

Ymateb Grŵp Darparwyr Eiriolaeth Plant a Phobl Ifanc Cymru Gyfan mewn perthynas ag argymhellion Adroddiad ymchwiliad Pwyllgor Plant, Pobl Ifanc ac Addysg Cynulliad Cenedlaethol Cymru i Ddarpariaeth Eiriolaeth Statudol (Chwefror 2017)

Ym mis Chwefror 2016, cyhoeddodd Pwyllgor Plant, Pobl Ifanc ac Addysg Cynulliad Cenedlaethol Cymru [adroddiad](#) ei ymchwiliad i ddarpariaeth eiriolaeth statudol. Mae'r adroddiad yn dilyn cwblhau ymchwiliad byr a gynhaliwyd rhwng Hydref a Thachwedd 2016, a ganolbwyntiodd yn bennaf ar y sefyllfa ddiweddaraf wrth weithredu'r Dull Cenedlaethol ar gyfer Eiriolaeth Statudol ac effaith Rhan 10 Deddf Gwasanaethau Cymdeithasol a Llesiant 2014.

Cyflwynodd [Grŵp Darparwr Eiriolaeth Plant a Phobl Ifanc Dystiolaeth Ysgrifenedig](#) i lywio'r ymchwiliad a darparodd pedwar aelod y Grŵp [Dystiolaeth Lafar](#) i'r Pwyllgor ar 16 Tachwedd. Wrth baratoi ein cyflwyniad, roedd y Grŵp yn gallu manteisio ar ein profiad helaeth o ddarparu gwasanaethau eiriolaeth annibynnol ledled Cymru, ein gwybodaeth o'r tirlun polisi sydd wedi siapio a llywio'r fframwaith deddfwriaethol a'n gwaith partneriaeth dros gyfnod o 12 mlynedd.

Gwnaeth adroddiad y Pwyllgor 8 Argymhelliad i Lywodraeth Cymru.

Ein Hymateb

Mae Grŵp Darparwyr Eiriolaeth Plant a Phobl Ifanc Cymru Gyfan yn croesawu'r **HOLL** argymhellion ac yn cynnig y meddyliau dilynol a dynnir o'n tystiolaeth, ac o ddatblygiadau diweddaraf ers i'r ymchwiliad ddod i ben.

Argymhelliad 1. Monitro a sicrhau bod pob awdurdod lleol wedi ymrwymo'n weithredol i'r 'Dull Cenedlaethol' erbyn mis Ionawr 2017.

Cytuno. Byddem yn croesawu cadarnhad bod pob awdurdod lleol wedi ymrwymo'n weithredol a'u bod yn gwbl ymroddedig i fabwysiadu'r Dull Cenedlaethol yn llawn ac i weithredu elfennau allweddol y Dull Cenedlaethol fel y'u hamlinellir yn achos busnes y Grŵp

Gorchwyl a Gorffen ac a ddatblygwyd ymhellach yng Nghynllun Gweithredu Llywodraeth Leol 2016/17.

Argymhelliad 2. Monitro a sicrhau bod awdurdodau lleol yn rhoi'r 'Dull Cenedlaethol' ar waith yn llawn erbyn mis Mehefin 2017, yn unol â'r amserlen yn y Cynllun Gweithredu.

Cytuno. Serch hynny. Rydym yn ceisio eglurhad am y camau sy'n cael eu cymryd er mwyn i hyn gael ei gyflawni'n llawn.

Yn ein hymateb ysgrifenedig, galwom am '**Trefniadau llywodraethu ac atebolrwydd cadarn i'r Dull Cenedlaethol fod ar waith, a hynny ar lefel genedlaethol a lefel ranbarthol**'. Er bod y Cynllun Gweithredu yn nodi'r camau y bydd llywodraeth leol yn eu cymryd tan Fehefin 2017 i weithredu'r Dull Cenedlaethol, nid yw'n glir pa drefniadau monitro a chydymffurfiaeth allanol sydd wedi eu sefydlu ar hyn o bryd neu sy'n cael eu cynnig, a sut y caiff cynnydd ei gyfleu i rhanddeiliaid tu hwnt i faes llywodraeth leol a chenedlaethol. Yn ein barn ni, mae gan Lywodraeth Cymru rôl glir i'w chwarae wrth sicrhau bod y Dull Cenedlaethol yn cael ei weithredu'n llawn erbyn Mehefin 2017 ac yn ôl yr amserlenni a bennir yn y Cynllun, ac y bydd monitro hyn yn gyson yn hollbwysig i sicrhau nad oes unrhyw bryderon neu oedi yn dod i'r amlwg.

I gefnogi Llywodraeth Cymru yn eu trefniadau monitro, credwn fod mantais amlwg i Lywodraeth Cymru sefydlu grŵp rhanddeiliaid i gefnogi cyflawniad yr Argymhelliad hwn. Yn ein tystiolaeth galwom am **ailsefydlu grŵp ymgynghorol rhanddeiliaid i adolygu cynnydd**, ac i'r grŵp hwn gael ei sefydlu cyn gynted â phosibl.

Rydym yn awyddus hefyd i gael eglurhad am y trefniadau monitro a chydymffurfio tu hwnt i Fehefin 2017 pan ddylai'r camau a amlinellir yn y cynllun gweithredu fod wedi eu cwblhau. Bydd angen i Lywodraeth Cymru, gyda chefnogaeth y grŵp rhanddeiliaid y cyfeirir ato uchod, barhau i fonitro cydymffurfiaeth lawn y Dull Cenedlaethol y tu hwnt i Fehefin 2017, ac nid aros nes i'r adolygiad annibynnol arfaethedig gael ei gomisiynu ac adrodd.

Yn eu hymateb ffurfiol i argymhellion y Pwyllgor, byddem yn annog Llywodraeth Cymru i bennu'r trefniadau monitro ac adrodd, gan gynnwys monitro ariannol a monitro perfformiad, a fydd yn digwydd ar ôl Mehefin 2017

Argymhelliad 3. Diweddaru'r Cod Ymarfer ar Eiriolaeth sy'n cyd-fynd â'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant 2014 i adlewyrchu'r 'Dull Cenedlaethol'.

Cytuno. Dymunwn gael sicrwydd oddi wrth Lywodraeth Cymru y caiff Rhan 10 Deddf Gwasanaethau Cymdeithasol a Llesiant ei diweddaru i adlewyrchu'r Dull Cenedlaethol fel y bwriadwyd yn llawn a'i gyfleu'n allanol pan oedd y Cod Ymarfer yn cael ei ddatblygu. Mae'n hanfodol bod amserlenni'n cael eu cytuno nawr i sicrhau bod cydrannau allweddol y Dull Cenedlaethol yn cael eu hamddiffyn drwy ganllawiau statudol.

Argymhelliad 4. Monitro gwariant yr awdurdodau lleol ar wasanaethau eiriolaeth statudol yn flynyddol, a sicrhau bod y gwasanaethau'n cael eu hariannu yn unol â'r asesiad dadansoddi anghenion y boblogaeth.

Cytuno. Dymunwn weld gwariant blynyddol awdurdodau lleol ar eiriolaeth statudol annibynnol gael ei gyhoeddi yn y cyfnod tendro a bod yn destun trefniadau monitro cadarn gan Lywodraeth Cymru i sicrhau ei fod yn parhau i gyd-fynd â'r dadansoddiad o asesiad anghenion y boblogaeth.

Argymhelliad 5. Ei bod yn ymgynghori ar ddrafft ac yn cyhoeddi Fframwaith Safonau a Chanlyniadau Eiriolaeth Annibynnol Cenedlaethol terfynol, sy'n cynnwys dull gweithredu o ran y 'cynnig gweithredol' erbyn mis Mehefin 2017.

Cytuno. Byddem yn croesawu ymgynghoriad cyhoeddus ar Fframwaith Safonau a Chanlyniadau Eiriolaeth Annibynnol Cenedlaethol (gan gynnwys y 'cynnig gweithredol') i ddigwydd mor gynnar â phosibl, ac i'r fframwaith terfynol fod yn ei le erbyn Mehefin 2017 a'i ymgorffori mewn Rhan 10 ddiwygeidig (fel Argymhelliad 3). Edrychwn ymlaen yn fawr iawn at gyfrannu ein sylwadau at yr ymgynghoriad.

Rydym yn bryderus serch hynny y bydd trefniadau comisiynu newydd wedi eu cytuno, erbyn y dyddiad cyhoeddi terfynol ar gyfer y fframwaith. Ar hyn o bryd, mae awdurdodau lleol yn cyfeirio at y fframwaith drafft a gafodd ei ddatblygu fel rhan o waith Grŵp Gorchwyl a Gorffen y Dull Cenedlaethol yn 2015 a chyn gweithrediad Deddf Gwasanaethau Cymdeithasol a Llesiant. Gan fod amserlenni'n broblemus, yn ôl pob golwg, byddem am gael sicrwydd ar yr adeg hon nad oes gan unrhyw newidiadau sy'n cael eu gwneud ar ôl yr ymgynghoriad effaith andwyol ar gontractau comisiynu sydd wedi eu cytuno cyn cyhoeddi'r Fframwaith.

Argymhelliad 6. Comisiynu adolygiad annibynnol o gynnydd ar ddiwedd y flwyddyn gyntaf y bydd y 'Dull Cenedlaethol' ar waith.

Cytuno. Byddem yn awgrymu y gallai'r grŵp rhanddeiliaid (fel yr awgrymwyd yn ein hymateb i Argymhelliad 2) gefnogi Llywodraeth Cymru i lywio cwmpas yr adolygiad annibynnol, ac i'r adolygiad gael ei gomisiynu erbyn Mehefin 2018. Dylid trefnu bod adroddiad ac argymhellion yr adolygiad ar gael yn gyhoeddus, a bod amserlen glir yn cael ei chytuno i ymateb a gweithredu'r argymhellion.

Argymhelliad 7. Adolygu sut y mae llinell gymorth MEIC Cymru yn cyd-fynd â'r Dull Cenedlaethol ac yn sicrhau bod ymgysylltiad effeithiol rhwng gwasanaethau eiriolaeth statudol a darpariaeth eiriolaeth gyffredinol, i wneud y defnydd mwyaf effeithlon posibl o adnoddau ac o'r amrywiaeth o ddarpariaeth sydd ar gael i bobl ifanc fel rhan o'r cynnig gweithredol.

Cytuno. Yn ein tystiolaeth galwom am *'Rhoi mwy o ystyriaeth i rôl a swyddogaeth gwasanaeth llinell gymorth MEIC, yn nhermau trefniadau comisiynu'r dyfodol, rhyngwyneb â gwasanaethau eiriolaeth annibynnol wyneb i wyneb, hyrwyddo ac arwyddbostio er mwyn helpu i sicrhau bod gan bob plentyn a pherson ifanc hawl i gymorth eiriolaeth'*. Er ein bod yn cefnogi'r angen am adolygiad llawn ac i'r adolygiad hwn gael ei gynnal cyn gynted â phosibl, ni fyddem yn dymuno i'r broses hon ohirio llawer o'r camau angenrheidiol mae angen eu cymryd ar fyrder. Y rheswm yw i sicrhau bod comisiynwyr awdurdodau lleol yn cymryd llinell gymorth Meic Cymru i ystyriaeth yn llawn yn nhermau eu dogfennaeth yn ogystal â chyfeirio yn y gwaith caffael sydd yn yr arfaeth at wasanaethau eiriolaeth statudol annibynnol wyneb i wyneb.

Cytunwn hefyd y dylai trefniadau'r 'cynnig gweithredol' gynnwys yr amrediad o ddarpariaeth sydd ar gael i blant a phobl ifanc, gan gynnwys gwybodaeth am y gwasanaeth llinell gymorth a gynigir gan Meic Cymru

Argymhelliad 8. Darparu diweddariad manwl i'r Pwyllgor ar y cynnydd o ran gweithredu 'Dull Cenedlaethol' ym mis Mehefin 2017.

Cytuno. Edrychwn ymlaen at y Pwyllgor yn derbyn adroddiad cynnydd oddi wrth Lywodraeth Cymru am weithrediad y Dull Cenedlaethol erbyn Mehefin 2017. Yn ogystal ag adrodd yn ôl-

syllol am y camau sydd wedi eu cymryd, byddem yn awgrymu y dylai'r adroddiad cynnydd nodi hefyd y trefniadau ar gyfer monitro gweithrediad parhaus y Dull Cenedlaethol tu hwnt i'r dyddiad hwnnw.

Byddem hefyd yn cefnogi **'y Pwyllgor yn rhoi ystyriaeth i gynnal adolygiad pellach o'r ddarpariaeth eiriolaeth a'r argymhellion mae'n eu gwneud o'r ymchwiliad hwn yn ystod cyfnod olaf tymor y Cynulliad hwn'** y cyfeiriwyd ato yn ein tystiolaeth ysgrifenedig.

Yn olaf, yn ein tystiolaeth ysgrifenedig, galwom hefyd am **'Rhaid i ymgysylltu â phlant a phobl ifanc gael ei gyflawni fel rhan o'r cyfnod gweithredu.'** Er na wnaeth y Pwyllgor argymhelliad penodol mewn perthynas â chyfranogiad plant a phobl ifanc, credwn fod hyn yn rhagofyniad hanfodol i lwyddiant gweithredu'r Dull Cenedlaethol a darparu a datblygu eiriolaeth statudol annibynnol ar gyfer plant 'â hawl' yn ehangach. Mae Deddf Gwasanaethau Cymdeithasol a Llesiant 2015 yn gosod dyletswyddau clir ar y sawl sy'n arfer swyddogaethau o dan y Ddeddf hon i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn (UNCRC). Bydd Llywodraeth Cymru yn disgwyl cydymffurfiaeth lawn â'i deddfwriaeth ac i hawliau'r holl blant a phobl ifanc 'â hawl' gael eu gweithredu a'u diogelu.

Mae'r ymateb hwn wedi cael ei gyflwyno gan Plant yng Nghymru, a'i ddatblygu drwy ymgynghori â'r cyrff canlynol

Plant yng Nghymru

NYAS Cymru

Tros Gynnal Plant

Lleisiau o Ofal Cymru

& chyda ProMo Cymru (ar ran gwasanaeth MEIC)

February 2017 ■

Response of the All Wales Children & Young People’s Advocacy Providers Group in relation to the Recommendations of the Report of the National Assembly for Wales Children, Young People and Education Committee inquiry into Statutory Advocacy Provision (February 2017)

In February 2016, the National Assembly for Wales Children, Young People and Education Committee published its [report](#) of their inquiry into statutory advocacy provision. The report followed the completion of a short inquiry undertaken between October-November 2016, which focused primarily on the latest position in the implementation of the National Approach to Statutory Advocacy and the impact of Part 10 of the Social Services and Well-being Act 2014.

The [All Wales Children and Young People’s Advocacy Providers Group](#) submitted [Written Evidence](#) to inform the inquiry and four members of the Group provided [Oral Evidence](#) to the Committee on 16th November. In preparing our submission, the Group were able to draw on our extensive experience of delivering independent advocacy services across wales, our knowledge of the policy landscape which has shaped and informed the legislative framework and our partnership work over a 12 year period.

The Committee’s report made 8 Recommendations of Welsh Government.

Our Response

The All Wales Children and Young People’s Advocacy Providers Group welcome **ALL** of the recommendations and offer the following reflections drawn from our evidence, and from more recent developments since the inquiry came to a close.

Recommendation 1. Monitor and ensure that all local authorities have actively signed up to the ‘National Approach’ by January 2017.

Agree. We would welcome confirmation that all local authorities have actively ‘signed up’ and are fully committed to the full adoption of the National Approach and to implement the

key components of the National Approach as outlined in the Task and Finish Group business case and further developed in the Local Government Implementation Plan 2016/17.

Recommendation 2. Monitor and ensure that local authorities fully implement the 'National Approach' by June 2017, in line with the timescales in the Implementation Plan.

Agree. We are however seeking clarity in terms of the actions being undertaken for this to be fully achieved

In our written response, we called for '***Robust governance and accountability arrangements for the National Approach to be in place, both at a national and regional level***'. Whilst the Implementation Plan sets out the steps that local government will be taking until June 2017 to implement the National Approach, it is unclear what external monitoring and compliance arrangements are currently in place or being proposed, and how progress will be conveyed to stakeholders beyond that of local and national Government. In our opinion, the Welsh Government have a clear role to play in ensuring that the National Approach is fully implemented by June 2017 and to the timescales set out in the Plan, and that the on-going monitoring of this will be crucial in ensuring there are no emerging concerns or delay.

To support the Welsh Government in their monitoring arrangements, we believe there is clear value in the Welsh Government setting up a stakeholder group to support the delivery of this Recommendation. In our evidence we called for the ***re-establishment of a stakeholder advisory group to review progress***, and that this group is put in place ASAP.

We are also keen to seek clarity around the monitoring and compliance arrangements beyond June 2017 when the actions outlined in the implementation plan are due to be completed. There will be a need for the Welsh Government, with the support of the stakeholder group referenced above, to continue to monitor full compliance of the National Approach beyond June 2017, and not wait until the proposed independent review is commissioned and reports.

In their formal response to the Committee's recommendations, we would urge the Welsh Government to set out the monitoring and reporting arrangements, including both financial and performance monitoring, which will be place beyond June 2017

Recommendation 3. Update the Code of Practice on Advocacy that accompanies the Social Services and Well-being Act 2014 to reflect the 'National Approach'.

Agree. We wish to seek assurances from the Welsh Government that Part 10 of the Social Services and Well-being Act will be updated to reflect the National Approach as was fully intended and externally conveyed when the Code of Practice was being developed. It is essential that timescales are now agreed to ensure that the key components of the National Approach are protected through statutory guidance.

Recommendation 4. Monitors annually local authority expenditure on statutory advocacy services and that it is funded in line with the population needs assessment analysis.

Agree. We would wish to see the annual local authority expenditure on independent statutory advocacy be made public at the tendering stage and be subject to robust monitoring arrangements by the Welsh Government to ensure that it remains in line with the population needs assessment analysis.

Recommendation 5. Consults on a draft and publishes a final National Independent Advocacy Standards and Outcomes Framework which includes an approach to the 'active offer' by June 2017.

Agree. We would welcome a public consultation on a National Independent Advocacy Standards and Outcomes Framework (including the 'active offer') to take place as soon as possible, and for the final framework to be in place by June 2017 and incorporated into a revised Part 10 (as Recommendation 3). We very much look forward to contributing our comments to the consultation.

We are however concerned that by the final publication date for the framework, that new commissioning arrangements will have been agreed. Presently, local authorities are making reference to the draft framework which was developed as part of the work of the National Approach Task and Finish Group in 2015 and prior to implementation of the Social Services and Well-being Act. As timescales appear to be problematic, we would wish to seek assurances at this stage that any changes which are made post consultation do not have an

adverse impact on commissioning contracts which have been agreed prior to the Frameworks publication.

Recommendation 6. Commissions an independent review of progress at the end of the first year of implementation of the 'National Approach'.

Agree. We would suggest that the stakeholder group (as suggested in our response to Recommendation 2) could support the Welsh Government in informing the scope of the independent review, and that the review is commissioned by June 2018. The report and recommendations of the review should be made publically available, and that a clear timetable is agreed to respond and implement the recommendations.

Recommendation 7. Reviews how the MEIC Cymru helpline aligns with the National Approach and ensures that there is effective read-across between statutory advocacy services and universal advocacy provision both to maximise the efficient use of resources and the range of provision for young people as part of the active offer.

Agree. In our evidence we called for ***'Greater consideration given to the role and function of the MEIC helpline service, in terms of future commissioning arrangements, interface with independent face-to-face advocacy services, promotion and signposting to help ensure that all children and young people have entitlement to advocacy support'***. Whilst we support the need for a full review and that this review is undertaken as soon as possible, we would not wish for this process to delay many of the immediate actions now necessary. This is to ensure that local authority commissioners take full account of the Meic Cymru helpline in terms of their documentation as well as making reference in pending procurement of face to face independent statutory advocacy services.

We also agree that the 'active offer' arrangements should include the range of provision available for children and young people, including information on the helpline service offered by Meic Cymru

Recommendation 8. Provides a detailed update to the Committee on progress in implementing the 'National Approach' in June 2017.

Agree. We look forward to the Committee receiving progress from Welsh Government in the implementation of the National Approach by June 2017. We would suggest that, as well as reporting retrospectively on action delivered, that the progress report also sets out the arrangements for the monitoring of the continued implementation of the National Approach beyond that date.

We would also support ***'the Committee giving consideration to undertaking a further review of advocacy provision and the recommendations it makes from this inquiry during the latter stages of this Assembly term'*** as referenced in our written evidence.

Finally, in our written evidence, we also called for ***'Engagement with children and young people has to be achieved as part of the implementation phase.'*** Whilst the Committee did not make a specific recommendation in relation to the involvement of children and young people, we consider this to be an essential pre-requisite to the successful implementation of the National Approach and the delivery and development of independent statutory advocacy for 'entitled' children more broadly. The Social Services and Well-being Act 2015 places clear duties on person exercising functions under this Act to have due regard to the United Nations Convention on the Rights of the Child (UNCRC). Welsh Government will expect full compliance with their legislation and that the rights of all 'entitled' children and young people are implemented and safeguarded.

This response has been submitted by Children in Wales, and developed in consultation with the following organisations

Children in Wales

NYAS Cymru

Tros Gynnal Plant

Voices from Care Cymru

& with ProMo Cymru (*on behalf of the MEIC service*)

February 2017 ■