

Deputy Minister for Social Services
Welsh Government
Ty Hywel
Cardiff Bay
CF99 1NA

4 June 2013

Dear Deputy Minister

c.c. Health and Social Care Committee members

United call for independent advocacy in the Social Services and Well-being (Wales) Bill.

The Social Services and Well-being (Wales) Bill is the ideal opportunity for the Welsh Government to strengthen its commitment to independent advocacy and set out a clear national direction to improve access to services across Wales – one that must not be wasted.

Advocacy is a significant omission in the Bill and one that we believe must be rectified as a matter of urgency. The Welsh Government has acknowledged that advocacy services are patchy across Wales, but as yet has not taken action to improve this situation.

We are pleased to hear that the Welsh Government intends to bring forward an amendment on advocacy. It is essential that this amendment makes a strong commitment to professional independent advocacy and enables better access to services for people across Wales. It must improve existing provision and extend access to people of all ages. It is important that services are not charged for, and do not exclude individuals on the assumption that they have someone who can speak up for them (such as family), as this will not always be appropriate.

We believe that in order to achieve the positive vision of ‘promoting people’s independence to give them stronger voice and control’¹; there **must** be explicit provision on the face of the Bill to improve access to independent advocacy support services.

Furthermore we believe that access to independent advocacy must be included in order for the Bill to comply with Welsh Government policies including the Strategic Equality Plan² and the Framework for Action on Independent Living³.

Independent advocacy is vital to ensure that people’s human rights are upheld. Trained independent advocates provide support to enable people to have their voices heard, have control over decisions affecting them, and navigate through the social care system.

‘Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need’ - Action on Advocacy

Advocacy = ‘someone on your side’ – meic (Advocacy and advice helpline)

¹ Social Services and Well-being (Wales) Bill, Explanatory Memorandum, 2013

² The first objective of Welsh Government’s Strategic Equality Plan is to ‘Strengthen advice, information and advocacy services’

³ The first priority identified as an enabler to independent living in the Welsh Government’s Framework for Action on Independent Living is ‘Information, advice, advocacy and peer support’

Age Cymru's research into advocacy provision for older people in Wales found that there was only one paid advocate per 17,000 older people in Wales⁴.

The Children's Commissioner for Wales carried out a review of advocacy service arrangements in Wales in 2011⁵. The review found that while independent professional advocacy was being provided in all local authorities, the provision is inconsistent. It concluded that eligible children and young people do not get equal access to services in Wales, and too many remain unaware of their entitlement to an advocate.

Access to independent advocacy is particularly crucial in terms of assessment and developing care and support plans, and safeguarding from abuse or neglect. Adults and children at risk of abuse are amongst the most vulnerable people in our communities, and we must ensure that they have a voice and are safeguarded from abuse. Independent advocacy can help to redress the power imbalance that occurs in abuse and can enable the person to take back some control.

The Welsh Institute for Health and Social Care's Review of 'In Safe Hands' recommended that 'Legislation should include a duty to consider advocacy support'.⁶ The Adult Support and Protection (Scotland) Act 2007 includes a similar duty.

We urge you to take swift action to improve access to independent advocacy to ensure that this important Bill delivers real voice and control for people in Wales.

Yours sincerely,



Children in Wales
Plant yng Nghymru



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru



Coleg Nyrsio Brenhinol
Cymru
Royal College of Nursing
Wales



age
connects
wales.



Pensioners Forum Wales



⁴ Advocacy Counts 3, Age Cymru, 2011

⁵ Missing Voices: A review of independent professional advocacy services for looked after children and young people, care leavers and children in need in Wales, Children's Commissioner for Wales, 2012

⁶ A review of the Welsh Assembly Government's guidance on the Protection on Vulnerable Adults in Wales, Welsh Institute for Health and Social Care, 2010

NSPCC
Dim mwy o greulondeb i blant. DIM.
Cruelty to children must stop. FULL STOP.

ACTION ON HEARING LOSS
Cymru

sense
argyfer pobl fyddarddall
for deafblind people



mencap cymru
Llais anabledd dysgu
The voice of learning disability

mind cymru
for better mental health
o blaid gwell iechyd meddwl

tenovus
your cancer charity
eich elusen cancer

The National Autistic Society Cymru
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Leonard Cheshire Disability

Credwch mewn plant
Believe in children
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GOFAL ARTHRITIS
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CARERS Wales
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Promoting equality for all
Hyrwyddo cydraddoldeb i bawb

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Alzheimer's Society
Leading the fight against dementia

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Ceredigion age Cymru

Gwent age Cymru

Swansea Bay age Cymru

Sir Gâr age Cymru

Gwynedd a Môn age Cymru

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Swansea Association for Independent Living

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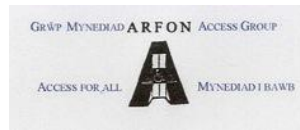
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Powys Carers Service
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CROSS ROADS CARE
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The Valleys
Regional Equality Council
Y Cymoedd



North Wales Regional Equality Network
Rhwydwaith Cydraddoldeb Rhanbarthol Gogledd Cymru



List of organisations as displayed:



**Flintshire Disability Forum
Fforwm Anabledd Sir y Fflint**

<p>Age Cymru Children in Wales Age Alliance Wales Wales Council for Voluntary Action (WCVA) National Pensioners Convention (NPC) Pensioners Forum Wales Advocacy Wales Older People's Commissioner for Wales British Association of Social Workers (BASW) Cymru Royal College of Nursing (RCN) Wales Age Connects Wales Wales Alliance for Citizen Directed Support Older People's Advocacy Alliance (OPAAL) UK Disability Wales Learning Disability Wales MS Society Cymru Gofal Action for Children – Gweithredu dros Blant Voices From Care Mind Cymru NSPCC Cymru Wales Action on Hearing Loss Cymru Mencap Cymru Sense Cymru Tenovus The National Autistic Society (NAS) Cymru Barnado's Cymru Leonard Cheshire Disability Shelter Cymru Arthritis Care in Wales Care and Repair Cymru Carers Wales RNIB Cymru Diverse Cymru Carers Trust The Alzheimer's Society Scope Cymru</p>	<p>Community Lives Consortium The Wallich A Dignified Revolution Disability Advice Project The Autism Directory Changing Faces Cymru Tros Gynnal Plant Mental Health Matters Wales Shared Lives Plus Age Cymru Ceredigion Age Cymru Gwent Age Cymru Sir Gar Age Cymru Gwynedd a Mon Age Cymru Powys Age Cymru Swansea Bay Swansea Association Independent Living (SAIL) Carmarthenshire People First Age Concern Morgannwg Age Concern Torfaen Age Concern North Wales Central Age Concern Cardiff and the Vale of Glamorgan Conwy & Denbighshire Mental Health Advocacy Service Age Concern Pembrokeshire Your Voice Advocacy Powys Carers Service Crossroads Care Cardiff and the Vale The Valleys Regional Equality Council The Carers' Centre Cardiff & Vale of Glamorgan Grwp Mynediad Arfon Access Group False Allegations Support Organisation UK Swansea People First Flintshire Advocacy Services Welsh Association of ME & CFS Support North Wales Regional Equality Network Llys Pegasus leaseholders' and residents association Flintshire Disability Forum Fairbourne, Friog & Arthog Senior Citizens Association (no logo)</p>
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Dirprwy Weinidog Gwasanaethau Cymdeithasol
Llywodraeth Cymru
Tŷ Hywel
Bae Caerdydd
CF99 1NA

4 Mehefin 2013

Annwyl Ddirprwy Weinidog

c.c. Aelodau'r Pwyllgor Iechyd a Gofal Cymdeithasol

Galwad unedig am eirioli annibynnol yn y Bil Gwasanaethau Cymdeithasol a Lles (Cymru).

Mae'r Bil Gwasanaethau Cymdeithasol a Lles (Cymru) yn gyfle delfrydol i Lywodraeth Cymru atgyfnerthu ei hymrwymiad i eiriolaeth annibynnol ac amlinellu cyfeiriad cenedlaethol eglur er mwyn gwella mynediad at wasanaethau ledled Cymru – cyfle na ddylid ei wastraffu. Mae eiriolaeth yn hepgoriad sylweddol yn y Bil ac yn un y credwn y dylid mynd i'r afael ag ef ar unwaith. Mae Llywodraeth Cymru wedi cydnabod bod gwasanaethau eirioli'n anghyson ledled Cymru, ond nid yw wedi cymryd camau i wella'r sefyllfa hon hyd yn hyn.

Mae'n bleser gennym glywed bod Llywodraeth Cymru yn bwriadu cyflwyno diwygiad ar eiriolaeth. Mae'n hanfodol bod y diwygiad hwn yn gwneud ymrwymiad cryf i eiriolaeth annibynnol broffesiynol ac yn caniatáu gwell fynediad at wasanaethau i bobl o bob oedran ledled Cymru. Mae'n rhaid iddo wella'r ddarpariaeth bresennol ac ymestyn mynediad ar gyfer pobl o bob oedran. Mae'n bwysig na chodir tâl am wasanaethau, ac nad yw gwasanaethau'n eithrio unigolion ar sail y rhagdybiaeth bod rhywun yno i siarad drostynt (fel teulu), gan na fydd hyn yn briodol bob amser.

Er mwyn cyflawni'r weledigaeth gadarnhaol o 'hybu annibyniaeth pobl i roi llais a rheolaeth gryfach iddynt'⁷; mae'n **rhaid** bod darpariaeth eglur ar wyneb y Bil i wella mynediad at wasanaethau cymorth eirioli annibynnol.

At hynny, credwn fod angen cynnwys mynediad at eiriolaeth annibynnol er mwyn i'r Bil gydymffurfio â pholisïau Llywodraeth Cymru yn cynnwys y Cynllun Cydraddoldeb Strategol⁸ a'r Fframwaith Gweithredu ar Fyw'n Annibynnol⁹.

Mae eiriolaeth annibynnol yn hollbwysig er mwyn sicrhau y caiff hawliau dynol pobl eu cynnal. Mae eiriolwyr annibynnol hyfforddedig yn rhoi cymorth er mwyn galluogi pobl i leisio eu barn, cipio rheolaeth dros benderfyniadau sy'n effeithio arnynt hwy, ac ymdrin â'r system gofal cymdeithasol.

'Mae eiriolaeth yn golygu cymryd camau i helpu pobl i ddweud eu dweud, diogelu eu hawliau, cynrychioli eu buddiannau a manteisio ar y gwasanaethau y mae eu hangen arnynt' –
Gweithredu ar Eiriolaeth

⁷ Bil Gwasanaethau Cymdeithasol a Lles (Cymru), Memorandwm Esboniadol, 2013

⁸ Amcan cyntaf Cynllun Cydraddoldeb Strategol Llywodraeth Cymru yw 'Atgyfnerthu gwasanaethau cyngor, gwybodaeth ac eirioli'

⁹ Y flaenoriaeth gyntaf a bennwyd fel galluogydd i fyw'n annibynnol yn Fframwaith Llywodraeth Cymru ar gyfer Gweithredu ar Fyw'n Annibynnol yw 'Gwybodaeth, cyngor, eiriolaeth a chymorth cymheiriaid'

Eiriolaeth = 'rhywun ar eich ochr chi' – meic (Llinell gymorth eiriolaeth a chyngor)

Canfu ymchwil Age Cymru yn ymwneud â darpariaeth eiriolaeth ar gyfer pobl hŷn yng Nghymru fod un eiriolwr cyflogedig ar gyfer pob 17,000 o bobl hŷn yng Nghymru¹⁰.

Cynhaliodd Comisiynydd Plant Cymru adolygiad o drefniadau gwasanaethau eiriolaeth yng Nghymru yn 2011¹¹. Er bod eiriolaeth broffesiynol annibynnol yn cael ei darparu ym mhob awdurdod lleol, canfu'r adolygiad fod y ddarpariaeth yn anghyson. Daeth i'r casgliad nad yw plant a phobl ifanc cymwys yn cael yr un cyfle i fanteisio ar wasanaethau yng Nghymru, ac mae gormod ohonynt yn parhau i fod yn anymwybodol o'u hawl i gael eiriolwr.

Mae gallu manteisio ar eiriolaeth annibynnol yn arbennig o bwysig o ran asesu a datblygu cynlluniau gofal a chymorth, a diogelu rhag camdriniaeth neu esgeulustod. Mae oedolion a phlant sydd mewn perygl o gael eu cam-drin ymhlith y bobl fwyaf agored i niwed yn ein cymunedau, ac mae'n rhaid i ni sicrhau bod ganddynt lais a'u bod yn cael eu diogelu rhag camdriniaeth. Gall eiriolaeth annibynnol helpu i fynd i'r afael â'r anghydbwysedd o ran pŵer sy'n digwydd gyda chamdriniaeth a gall alluogi'r unigolyn i adennill rhywfaint o reolaeth.

Argymhellodd adolygiad Sefydliad Iechyd a Gofal Cymdeithasol Cymru o 'Mewn Dwylo Diogel' 'y dylai deddfwriaeth gynnwys dyletswydd i ystyried cymorth eiriolaeth¹². Mae Deddf Cynorthwyo ac Amddiffyn Oedolion (Yr Alban) 2007 yn cynnwys dyletswydd debyg.

Fe'ch hanogwn i weithredu'n ddiymdroi er mwyn gwella mynediad at eiriolaeth annibynnol er mwyn sicrhau bod y Bil pwysig hwn yn rhoi llais a rheolaeth wirioneddol i bobl yng Nghymru.

Yn gywir,



Children in Wales
Plant yng Nghymru



¹⁰ Advocacy Counts 3, Age Cymru, 2011

¹¹ Lleisiau Coll: Adolygiad o wasanaethau eirioli proffesiynol annibynnol ar gyfer plant a phobl ifanc sy'n derbyn gofal, y rhai sy'n gadael gofal a phlant mewn angen yng Nghymru, Comisiynydd Plant Cymru, 2012

¹² Adolygiad o arweiniad Llywodraeth Cynulliad Cymru ar Amddiffyn Oedolion sy'n Agored i Niwed yng Nghymru, Sefydliad Iechyd a Gofal Cymdeithasol Cymru, 2010

NSPCC
Dim mwy o greulondeb i blant. DIM.
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ACTION ON HEARING LOSS
Cymru

sense
argyfer pobl fyddarddall
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mencap cymru
Llais anabledd dysgu
The voice of learning disability

mind cymru
for better mental health
o blaidd gwell iechyd meddwl

tenovus
your cancer charity
eich elusen canser

The National Autistic Society Cymru
Cymdeithas Genedlaethol Awstiaeth Cymru

Leonard Cheshire Disability

Credwch mewn plant
Believe in children
Barnardo's
Cymru

Shelter
Cymru

GOFAL ARTHRITIS
ARTHRITIS CARE

Care & Repair Cymru

CARERS Wales
the voice of carers

CYNHALWYR Cymru
llais cynhalwyr

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Promoting equality for all
Hyrwyddo cydraddoldeb i bawb

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Alzheimer's Society
Leading the fight against dementia

Cymdeithas Alzheimer's
Arwain yr ymgyrch yn erbyn dementia

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Community Lives Consortium
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thewallich
...homeless people first

a dignified Revolution

Disability Advice Project

THE AUTISM directory
Gwybwr i'ch dyddiad

Changing Faces
Changing the way you face disfigurement

Tros Gynnal Plant
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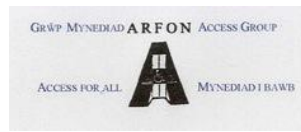
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Cyngr Cydraddoldeb Rhanbarthol
Y Cymoedd



North Wales Regional Equality Network
Rhwydwaith Cydraddoldeb Rhanbarthol Gogledd Cymru



Rhestr o sefydliadau fel yr ymddangosant:



**Flintshire Disability Forum
Fforwm Anabledd Sir y Fflint**

Age Cymru	Alzheimer's Society
Plant yng Nghymru	Scope Cymru
Cynghrair Henoed Cymru	Community Lives Consortium
Cyngor Gweithredu Gwirfoddol Cymru	The Wallich
Confensiwn Cenedlaethol y Pensiynwyr	A Dignified Revolution
Fforwm Pensiynwyr Cymru	Disability Advice Project
Eiriolaeth Cymru	The Autism Directory
Comisiynydd Pobl Hŷn Cymru	Changing Faces Cymru
Cymdeithas Gweithwyr Cymdeithasol	Tros Gynnal Plant
Prydain (BASW)	Mental Health Matters Wales
RCN Cymru	Shared Lives Plus
Age Connects Wales	Age Cymru Ceredigion
Cynghrair Cymru ar gyfer Cymorth a	Age Cymru Gwent
Gyfarwyddir gan	Age Cymru Sir Gâr
Ddinasyddion	Age Cymru Gwynedd a Môn
Older People's Advocacy Alliance (OPAAL)	Age Cymru Powys
UK	Age Cymru Swansea Bay
Anabledd Cymru	Swansea Association Independent Living (SAIL)
MS Society Cymru	Pobol yn Gyntaf Sir Gaerfyrddin
Gofal	Age Concern Morgannwg
Action for Children – Gweithredu dros Blant	Age Concern Torfaen
Voices From Care	Age Concern Canol Gogledd Cymru
Mind Cymru	Age Concern Cardiff and the Vale of Glamorgan
NSPCC Cymru	Gwasanaeth Eirioli Iechyd Meddwl Conwy a Sir
Action on Hearing Loss Cymru	Ddinbych
Mencap Cymru	Age Concern Pembrokeshire
Sense Cymru	Your Voice Advocacy Project
Tenovus	Gwasanaeth Gofalwyr Powys
Cymdeithas Genedlaethol Awtistiaeth	Gofal Croesffyrdd Caerdydd a'r Fro
Cymru	Grŵp Mynediad Arfon
Barnado's Cymru	False Allegations Support Organisation UK
Leonard Cheshire Disability	Swansea People First
Shelter Cymru	Flintshire Advocacy Services
Gofal Arthritis yng Nghymru	Cymdeithas Cymorth ME a CFS Cymru
Care and Repair Cymru	Rhwydwaith Cydraddoldeb Rhanbarthol Gogledd Cymru
Cynhalwyr Cymru	Cymdeithas Prydleswyr a Phreswylwyr Llys Pegasus
RNIB Cymru	Fforwm Anableddau Sir y Fflint
Diverse Cymru	Fairbourne, Friog & Arthog Senior Citizens Association
Carers Trust Wales	(dim logo)