorffennaf 2013

## Review of Effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of governance. This review is informed by the work of the internal auditors and the Management Team who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. I have also been advised on the effectiveness of the system of governance by the work of the Audit Committee. I have undertaken to ensure the continuous improvement of the internal systems and to address any weaknesses as they arise.

**The process applied in maintaining and reviewing the effectiveness of the governance framework was:**

- collectively the Management Team discussed and reviewed the operation of internal financial controls;
- internal audit completed a review of the effectiveness of key internal controls; and
- the Audit Committee met in the year and advised on the implications of assurances provided in respect of corporate governance, risk management and control, the adequacy of the internal and external audit arrangements and management responses to audit recommendations.

RSM Tenon provides the Internal Audit for my office. They operate to Government Internal Audit standards. They submit regular reports which include the independent opinion on the adequacy and effectiveness of the Commissioner's system of internal control together with recommendations for improvement. During 2012-13 RSM Tenon provided me with reasonable assurance for this period that I have adequate and effective internal control process to manage the achievement of my objectives.

From my review of the effectiveness there are no significant internal control issues.

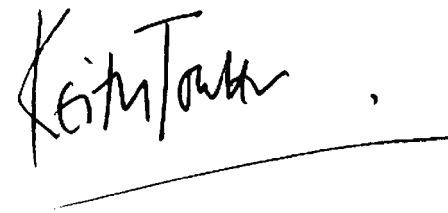
## Programme of Improvement for Governance Issues

During the period there were no significant issues that impacted upon the governance framework.

The Management Team will continue to monitor the internal control environment and ensure that the governance framework continues to meet the needs of the organisation.

## Certification by Accounting Officer

I am assured that the system of governance in operation within my office during 2011-12 has been robust. From the review of the effectiveness of the systems of internal control I am assured that the present arrangements meet the needs of the office and ensure that they comply with best practice.



Keith Towler  
Children's Commissioner for Wales  
and Accounting Officer  
July 2013

## Tystysgrif ac Adroddiad Archwilydd Cyffredinol Cymru i Gynulliad Cenedlaethol Cymru

Rwy'n tystio fy mod wedi archwilio datganiadau ariannol Comisiynydd Plant Cymru ar gyfer y flwyddyn yn diwedd 31 Mawrth 2013 o dan baragraff 9(2) o Atodlen 2 i Ddeddf Safonau Gofal 2000. Maent yn cynnwys y Datganiad o Wariant Net Cynhwysfawr, Datganiad o'r Sefyllfa Ariannol, Datganiad o Lifoedd Arian, Datganiad o Newidiadau yn Ecwiti Trethdalwyr a'r nodiadau cysylltiedig. Paratowyd y datganiadau ariannol hyn o dan y polisiau cyfrifo a gyflwynwyd ynddynt. Rwyf hefyd wedi archwilio'r wybodaeth yn yr Adroddiad Taliadau Cydnabyddiaeth y mae'r adroddiad hwnnw'n nodi ei bod wedi cael ei harchwilio.

### Cyfrifoldebau'r Swyddog Cyfrifyddu a'r archwilydd yn eu tro

Fel yr esboniwyd yn llawnach yn y Datganiad o Gyfrifoldebau'r Swyddog Cyfrifyddu, y Swyddog Cyfrifyddu sy'n gyfrifol am baratoi'r Adroddiad Blynyddol, sy'n cynnwys yr Adroddiad Taliadau Cydnabyddiaeth a'r datganiadau ariannol, yn unol â Deddf Safonau Gofal 2000 a chyfarwyddyd Gweinidogion Cymru a wnaed yno ac er mwyn sicrhau uniondeb trafodion ariannol.

Fy nghyfrifoldeb i yw archwilio'r datganiadau ariannol a'r rhan o'r adroddiad taliadau cydnabyddiaeth sydd i'w harchwilio yn unol â'r gyfraith berthnasol, ac â'r Safonau Archwilio Rhyngwladol (y DU ac Iwerddon). Mae'r safonau hynny'n gofyn fy mod yn cydymffurfio â Safonau Moeseg y Bwrdd Ymarfer Archwilio ar gyfer Archwilydd.

### Prif bampas yr archwiliad o'r datganiadau ariannol

Mae archwiliad yn golygu casglu tystiolaeth ddigonol am y symiau a'r datgeliadau yn y datganiadau ariannol i roi sicrwydd rhesymol nad oes cam-ddatganiadau pwysig yn y datganiadau ariannol, boed hynny trwy dwyll neu gamgymeriad. Mae hyn yn cynnwys asesu'r canlynol: a yw'r polisiau cyfrifo yn briodol ar gyfer amgylchiadau Comisiynydd Plant Cymru ac wedi cael eu defnyddio'n gyson a'u datgelu'n ddigonol; rhesymoldeb amcangyfrifon cyfrifo arwyddocaol a wnaed gan Gomisiynydd Plant Cymru; a chyflwyniad cyffredinol y datganiadau ariannol.

Ar ben hynny, mae'n ofynnol fy mod yn casglu tystiolaeth ddigonol i roi sicrwydd rhesymol bod y gwariant a'r incwm wedi cael eu defnyddio at y dibenion a fwriadwyd gan Gynulliad Cenedlaethol Cymru a bod y trafodion ariannol yn cydymffurfio â'r awdurdodau sy'n eu llywodraethu. Rwyf hefyd yn darllen yr holl wybodaeth ariannol ac anariannol yn y Rhagair, y Crynodeb o Weithgaredd a Sylwadau'r Rheolwyr, a gynhwysir yn yr Adroddiad Blynyddol, er mwyn canfod anghysondebau pwysig â'r datganiadau ariannol a archwiliwyd. Os deufaf yn ymwybodol o unrhyw gam-ddatganiadau pwysig neu anghysondebau ymddangosiadol, byddaf yn ystyried goblygiadau hynny o ran fy adroddiad.

### Barn ar y Datganiadau Ariannol

Yn fy marn i mae'r datganiadau ariannol:

— yn rhoi golwg wir a theg ar sefyllfa fusnes Comisiynydd Plant Cymru ar 31 Mawrth 2013, ynghyd â Datganiad o Wariant Net Cynhwysfawr, Datganiad o'r Sefyllfa Ariannol, Datganiad o Lifoedd Arian, a Datganiad o'r Newidiadau yn Ecwiti Trethdalwyr ar gyfer y flwyddyn a ddaeth i ben bryd hynny; ac

— fe'u paratowyd yn briodol yn unol â chyfarwyddyd Gweinidogion Cymru a gyflwynwyd o dan Ddeddf Safonau Gofal 2000.

### Barn ynghylch Rheoleidd-dra

Yn fy marn i, ym mhob ystyr bwysig, defnyddiwyd y gwariant a'r incwm at y dibenion a fwriadwyd gan Gynulliad Cenedlaethol Cymru ac mae'r trafodion ariannol yn cydymffurfio â'r awdurdodau sy'n eu llywodraethu.

### Barn ar faterion eraill

Yn fy marn i:

— mae'r rhan o'r Adroddiad Taliadau Cydnabyddiaeth sydd i'w harchwilio wedi cael ei pharatoi'n briodol, yn unol â chyfarwyddyd Gweinidogion Cymru a wnaed o dan Ddeddf Safonau Gofal 2000; ac

— mae'r wybodaeth a geir yn y Rhagair, y Crynodeb o Weithgaredd a Sylwadau'r Rheolwyr, a gynhwysir yn yr Adroddiad Blynyddol, yn cyd-fynd â'r datganiadau ariannol.

### Materion yr wyf yn adrodd arnynt yn ôl eithriad

Nid oes gennyf ddim i'w adrodd ynghylch y materion canlynol, lle byddaf yn adrodd i chi mewn achosion, yn fy marn i, lle:

— nad yw'r Datganiad Llywodraethu Blynyddol yn adlewyrchu cydymffurfiaid â chanllawiau Trysorlys EM;

— na chadwyd cofnodion cyfrifo priodol;

— na ddatgelwyd gwybodaeth a bennwyd gan Drysorlys EM ynghylch taliadau cydnabyddiaeth a thrafodion eraill; neu

— lle nad wyf wedi derbyn yr holl wybodaeth ac esboniadau y mae eu hangen arnaf ar gyfer fy archwiliad.

### Adroddiad

Nid oes gennyf sylwadau i'w gwneud ar y datganiadau ariannol hyn.

Huw Vaughan Thomas  
Archwilydd Cyffredinol Cymru  
24 Heol y Gadeirlan  
Caerdydd CF11 9LJ

Awst 2013

## The Certificate and Report of the Auditor General for Wales to the National Assembly for Wales

I certify that I have audited the financial statements of Children's Commissioner for Wales for the year ended 31st March 2013 under paragraph 9(2) of Schedule 2 to the Care Standards Act 2000. These comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers' Equity and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

### Respective responsibilities of the Accounting Officer and auditor

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the Annual Report, which includes the Remuneration Report and the financial statements, in accordance with the Care Standards Act 2000 and Welsh Ministers' directions made there under and for ensuring the regularity of financial transactions.

My responsibility is to audit the financial statements and the part of the remuneration report to be audited in accordance with applicable law and with International Standards on Auditing (UK and Ireland). These standards require me to comply with the Auditing Practice Board's Ethical Standards for Auditors.

### Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to Children's Commissioner for Wales' circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Children's Commissioner for Wales; and the overall presentation of the financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the National Assembly for Wales and the financial transactions conform to the authorities which govern them. In addition I read all the financial and non-financial information in the Foreword, the Summary of Activity and the Management Commentary, included in the Annual Report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my report.

### Opinion on Financial Statements

In my opinion the financial statements:

— give a true and fair view of the state of the Children's Commissioner for Wales' affairs as at 31st March 2013 and of its Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, and the Statement of Changes in Taxpayers' Equity for the year then ended; and

— have been properly prepared in accordance with Welsh Ministers' directions issued under the Care Standards Act 2000.

### Opinion on Regularity

In my opinion, in all material respects, the expenditure and income have been applied to the purposes intended by the National Assembly for Wales and the financial transactions conform to the authorities which govern them.

### Opinion on other matters

In my opinion:

— the part of the Remuneration Report to be audited has been properly prepared in accordance with Welsh Ministers' directions made under the Care Standards Act 2000; and

— the information which comprises the Foreword, the Summary of Activity and the Management Commentary, included within the Annual Report is consistent with the financial statements.

### Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

— the Annual Governance Statement does not reflect compliance with HM Treasury guidance;

— proper accounting records have not been kept;

— information specified by HM Treasury regarding the remuneration and other transactions is not disclosed; or

— I have not received all of the information and explanations I require for my audit.

### Report

I have no observations to make on these financial statements.

Huw Vaughan Thomas  
Auditor General for Wales  
24 Cathedral Road  
Cardiff CF11 9LJ

August 2013

**Datganiad o Wariant Net Cynhwysfawr ar gyfer y flwyddyn a ddaeth i ben ar 31 Mawrth 2013**  
**Statement of Comprehensive Net Expenditure for the year ended 31 March 2013**

	<b>Nodyn Note</b>	<b>2012-13 £000</b>	<b>*Wedi'i ailddatgan/ Restated 2011-12 £000</b>
<b>Gwariant/Expenditure</b>			
<b>Costau gweinyddo/Administration costs:</b>			
Costau staff/Staff Costs	2	1,205	1,116
Dibrisiant/ Depreciation	4	24	33
Costau gweinyddol eraill/ Other Administration Costs	4	526	488
		1,755	1,637
<b>Incwm/Income</b>			
Incwm o weithgareddau /Income from Activities		-	-
Incwm arall/Other Income		-	-
<b>Gwariant net/Net Expenditure</b>		<b>1,755</b>	<b>1,637</b>
Llog taladwy/derbyniadwy/ Interest payable/receivable		-	-
<b>Gwariant net ar ôl llog/ Net Expenditure after interest</b>		<b>1,755</b>	<b>1,637</b>
<b>Gwariant cynhwysfawr arall/ Other Comprehensive Expenditure</b>			
Elw/(colled) net ar ailbriso peiriannau a chyfarpar / Net gain/(loss) on revaluation of Plant and Equipment		-	-
<b>Cyfanswm y Gwariant Cynhwysfawr ar gyfer y flwyddyn a ddaeth i ben ar 31 Mawrth 2013 / Total Comprehensive Expenditure for the year ended 31 March 2013</b>		<b>1,755</b>	<b>1,637</b>

Mae'r holl incwm a gwariant yn deillio o weithrediadau parhaus. Nid oes enillion na cholledion ac eithrio'r rhai yr adroddwyd amdanynt yn y Datganiad o Wariant Net Cynhwysfawr. Mae'r Comisiynydd yn derbyn cyllid gan Lywodraeth Cymru ac nid yw'n derbyn unrhyw incwm arall.

All income and expenditure is derived from continuing operations. There are no gains or losses other than those reported in the Statement of Comprehensive Net Expenditure. The Commissioner receives funding from Welsh Government and receives no other income.

Mae'r nodiadau ar dudalennau 102 i 115 yn rhan o'r cyfrifon hyn

The notes on pages 102 to 115 form part of these accounts

**Datganiad o'r Sefyllfa Ariannol ar 31 Mawrth 2013**  
**Statement of Financial Position as at 31 March 2013**

	<b>Nodyn Note</b>	<b>2013 £000</b>	<b>2012 £000</b>
<b>Asedau anghyfredol / Non-current assets:</b>			
Eiddo, peiriannau a chyfarpar / Property, plant and equipment	6	12	36
<b>Asedau cyfredol / Current assets:</b>			
Elfennau masnach ac eraill derbyniadwy / Trade and other receivables	7	34	35
Arian parod a'r hyn sy'n cyfateb i arian parod / Cash and cash equivalents	8	534	531
<b>Cyfanswm asedau cyfredol / Total current assets</b>		<b>568</b>	<b>566</b>
<b>Cyfanswm asedau / Total Assets</b>		<b>580</b>	<b>602</b>
<b>Rhwymedigaethau cyfredol / Current liabilities:</b>			
Elfennau masnach ac eraill taladwy / Trade and other payables	9	(42)	(55)
<b>Cyfanswm rhwymedigaethau cyfredol / Total current liabilities</b>		<b>(42)</b>	<b>(55)</b>
<b>Asedau anghyfredol a/lai asedau/ rhwymedigaethau cyfredol net Non-current assets plus/less net current assets/liabilities</b>		<b>538</b>	<b>547</b>
<b>Rhwymedigaethau anghyfredol / Non-Current liabilities:</b>			
Darpariaeth ar gyfer rhwymedigaethau a thaliadau / Provision for liabilities and charges	15	(173)	(179)
<b>Cyfanswm rhwymedigaethau anghyfredol / Total non-current liabilities</b>		<b>(173)</b>	<b>(179)</b>
<b>Asedau llai cyfanswm rhwymedigaethau / Assets less total liabilities</b>		<b>365</b>	<b>368</b>
<b>Ecwiti trethdalwyr / Taxpayer's equity:</b>			
Cronfa gyffredinol / General fund		<b>365</b>	<b>368</b>

**Keith Towler**  
Comisiynydd Plant Cymru a Swyddog Cyfrifyddu  
Gorffennaf 2013

Mae'r nodiadau ar dudalennau 102 i 115 yn rhan o'r cyfrifon hyn

**Keith Towler**  
Children's Commissioner for Wales  
and Accounting Officer  
July 2013

The notes on pages 102 to 115 form part of these accounts

**Datganiad o Lifoedd Arian**  
**Ar gyfer y cyfnod rhwng 1 Ebrill 2012 a 31 Mawrth 2013**  
**Statement of Cash Flows**  
**for the period 1st April 2012 to 31st March 2013**

	Nodyn Note	2012-2013 £000	*Wedi'i ailddatgan/ Restated 2011-2012 £000
<b>Llifoedd arian o weithgareddau gweithredu</b> Cash flows from operating activities			
Gwariant net/ Net Expenditure	2,4	1,755	1,637
Addasiad ar gyfer trafodion nad ydynt yn cynnwys arian parod / Adjustment for non-cash transactions	4	(39)	(72)
(Gostyngiad) mewn elfennau masnach ac eraill derbyniadwy / (Decrease) in trade and other receivables	7	(1)	(10)
(Cynnydd)/Gostyngiad mewn elfennau masnach taladwy / (Increase)/Decrease in trade payables	9	13	67
Defnydd o ddarpariaethau / Use of Provisions	15	21	19
<b>All-lif arian parod net o weithgareddau gweithredu</b> Net cash outflow from operating activities		1,749	1,641
<b>Llifoedd arian o weithgareddau buddsoddi</b> Cash flows from investing activities			
Prynu eiddo, peiriannau a chyfarpar / Purchase of property, plant and equipment	7	-	7
<b>All-lif arian parod net o weithgareddau buddsoddi</b> Net cash outflow from investing activity		-	7
<b>Llifoedd arian o weithgareddau ariannu</b> Cash flows from financing activities			
Cyllid gan Lywodraeth Cymru / Financing from the Welsh Government		1,752	1,749
<b>Ariannu net / Net Financing</b>		<b>1,752</b>	<b>1,749</b>
(Cynnydd)/gostyngiad net mewn arian parod a'r hyn sy'n cyfateb i arian parod / Net (increase)/decrease in cash and cash equivalents	9	(3)	(101)
Arian parod a'r hyn sy'n cyfateb i arian parod ar ddechrau'r cyfnod / Cash and cash equivalents at beginning of period		531	430
<b>Arian parod a'r hyn sy'n cyfateb i arian parod ar ddiwedd y cyfnod / Cash and cash equivalents at end of period</b>		<b>534</b>	<b>531</b>

Mae'r nodiadau ar dudalennau 102 i 115 yn rhan o'r cyfrifon hyn

The notes on pages 102 to 115 form part of these accounts

**Datganiad o Newidiadau i Ecwiti Trethdalwyr ar gyfer y flwyddyn a ddaeth i ben ar 31 Mawrth 2013**  
**Statement of Changes in Taxpayers' Equity for the year ended 31st March 2013**

	Nodyn Note	Cronfa Cyffredinol/ General Fund £000
<b>Balans ar 31 Mawrth 2011</b> Balance at 31 March 2011		<b>256</b>
<b>Newidiadau i Ecwiti Trethdalwyr 2011-2012</b> Changes in Taxpayers' Equity 2011-2012		
Cyllid gan Lywodraeth Cymru Funding from Welsh Government		1,749
Gwariant cynhwysfawr am y flwyddyn Comprehensive expenditure for the year		(1,637)
		<b>368</b>
<b>Newidiadau i Ecwiti Trethdalwyr 2012-2013</b> Changes in Taxpayers' Equity 2012-2013		
Cyllid gan Lywodraeth Cymru Funding from Welsh Government		1,752
Gwariant cynhwysfawr am y flwyddyn Comprehensive expenditure for the year		(1,755)
		<b>365</b>
<b>Balans ar 31 Mawrth 2013</b> Balance at 31 March 2013		

Mae'r nodiadau ar dudalennau 102 i 115 yn rhan o'r cyfrifon hyn

The notes on pages 102 to 115 form part of these accounts

## Nodiadau ar y Cyfrifon Adnoddau

### 1. Datganiad o Bolisiau Cyfrifo

Paratowyd y datganiadau ariannol hyn yn unol â Llawlyfr Adroddiadau Ariannol y Llywodraeth (FRoM) a gyflwynwyd gan Drysorlys Ei Mawrhydi. Mae'r polisiau cyfrifo a geir yn yr FRoM yn cymhwysio Safonau Cyfrifo Rhyngwladol (IFRS), fel y'u mabwysiadwyd neu y'u dehonglwyd ar gyfer cyd-destun y sector cyhoeddus. Lle bo'r FRoM yn caniatáu dewis o bolisi cyfrifo, dewiswyd y polisi cyfrifo y barnwyd ei fod yn fwyaf priodol ar gyfer amgylchiadau penodol y Comisiynydd, at ddiben rhoi golwg wir a theg. Fe'u defnyddiwyd yn gyson wrth ddelio ag eitemau y barnwyd eu bod yn bwysig yng nghyswllt y cyfrifon. Disgrifir y polisiau cyfrifo penodol a fabwysiadwyd gan Gomisiynydd Plant Cymru isod.

#### 1.1 Confensiwn Cyfrifo

Paratowyd y cyfrifon hyn o dan y confensiwn cost hanesyddol gan fod Comisiynydd Plant Cymru yn barnu mai dibwys yw effaith ailbriso asedau sefydlog yn ôl eu gwerth i'r sefydliad trwy gyfeirio at eu cost gyfredol.

#### 1.2 Incwm a Chyllido

Yr unig ffynhonnell o gyllid ar gyfer Comisiynydd Plant Cymru yw Llywodraeth Cymru trwy grant blynyddol, sy'n cael ei gredydu i'r gronfa gyffredinol pan dderbynnir y grant. Cydnabyddir y grant yn y cyfnod pryd y darperir y gwasanaethau.

Ceir yr unig ffynhonnell incwm yng nghyswllt adennill costau cyflog mewn achos o secondiad, a chredydir yr incwm hwnnw i'r gronfa gyffredinol pan dderbynnir ef.

#### 1.3 Eiddo, Peiriannau a Chyfarpar

Mae'r Comisiynydd wedi priso'r holl asedau anghyfredol yn ôl eu cost hanesyddol, gan nad yw unrhyw addasiadau ailbriso, ym marn y Comisiynydd, yn bwysig. Y lefel isaf ar gyfer cyfalafiad asedau unigol yw £1,000. Grwpwyd niferoedd mawr o'r un math o asedau gyda'i gilydd wrth bennu a ydynt uwchben neu o dan y trothwy.

#### 1.4 Dibrisiad

Darperir dibrisiad ar gyfraddau y cyfrifir y byddant yn diddymu gwerth asedau nad ydynt yn gyfredol mewn rhandaliadau cyfartal dros y cyfnod a amcangyfrifir ar gyfer eu hoes ddefnyddiol, fel a ganlyn:

Offer TG	3 blynedd
Cellfi	5 mlynedd
Cyfarpar Swyddfa	5 mlynedd
Gosodiadau a Ffitiadau	5 mlynedd
Cerbydau	5 mlynedd

Codir am ddbrisiad blwyddyn lawn yn y flwyddyn gaffael.

#### 1.5 Datganiad o'r Gwariant Net Cynhwysfawr

Incwm a gwariant gweithredu yw'r hyn sy'n uniongyrchol gysylltiedig â gweithgareddau gweithredu y Comisiynydd. Mae'n cynnwys taliadau am nwyddau a gwasanaethau a ddarparwyd ar sail cost lawn. Dosbarthir yr holl wariant fel gwariant gweinyddu.

#### 1.6 Treth ar Werth

Nid yw'r Comisiynydd wedi'i gofrestru ar gyfer TAW. Cyfrifir gwariant a phwrcasau asedau sefydlog gyda TAW wedi'i gynnwys, gan na ellir adennill TAW.

#### 1.7 Pensiynau

Mae staff y Comisiynydd wedi'u cynnwys o dan ddarpariaethau Prif Gynllun Pensiwn y Gwasanaeth Sifil (PCSPS). Mae'r PCSPS yn gynllun buddion diffiniedig. Cydnabyddir cost elfen buddion diffiniedig y cynllun yn systematig a rhesymegol dros y cyfnod pryd y bydd yn cael mantais o wasanaethau cyflogaion trwy dalu symiau a gyfrifir ar sail gronol i'r PCSPS. Mae'r atebolrwydd am dalu buddion yn y dyfodol yn gyfrifoldeb ar y PCSPS. Yng nghyswllt elfennau cyfraniad diffiniedig y cynllun, mae'r Comisiynydd Plant yn cydnabod y cyfraniadau sy'n daladwy am y flwyddyn; nodir y symiau hyn ar y Datganiad o Wariant Net Cynhwysfawr ym mwyddyn eu talu.

#### 1.8 Prydlesi

Dosbarthir prydlesi asedau lle mae holl risgiau a manteision perchnogaeth ar ased wedi'i phrydlesi i bob pwrpas yn nwylo'r Comisiynydd fel prydlesi cyllidol. Cofnodir yr ased fel ased sefydlog diriaethol a chofnodir dyled i'r prydleswr o isafswm y taliadau prydles. Codir y taliadau ar y Datganiad o Wariant Net Cynhwysfawr, a chodir tali cyllid ar sail y gyfradd llog sy'n ddealedig yn y brydles.

Codir taliadau rhentu prydlesi gweithredol ar y Datganiad o Wariant Net Cynhwysfawr fesul symiau cyfartal ar hyd cyfnod y brydles.

#### 1.9 Adroddiadau Segmentol

Mae swyddfa'r Comisiynydd yng gweithredu yng Nghymru ac yn delio â materion sy'n effeithio ar blant a phobl ifanc yng Nghymru. Mae'r Datganiad o Wariant Net Cynhwysfawr a'r nodiadau cysylltiedig yn adlewyrchu'r segmentau lle'r adroddir am y canlyniadau gweithredu.

#### 1.10 Treuliau Staff

Mae'r Comisiynydd yn darparu ar gyfer absenoldebau tymor byr adferedig sydd heb eu defnyddio ar ddiwedd y flwyddyn.

#### 1.11 Darpariaethau

Mae'r Comisiynydd yn darparu ar gyfer rhwymedigaethau cyfreithiol neu gontractiol y mae eu hamseru neu eu symiau'n ansicr ar ddyddiad y fantolen, ar sail yr amcangyfrif gorau o'r gwariant y bydd ei angen ar gyfer y rhwymedigaeth.

#### 1.12 Arian Parod a'r hyn sy'n cyfateb iddo

Mae'r Comisiynydd yn cadw arian parod, sy'n cael ei adneuo mewn cyfrif banc masnachol wrth ei dderbyn. Hefyd cedwir arian mân ym mhob un o swyddfeydd y Comisiynydd.

## Notes to the Resource Accounts

### 1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government's Financial Reporting Manual (FRoM) issued by HM Treasury. The accounting policies contained in the FRoM apply International Accounting Standards (IFRS) as adopted or interpreted for the public sector context. Where the FRoM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the Commissioner for the purpose of giving a true and fair view has been selected. They have been applied consistently in dealing with items considered material in relation to the accounts. The particular accounting policies adopted by the Children's Commissioner for Wales are described below.

#### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention as in the opinion of the Children's Commissioner for Wales the effect of the revaluation of fixed assets at their value to the organisation by reference to their current cost is considered to be immaterial.

#### 1.2 Income and Funding

The only source of funding for the Children's Commissioner for Wales is from the Welsh Government via an annual grant, which is credited to the general fund when the grant is received. The grant is recognised in the period in which services are provided.

The only source of income is in relation to recover of salary costs related to secondment, which is credited to the general fund when the income is received.

#### 1.3 Property, Plant and Equipment

The Commissioner has valued all non-current assets at historic cost as any revaluation adjustments are, in the Commissioner's opinion, not material. The minimum level for capitalisation of individual assets is £1,000. Large numbers of the same type of asset have been grouped together in determining if they fell above or below the threshold.

#### 1.4 Depreciation

Depreciation is provided at rates calculated to write off the value of non-current assets by equal instalments over their estimated useful lives, as follows:

IT Equipment	3 years
Furniture	5 years
Office Equipment	5 years
Fixtures & Fittings	5 years
Vehicles	5 years

A full year's depreciation is charged in the year of acquisition.

#### 1.5 Statement of Comprehensive Net Expenditure

Operating income and expenditure is that which relates directly to the operating activities of the Commissioner. It comprises charges for goods and services provided on a full cost basis. All expenditure is classed as administration expenditure.

#### 1.6 Value Added Tax

The Commissioner is not registered for VAT. Expenditure and fixed asset purchases are accounted for VAT inclusive, as VAT is irrecoverable.

#### 1.7 Pensions

The Commissioner's staff are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS). The PCSPS is a defined benefit scheme. The cost of the defined benefit element of the scheme is recognised on a systematic and rational basis over the period during which it derives benefit from employees' services by payment to the PCSPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution elements of the scheme, the Children's Commissioner recognises the contributions payable for the year; these amounts are charged to the Statement of Comprehensive Net Expenditure in the year of payment.

#### 1.8 Leases

Leases of assets where substantially all risks and rewards of ownership of a leased asset are borne by the Commissioner are classified as finance leases. The asset is recorded as a tangible fixed asset and a debt is recorded to the lessor of the minimum lease payments. Payments are charged to the Statement of Comprehensive Net Expenditure and a finance charge is made at based upon the interest rate implicit in the lease.

Operating lease rentals are charged to the Statement of Comprehensive Net Expenditure in equal amounts over the lease term.

#### 1.9 Segmental Reporting

The Commissioner's office operates in Wales and deals with issues that impact upon children and young people in Wales. The Statement of Comprehensive Net Expenditure and associated notes reflects the segments that the operating results are reported.

#### 1.10 Staff Expenses

The Commissioner provides for short term compensated absences unused at the year-end.

#### 1.11 Provisions

The Commissioner provides for legal or contractual obligations which are of uncertain timing or amounts at the balance sheet date, on the basis of best estimate of the expenditure required to settle the obligation.

#### 1.12 Cash and Cash Equivalent

The Commissioner holds cash which is deposited in a commercial bank account upon receipt. Petty cash is also held at each of the Commissioner's offices.

## 2. Niferoedd staff a chostau cysylltiedig Staff numbers and related costs

a) Ar gyfer y flwyddyn, roedd y costau staff yn cynnwys y canlynol /  
For the year staff costs consist of:

	2012-2013 £000	2011-2012 £000
Tâl a chyflogau / Wages and Salaries	942	874
Costau nawdd cymdeithasol / Social security costs	70	73
Costau pensiwn / Pension costs	163	158
	1,175	1,105
Secondiad mewnol a staff asiantaeth / Inward secondment and agency staff	30	11
<b>Is-gyfanswm / Sub total</b>	<b>1,205</b>	<b>1,116</b>
Llai adenillion mewn perthynas â secondiadau allanol Less recoveries in respect of outward secondments	-	-
	1,205	1,116

b) Roedd nifer cyfartalog y personau cyfwerth amser llawn a gyflogwyd (gan gynnwys uwch reolwyr) yn ystod y cyfnod fel a ganlyn / The average number of whole-time equivalent persons employed (including senior management) for the period was as follows:

	2012-2013	2011-2012
Gweithwyr a gyflogir yn uniongyrchol / Directly Employed	23.9	22.6
Arall / Other	1.3	-
Staff a gyflogir ar brosiectau cyfalaf / Staff employed on capital projects	-	-
<b>Cyfanswm / Total Number</b>	<b>25.2</b>	<b>22.6</b>

## 3. Adroddiadau ar gynllun iawndal y Gwasanaeth Sifil a chynlluniau iawndal eraill – pecynnau gadael / Reporting of Civil Service and Other compensation schemes – exit packages

Band cost y pecyn gadael Exit package cost band £000	Dileu swydd gorfodol / Number of compulsory redundancies	Nifer y bobl eraill a gytunodd i adael / Number of other departures agreed	2012-2013	Dileu swydd gorfodol / Number of compulsory redundancies	Nifer y bobl eraill a gytunodd i adael / Number of other departures agreed	2011-2012
			Cyfanswm nifer y pecynnau gadael fesul band cost / Total number of exit packages by cost band			Cyfanswm nifer y pecynnau gadael fesul band cost / Total number of exit packages by cost band
< £10	-	1	1	-	-	-
£10-£25	-	1	1	-	-	-
£25-£50	-	-	-	-	-	-
£50-£100	-	-	-	-	-	-
£100-£150	-	-	-	-	-	-
£150-£200	-	-	-	-	-	-
<b>Cyfanswm nifer y pecynnau gadael fesul math</b> Total number of exit packages by type	-	2	2	-	-	-
<b>Cyfanswm costau adnoddau</b> Total resource cost £000	-	24	24	-	-	-

Talwyd costau dileu swyddi a chostau ymadael eraill yn unol â darpariaethau Cynllun Iawndal y Gwasanaeth Sifil, cynllun statudol a lunwyd o dan Ddeddf Blwydd-daliadau 1972. Cyfrifir y costau ymadael yn llawn ym mlwyddyn yr ymadawiad. Lle bo'r Comisiynydd wedi cytuno ar ymddeoliadau cynnar, telir am y costau ychwanegol gan y Comisiynydd, ac nid gan gynllun pensiwn y Gwasanaeth Sifil. Telir am gostau ymddeoliad oherwydd afiechyd gan y cynllun pensiwn, ac nid ydynt wedi eu cynnwys yn y tabl.

Codir costau llawn yr ymadawiad ar y Datganiad o Wariant Net Cynhwysfawr ym mlwyddyn gwneud y penderfyniad. Credyd yr ymiliau sy'n daladwy mewn blynyddoedd i ddod i ddarpariaeth a ddefnyddir pan wneir y taliadau (gweler nodyn 16).

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the Commissioner has agreed early retirements, the additional costs are met by the Commissioner and not by the Civil Service pension scheme. Ill-health retirement costs are met by the pension scheme and not included in the table.

The full costs of departure are charged to the Statement of Comprehensive Net Expenditure in the year that the decision is made. Amounts payable in future years are credited to a provision which is utilised when the payments are made (see note 16).



#### 4. Costau gweinyddu eraill Other administration costs

	2011-2012 £000	* Wedi'i ailddatgan / Restated 2010-2011 £000
<b>4.1 Rhentu o dan brydlesi gweithredol</b> Rental under operating leases:		
- cerbydau / vehicles	5	4
- llety / accommodation	71	69
- llungopiwr / photocopier	7	4
	83	77
<b>4.2 Costau gweinyddu:</b> Administration costs:		
Eiddo / Premises	47	42
Swyddfa / Office	84	90
Hyfforddi a recriwtio / Training and recruitment	35	31
Teithio a chynhaliadaeth / Travel and subsistence	37	35
Taliad cydnabyddiaeth archwilydd allanol / External auditors remuneration	18	18
Taliad cydnabyddiaeth archwilydd mewnol / Internal auditors remuneration	10	12
Cyfathrebu/ Communication	71	80
Cyfrifiaduwr / Computer	51	29
Arian / Other	33	21
Ffioedd cyfreithiol a phroffesiynol / Legal and professional fees	42	14
	428	372
<b>4.3 Eitemau heblaw arian parod</b> Non-cash items:		
- tâl dibrisiant asedau cyffredin / depreciation charge on ordinary assets	24	33
-- colled gwaredu asedau sefydlog / loss on disposal of fixed assets	-	-
- darpariaeth o fewn y flwyddyn / in year provision made	15	39
	39	72
	550	521

#### 5. Gwybodaeth segmentol Segmental information

	2012-2013 £000	*Wedi'i ailddatgan/ Restated 2011-2012 £000
	Segment i'w adrodd/ Reportable segment £000	Segment i'w adrodd/ Reportable segment £000
Gwariant gros / Gross expenditure	1,755	1,637
Incwm / Income	-	-
Gwariant net / Net expenditure	1,755	1,637
Gwybodaeth arall a adroddir i'r Prif Benderfynwr Gweithredol / Other information reported to the Chief Operating Decision Maker	-	-
Cyfanswm asedau / Total assets	580	602
Asedau net / Net assets	365	368

Mae swyddfa'r Comisiynydd yn gweithredu yng Nghymru ac yn delio â materion sy'n effeithio ar blant a phobl ifanc yng Nghymru. Seiliwyd yr wybodaeth fisol a gyflwynir i'r ffin rheoli ar fantolenni'r cyfrifiol. Cadarnheir yr wybodaeth hwn yn ôl llinellau'r gyllideb ac mae'n cyfateb i linellau'r gyllideb a gyflwynwyd i Lywodraeth Cymru fel rhan o'r broses amcangyfrif. Nid yw'r wybodaeth yn gwahaniaethu rhwng gwahanol weithgareddau yn swyddfa'r Comisiynydd. Nid yw dadansoddiad pellach o'r wybodaeth yn nodi gwahanol weithgareddau na segmentau. Barn y Comisiynydd, felly, yw mai mewn un segment yn unig y mae ei swyddfa'n gweithredu, fel yr adroddwyd.

The Commissioner's office operates in Wales and deals with issues that impact upon children and young people in Wales. The monthly information presented to the management team is based upon the ledger balances. This information is consolidated into the budget lines and matches the budget lines presented to the Welsh Government as part of the estimate process. The information does not differentiate between different activities within the Commissioner's office. Further analysis of the information does not identify different activities or segments. It is therefore the Commissioner's opinion that his office only operates in one segment as reported.

**6. Eiddo, peiriannau a chyfarpar**  
Property, plant and equipment

	Cyfarpar TG / IT Equipment	Gosodiadau a Ffitiadau/ Fixtures & Fittings	Dodrefn a Chyfarpar Swyddfa / Office Furniture and Equipment	Cyfarpar Cludiant / Transport Equipment	Cyfanswm/ Total
	£000	£000	£000	£000	£000
<b>Cost</b>					
Ar 1 Ebrill 2012 / At 1 April 2012	215	205	265	49	734
Ychwanegiadau / Additions	-	-	-	-	-
Gwarediadau / Disposals	-	-	-	-	-
<b>Ar 31 Mawrth 2013</b> At 31st March 2013	215	205	265	49	734
<b>Dibrisiant / Depreciation</b>					
Ar 1 Ebrill 2012 / At 1st April 2012	212	195	251	40	698
Yn ystod y flwyddyn Charged in year	3	4	8	9	24
Gwarediadau / Disposals	-	-	-	-	-
<b>Ar 31 Mawrth 2013</b> At 31st March 2013	215	199	259	49	722
<b>Gwerth net ar bapur</b> Ar 31 Mawrth 2012 Net book value At 31st March 2012	3	10	14	9	36
<b>Gwerth net ar bapur</b> Ar 31 Mawrth 2013 Net book value At 31st March 2013	-	10	14	9	36
<b>Cyllido asedau /</b> Asset financing:					
Perchen / Owned	3	10	14	9	36
<b>Gwerth net ar bapur</b> Ar 31 Mawrth 2013 Net book value At 31st March 2013	3	10	14	9	36
Perchen / Owned	-	6	6	-	12
<b>Gwerth net ar bapur</b> Ar 31 Mawrth 2012 Net book value At 31st March 2012	-	6	6	-	12

Mae'r holl asedau yn eiddo i'r Comisiynydd, nid oes dim asedau'n cael eu cyllido trwy brydles ariannol.

All assets are owned by the Commissioner, there are no assets financed through a finance lease.

**7. Elfennau masnachol derbyniadwy ac asedau cyfredol eraill**  
Trade receivables and other current assets

	2012-2013 £000	2011-2012 £000
<b>Symiau sy'n ddyledus o fewn blwyddyn</b> Amounts falling due within one year:		
Elfennau masnachol derbyniadwy Trade receivables	-	-
Rhagdaliadau ac incwm cronodig Prepayments and accrued income	34	35
	<b>34</b>	<b>35</b>

**8. Arian parod a'r hyn sy'n cyfateb i arian parod**  
Cash and cash equivalents

	2012-2013 £000	2011-2012 £000
Balans ar 1 Ebrill 2011 / Balance at 1st April 2011	531	430
Newid net yn y balansau arian parod a'r hyn sy'n cyfateb i arian parod / Net change in cash and cash equivalent balances	3	101
<b>Balans ar 31 Mawrth 2012</b> Balance at 31st March 2012	534	531

Roedd yr holl falansau ar 31 Mawrth ar ffurf daliadau gyda banc Masnachol ac arian mewn llaw.  
All balances as at 31 March were held with a Commercial bank and cash in hand.

**9. Elfennau masnachol taladwy a rhwymedigaethau cyfredol eraill**  
**Trade payables and other current liabilities**

	2012-2013 £000	2011-2012 £000
Symiau sy'n ddyledus o fewn blwyddyn Amounts falling due within one year		
Trethi a nawdd cymdeithasol / Taxation and social security	28	28
Elfennau masnachol taladwy / Trade payables	2	15
Croniadau / Accruals	12	12
	<b>42</b>	<b>55</b>

**10. Rhwymedigaethau o dan brydlesi**  
**Commitments under leases**

**Prydlesi gweithredol**  
**Operating leases**

Roedd y Comisiynydd wedi ymrwymo i wneud y taliadau canlynol mewn perthynas â phrydlesi gweithredol a oedd yn dod i ben  
The Commissioner was committed to making the following payments in respect of operating leases expiring

	2012-2013 £000		*Wedi'i ailddatgan/ Restated 2011-2012 £000	
	Tir ac adeiladau/Land & Buildings	Arall / Other	Tir ac adeiladau/Land & Buildings	Arall / Other
Rhwymedigaethau o dan brydlesi gweithredol Obligations under operating leases:				
Heb fod yn hwyrach na blwyddyn Not later than one year	71	9	70	8
Ar ôl blwyddyn a chyn pen pum mlynedd Later than one year and not later than five years	229	9	249	31
Ar ôl pum mlynedd Later than five years	166	-	199	-
	<b>466</b>	<b>18</b>	<b>518</b>	<b>39</b>

## 11. Offerynnau ariannol

Mae IFRS7, Offerynnau Ariannol, yn gofyn bod rôl offerynnau ariannol yn ystod y cyfnod yn cael ei datgelu o ran creu neu newid y risgiau mae endid yn eu hwynebu wrth ymgymryd â'i weithgareddau. Oherwydd natur anfasnachol gweithgareddau'r Comisiynydd, a'r dull o gyllido'i weithrediadau, nid yw ei swyddfa'n cael ei gadael yn agored i'r lefel o risg ariannol mae endidau busnes yn ei hwynebu. Ymhellach, mae offerynnau ariannol yn chwarae rôl sy'n llawer mwy cyfyngedig o ran creu neu newid risg nag a fyddai'n nodweddu'r cwmnïau rhestredig y mae IFRS7 yn bennaf berthnasol iddynt. Mae gan y Comisiynydd bwerau cyfyngedig iawn i fenthylg neu fuddsoddi cronfeydd sy'n weddill a chynhyrchir asedau ariannol a rhwymedigaethau gan ei weithgareddau gweithredu o ddydd i ddydd, yn hytrach na'u dal i newid y risgiau y mae'n eu hwynebu wrth ymgymryd â'i weithgareddau.

### Risg Hylifedd

Ariannir gofynion y Comisiynydd o ran referniw nef ac adnoddau cyfalaf gan Lywodraeth Cymru. Nid yw ei swyddfa felly yn cael ei gadael yn agored i risgiau hylifedd sylweddol.

### Risg cyfradd llog

Nid yw asedau ariannol a rhwymedigaethau'r Comisiynydd yn cael eu gadael yn agored i risgiau cyfradd llog.

### Risg Arian Tramor

Nid yw asedau ariannol a rhwymedigaethau'r Comisiynydd yn cael eu gadael yn agored i risgiau arian tramor.

### Gwerthoedd teg

Nid oes gwahaniaeth rhwng llyfrwerthoedd a gwerthoedd teg asedau ariannol a rhwymedigaethau'r Comisiynydd ar 31 Mawrth 2012.

## 12. Ymrwymadau cyfalaf

Nid oedd ymrwymadau cyfalaf ar 31 Mawrth 2012.

## 13. Rhwymedigaethau amodol

Nid oedd rhwymedigaethau amodol ar 31 Mawrth 2012.

## 14. Trafodion Parfion Cysylltiedig

Mae Llywodraeth Cymru yn barti cysylltiedig, a derbyniodd y Comisiynydd ei unig ffynhonnell gyllido oddi wrth Lywodraeth Cymru; derbyniodd £1.752 miliwn yn ystod y cyfnod. Cafodd y Comisiynydd nifer bach o drafodion pwysig yn ystod y cyfnod gyda Chyllid y Wlad (taliadau Treth ac Yswiriant Gwladol); a Swyddfa'r Cabinet (taliadau yng nghyswllt Prif Gynllun Pensiwn y Gwasanaeth Sifil).

Ni chafwyd trafodion o bwys gyda sefydliadau lle roedd gan staff uwch, nac unrhyw aelodau o'u teuluoedd, swyddi dylanwadol.

## 11. Financial Instruments

IFRS7, Financial Instruments, requires disclosure of the role which financial instruments have had during the period in creating or changing the risks an entity faces in undertaking its activities. Because of the non-trading nature of the Commissioner's activities and the way in which his operations are financed, his office is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which IFRS7 mainly applies. The Commissioner has very limited powers to borrow or invest surplus funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks he faces in undertaking his activities.

### Liquidity Risk

The Commissioner's net revenue and capital resource requirements are financed by the Welsh Government. His office is not therefore exposed to significant liquidity risks.

### Interest-rate Risk

The Commissioner's financial assets and liabilities are not exposed to interest-rate risks.

### Foreign Currency Risk

The Commissioner's financial assets and liabilities are not exposed to foreign currency risks.

### Fair Values

There is no difference between the book values and fair values of the Commissioner's financial assets and liabilities as at 31st March 2012.

## 12. Capital Commitments

There were no capital commitments as at 31st March 2012.

## 13. Contingent Liabilities

There were no contingent liabilities as at 31st March 2012.

## 14. Related Party Transactions

The Welsh Government is a related party, the Commissioner received his sole source of funding from the Welsh Government; he received £1.752 million during the period. The Commissioner has had a small number of material transactions during the period with HM Revenue and Customs (Tax and National Insurance payments); and the Cabinet Office (payments in respect of the Principle Civil Service Pension Scheme).

There were no material transactions with organisations in which senior staff, or any of their family, held positions of influence.

**15. Darpariaethau ar gyfer Rhwymedigaethau a Thaliadau**  
**Provisions for Liabilities and Charges**

	Gadael yn gynnar/Early Departure £000
Balans ar 1 Ebrill 2012 / Balance as at 1 April 2012	179
Defnydd o'r ddarpariaeth / Use of provision	(21)
Darpariaeth o fewn y flwyddyn/ In year provision	15
Balans ar 31 Mawrth 2012 Balance as at 31 March 2012	173

**Dadansoddiad o amserau disgwylidig darpariaethau**  
**Analysis of expected timings of provisions**

	Gadael yn gynnar/Early Departure £000
Hyd o'ed yn hwyrach na blwyddyn Not later than one year	21
Ar ôl blwyddyn a chyn pen pum mlynedd Later than one year and not later than five years	95
Ar ôl pum mlynedd/ Later than five years	57
Balans ar 31 Mawrth 2012 / Balance as at 31 March 2012	173

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**Costau Ymadael yn Gynnar**

Mae'r Comisiynydd yn talu am gost ychwanegol buddion y tu hwnt i fuddion arferol Prif Gynllun Pensiwn y Gwasanaeth Sifil (PCSPS) yng nghyswllt gweithwyr sy'n ymddeol yn gynnar trwy dalu'r symiau angenrheidiol yn flynyddol i'r PCSPS dros y cyfnod rhwng ymadael yn gynnar ac oedran arferol ymddeol. Mae'r Comisiynydd yn darparu ar gyfer hyn yn llawn pan fydd yr ymadawiad cynnar yn dod yn rhwymol trwy sefydlu darpariaeth ar gyfer y taliadau a amcangyfrifir.

**Early Departure Costs**

The Commissioner meets the additional cost of benefits beyond the normal Principal Civil Service Pension Scheme (PCSPS) benefits in respect of employees who retire early by paying the required amounts annually to the PCSPS over the period between early departure and normal retirement age. The Commissioner provides for this in full when the early departure becomes binding by establishing a provision for the estimated payments.

**16. Digwyddiadau wedi'r cyfnod adrodd**

Nid oedd unrhyw ddigwyddiadau rhwng dyddiad datganiad y sefyllfa ariannol a dyddiad llofnodi'r cyfrifon sy'n effeithio ar y datganiadau hyn.

**16. Events After the Reporting Period**

There were no events between the statement of financial position date and the date the accounts were signed that impact upon these statements.



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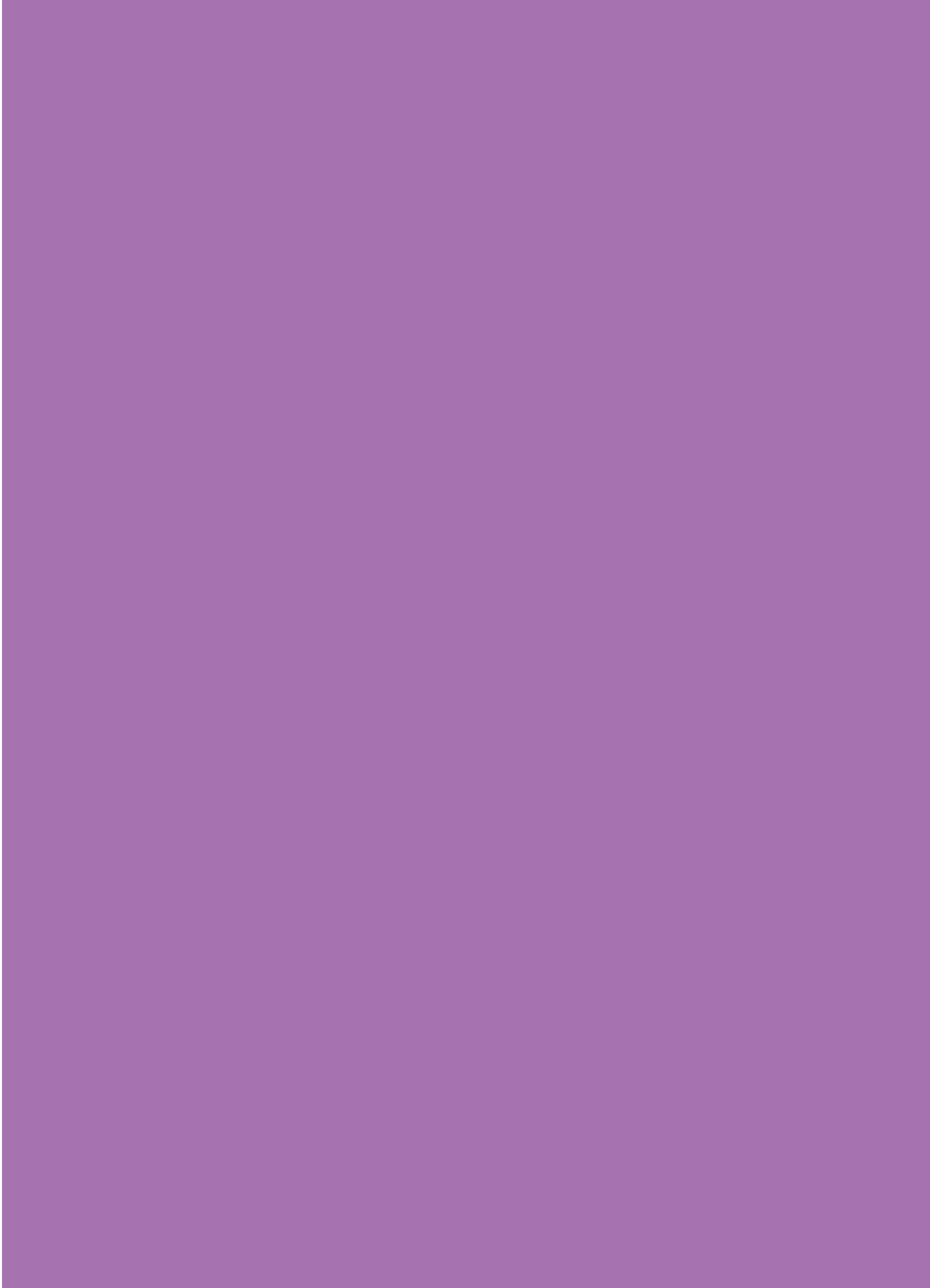
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Comisiynydd Plant Cymru Children's Commissioner for Wales  
Rhadbost RRGL XLYC BHGC Freepost RRGL XLYC BHGC  
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\* Tecstiwch ni am ddim (gan ddechrau eich neges â COM)  
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# Agenda Item 4

Document is Restricted

Wednesday 6 November 2013

Papers to Note

Paper Number	Action from meeting on:	Action Point
3	16 October	<p><b>Additional information from the Minister for Education and Skills following the budget scrutiny session on 16 October</b></p> <ul style="list-style-type: none"> <li>• This letter provides an update on the points raised by Committee Members.</li> </ul>
4	16 October	<p><b>Additional information from the Minister for Communities and Tackling Poverty following the budget scrutiny session on 16 October</b></p> <ul style="list-style-type: none"> <li>• This letter provides an update on the points raised by Committee Members.</li> </ul>
5	29 September	<p><b>Additional information from the Welsh Local Government Association following the meeting on 26 September</b></p> <ul style="list-style-type: none"> <li>• This letter addresses two additional points raised in relation to the Education (Wales) Bill.</li> </ul>
6	16 October	<p><b>Email from Funky Dragon regarding the Welsh Government Draft Budget scrutiny session on 16 October</b></p> <ul style="list-style-type: none"> <li>• Funky Dragon has written to the Chair to raise an issue relating to the Minister for Communities and Tackling Poverty’s evidence session.</li> </ul>

Huw Lewis AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Ann Jones AM  
Chair Children and Young People Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

22 October 2013

Dear Ann

Thank you for your letter of 17 October requesting further information following the budget scrutiny by the Children and Young People Committee on 16 October. I have set out below responses to the issues you raised and additional information as requested.

### **Literacy and Numeracy funding within the Curriculum and Assessment BEL**

The majority of funding for literacy and numeracy falls within the Literacy and Numeracy BEL which stands at £7 million for 2014-15. However, there is specific funding of £4.8m in 2014-15 for literacy and numeracy within the £12.2m Curriculum and Assessment BEL to fund the National Support Programme (NSP). The NSP provides 'hands on' support to enable schools to implement the Literacy and Numeracy Framework (LNF) effectively. This became a statutory curriculum requirement from September 2013.

### **Further Education (FE) sub group**

My officials and Colegau Cymru have made arrangements to convene a small group of Principals and Finance Directors to discuss with them how best to protect learners overall, rather than any specific groups affected by the FE cuts. The first meeting of the sub group will be convened in early November. The Group will consider the likely implications of the reductions including the potential impact on learners and staff.

An equality impact assessment was completed for my department as part of the draft budget and was incorporated into the stand alone Equality Impact Assessment (EIA)

document published alongside the Draft Budget on 8 October. Within our EIA we recognised that as a result of our decision to protect provision for 16 to 18 year olds, there may be a disproportionate impact on provision for post-19 learners, particularly females, from reductions to post-19 learning.

### **Financial implications from education related legislation**

The draft budget takes account of the current legislative programme announced by the First Minister.

Assessing the impact and costs of legislation on those it affects is an essential part of the policy development process. Standing Orders require any Bill laid before the Assembly to be accompanied by an Explanatory Memorandum, which include a regulatory impact assessment setting out the best estimates of:

- the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
- the timescales over which such costs would be expected to arise; and
- an outline of on whom the costs would fall.

Detailed costings have therefore been developed as part of the Regulatory Impact Assessment for the areas of the programme that fall to my department and in the main provisions can be met within existing MEG resources. Where discussions around financial implications are currently ongoing, appropriate provisions will be included in future budgets if required.

The information provided in the Regulatory Impact Assessment is reviewed throughout the Assembly consideration of Bills.

### ***School Standards and Organisation (Wales) Act 2013***

The School Standards and Organisation (Wales) Act received Royal Assent on 4 March 2013. The implementation costs remain consistent with those set out in the Regulatory Impact Assessment.

As part of its implementation and to streamline current processes, funding of £21.8m for school based counselling and school breakfasts has already transferred to local authorities via Revenue Support Grant (RSG) from 2013-14. The transfer of funding was included in last year's draft budget.

The Act will reform the statutory process for school organisation, with the benefit being that decisions can be taken at a local level wherever possible. Whilst the operation of local determination panels may result in some modest costs to local authorities, they will not be a mandatory element and local authorities will determine whether they should put in place such panels. It is expected that costs associated with operation of panels will be outweighed by efficiency savings resulting from a more streamlined process.

The school causing concern guidance is due to be published later this year and administrative costs for this will be met by my department's running costs.

The Act will also see local authorities being accountable for planning Welsh-medium provision by placing Welsh in Education Strategic Plans on a statutory basis from April 2014. To assist with the implementation of these duties, funding of £5.6 million is being maintained through the Welsh in Education Grant (within the Welsh in Education Action) to support local authorities in the production of their plans.

### ***Further and Higher Education (Governance and Information) (Wales) Bill***

I am confident that the proposed legislation will have the desired effect of reversing the ONS classification of Further Education colleges. Our aim is for a classification change from 1 April 2014.

My officials have been in contact with the Office for National Statistics (ONS) and as the committee will be aware through the scrutiny of this Bill, we have had written indications from ONS that based on the information received, the legislation will be sufficient to reverse the classification. We will need to inform the ONS of any amendments to the Bill that are under discussion. They will also be provided with a revised business case and proposals for changes to the Financial Memorandum.

My officials have received communication from HM Treasury that they are unable to change the accounting rules and would not be willing to mitigate the impact of a re-classification by changing budget allocations for the Welsh Government. If the legislation is not passed there will be significant financial implications for FE colleges as this committee will be aware. We have not built a contingency into this budget to cover this impact. Unfortunately, I do not have the luxury of doing so in this financial climate because any contingency would have to be balanced by reductions elsewhere.

### ***Education (Wales) Bill***

The proposed transfer of responsibilities (and funding) for post-16 assessment and provision to local authorities as a result of the *Education (Wales) Bill* has not been reflected in this draft budget.

A transfer of funding to RSG will take place to coincide with the introduction of new duties on local authorities as a result of the *Education (Wales) Bill*. Detailed discussions to agree the quantum and formula for distributing the funding to RSG will take place in January 2014, and will consider both historic and planned levels of activity. The transfer will be actioned from the Specialist Placements and Students with Learning Difficulties BEL within the Wellbeing of Children and Young People Action. The required transfer will therefore be incorporated into next year's draft budget once the overall quantum has been agreed.

### **Sustainable Development**

Sustainability is our core organising principle. There is a focus on economic, social and environmental sustainability. We have a raft of indicators within Education and Skills to ensure that our policies are and remain sustainable.

The line by line review of the budgets that I and my officials undertook for this draft budget included the impact of decisions on sustainability, equality, the rights of the child and the Welsh language. Sustainability is not considered in isolation but is an integral part of the decision making process. It is about taking decisions whilst understanding the full impact.

Sustainability is an overarching concept, so it is not possible to pinpoint decisions specifically made because of sustainability. I would not expect any proposals to be put forward that had a negative impact on sustainability. This budget has been all about prioritising investment in areas that have the most positive impact.

As an example, our Youth Engagement and Progression Framework Implementation Plan takes into account the core principles of sustainable development which were incorporated throughout its development. There are clear social and economic impacts that the Plan will

contribute to. The development of a consistent and effective approach to early intervention, targeted supported and increased participation in education, training and sustained employment will help to increase wellbeing, overcome generational issues, and embed education, training and employment trends for generations to come.

Similarly, our 21st Century Schools Programme aims to deliver sustainable school buildings. We will continue to work with local authorities to ensure that all new school buildings capital projects meet the Building Research Establishment Environmental Assessment Method (BREEAM) 'excellent' standard. The standard ensures best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance. Thirty-five transitional projects will achieve this by 2014-15.

#### *Equality Impact Assessment*

Impact assessments including the core principles of sustainable development are an essential part of policy development and are integral to the Welsh Government's programme and project management principles. Underpinning our equality impact assessment was a focus on ensuring that our decisions are sustainable.

I trust that this response is sufficient to answer your additional questions.

*Best Regards*  
*Huw*

**Huw Lewis AC / AM**  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

Jeff Cuthbert AC / AM  
Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty



Llywodraeth Cymru  
Welsh Government

Ann Jones AC/AM  
Children and Young People  
Committee  
National Assembly for Wales  
Cardiff Bay

22 October 2013

*Dear Ann*

Thank you for your letter of 17 October 2013 and the opportunity to attend last week's Committee meeting. At the meeting we agreed to provide some additional information. Your letter also raised some further queries which are covered below.

### **Rights of Children and Young Persons (Wales) Measure 2011**

Detail of the work being carried out to fully implement the Rights of Children and Young Persons (Wales) Measure 2011 is outlined in the Welsh Government's Children's Rights Scheme which is attached. We have focussed on developing sustainable systems and processes that do not require large investment of funding, but instead require an understanding and a commitment to change ways of working. Many of the tools developed have required a one off cost. It is now a matter of promoting and utilising these tools, such as the UNCRC App, a YouTube clip, lesson plans, e-training for officials and professionals who work with children and young people, and refreshing the Getting it Right website as a hub for resources.

### **Ministerial budgets – implementing duties under the Measure**

The duty to have 'due regard to the UNCRC' is on all Ministers. My budget is only a fraction of the budget that is being spent on realising children's rights and putting them into practice through positive outcomes. It is not for me to comment on other Ministers' budget allocations although I suspect that funding is across a range of programmes rather than specific budget allocations. I would expect children's rights to be taken forward across government, in legislation, policy and guidance which in turn is being reflected in services on the ground and positive outcomes for children, young people and their families.

### **Advocacy**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.jeff.cuthbert@wales.gsi.gov.uk

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The budget that I hold for Advocacy is predominantly in relation to MEIC - the Advocacy and Advice helpline for children and young people. I am very pleased with the evidence and statistical information I am currently receiving on MEIC. I have asked for a full independent evaluation to be undertaken to ensure it is as effective as it can be. Part of this will focus on the relationship with CLIC (which provides news and advice for all young people aged 11 to 25 in Wales on a wide range of subjects and issues, including where to get support in your local area), and other helplines, information and advice services.

In addition, this budget line funds the annual Advocacy conference bringing together key stakeholders; and a young person's advocacy conference to ensure we hear the opinions of those on the receiving end of advocacy. This budget also supports the promotion of advocacy amongst children, young people, parents and carers and support for training for professionals.

The budget to take forward advocacy for vulnerable groups, as set out in legislation, sits with the Minister for Health and Social Services, Deputy Minister for Social Services and the Minister for Education. The recommendations arising from 'Missing Voices' specifically focus on the Children's Commissioner's Review of advocacy for looked after children, children leaving care and children in need - therefore questions on those aspects of the budget should be directed to the Deputy Minister for Social Services.

### **Child's Rights Impact Assessment (CRIA)**

As I mentioned in Committee, we are not required to undertake a specific CRIA on the budget.

### **Childcare and Play Strategies**

You have asked about the impact of withdrawing funding for CRB checks for childcare workers. As I briefly outlined in Committee, the Disclosure and Barring Service commenced its new Update Service on 17 June 2013. This allows childcare and other workers requiring criminal record checks to subscribe to checks which become portable, thus enabling movement between settings without the need for a new check each time. We will continue to fund the checks this year to ensure that people can move to the new portable system. We will monitor the impact over the next 18 months.

### **Sustainability**

#### Impact

The sustainability of our significant investment through the Children, Young People and Families budget is ingrained in the more effective multi-agency working that it drives. In turn, we will continue to use evidence bases to make the business case for early investment and to demonstrate return on investment, thus more deeply embedding the principles and practice of early intervention. Both the Flying Start and Families First programmes are subject to evaluations which will be published (as a series of reports) and which will be used to inform their further development.

#### Integrated Approach

The best example I can provide of this integrated approach is Flying Start, where we are investing in the early years to provide children in the most disadvantaged communities with the best start in life and a better opportunity to realise their potential in the longer term. In this way we aim to break the cycle of intergenerational poverty and allow children to access



rights which would otherwise be unavailable to them. We also embed the importance of Welsh language provision which is available to all in Flying Start.

Sustainable Development lies at the heart of our Programme for Government as a central organising principle and is reflected throughout the work of the Communities and Tackling Poverty Department. All of our policies and programmes reflect a commitment to sustainability and fairness. Our aim is to ensure that the long-term development path for our nation will improve economic, social and environmental wellbeing and enhance people's quality of life in Wales both now and for generations to come. We have protected the Sustainable Development Fund which is divided between key policy priorities and engagement activity. The Fund will principally focus around support for the Commissioner for Sustainable Futures and Cynnal Cymru whom we expect to play a key role in engaging on and promoting sustainable development and informing the Welsh Government's development of the Future Generations Bill. Other elements of the budget will be used to further progress sustainable development within the Welsh Government and to promote sustainable development to people and organisations across Wales.

#### Consideration in EIA

Considering the economic, social and environmental impacts of decisions on current and future generations benefits everyone in society. Sustainable development is about better decision-making and has the potential to have a particularly positive impact on groups who are more likely to be excluded and disadvantaged, including those with protected characteristics. Preventative spend is at the core of better evidenced decisions made with the needs of future generations in mind. Decisions made on promoting and facilitating healthier diet and exercise, for example, will lead to better health in the future and contribute to tackling health inequalities and reducing health services costs; ensuring that decisions lead to young people gaining the skills they need to find sustainable jobs will help to increase employment and reduce poverty. Those living in poverty are more likely to be living in poorer environments. Ensuring that decision-makers are well informed on the economic, social and environmental impacts of their decisions will have positive impacts on tackling poverty and inequality and improving community cohesion. A focus on future as well as current generations will have a positive impact on children and young people and on the realisation of their rights.

*Best wishes*



**Jeff Cuthbert AC / AM**

Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## Children's Rights Scheme

Arrangements for having due regard to the United Nations Convention on the Rights of the Child (UNCRC) in the Welsh Government's work on policy and legislation.

Approved by the National Assembly for Wales  
on 27th March 2012

# Children's Rights Scheme

**Audience** Children and young people, Children's Commissioner for Wales, Non Government Organisations (NGO's), Welsh Local Government Association (WLGA), Public Bodies, Funky Dragon (The Children and Young People's National Assembly for Wales).

**Overview** The 'Rights of Children and Young Persons (Wales) Measure' 2011, received unanimous cross party support when it was passed at the National Assembly for Wales on the 18th of January 2011. It was given Royal Approval on 16th March 2011 and came into force on 16th May 2011.

The Measure strengthens and builds on the rights based approach of the Welsh Government to making policy for children and young people in Wales.

It places a duty on Welsh Ministers to have due regard to the rights and obligations within the United Nations Convention on the Rights of the Child (UNCRC) and its optional protocols. The duties within the Measure will be implemented in two stages;

- From 1st May 2012 – 30th April 2014, Welsh Ministers must have due regard to the rights in the UNCRC when making decisions about proposed new policies or legislation, or about reviewing or changing existing policies.
- From 1st May 2014 Welsh Ministers must have due regard to the rights in the UNCRC whenever they use any of their legal powers or duties.

**Further information and related documents**

The 'Rights of Children and Young Persons (Wales) Measure' 2011 can be found at: <http://www.legislation.gov.uk/mwa/2011/2/contents>

Other sites for information include;

- UNCRC Lets Get it Right <http://www.uncrcletsgetitright.co.uk/>
- Children's Commissioner <http://www.childcomwales.org.uk/>
- Pupil Voice Wales <http://www.PupilVoiceWales.org.uk>
- Funky Dragon <http://www.funkydragon.org>
- Save the Children <http://www.savethechildren.org.uk>
- CLIC National Information and Advice Service for Children and Young People <http://www.cliconline.co.uk>
- Children in Wales <http://www.childreninwales.org.uk/>
- Barnardo's <http://www.barnardos.org.uk/wales>
- UNICEF Unite for Children <http://www.unicef.org/crc/>

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## Foreword

We as Welsh Ministers have set out in our Programme for Government<sup>1</sup> the difference that we want to make to the lives of people in Wales: healthy people living productive lives in a more prosperous and innovative economy; safer and more cohesive communities, with lower levels of poverty and greater equality; a resilient environment with more sustainable use of our natural resources and a society with a vital sense of its own culture and heritage.

This of course applies to children and young people and I believe Ministers have shown their commitment again and again to improving the lives of children and young people, to provide opportunities and experience for them to grow, and to give additional support to those that need it the most.

Being the first administration in the UK to enshrine the UNCRC in domestic law, the Rights of Children and Young Persons (Wales) Measure 2011 is an example of how we as Ministers are committed to putting the rights of children and young people at the heart of all that we do.

The Measure places a duty on us as Ministers to have due regard to the UNCRC, and we are responsible for making sure that it is complied with. The law does not allow us to pass our responsibility on to someone else, such as our staff. We have clearly stated in our Manifesto our commitment to ensure that the Measure is given full effect in government policies and programmes throughout the course of this administration.

We are accountable to the National Assembly for Wales in respect of the duty, and when we present our regular reports on compliance to the Assembly, we will have to explain what we have done. I am happy to do this as I believe that this duty will ultimately result in better services, better resources and better provision for children, young people and families.

Our aim is to achieve a culture in the Welsh Government where there is a full appreciation of children's rights, and that we consciously consider them in all our work.

I am delighted to introduce our first Children's Rights Scheme which sets out the practical steps we are putting in place now and what we are aiming to develop for the future, so that we can make concrete progress towards our goal. As Deputy Minister for Children, I am determined to ensure that the rights of children and young people are prioritised and I will work closely with my Ministerial colleagues to ensure this is the case across the Welsh Government.



**Gwenda Thomas AM**  
Deputy Minister for Children and Social Services

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<sup>1</sup> <http://wales.gov.uk/about/programmeforgovernment/?lang=en>.

# Children's Rights Scheme

## Introduction

The 'Rights of Children and Young Persons (Wales) Measure 2011' (referred to as "the Measure" in the rest of this document), was passed by the National Assembly for Wales on 18<sup>th</sup> January 2011 and approved by Her Majesty in Council on 16<sup>th</sup> March 2011. The Measure embeds consideration of the UNCRC, and the Optional Protocols, into Welsh law.

The UNCRC<sup>2</sup> is an international convention setting out the civil, political, economic, social and cultural rights of children. The text of the Convention on the Rights of the Child was approved by the Member States of the United Nations on 20<sup>th</sup> November 1989.

On the 16<sup>th</sup> December 1991, the Government of the United Kingdom of Great Britain and Northern Ireland ratified the UNCRC and it came into force in respect of the United Kingdom on 15<sup>th</sup> January 1992. The United Kingdom has also ratified two 'Optional Protocols' to the UNCRC<sup>3</sup>.

Countries that have ratified the UNCRC are required by article 44(1) (b) to report to, and may appear before, the United Nations Committee on the Rights of the Child ("the Committee") every 5 years providing details of their progress towards full implementation of the Convention and its Optional Protocols.

In 2002 the National Assembly for Wales, set up by the Government of Wales Act 1998, developed the Seven Core Aims<sup>4</sup> for children and young people which summarised the UNCRC as a basis for planning, decisions on priorities and objectives nationally and on a local level.

In January 2004 the National Assembly for Wales adopted the Convention as the underpinning basis for its policies concerning children and young people aged 0 to 25 (including those aged 25) thus reinforcing the Seven Core Aims.

The commitment to the Convention and the Seven Core Aims became a commitment of the Welsh Ministers after the Government of Wales Act 2006. The Welsh Ministers are part of the Welsh Government.

When developing its policies concerning children and young people in Wales the Welsh Government makes reference to two age-groups. Children aged under 11 years old are referred to as "children", and people aged 11 to 25 years are referred to as "young people".

However, in the Measure, people aged under 18 are referred to as "children" and those aged 18 to 24 (including those aged 24 years) are referred to as "young persons". This approach has been adopted in order to be consistent with the

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<sup>2</sup> <http://www2.ohchr.org/english/law/crc.htm>.

<sup>3</sup> <http://www2.ohchr.org/english/law/crc-sale.htm>; <http://www2.ohchr.org/english/law/crc-conflict.htm>.

<sup>4</sup> <http://wales.gov.uk/topics/childrenyoungpeople/rights/sevencoreaims/?lang=en>.

Convention and with Matter 15.6 in Schedule 5 to the Government of Wales Act 2006, from which the legislative competence for this Measure was derived.

Article 2 of the UNCRC says that the UNCRC applies to all children on the basis of equality whatever their race, religion, abilities; whatever they think or say; and whatever type of family they come from. In addition, Article 23 gives children with disabilities the right to special care and support, so that they can lead full and independent lives.

The Welsh Ministers also have a duty under section 149 of the Equality Act 2010, when carrying out their work, to have due regard to the need to:

- (a) bring an end to discrimination, harassment, victimisation and other behaviour that is unlawful under the Equality Act 2010;
- (b) achieve more equality of opportunity between the different groups of people mentioned in the Equality Act – for example, between people who have a disability and people who do not have a disability;
- (c) encourage good relations between the different groups of people mentioned in the Equality Act.

In the same way that compliance with the duty to have due regard to the UNCRC has been embedded into the Welsh Government's arrangements for developing policy and legislation, compliance with this equality duty has also been embedded. The Welsh Government assesses the equality impact of its proposed policies and legislation.

The duty to have due regard to Articles 2 and 23 of the UNCRC, and the equality duty, work alongside each other and complement each other. This will help to ensure that full and proper consideration is given to delivering rights on the basis of equality, and to the right for children with disabilities to have special care and support.

The Children's Rights Scheme is made under section 2 of the Measure. The full details of this section and the rest of the Measure can be accessed via:

<http://www.legislation.gov.uk/mwa/2011/2/section/2>.

### **What is a Children's Rights Scheme?**

1<sup>st</sup> May 2012 marks the first time that any government in the United Kingdom has been under a duty to have due regard to children's rights.

This Children's Rights Scheme sets out the arrangements that Welsh Ministers will have in place to make sure that they, and Welsh Government staff, comply with the duty placed on them by the Measure – to "have due regard" to children's rights, when working on or developing proposed new legislation, proposed new policies and any review of, or change to, an existing policy.

This document provides the detail about how Welsh Ministers will comply with this duty. Welsh Ministers are required to produce this Children's Rights Scheme under the Rights of Children and Young Persons (Wales) Measure 2011<sup>5</sup>.

## **The Duty to have due regard to the United Nations Convention on the Rights of the Child**

The Measure places Welsh Ministers under a duty to have due regard to the requirements of the UNCRC. In this document, when we talk about the Welsh Ministers having due regard to the UNCRC, we include having due regard to the Optional Protocols; therefore Ministers will have a duty to have due regard to:

- The United Nations Convention on the Rights of the Child;
- The Optional Protocol to the Convention on the involvement of children in armed conflict; and
- The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

From 1<sup>st</sup> May 2012, up to and including 30<sup>th</sup> April 2014, the due regard duty applies to decisions of the Welsh Ministers about any of the following:

- proposed new legislation;
- proposed new policies;
- a review of or change to an existing policy<sup>6</sup>.

From 1<sup>st</sup> May 2014, the due regard duty applies to all decisions and actions by the Welsh Ministers<sup>7</sup>.

A new Children's Rights Scheme will be prepared by May 2014 which will set out how the Welsh Ministers will comply with this wider duty. We will use the lessons we have learned from this Scheme in preparing our next one. We will involve others in its preparation and consult the public as we have done with this one. The new Scheme will need to get approval from the National Assembly for Wales as has this Scheme.

The due regard duty requires the Welsh Ministers to consider the UNCRC when making their decisions. It requires them to make sure that they do not breach the UNCRC, and to consider how they could give further effect to the UNCRC rights. When considering giving further effect to the UNCRC rights, they will need to weigh up all the issues which are relevant to the decision they are making.

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<sup>5</sup> Section 2(1), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>6</sup> Section 1(2), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>7</sup> Section 1(1), Rights of Children and Young Persons (Wales) Measure 2011.



## **How will Welsh Ministers achieve this?**

We have set out below the specific arrangements taken forward by specific people to make sure that Ministers and Welsh Government Staff comply with the due regard duty.

### **The Responsibilities and Roles of the Welsh Ministers**

The Measure places the due regard duty on Welsh Ministers. They must have due regard to the UNCRC when making decisions about proposed new legislation, proposed new policies and any review of, or change to, an existing policy.

Welsh Ministers are responsible for making sure that it is complied with. The law does not allow them to pass this responsibility on to someone else, such as Welsh Government staff.

Welsh Ministers are also responsible for the arrangements set out in this Scheme, and for making sure that those arrangements work effectively. They are accountable to the National Assembly for Wales in respect of the duty, and when they present their regular reports on compliance to the Assembly, they will have to explain what they have done.

However, Welsh Government staff play a very important part in developing legislation and policy, because Ministers can't develop all the detail themselves. Welsh Government staff give options and advice to Ministers about the policy and legislation that they want taken forward, and Ministers make decisions about what is going to be done. Then Welsh Government staff will work on this policy or legislation until Ministers are happy with it. Ministers therefore expect that their staff will have properly considered the UNCRC before they give options and advice to them.

Having said this, Ministers are still the ones responsible for making sure that the decisions they take have due regard to the UNCRC. They must be fully aware of the duty when they make their decisions.

Later on in this document, we explain what steps will need to be taken to consider the UNCRC.

### **The Responsibilities and Roles of the Implementation Steering Group**

The group contains representatives from all the Director General Areas within the Welsh Government, and its primary role is to oversee the implementation of this Scheme across those areas. Members of the group will play an important role in raising awareness of the Measure across their Director General areas and act as 'Champions' for the Measure and promoters of children's rights across their area of responsibility.

This group also provides advice and guidance to the Implementation Team to help them to improve the processes to implement the Measure and help steer their work, as well as bring feedback from their area as to how the Measure is being implemented and if there is any good practice to share or any difficulties to address.

## **The Responsibilities and Roles of the Implementation team**

A team of staff is in place in the Children, Young People and Families Division within the Welsh Government who lead on the implementation of the Measure. Their work includes developing internal processes that will make sure Welsh Ministers comply with the due regard duty. This includes providing information and advice, developing tools and recording mechanisms to help Welsh Government staff to consider the UNCRC in their work.

They are responsible for:

- Raising understanding of the UNCRC, the Measure and the duties within it.
- Implementing the Measure and the Children's Rights Scheme.
- Commissioning, co-ordinating training and supporting staff training.
- Taking samples of decisions about policy and legislation development, as part of monitoring whether the Welsh Government is complying with the due regard duty.
- Regular gathering and analysis of data.
- Producing reports on the Welsh Government's compliance with the due regard duty every 5 years as a minimum.
- Facilitating the Implementation Steering Group.

Detail of how they will do some of this is contained later in this Children's Rights Scheme.

The Measure places the Welsh Ministers under a duty to take steps to promote knowledge and understanding of the UNCRC amongst the public, including children<sup>8</sup>. The Implementation Team, working with others, lead on this area of work on behalf of Ministers. However, other organisations are also committed to raising awareness and promoting knowledge and understanding of the UNCRC, such as the Children's Commissioner and Save the Children, and we need to continue to work together to have the greatest impact.

## **The Responsibilities and Roles of Welsh Government Staff**

The duties within the Measure cover all Ministerial areas and, as stated previously, Welsh Government staff play a very important role in developing policy and legislation on behalf of Ministers.

It is very important that they have properly considered the UNCRC before they begin to develop their policy or legislation and then throughout the process. They must be clear about how due regard has been paid before giving options and advice to Ministers, and for this to be shown clearly to Ministers.

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<sup>8</sup> Section 5, Rights of Children and Young Persons (Wales) Measure 2011.

As a result, individual departments and their staff will have a responsibility for going through a process of having due regard to the UNCRC whenever developing policy or legislation.

Staff working on the development of policy and legislation will ensure that they have due regard to the UNCRC in the case of each individual piece of policy and legislation. Training will be given to these staff to help them understand and carry out their role. They will be:

- Undertaking assessments of proposed policy and legislation, using the Welsh Government's Six Steps to Due Regard process which includes the UNCRC Impact Assessment Tool (this is detailed further in this document).
- Considering options for policy and legislation, and providing options and advice on them to Ministers.
- Ensuring records of the assessment and decision process are kept on file which show that the due regard duty was complied with.

### **The Responsibilities and Roles of Heads of the Divisions within the Welsh Government Departments**

They will be responsible for ensuring that the options and advice that their staff put to Ministers, so that Ministers can make decisions, is of good quality and has paid due regard to the UNCRC. This will involve ensuring that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the Measure and their implications for their work.

### **Other people outside the Welsh Government**

The views of stakeholders on how compliance with the Measure is working are extremely important to us. We very much valued the quality of feedback when we consulted with stakeholders on the draft Children's Rights Scheme and have taken many of the comments into account. Children and young people have been consulted on the Scheme and will continue to be involved in the future implementation of the Measure as a whole.

Welsh Government staff work closely with experts in children's rights and the UNCRC. This includes the Getting it Right Implementation Support Group who provide the Welsh Government with support and advice to take forward the actions within the Getting it Right Action Plan<sup>9</sup> which is a 5-year rolling Action Plan for Wales setting out our key priorities and actions in response to the Concluding Observations of the UN Committee on the Rights of the Child 2008. This Action Plan includes the actions to take forward the Measure as outlined in this document.

Staff are also observers as part of the UNCRC Non-Governmental Monitoring Group<sup>10</sup> who have a role in monitoring how Wales is complying with implementing

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<sup>9</sup> <http://wales.gov.uk/topics/childrenyoungpeople/publications/gettingitright2009/?lang=en>.

<sup>10</sup> <http://www.childrensrighthswales.org.uk/uncrc-monitoring-group.aspx>.

the UNCRC. This group is able to provide us, and other organisations who have a part to play in implementing the UNCRC, with recommendations on how things can be done differently or better.

### **How will we make sure that we comply with the duty to have due regard to the UNCRC?**

Our aim is to achieve a culture in the Welsh Government where Ministers and staff have a full appreciation of children's rights, and consciously consider them in all their work.

We are committed to educate and train Welsh Government staff as this will play a very important part in achieving that goal. However the duty to have due regard to the UNCRC is a new duty and Welsh Government staff will also need a practical process they can follow in their work to enable them to pay due regard to the UNCRC before they give options and advice to Ministers.

This does not mean that we think of the due regard duty as if it just involves making sure we "go through the process" or "tick the boxes". Welsh Ministers are firmly committed to finding ways to deliver children's rights through the Measure and this Scheme. They will expect their staff to have had due regard to the UNCRC when developing the policies and legislation submitted to Ministers for a decision.

However, we need to recognise that if staff do not have a practical guide they can follow, particularly when the duty is very new, it is going to be much harder to reach our goal of a full appreciation of children's rights across the Welsh Government and a conscious consideration of them in our work. This knowledge and understanding will develop over time at which point they will have a fuller understanding of the due regard duty.

In designing our process we have taken into account decisions that the courts have made on what "due regard" means in the context of equality duties<sup>11</sup>.

The result is the Six Steps to Due Regard, which includes the UNCRC Impact Assessment Tool and can be accessed via Section 4, slide 5 of our electronic – learning<sup>12</sup>.

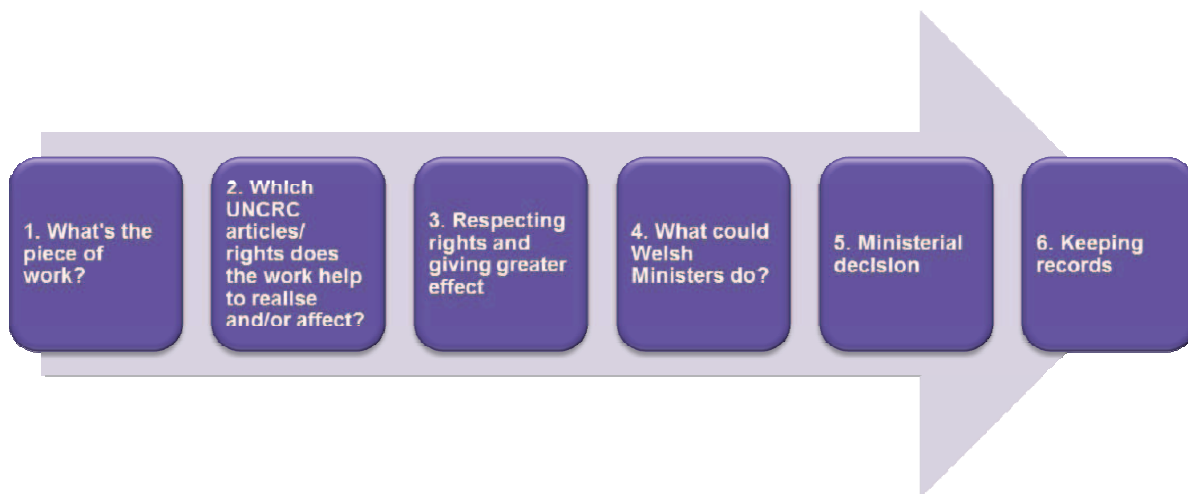
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<sup>11</sup> In particular: The Queen on the application of Baker & Others v Secretary of State for Communities and Local Government, [2008] EWCA Civ 141; The Queen on the application of Brown v Secretary of State for Work and Pensions [2008] EWHC 3158.

<sup>12</sup> <http://wales.gov.uk/topics/childrenyoungpeople/rights/uncrc/onlinecourse/?lang=en>.

## Six Steps to Due Regard

Under our process, staff will need to follow these steps:



- **Step 1 – What’s the piece of work?**

Staff need to identify whether they are working on a new policy or legislative proposal, or a change to, or review of, an existing policy. If they are, the due regard duty applies.

- **Step 2 – Which UNCRC rights does the work help to realise or affect?**

This is where staff will use the UNCRC Impact Assessment Tool. This helps them to identify which UNCRC rights are relevant to their piece of work. Over time, we aim to develop more guidance about what particular rights mean. We hope that we will be able to make use of external expertise to do this.

- **Step 3 – Respecting rights and giving greater effect to the UNCRC**

Once staff have identified relevant rights, they need to check that the proposed policy or legislation does not breach any of those rights. They then need to consider ways in which the proposal could give further effect to them.

- **Step 4 – What action could the Welsh Ministers take next?**

If staff have identified that a right would be breached by the proposal, they need to consider how it could be changed to stop that happening.

If they have identified that the proposal could give further effect to a right in a particular way, they need to consider all the other factors which are relevant. Different factors will be relevant to different proposals. Examples could be time constraints or resources. Other statutory duties will need to be considered, such as equality duties. Staff will need to give an

appropriately weighted consideration to the UNCRC and all the other relevant factors.

- **Step 5 – Ministerial Decision**

Staff will provide options and advice to Ministers on the policy or legislative proposal. They will put together this advice having had due regard to the UNCRC as described in the steps above.

Ministers are responsible for taking decisions and having due regard to the UNCRC when taking those decisions. The options and advice from Welsh Government staff will help them to carry out those responsibilities.

- **Step 6 – Keeping Records**

Records will be kept of how the due regard duty has been complied with. These will be used to inform our reporting to the National Assembly for Wales.

Very often, policy and legislation is developed in several stages, and Ministers may take a series of decisions about it. We will be under a continuing duty to have due regard to the UNCRC throughout that process.

### **Embedding the duty to have due regard to the UNCRC in the Welsh Government's wider arrangements for developing policy and legislation**

Compliance with the duty to have due regard to the UNCRC has been firmly embedded alongside other legal duties such as the equality duty in the Equality Act 2010<sup>13</sup> and our obligations under our Welsh Language Scheme made under the Welsh Language Act 1993. It is vital that the duty to have due regard to the UNCRC is rooted alongside the wider arrangements in the Welsh Government for ensuring that the policy and legislation we develop is lawful, of good quality and delivers good results for the people of Wales.

Sometimes we may change our wider arrangements for ensuring our work is lawful, of good quality and delivers good results for the people of Wales. However, we would always make sure that compliance with the duty to have due regard to the UNCRC, and other legal duties, is embedded within our new arrangements.

In terms of embedding the due regard duty to the UNCRC, there are a number of things that have been put in place. These include:

#### **Induction to the Welsh Government**

UNCRC awareness raising and training is now featured within the induction processes for all new Welsh Government staff.

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<sup>13</sup> Section 149, Equality Act 2010.

## **Raising awareness**

A dedicated UNCRC web resource is available on the intranet for colleagues to access; this includes the online learning in place, Frequently Asked Questions (FAQs) information sheets, the full legislation documentation, the full articles of the 'Convention' and links to the Getting it Right plan alongside a variety of external rights websites. A poster campaign highlighting timelines on the Measure implementation have been developed as well as virtual packs to all Heads of Divisions across the Welsh government. The Universal children's day was promoted internally alongside the Deputy Minister promoting the e-learning to every member of staff.

## **Training**

A range of training is available for Welsh Government staff to provide them with knowledge and understanding of the UNCRC and to help them to understand the process they need to follow to comply with the due regard duty.

A pack of information has been provided to all Heads of Divisions across the Welsh Government. This includes the Six Steps to Due Regard (which includes the UNCRC Impact Assessment Tool), Frequently Asked Questions (FAQs) information sheets and a link to the online training. Heads of Divisions are expected to promote the training to all staff and to ensure that they are content that they have complied with the duty to have due regard to the UNCRC when providing options and advice to Ministers.

Other internal focused training has included a series of lunch and listen seminars to raise awareness amongst staff in a more informal setting. Formal presentations about the Measure to the Departments of the Welsh Government have also taken place and will be ongoing.

## **Expert training for targeted staff**

In the run up to May 1<sup>st</sup> 2012 when the due regard duty starts, and as an ongoing process, a series of targeted expert led sessions have taken place with key members of staff involved in leading on developing policy and legislation. These involved analysing in greater detail the articles and themes of the UNCRC, rights based approaches and the requirements of the due regard duty.

Specialist training will be provided for the Welsh Government Legal Services in Spring 2012. This will cover the way in which the rights within the UNCRC have been interpreted internationally, as well as the Welsh Government's 6 Steps to Due Regard including the UNCRC Impact Assessment Tool.

## **Getting it Right Sessions**

People who work with adults to help them understand the UNCRC and how it relates to their area of work.

Awareness raising sessions were used to highlight the Measure and the due regard duty. This was very powerful when delivered by the children and young people themselves and the feedback was very positive.

### **Online training for Welsh Government staff**

Two interactive online training tools have been developed.

One is a ten minute training tool which provides a quick introduction to the UNCRC and the way it has been embedded into Welsh domestic law. This has been put in place for all Welsh government staff.

The second is more detailed and involves an overview and history of the UNCRC and a detailed analysis of the process of compliance with the new due regard duty.

The purpose of the training is to ensure that Welsh Government staff working on policy or legislation fully understand:

- how their work can directly or indirectly impact on children;
- how it relates to the UNCRC and can give greater effect to the rights and obligations within it;
- how they must check UNCRC rights are not breached;
- how to balance giving effect to the rights and obligations alongside other considerations.

Consideration will be given to how Welsh Government staff will be kept up to date on developments as and when they happen.

### **Reporting on our compliance with the due regard duty**

The Measure requires the Welsh Ministers to publish a report by 31 January 2013 explaining how they have complied with the duty to have due regard to the UNCRC. This report will be given to the National Assembly for Wales and be available to the public. The Measure requires the Welsh Ministers to then publish a report on compliance every five years.

The National Assembly for Wales has powers to call Welsh Ministers before it and ask questions about the report. The Assembly can also ask Ministers to provide information at any time about how they have complied with the due regard duty.

However, it is up to the Assembly to decide whether and when it wants to use those powers. This is a Welsh Ministers' Scheme and the Welsh Ministers cannot make commitments on behalf of the Assembly.

A new Scheme will be prepared for May 2014, which will set out the arrangements for complying with the wider duty to have due regard to the UNCRC in all our work. That Scheme will deal with arrangements for reporting on compliance with the wider duty, including how often those reports will be published.



As a result of complying with the due regard duty and operating this Scheme Ministers may identify further actions which the Welsh Government needs to take. These can be discussed with the Getting it Right Implementation Support Group and ultimately fed into the Getting it Right Action Plan and the UK's report to the UN Committee.

We would very much hope that in the longer term, by having due regard to the UNCRC in developing policy and legislation, this will have a positive effect on outcomes for children and young people and will be reflected in the Child Wellbeing Monitor<sup>14</sup>.

### **Proposals for consulting on applying the Measure to 18-24 year olds**

Section 7 of the Measure requires the Welsh Ministers to consider whether the rights in the UNCRC and its optional protocols, and the provisions in the Measure, can be applied to young people aged 18-24, and if so how i.e. with changes and/or amendments, etc.

The Welsh Ministers are going to consult on and consider whether and how to make their rights-based approach in respect of young people aged 18 to 24 part of the law in Wales.

A consultation process will begin in the Spring/Summer of 2012. It will involve holding workshops with young people and relevant stakeholders, which will result in a document for full public consultation.

### **Changing this Scheme and Future Schemes**

The Measure requires the Welsh Ministers to involve and consult children and young people, the Children's Commissioner for Wales and other appropriate people, when preparing a new Scheme or changing this existing one<sup>15</sup>. It also requires them to obtain the approval of the National Assembly for Wales before they publish a new or changed Scheme<sup>16</sup>.

Up to 400 children and young people have been involved in the development of this Scheme and the information they have provided will be used to inform further work in promoting knowledge and understanding, clarifying their relationships with Ministers and establishing good practice. This information has been collated in a summary document and is invaluable and we thank the children and young people who gave their time to be involved.

A further 26 organisations provided feedback on the draft Children's Scheme that went out for a 12 week consultation between 7<sup>th</sup> November 2011 and 30<sup>th</sup> January 2012. Some of the responses were from a collective group and others from individuals. Many of the comments received in this consultation exercise have been taken on board and reflected in this revised document. A summary document

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<sup>14</sup> <http://wales.gov.uk/about/aboutresearch/social/latestresearch/cypwellbeingmonitor/?lang=en>.

<sup>15</sup> Sections 3(4) and 3(5), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>16</sup> Section 3(6), Rights of Children and Young Persons (Wales) Measure 2011.

has been produced that outlines the main themes of the consultation and again we thank the contributors for taking the time to respond.

In addition, meetings were held with representatives from the Children's Commissioners office and other key stakeholders, the Getting it Right Implementation Support Group and Funky Dragon to fully inform our development of this Scheme, and to allow for discussion and advice. This discussion is ongoing and we will again welcome their advice in the future.

This Scheme was approved by the National Assembly for Wales on 27<sup>th</sup> March 2012.

We will work to involve children and young people, the Children's Commissioner for Wales and other appropriate people in preparing a new Scheme for May 2014 as this will also need to set out how we will comply with the wider duty to have due regard to the UNCRC in all our work. This will be after we have published our first report on compliance with this Scheme. The report must be published no later than 31 January 2013<sup>17</sup>.

We will use the lessons we have learned from this Scheme in preparing our next one.

The Measure requires us to have regard to certain documents when preparing a new Scheme or changing an existing one<sup>18</sup>. These include the views of the UN Committee on the Rights of the Child on the progress made by the UK in implementing the UNCRC. These are often referred to as the Committee's "Concluding Observations"<sup>19</sup>.

The Committee's last concluding observations about the UK were issued in 2008<sup>20</sup> and we had regard to those in preparing this Scheme. The next set of concluding observations by the Committee will be issued after the UK submits its next report to the Committee in January 2014 on its progress in implementing the UNCRC.

We will need to consider whether the Scheme we have in place at that time needs to be changed in the light of those observations. This is a requirement of the Measure<sup>21</sup>.

In preparing this Scheme we had regard to the UN Committee's General Comments on the interpretation of the UNCRC rights<sup>22</sup>. We will again have regard to those as we develop further guidance for Welsh Government staff on the meaning of the rights within the UNCRC.

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<sup>17</sup> Section 4(1), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>18</sup> Section 3(1), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>19</sup> Formally called Consideration of Reports submitted by State Parties under article 44 of the UNCRC: Concluding Observations.

<sup>20</sup> <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>.

<sup>21</sup> Section 2(4), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>22</sup> <http://www2.ohchr.org/english/bodies/crc/comments.htm>.

The Measure allows us, when preparing a new Scheme or changing an existing one, to have regard to other documents and matters we consider relevant<sup>23</sup>. This is a broad category, and can potentially include any document if its subject matter is relevant to the Welsh Ministers' arrangements for having due regard to the UNCRC. For example, it could include reports by the Children's Commissioner for Wales or Estyn.

We welcome suggestions from anyone, at any time, about what we should take into account in preparing our next Scheme. It always helps if the person making the suggestion can explain in practical terms how they believe our arrangements for having due regard to the UNCRC should be changed in the light of the particular document or other matter.

### **Welsh Ministers' powers to change legislation**

The Measure allows the Welsh Ministers to make orders changing existing legislation if, as a result of one of their reports on compliance, they decide that it would be desirable to do so to give greater effect to the UNCRC<sup>24</sup>. They can make changes if those changes are ones which would be within the power of the National Assembly for Wales to make. Before making these orders they must carry out a consultation and obtain the approval of the National Assembly for Wales<sup>25</sup>.

They will consider whether to use this power after they have issued their first report on compliance.

### **What can children or their representatives do if they think Welsh Ministers have not had due regard to the UNCRC?**

Children, individually or in a group, may:

- Contact the Welsh Government to raise the issue. We are committed to making the complaints process simple, quick and effective. This will mean producing a short and clear summary version on the process that will hopefully be clear to all. In the mean time we have a Code of Practice on Complaints which is available on the link below:

[http://wales.gov.uk/contact\\_us/complaints1/complaintspublications/codeofpractice/?jsessionid=RJmqT5LMsQkdBZvQ15vBp0MRhppCkPPwtPpT8pqZyCLwS5WVgJyB!823856201?lang=en](http://wales.gov.uk/contact_us/complaints1/complaintspublications/codeofpractice/?jsessionid=RJmqT5LMsQkdBZvQ15vBp0MRhppCkPPwtPpT8pqZyCLwS5WVgJyB!823856201?lang=en).

- Contact their Assembly Member. Assembly Members can raise issues affecting children with the Welsh Government or in the Assembly. Your Assembly Members can be found via this link:

<http://www.senedd.assemblywales.org/mgMemberIndex.aspx>.

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<sup>23</sup> Section 3(2), Rights of Children and Young Persons (Wales) Measure 2011.

<sup>24</sup> Section 6(2), Rights of Children and Young Persons (Wales) Measure 2011

<sup>25</sup> Sections 6(4), Rights of Children and Young Persons (Wales) Measure 2011.

- Send a petition to the National Assembly for Wales if ten or more people have signed it. Children could use this to draw the Assembly's attention to Welsh Government legislation or policy which they think may not have had due regard to the UNCRC. The Assembly has powers to call Welsh Government Ministers before it and ask them about how they have had due regard to the UNCRC in developing particular pieces of policy or legislation. This is a link to more information about petitions to the National Assembly for Wales:

<http://www.assemblywales.org/gethome/e-petitions.htm>.

- Apply to court to ask the court to rule on whether the Welsh Ministers have complied with the due regard duty. This is called a Judicial Review. Applications for a Judicial Review should be made as soon as possible, and usually no later than three months after the Welsh Ministers' decision was made. Sometimes a court will allow a person to make a late application if the person can show a very good reason for not applying earlier. While children are completely within their rights to apply for a Judicial Review, we would hope that the matter could be resolved through the other arrangements listed previously. That is why we are trying to make sure that our arrangements for having due regard, and our procedures for dealing with complaints, are effective. If however, children choose to follow this option, then the organisations below are able to provide advice and assistance.

Below is a link to explain more about Judicial Reviews:

<http://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review>.

To pursue a Judicial Review, you would need legal advice. Below is some more information about this:

<http://www.direct.gov.uk/en/Governmentcitizensandrights/GettingLegalAdvice/index.htm>.

### **Support for children who want to complain about or challenge the Welsh Ministers**

When children, as an individual or as a group, want to challenge Ministers when they don't feel that the UNCRC has been considered in a policy or legislation, and that this affects them, they can be supported by:

- Any adult that they trust and who is able to spend time supporting them. This could be a relation, a friend or a professional who works with them. They should be considered an advocate for children.
- At a local level, a number of advocacy providers currently exist that could provide support and advice to children and young people. In the main these tend to focus on providing information and advocacy for children and young people who are considered to be vulnerable. However, they could

support children and young people within these categories to challenge Ministerial decisions. Use the link below to find out which advocacy providers are in which area:

<http://meiccymru.org/professional/in-your-area>.

- CLIC – This is the National Information and Advice service for Young People (11-25) in Wales. It is an online channel and printed zine offering information, news and advice for all young people aged 11 to 25 in Wales on a wide range of subjects and issues, including where to get support in their local area. This is a link to the CLIC website:

<http://www.cliconline.co.uk/news/>.

- Meic – This is the Advocacy and Advice helpline for children and young people in Wales. The advocates at meic help children to be heard by others. Meic is available to advise and provide information to children wishing to challenge Welsh Ministers. They can even contact others on behalf of children. This is a link to meic's website:

<http://www.meiccymru.org/>.

- The Children's Commissioner for Wales has power to provide advice, representation and assistance to children who may wish to challenge Welsh Ministers. The Care Standards Act 2000 gives the Children's Commissioner power to review how the Welsh Government's work has affected children in Wales<sup>26</sup>. This would include looking at whether the Welsh Government has complied with the due regard duty, and the effect that has had on children in Wales. This is a link to the contact details of the Commissioner's offices:

<http://www.childcom.org.uk/en/contact/>.

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<sup>26</sup> Section 72B, Care Standards Act 2000.

## Glossary of Terms

**Advocacy** – Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times. Advocacy is about representing the views, wishes and needs of children and young people to decision makers, and helping them navigate the system.

**Funky Dragon** – Funky Dragon is the Children and Young People’s Assembly for Wales. Its mission is to enable children and young people in Wales to get their voices heard by Government and others who make decisions about policies and services that affect their lives.

**General Measures of Implementation** – General Measures refers to the basic tools states can use for implementing all the provisions in the UNCRC.

The tools are legislation, the establishment of co-ordinating and monitoring bodies, data collection, awareness-raising and training, the monitoring of budgets and the development and implementation of appropriate policies, services and programmes.

These should be a high priority for implementation in all states. States must do all they can to implement the rights contained in the Convention.

**Getting it Right** – This is a rolling action plan which was developed for Wales to identify actions that will take forward implementation of the UNCRC in Wales over the next five years.

**Legislation** – Laws

**Optional Protocols** – These are called “Optional” because it is optional for states who have agreed to be bound by the UNCRC to agree to be also bound by the rights and obligations in the Protocols. The first of these relates to the involvement of children in armed conflict, and the second relates to the sale of children, child prostitution and child pornography. The UK has agreed to be bound by both of these.

**Policy** – A plan or course of action intended to influence and determine decisions, actions, and other matters.

**Seven Core Aims** – Our seven core aims for children and young people summarise the UN Convention on the Rights of the Child (UNCRC) and form the basis for decisions on priorities and objectives nationally. They should also form the basis for decisions on strategy and service provision locally. This is expressed in seven core aims that all children and young people:

1. have a flying start in life;
2. have a comprehensive range of education and learning opportunities;
3. enjoy the best possible health and are free from abuse, victimisation and exploitation;
4. have access to play, leisure, sporting and cultural activities;

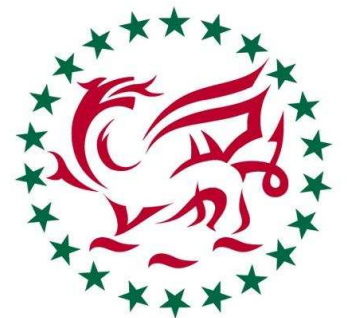
5. are listened to, treated with respect, and have their race and cultural identity recognised;
6. have a safe home and a community which supports physical and emotional wellbeing;
7. are not disadvantaged by poverty.

**UN Committee** – The Committee is established under article 43(1) of the Convention for the purpose of examining the progress made by State Parties towards its implementation. The Committee is composed of ten experts in the areas covered by the Convention, who are elected to the Committee by the States which are parties to the Convention.

**UNCRC – The United Nations Convention on the Rights of the Child** is an International Convention developed and agreed by the United Nations. 190 out of 192 states have ratified it, making it very important internationally. It has two Optional Protocols which have also been ratified by the UK. In the convention and the two protocols there are approximately 58 rights of children and obligations placed on Government and others. It recognises the development and vulnerabilities of children and places obligations on states and their agents to enable children to realise their rights.

## Education (Wales) Bill 2013 Additional evidence

October 2013



WLGA • CLILC



## **INTRODUCTION**

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. This paper responds to two additional items raised in the WLGA evidence session with the National Assembly for Wales, Children and Young People Committee on 26<sup>th</sup> September 2013 in relation to the Education (Wales) Bill 2013.

### **Section 23 (5) – use of appraisal of a registered person**

4. This section of the Bill gives Welsh Ministers the power to specify, through regulations, the circumstances in which the results of the appraisal of a registered person may be used to determine their remuneration.
5. The WLGA welcomes the use of a clear and consistently applied, performance management system which is used to drive improvement in the school system and supports the workforce professionally. Given the proposed scope of persons who will be registered under the Education (Wales) Bill, there are some concerns as to how any regulations in relation to remuneration dependent on performance, could be implemented consistently across a diverse workforce. Clarity is also needed, as to how any regulations would be consistent with teachers pay and conditions which are a non-devolved issue.

### **Inspection of Settings for Pupils with SEN that are not in Wales**

6. Inspection of schools in England, including special schools, residential and non-residential, is carried out by Ofsted. Ofsted inspect in a way that is more of a risk-based approach that Estyn, in that the frequency of inspection is based on how well a school performed in it's last inspection.

7. Specifically in relation to settings for pupils with special educational needs Ofsted inspects all maintained special schools and those which are independently managed. Independent special schools also have to register with the Department for Education.
8. Local authorities in Wales will take note of Ofsted inspections when looking to place a child or young person resident in Wales in an establishment in England. As with all placements for children and young people with special educational needs the local authority will undertake an assessment of need of the pupil and an assessment of the suitability of the placement to meet those needs, before a pupil is placed in an establishment whether that be in England or Wales.

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**For further information please contact:**

Daisy Seabourne

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Local Government House  
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CF10 4LG

## **CYP(4)–28–13 – Paper to note 6**

***Sent in via E-mail on 25 October***

Dear Ann Jones, A.M

Re: Children and Young People’s Committee Meeting, 16<sup>th</sup> October.

I am writing to you in your position as Chair of the Children and Young People’s Committee.

The purpose of this letter is a point of clarification regarding comments made.

During the meeting Jeff Cuthbert , Assembly Member, Labour (Minister for Communities and

Tackling Poverty) gave evidence. He said:

*[17] In the case of Funky Dragon, it knows that the current funding arrangements will come to an end in October next year—that is £400,000. We are now discussing how the sort of work that it does on young people’s participation can be done in a different way, together with a range of organisations. Funky Dragon is well aware of this; I do not know whether it is content, as it has not come back to me. It might do that, or it might lobby other Assembly Members. However, at this stage, those discussions are under way. We are determined that the front-line services for young people are affected as little as possible.*

*Taken from the official Minutes of the meeting.*

Our point of clarification is, we were aware that 3<sup>rd</sup> sector funding was being reviewed. I have attached the letter sent from the Minister. The letter informs us that the Minister and his officials will meet with us over the coming weeks.

However, at the time of your meeting, we were not aware of the discussions to work on “young people’s participation in a different way”. And as such, the reason we have not responded to the Minister is that we had not been requested to do so.

Our invitation to meet with the Minister’s officials to discuss the letter came to our office via email on the 21<sup>st</sup> October (email also attached).

We have accepted this invitation and will meet officials tomorrow.

Yours Sincerely

Darren Bird

Chief Executive, Funky Dragon.