

## **Agenda – Y Pwyllgor Plant, Pobl Ifanc ac Addysg**

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Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Fideogynhadledd drwy Zoom Naomi Stocks  
Dyddiad: Dydd Iau, 2 Rhagfyr 2021 Clerc y Pwyllgor  
Amser: 09.00 0300 200 6565  
[SeneddPlant@senedd.cymru](mailto:SeneddPlant@senedd.cymru)

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Yn unol â Rheol Sefydlog 34.19, mae'r Cadeirydd wedi penderfynu gwahardd y cyhoedd rhag dod i gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd. Caiff y cyfarfod hwn ei ddarlledu'n fyw ar [www.senedd.tv](http://www.senedd.tv)

### **Cofrestru a rhag-gyfarfod preifat**

(08.45 – 09.00)

#### **1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**

(09.00)

#### **2 Craffu ar Adroddiad Blynyddol Cymwysterau Cymru ar gyfer 2020 – 2021**

(09.00 – 10.15)

(Tudalennau 1 – 21)

David Jones, Cadeirydd – Cymwysterau Cymru

Philip Blaker, Prif Weithredwr – Cymwysterau Cymru

[Adroddiad Blynyddol](#)

**Dogfennau atodol:**

Briff Ymchwil – Cymwysterau Cymru Adroddiad Blynyddol 2020–21

#### **3 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer yr eitem nesaf**

(10.15)



**4 Craffu ar Adroddiad Blynyddol Cymwysterau Cymru ar gyfer 2020 – 2021 – trafod y dystiolaeth**

(10.15 – 10.20)

**Egwyl**

(10.20 – 10.30)

**5 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) – sesiwn dystiolaeth 3**

(10.30 – 11.30)

(Tudalennau 22 – 83)

Yr Athro Elizabeth Treasure, Cadeirydd Prifysgolion Cymru ac Is-Ganghellor Prifysgol Aberystwyth

Yr Athro Maria Hinfelaar, Is-gadeirydd Prifysgolion Cymru ac Is-Ganghellor Prifysgol Glyndŵr Wrecsam

Amanda Wilkinson, Cyfarwyddwr Prifysgolion Cymru

Maxine Penlington, Cadeirydd Bwrdd y Llywodraethwyr ym Mhrifysgol

Glyndŵr Wrecsam ac yn cynrychioli Cadeiryddion Prifysgolion Cymru (ChUW)

Marian Wyn Jones, Cadeirydd Cadeiryddion Prifysgolion Cymru

Louise Casella, Cyfarwyddwr – Y Brifysgol Agored yng Nghymru

Cerith Rhys Jones, Rheolwr Materion Allanol – Y Brifysgol Agored yng Nghymru

**Dogfennau atodol:**

Briff Ymchwil – Bil Addysg Drydyddol ac Ymchwil (Cymru)

Geirfa Ddwylieithog

CYPE(6)-07-21 – Papur 1 – Prifysgolion Cymru (Saesneg yn unig)

CYPE(6)-07-21 – Papur 2 – ChUW (Saesneg yn unig)

CYPE(6)-07-21 – Papur 3 – Y Brifysgol Agored yng Nghymru (Saesneg yn unig)

**Egwyl**

(11.30 – 11.35)

**6 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) – sesiwn dystiolaeth 4**

(11.35 – 12.35)

(Tudalennau 84 – 96)

Guy Lacey, Cadeirydd ColegauCymru a'r Prif Swyddog Gweithredol – Coleg Gwent

Dafydd Evans, Prif Swyddog Gweithredol Grŵp Llandrillo Menai a chynrychioli ColegauCymru

Rachel Bowen, Cyfarwyddwr Polisi a Materion Cyhoeddus – ColegauCymru

Sharon Davies, Pennaeth Addysg – Cymdeithas Llywodraeth Leol Cymru (CLILC)

**Dogfennau atodol:**

CYPE(6)-07-21 – Papur 4 – ColegauCymru (Saesneg yn unig)

CYPE(6)-07-21 – Papur 5 – CLILC

**Cinio**

(12.35 – 13.20)

**Cofrestru a rhag-gyfarfod**

(13.20 – 13.30)

**7 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) – sesiwn dystiolaeth 5**

(13.30 – 14.15) (Tudalennau 97 – 99)

Becky Ricketts, Llywydd – Undeb Cenedlaethol Myfyrwyr Cymru

Joe Atkinson, Ymgynghorydd y Wasg a Materion Cyhoeddus – Undeb

Cenedlaethol Myfyrwyr Cymru

**Dogfennau atodol:**

CYPE(6)-07-21 – Papur 6 – Undeb Cenedlaethol Myfyrwyr Cymru (Saesneg yn unig)

**Egwyl**

(14.15 – 14.20)

**8 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) – sesiwn dystiolaeth 6**

(14.20 – 15.20) (Tudalennau 100 – 107)

Aled Roberts, Comisiynydd y Gymraeg

Ioan Matthew, Prif Weithredwr – y Coleg Cymraeg Cenedlaethol

Gwenllian Griffiths, Prif Swyddog Ymgysylltu – y Coleg Cymraeg Cenedlaethol

**Dogfennau atodol:**

CYPE(6)-07-21 – Papur 7 – Comisiynydd y Gymraeg

CYPE(6)-07-21 – Papur 8 – Coleg Cymraeg Cenedlaethol

Document Not Supplied

## **9 Papurau i'w nodi**

(15.20)

**Dogfennau atodol:**

### **9.1 Memorandwm Cydsyniad Deddfwriaethol ar y Bil Sgiliau ac Addysg Ôl-16**

(Tudalen 108)

**Dogfennau atodol:**

Llythyr gan Weinidog y Gymraeg ac Addysg at Gadeirydd y Pwyllgor Economi, Masnach a Materion Gwledig – CYPE(6)-07-21 – Papur i'w nodi 1

### **9.2 Cytundeb Cysylltiadau Rhyngsefydliadol**

(Tudalennau 109 – 110)

**Dogfennau atodol:**

Llythyr gan y Prif Weinidog at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad – CYPE(6)-07-21 – Papur i'w nodi 2

### **9.3 Hyfforddiant Pwyllgor**

(Tudalennau 111 – 113)

**Dogfennau atodol:**

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at y Llywydd – CYPE(6)-07-21 – Papur i'w nodi 3

### **9.4 Memorandwm Cydsyniad Deddfwriaethol ar y Bil Sgiliau ac Addysg Ôl-16**

(Tudalennau 114 – 115)

**Dogfennau atodol:**

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Weinidog y Gymraeg ac Addysg – CYPE(6)-07-21 – Papur i'w nodi 4

### **9.5 Cydsyniad Deddfwriaethol: Bil Sgiliau ac Addysg Ôl-16**

(Tudalennau 116 – 117)

**Dogfennau atodol:**

Llythyr gan y Gweinidog Addysg a'r Gymraeg- CYPE(6)-07-21 - Papur i'w nodi 5

**9.6 Craffu cyffredinol ar waith y Gweinidog Iechyd a Gwasanaethau Cymdeithasol**  
(Tudalennau 118 - 157)

**Dogfennau atodol:**

Llythyr gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, y Dirprwy Weinidog Gwasanaethau Cymdeithasol a'r Dirprwy Weinidog Iechyd Meddwl a Llesiant - CYPE(6)-07-21 - Papur i'w nodi 6

**9.7 Y Bil Addysg Drydyddol ac Ymchwil (Cymru)**

(Tudalennau 158 - 160)

**Dogfennau atodol:**

Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg at Weinidog y Gymraeg ac Addysg - CYPE(6)-07-21 - Papur i'w nodi 7

**10 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod**  
(15.20)

**11 Y Bil Addysg Drydyddol ac Ymchwil (Cymru) - trafod y dystiolaeth a ddaeth i law yn y sesiwn flaenorol**  
(15.20 - 15.30)

Mae cyfyngiadau ar y ddogfen hon

# Eitem 5

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

# Bil Addysg Drydyddol ac Ymchwil (Cymru)

Geirfa Ddwylieithog

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## Tertiary Education and Research (Wales) Bill

Bilingual Glossary

Tachwedd 2021 | November 2021

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Paratowyd yr eirfa ddwylieithog hon gan  
Wasanaeth Ymchwil y Senedd a'r  
Gwasanaeth Cyfieithu a Chofnodi.

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This Bilingual glossary has been prepared by Senedd  
Research and the Translation and Reporting Service.

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## Termau a ddefnyddir yn y Bil | Terms within the Bill

academic freedom	rhyddid academaidd
alternative Welsh apprenticeship	prentisiaeth Gymreig amgen
application-to-acceptance information	gwybodaeth o gyflwyno'r cais i dderbyn y cynnig
apprenticeship certificates	tystysgrifau prentisiaethau
apprenticeship framework	fframwaith prentisiaeth
approved Welsh apprenticeship	prentisiaeth Gymreig gymeradwy
approved Welsh apprenticeship agreement	cytundeb prentisiaeth Gymreig gymeradwy
civic mission	cenhadaeth ddinesig
coherence	cydlyn
collaborating body	corff sy'n cydlafurio
collaboration	cydlafurio
complaint(s)	cwyn/cwynion
complaints procedure(s)	gweithdrefn gwyno/gweithdrefnau cwyno
compliance	cydymffurfedd
co-operate	cydweithredu
Chief Inspector	Prif Arlogydd
de-registration	datgofrestru
designated body	corff dynodedig
directions	cyfarwyddydau
dissolution	diddymu

eligible candidate	ymgeisydd cymwys
eligible person(s)	person/personau cymwys
fee limit statement	datganiad terfyn ffioedd
fee limits	terfynau ffioedd
financial support	cymorth ariannol
funding	cyllido
further education	addysg bellach
further education sector/institutions	sector/sefydliadau addysg bellach
general ongoing registration conditions	amodau cofrestru parhaus cyffredinol
governing body	corff llywodraethu
governing document(s)	dogfen lywodraethu/dogfennau llywodraethu
guidance	canllawiau
high level goals	nodau lefel uchel
high level objectives	amcanion lefel uchel
higher education	addysg uwch
higher education corporations	corfforaethau addysg uwch
Higher Education Funding Council for Wales (HEFCW)	Cyngor Cyllido Addysg Uwch Cymru (CCAUC)
inspection	arolygiad
Intervene/intervention	ymyrryd
issue (vb)	dyroddi (bf)
learner engagement Code	y Cod ymgysylltu â dysgwyr
learner protection plan	cynllun diogelu dysgwyr
life-long learning	dysgu gydol oes

mandatory ongoing registration condition(s)	amod/amodau cofrestru parhaus mandadol
means tests	profion modd
outcome agreement(s)	cytundeb/cytundebau canlyniadau
peer review process	proses adolygu gan gymheiriaid
powers of entry	pwerau mynd i mewn
proportionate conditions	amodau cymesur
provider	darparwr
qualifying institutions	sefydliadau cymhwysol
qualifying person	person cymhwysol
qualifying course	cwrs cymhwysol
quality	ansawdd
quality assurance	sicrhau ansawdd
reform	diwygio
register (n)	cofrestr (enw)
registration (vb)	cofrestru (bf)
registration conditions	amodau cofrestru
regulated course fees	ffioedd cwrs rheoleiddiedig
regulated tertiary education	addysg drydyddol reoleiddiedig
research and innovation	ymchwil ac arloesi
right of entry	hawl mynediad
Royal Charter	Siarter Frenhinol
specific ongoing registration conditions	amodau cofrestru parhaus penodol
survey	arolwg
tertiary education	addysg drydyddol
transfer scheme(s)	cynllun/cynlluniau trosglwyddo

## Geirfa safonol – Standard Terms

<b>Before legislation is introduced</b>	<b>Cyn cyflwyno deddfwriaeth</b>
consultation	ymgyngoriad
draft Bill	Bil drafft
Green Paper	Papur Gwyrdd
pre-legislative scrutiny	craffu cyn y broses ddeddfu
White Paper	Papur Gwyn

### Introduction of Senedd legislation

Act of the Senedd	Deddf gan y Senedd
as introduced	fel y'i cyflwynwyd
Bill introduction	cyflwyno'r Bil
Explanatory Memorandum	Memorandwm Esboniadol
Explanatory Notes	Nodiadau Esboniadol
Financial Resolution	Penderfyniad Ariannol
Impact Assessment	Asesiad Effaith
legislative competence	cymhwysedd deddfwriaethol
period of intimation	cyfnod hysbysu/setlo
purpose and intended effect of the legislation	diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael
Regulatory Impact Assessment (RIA)	Asesiad Effaith Rheoleiddiol
Report stage	Cyfnod adrodd
Royal Assent	Cydsyniad Brenhinol

### Cyflwyno deddfwriaeth y Senedd

Short title	Enw byr
Stage 1 - Committee considerations of general principles	Cyfnod 1 - Pwyllgor yn trafod yr egwyddorion cyffredinol
Stage 1 – Debate in Plenary on general principles	Cyfnod 1 – Dadl yn y Cyfarfod Llawn ar yr egwyddorion cyffredinol
Stage 2 - Committee consideration of amendments	Cyfnod 2 - Pwyllgor yn ystyried y gwelliannau
Stage 3 - Plenary consideration of amendments	Cyfnod 3 - y Cyfarfod Llawn yn ystyried y gwelliannau
Stage 4 - Passing of the Bill in Plenary	Cyfnod 4 - Pasio'r Bil yn y Cyfarfod Llawn

## Westminster Legislation

Legislative Consent Motion	Cynnig Cydsyniad Deddfwriaethol
Legislative Consent Memorandum	Memorandwm Cydsyniad Deddfwriaethol
Act of Parliament	Deddf Seneddol
UK Statutes	Statudau'r DU

## Deddfwriaeth San Steffan

## Other general legislative terms

Member in charge (of the Bill)	Aelod sy'n gyfrifol (am y Bil)
Section	Adran
Schedule	Atodlen
guidance	canllawiau
transitional costs	costau pontio
post-legislative scrutiny	craffu ôl-ddeddfu
sunrise clause	cymal 'codiad haul'

sunset clause	cymal machlud
Bill summary	crynodeb o'r Bil
provision(s)	darpariaeth/darpariaethau
transitional provisions	darpariaeth drosiannol
statement of policy intent	datganiad o fwriad y polisi
enacted, enactment	deddfu, deddfiad
repeal	diddymu/diddymiad
amend	diwygio
consequential amendments	diwygiadau canlyniadol
legislative framework	fframwaith deddfwriaethol
statutory framework	fframwaith statudol
statutory requirement	gofyniad statudol
Order	Gorchymyn
affirmative / negative procedure	gweithdrefn gadarnhaol / negyddol
amendment(s)	gwelliant/gwelliannau
subordinate legislation	is-ddeddfwriaeth
minor amendments	mân ddiwygiadau
statutory instrument	offeryn statudol
resolution	penderfyniad
delegated powers	pwerau dirprwyedig
regulations	rheoliadau



## 1. Introduction

- 1.1. This document provides some early provisional comments on the Tertiary Education and Research (Wales) Bill as laid on 1 November 2021. The Bill will establish the Commission for Tertiary Education and Research (CTER), as an independent funding and regulatory body responsible for the oversight of tertiary education and research in Wales. The Commission will replace HEFCW, which will be dissolved, and take on a number of functions of the Welsh government in relation to tertiary education.
- 1.2. Committee members will appreciate that further work is required on a range of areas to understand the scope and likely impact of the provisions and reach a collective view. We have provided this interim submission at the request of the committee but will provide a formal response by the committee's consultation deadline of 17 December 2021.
- 1.3. With the above caveats, the following provides a brief outline of our provisional views on the Bill and the key areas of present concern or investigation, ahead of our full response to the Committee's consultation.

## 2. Summary

- 2.1. Universities Wales has consistently supported the Welsh Government's intention to build on the strengths of the current higher education and post-compulsory education systems in Wales. For Wales' future prosperity, it is crucial we ensure that this legislation is as good as it can be and supports a Commission that is effective and long-lasting.
- 2.2. We are pleased that significant progress has been made since the consultation on the Draft Bill. The Bill as introduced includes a range of amendments in response to our previous representations to government which go some way to meaningfully address the concerns we expressed in our response to the consultation on the Draft Bill (see [here](#)).

- 2.3. The Bill now includes a more focused set of nine strategic duties. This is a welcome change and, broadly, the strategic duties are ones that we support in principle. We welcome the recognition of the important contribution that universities make to civic mission and wider social and economic well-being of Wales. Welsh universities continue to play a pivotal role in their local and regional economies as well as in the national economic prosperity of Wales, including helping to drive the economic recovery and renewal in Wales in the post-COVID landscape.
- 2.4. Inevitably, however, there are a number of outstanding matters of importance. To ensure that the Bill can deliver on its strategic duties, the Welsh Government's stated aims and objectives, and deliver a long-lasting settlement for tertiary education, research and innovation, there are a number of areas we feel should be addressed.
- 2.5. Many of our concerns are around the extent to which the Commission is empowered to act at an arm's length of government, a necessity for an effective arm's length body. Similarly, although there has been progress in ensuring the existing protections around academic freedom, charity status and institutional autonomy are maintained, there remain gaps in the Bill as laid.
- 2.6. Our initial appraisal of the Bill has highlighted some key areas that we would want to be addressed including:
- **Further exploration of how the detail on registration and regulation will be managed.** This includes the Commission's powers to impose specific conditions for individual institutions ([point 5 in this document](#)).
  - The need for a **general duty in relation to institutional autonomy** and related amendments which reflects existing protections ([point 6](#)). **This is a fundamental ask** which would ensure existing protections are maintained and also would help mitigate a number of separate concerns.
  - How to ensure **balanced funding and transparent funding decisions** ([point 9](#)).
  - The retained and strengthened powers in relation to **Higher Education**



**Corporations** which only apply to a small number of institutions and are not in line with the Law Commission's recommendation. We feel the purpose and rationale of retaining and strengthening this power is not clear ([point 7](#)).

2.7. In addition to these areas, there are a number of matters on which we expect to further engage with the Welsh Government and the Senedd to address concerns:

- Queries around **funding powers and protections**, some of which would be addressed through a general duty in relation to institutional autonomy above ([point 9](#)).
- **Power for Welsh Government to give general directions** which, while similar to previous powers, can be made via publication rather than order/statutory instrument which would mean no scrutiny or approval from the Senedd ([point 13](#)).
- Power for Ministers to **modify the Commission's strategic plan**.
- Questions around **information powers** ([point 12](#)).

2.8. While we welcome the flexibility of the Bill to deal with potential changes, it would be useful to have further information on how the Welsh Government has prepared for further UK developments in relation to the Bill. We would advocate avoiding relying too heavily on powers to determine aspects of the regulatory system without the full scrutiny of primary legislation.

2.9. The timescales for implementation of the Commission also remain a very concern and appear to be particularly challenging. The Welsh Government is still currently working towards launching the new Commission in 2023, with arrangements phased in under transitional provisions.

### 3. The context of universities

3.1. Welsh universities play a fundamental role across the Welsh economy and society. Recent analysis by Viewforth Consulting found that Welsh universities generate over £5.3bn of output, make up 11.8% of all Welsh service sector

export earnings and generate one in every 20 jobs in Wales<sup>1</sup>. These benefits are felt in communities across the country, including in areas that do not have a university presence.

- 3.2.** Our universities take seriously their responsibilities to people in Wales and our communities. We are the only UK nation where all universities are signed up to a civic mission framework that sets out our activities and ambitions around supporting communities and public services. We are also the only UK nation where all universities are accredited living wage employers.
- 3.3.** Throughout the pandemic, our universities' role in tackling economic, social and health challenges came into greater focus. Universities' civic response to the pandemic in areas such as training, research, expertise and community support is in part highlighted [here](#).
- 3.4.** Wales faces significant challenges: climate change, shifting demographics and the impact of automation and technological change on some of our largest occupation sectors<sup>2</sup>. The work our universities undertake in delivering education, skills and research and innovation will be a crucial element in mitigating these risks while making the most of the opportunities they offer.
- 3.5.** Contributions made by universities and their students through knowledge and skills exchange, partnerships and support for local employers have huge potential to help businesses, industries, and other partners to continue, recover and thrive following the pandemic. Research by the National Centre for Entrepreneurship in Education (NCEE), predicts that over the next five years, universities in Wales will:
  - Give 4,000 years' worth of upskilling and training to businesses and charities.
  - Help 1,300 new businesses and charities to be formed.
  - Be part of regeneration projects worth £536 million to the Welsh economy.

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<sup>1</sup> <https://uniswales.ac.uk/media/The-economic-impact-of-higher-education-in-Wales.pdf>

<sup>2</sup> <https://uniswales.ac.uk/media/Solving-Future-Skills-Challenges-in-Wales.pdf>

- 3.6. Universities have a crucial role to play in training the healthcare workers who have played such a pivotal role in the country's response to the pandemic. In the next five years we will train 10,000 nurses and 4,000 medics, working with the NHS to provide a critical pipeline of talent to help ensure it has the resources it needs to respond to the challenges it faces both now and in the future.

## 4. Outstanding questions

- 4.1. Although the key changes generally appear to be positive and the system overall looks potentially workable, there remain significant questions and more work is needed to assess how far these changes have in practice addressed the issues we raised in our consultation response ([here](#)).

## 5. Overall regulatory framework and balance of detail on the face of the Bill.

- 5.1. We have previously expressed our support for the Welsh Government's intention to build on the strengths of current higher education and post-compulsory education systems in Wales. In particular, this includes the proposals to establish baseline registration requirements for all providers which focus on the quality of education, better protect the interests of learners and promote the engagement of learners at all institutions in Wales. We have also welcomed the intention to reduce the unnecessary administrative burdens and complexity of the current system, and increase flexibility.
- 5.2. However, **there is a lack of detail in the Bill as laid and its accompanying documentation about many of its basic features** including what the basic categories of registration will look like, who they will apply to and what requirements they will contain. Much of this we would have expected to have been confirmed with laying of the Bill, placed on the face of the Bill itself or in accompanying draft regulations. Instead, **many important policy decisions appear to be left to future regulation, making it difficult to assess the workability of proposals.**

- 5.3. The limited indications in the Statement of Policy intent suggest that the Welsh Government is currently considering a registration system focused on those who provide higher education, and that there will be two categories: higher education (core) and higher education (alternative) which largely appears to replicate the status quo.
- 5.4. **The Bill as drafted also includes a significant Henry VIII power to subsequently amend primary legislation through regulations.** If this is relied on this could mean that key features of the Bill are decided without the full primary legislative process.

## 6. Institutional autonomy and academic freedom.

- 6.1. This was a key area of concern we highlighted in relation to the Draft Bill. Institutional autonomy and academic freedom are cornerstones of higher education both in the UK and internationally. As principles, they underpin how our universities conduct research and innovation, how they develop and deliver and teaching and learning.
- 6.2. There is evidence which suggests a correlation between autonomy and university rankings and points to the lack of comparative autonomy as a major obstacle to competitiveness<sup>3</sup>. Without a system that protects and champions autonomy and academic freedom, we disadvantage Wales in securing world-leading researchers and staff, and impair our universities' ability to form partnerships and to compete for business and research contracts, both domestically and internationally.
- 6.3. As constituted, universities in Wales are not public bodies but charities and have a legal duty to act independently from government and determine their own objectives and strategic direction, which they are committed to doing in consultation with their key stakeholders. Preserving their independence is essential to ensure that they are not reclassified as central government for

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<sup>3</sup> Referenced here: <https://uniswales.ac.uk/media/Universities-Wales-response-to-the-Draft-Tertiary-Education-and-Research-Bill-consultation.pdf>

purposes of national accounting, which would have major consequences the Welsh Government's accounts and budget. Universities are also subject to UK competition law which requires that they act independently from other providers in relation to the UK higher education market.

- 6.4. There has been significant progress made in addressing the issues we raised in relation to the Draft Bill, particularly in relation to academic freedom. Nevertheless, there remain significant issues that need to be addressed.
- 6.5. In relation to academic freedom, we strongly welcome the changes since the Draft Bill including extending the duty to have regard to the importance of academic freedom to the Welsh Ministers. Further work appears may be needed on its drafting to deliver the intended protection, however: the duty at the moment applies only in relation to higher education provision (which does not appear to include, for instance, research and innovation).
- 6.6. There are remaining gaps in the limitations on funding powers which have been transferred from FHEA 1992. There are some remaining specific areas of concern relating to regulatory powers, as highlighted further below.
- 6.7. The Welsh Ministers have no general duty in relation to protecting the institutional autonomy of universities. Equivalent duties are in legislation elsewhere in the UK such as the Higher Education and Research Act 2017.
- 6.8. Despite the very welcome extension to the Commission's duty to ensure compatibility with charity law (s.17), the new duty continues to apply only to the exercise of the Commission's powers and not the Welsh Ministers' and does not appear to fully cover the remaining gaps in the limitations on funding powers transferred from FHEA 1992 or resolve some of the specific areas of concern relating to regulatory powers.

## 7. Higher education corporations – autonomy and governance

- 7.1. We continue to be concerned that the Welsh Government has retained its

power to dissolve Higher Education Corporations in Wales against their will. Instead of seeking to remove this power, the Bill makes it easier to exercise, enabling the Welsh Government to transfer property on dissolution more easily where rights of pre-emption and return or similar are involved.

- 7.2. The power to dissolve HECs against their will was removed in 2017 in England in the light of a potential review of the sector by ONS, and previous ONS decisions that indicated that its exercise would mean reclassification of the universities to central government from the not-for-profit sector.
- 7.3. We feel the purpose and rationale of retaining and strengthening this power is not clear. In designing a new regulatory system, which is meant to provide a fair and equitable basis for regulation across the PCET sector, the Welsh Government is seeking to preserve a measure that relates to a small number of institutions.
- 7.4. The Welsh Government has also chosen to extend its powers to change the statutory requirements for HECs' instruments and articles of government by regulations. This runs contrary to the Law Commission recommendations in 2017, which as part of its review of unnecessary regulatory burdens on charities, recommended that the Welsh Government should take steps to remove of the current legislative requirements as to the content of the governing documents of HECs.

## 8. General and strategic duties

- 8.1. There have been significant changes in this area, and they are broadly ones that we support in principle. We welcome the recognition of the important contribution that universities make to civic mission and wider social and economic well-being of Wales. Welsh universities continue to play a pivotal role in their local and regional economies as well as in the national economic prosperity of Wales, including helping to drive the economic recovery and renewal in Wales in the post-COVID landscape.
- 8.2. Our key concern is the continuing absence of a general duty on the Welsh Ministers and Commission to respect institutional autonomy, and a duty on the

Welsh Ministers to prevent their powers being exercised in ways that would require universities to act incompatibly with charity law or their governing documents. These two amendments would help to address some of concerns with a number of specific provisions of the Bill.

- 8.3. We welcome the intent to give a clearer statement of strategic direction and duty. We feel that there is a case for research and innovation to feature more clearly in the Commission's ambitions and duties, and our initial impression is that there may be further scope for improving the general coherence and consistency with the other parts of the Bill.

## 9. Funding powers and duties

- 9.1. The funding powers and duties in the Bill are largely intended to mirror existing legislation. In relation to higher education, the Welsh Government's has previously expressed an intention to maintain existing academic freedom and autonomy protections from the Further and Higher Education Act 1992. These have long served as cornerstones for protection of the institutional autonomy and academic freedom of universities across the UK, and have been transferred successfully in legislation that has succeeded it in all other parts of the UK.
- 9.2. However, there remain some seemingly unintended but concerning gaps in the limitations on setting terms and conditions of funding, which remain essentially as detailed in our response to the Draft Bill. It does not appear that these are fully covered by the extension of the general duties in relation to compatibility with charity law and academic freedom:
- In relation to the Commission's powers to fund institutions, for instance, this means that in certain instances there is no longer a duty to consult with universities, to have regard to their distinctive characteristics (or their denominational character), or to ensure that the terms and conditions of funding only relate to the funding that comes from the Commission and to ensure that the Commission does nothing to discourage a university from having funding from other sources. There are currently no limitations on the

Welsh Minister's powers to fund universities directly.

- When funding the Commission, the Welsh Ministers are no longer prevented from specifying particular courses and programmes or areas of research when setting the Commission's terms and conditions of funding.

9.3. One of our general concerns with funding arrangements for the Commission is how it will effectively balance its duties across the full tertiary education, research and innovation landscape. We understand that the Welsh Government is investigating a number of potential options to address this which may include the introduction of a balanced funding principle, possibly paired with a duty on transparent funding decisions.

## 10. Regulatory powers and registration conditions

10.1. The Bill sets out a new regulatory system which is based on a system of registration, with a complex system of powers to set different registration conditions for different categories of registration. The Commission is given very significant powers of enforcement and intervention, largely mirroring existing enforcement and intervention arrangements under the Higher Education (Wales) Act 2015. These powers are additional to the Commission's powers to set terms and conditions of funding and require outcome agreements, which can be used for a wider set of providers who receive funding.

10.2. There remain some specific provisions of concern which do not appear to have changed since the Draft Bill, which if exercised could seemingly for instance cause the Commission to be in breach of its duty to not require universities to act incompatibly with their charity law requirements.

10.3. This includes for instance, the Commission's power to impose specific registration conditions for particular institutions, enforceable by injunction. The view we expressed in response to the Draft Bill is that the Commission should not be able, as the Bill currently permits, to impose them on individual providers on any matter and at any time as it sees fit. We have argued the power should be limited to setting class requirements which apply to all providers or a



particular description.

10.4. We strongly support the introduction of a base-line requirement for all institutions that will help to give greater protection for students and ensure they have adequate learner engagement arrangements in place. It is appropriate that the Commission should develop the detail of this, and that it should be in consultation with providers and students.

10.5. However, further work is needed to limit the exercise of the Commission's powers as drafted before we can support the provisions.

## 11. Regulatory burden and complexity

11.1. A key and welcome change since the Draft Bill is that the requirement to have Access and Opportunity Plans in place is removed and replaced by fee plan statements, fee plan requirements and a new set of equal opportunity conditions. We are currently working through the detail of the changes.

11.2. At this stage, the changes appear to be positive in terms of giving the Commission greater flexibility and potentially reducing unnecessary regulatory burden. Much will depend on how these are implemented in practice and what requirements the Welsh Ministers place on the Commission through regulations. As noted above, there is limited information on the new arrangements for different categories of provider and much is left to regulations to later determine.

11.3. At one stage in the consultations, outcome agreements were proposed as a potential alternative to the registration system. The Bill includes the power to require outcome agreements, as well as the registration conditions. We would like greater clarity about the policy intent and how they may be applied.

## 12. New Information Powers

12.1. We expressed significant concerns in the Draft Bill about the Welsh Ministers' new information powers, and these have not changed in the Bill as laid. This includes a new power (modelled on a similar power in HERA 2017) to require application-to-acceptance information for research on 'any topic approved by

them’, and the power to require to the Commission to give them any information ‘relating to or obtained in the performance of any of its functions’.

- 12.2. Both of these powers as drafted raise potential issues about the use/onward use of commercially sensitive information on individual institutions, and could discourage rather than promote sharing of information.

### 13. Independence and operation of the Commission.

- 13.1. It is vital that the Welsh Government succeeds in its intention to create a strong and independent body that is able to command the confidence of its stakeholders and that has the necessary resource, flexibility and authority to support higher education in Wales in the face of a highly competitive and rapidly developing wider UK and global economy.
- 13.2. In our response to the Draft Bill we outlined several aspects that appeared to potentially compromise the independent operation of the Commission and potential effectiveness. In particular, the retained powers concurrently exercisable by the Welsh Ministers in relation FE and HE risk undermining the independence and authority of the Commission. Similarly, the new powers to directly fund higher education are more likely in our view to undermine the operation of the Commission than support it.
- 13.3. More generally, the extent to which the Welsh Ministers may intervene in the operation of the Commission and the potential to prescribe the detail of how it should regulate remains a concern.
- 13.4. In particular, the Welsh Ministers should not be able to modify the Commission’s strategy without its consent, as drafted. This remains an issue as it also affects the ability of the Welsh Ministers to specify courses and areas of research in their terms and conditions of funding for the Commission (see above).
- 13.5. The new provisions in the Bill as laid to give general directions to the Commission is also a significant concern, as drafted, since unlike its equivalent in FHEA 1992, the directions are not made by order (i.e. under the legislative process).

## 14. Timescales and implementation.

- 14.1. The timescales for implementation of the Commission also remain a very concern and appear to be particularly challenging. The Welsh Government is still currently working towards launching the new Commission in 2023, with arrangements phased in under transitional provisions.
- 14.2. The Welsh Government's costings accompanying the Bill (Explanatory Memorandum, p.210) currently assume that the interim CEO will be in post from February 2022 (i.e. before even Stage 1 of the Bill has been completed) and that an Advisory Committee will be appointed initially to take forward the appointment of the CEO and transition arrangements until the legislation allows the appointment of a Chair (commencing from 1 January 2023) and remaining Board members (from March 2023).
- 14.3. The lack of detail on many of the key features of the new regulatory arrangements as noted above exacerbates the issue. Our evidence to CYPE committee's inquiry on implementing the Higher Education (Wales) Act 2015 attests to the very considerable amount of time and resource required to deal with implementing regulations and arrangements and making sure they were fit for purpose. The time and costs – particularly the opportunity costs – were significantly underestimated at the time.
- 14.4. The lessons from the reviews of EIWa, clearly point to the risks of underestimating the time and resource required to merge bodies together, with their differing systems, and to make them work.

## 15. UK Internal Markets Act 2020.

- 15.1. We are very pleased to note that the Committee is explicitly looking at the potential complications arising from the UK Internal Market Act 2020 in relation to this Bill. **It is not yet** clear to us how far the Bill's provisions are fully compatible with it.

- 15.2. The first issue is that it is not clear how far the UK Internal Market Act 2020 applies to universities. The UK Government confirmed during the passage of the Bill that it was their intention to exclude tuition fees but that it was not clear how university services more generally would interact with the Act and this may need to be clarified in subsequent regulations (Letter to Lord Purvis, 2<sup>nd</sup> November 2020, [here](#)).
- 15.3. What is clear is that regulatory requirements already in force are not affected by the Act, so existing arrangements for universities in Wales remain unaffected for the moment, but any substantive change to them will mean that the Internal Market Act applies.
- 15.4. The application of the Act to the Bill is legally complex and we are still working through the potential ways it could be affected. In relation to the Draft Bill, however, we have previously drawn attention to a number of areas that may need to be investigated further for potential conflict. None of these appear to have changed in the Bill as laid:
- The Draft Bill relies on applying regulatory requirements to providers based in Wales only, not to providers from other parts of the UK, which means that it has the potential to be directly discriminatory for purposes of IMA 2020
  - The regulatory requirements in the Draft Bill are seemingly not confined to regulating the exercise of functions ‘of a public nature’ for purposes of IMA 2020 and further clarity on IMA’s interpretation would be needed to do so effectively.
  - For instance, differences in constitutional requirements and new information powers are not confined to ‘public functions’ only.
  - The regulation of courses applies to all courses, irrespective of whether they are publicly funded or not.
  - The Welsh Ministers and, in certain instances, the Commission can impose terms and conditions of funding which are not related to the use of public funds

- In the Draft Bill, both the Commission and the Welsh Government have powers to set registration conditions that do not relate specifically to public functions. "

15.5. The outcome of the legal challenge to the Act in relation to Wales is also as yet not certain, which presents a further timing issue for this Bill. We understand that the hearing for the Welsh Government's appeal against the Administrative Court's refusal to grant permission to judicial review the Act is take place in January 2022. This may mean a decision before the end of the Stage 1 is reached. However, we remain concerned to avoid higher education becoming the test case in this area.

## 16. Other UK developments and Augar

16.1. We currently expect the UK Government to announce a series of potentially major post-16 education reforms in England in the next few weeks in response to the Augar Review relating to fees, funding and student support measures in England which may need to be taken into account in further developing the Bill. For example, because there is a significant cross-border flow of students between England and Wales, changes to the English system will often require a policy response from Wales.

16.2. In the meantime, there is a suite of legislation introduced following the Queen's speech in May 2021 such as the Skills and Post-16 Education Bill, Freedom of Speech Bill which the Welsh Government recognise may impact on the TER(W) Bill. Some of the legislation applies directly to higher education in Wales such as the Charities Bill and proposals on audit and corporate governance, and others to UK infrastructure such as Advanced Research and Invention Agency Bill.

16.3. The Counsel General, in announcing the Welsh Government's legislative programme on 6<sup>th</sup> July 2021 ([here](#)), highlighted in particular that the Skills and Post-16 Education Bill and the procurement Bill 'clearly overlap' with the Welsh Government proposals.

16.4. We welcome the flexibility of the Bill to deal with potential changes, but we



would welcome further information on how the Welsh Government has prepared for further UK developments in relation to the Bill. We would advocate avoiding relying too heavily on powers to determine aspects of the regulatory system without the full scrutiny of primary legislation.

## About Universities Wales

Universities Wales represents the interests of universities in Wales and is a National Council of Universities UK. Universities Wales' Governing Council consists of the Vice-Chancellors of all the universities in Wales and the Director of the Open University in Wales. Our mission is to support a university education system which transforms lives through the work Welsh universities do with the people and places of Wales and the wider world.

**Universities Wales**

**17 November 2021**



## 1. Introduction

1.1 In December 2020, ChUW (the Chairs of Universities Wales) and Universities Wales submitted a joint response to the Welsh Government’s consultation on the draft Tertiary Education and Research (Wales) Bill. The response is available [here](#). The present paper, which has been prepared at the request of Senedd officials, provides some provisional and interim comments from ChUW on the Bill as laid in the Senedd on 1 November 2021. In preparing it, Chairs have had the benefit of sight of the interim paper submitted to the Committee by Universities Wales, whose contents they fully endorse. Further work is required on a range of issues before the Chairs’ full and definitive response to the Bill as laid can be formulated. ChUW and Universities Wales are working on a further joint response to the Committee’s consultation on the Bill and this will be submitted by the 17 December deadline.

1.2 In their response to the consultation on the draft Bill, ChUW and Universities Wales concluded that *“although there are aspects of the Draft Bill that we support, overall there is very significant further work required before this Draft Bill can be fit for purpose and deliver the Welsh Government’s intentions”*. In considering the Bill as laid in the Senedd, Chairs have been heartened to note the significant progress that has been made since the initial consultation. The Bill includes a number of welcome amendments that go some way to address concerns that universities had previously expressed. However, some aspects of the Bill remain problematic and require further work. The underlying rationale for certain of its provisions is not always clear. The full range of Chairs’ concerns will be addressed in the formal response to the Committee’s consultation. For the purposes of the present paper, Chairs will focus on three issues<sup>1</sup>:

- the need for a general duty in relation to **institutional autonomy**; and
- Welsh Ministers’ powers in relation to **Higher Education Corporations**; and
- the need to ensure **balanced funding and transparency** in funding decisions.

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<sup>1</sup> These are also among the issues addressed in the interim submission made by Universities Wales.

## 2. Institutional autonomy

- 2.1 As the interim Universities Wales submission states, “institutional autonomy and academic freedom are cornerstones of higher education both in the UK and internationally [and] they underpin how our universities conduct research and innovation, how they develop and deliver and teaching and learning”. It points to evidence that suggests a correlation between autonomy and universities’ domestic and international competitiveness. It notes that universities in Wales are charities that have a legal duty to act independently from government and to determine their own objectives and strategic direction and that they are also subject to UK competition law which requires that they act independently from other providers in relation to the UK higher education market. A clear acknowledgment that universities are autonomous institutions is necessary to ensure their continuing competitiveness, as well as the continuing protections and benefits afforded by charitable status<sup>2</sup>, and their compliance with charity law.
- 2.2 The Bill as laid contains a number of welcome improvements and amendments in the area of academic freedom. For example, the duty to have regard to the importance of academic freedom has been extended to include the Welsh Ministers as well as the Commission (although the duty currently applies only to higher education provision and does not appear to cover other university activities, including research and innovation). The addition of duties relating to terms of freedom for members of academic staff to test received wisdom and to put forward new ideas and controversial or unpopular opinions, and relating to freedom for institutions to manage their affairs, for example in respect of courses and research, is also welcome.
- 2.3 The Welsh Government has on a number of occasions expressed its commitment to institutional autonomy. For example, the Ministerial Guidance on the implementation of the Higher Education (Wales) Act 2015 contains (at paragraph 100) the unequivocal statement:

*The Welsh Government respects the autonomy of institutions including their academic freedom.*

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<sup>2</sup> Chairs endorse the point made in the Universities Wales submission that there remain in the Bill specific provisions, such as the Commission’s power to impose specific registration conditions for particular institutions, that could conflict with the Commission’s duty not to require universities to act incompatibly with their charity law requirements.



The 2017 White Paper consultation on PCET reform, *Public Good and a Prosperous Wales – Building a reformed PCET system*, contains the following:

*The Welsh Government recognises the importance of institutional autonomy. Institutions must be free to make the decisions that are in their best interests and in the interests of their learners and communities. Innovation, responsiveness, institutional autonomy and academic freedom are principles that both the Welsh Government and the new Commission will continue to respect.*

*We are committed to upholding institutional autonomy and guaranteeing academic freedom. Both of these principles are vital in any modern democracy.*

There are also references to autonomy in the Explanatory Memorandum.

2.4 However, and despite the case that was made for this during the consultation on the draft Bill, a general duty in respect of institutional autonomy that corresponds to the new provisions for academic freedom has not been included on the face of the Bill as laid<sup>3</sup>. Nor has a general duty on the Welsh Ministers to prevent their powers being exercised in ways that would require universities to act incompatibly with charity law or their governing documents. For the reasons given above, these matters are of fundamental concern and **Chairs continue strongly to urge that the Bill be amended to make good these omissions.**

### **3. Higher Education Corporations**

3.1 Chairs continue to be concerned that the Bill provides for Welsh Government to retain its power to dissolve Higher Education Corporations (HECs) in Wales against their will. Indeed, the Bill makes it easier for this power to be exercised since it enables the Welsh Government to transfer property on dissolution more easily where rights of pre-emption and return or similar are involved.

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<sup>3</sup> By contrast, the Higher Education and Research Act requires the Office for Students (OfS) to have regard in performing its functions to “the need to protect the institutional autonomy of English higher education providers” and goes on to state that, in performing its functions, the OfS must have regard to guidance given to it by the Secretary of State and that, in giving such guidance “the Secretary of State must have regard to the need to protect the institutional autonomy of English higher education providers”.

- 3.2 Chairs are not clear as to the purpose and rationale for retaining and strengthening this power. It is also the case that the power applies only to the three HECs in Wales and not to the five chartered universities. In the case of the latter, significant constitutional hurdles would have to be overcome if dissolution or merger were needed. It is inequitable that equivalent arrangements do not apply in the case of HECs. The power to dissolve HECs against their will was removed in 2017 in England in the light of a potential review of the sector by ONS and concerns that the exercise of this power would mean reclassification of the universities to central government from the not-for-profit sector.
- 3.3 There may be an argument for Welsh Ministers to retain the power to dissolve an HEC but only with the proviso that such power should be capable of being exercised only at the instigation and with the consent of the institution itself. This view would appear to be supported by the evidence given to the Committee on 18 November by the Chief Executive of HEFCW<sup>4</sup>.
- 3.4 **Chairs would wish to see an amendment to the Bill whereby to include a duty for Ministers to consult an HEC and to seek its consent, before using their powers to dissolve the institution or change its instruments and articles of government.**
- 3.5 Chairs are also concerned that the Bill provides for the extension of the Welsh Government's powers to change the statutory requirements for HECs' instruments and articles of government by regulations. In 2017, as part of its review of unnecessary regulatory burdens on charities, the Law Commission recommended that the Welsh Government should take steps to remove of the current legislative requirements as to the content of the governing documents of HECs.

#### **4. Balanced funding and transparency**

- 4.1 One of the challenges that will be faced by the Commission will be the need to ensure equitable and fair treatment of all parts of the PCET sector. It will be important that the Commission is able effectively to balance its funding duties across the sector as a whole, including in respect of universities' role in research and

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<sup>4</sup> Dr David Blaney said then: The difficulty with the legislation as proposed is for Ministers to dissolve an HEC against the will of the governing body, and we see that as a significant problem. We're not entirely sure that there's a clear rationale for that put in the explanatory memorandum, and let's not forget there are only three providers in the system that are HECs ... (<https://record.senedd.wales/Committee/12467>).

innovation, and to ensure that resource requirements for one part of the sector do not adversely impact on another. To that end, **Chairs would wish to see the introduction in the Bill of a balanced funding principle and a duty on transparent funding decisions.**

**Chairs of Universities Wales**

**23 November 2021**



The Chairs of Universities Wales (ChUW) came into being in 2004 to provide a forum for discussion for Chairs of University Governing Bodies in Wales and to act as the representative body for them. Its aims are to:

- support the HE sector in developing the highest standards of governance appropriate within a sector comprised of autonomous institutions, serving a multiplicity of stakeholders and vital to the nation's prosperity;
- promote best practice in university governance;
- work with individual governors to develop their knowledge and skills, as these relate to the good governance of their institutions, through (for example) governor development programmes;
- address strategic policy issues pertaining both to trends in HE as a whole and to the particular responsibilities of members of governing bodies;

and its guiding principles are to:

- be an enabling body which seeks to ensure that its members are well informed of relevant issues and developments, so that they are better able to discharge their roles for the accountability and sustainability of their institutions;
- be a constructive body which seeks to contribute the distinctive experience, knowledge and perspective of its members;
- be a body which provides a forum and network for members where they can share common issues and concerns in a supportive environment;
- conduct its business without prejudice to the autonomy of the institutions of its members.

The members of ChUW as of 23 November 2021 are:

Mrs Marian Wyn Jones, Chair of ChUW and Chair of Council, Bangor University

Ms Louise Evans, Chair of the Board of Governors, University of South Wales

Professor Stuart Palmer FREng FInstP FLSW, Chair of Council, Cardiff University

Ms Maxine Penlington OBE FLSW, Chair of the Board of Governors, Wrexham Glyndŵr University

Mr Bleddyn Phillips, Chair of Council, Swansea University

Dr Emyr Roberts, Chair of Council, Aberystwyth University

Mr John Taylor, Chair of the Board of Governors, Cardiff Metropolitan University

The Venerable Randolph Thomas, Chair of Council, University of Wales Trinity Saint David

# PRE-EVIDENCE NOTE

## The Tertiary Education and Research (Wales) Bill

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## ABOUT THE OU IN WALES

The Open University was established in 1969, with its first students enrolling in 1971. It is a world-leader in providing innovative and flexible distance learning opportunities at higher education level. It is open to people, places, methods and ideas. It promotes educational opportunity and social justice by providing high-quality university education to all who wish to realise their ambitions and fulfil their potential.

Over 14,500 students across Wales are currently studying with the OU. There are OU students in every Senedd constituency and we are the nation's leading provider of undergraduate part-time higher education. Almost three out of four OU students are in employment while they study and with an open admissions policy, no qualifications are necessary to study at degree level. Over a third of our undergraduate students in Wales join us without standard university entry level qualifications.

## CONTACT

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# 1. INTRODUCTION

- 1.1. The Open University (OU) in Wales welcomes the opportunity to submit this initial note to the Children, Young People and Education Committee in advance of our oral evidence session with the committee on 2 December 2021.
- 1.2. As requested, this note outlines our broad opinion on the Tertiary Education and Research (Wales) Bill as published earlier this month. We look forward to expanding on this note in our oral evidence and in our full written submission the committee's inquiry once we have had an opportunity to further consider the bill.
- 1.3. The Open University in Wales remains broadly supportive of the purpose and objective of the bill and believe that it offers an opportunity to change the narrative and culture surrounding flexible, part-time, and lifelong learning.
- 1.4. The committee will note that the OU in Wales is not a legal entity distinct from The Open University. Therefore, as an institution, our business cannot be considered to be "mainly or wholly" carried out in Wales. The bill's provisions therefore do not apply to The Open University's activities in Wales as easily as to other providers.
- 1.5. For the provisions of the bill to apply to the OU in Wales – and for us to continue to be eligible to be in receipt of public funds – the Welsh Ministers would need to exercise their regulatory powers under s. 140 of the bill to designate The Open University as a 'tertiary education provider in Wales'.
- 1.6. This is essential. We have received oral assurances from officials that it is the Welsh Government's policy intention to exercise s. 140 powers in respect of us. We have also received assurances that it is recognised that the Commission's regulatory relationship with The Open University will necessarily be different than with other providers and will take into account The Open University's relationships with regulators across the UK.

# 2. INITIAL COMMENTS FOR CONSIDERATION

## 2.1. Strategic framework

- 2.1.1. We very strongly welcome the introduction of the nine new strategic duties of the Commission. We believe these to be both comprehensive and ambitious and are pleased that they reflect the breadth of what the post-16 education system can offer learners.
- 2.1.2. The committee may wish to consider whether the Welsh Ministers' power to amend their strategic priorities at any time could raise the potential for a lack of coherence and long-term certainty in the Commission's own strategic plan.
- 2.1.3. The committee will note that the strategic equality of opportunity duty at s. 3 (1) (b) refers to retaining students to 'the end of courses', without defining that term. Without qualification or specification on the face of the bill, the use of this phrase raises the risk that success for undergraduate study might only be defined by the number of graduates generated from three-year Bachelor's degrees. We believe this to be an outdated view of the variety and purpose of higher education.

- 2.1.4. It is our hope, as we seek to 'build back fairer' after the pandemic, that our higher education system will become more flexible and responsive to the needs of learners, employers, and providers alike. If the bill were to define success as reaching the 'end of courses', our view is that that would be a barrier to achieving a more flexible and responsive system.
- 2.1.5. Embedding such a traditional view of learning into this bill raises the risk that the system will not be futureproofed against changing patterns of learning. That would represent a missed opportunity to contribute to building a more flexible higher education system.
- 2.1.6. Many students of the OU in Wales do not take up study with the intention of completing a full degree programme. Indeed, many are content to study a module or two. Many may look to this kind of provision to help boost their confidence. They may only need to undertake a shorter package of study to help retrain or upskill. Large number of students may have complex lives with any number of additional responsibilities, including caregiving and being in full-time work, outside their studies.

## 2.2. Registration model

- 2.2.1. We are broadly supportive of the registration model set out in the bill. While our regulatory relationship with the Commission remains to be determined, we are eager to avoid as far as possible a situation wherein regulation which already applies to The Open University through the Office for Students is duplicated by the Commission.
- 2.2.2. Indeed, we view this as an opportunity to strike an appropriate balance between maximising the potential of harmonised standards across the nations of the UK and minimising an overly onerous regulatory burden on providers.
- 2.2.3. We believe the balance of detail on the face of this bill vs. secondary legislation after Royal Assent to be much more appropriate than was included in the draft bill of 2020. We appreciate that this bill appears to provide a welcome level of greater autonomy to the Commission than under the previous iteration of the bill.
- 2.2.4. That said, the bill leaves the question of the entirety of the OU in Wales' future funding and regulatory relationship to regulations. While this provides the opportunity to work with officials and the Welsh Ministers to ensure that those regulations are correct and proportionate, it also means that The Open University in Wales currently lacks any certainty as to our future relationship with the Commission.
- 2.2.5. Our objective is to reach a position where The Open University can continue its activities in Wales for the benefit of learners and the economy and deliver on our social justice mission. This will require (a) ongoing eligibility to be in receipt of public funds, in common with other higher education providers, for our learning and teaching and appropriate research and innovation activities, and (b) care to ensure that the associated regulatory requirements (i) are proportionate, (ii) are not subject to duplicative or overly onerous requirements, and (iii) take into account assurances that might be relied upon from other UK regulators. A considerable amount of work will need to be done involving us and officials to ensure that s. 140 regulations are correct and proportionate.



## 2.3. Fee limits

- 2.3.1. As noted in paragraphs 2.1.4 and 2.1.5., it is our hope that this bill can be used as a mechanism to facilitate a more flexible and responsive higher education system, which is equipped to respond to changing demographics, a changing economy, and changing demand-side requirements.
- 2.3.2. With that in mind, it is our expectation that over the course of the coming years, students will wish to study in different ways and at different times. This will necessarily require a more flexible approach to finance, in which, for example, students are able to draw on appropriate support for smaller packages of study.
- 2.3.3. We are concerned that the provisions at s. 44 in respect of fee limits have the potential to limit the flexibility of any future model. The committee may wish to consider the extent to which these provisions may be overly prescriptive and may not reflect the reality of what the higher education system of the future will require.

## 2.4. Outcome agreements

- 2.4.1. While establishing the possibility of outcome agreements, the bill does not contain any detail as to what outcome agreements might contain, or be limited to, beyond some mandatory stipulations. It is therefore challenging to offer any firm comments on these provisions for the simple reason that we do not know how they will operate in practice.
- 2.4.2. Our primary concern would be to avoid outcome agreements becoming a device for catch-all quasi-regulation, and to avoid a situation where outcome agreements become overly onerous or unresponsive to the individual nature of the OU in Wales.

## 2.5. Quality

- 2.5.1. We are content that the Commission will retain the power to publish quality assurance frameworks and to designate another body to perform its quality assurance functions. Again, we are eager to avoid any duplicative quality regulation, particularly given that most of our curriculum is delivered on a pan-UK basis.

## 2.6. Learner voice

- 2.6.1. We welcome the learner-centred nature of much of what is contained in the bill. We believe this reflects the true purpose of the post-16 sector: to provide opportunities for all people, regardless of background or circumstances, to fulfil their potential through learning.
- 2.6.2. The schedules to the bill provide for the appointment of an associate learner member to the Commission's board. We alert the committee to the fact that the OU, while the largest provider of part-time undergraduate higher education in Wales (and indeed the UK), is not a member of NUS.

We therefore invite the committee to consider the extent to which the proposed composition of the board sufficiently reflects the voice and experience of part-time learners and providers.

## **2.7. Post-19 funding**

- 2.7.1. The bill makes provision for the funding of education and training of eligible persons aged over 19, with particular reference to levels 1, 2, and 3. The Education Minister referred to this funding mechanism during his statement to the Senedd on the introduction of the bill.
- 2.7.2. We invite the committee to consider whether this mechanism sufficiently reflects the breadth of what lifelong learning is, and the extent to which it would facilitate people to progress to higher learning throughout life.
- 2.7.3. The committee may also wish to consider how flexibility can be built into this funding mechanism from the outset, together with consideration of the objectives of promoting learning at lower levels. For our part, we believe that learning at these levels should always be considered as a potential step on a pathway to higher learning.

# Eitem 6

CYPE(6)-07-21 – Papur 4



## Senedd Children, Young People and Education Committee consultation: Tertiary Education and Research (Wales) Bill

19 November 2021

ColegauCymru is a post-compulsory education charity; we promote the public benefit of post-compulsory education and learning. We also convene the further education (FE) Principals' Forum, which represents Further Education colleges and FE institutions (FEIs) in Wales. ColegauCymru also undertakes research, policy development and provides practical support to FE colleges in Wales, including on work-based learning (WBL) which is a key part of FE college activity.

ColegauCymru welcomes the opportunity to submit evidence to the Senedd's Children, Young People and Education Committee on the Tertiary Education and Research (Wales) Bill.

## Introduction

ColegauCymru is in broad support of the proposed Bill. In submitting our response to the Committee, we are seeking to strengthen the provisions within the draft and ensure that by full and proper scrutiny, post compulsory education in Wales is well-governed, resilient and able to meet the challenges that lie ahead.

The introduction of the concept of post compulsory education is novel in as much as it does not have a clear comparator within the UK or indeed further afield. Although there are some similarities, it is important to note that the Further Education sector is materially different to both schools and universities. Also, the functions of providers regulated by the proposed Bill already cross over and complement each other as they seek to serve the citizens of Wales.

The proposed Tertiary Education and Research (Wales) Bill must be set in the context of the Further and Higher Education (Governance and Information) (Wales) Act 2014 which enhanced the autonomy and decision-making abilities of further education institutions (FEIs) in Wales. It removed and modified existing legislative controls on further education corporations, giving them greater control over their own governance and dissolution arrangements, recognising that the sector is best placed to determine how the needs of their learners and local communities should be met. The principle, that the FE sector knows, engages and responds to the needs of its communities, must be preserved in any changes to the post-16 sector and their status as charitable bodies respected and protected.

Likewise, ColegauCymru notes that universities whether established by statute or via the Privy Council are independent institutions. Schools, including sixth forms as well as FE and HE bodies, and each part of the post compulsory education sector is distinct from government whilst founded and funded to service the public or contracted to deliver services on its behalf. Without the acknowledgement of this vital separation, there is a risk that education becomes politicised. ColegauCymru is of the view that this important separation should be remembered and respected by the Committee and subsequently by the Senedd in its deliberations.

## Key issues

Colegau Cymru is concerned about the short timescale allocated to consultation on the general principles of the Bill and considers a little over six weeks to be extremely short given the lengthy and complex nature of the Bill, explanatory notes and associated documents.

However, we would like to make the initial six points below.

### 1. Nine strategic duties must be integrated throughout the Bill

1.1 Government, in seeking to exercise its democratic mandate, must have due regard to the fact that all powers claimed, retained or devolved to an arms-length body, must be reasonable and proportionate and related to its stated aims. The aims are articulated in the draft Bill by virtue of Commission's strategic duties as outlined in sections two through ten. However, the Committee should consider the extent to which the powers set out in the Bill meet the strategic duties placed on the organisation and the extent to which the intention of Welsh Ministers to secure and retain certain powers is reasonable and proportionate.

1.2 The inclusion of the nine strategic duties is a welcome amendment to the original draft but it is essential to ensure that this change is taken into account throughout the entirety of the Bill. For instance, the first (if not primary) duty of the Commission is to promote life-long learning and a variety of levels, types and modes of study. The Committee should consider if the Bill as drafted provides sufficient assurance that this variety can be achieved and whether (or not) it will confirm the existing level, types and modes of study.

1.3 The strategic duty on equality is critical in terms of developing a fairer and more equal Wales and needs to build on recent Welsh Government work on anti-racism and LGBTQ+.

1.4 If there are powers conferred on the Commission or upon Welsh Ministers within the Bill that do not clearly relate back to one of the nine specific strategic duties, their relevance to what the Commission and the government is trying to achieve should be questioned.

## 2. Parity between expectations and requirements placed on post-16 sector institutions, in particular sixth forms and further education / further education and higher education

2.1 Any relevant requirements placed on Further Education must equally apply to school sixth forms and higher education as appropriate.

2.2 For example, expectations on planning and links or direction from Regional Skills Partnerships should not be more onerous to the Further Education sector than they are for the Higher Education sector.

2.3 We have seen some shift towards greater parity in the second iteration of the Bill: the inclusion of school sixth forms in obligations under the Learner Engagement Code is welcome. However, it is unreasonable to exempt school sixth forms from the requirement of developing Learner Protection Plans. Points 16.6 and 16.7 of the Explanatory Memorandum make clear the inadequacy of such an approach – noting the focus on data, that “[c]urrently, these arrangements do not cover transfers between schools and other types of learning provider” and that while headteachers must transfer the pupil’s educational record to the responsible person should they request this, this does not include the results of any assessment of the pupil’s achievements.

2.4 There is a stark contrast between the Welsh Government approach to the transition between primary and secondary schools recently consulted on as part of the arrangements for the new Curriculum for Wales. There we see a focus beyond data that takes in continuity of learning and continued appropriate and supported progression but also a new emphasis on good health and well-being. Relevant elements of this approach could be reflected in Learner Protection Plans.

2.5 Given the emphasis on discretion and proportionality in relation to Learner Protection Plans in the Explanatory Memorandum, it is absolutely right that school sixth forms and Further Education providers should be treated equitably rather than entrenching an inadequate two tier system that disadvantages learners seeking to transfer from schools to other institutions and places additional burdens on the Further Education sector but exempts schools. Point 16.40 notes the potential unknown costs of developing Learner Protection Plans and it is inequitable to expect FE to shoulder these if schools are exempt.

2.6 The focus on parity across post-16 institutions must include properly addressing the issue of nugatory competition for learners (both between school sixth forms and FE, and FE and HE in terms of “Year zero” courses) which often still leads to inefficiency, not providing the best opportunities for learners and not obtaining best value for the public purse.

### **3. A stronger duty to consult and demonstrate consultation**

3.1 Many parts of the Bill refer to consultations by the Commission or Welsh Ministers on codes, plans or further regulations, often referring to ‘appropriate persons’. Institutions are currently participating in the scrutiny of a bill where much of the detail of any potential impact will be determined by statutory instruments under negative procedure. ColegauCymru would like to see greater emphasis on meaningful consultation and a requirement to demonstrate that genuine efforts have been made to consult ‘appropriate persons’ both on the draft Bill and also on the initial instruments that will define its impact.

3.2 In the exercise of its powers, or that of Ministers, while the appropriate consultees may differ depending on the specific focus, consultation cannot be merely the publication of documents in the public domain with a deadline for response. The duty to consult needs to be enhanced, spelt out and be clear. Positive representation from the relevant parts of the post-16 sector and beyond, where necessary, is essential and consideration should be given to ensuring this in both the legislation and via the relevant statutory instruments.

3.3 This issue of consultation and representation will extend to the constitution and make up of the Commission itself and its associated committees where representation from the Further Education sector must be equal to that of other sectors, including Higher Education, to ensure that the essential voice of the FE sector is not marginalised or lost.

### **4. Inspection and Quality Assurance arrangements**

The Bill as currently drafted has a fairly stark separation between quality assurance and inspection arrangements between Higher and Further Education. Given the overlap between these areas and the likely evolution in provision to provide the ‘variety of levels, types and modes of study’, ColegauCymru would like to see greater consideration of this area and clarity on responsibilities. For example, where does adult learning, including adult community learning, fit within the Bill’s quality assurance plans, given this takes place in a variety of settings and at different levels. Likewise, there is the issue of “Year zero” or “foundation” Level 3 provision offered by some universities: this takes place in a HE setting but is a level of provision usually, equivalent to A Level which is inspected by Estyn.

## 5. Provision of Level 4 and Level 5 technical and vocational qualifications

Despite the duty to promote ‘variety of levels, types and modes of study’ the Bill does not address the issue of developing and awarding qualifications. Feedback from the Further Education sector and an increasing body of research shows demand for technical and vocational qualifications at Levels 4 and 5. As part of the duty of “Contributing to a sustainable and innovative economy”, it is vital that the Commission is able to address the issue of provision of technical and vocational qualifications and enables the FE sector to deliver more efficiently and effectively in this sphere. This may be further developed via additional regulations but needs to be addressed within the context of the scrutiny of the Bill.

## 6. Education and training for “eligible persons over 19”

While allowing for the possibility of prioritising providing education and training for ‘eligible persons over 19’ as a separate category of over-19s, more information is needed about the practical change Welsh Government envisages. This means a better idea of plans, what such regulations determining eligibility will look like, and some indications of preferred or likely timescales. ColegauCymru understands that the Wales Centre for Public Policy is undertaking work on this area and looks forward to both the publication of this research and the Welsh Government’s response.

## Conclusion

ColegauCymru welcomes the introduction of the Bill and is keen to support its passage. Our support is based on the need for adequate and effective scrutiny, the preservation of the separation between government and education establishments and securing the means by which the Commission may discharge its strategic duties. We are grateful for the opportunity to contribute to the hearings held by the Committee.

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## Bil Addysg Drydyddol ac Ymchwil (Cymru)

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### Cymdeithas Llywodraeth Leol Cymru - Llais Cynghorau Cymru

Ni yw Cymdeithas Llywodraeth Leol Cymru. Rydym yn sefydliad trawsbleidiol dan arweiniad gwleidyddol sy'n ceisio rhoi llais cryf i lywodraeth leol ar lefel genedlaethol. Rydym yn cynrychioli buddiannau llywodraeth leol ac yn hybu democratiaeth leol yng Nghymru.

Y 22 Cynghorau yng Nghymru yw ein aelodau ac mae'r tri awdurdod tân ac achub ac awdurdodau'r tri pharc cenedlaethol yn aelodau cyswllt.

#### **Rydym yn credu bod y syniadau sy'n newid bywydau pobl yn digwydd yn lleol.**

Mae cymunedau ar eu gorau pan maent yn teimlo eu bod wedi cysylltu â'u cyngor trwy ddemocratiaeth leol. Trwy gefnogi, hwyluso a chyflawni'r cysylltiadau hyn, gallwn ddatblygu democratiaeth leol fywiog sy'n caniatáu i gymunedau ffynnu.

**Ein prif nod** yw hyrwyddo, diogelu, cefnogi a datblygu llywodraeth leol ddemocrataidd a buddiannau awdurdodau lleol yng Nghymru.

#### **Byddwn yn cyflawni ein gweledigaeth drwy**

- Hybu rôl ac amlygrwydd cynghorwyr ac arweinwyr cynghorau
- Sicrhau disgresiwn lleol mwyaf mewn deddfwriaeth neu ganllawiau statudol
- Cefnogi a sicrhau cyllid cynaliadwy a hirdymor i gynghorau
- Hybu gwelliant o dan arweiniad sector
- Annog democratiaeth leol fywiog, sy'n hybu mwy o ddemocratiaeth
- Cefnogi Cynghorau i reoli eu gweithlu yn effeithiol



## Cyflwyniad

Mae awdurdodau lleol yn gwneud cyfraniad hanfodol i gyfundrefn Addysg a Hyfforddiant Ôl-orfodol (AHÔ) drwy ei strwythur a'i cynnig lleol, boed hynny drwy gefnogi ysgolion, drwy ddarparu'n uniongyrchol a/neu drwy ddarparu mecanweithiau a strwythurau cymorth i ddysgwyr ffynnu. Yng nghyd-destun AHÔ, mae hyn yn bennaf yn cynnwys darpariaeth i ddysgu oedolion yn y gymuned, prentisiaethau a darpariaeth chweched dosbarth.

Bu CLILC a Chymdeithas Cyfarwyddwyr Addysg Cymru (CCAC) yn gyson yn eu ymatebion blaenorol i ymgynghoriadau AHÔ o ran eu pryderon ynghylch datblygu comisiwn canolog. Y bryder yw gallai hyn ddod â mwy o fiwrocratiaeth, prosesau a chymhlethdod i'r sector ac y dylai meysydd fel Addysg Bellach, dysgu oedolion a dosbarthiadau chwech ddod o dan rheolaeth cyrff a etholwyd yn ddemocrataidd h.y. cynghorau. Wedi dweud hyn, mae cynghorau'n cydnabod statws arfaethedig y Comisiwn Addysg Drydyddol ac Ymchwil, a fydd yn dod yn gorff rheoleiddio sy'n gyfrifol am ariannu, goruchwyllo a rheoleiddio addysg ac ymchwil drydyddol yng Nghymru o dan y Bil Addysg Drydyddol ac Ymchwil (Cymru) ac maent wedi ymrwymo i'w rolau o ran sicrhau ei lwyddiant wrth ddarparu cynnig AHÔ o ansawdd uchel i ddysgwyr a chymunedau.

Mae cynghorau'n parhau i chwarae rhan bwysig yn y diwygiadau sylweddol sydd yn cymryd lle ar hyn o bryd yn y sector addysg (statudol), gan gynnwys y cyfle unigryw i ddatblygu a gweithredu y Cwricwlwm i Gymru a **Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg**. Tra rydym yn obeithiol ac optimistaidd fod, neu bydd, y diwygiadau yma yn arwain at wella'r system ac at welliannau pwysig i blant a phobl ifanc, rhaid cydnabod yr heriau dwys i'r system wrth wireddu'r diwygiadau hyn. Rhaid hefyd cydnabod y straen ychwanegol ac anrhagweladwy a roddir ar y system o ganlyniad i bandemig Covid-19 dros y 18+ mis diwethaf. Mae'r diwygiadau hyn yn parhau i herio ac ymestyn capasiti ar draws y system i lefelau na welwyd o'r blaen. Mae'r diwygiadau hefyd yn ysgogi optimistiaeth o fewn y system wrth greu amodau sydd yn cefnogi a chynnal newidiadau, gan alluogi'r sector i feddwl yn wahanol a chynnig cyfleoedd newydd i ddysgwyr, gan roi'r cyfle gorau iddynt ffynnu mewn bywyd a gwaith.

Mae diwygio AHÔ yn elfen hanfodol arall o ran sicrhau cysondeb a dilyniant cadarnhaol a di-dor ar draws y system. Er bod gan gynghorau ddiddordeb mewn rhannau eraill o'r Bil Trydyddol, Addysg ac Ymchwil (Cymru), gan gynnwys prentisiaethau, bydd y papur hwn yn cyfeirio'n bennaf at feysydd o'r Bil yn ymwneud â dysgu oedolion yn y gymuned a darpariaeth chweched dosbarth, yn unol â phrif rolau cynghorau o fewn AHÔ.



### Sylwadau cyffredinol

1. Mewn egwyddor, mae cynghorau'n cytuno â'r naw dyletswydd strategol (o dan Ran 1 o'r Bil). Mae rhain yn cynnig datganiad cyson a chllir o fwiad a chyfeiriad tra'n cyfleu prif feysydd a dyletswyddau y mae'r Comisiwn yn gyfrifol amdanynt. Mae'r naw dyletswydd hefyd yn cyd-fynd ag anghenion cymdeithasol, economaidd a sgiliau Cymru (y Genhadaeth Ddinesig) a'r 7 nod yn Neddff Llesiant Cenedlaethau'r Dyfodol (DLICD). Dylai'r cynigion yma hefyd darparu cysondeb sy'n cynorthwyo y diwygiadau ehangach, megis gofynion y Cwricwlwm i Gymru newydd (statudol/ysgolion) gan alluogi pontio a dilyniant llwyddiannus, lle mae dysgwyr yn cael rôl flaenllaw.
2. O ystyried cynnwys dysgu oedolion yn y gymuned a chweched dosbarth yn y Comisiwn Addysg Drydyddol ac Ymchwil (CADY), cytuna CLILC a ChCAC hefyd â'r cynnig i'r Genhadaeth Ddinesig fod yn gymwys ar draws y system drydyddol. Mae egwyddorion y Genhadaeth Ddinesig hefyd yn cyd-fynd â'r nodau yn y DLICD wrth ganolbwyntio ar gynaliadwyedd a lles ac yn atgyfnerthu'r dull a amlinellir yn y naw dyletswydd a'r rhai yn y diwygiadau sy'n digwydd yn y sector statudol.
3. Er bod CLILC a ChCAC yn cefnogi'r cynnig i Weinidogion gyhoeddi Datganiad o Flaenoriaethau a Chynllun Strategol cysylltiedig (sut y bydd y Comisiwn a sefydliadau dysgu trydyddol yn bodloni'r Dyletswyddau Dinesig), ni allwn wneud sylw pellach nes bod manylion y rhain ar gael. Mae datganiad sy'n seiliedig ar raglen lywodraethu bum mlynedd (sy'n adlewyrchu telerau Llywodraeth Cymru) fodd bynnag yn ymddangos yn ddull synhwyrol, a ddylai hyn gefnogi cynllunio a chysondeb. Serch hyn, mae hyn yn gofyn am lefel addas o hyblygrwydd – mae profiad pandemig Covid wedi ein dysgu bod hyblygrwydd yn hanfodol i'r system. Byddai CCAC a ChLILC yn croesawu rôl yn natblygiad y Datganiad o Flaenoriaethau a'r Cynllun Strategol.

### Llywodraethu

4. Mae y cynigion ar gyfer aelodaeth o'r Comisiwn i weld yn rhesymol. Bydd yn bwysig sicrhau bod ystod eang o brofiad a gwybodaeth o fewn y 14 aelod 'cyffredin' arfaethedig, gan gynnwys dealltwriaeth am ddysgu oedolion yn y gymuned a darpariaeth chweched dosbarth yn ogystal â gwybodaeth am gynghorau. Er y gall 17 o aelodau ymddangos yn nifer uchel, bydd gan y Comisiwn gylch gwaith enfawr, felly mae'n angenrheidiol sicrhau bod digon o oruchwyliaeth a chapasiti o fewn yr aelodaeth i gynnig, craffu ac ystyried ac ymateb yn briodol i faterion perthnasol. Mae'n hanfodol sicrhau bod yr aelodaeth yn adlewyrchu amrywiaeth daearyddol, gwahanol leoliadau a chyd-destunau ledled Cymru gan gynnwys ardaloedd trefol a gwledig. Gofynnwn hefyd am ystyried DAU gynrychiolydd dysgwyr yn y nifer hwn.
5. Mewn ymatebion blaenorol i ymgynghoriadau AHÓ, mae CLILC a ChCAC wedi sôn am y pwysigrwydd i'r system addysg ganolbwyntio ar ddysgwyr ac i sicrhau bod pob ymdrech yn cael ei gwneud i ddatblygu amgylcheddau a strwythurau cymorth sy'n meithrin lles cadarnhaol. Er ei bod yn flaenoriaeth drwy'r system gyfan, nid yw'n glir ble y bydd **lles dysgwyr** yn eistedd yng nghyd-destun y CADY e.e. a allai hyn fod yn gyfrifoldeb i'r Bwrdd CADY, y



Pwyllgor Ansawdd, Ymchwil ac Arloesi neu rywbeth a fydd yn rhedeg drwy bob lefel o lywodraethu? Croesawn rhagor o fanylion/eglurder ynghylch hyn. Mae ymdrech a ffocws ar les cadarnhaol i ddysgwyr yn parhau fel gwaith ar y cyd, ledled Cymru, er mwyn sicrhau fod dysgwyr yn cael mynediad at gyfleodd dysgu e.e. y System Gyfan ddiweddar (gan gynnwys Fframwaith NYTH/NEST) a'r Dull Ysgol Gyfan, gyda'r egwyddor ganolog o 'Dim Drws Anghywir' i blant a phobl ifanc sy'n ceisio cael cymorth. Fel rhan o'r Dull System Gyfan, mae hyn hefyd yn berthnasol i ddysgwyr ifanc hŷn (ôl-16). Heb

lefel debyg o ffocws ar les, gallai addysg Ôl-16 fynd yn groes i'r Genhadaeth Ddinesig a'r ymdrechion yn y maes Cyn-16 e.e. y Maes Iechyd a Lles o Ddysgu a Phrofiad sydd â statws cyfartal gyda phob Maes Dysgu a Phrofiad arall yn y cwricwlwm newydd.

#### Cofrestru & Dadgofrestru

6. Er y gellir ystyried bod y gofyniad i bob darparwr addysg drydyddol (gan gynnwys chweched dosbarth) gofrestru gyda'r Comisiwn, fel cam diogelu ychwanegol ar gyfer dysgwyr, staff a sefydliadau, mae angen i hyn fod yn briodol ac yn gymesur. Mae angen hefyd lle i lefel o hyblygrwydd i annog arloesedd gyda'r broses adolygu a chydymffurfio sydd yn sensitif i anghenion dysgwyr a sefydliadau.
7. Mae'r datganiad (yn y Memorandwm Esboniadol) y bydd *"tynnu darparwr o'r gofrestr yn cael ei ystyried fel mesur rheoleiddio olaf gan y Comisiwn lle nad oes dewis arall, a bydd ond yn cael ei ddefnyddio pan fo'n angenrheidiol i ddiogelu buddiannau dysgwyr neu i warchod cyllid cyhoeddus"* yn rhoi rhywfaint o sicrwydd y bydd pob mecanwaith arall (gan gynnwys rhai cefnogol ac addysgiadol) yn cael ei dilyn cyn gwneud penderfyniad mor bwysig.
8. Tra derbyniwn bod angen i fesurau fod yn ei lle pe bai achlysur yn codi lle y profwyd *"trafferthion sylweddol i'r sefydliad ac yn amharu'n fawr ar staff, dysgwyr a rhanddeiliaid lleol"*, pe bai senario o'r fath yn codi yn achos chweched dosbarth neu dysgu oedolion yn y gymuned (neu wasanaethau eraill y mae gan gynghorau lefel o ddi-ddordeb/rheolaeth drostynt), gan fod gan gynghorau ddyletswydd i ddiogelu anghenion eu holl ddysgwyr, mae'n hanfodol bod cynghorau'n cael gwybod cyn gynted â phosibl am unrhyw bryderon a'u bod yn gallu gweithio'n agos gyda'r Comisiwn i wneud popeth posibl (ar y cyd) i wella'r sefyllfa ac osgoi unrhyw gamau cosbol. Mae rôl i Estyn hefyd yma – yn ogystal ag arolygu a herio, drwy gynghori a chefnogi darparwyr a rhanddeiliaid.
9. Rhaid sicrhau bod rhwystrau a gwrthbwysau angenrheidiol a trylwyr yn ei lle i osgoi senario o'r fath yn y lle cyntaf (yn achos chweched dosbarth a dysgu oedolion yn y gymuned, i gynghorau gymryd rhan a gweithio'n agos gyda darparwyr cyn y pwynt y byddai angen CADY ymgymryd a'r mater). Ond, pe bai'r broses yn cael ei ddechrau ac yn rhedeg hyd at y diwedd, rhaid sicrhau fod penderfyniadau gofalus a chytbwys gan bartïon perthnasol yn cael ei gwneud ar hyd y ffordd. Gallai cymryd darpariaeth i ffwrdd fod yn drychinebus yn fyr dymor - nid heb gynsail mewn rhai manau - i ddysgwyr; felly, rhaid i



- ymyrraeth a chymorth i osgoi hyn fod yn flaenoriaeth a/neu fod trefniadau pontio addas yn cael eu rhoi ar waith. Mae'r 5 ffordd o weithio yn pwysleisio meddwl, atal ac integreiddio hirdymor. Rhaid i'r rhain fod yn ganolog i hyn.
10. Dylai'r egwyddorion uchod hefyd fod yn berthnasol os/pan ystyrir bod angen i'r Comisiwn orfodi pwerau mewn achosion lle nad yw'r ansawdd yn bodloni'r safonau a ddisgwylir, a gyda'i ddyletswyddau newydd "... gyfarwyddo awdurdod lleol neu fwrdd llywodraethu ysgol sefydledig neu wirfoddol i agor neu gau chweched dosbarth mewn ysgol, neu wneud cynigion yn unol â chyfarwyddyd o'r fath." Mae'n amlwg bod angen sicrhau bod cynghorau'n gweithio'n agos gyda'r Comisiwn mewn amgylchiadau o'r fath ac, yn ddelfrydol, cyn cyrraedd y cam hwn.

#### Cyllid

11. Bydd y trefniadau ariannu newydd drwy'r Comisiwn, yn rhannol, yn effeithio ar ddarparwyr ar wahân i Sefydliadau Addysg Uwch -gan gynnwys dosbarthiadau chwech, dysgu oedolion yn y gymuned a sefydliadau Addysg Bellach - i raddau helaeth, gan fod cyllid ar hyn o bryd i'r darparwyr hyn drwy Lywodraeth Cymru yn uniongyrchol neu drwy gynghorau.
12. Dylid defnyddio Cytundebau Canlyniadau i benderfynu sut y dyrennir cyllid, bydd y rhain yn ofynion newydd ar gyfer llawer o'r rhain ac nid oes fawr ddim yn y ffordd o esbonio o hyd ynghylch sut y bydd y rhain yn edrych. Mewn ymateb blaenorol i ymgynghoriad AHÔ, awgrymodd CLILC, wrth ddatblygu Cytundebau Canlyniadau, y dylai Llywodraeth Cymru a'r sector addysg drydyddol ehangach ystyried enghreifftiau rhyngwladol fel y rhai a ddefnyddiwyd yn yr Alban ers Cytundebau Canlyniadau 2016 [Outcome Agreements \(sfc.ac.uk\)](#).
13. O ystyried y bydd y Comisiwn yn penderfynu ar ddyrannu cyllid i bob darparwr addysg drydyddol yn ogystal â dyrannu cyllid ar gyfer ymchwil addysg drydyddol, **mae CLILC a ChCAC am gael sicrwydd y bydd y lefelau presennol o gyllid yn achos chweched dosbarth a dysgu oedolion yn y gymuned, o leiaf, yn cael eu cynnal ar y cyfraddau presennol.**

#### Diogelu Dysgwyr, Trefniadau Cwyno ac Ymgysylltu â Dysgwyr

14. Mae CCAC a ChLILC yn croesawu'r eglurder a'r dull o weithredu o ran Cynlluniau Diogelu Dysgwyr fel y maent yn ymwneud â chweched dosbarth a chynghorau; *"Ni fydd y Comisiwn yn gallu rhoi hysbysiad i awdurdodau lleol yn gofyn iddynt gyflwyno cynllun diogelu dysgwyr yn ymwneud â darpariaeth chweched dosbarth ysgolion. Mae trefniadau yn eu lle i sicrhau y trosglwyddir data am ddysgwyr pan fyddant yn symud o un ysgol i ysgol arall, boed hynny oherwydd bod ysgol neu gwrs yn cau, oherwydd newid yn eu hamgylchiadau personol, neu oherwydd mai dyna sydd orau gan y disgybl. Er nad yw'r darpariaethau ar gyfer diogelu dysgwyr yn berthnasol i awdurdodau lleol mewn perthynas â chweched dosbarth ysgolion, oherwydd bod ganddynt eu trefniadau eu hunain, byddai'n ddefnyddiol i'r Comisiwn ymgynghori â nhw pan fydd y canllawiau'n cael eu datblygu er mwyn iddynt allu rhannu arfer da."* Fel yr amlinellwyd eisoes, mae cynghorau'n awyddus i ymgysylltu â'r Comisiwn lle a phan fo'n berthnasol ac mae hon yn enghraifft arall o ble y



byddai cynghorau'n awyddus i helpu i rannu profiad o brosesau amddiffyn a chwyno dysgwyr, cyfranogiad ac ymgysylltu er mwyn helpu i lunio Cynlluniau Diogelu Dysgwyr ar gyfer darparwyr perthnasol.

15. **Ymgysylltu â Dysgwyr** - nodwn fod yna newidiad y Cod Ymgysylltu â Dysgwyr yn ymwneud â dosbarthiadau chwech. Mae [Memorandwm esboniadol ar gyfer y Bil Addysg Drydyddol ac Ymchwil \(Drafft\)](#) 3.244 (d) yn nodi “Bydd y Comisiwn yn sicrhau bod pob darparwr addysg drydyddol, fel y diffinnir yn y Bill Drafft, ac eithrio dosbarthiadau chwech, yn ymrwymo i'r Cod Ymgysylltu â Dysgwyr ac yn cadw ato. Er na fydd dosbarthiadau chwech yn gorfod cadw at y Cod Ymgysylltu â Dysgwyr, byddai'n ddefnyddiol i'r Comisiwn ymgynghori â nhw pan fydd y Cod yn cael ei ddatblygu er mwyn iddynt allu rhannu arfer da o weithgareddau ymgysylltu eraill gyda dysgwyr megis gwaith gyda chynghorau ysgol neu gynghorau ieuenctid.” Ond, nodai Rhan 98 (3) [Bil Addysg Drydyddol ac Ymchwil \(Cymru\)](#) “Rhaid i gorff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg sy'n addas i ofynion personau dros yr oedran ysgol gorfodol gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 125(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 125(3)”. Dyma newidiad sydd angen ystyriaeth pellach er mwyn pwysu a mesur yr oblygiadau ar gyfer ysgolion, llywodraethwyr a chynghorau.
16. Mae CLILC eisoes wedi gwneud sylwadau ar gyfraniad posibl cynghorau i ddatblygu'r Cod Ymgysylltu â Dysgwyr, yn enwedig drwy rannu profiad o sefydlu a chynnal Cynghorau Ieuenctid, Cynghorau Ysgol, Fforymau Ieuenctid a Seneddau Ieuenctid, yn ogystal â datblygu Strategaethau Cyfranogiad Plant a Phobl Ifanc statudol. Mae cael cynrychiolydd dysgwr ar Fwrdd y Comisiwn yn gynnig i'w groesawu, mae ymgynghori dwyffordd parhaus rhwng dysgwyr a darparwyr ar bob lefel drwy ddiwylliant sydd wedi'i wreiddio yn hanfodol wrth glywed llais y dysgwr. Tra gall mecanweithiau ar gyfer ymgysylltu fod yn wahanol rhwng darparwyr, mae angen egwyddorion cyson yn sail i'r rhain.
17. Mae angen i gynghorau hefyd fod yn rhan o ystyried proses gwyno i ddysgwyr er mwyn sicrhau tryloywder a chysondeb ar draws yr holl ddarparwyr.

### Y Gymraeg

18. Mae Cynghorau yn gwbl gefnogol o'r dyletswydd strategol i “*hybu addysg drydyddol drwy gyfrwng y Gymraeg*” o fewn y Bil. Mae'r dyletswydd yma yn cefnogi a galluogi sawl blaenoriaeth cysylltiedig a'r Gymraeg yn cynnwys Cymraeg 2050, y Cwricwlwm i Gymru, a datblygu 'Cymru â diwylliant bywiog lle mae'r Gymraeg yn ffynnu' fel rhan o'r Ddeddf LICD. Bydd hyn hefyd yn adeiladu ar y targedau y mae cynghorau yn barod yn gweithio tuag at fel rhan o'u Cynlluniau Strategol y Gymraeg mewn Addysg, yn ogystal â'u cynlluniau i gefnogi ysgolion ar hyd gontinwmm cyfrwng Cymraeg yn unol â diwygiadau i gynlluniai categoreiddio ysgolion.
19. Rhaid i'r corff newydd flaenoriaethu y parodrwydd i weithio gyda chynghorau i sicrhau eu bod yn gallu cefnogi'r gwaith o ddatblygu llwybrau Iaith Gymraeg ar gyfer pob dysgwr ar lefel drydyddol, a bod llwybrau islaw'r lefel honno'n cael eu datblygu a'u sicrhau ymhellach.





20. Wrth weithredu'r dyletswydd strategol hon drwy gymryd *"pob cam rhesymol i sicrhau bod digon o addysg drydyddol yn cael ei darparu yng Nghymru drwy gyfrwng y Gymraeg i ateb galw rhesymol"*, mae'n bwysig bod y Comisiwn yn adolygu gallu'r sector addysg drydyddol yn rheolaidd i ddarparu darpariaeth chweched dosbarth, prentisiaethau a dysgu oedolion yn y gymuned drwy gyfrwng y Gymraeg. Bydd y galw am wasanaethau Cymraeg a darpariaeth addysg yn cynyddu ymhellach wrth i ddarpariaeth cyfrwng Cymraeg mewn addysg orfodol dyfu ac mae heriau eisoes o ran recriwtio staff sydd â'r sgiliau Cymraeg angenrheidiol. Mae'n debygol y bydd angen cymorth ariannol ychwanegol a chynllunio strategol i adeiladu y capasiti hwn o fewn y gweithlu i gyflawni'r dyletswydd strategol hon yn effeithiol. Mae angen i'r un opsiynau fod ar gael i ddysgwyr yn y Gymraeg a'r Saesneg.

# CYPE Committee Written Evidence: Tertiary Education and Research (Wales) Bill

## About NUS Wales

National Union of Students Wales (NUS Wales) is the representative body of students in the further and higher education sector. We are the largest membership organisation in Wales, representing more than 300,000 university students, college students and apprentices.

## Introduction

NUS Wales supports the overall aim of the Tertiary Education and Research (Wales) Bill. The creation of a single regulator for the tertiary education sector would give students greater clarity in an increasingly competitive sector and ensure less bureaucratic regulation. However, there are aspects of the Bill that we believe fall short.

## Student voice

The Bill does not reflect the importance of student voice. We have made clear from our earliest conversations around the Bill that the most effective and efficient source of advocacy and representation for students is themselves - but this must be properly supported and funded. Students' unions in HE institutions have had a hugely positive impact on their students and wider communities, and the Bill presents the perfect opportunity to embed this across the sector.

We have suggested two amendments to the Bill (which can be found as Annex 1) to Welsh Government. As of the date of submitting this briefing, we have yet to hear about whether they will be accepted.

The first of these, adding student and learner voice to the strategic framework, is the most important and most disappointing not to already be in the document. It places student and learner voice on the same footing as the continuing professional development of teaching assistants.

The second of these seeks to add student and learner voice as an initial condition of registration. We are seeking this as we believe student and learner voice should be considered by the Commission in the same manner as the other initial conditions. We do not accept that the principles of student and learner voice should be different at different levels of the post-compulsory sector – the practical realities will be different, but not the principles.

Both of these would sit squarely with the Welsh Government's own "Tertiary Education and Research Strategic Vision" document for the post-compulsory sector that states the Commission "will have the interests of learners at its heart".

We are supportive of the concept behind the Learner Engagement Code and look forward to working with the Commission in the future. However, the Bill does not go far enough to ensure that the Commission must be mindful of student and learner voice and that the providers and sector it regulates. The Bill is what sets the environment that the Commission will operate in. At the moment that environment is not sufficiently reflective of student and learner interests.

## Students written out of education

NUS Wales is opposed to the sole use of the word 'learner' in the draft Bill, rather than a standardised word or dual usage of student and learner. Students must not be written out of a Bill that will lay the foundations for the future of tertiary education for years to come. The most developed best practice on engagement, partnership and representation in the post-16 context uses the word 'student'. Sector bodies such as HEFCW, QAA, institutions, and representative bodies such as NUS and students' unions use the word 'student'. Practically, using the word 'learner' in this



context will lead to confusion and a dilution of students' identity and the student movement.

We strongly believe that to lose the word "student" so comprehensively would be more significant than the Welsh Government realises. The two words are not used interchangeably in the different sectors the Bill will cover.

While we accept that there are pedagogical arguments for the use of 'learner', this descriptor removes agency and implies that 'learners' exist only to learn. 'Learner' may reflect the Welsh Government's aim of embedding a lifelong understanding of the person as a learner, but it also defines them entirely through their course of study.

Being a learner is just one part of being a student or an apprentice: university students access housing, mental and physical health support and financial aid through their institution; college students are embedded in their communities and make use of local transport and sporting facilities; and apprentices often work for more hours than they receive training, usually below minimum wage without access to the same level support and advocacy as their peers in full-time education.

This could be easily amended in the Bill – currently the term "persons receiving tertiary education" is used and is shorthanded to "learner" – this could be amended to "student/learner" with little overall impact on the Bill.

Again, we have made these points previously and we would very disappointed if the language of the Bill failed to embrace the student experience with the proposals from reforming the future of the FE and HE system in Wales. Students as a cohort will feel that this Bill bears no relation to them, and that they are not even

part of the conversation, let alone central to overarching objectives of the Bill.

## Students at the heart of the system

After the UK government increased tuition fees at the beginning of the previous decade, it published a White Paper entitled '[Students at the Heart of the System](#)'; this was viewed with disdain by the student movement for the gap between its title and the reality of the reforms it consulted on.

Finally, the Bill currently states that students would have just one seat on the Commission for Tertiary Education and Research (CTER) that the Bill establishes – and a non-voting seat at that. This is one fewer than the tertiary education workforce, and the same number as CTER staff. This means the Bill would increase representation of everyone in the sector except for students. Given the size of CTER's remit, a broader range of student and learner voice should be given space at the table

For decades now, Wales has been far ahead of England on protecting and enhancing the student voice, but the draft Tertiary Education and Research (Wales) Bill at present does not place "students at the heart of the system".

## Contact

If you would like to discuss the contents of this briefing, please email [jeremy.harvey@nus-wales.org.uk](mailto:jeremy.harvey@nus-wales.org.uk).

## Annex 1 – Submitted Amendments

Part 1 Section 5 Section 2

Add -

“(c) the importance of the collective and individual voices of learners and students in the management and delivery of provision”

Part 2 Chapter 1 Section 25 Subsection 1

Add -

“(d) the effectiveness of the learner and student voice structures of the applicant tertiary education provider”

# Eitem 8

CYPE(6)-07-21 – Papur 7

**Tystiolaeth Comisiynydd y Gymraeg ar Fil Addysg Drydyddol ac Ymchwil (Cymru) ar gyfer y Pwyllgor Plant, Pobl Ifanc ac Addysg**

## 1. Cyffredinol

- 1.1 Yn gyffredinol rydym yn cefnogi sefydlu'r Comisiwn Addysg Drydyddol ac Ymchwil. Mae'r dyhead i ddatblygu system addysg a hyfforddiant ôl-orfodol mwy effeithiol a chydlynol yn un sy'n cynnig cyfleoedd amlwg i wella darpariaeth cyfrwng Cymraeg. Mae'n bwysig bod y dyheadau hyn yn cyd-fynd ag amcanion Strategaeth Cymraeg 2050.
- 1.2 Fodd bynnag, mae gwaith sylweddol i'w wneud i ddatblygu darpariaeth cyfrwng Cymraeg a dwyieithog yn y sector ôl-orfodol. Amlygodd fy [Adroddiad 5 mlynedd ar sefyllfa'r Gymraeg](#) fod ystadegau'r pum mlynedd diwethaf yn dangos mai ychydig iawn o gynnydd gwirioneddol sydd wedi bod mewn perthynas ag amcanion creiddiol Cymraeg 2050 yn y sector. Yn hanesyddol nid yw darpariaeth cyfrwng Cymraeg a dwyieithog y sector addysg ôl-orfodol wedi derbyn yr un buddsoddiad a'r pwyslais strategol o gymharu â'r sector addysg statudol. Mae'r sefyllfa hon wedi newid gryn dipyn yng nghyd-destun y sector addysg uwch ers ffurfio'r Coleg Cymraeg Cenedlaethol yn 2011, ond mae'n deg dadlau bod angen mynd ymhellach, yn enwedig o ran darpariaeth addysg bellach a phrentisiaethau cyfrwng Cymraeg. Mae sefydlu'r Comisiwn felly yn cynnig cyfle i bwysu a mesur y sefyllfa gyfredol, ac i osod fframweithiau a threfniadau mwy cadarn er mwyn sicrhau bod y sector ôl-orfodol yn ei gyfanrwydd yn cymryd camau breision i wella darpariaeth cyfrwng Cymraeg a dwyieithog.

## 2. Darpariaethau'r Bil ar gyfer y Gymraeg

### 2.1 Dyletswyddau'r Comisiwn

Ar y cyfan, rydym yn croesawu'r dyletswyddau a roddir ar y Comisiwn yn Rhan 1, 8 y Bil i hyrwyddo addysg drydyddol drwy gyfrwng y Gymraeg; i annog pobl i gymryd rhan mewn addysg drydyddol a ddarperir yng Nghymru drwy gyfrwng y Gymraeg; i annog darparu addysg drydyddol drwy gyfrwng y Gymraeg gan ddarparwyr cofrestredig yng Nghymru, a gan bersonau eraill sy'n darparu addysg drydyddol a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo. Rydym fodd bynnag yn bryderus am eiriad y ddyletswydd i gymryd pob cam rhesymol i sicrhau bod digon o addysg drydyddol yn cael ei darparu yng Nghymru drwy gyfrwng y Gymraeg i ateb galw rhesymol.

### 2.2 Pob cam rhesymol ac ateb galw rhesymol

Nid yw'n ddigonol nodi y bydd rhaid i'r Comisiwn gymryd 'pob cam rhesymol i sicrhau bod digon o addysg drydyddol yn cael ei darparu drwy gyfrwng y Gymraeg i ateb y galw rhesymol'. Mae'r ffaith bod darpariaeth addysg drydyddol drwy gyfrwng y Gymraeg wedi bod yn gyfyngedig iawn yn y gorffennol yn golygu bod angen mynd ati i hyrwyddo'r ddarpariaeth ac i annog unigolion i astudio drwy gyfrwng y Gymraeg. Heb ganolbwyntio ar hyn, mae perygl y bydd 'ateb y galw rhesymol' yn arwain at ddiffyg cynnydd. Credwn felly y bydd angen i'r Comisiwn fod â ffocws strategol

pendant ar annog a hyrwyddo darpariaeth cyfrwng Cymraeg a dwyieithog, yn enwedig yn y tymor byr a chanolig. Yn y cyd-destun hwn dylid canolbwyntio yn benodol ar ddilyniant mewn addysg cyfrwng Cymraeg a dwyieithog, a hefyd werth sgiliau dwyieithog yn y byd gwaith yng Nghymru. Rydym felly yn cynnig y dylid newid geiriad y ddeddf i roi'r ddyletswydd ar y Comisiwn i sicrhau bod darpariaeth addysg drydyddol yn galluogi holl ddysgwyr/myfyrwyr Cymru i barhau i ddatblygu eu sgiliau Cymraeg wrth drosglwyddo o addysg statudol i addysg drydyddol. Mae hyn yn hollbwysig o ystyried y weledigaeth y bydd y sector yn cyfrannu'n sylweddol at ffyniant a lles cenedlaethol ac unigolion, gan y bydd sgiliau dwyieithog yn cynyddu cyflogadwyedd pobl.

### **2.3 Cyllid**

Deallwn y gall Gweinidogion Cymru ddyrannu adnoddau ariannol i'r Comisiwn mewn perthynas â phob categori o addysg drydyddol ac y bydd y Comisiwn yn gallu dyrannu cyllid i ddarparwyr ar gyfer darparu addysg drydyddol cyfrwng Cymraeg ac i ddarparwyr ar gyfer addysgu'r Gymraeg. Rydym yn gefnogol o'r gallu hwn i ddyrannu cyllid ond credwn fod angen ystyried y dulliau gorau o wneud hynny o safbwynt allbwn y ddarpariaeth yn sicrhau bod pobl yn cynnal a datblygu eu sgiliau yn y Gymraeg trwy Gymru gyfan.

### **2.4 Anghenion Dysgu Ychwanegol**

Rydym yn cefnogi'r gofyn ar y Comisiwn wrth sicrhau addysg bellach a hyfforddiant yn Rhan 3, 93, 1 (d) o safbwynt datblygu'r gweithlu i roi sylw i'r addysg a'r hyfforddiant sy'n ofynnol er mwyn sicrhau bod cyflogeion a chyflogeion posibl ar gael sy'n gallu cyflwyno darpariaeth ddysgu ychwanegol yn Gymraeg; ac (e) i roi sylw i'r addysg a'r hyfforddiant sy'n ofynnol er mwyn sicrhau bod cyfleusterau ar gael ar gyfer asesu drwy gyfrwng y Gymraeg a oes gan bersonau anghenion dysgu ychwanegol.

### **2.4 Chweched dosbarth a darpariaeth Gymraeg yn lleol**

Deallwn fod addysg drydyddol er pwrpas y Bil yn cwmpasu chweched dosbarth. Yn wyneb diffyg darpariaeth Gymraeg yn y sector ôl-16 yn ehangach, mae lle pwysig i ddsbarthiadau chweched dosbarth mewn ysgolion Cymraeg wrth gynnal a datblygu sgiliau Cymraeg disgyblion sydd wedi derbyn eu haddysg statudol drwy gyfrwng y Gymraeg a chyfrannu at ethos Gymraeg yr ysgolion hynny. Bydd angen i'r Comisiwn fod â dealltwriaeth a gwerthfawrogiad o bwysigrwydd chweched dosbarth mewn ysgolion Cymraeg felly.

2.5 Bydd y Comisiwn yn gyfrifol am ddyrannu cyllid ar gyfer chweched dosbarth mewn ysgolion a gynhelir gan awdurdodau lleol. Bwriedir rhoi'r gallu i'r Comisiwn, mewn amgylchiadau penodol, gyfarwyddo awdurdod lleol neu fwrdd llywodraethu ysgol sefydledig neu wirfoddol i agor neu gau chweched dosbarth mewn ysgol, neu wneud cynigion yn unol â chyfarwyddyd o'r fath. Bwriedir ymgynghori ar yr amgylchiadau a'r cyfyngiadau ar yr hyn a allai sbarduno'r Comisiwn i gyfarwyddo awdurdod lleol i gyflwyno cynigion a'u cynnwys yn y Cod Trefniadaeth Ysgolion statudol. Ein gobaith yw y bydd y systemau a'r prosesau hyn yn gwarchod ac yn hyrwyddo'r ddarpariaeth chweched dosbarth bresennol cyfrwng Cymraeg mewn ysgolion Cymraeg.

- 2.6 Yn 13.32 ac 13.33 y memorandwm esboniadol eglurir y berthynas rhwng y Comisiwn â darparwyr ac awdurdodau lleol. Eglurir y cyflawnir y berthynas gan mwyaf, drwy negodi cytundebau deilliannau (ac eithrio lle mae'r ddarpariaeth a gwasanaethau'n cael eu sicrhau drwy gontractau). Eglurir y rhagwelir y bydd y rhain, i bob pwrpas, yn "gontractau perfformiad" i'w negodi rhwng y Comisiwn a darparwyr sy'n derbyn cyllid rheolaidd, a rhwng y Comisiwn ac awdurdodau lleol mewn perthynas â'r cyllid a ddyrennir ar gyfer darpariaeth chweched dosbarth ysgolion. Mae cyfle amlwg yma i sicrhau bod darpariaeth Gymraeg yn rhan o'r contractau perfformiad hyn.
- 2.7 Eglurir yn 3.268 y memorandwm esboniadol y bydd 'y Comisiwn yn gyfrifol am lunio cwricwla lleol yn unol â'i gyfrifoldebau i gynllunio a chyllido addysg a hyfforddiant ôl-16 a sicrhau cyfleusterau priodol ar gyfer dysgwyr 16 i 19.' O safbwynt darpariaeth cyfrwng Cymraeg a dwyieithog mae'n debygol y bydd darparwyr addysg drydyddol, ar lefel leol beth bynnag, yn cystadlu i raddau am yr un dysgwyr a hefyd am gyllid gan y Comisiwn a'i bod yn bosibl y bydd chweched dosbarth a darparwyr addysg bellach yn cystadlu felly am yr un myfyrwyr ac adnoddau. Mae angen deall sut y bydd y contractau perfformiad a'r egwyddor o gwricwla lleol y bydd y Comisiwn yn ei lunio yn gweithio yn ymarferol o safbwynt darpariaeth Gymraeg yn lleol ac yn rhanbarthol felly. Bydd rhaid i unrhyw drefniadau a weithredir yn lleol hyrwyddo darpariaeth Gymraeg a bydd angen i'r Comisiwn fod â thystiolaeth gadarn a dealltwriaeth fanwl o'r ddarpariaeth ôl-16 yn lleol a dealltwriaeth o'r ddarpariaeth Gymraeg yn yr ardal. Byddem felly â diddordeb mewn gwybod sut y bydd y Comisiwn yn datblygu dealltwriaeth fanwl a lleol o'r fath ac yn cydweithio â phartneriaid allweddol yn y cyswllt hwn. Dylid ystyried hefyd beth yw perthynas gwaith y Comisiwn yn datblygu cwricwla lleol â [Rheoliadau Cynlluniau Strategol Cymraeg mewn Addysg \(Cymru\) 2019](#), yn benodol adrannau 13 ac 14 o Atodlen y rheoliadau.

## 2.8 Safonau'r Gymraeg

Croesawn y bwriad y bydd Rheoliadau Safonau'r Gymraeg (Rhif 6) 2017 yn cael eu diwygio i gynnwys y Comisiwn newydd. Mae'n hollbwysig bod y Comisiwn yn cydymffurfio â'r safonau o'r cyfle cyntaf posibl. Gwelwn yn ogystal y bydd y gofyniad i'r Comisiwn gydymffurfio â'r safonau llunio polisi yn atgyfnerthu'r ddyletswydd sydd ar y Comisiwn i hyrwyddo addysg drydyddol drwy gyfrwng y Gymraeg.

## 3. Addysg drydyddol Gymraeg yn sgil y Bil

- 3.1 Er ein bod ar y cyfan yn croesawu cynnwys y Bil o safbwynt y Gymraeg mae'n debyg mai'r hyn fydd yn deillio o'r Bil fydd yn wirioneddol arwyddocaol o ran cyflawni'r amcanion lefel uchel sydd wedi'u cynnwys. Hynny yw, y mater allweddol fydd y gwaith o weithredu'r Bil, a sicrhau bod amcanion a gweledigaeth y ddeddfwriaeth arfaethedig yn cael eu gwireddu ar lawr gwlad. Credwn fod dau fater yn allweddol yn y cyd-destun hwn:
- i. Sicrhau cyfeiriad strategol eglur a threfniadau atebolrwydd cadarn wrth sefydlu blaenoriaethau Gweinidogion Cymru, cynllun strategol y Comisiwn, ac yn amodau cofrestru a chytundebau deilliannau darparwyr addysg drydyddol.

- ii. Sicrhau cyd-weithio effeithiol rhwng y Comisiwn a sefydliadau fel y Coleg Cymraeg Cenedlaethol a'r Ganolfan Dysgu Cymraeg Cenedlaethol.

- 3.2 Mae'r fframwaith strategol sy'n cael ei gynnig yn y Bil o ran gosod cyfeiriad i waith y Comisiwn a darparwyr addysg drydyddol yn un sy'n gyffredin mewn sawl maes polisi gwahanol. Bydd Gweinidogion Cymru yn gosod cyfeiriad strategol drwy gyhoeddi blaenoriaethau ar gyfer gwaith y Comisiwn, bydd y Comisiwn yn llunio cynllun strategol yn seiliedig ar hyn, ac yn ei dro bydd y cynllun strategol hwn yn sail ar gyfer cyllido a threfnu darpariaeth addysg drydyddol, ac er mwyn adolygu ansawdd a pherfformiad y ddarpariaeth. Nid ydym yn anghytuno â'r fframwaith hwn, ond bydd angen i bob cam o'r fframwaith strategol roi sylw dyledus i faterion yn ymwneud â darpariaeth cyfrwng Cymraeg. Y mater allweddol fydd sefydlu trefniadau monitro ac atebolrwydd cadarn er mwyn sicrhau bod y weledigaeth a'r amcanion lefel uchel yn arwain at newidiadau gwirioneddol ar lefel darparwyr o safbwynt y Gymraeg. Credwn y bydd y broses o lunio cynllun strategol y Comisiwn, a rôl cytundebau deilliannau ym mherthynas y comisiwn â'r darparwyr yn hollbwysig yn y cyd-destun hwn. Efen arall hollbwysig fydd sicrhau y cesglir data mewn dull sy'n adlewyrchu gwir ddeilliannau ieithyddol myfyrwyr wrth iddynt ddilyn darpariaeth yn y sector a hynny er budd mesur llwyddiant a chynllunio a datblygu'r ddarpariaeth o fewn cyd-destun gweledigaeth Strategaeth Cymraeg 2050.
- 3.3 Rydym yn croesawu'r ffaith y bydd gan y Comisiwn ddyletswydd i hyrwyddo addysg drydyddol drwy gyfrwng y Gymraeg. Rydym hefyd yn nodi'r ffaith y bydd rôl allweddol y Coleg Cymraeg Cenedlaethol a'r Ganolfan Dysgu Cymraeg Cenedlaethol yn y sector hwn yn parhau. Mae'r memorandwm esboniadol yn egluro y bydd Gweinidogion Cymru yn cyllido'r sefydliadau hyn yn uniongyrchol yn y tymor byr a chanolig. Eglurir fod Llywodraeth Cymru o'r farn pe bai'r cyllid ar eu cyfer yn cael ei ddyrannu i'r Comisiwn, y byddai risg sylweddol o golli'r cynnydd a wnaed gan y sefydliadau hyn o ran datblygu capasiti darparwyr i ddarparu addysg drydyddol cyfrwng Cymraeg. Bydd rhaid sicrhau fod y cyllid sy'n cael ei ddarparu i'r ddau sefydliad hyn yn ddigonol felly er mwyn iddynt gyflawni amcanion y Bil hwn, ac amcanion mwy cyffredinol strategaeth Cymraeg 2050. Fodd bynnag, nodir y risg yn y memorandwm esboniadol pe bai Gweinidogion Cymru'n parhau i ddarparu cyllid i'r Coleg a'r Ganolfan Dysgu Cymraeg Genedlaethol, y gallai hyn arwain at ddyblygu gwaith a defnydd aneffeithiol o adnoddau. Mae hyn yn tanlinellu'r angen i sicrhau fod y berthynas rhwng y Coleg a'r Ganolfan a'r Comisiwn yn glir a bod eglurder o ran rôl a chyfrifoldebau'r gwahanol sefydliadau. Bydd rhaid sicrhau bod modd cefnogi ac atgyfnerthu arbenigedd y Coleg a'r Ganolfan, ond hefyd sicrhau bod materion yn ymwneud â'r Gymraeg yn cael eu prif ffrydio mewn i waith y Comisiwn, ac yn cael eu hystyried fel rhan greiddiol o swyddogaeth y Comisiwn.

**Papur safbwynt gan y Coleg Cymraeg Cenedlaethol ar  
gyfer Pwyllgor Plant, Pobl Ifanc ac Addysg Senedd Cymru  
ar y Bil Addysg Drydyddol ac Ymchwil (Cymru)**

**17 Tachwedd 2021**

**Y Coleg Cymraeg Cenedlaethol**

Sefydlwyd y Coleg Cymraeg Cenedlaethol yn 2011. Y Coleg sy'n arwain datblygiad addysg a hyfforddiant cyfrwng Cymraeg a dwyieithog yn y sector ôl-orfodol yng Nghymru. Mae'r Coleg yn cyflawni hyn drwy weithio mewn partneriaeth â phrifysgolion, sefydliadau addysg bellach a darparwyr prentisiaethau er mwyn adeiladu cyfundrefn addysg a hyfforddiant cyfrwng Cymraeg cynhwysol o'r radd flaenaf. Er mwyn darganfod mwy am y Coleg ewch i: [www.colegcymraeg.ac.uk](http://www.colegcymraeg.ac.uk).

Gwnaed y penderfyniad i sefydlu'r Coleg gan Lywodraeth Cymru ar y pryd yn 2007 yn wyneb yr angen am gorff cynllunio annibynnol yn y sector addysg uwch i ganolbwyntio'n benodol ar ddarpariaeth cyfrwng Cymraeg a dwyieithog. Roedd y penderfyniad i ymestyn ei gyfrifoldebau i addysg bellach a phrentisiaethau yn 2017/18 yn gydnabyddiaeth pellach o'r angen i gorff penodol gydag arbenigedd yn y maes gael cyfrifoldeb strategol mewn perthynas â'r Gymraeg, yn wyneb y ffaith na all cyrff sydd a lluo o ddyletswyddau eang a phwysig eraill gyflawni'r rôl hon na meddu ar yr arbenigedd a'r profiad i wneud hynny. Mae'r angen hwn o ran gwaith y Coleg yn y maes addysg uwch yn parhau ac megis dechrau mae ein gwaith ym maes addysg bellach a phrentisiaethau.

Mae'r Coleg yn sefydliad annibynnol ac yn elusen gofrestredig. Mae'n meddu ar strwythur llywodraethiant cryf, ac mae ganddo fwrdd yn cynnwys cadeirydd a hyd at ddeuddeg aelod a benodir drwy broses o hysbysebu agored.

## **Crynodeb o safbwynt y Coleg ar y Bil Addysg Drydyddol ac Ymchwil (Cymru)**

### **Yn gyffredinol:**

Mae'r Coleg yn cefnogi'r bwriad i sefydlu Comisiwn Addysg Drydyddol ac Ymchwil ac yn edrych ymlaen at gefnogi'r gwaith o sefydlu a gwreiddio'r corff newydd mewn modd fydd yn cael effaith gadarnhaol ar ddarpariaeth Gymraeg a dwyieithog yn y sector ôl-orfodol.

Tra'n cydnabod bod rhywfaint o darfu yn anochel wrth ddiddymu corff sydd eisoes yn bodoli a symud dyletswyddau eraill sydd ar hyn o bryd yn gorwedd gyda'r Llywodraeth i mewn i gorff newydd, dylid gwneud pob ymdrech posib i osgoi cyfnod amhenodol o ansicrwydd allai lesteirio cynnydd yn y meysydd dan sylw.

### **Cyfrifoldebau'n ymwneud â'r Gymraeg a pherthynas y Comisiwn gyda'r Coleg:**

Nodwn fod cyfrifoldebau wedi eu gosod yn y Bil ar y Comisiwn mewn perthynas â'r Gymraeg a bod rhagor o fanylion wedi eu hamlinellu yn yr [Asesiad o'r Effaith ar y Gymraeg](#) gan gynnwys y ffaith mai'r Comisiwn, ar y cyd â'r Coleg, fydd yn gyfrifol am ddatblygiadau cyfrwng Cymraeg mewn addysg drydyddol. Credwn y dylid ystyried cynnwys rhai o'r pwyntiau a wneir yn yr asesiad effaith ar wyneb y bil er mwyn pwysleisio'r disgwyliad bod y Comisiwn yn gweithredu'n rhagweithiol, yn hytrach nag yn oddefol i wireddu strategaeth Cymraeg 2050 Llywodraeth Cymru, ac yn cydweithio ar lefel strategol gyda'r Coleg i gyflawni hyn.

Ar dudalennau 126-29 o'r [Memorandwm Esboniadol](#) amlinellir cyfrifoldebau llawn y Comisiwn mewn perthynas â'r Gymraeg. Tra'n croesawu'r ffaith fod hyn wedi ei gynnwys yn ddiamwys, mae'r rhan fwyaf o'r dyletswyddau hyn eisoes yn rhan o gyfrifoldebau'r Coleg, ac yn gynyddol felly ers ymestyn cyfrifoldebau'r Coleg i gynnwys y sector ôl-16. Mae'r angen am gorff penodol gyda'r arbenigedd angenrheidiol i weithredu dros y Gymraeg a dwyieithrwydd yn y meysydd addysg uwch, addysg bellach a phrentisiaethau yn parhau mor allweddol ag erioed ac felly dylid ystyried yn ofalus i ba raddau mae'r Bil a'r ddogfennaeth gysylltiedig yn adlewyrchu hynny'n ddiamwys.



Mae'r Coleg yn gweithio'n effeithiol gydag ystod o gyrff sy'n meddu ar ddyletswyddau statudol, gan gynnwys Cyngor y Gweithlu Addysg, Addysg a Gwella Iechyd Cymru, Cymwysterau Cymru ac Estyn, yn ogystal â Cyngor Cyllido Addysg Uwch Cymru (CCAUC). Yn achos CCAUC, mae MoU gyda'r Coleg i hwyluso cydweithio effeithiol. Hyderwn y bydd y ffyrdd effeithiol o weithio sydd eisoes wedi eu sefydlu yn sail cryf ar gyfer creu perthynas gref ac effeithiol gyda'r Comisiwn newydd, ond wrth ddatblygu'r berthynas weithio newydd awgrymir y byddai'n fuddiol sicrhau mwy o ymwneud uniongyrchol ar ran y Coleg gyda phrosesau cynllunio, a sicrhau fod cyfrifoldebau cyllido perthnasol wedi eu dirprwyo i'r Coleg, yn unol â'r trefniadau presennol ar gyfer addysg uwch a'r model sydd yn esblygu ar gyfer addysg bellach a phrentisiaethau.

### **Trefniadau cyllido'r Coleg:**

Nodwn bod y Bil yn cydnabod y dylai'r Coleg barhau i gael ei gyllido gan Lywodraeth Cymru a chrosawn yr ymrwymiad hwn yn fawr iawn. Mae derbyn cyllideb yn uniongyrchol gan y Llywodraeth yn tanlinellu pwysigrwydd y maes ôl-orfodol i'r strategaeth iaith hir-dymor ac ni ddylid tanseilio hyn mewn unrhyw ffordd. Mae'n aneglur ar y pwynt hwn pam fod cyfnod tymor byr i ganolig wedi ei nodi ar gyfer y model hwn o gyllido yn y Memorandwm Cysylltiedig, o ystyried bod amcanion strategaeth iaith y Llywodraeth yn rhai tymor hir wrth gyrchu tuag at greu miliwn o siaradwyr a dyblu defnydd dyddiol o'r Gymraeg erbyn 2050.

### **Ymchwil a'r Gymraeg:**

Crosawn y disgwyliad y byddai'n rhaid i'r Comisiwn gydymffurfio â Safonau'r Gymraeg, ac y byddai'n rhaid felly iddo ystyried y Gymraeg yn ei holl weithgareddau. Nodwn y byddai hynny yn ymestyn i feysydd nad ydynt yn uniongyrchol gysylltiedig â darpariaeth, megis ymchwil academiaidd.

### **Materion cysylltiedig eraill:**

Wrth gefnogi gweledigaeth Llywodraeth Cymru wrth sefydlu'r Comisiwn yr ydym yn ymwybodol fod rhai materion yn codi sydd angen sylw. Yn dilyn ymestyn cyfrifoldebau'r Coleg i'r sector ôl-16, er enghraifft, rydym yn ymwybodol o faterion

sydd wedi eu codi gan gydweithwyr yn y sector mewn perthynas â'r berthynas rhwng ysgolion a cholegau o ran darpariaeth Safon Uwch. Mae hwn yn fater cymhleth a sensitif mewn perthynas â'r Gymraeg a byddem yn dymuno cael sicrwydd y gwneir pob ymdrech i sicrhau na fyddai penderfyniadau yn cael eu cymryd a allai arwain at ganlyniadau nas rhagwelwyd. Mae'r Coleg eisoes yn cefnogi'r Llywodraeth i hyrwyddo'r Gymraeg fel pwnc. Byddem yn barod i ymestyn y gwaith hwn yn amodol ar adnoddau digonol.

Dylid rhoi ystyriaeth ar y pwynt hwn hefyd i berthynas y Bil Addysg Drydyddol ac Ymchwil gyda'r Bil arfaethedig ar Addysg Gymraeg sydd yn elfen bwysig arall o raglen y Llywodraeth hwn. Mae Gweinidog y Gymraeg ac Addysg wedi datgan yn gyhoeddus y rhoddir ystyriaeth i osod rôl y Coleg ar sail statudol yn y bil hwnnw ac felly dylid gochel rhag cyfyngu ar y potensial i gyflawni hynny yn y Bil Addysg Drydyddol.

**Am ragor o wybodaeth cysylltwch â Gwenllian Griffiths, Prif Swyddog  
Ymgysylltu'r Coleg ar [g.griffiths@colegcymraeg.ac.uk](mailto:g.griffiths@colegcymraeg.ac.uk)**

# Eitem 9.1

CYPE(6)-07-21 – Papur i'w nodi 1

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language



Llywodraeth Cymru  
Welsh Government  
12 Tachwedd 2021

Paul Davies AS  
Cadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig

Annwyl Paul

Diolch am eich llythyr dyddiedig 18 Hydref ynghylch melinau traethodau. Cytunaf fod melinau traethodau yn hwyluso llên-ladrad, yn manteisio ar fyfyrwyr bregus ac yn gallu normaleiddio twyllo. Rwyf hefyd yn cydnabod bod rhywfaint o ymchwil wedi dangos y gallai myfyrwyr sy'n defnyddio melinau traethodau fod yn agored i flacmel. Mae'n amlwg bod y gwasanaethau twyllo hyn yn fygythiad i uniondeb ac enw da addysg brifysgol.

Efallai eich bod yn ymwybodol bod Cyngor Cyllido Addysg Uwch Cymru (CCAUC) yn mynd ar drywydd datblygu rhwydwaith uniondeb ac asesu academiaidd yng Nghymru. At hynny, lansiodd yr Asiantaeth Sicrhau Ansawdd ar gyfer Addysg Uwch (QAA) y Siarter Uniondeb Academiaidd ym mis Hydref 2020. Yng ngeiriau'r QAA ei hun, bwriedir i'r siarter ddarparu sylfaen y gall darparwyr y DU, fel sefydliadau annibynnol, ei defnyddio i adeiladu eu polisiau a'u harferion eu hunain i sicrhau bod cymhwyster pob myfyriwr yn ddilys, yn wiriadwy ac yn cael ei barchu. Rwy'n arbennig o falch bod pob prifysgol yng Nghymru wedi llofnodi'r siarter, gan ddangos eu hymrwymiad i'r mater hwn.

Cytunaf y byddai dull gweithredu ledled y DU yn synhwyrol ac rydym wedi bod yn ymgysylltu â Llywodraeth y DU ar y mater hwn, ac mae swyddogion o bob un o'r pedair llywodraeth wedi cwrdd i'w drafod. Fodd bynnag, nid oedd bwriad i ddeddfu ar gyfer Cymru, yr Alban na Gogledd Iwerddon yn y Mesur Sgiliau ac Addysg Ôl-16 sydd ar y gweill. Byddwn yn parhau i weithio gyda Llywodraeth y DU a'r llywodraethau datganoledig eraill i weld a oes modd cael ateb ar gyfer y DU gyfan. Rwyf hefyd yn ystyried sut y gallwn ni yng Nghymru fynd i'r afael â'r broblem hon ochr yn ochr â dull gweithredu ar gyfer y pedair gwlad neu os nad yw dull o'r fath yn bosibl ar hyn o bryd.

Rwy'n gobeithio bod yr uchod wedi helpu i egluro fy safbwynt ar y mater pwysig hwn ac rwy'n gobeithio y bydd gennyf fwy i'w ddweud maes o law.

Yn gywir

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Jeremy.Miles@llyw.cymru](mailto:Gohebiaeth.Jeremy.Miles@llyw.cymru)  
[Correspondence.Jeremy.Miles@gov.wales](mailto:Correspondence.Jeremy.Miles@gov.wales)

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

Tudalen y pecyn 108

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

CYPE(6)–07–21 – Papur i'w nodi 2

**Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS**  
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies AS  
Cadeirydd  
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad  
Senedd Cymru

[SeneddLJC@senedd.cymru](mailto:SeneddLJC@senedd.cymru)

15 Tachwedd 2021

Annwyl Huw,

## **Cytundeb Cysylltiadau Rhyng-sefydliadol: Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig yng Nghymru**

Rwy'n ysgrifennu'n unol â'r cytundeb cysylltiadau rhyng-sefydliadol i'ch hysbysu am 36ain Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig y byddaf yn ei chynnal yng Nghymru yn ddiweddarach yr wythnos hon.

Cynhelir yr Uwchgynhadledd mewn fformat hybrid, gyda chynrychiolwyr yn mynychu'n rhithwir ac yn bersonol. Bydd Gweinidog y Gymraeg ac Addysg a minnau yn cynrychioli Llywodraeth Cymru.

Yn ogystal â'r cyfle arferol am ddiweddariad cyffredinol ar faterion, bydd yr Uwchgynhadledd yn canolbwyntio ar gefnogi addysg y blynyddoedd cynnar a gofal plant o fewn cymunedau leithoedd Brodorol, Lleiafrifol a Llai eu Defnydd (IML).

Cyn yr Uwchgynhadledd bydd Gweinidog y Gymraeg ac Addysg yn cynnal trafodaeth rithwir i Weinidogion ar gaffael leithoedd IML yn y blynyddoedd cynnar.

Bydd hysbysiad yn cael ei gytuno gan y Cyngor yn yr Uwchgynhadledd yn cynnwys manylion y trafodaethau a gynhelir yn yr Uwchgynhadledd a thrafodaeth weinidogol y sector gwaith leithoedd IML. Byddaf yn ysgrifennu unwaith eto yn dilyn yr Uwchgynhadledd i rannu'r rhain gyda chi. Byddaf hefyd yn diweddarau'r Senedd gyda datganiad ar yr Uwchgynhadledd yr wythnos nesaf.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Mark.Drakeford@llyw.cymru](mailto:Gohebiaeth.Mark.Drakeford@llyw.cymru)  
[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)

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

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

Rwy'n anfon copi o'r llythyr hwn at Weinidog y Gymraeg ac Addysg, Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg a Chadeirydd y Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol.

Yn gywir,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

**MARK DRAKEFORD**

**Y Pwyllgor Plant, Pobl Ifanc  
ac Addysg**

**Children, Young People  
and Education Committee**

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN  
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Senedd.cymru/SeneddPlant  
0300 200 6565

**Senedd Cymru**

Cardiff Bay, Cardiff, CF99 1SN  
SeneddChildren@senedd.wales  
senedd.wales/SeneddChildren  
0300 200 6565

Elin Jones AS

Llywydd

Dyddiad: 16 Tachwedd 2021

Pwnc: Hyfforddiant diogelu

Annwyl Elin,

Mae'n ymddangos yn briodol ysgrifennu atoch yr wythnos hon, yn ystod yr Wythnos Genedlaethol Diogelu, i rannu ein profiadau o hyfforddiant diogelu. Yn ddiweddar, gwnaethom gwblhau'r cwrs cyflwyniad dwy ran i Ddiogelu ac Amddiffyn Plant yng Nghymru a ddarparwyd gan yr NSPCC. Roedd y penderfyniad i wneud yr hyfforddiant hwn yn un o'r rhai cyntaf a wnaethom fel Pwyllgor. Roeddem yn credu ei bod yn bwysig ar lefel ymarferol, i'n helpu i wybod beth y dylem ei wneud pe baem ni'n dod ar draws unrhyw bryderon diogelu yn ystod gwaith ein Pwyllgor; a hefyd fel datganiad o ba mor bwysig a hanfodol yw diogelu yn ein barn ni i unrhyw un sy'n dod i gyswllt â phlant a phobl ifanc.

Roedd yr hyfforddiant yn ardderchog; ac roedd hyd yn oed yr Aelodau hynny a oedd wedi cwblhau hyfforddiant diogelu o'r blaen yn teimlo ei fod yn ddefnyddiol yng nghyd-destun eu rôl fel AS. Yn ôl a deallwn, nid oes unrhyw ffordd o wneud hyfforddiant yn orfodol i bob AS. Fodd bynnag, hoffem annog ein holl gydweithwyr i fanteisio ar y cyfle i ymgymryd â hyfforddiant diogelu. Rydym hefyd yn cyhoeddi datganiad (amgaeedig) i'r perwyl hwn.

Rydym yn ymwybodol bod hyfforddiant diogelu yn cael ei ddarparu gan amrywiaeth o wahanol ddarparwyr yng Nghymru, ac y gall y tîm Dysgu ac Ymgysylltu ag Aelodau yn y Senedd gefnogi naill ai AS unigol neu grwpiau o ASau i ymgymryd â'r hyfforddiant. Rydym yn deall bod y tîm hwn, fel rhan o'r Wythnos Genedlaethol Diogelu, yn codi ymwybyddiaeth o'r cyfleoedd i ddysgu mwy am ddiogelu.

Rwy'n anfon copi o'r llythyr hwn at arweinwyr y pleidiau, a Jane Dodds AS. Rydym yn gwybod y gall arweinwyr y pleidiau chwarae rhan bwysig wrth annog aelodau o'u grwpiau i ymgymryd â hyfforddiant o'r fath.

Yn gywir,



Jayne Bryant AS  
Cadeirydd

Copi at:

Mark Drakeford AS

Paul Davies AS

Adam Price AS

Jane Dodds AS

Manon Antoniazzi, Prif Weithredwr

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg.

We welcome correspondence in both English and Welsh



## Pwysigrwydd hyfforddiant a gwybodaeth Diogelu

16 Tachwedd 2021

### **Pwysigrwydd hyfforddiant a gwybodaeth Diogelu**

Yn ystod yr Wythnos Genedlaethol Diogelu (15-19 Tachwedd 2021), rydym yn galw ar ein cyd-Aelodau o'r Senedd i fanteisio ar gyfleoedd i ymgymryd â hyfforddiant diogelu.

Fel Pwyllgor, un o'r penderfyniadau cyntaf a wnaethom oedd cwblhau cwrs cyflwyniad i Ddiogelu ac Amddiffyn Plant yng Nghymru. Fe wnaethom flaenoriaethu hyn oherwydd roeddem am sicrhau, yn ystod ein gwaith Pwyllgor, neu yn ein gwaith ehangach fel Aelodau unigol, bod gennym y wybodaeth a'r hyder i gymryd y camau cywir, pe byddem yn wynebu pryderon o ran diogelu.

Cwblhaodd holl Aelodau'r Pwyllgor yr hyfforddiant hwn. Roedd yn hynod ddefnyddiol ac addysgiadol i bob un ohonom. Er bod rhai ohonom wedi cwblhau hyfforddiant diogelu mewn rolau blaenorol, roedd gwneud hyfforddiant a oedd yn edrych ar y cyd-destun penodol, sydd yn aml yn unigryw, o sut y gallai materion diogelu godi yn ein rolau fel AS yn bwysig. Mae gan wleidyddion etholedig fel ni rôl unigryw sydd yn freintiedig yn aml yn y gymdeithas. Rydym yn dod i gyswllt â llawer o blant a phobl ifanc, a dylem i gyd fod â'r wybodaeth i wybod beth i'w wneud os oes gennym bryderon o ran diogelu yn ystod y cyswllt hwnnw.

Rydym bellach yn teimlo'n fwy parod i wneud hyn, a byddem yn annog ein holl gyd-Aelodau i chwilio am gyfleoedd hyfforddi o'r fath.

### **Y Pwyllgor Plant, Pobl Ifanc ac Addysg.**

Jayne Bryant AS (Cadeirydd)

James Evans AS

Siân Gwenllian AS

Laura Anne Jones AS

Ken Skates AS

Buffy Williams



# Eitem 9.4

CYPE(6)-07-21 – Papur i'w nodi 4

## Y Pwyllgor Plant, Pobl Ifanc ac Addysg

### Children, Young People and Education Committee

#### Senedd Cymru

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#### Welsh Parliament

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Jeremy Miles AS

Gweinidog y Gymraeg ac Addysg

Dyddiad | Date: 19 Tachwedd 2021

Pwnc | Subject: Memorandwm Cydsyniad Deddfwriaethol Atodol y Bil Sgiliau ac Addysg Ôl-16

Annwyl Jeremy,

Yng nghyfarfod ein Pwyllgor ar 18 Tachwedd, trafodom y Memorandwm Cydsyniad Deddfwriaethol Atodol hwn. Mae gennym nifer o gwestiynau i'n helpu gyda'n trafodaethau.

Gan fod yn rhaid i'r Pwyllgor gyflwyno adroddiad ar y Memorandwm hwn erbyn 15 Rhagfyr, byddem yn gwerthfawrogi ymateb cyn gynted â phosibl, a dim hwyrach na dydd Gwener 26 Tachwedd, er mwyn ein galluogi i'w ystyried yn ein cyfarfod ddydd lau 2 Rhagfyr.

*Cymalau 1 (Cynlluniau gwella sgiliau lleol) a 4 (dehongli)*

Mae paragraff 15 o'r Memorandwm Atodol yn nodi bod diwygiadau a wnaed i gymalau 1 a 4 o'r Bil "yn cynyddu'r posibilrwydd y gallai sefydliadau yng Nghymru fod yn ddarostyngedig i'r dyletswyddau mewn perthynas â chynlluniau gwella sgiliau lleol ar gyfer Lloegr." Gan na ddarperir rhagor o fanylion yn y Memorandwm Atodol ynghylch sut, yn ymarferol, y bydd y diwygiadau yn cael yr effaith hon, a allwch ddarparu'r manylion hyn i ni?

Mewn gohebiaeth flaenorol â'r Pwyllgor, fe wnaethoch awgrymu bod trafodaethau cynhyrchiol ar lefel y swyddogion wedi'u cynnal gyda Llywodraeth Cymru mewn perthynas â diwygio'r cymalau hyn yn y Bil. Mae'r Memorandwm Atodol yn cadarnhau nad yw'r diwygiadau a wnaed yn mynd i'r afael â'ch pryderon. A allwch egluro pam mae trafodaethau o'r fath wedi arwain at wneud diwygiadau i'r Bil nad ydynt yn mynd i'r afael â'ch pryderon? A allwch gadarnhau a oes trafodaethau pellach yn mynd rhagddynt gyda'r Adran Addysg ac, os felly, a ydynt yn debygol o arwain at wneud diwygiadau i'r Bil sy'n mynd i'r afael â'ch pryderon?



A allwch ddarparu rhagor o eglurder o ran manylion y diwygiadau y byddai angen i chi eu gweld yn cael eu gwneud i'r Bil er mwyn argymhell bod y Senedd yn rhoi ei chydysyniad i gymalau 1 a 4 o'r Bil?

*Cymal 25 newydd [Darparu cyfleoedd ar gyfer addysg a meithrin sgiliau]*

Fe wnaethom nodi bod cymal 25 newydd wedi'i fewnosod i'r Bil. Mae'r cymal hwn yn darparu bod gan unrhyw berson o unrhyw oedran yr hawl i gael addysg am ddim ar gwrs cymeradwy hyd at Lefel 3 a gyflenwir gan ddarparwr addysg bellach neu dechnegol cymeradwy, os nad yw eisoes wedi astudio ar y lefel honno; a bod yn rhaid darparu cyllid i'r darparwr cymeradwy at y diben hwnnw. Mae hefyd yn gosod gofynion ar gyflogwyr mewn perthynas â gwario arian ar gyfer pobl ar brentisiaethau sydd o dan 25 oed.

Er bod y Nodiadau Esboniadol yn nodi y bwriedir i'r cymal hwn fod yn gymwys i bobl yn Lloegr, nid yw hyn yn cael ei adlewyrchu ar wyneb y Bil. A allwch gadarnhau a ydych o'r farn bod angen cydysyniad deddfwriaethol y Senedd mewn perthynas â chymal 25 o'r Bil ac, os ddim, pam lai?

Edrychaf ymlaen at gael eich ymateb.

Yn gywir,



Jayne Bryant AS  
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Eitem 9.5

CYPE(6)-07-21 - Papur i'w nodi 5

**Jeremy Miles AS/MS**

Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

Ein cyf/Our ref JMEWL/4025/21



Llywodraeth Cymru  
Welsh Government

Jayne Bryant AS

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg  
Senedd Cymru

[SeneddPlant@senedd.cymru](mailto:SeneddPlant@senedd.cymru)

Annwyl Jayne

25 Tachwedd 2021

Diolch am eich llythyr dyddiedig 19 Tachwedd ynghylch y Memorandwm Cydsyniad Deddfwriaethol Atodol (Memorandwm Rhif 2) (SLCM Rhif 2) ar gyfer Bil Sgiliau ac Addysg Ôl-16 y DU ("y Bil") a osodwyd ar 29 Hydref. Codwyd ymholiadau gennych mewn perthynas â'r ddarpariaeth a wneir gan gymalau 1 a 4 a chan gymal 25 o'r Bil. Rwyf wedi ymateb isod.

## **Cymalau 1 (cynlluniau gwella sgiliau lleol) a 4 (dehongli)**

Effaith y gwelliannau a wnaed i gymalau 1 a 4 o'r Bil yng Nghyfnod Adrodd Tŷ'r Arglwyddi ar 12 Hydref oedd cynyddu'r posibilrwydd y gallai sefydliadau Cymru fod yn ddarostyngedig i'r dyletswyddau mewn perthynas â chynlluniau gwella sgiliau lleol ar gyfer Lloegr. Mae'r gwelliannau i gymal 1 yn cyfyngu ar yr addysg a'r hyfforddiant o fewn cwmpas y dyletswyddau mewn perthynas â'r cynlluniau gwella sgiliau lleol i hyfforddiant ac addysg dechnegol ôl-16 "a ariennir gan Loegr" ("*English funded*"). Er hyn, mae'r gwelliannau i gymal 4 sy'n diffinio "a ariennir gan Loegr" yn cynnwys cymorth i fyfyrwyr a ddarperir gan yr Ysgrifennydd Gwladol. Yn fy nhyb i, gallai effaith gyfunol y gwelliannau hyn o bosibl olygu bod cyrsiau sefydliadau yng Nghymru, yr ymgymerir â hwy gan fyfyrwyr sy'n hanu o Loegr ac sy'n cael cymorth i fyfyrwyr gan Lywodraeth y DU, yn cael eu hystyried yn berthnasol i anghenion sgiliau ardal leol yn Lloegr. Mae'r Bil yn darparu, pan fo addysg dechnegol ôl-16 yn berthnasol i ardal leol yn Lloegr, yna mae sefydliadau sy'n darparu'r addysg honno yn ddarostyngedig i'r dyletswyddau mewn perthynas â chynlluniau gwella sgiliau lleol a nodir yng nghymal 1(3), 1(4) ac 1(5). Mae'r ffaith bod cymorth ariannol i fyfyrwyr wedi'i gynnwys yn niffiniad darpariaeth "a ariennir gan Loegr" yn peri pryder penodol gan y gallai'r dull hwn olygu bod ystod eang o hyfforddiant ac addysg ôl-16 a gynigir gan sefydliadau yng Nghymru yn dod o fewn cwmpas y dyletswyddau mewn perthynas â chynlluniau gwella sgiliau lleol.

Mae fy swyddogion wedi bod yn ymwneud â swyddogion Adran Addysg Llywodraeth y DU ers misoedd ac maent wedi cael trafodaethau cynhyrchiol mewn perthynas â chymhwyso cymalau 1 a 4 i sefydliadau yng Nghymru. Roedd y gwelliannau a gyflwynwyd gan Lywodraeth y DU i'w hystyried yng Nghyfnod Adrodd Tŷ'r Arglwyddi yn welliant o gymharu â'r Bil fel y'i cyflwynwyd hyd yma gan eu bod yn pennu cysylltiad â chyllido darpariaeth ôl-16 gan yr Ysgrifennydd Gwladol. Fodd bynnag, nid oedd y gwelliannau'n mynd i'r afael yn

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

## **Tudalen y pecyn 116**

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

ddigonol â'r mater sylfaenol sy'n peri pryder, sef y dyletswyddau statudol a osodir ar sefydliadau yng Nghymru nad ydynt, yn fy nhyb i, yn angenrheidiol nac yn gymesur. Mae cymesuredd a'r tebygolrwydd y bydd sefydliadau yng Nghymru yn darparu addysg dechnegol ôl-16 a ystyrir yn berthnasol i ardal leol yn Lloegr yn faterion a godwyd gan fy swyddogion pan gawsant weld y gwelliannau drafft yn gynnar ym mis Hydref. Er hyn, nid oedd amserlen Llywodraeth y DU ar gyfer cwblhau eu gwelliannau ar gyfer y Cyfnod Adrodd yn caniatáu ar gyfer dadansoddi'r gwelliannau'n llawn na'u hailddrafftio cyn iddynt gael eu cyflwyno.

Ysgrifennais at yr Ysgrifennydd Gwladol dros Addysg ar 29 Hydref yn amlinellu fy mhryderon, gan nodi mai diben cynlluniau gwella sgiliau lleol yw sicrhau bod addysg ôl-16 ar gael i ddiwallu anghenion sgiliau cyflogwyr mewn ardaloedd penodedig yn Lloegr, a bod gosod dyletswyddau cyfreithiol ar sefydliadau yng Nghymru mewn perthynas â'r cynlluniau hyn yn ddiangen. Hysbysais yr Ysgrifennydd Gwladol yr hoffwn weld gwelliannau'n cael eu cyflwyno i gael gwared ar y dyletswyddau mewn perthynas â chynlluniau gwella sgiliau lleol ar sefydliadau yng Nghymru.

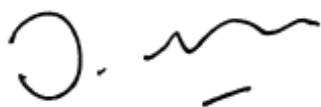
Mae trafodaethau wedi'u cynnal ar lefel swyddogol ac mae llawer o gynnydd wedi'i wneud yn yr wythnosau diwethaf i fynd i'r afael â fy mhryderon. Rwy'n falch o allu rhoi gwybod ichi fod Llywodraeth y DU wedi cyflwyno gwelliannau i'w hystyried yng Nghyfnod Pwyllgor Tŷ'r Cyffredin. Mae'r gwelliannau hynny'n mynd i'r afael â fy mhryderon ac maent ar gael yma: [skills.pbc.rm.1124.fm \(parliament.uk\)](https://skills.pbc.rm.1124.fm/parliament.uk). Rwy'n bwriadu gosod Memorandwm Cydsyniad Deddfwriaethol Atodol pellach cyn gynted â phosibl i adlewyrchu'r gwelliannau hyn.

### **Cymal 25 (Sefydliadau yn y sector addysg bellach: gweithdrefn ddynodi)**

Ychwanegwyd cymal 25 at y Bil yng Nghyfnod Adrodd Tŷ'r Arglwyddi. Mae'r gwelliannau a gyflwynwyd gan Lywodraeth y DU ar 24 Tachwedd ar gyfer Cyfnod Pwyllgor Tŷ'r Cyffredin yn ceisio dileu'r cymal hwn o'r Bil.

Rwyf hefyd yn anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, Huw Irranca-Davies AS.

Yn gywir



**Jeremy Miles AS**

Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

# Eitem 9.6

CYPE(6)-07-21 – Papur i'w nodi 6

Eluned Morgan AS  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Julie Morgan AS  
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol  
Deputy Minister for Social Services

Lynne Neagle AS  
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant  
Deputy Minister for Mental Health & Wellbeing



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/EM/2870/21

Jayne Bryant AS  
Cadeirydd  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg  
Senedd Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1SN

22 Tachwedd 2021

Annwyl Jayne,

Diolch am eich llythyr dyddiedig 27 Hydref yn dilyn sesiwn graffu gyffredinol y Pwyllgor Plant, Pobl Ifanc ac Addysg ar 7 Hydref.

Rydym wedi mynd i'r afael â phob un o gwestiynau ychwanegol y Pwyllgor fel a ganlyn:

## **STRATEGAETH IECHYD PLANT**

Mae iechyd plant yn brif flaenoriaeth i Lywodraeth Cymru. Dylai plant a phobl ifanc fod wrth wraidd gwasanaethau rhagorol ac integredig sy'n rhoi eu hanghenion yn gyntaf, waeth beth fo'u strwythurau sefydliadol a phroffesiynol traddodiadol. Mae Llywodraeth Cymru eisoes wedi cytuno nad strategaeth unigol yw'r ffordd orau o gyflawni hyn o reidrwydd.

Gwnaeth yr Adolygiad Seneddol o Iechyd a Gwasanaethau Cymdeithasol a gyhoeddwyd yn 2018 amryw o argymhellion ynghylch dyfodol darpariaeth iechyd a gofal yng Nghymru. Galwodd yr Adolygiad am un system ddi-dor i Gymru, gydag un weledigaeth glir a syml o sut beth fydd gofal yn y dyfodol i ddiwallu anghenion y boblogaeth. Argymhellodd yr Adolygiad y dylid trefnu gofal o amgylch yr unigolyn a'u teuluoedd ac y dylai'r cymorth a ddarperir fod heb rwystrau artiffisial.

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[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

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

**Tudalen y pecyn 118**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Cafodd Cymru lachach: ein cynllun hirdymor ar gyfer iechyd a gwasanaethau cymdeithasol a gyhoeddwyd yn 2018 ei lywio gan yr adolygiad seneddol. Mae'n darparu ar gyfer dull system gyfan sy'n deg a lle bydd gwasanaethau'n darparu gofal o ansawdd uchel ac yn sicrhau canlyniadau iechyd mwy cyfartal i bawb yng Nghymru. Dylai gwasanaethau gael eu dylunio o amgylch yr unigolyn ac o amgylch grwpiau o bobl, yn seiliedig ar eu hanghenion unigryw a'r hyn sy'n bwysig iddynt, yn ogystal â chanlyniadau ansawdd a diogelwch.

Fel rhan o ddatblygiad Cymru lachach, cynhaliwyd Aseiad o'r Effaith ar Hawliau Plant (CRIA) a chanfuwyd y bydd plant, pobl ifanc a'u teuluoedd yn elwa ar wasanaethau gofal iechyd diogel ac effeithiol, a'u darpariaeth barhaus yw amcan cyffredinol y Cynllun Hirdymor.

O dan y Ddeddf Gwasanaethau Cymdeithasol a Llesiant, mae'n ofynnol i bob darparwr iechyd a gwasanaethau cymdeithasol gynnal aseuadau poblogaeth a chyhoeddi cynlluniau ardal sy'n nodi sut maent yn diwallu anghenion grwpiau blaenoriaeth penodol – un ohonynt yn blant a phobl ifanc.

Atgoffir Byrddau Iechyd ac Awdurdodau Lleol o'u dyletswyddau mewn perthynas â phlant a phobl ifanc yn Neddf Gwasanaethau Cymdeithasol a Llesiant, Rhan 9 Canllawiau Statudol a Fframwaith Cynllunio GIG Cymru. Mae'r Fframwaith yn cynnwys amryw o ofynion penodol sy'n ymwneud â phlant a phobl ifanc, gan gynnwys darparu gwasanaethau iechyd meddwl i blant yn eu hardal, cymorth i blant ag AAA a chydymffurfiaeth â gofynion diogelu, gyda disgwyl i BILlau ddangos tystiolaeth o'u cydymffurfiaeth yn eu Cynlluniau Tymor Canolig Integredig sy'n destun cymeradwyaeth Llywodraeth Cymru.

Mae'r Fframwaith Cynllunio yn ei dro yn seiliedig ar amrywiaeth o strategaethau a mentrau Llywodraeth Cymru sy'n ymwneud â gofal iechyd i blant a phobl ifanc, megis Polisi Sgrinio ac Imiwneiddio, Law yn Llaw at Blant a Phobl Ifanc, Rhaglen Plant Iach Cymru a Rhwydwaith Ysgolion Iach Cymru. Ni fydd unrhyw un o'r dyletswyddau na'r disgwyliadau sydd wedi'u cynnwys yn y dogfennau canllaw hyn, na'r trefniadau atebolrwydd sydd wedi'u hymgorffori yn y prosesau IMTP neu Gynllunio Ardal lle mae darparwyr gofal iechyd yn dangos eu bod yn cydymffurfio â nhw, yn cael eu heffeithio'n negyddol gan unrhyw beth yn y Cynllun Hirdymor.

Caiff llwyddiant y Cynllun ei farnu dros amser drwy'r ystod eang o drefniadau monitro a sicrhau perfformiad presennol ar gyfer iechyd a gofal cymdeithasol, a thrwy adroddiadau cynnydd rheolaidd ar drawsnewid gwasanaethau.

Mae gweithio amlddisgyblaethol yn arbennig o bwysig mewn perthynas ag iechyd plant, felly bydd y trawsnewidiad a gynigir yn y Cynllun Hirdymor i system o ddarpariaeth iechyd a gofal ddi-dor yn hyrwyddo mabwysiadu ymyriadau integredig ac effeithiol i blant yn ehangach, gan arwain at ganlyniadau iechyd a lles mwy cadarnhaol dros amser. Bydd mwy o bwyslais ar ddulliau gofal iechyd ataliol o fudd uniongyrchol i blant a phobl ifanc hefyd drwy gynyddu llythrennedd iechyd a sicrhau bod dewisiadau ac ymddygiadau ffordd o fyw cadarnhaol yn cael eu harfer o oedran ifanc. Mae rhaglen waith ar y gweill ar hyn o bryd i archwilio sut rydym yn creu system blynyddoedd cynnar o hybu iechyd yn lleol ac yn genedlaethol hefyd. Yn ogystal, mae iechyd a lles yn faes dysgu craidd yn y cwricwlwm newydd a ddatblygwyd ar gyfer Cymru.

Bwriad Cymru lachach yw sicrhau cynaliadwyedd gwasanaethau iechyd a gofal cymdeithasol diogel o ansawdd uchel yng Nghymru i'r dyfodol a, thrwy wneud hynny, bydd yn cysylltu'n uniongyrchol ag amryw o Erthyglau yng Nghonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn.

Y GIG yng Nghymru ac awdurdodau lleol Cymru yw prif ddarparwyr gwasanaethau iechyd a gofal cymdeithasol i blant a'u teuluoedd. Mae'r gwasanaethau hyn yn cefnogi goroesiad a datblygiad iach plant yn unol ag Erthygl 6, cymorth meddygol a chymdeithasol i blant ag anableddau yn unol ag Erthygl 23, a darparu gofal iechyd i blant yn unol ag Erthygl 24.

Mewn perthynas ag Erthyglau 12 a 13, mae Cymru iachach yn hyrwyddo mabwysiadu dull sy'n canolbwyntio ar yr unigolyn o ran darparu iechyd a gofal cymdeithasol, gan roi gofynion a dewisiadau'r unigolyn wrth wraidd y system i gyflawni'r canlyniadau y mae'n dweud sy'n bwysig iddo, yn hytrach na pharu pobl â'r gwasanaethau sydd ar gael fel sy'n digwydd yn aml yn awr. Er mwyn cyflawni hyn, rhoddir mwy o bwyslais ar roi mwy o lais i unigolion yn y gwasanaethau a gânt a'r gwahanol opsiynau gofal neu driniaeth sydd ar gael, a'u galluogi i gael gafael ar yr holl wybodaeth a gedwir gan wasanaethau am eu hiechyd a'u lles, gyda chymorth gweithwyr iechyd a gofal cymdeithasol proffesiynol i helpu i egluro beth mae'r wybodaeth honno'n ei olygu, a sut i'w defnyddio mewn ffyrdd sy'n gwella iechyd a lles.

Mewn perthynas ag Erthygl 15, dylid cynyddu cymaint â phosibl y cyfleoedd i blant ag anableddau neu broblemau iechyd gysylltu ag eraill drwy ddarparu mwy o wasanaethau iechyd mewn lleoliadau cymunedol yn hytrach nag ysbytai, a bydd mwy o bwyslais ar hybu iechyd a dulliau ataliol ym maes gofal iechyd yn lleihau anghydraddoldebau iechyd ac yn cefnogi mwy o blant i gymryd rhan mewn chwarae gweithredol a chwaraeon a mwynhau'r cyfleoedd cymdeithasol ehangach a ddaw yn sgil gweithgareddau o'r fath.

Yn gryno, mae'r dull sy'n canolbwyntio ar yr unigolyn ym maes gofal iechyd a nodir yn Cymru iachach, o'i gyfuno â rhaglenni eraill Llywodraeth Cymru sy'n ceisio cefnogi plant, eisoes yn darparu'r trylwyredd angenrheidiol o ran sicrhau bod plant yn cael y dechrau gorau posibl mewn bywyd ac yn eu cefnogi wrth iddynt ddatblygu i fod yn oedolion ifanc.

## **PWYSAU IACH: CYMRU IACH**

Rydym yn parhau i weithio ar ein strategaeth Pwysau Iach: Cymru Iach, a bydd y Cynllun Cyflawni ar gyfer 2022-24 yn cael ei lansio gan y Dirprwy Weinidog Iechyd Meddwl a Llesiant yn gynnar yn 2022. Bydd y cynllun hwn yn ystyried y cyfleoedd a'r heriau a ddaeth yn sgil y pandemig COVID-19. Mae adferiad wedi'i ystyried yn ofalus, yn enwedig yr effeithiau tymor byr a chanolig ar ymddygiad ar draws y boblogaeth. Mae cefnogi plant a theuluoedd wedi parhau i fod yn ffocws trawsbynciol ar draws camau gweithredu o fewn y cynllun drafft, gydag ystyriaeth barhaus o anghydraddoldebau iechyd a chau'r bwlch.

Rydym wedi buddsoddi £5 miliwn arall dros 2021-22 i ddwyn ynghyd raglenni â thystiolaeth ryngwladol i'w hategu a fydd yn cefnogi newidiadau hanfodol. Mae rhai o'r prif gyflawniadau'n cynnwys:

- Cyflwyno Llwybr Rheoli Pwysau Cymru Gyfan diwygiedig sy'n rhoi ffocws sylweddol ar iechyd meddwl a chorfforol, gyda Byrddau Iechyd Lleol yn datblygu cynlluniau lleol a chynyddu capasiti.
- Mae Trafnidiaeth Cymru wedi newid y cynnig arlwygo ar drenau er gwell ar gyfer teithiau ledled Cymru.
- Dechrau newid cadarnhaol yn yr amgylchedd bwyd gyda'r nod o wneud y dewis iach yn ddewis rhwydd.
- Dechrau datblygu Rhaglen Atal Diabetes Cymru Gyfan newydd, sefydlu cynlluniau peilot ar gyfer Rhaglen Plant a Theuluoedd a pharhau i ddarparu Rhaglen Cymru Egniol i bobl dros 60 oed.
- Sefydlu timau system ledled Cymru a fydd yn canolbwyntio ar atal a gweithio gyda chymunedau i nodi a dod o hyd i atebion lleol.

## **Gwerthuso**

Roedd Llywodraeth Cymru wedi gobeithio sicrhau gwerthusiad annibynnol o'r strategaeth, ond mae hyn wedi'i ohirio oherwydd y pandemig. Comisiynwyd gwerthusiad cyn asesu ac mae swyddogion yn disgwyl ceisiadau, i'w derbyn yr wythnos sy'n cychwyn ar 1 Tachwedd. Bydd hyn yn helpu i bennu'r paramedrau ar gyfer unrhyw werthusiad yn y dyfodol, lle gwyddom y bydd angen dylunio'r broses o geisio cipio ehangder llawn y strategaeth a'r effaith i ystyried y natur aml-elfen. Dylai hyn ddylanwadu ar benderfyniadau ar gyfer cynllun cyflawni 2024-26. Mae amrywiaeth o werthusiadau yn cael eu sefydlu ar draws y broses o gyflwyno rhaglenni hefyd.

## **GWASANAETH CLEIFION MEWNOL IECHYD MEDDWL AMENEDIGOL ARBENIGOL**

O ran 'Uned Gobaith', nodwyd y potensial i adnewyddu seilwaith segur ym Mwrdd Iechyd Prifysgol Bae Abertawe i ddatblygu Uned Mamau a Babanod bwrpasol ar safle Tonna, gan ein galluogi i sicrhau bod uned yn weithredol cyn gynted â phosibl. Adolygwyd y safle hwn gan yr Uned Gomisinyu Gydweithredol Genedlaethol yn erbyn y safonau ar gyfer Gwasanaethau Cleifion Mewnol Iechyd Meddwl Amenedigol (CCQI Mawrth 2018) a chadarnhaodd y byddai'n briodol yn glinigol naill ai dros dro neu'n barhaol.

Mae Llywodraeth Cymru wedi gofyn i WHSSC gynnal arfarniad opsiynau pellach i'n galluogi ni i wneud penderfyniad gwybodus ynghylch ai parhau i ddefnyddio'r uned wedi'i hadnewyddu ar safle Ysbyty Tonna yn barhaol, neu ddatblygu Uned Cleifion Mewnol Iechyd Meddwl Amenedigol Arbenigol newydd ar safle Castell-nedd Port Talbot, fyddai'n sicrhau'r canlyniadau gorau. Rydym wedi cytuno y byddwn ni, am y 12 mis cyntaf ar ôl agor Tonna, yn defnyddio'r cyfnod hwn i werthuso mynediad i'r uned honno, a'r defnydd ohoni, i lunio barn wybodus ar ba gamau sydd eu hangen yn y dyfodol. Daw'r cyfnod hwn o 12 mis i ben ym mis Ebrill 2022.

Mae trafodaethau'n cael eu cynnal gyda GIG Lloegr i ddatblygu'r opsiwn o Uned Mamau a Babanod wyth gwely ar y cyd a fyddai'n cynnig darpariaeth i fenywod yn y Gogledd. Mae'r sail resymegol dros fynd ar drywydd uned wyth gwely ar y cyd yn seiliedig ar waith modelu'r galw a wnaed gan WHSSC (wedi'i adnewyddu'n ddiweddar) ac i ddarparu gwasanaeth cynaliadwy i fenywod yn y Gogledd. Byddwn yn rhoi diweddariad pellach ar y gwaith hwn a'r amserlen ar gyfer gweithredu cyn bo hir.

## **POBL SY'N GADAEL GOFAL**

Rydym wedi ymrwmo i gefnogi pobl sy'n gadael gofal i fod yn oedolion annibynnol ac mae hyn yn cynnwys gwella ansawdd ac ystod yr opsiynau llety sydd ar gael i'r rhai sy'n gadael gofal a pharhau â'r cymorth a gynigir drwy Gronfa Dydd Gŵyl Dewi.

Mae'r Gronfa Dydd Gŵyl Dewi gwerth £1 miliwn yn rhoi cymorth ariannol uniongyrchol i bobl sy'n gadael gofal fel y gallant fanteisio ar gyfleoedd mewn addysg, hyfforddiant a/neu gyflogaeth a fydd yn eu helpu i bontio'n llwyddiannus tuag at fyw bywydau annibynnol a llwyddiannus fel oedolion.

Yn 2017–18, manteisiodd bron i 2,000 o bobl ifanc ar y gronfa ac mae'n parhau i helpu pobl ifanc sydd â phrofiad o ofal. Ym mlwyddyn ariannol 2019–20, dyblwyd y gronfa i gefnogi pobl ifanc mewn perthynas â thai ac, yn ystod COVID, gellir defnyddio'r gronfa i gefnogi pobl ifanc y mae'r pandemig wedi effeithio'n andwyol arnynt. Datblygwyd Cronfa Galedi COVID ychwanegol gwerth £1 miliwn, yn debyg i Gronfa Dydd Gŵyl Dewi, i gefnogi unrhyw anghenion ychwanegol.



Mae swyddogion yn y Gyfarwyddiaeth Gwasanaethau Cymdeithasol ac Integreiddio yn gweithio'n agos gyda chydweithwyr Polisi Tai i ddatblygu ein nodau yn y maes polisi hwn ac i adeiladu ar y gwaith a wnaed yn nhymor diwethaf y Senedd. Mae swyddogion yn cydweithio â'r trydydd sector ac awdurdodau lleol gyda'r nod o wella'r newid o ofal i fyw'n annibynnol ac edrych ar yr amrywiaeth o opsiynau llety o ansawdd sydd ar gael i bobl sy'n gadael gofal.

Drwy ein Grantiau Gwasanaethau Cymdeithasol Trydydd Sector, rydym yn buddsoddi yn y trydydd sector ac yn cydweithio â'r trydydd sector i gefnogi pobl ifanc sy'n gadael gofal i fyw'n annibynnol a mynd i'r afael â phroblemau llety drwy ein rhaglen Skills+ Gweithredu dros Blant.

Drwy'r gronfa arloesi ar gyfer pobl ifanc ddigartref gwerth £3.6 miliwn yn y Grant Atal Digartrefedd, rydym yn cefnogi prosiectau sy'n mynd i'r afael â thai i bobl ifanc mewn ffyrdd newydd ac arloesol. Mae'r prosiectau hyn yn benodol i bobl ifanc agored i niwed rhwng 16 a 25 oed sy'n wynebu risg o fod yn ddigartref neu sy'n ddigartref ar hyn o bryd, gydag amryw yn canolbwyntio'n benodol ar gefnogi pobl sy'n gadael gofal. Ar hyn o bryd, mae 25 o brosiectau'n gweithredu ledled Cymru a bydd gwerthusiad allanol o'u heffeithiolrwydd wrth gefnogi pobl ifanc yn dechrau cyn bo hir.

Er mwyn gwella'r broses bontio i bobl sy'n gadael gofal, mae swyddogion Llywodraeth Cymru yn y Gyfarwyddiaeth Gwasanaethau Cymdeithasol ac Integreiddio a'r rhai yn y maes Polisi Tai yn mynd ati ar y cyd i ddiweddarau Fframwaith Llety a Chymorth i Bobl sy'n Gadael Gofal Cymru Barnardo's. Unwaith y bydd hyn wedi'i gwblhau, byddwn yn sicrhau bod hyfforddiant ar weithredu'r fframwaith fel bod yr holl asiantaethau dan sylw yn ymwybodol o'u rolau a'u cyfrifoldebau a bod pobl ifanc yn cael eu cefnogi'n well.

Wrth gwrs, mae'r cynnig llety ar gyfer pobl sy'n gadael gofal a phobl ifanc yn fwy cyffredinol yn agwedd allweddol ar y gwaith ehangach i sicrhau bod gan bawb yng Nghymru gartref fforddiadwy o safon dderbynol. Mae'r pandemig wedi rhoi cyfle i ni drawsnewid gwasanaethau tai a digartrefedd a dechrau mabwysiadu dull gwirioneddol gynhwysol i sicrhau nad yw unrhyw un yn cael ei adael heb gartref. Rydym hefyd wedi ymrwymo'n gryf i symud o sefyllfa o ddibynnu ar lety dros dro i system sy'n canolbwyntio ar atal ac ailgartrefu'n gyflym.

## **CYFIAWNDER IEUENCTID**

Mae'r Glasbrintiau Cyfiawnder Ieuencid a Throseddu Benywaidd, a gyhoeddwyd ym mis Mai 2019, yn nodi dull gwahanol o ymdrin â gwasanaethau cyfiawnder yng Nghymru, sef un sy'n canolbwyntio ar ymyrraeth gynnar ac atal, gan geisio dargyfeirio pobl ifanc i ffwrdd o droseddu yn y lle cyntaf, ond hefyd i ddarparu cymorth cyfannol ac adsefydlu i'r rhai sy'n dod i mewn i'r system.

Llywodraeth y DU sy'n gyfrifol am y system gyfiawnder, ond mae darparu cyfiawnder yng Nghymru yn ddibynnol iawn ar wasanaethau datganoledig, gydag iechyd a gwasanaethau cymdeithasol, addysg, dysgu a sgiliau a thai i gyd yn gwneud cyfraniad allweddol at atal troseddu ac adsefydlu pobl ifanc sy'n troseddu yn effeithiol. Er bod nifer y Cymry ifanc yn y ddalfa wedi gostwng yn sylweddol, mae llawer yn y ddalfa i ffwrdd o'u cartrefi, eu teulu a'u cymunedau. Mae'r Glasbrint Cyfiawnder Ieuencid yn nodi ymrwymiad i wireddu sut y gall gwasanaethau datganoledig a gwasanaethau nad ydynt wedi'u datganoli gydweithio i wireddu hawliau plant a datblygu system cyfiawnder ieuencid yng Nghymru sy'n seiliedig ar egwyddorion seiliedig ar hawliau.

Rydym yn mynd i'r afael â'r materion hyn mewn dull traws-lywodraethol, gydag ymrwymiad a rennir i'r Glasbrentiau ar draws adrannau polisi. Sefydlwyd grŵp llywodraethu mewnol gan Lywodraeth Cymru, gydag uwch swyddogion ar draws adrannau polisi perthnasol, gan gynnwys Iechyd, Addysg, Tai a Gwasanaethau Cymdeithasol. Un enghraifft o'r dull traws-lywodraethol o ymdrin â'r gwaith hwn oedd cytundeb y Cabinet ym mis Ionawr i weledigaeth ar gyfer yr ystâd ddiogeledd ar gyfer plant Cymru yn y system gyfiawnder a oedd yn disgrifio model cyflenwi newydd ar gyfer llety diogel lle byddai plant yn cael eu lletya mewn cartrefi bach, yn agos at eu cymunedau gyda mynediad at wasanaethau a chymorth arbenigol i ddiwallu eu hanghenion. Mae'r Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol a'r Gweinidog Cyfiawnder Cymdeithasol wedi cytuno â'r Weinyddiaeth Gyfiawnder i gydweithio i gyflawni canlyniad a fydd yn gweld plant yn y systemau lles a chyfiawnder yng Nghymru yn cael eu cydleoili yn yr un adeilad / safle, gan gyd-fynd â'r weledigaeth a'r egwyddorion a nodwyd yn y papur gweledigaethau yn gynharach yn y flwyddyn.

## **CYLLIDEBAU IECHYD MEDDWL**

Rydym wedi cydnabod iechyd meddwl fel maes trawsbynciol pwysig yn ein paratodau ar gyfer y gyllideb. Mae dyraniadau ar draws Llywodraeth Cymru yn cyfrannu at gefnogi iechyd meddwl plant a phobl ifanc. Byddwn yn rhoi rhagor o fanylion pan fyddwn yn cyhoeddi ein cyllideb ddrafft ar 20 Rhagfyr.

## **TŶ LLIDIARD**

Mae'r Dirprwy Weinidog Iechyd Meddwl a Lles wedi datgan yn glir ei disgwyliad bod angen bwrw ymlaen â'r gwaith i wneud y gwelliannau angenrheidiol yn Nhŷ Llidiard ar frys. Mae'r Dirprwy Weinidog wedi cael sicrwydd bod monitro ychwanegol ar waith a bod camau wedi'u cymryd i sicrhau bod y gwasanaeth cyfredol yn ddiogel a bod unigolion yn yr uned yn parhau i gael gofal o safon. Mae'r Dirprwy Weinidog yn cael diweddariadau wythnosol ynghylch cynnydd Bwrdd Iechyd Prifysgol Cwm Taf Morgannwg (CTMUHB) yn erbyn y cynllun gwella y cytunwyd arno ar gyfer Tŷ Llidiard.

Mae'r bwrdd iechyd wedi pwysleisio ei fod wedi ymrwmo i'r gwelliannau hyn ac yn gweithio gyda Phwyllgor Gwasanaethau Iechyd Arbenigol Cymru (WHSSC) er mwyn gweithredu'r newidiadau angenrheidiol. Mae hwn yn faes blaenoriaeth ar gyfer y Dirprwy Weinidog sy'n dilyn y sefyllfa a'r cynnydd yn agos iawn.

Mae'r Dirprwy Weinidog hefyd yn cael diweddariadau wythnosol gan banel rheoli gwelyau Cymru Gyfan sy'n adolygu'r capasiti a'r pwysau ar lif clefion yn y ddwy uned CAMHS.

Mae Llywodraeth Cymru wedi cytuno ar raglen wella haen 4 ehangach gyda WHSSC a fydd yn gwella ac yn cryfhau'r gefnogaeth yn y ddwy uned CAMHS yng Nghymru. Fel rhan o'r £5.4 miliwn ychwanegol a ymrwymwyd eleni i wella CAMHS, bydd £1.8 miliwn yn cefnogi gwelliannau yn uniongyrchol yn ein dwy uned CAMHS yng Nghymru.

**Gwybodaeth ychwanegol i chi ofyn i ni ei darparu**

## **ADRODDIADAU 'AT WRAIDD Y MATER' Y GRŴP LLYWIO GWASANAETHAU HANFODOL**

Nid oes gennym adroddiadau byrddau iechyd unigol ar wasanaethau hanfodol a sut y cynhaliwyd y rhain yn ystod y pandemig. Fodd bynnag, mae copïau o adolygiadau'r Grŵp o wasanaethau plant a gwasanaethau'r galon wedi'u hatodi er gwybodaeth.

## **RHAGLENNI BRECHU**

### **Rhaglen Frechu COVID-19**

#### **Pobl ifanc 12-15 oed**

Canfu'r Cyd-bwyllgor ar Imiwneiddio a Brechu (JCVI) fod budd i gynnig brechiad i bobl ifanc 12-15 oed, ond mai ychydig iawn o fudd oedd o safbwynt iechyd yr unigolyn. Dywedodd y Cyd-bwyllgor fod y Prif Swyddogion Meddygol mewn sefyllfa well i roi cyngor ar fuddion ehangach brechu'r grŵp oedran hwn i iechyd y cyhoedd. Ar 14 Medi, argymhellodd pedwar Prif Swyddog Meddygol y DU, ar sail iechyd y cyhoedd, y dylid cynnig dos cyntaf o frechlyn COVID-19 Pfizer-BioNTech i bob plentyn a pherson ifanc 12-15 oed nad ydynt eisoes wedi'u cwmpasu gan gyngor JCVI presennol. Cafodd yr argymhelliad hwn ei dderbyn gan 4 gwlad y DU.

Teimlwyd bod y manteision tebygol ychwanegol o leihau tarfu ar addysg a'r gostyngiad dilynol mewn niwed i iechyd y cyhoedd yn ddigon o fantais ychwanegol i argymhell o blaid brechu'r grŵp hwn.

Mae pob bwrdd iechyd yng Nghymru wedi dewis darparu drwy Ganolfannau Brechu yn bennaf, ond mae dull cyfunol ledled Cymru yn cael ei fabwysiadu, gan y gallai fod angen i dimau brechu fynd i ysgolion arbennig a rhai ysgolion preifat lle gall plant a phobl ifanc fod yn preswyllo.

Yn ystod hanner tymor, canolbwyntiodd GIG Cymru ar frechu pobl ifanc 12 i 15 oed, gyda llawer o ganolfannau'n cynnig apwyntiadau galw i mewn.

Rydym wedi rhoi **dros 164,671 o frechiadau** (data o 16/11) i'r garfan 12-15 (cyfradd dderbyn o **51% ar 16/11**) ac wedi cyflawni ein nod, fel y nodir yn Strategaeth Frechu COVID-19, a gyhoeddwyd ar 12 Hydref, i gynnig apwyntiad i bawb yn yr ystod oedran hon erbyn 1 Tachwedd.

Rydym hefyd wedi gweld niferoedd uchel o bobl ifanc o oedran ysgol yn cael eu heintio â COVID-19 yn ddiweddar, ac yn methu â mynychu eu hapwyntiad brechu, sy'n effeithio ar y gyfradd dderbyn ar hyn o bryd. Yn dilyn newidiadau diweddar i'r Llyfr Gwyrdd, bydd y bobl ifanc hyn yn cael gwahoddiad arall 12 wythnos ar ôl unrhyw haint COVID-19.

Rydym yn ymwybodol y bydd rhai rhieni neu warcheidwaid yn ansicr a ddylid cydsynio i'w plentyn dderbyn y brechlyn ai peidio, a gall hyn arwain at gyfraddau derbyn is yn yr ystod oedran hon. Mae gwybodaeth briodol ar gael i blant a phobl ifanc a'u rhieni i helpu i benderfynu, ac anogir trafodaeth.

#### **Pobl ifanc 16 ac 17 oed**

Rhoddodd y JCVI ei gyngor ar 4 Awst i gynnig **dos cyntaf** o'r brechlyn Pfizer-BioNTech i bob person ifanc 16 ac 17 oed a oedd heb ei frechu. Roedd hyn yn ychwanegol at y cynnig presennol o **ddau** ddos o frechlyn i bobl ifanc 12-17 oed a oedd mewn **grwpiau 'mewn perygl'** (fel y nodir yn y [Llyfr Gwyrdd](#)), y rhai sy'n byw ar yr un aelwyd â phobl (oedolion neu blant) sy'n imiwnoataliedig a phobl ifanc sydd o fewn tri mis i'w pen-blwydd yn 18 oed. Gwnaethom gynnig dos cyntaf i'r unigolion 16 ac 17 oed hynny erbyn 20 Awst.

Yn fwy diweddar, cyhoeddodd y JCVI gyngor ar 15 Tachwedd, a oedd yn argymhell y dylai pob unigolyn 16 ac 17 oed yng Nghymru nad ydynt mewn grŵp 'mewn perygl' gael **ail ddos**

o'r brechlyn COVID-19 Pfizer-BioNTech. Nododd y JCVI bod mwy o sicrwydd yn y data ynghylch manteision y brechlyn o'i gymharu â'r risgiau. Mae pedair gwlad y DU wedi cytuno i dderbyn y cyngor hwn.

Y bwllch a argymhellir ar gyfer yr ail ddos yw 12 wythnos neu fwy ar ôl dos cyntaf y brechlyn neu haint COVID-19, pa un bynnag sydd fwyaf diweddar.

Bydd unigolion 16-17 oed yn cael digon o wybodaeth am risgiau a manteision brechu i'w galluogi i wneud penderfyniad dilys am yr ail ddos yn seiliedig ar eu hamgylchiadau personol. Mae'r JCVI wedi cytuno ar daflen wybodaeth a gynhyrchwyd gan Asiantaeth Diogelwch Iechyd y DU y gellir ei ddefnyddio i gefnogi'r broses hon.

Rydym wedi rhoi dros **470,237 o frechiadau** (data o 16/11) i'r garfan hon (cyfradd dderbyn o **75.6%**).

### **Rhaglenni Brechu Eraill**

Mae rhaglenni imiwneiddio plant wedi parhau fel gwasanaethau hanfodol yn ystod pandemig y coronafeirws, gyda sicrwydd priodol i rieni a mesurau rheoli heintiau wedi'u rhoi ar waith gan feddygfeydd. Mae adroddiadau imiwneiddio manwl misol a ddatblygwyd gan y Rhaglen Frechu yn erbyn Clefydau Ataliadwy yn Iechyd Cyhoeddus Cymru yn cael eu defnyddio i fonitro effaith COVID-19 ar gyfraddau derbyn brechiadau rheolaidd i blant ledled Cymru.

Mae'r data chwarterol diweddaraf yn awgrymu bod cyfraddau brechu ymhlith plant ifanc a babanod wedi aros yn sefydlog gydol y pandemig. Yn y cyfnod adrodd diweddaraf, Ebrill-Mehfin 2021, roedd 91% o blant wedi cael eu brechiadau rheolaidd i gyd erbyn eu bod yn 5 oed (ar gyfer yr un cyfnodau yn 2019 a 2020, roedd y gyfradd hon hefyd yn 91%). Mae cyfran y plant sydd wedi cael yr holl frechiadau rheolaidd erbyn eu bod yn bedair oed hefyd wedi aros yn sefydlog, sef 87.8% y chwarter hwn a 90.8% mewn plant pump oed.

O'r holl frechlynnau i bobl ifanc yn eu harddegau, mae'n ymddangos mai cyfraddau'r brechlyn HPV sydd wedi cael eu heffeithio fwyaf gan gau ysgolion. Ar hyn o bryd, mae cyfraddau un dos o'r Brechlyn Feirws Papiloma Dynol (HPV) ymhlith plant blwyddyn 8 yn 2020-21 (12-13 oed) yn 60.1%. Bydd brechiadau dal i fyny yn cael eu blaenoriaethu ar gyfer y rhai yn y garfan hon na chawsant eu himiwneiddio fel y trefnwyd. Dyma'r ail garfan HPV i gynnwys bechgyn.

### **GWELLA IECHYD PLANT**

#### **Gordewdra mewn Plant**

Mae Iechyd Cyhoeddus Cymru wedi cael y dasg o ddatblygu cynllun peilot rhaglen Plant a Theuluoedd i gefnogi rheoli pwysau mewn tri safle ledled Cymru - Ynys Môn, Merthyr Tudful, Caerdydd. Mae hyn wedi'i gefnogi gan fuddsoddiad drwy Pwysau Iach: Cymru Iach o £0.6 miliwn y flwyddyn tan 2024 pan fydd gwerthusiad o'r rhaglen yn darparu tystiolaeth ar gyfer y camau nesaf.

Rydym wedi bod yn cefnogi ymgyrch Veg Power ers iddi gael ei rhedeg gyntaf yn 2019, gyda'r nod o wneud llysiau'n fwy o hwyl i blant. Cafodd ymgyrch 2021 ei lansio ar ITV ar 29 Mai, gydag enwogion fel y Fonesig Emma Thompson, Amanda Holden a Jamie Oliver yn lleisio'r llysiau. Cefnogwyd yr hysbyseb gan dros £3 miliwn o hysbysebu a roddwyd gan ITV, Channel4 a Sky Media, gyda chyfryngau ychwanegol a roddwyd gan 15 o gwmnïau cyfryngau eraill yn cyflwyno'r ymgyrch mewn print, yn yr awyr agored, mewn sinemâu ac ar-lein. Yn 2022, ein nod yw cefnogi'r ymgyrch Veg Power i ddarparu adnoddau dwyieithog i 60,000 o ddisgyblion yng Nghymru, ar draws tua 250 o ysgolion.

## **Iechyd Deintyddol Ataliol**

Mae *Cynllun Gwên* yn rhaglen wella genedlaethol ar iechyd y geg i blant (0-5 oed) a ariennir gan Lywodraeth Cymru ac sy'n targedu meithrinfeydd ac ysgolion mewn ardaloedd o anfantais gymdeithasol lle mae gan blant y lefelau uchaf o bydredd dannedd. Gall pydredd dannedd arwain at boen a haint, gyda phlant yn colli cwsig ac yn cael amser i ffwrdd o'r ysgol. Mae astudiaethau'n dangos bod plant sydd â phydredd dannedd yn eu dannedd babanod deirgwaith yn fwy tebygol o fod â phydredd yn eu dannedd oedolion, felly mae angen i ni wneud pob ymdrech i gadw plant yn rhydd o bydredd erbyn eu bod yn 5 oed.

Mae'r rhaglen yn llawer mwy na dim ond addysgu plant sut i frwsio eu dannedd. Mae'n rhaglen atal ac ymyrraeth glinigol sy'n seiliedig ar dystiolaeth i osgoi pydredd dannedd a darparu'r wybodaeth sydd ei hangen ar blant, a'u rhieni a'u gofalwyr, i ddatblygu a chadw iechyd y geg da o oedran ifanc.

Mae wedi bod yn rhaglen iechyd y cyhoedd hynod effeithiol. Rydym wedi gweld gostyngiad o 13.4% mewn lefelau pydredd dannedd ymhlith plant 5 oed ers 2008 ac roedd gennym dros 90,000 o blant mewn dros 1,200 o ysgolion a meithrinfeydd yn brwsio dannedd yn rheolaidd fel rhan o'r cynllun cyn y pandemig.

Cafodd *Cynllun Gwên* ei oedi yn ystod y pandemig (cau ysgolion a mesurau rheoli heintiau), ond disgwylir iddo ailgychwyn yn nhymor yr hydref 2021. Mae staff y Gwasanaeth Deintyddol Cymunedol wrthi'n cysylltu â lleoliadau i hyfforddi staff addysgu, cael caniatâd rhieni a darparu offer i ailgychwyn y Cynllun Brwsio Dannedd Dyddiol. Bydd y rhaglen Farnais Fflworid yn ailgychwyn hefyd.

## **Ysmygu ymhlith Pobl Ifanc**

Mae ysmygu yn effeithio ar fywydau plant a phobl ifanc drwy gydol eu plentyndod, o feichiogrwydd hyd at flaenlencyndod. Rhan allweddol o'n gweledigaeth ar gyfer cael Cymru ddi-fwg yw cynorthwyo plant a phobl ifanc i gael plentyndod di-fwg.

Ar hyn o bryd, rydym yn ymgynghori ar ein Strategaeth Rheoli Tybaco newydd i Gymru a'r Cynllun Cyflawni cyntaf sy'n nodi'r camau penodol wedi'u targedu a fydd yn ein helpu ni i leihau'r niwed sy'n deillio o dybaco yng Nghymru. Mae'r strategaeth ddrafft yn sefydlu ein huchelgais i Gymru fod yn ddi-fwg erbyn 2030, sy'n golygu sicrhau cyfradd ysmygu ymhlith oedolion o 5% neu lai dros yr wyth mlynedd nesaf.

Byddwn yn ymgymryd â gweithgareddau ymgysylltu i gefnogi'r ymgynghoriad a byddwn yn gweithio'n agos gyda rhanddeiliaid allweddol i sicrhau bod plant a phobl ifanc yng Nghymru yn cael cyfle i gyfrannu at ein hymgynghoriad.

## **Ffitrwydd Corfforol**

Trwy ein strategaeth Pwysau Iach: Cymru Iach, rydym yn datblygu cynnig 'Bywiog Bob Dydd' newydd ar gyfer ysgolion yng Nghymru. Bydd y cynnig hwn yn mabwysiadu dull ysgol gyfan sy'n benodol i oedran, wedi'i ategu gan fodel o newid ymddygiad. Yn ganolog i ddatblygu'r dull newydd hwn mae ymgysylltiad plant a phobl ifanc i lunio syniadau a fyddai'n cael eu hymgorffori wrth ddylunio model yn y dyfodol. Bydd hyn yn fwy ymatebol i'r dystiolaeth bresennol, yn rhoi mwy o hyblygrwydd ac yn ceisio integreiddio ystod o raglenni yn gynig cydlynol. Bydd model pwrpasol i Gymru newydd yn cynnwys gwerthuso o'r dechrau i asesu canlyniadau iechyd; ac yn caniatáu mwy o hyblygrwydd i weithio gydag ysgolion er mwyn datblygu cyfres o ddulliau ac opsiynau addasadwy i ategu'r cwricwlwm

newydd. Mae gwaith ar y gweill i sefydlu Grŵp Gorchwyl a Gorffen i arwain ar y gwaith hwn sy'n cael ei arwain gan Iechyd Cyhoeddus Cymru. Rhagwelir y bydd y Grŵp Gorchwyl a Gorffen yn cyfarfod yn ystod mis Rhagfyr 2021.

### **Defnyddio Cyffuriau Anghyfreithlon**

Drwy ein Cynllun Cyflawni ar gyfer Camddefnyddio Sylweddau 2019-22, sy'n seiliedig ar ddull lleihau niwed, rydym yn cydnabod dibyniaeth fel mater iechyd a gofal yn hytrach nag un sy'n ymwneud â chyfiawnder troseddol yn unig. Y nod cyffredinol yw bod pobl yng Nghymru, gan gynnwys plant a phobl ifanc, yn ymwybodol o beryglon ac effaith camddefnyddio sylweddau ac yn gwybod ble y gallant gael gwybodaeth, help a chymorth. Rydym yn buddsoddi bron i £55 miliwn y flwyddyn yn ein hagenda camddefnyddio sylweddau, gyda £2.75 miliwn o'r swm hwn wedi'i neilltuo'n benodol i gefnogi gwaith gyda phlant a phobl ifanc.

Fel yr amlygwyd eisoes, mae Llywodraeth Cymru hefyd yn buddsoddi £1.98 miliwn bob blwyddyn yn Rhaglen Ysgolion Heddlu Cymru (WPSP), gyda chyllid cyfatebol gan bedwar Heddlu Cymru. Fel rhan o'r rhaglen mae swyddogion yr heddlu yn mynd i ysgolion ac yn cyflwyno gwersi ar amrywiaeth o bynciau. Mae'r rhaglen graidd yn cynnwys camddefnyddio sylweddau, ymddygiad gwrthgymdeithasol, cam-drin domestig, bwlio, diogelwch ar-lein, secstio, camfanteisio'n rhywiol ar blant a chydysyniad, gan gyflwyno rhaglen gytbwys mewn ysgolion cynradd ac uwchradd. Mae'n canolbwyntio 50% ar ddarparu'r cynnwys craidd i ddiwallu anghenion disgyblion ac ysgolion a 50% ar ymyriadau rhagweithiol ar ddiogelu a rheoli digwyddiadau.

Cynhaliwyd adolygiad o'r WPSP gan yr Heddlu ym mis Tachwedd 2019. Ar hyn o bryd, rydym yn gweithio gyda phartneriaid i weithredu argymhellion yr adolygiad a sut y gallant ategu ac ychwanegu gwerth at waith sydd ar y gweill drwy'r Grŵp Gorchwyl a Gorffen Cyd-Weinidogol ar Ddull Ysgol Gyfan, er mwyn gwella lles emosiynol a meddyliol dysgwyr.

Gobeithio y bydd yr wybodaeth hon yn mynd i'r afael â'r materion ychwanegol a godwyd.

Yn gywir,



**Eluned Morgan AS**  
Y Gweinidog Iechyd a  
Gwasanaethau  
Cymdeithasol  
Minister for Health and  
Social Services



**Julie Morgan AS**  
Y Dirprwy Weinidog  
Gwasanaethau  
Cymdeithasol  
Deputy Minister for Social  
Services



**Lynne Neagle AS**  
Y Dirprwy Weinidog Iechyd  
Meddwl a Llesiant  
Deputy Minister for Mental  
Health and Wellbeing



GIG  
CYMRU  
NHS  
WALES



Llywodraeth Cymru  
Welsh Government

# Essential Services Steering Group

# *Review of Essential*

# *Cardiac Services*

## December 2020

**Authors:** Mark Dickinson and Janet Davies, Co-Chairs

**Date:** 11 February 2021

**Version:** 1 FINAL)

### **Purpose and Summary of Document:**

This paper reports on a Review of Essential Cardiac Services conducted by the Essential Services Steering Group, with the support of the Wales Cardiac Network and WG officials.

The background to, conduct of, and key findings resulting from, the review are summarised and a number of recommendations are made. Reflections on the review, informed by feedback on earlier drafts of this report, are also included.

# 1 Background and rationale for the review

During the first wave of the COVID pandemic, the Essential Services Group, with wide representation from WG and NHS Wales, oversaw the development and approval of an NHS Wales Essential Services Framework (informed by WHO guidance), an agreed list of services deemed to be essential and a range of supporting guidance for NHS Wales.

More recently, the full group has been stood down (but not abolished), with work being coordinated by a core Steering Group, which has focused primarily on improving assurance of Essential Services delivery. In late 2020, the Steering Group concluded that there was a need to take stock of where we are and get a fuller understanding of:

- whether (or to what extent) relevant guidance is being complied with across Wales
- what the main challenges are in maintaining essential services in line with the guidance (both currently and over the rest of the winter period)
- whether current guidance remains fit for purpose or needs to be revised or supplemented
- what other action could be taken/recommended that would support both the maintenance of essential services and the recovery of a wider range of services

To do this, and in view of the wide and varied range of specified essential services, the Steering Group agreed to conduct a series of 'deep dives', to review specific topic/condition areas, focusing on the above points. The aim is to convene a series of topic-specific sessions, bringing together members of the Steering Group, the relevant WG policy lead(s), the relevant national clinical lead(s) and (where applicable) network managers etc., informed by the:

- current essential services guidance
- evidence/data relating to service delivery (both 'hard' and 'soft')

It was anticipated that this exercise would identify the need for additional actions, guidance etc. The development of this will be led by the Steering Group, with the full Essential Services Group than being used, as required, as a 'virtual reference group' to consider and advice on the actions and guidance.

The Steering Group agreed that the first, pilot, 'deep dive' review should be focused on essential cardiac services, for the following reasons:

- it is a hugely important area in terms of 'burden of disease'
- the services deemed essential have been clearly specified



- there is a clear and highly motivated supporting structure (network, clinical lead, implementation group, policy lead)
- services have been highlighted for specific attention in WG planning guidance and accompanying correspondence (but have not had quite the prominence/profile as cancer services)

## **2 Conduct of the review**

### **2.1 Collection of evidence**

The Steering group chairs engaged with the Dr Jon Goodfellow, National Clinical Lead and Steve Davies, Wales Cardiac Network Manager and Caroline Lewis, WG policy lead who agreed to support the review through the provision of written evidence and participation in a review meeting with members of the Steering Group.

An evidence gathering proforma was developed (that can be adapted for use in future reviews on other topics) and provided to the Wales Cardiac Network for completion before the review meeting. The proforma included sections on:

- Specification of essential services
- Guidance on essential services
- Assurance of essential services delivery
- Overall assessment of current essential services delivery
- Assessment of threats to essential services delivery during Winter 2020/21
- Specific recommendations to support the maintenance of essential services

The proforma was completed and returned by the Wales Cardiac Network and is included as Appendix 1 to this report.

### **2.2 Review meeting – 17 December 2020**

The review meeting was held on 17 December 2020 via Microsoft Teams. Participants included members of the Steering Group, representatives from the Wales Cardiac Network and additional WG officials. A list of participants is included as Appendix 2.

Jon Goodfellow and Steve Davies presented in support of the written evidence provided, answered specific questions and participated in a discussion.

Key themes arising from the presentation and discussion were as follows:

- in general, a level of essential cardiac services has been maintained throughout the pandemic in line with the guidance issued. The current guidance remains fit for purpose and no immediate changes were needed.
- maintaining essential services has been challenging and the pandemic has had a major impact on the delivery of cardiac services beyond those deemed essential in the guidance
- many of the most significant challenges relate to the exposure of longstanding weaknesses in cardiac services including:
  - workforce pressures
  - access to timely, accurate and consistent data about cardiac service delivery
  - timely access to key investigations, including CT coronary angiography (CTCA) as the default test for new suspected cardiac chest pain
- much has been done to successfully introduce remote working and virtual clinics, although progress has been variable across health boards
- returning to pre-pandemic ways of working will not adequately address the backlog of diagnosis, treatment and care that is arising; there is need for a more prudent approach to the acceptance of referrals and the provision of advice to primary care and an overall focus on delivering high value care.

### 3 Recommended action

The following recommended actions have been developed following the review meeting and have been informed by that meeting, the evidence submitted by the Wales Cardiac Network and subsequent discussions. As most of the issues considered within the review concern longstanding issues that have been thrown into stark relief by the pandemic, this is reflected by the medium to long term nature of many of the actions. The actions are more about the recovery of services in the aftermath of current acute pandemic pressures and closely reflect the content of the Wales Cardiac Network's emerging 2021/22 Work Plan and medium term plan. These plans are to be formally signed off, as part of the overall plans of the NHS Wales Health Collaborative, by NHS Wales chief executives, meeting as the Collaborative Executive Group, before the end of 2020/21.

The Network will lead and coordinate much of the activity required, but will need to do so in close partnership with NHS Wales organisations and WG. Some action will require formal system-wide approval. Where possible, leadership and indicative timescales for each recommendation are specified, but in some cases this requires further consideration.

Much of the work described will be influenced by, and will need to align with, the forthcoming National Clinical Framework and National Quality Framework.

### 3.1 Minimising the impact of COVID

Action	Lead	Timescale
Ensure high levels of vaccination in the workforce delivering cardiac services	Vaccination programme HBs	Q4 20/21
Ensure continued strict adherence to infection prevention and control measures throughout cardiac patient pathways	HBs	Ongoing

### 3.2 Workforce

Action	Lead	Timescale
In developing plans for recovery, including the addressing of backlogs, recognise the profound impact that the pandemic has had on the NHS Wales workforce: <ul style="list-style-type: none"> <li>Objectives and targets set should be realistic and achievable</li> <li>A holistic package of support measures should be further developed, implemented and promoted for the NHS Wales workforce</li> </ul>	WG/HBs  HEIW (this is a wider 'whole system' issue that is already being progressed)	Ongoing  TBC
Progress work with HEIW, health boards and WG (via Dee Ripley) to address skill mix and staffing issues in cardiology: <ul style="list-style-type: none"> <li>progress work across NHS Wales and with Swansea University to expand the cardiac physiology workforce (proposals to be taken to the NHS Wales Collaborative Executive Group in February for chief executive approval)</li> <li>develop a case for strengthening the heart failure nursing and community rehabilitation workforce</li> <li>determine if there any further changes in workforce models that need consideration over the medium term</li> </ul>	Network (in close liaison with HEIW)	Q4 20/21  Q4 20/21 Q1 21/22  Ongoing

### 3.3 Data and informatics

Action	Lead	Timescale
<p>Progress work between the Wales Cardiac Network, health boards and NWIS to deliver improvements in cardiac informatics to improve patient care and the management and assurance of the delivery of cardiac services:</p> <ul style="list-style-type: none"> <li>• develop consistent data definitions (including those relating to aspects of waiting times) within the NHS Data Dictionary to facilitate the real time monitoring of the performance of cardiac services</li> <li>• ensure that cardiac services are appropriately included in the non-COVID data hub being implemented by NWIS</li> <li>• ensure further improvements in cardiac data collection, analysis and presentation, including via the use of the National Data Repository (NDR) to populate appropriate dashboards</li> <li>• ensure ongoing development of informatics support for remote consultation</li> <li>• progress work to ensure consistent access to and use of the Welsh Clinical Portal (WCP) by cardiologists to facilitate the management of patients and related communications (including, specifically, the ability to record and access patient risk level and priority level scores/assessments to facilitate a risk based approach to pathways – see below)</li> <li>• ensure the introduction of electronic test requesting (ETR) and the roll out of electronic hospital to hospital referrals within cardiology</li> </ul>	<p>Network (working closely with NWIS)</p>	<p>TBC (in conjunction with NWIS)</p>

### 3.4 High value, prudent healthcare and recovery

Action	Lead	Timescale
<p>Working through the Wales Cardiac Network, develop a 'recovery plan' for cardiac services:</p> <ul style="list-style-type: none"> <li>• maximising remote patient consultations and technology-enabled discussion between primary and secondary care, including via the use of Consultant Connect</li> <li>• adjusting the threshold for accepting referrals from primary care to be seen in clinics (in close liaison with primary care)</li> <li>• engaging with primary care to develop primary care led solutions</li> <li>• ensuring the delivery of advice and guidance to primary care in a timely fashion (e.g. using WCP and e-referrals)</li> <li>• minimising low value investigations in low risk populations</li> <li>• maximising the appropriate use of remote monitoring technologies in the community</li> <li>• appropriate matching of cath lab demand and capacity</li> </ul>	<p>Network (in support of the Heart Conditions Implementation Group)</p>	<p>Q4 20/21 Q1 21/22</p>
<p>Convene an all Wales 'cardiac summit' in March/April to review the emerging whole system recovery plan (primary, secondary and tertiary care) and agree immediate and longer term actions to ensure the provision of:</p> <ul style="list-style-type: none"> <li>• timely diagnosis</li> <li>• responsive acute cardiac care</li> <li>• ability to effectively manage chronic disease, including heart failure</li> </ul>	<p>WG</p>	<p>Q4 20/21 Q1 21/22</p>

### 3.5 Diagnostic services

Action	Lead	Timescale
Ensure that, in prioritising provision of diagnostic services in response to COVID pressures, decisions are made that reflect risk of harm across major conditions, including cardiac	HBs	Ongoing
Assess CT coronary angiography (CTCA) demand and capacity and develop a case to expand capacity to meet appropriate demand and reduce patient recovery times as part of more prudent pathways. To address: <ul style="list-style-type: none"> <li>radiographer skills/training</li> <li>access to CT scanner time</li> </ul>	Network	Q4 20/21 Q1 21/22
Ensure that the need for timely cardiac diagnosis is factored into wider consideration of diagnostic service provision in Wales, including consideration of the development and implementation of 'community diagnostic hubs'	TBC	Ongoing

## 4 Reflections following the review

Since the Review of Essential Cardiac Services was conducted, earlier drafts of this report have been received and considered by:

- Essential Services Steering Group (discussed at meeting)
- Essential Services Group members (circulated for comment)
- Planning and Response Group (discussed at meeting)
- Acute Secondary Care Sub Group (provided to members)
- Directors of Planning Peer Group (provided to members)
- Wales Cardiac Network Manager and Clinical Lead
- Welsh Government Policy Lead and other colleagues

Constructive feedback has been received from members of the above groups, both during relevant meetings and subsequently. Some of the feedback received has been reflected in amendments and additions to the above sections of this report. Other feedback has led to the following reflections on the conduct of the review, which will be used by the Essential Services Steering Group to inform the conduct of, and participation in, future similar reviews:

- The review was too focused on the secondary care aspects of cardiac services, at the expense of consideration of primary care and

prevention, in particular. However, it will be important to ensure recovery planning has a holistic, whole system approach. Future reviews would benefit from more emphasis on primary care and more involvement from primary care colleagues.

- Many of the themes, lessons and recommendations arising from the review can be applied, or adapted, more generically across other service areas. This is both a strength of the review and a potential weakness. Future reviews should consider generic issues, but also seek to identify more service-specific insights and generate related recommendations.
- Some questions have been raised about the timing of the cycle of 'deep dive' essential services reviews and how this relates to the timing of the issuing of planning guidance and the development and submission of health board plans. The nature of the reviews, however, necessitates that they are conducted sequentially over a period of time and the timing of their starting was affected by the progress of the pandemic and the point reached in the work of the Essential Services Group. It is recognised that this will result in timing mismatches, but these cannot be avoided.

## Appendix 1 – Written submission from the Wales Cardiac Network



Deep Dive - Cardiac  
Services 151222 FIN

## Appendix 2 – Participants in review

Mark Dickinson, Chair, Essential Services Group, NHS Wales Health Collaborative

Jan Davies, Chair, Essential Services Group, Welsh Government

Steve Davies, Wales Cardiac Network Manager

Cath Bridges, Head of Healthcare Quality and Development, Welsh Government

Nicola Davies, Planning and Delivery lead, Welsh Government

Jon Goodfellow, National Clinical Lead, Wales Cardiac Network

Caroline Lewis, Policy lead, Cardiac, Welsh Government

Julie McCabe, Assistant Director, Delivery Unit

Karen Preece, Director of Planning, WHSSC

Dee Ripley, Deputy Chief Scientific Officer, Welsh Government

Rhian Williams, Head of Patient Experience, Welsh Government

Tom Vedmore, Secretariat, Essential Services Group, Welsh Government

Holly Williams, Secretariat, Essential Services Group, Welsh Government





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# Essential Services Steering Group

## *Review of Essential Children's Services*

### March-May 2021

**Authors:** Mark Dickinson and Janet Davies, Co-Chairs

**Date:** 21 June 2021

**Version:** 3a (FINAL)

**Purpose of Document:**

This paper reports on a Review of Essential Children's Services conducted by the Essential Services Steering Group, with the support of NHS staff and Welsh Government officials.

The background to, conduct of, and key findings resulting from, the review are summarised and a number of recommendations are made.

## Executive Summary

The following children's services were reviewed:

- 1. Immunisation and Screening (for school aged children)**
- 2. Access to General and Specialist Surgical Services**
- 3. Child and Adolescent Mental Health Services (CAMHS)**
- 4. Safeguarding**

This set of services was chosen to provide an overview of services which encompass preventative services and services that meet both acute physical and mental health needs, including specialist/tertiary elements.

Services are typically categorised as 'emergency', 'urgent', 'soon' or 'routine'. Essential services, however, include services from all of these categories. The key point being whether loss of access to services may be life threatening or significantly life impacting. This is particularly relevant for children, where a lack of timely access to preventative or treatment services can result in an adverse lifelong impact.

Although SARS-CoV-2 has minimal direct impact on the paediatric population, the pandemic has had a significant impact on the ability of children to access services, including essential services. It is, therefore, vital that when Boards are faced with prioritising and making difficult choices and decisions that the needs of children and young people are considered within the overriding ethical principles.

It is important to note that there are around 35,000 births a year in Wales. Therefore, any one school year can have a cohort of that size and accessing that number of pupils requires intensive planning.

To inform the review, written and numerical evidence was collected and a series of review meetings were held between members of the Essential Services Steering Group and relevant clinicians, officials and others.

Key themes emerging from the review are summarised below.

### Immunisation and Screening

- There appeared to have been an assumption by health boards that, when schools were closed, school nurses were largely not required. There was, therefore, a widespread redeployment of school nurses in support of the COVID response, with a significant impact on the maintenance of essential immunisation and screening services to children as a result
- Human Papillomavirus (HPV), MenACWY and Td/IPV teenage booster vaccine coverage rates have fallen compared with previous years, with a variable picture across health boards

## **Vision and Hearing Screening**

- From the evidence provided, both vision and hearing screening services have not been maintained to any significant degree

## **General and Specialist Surgery**

- The pandemic has had a significant impact on the ability of children to access both specialist and non-specialist surgical services, across all the surgical specialties
- The impact has been greater for children accessing surgical services in Wales than for Welsh children accessing services in England

## **Child and Adolescent Mental Health Services (CAMHS)**

- CAMHS services (both primary care and specialist CAMHS) were positioned as 'essential services' during the pandemic and a range of measures were put in place including additional investment, expanding support for low level mental health issues, and providing additional surge capacity. There were effective whole system governance arrangements in place and close oversight maintained
- Overall, services remained open and accessible throughout the pandemic but with adapted service models. Whilst referrals to specialist CAMHS remain higher than in pre-pandemic levels, services are more challenged by the acuity of presentations and the higher prevalence of eating disorders
- The overall impact now presents a range of challenges going forward and in recovery planning. For example, recent modelling for Wales suggests for 2021 a potential increase in demand for all-age primary care mental health services of up to 40%, which could translate into some 31,000 referrals. Additional demand in hospital services could see an increase of up to 25%, translating into some 10,000 referrals
- There is a need to consider how to better integrate mental health with physical health services. In all aspects of COVID planning and assurance there were separate arrangements for mental health which created additional challenges and the potential for inconsistency when compared to 'physical health' services

## **Safeguarding**

- Despite the increased levels of vulnerability, and efforts made to continue to deliver relevant services and promote their availability, referral rates to safeguarding fell initially during the first lockdown
- NHS staff involved in safeguarding, including school nurses and members of the National Safeguarding Team (NST) have been diverted, or partially diverted, to support the direct COVID response

- Although essential 'core' safeguarding was maintained, there is concern about the negative impact on work to further develop and improve services, much of which was paused

The following are the primary recommended actions. The emphasis needs to be on the resetting and recovery of services in the aftermath of acute pandemic pressures, but it remains important to ensure that action is also taken to better protect children's services through any further COVID waves. A number of the issues identified are common to those identified in the earlier deep dive into cardiac services. These issues include the need for:

- a focus on the health and well-being needs of the workforce
- access to relevant and timely data and information about the performance of services
- access to support services, including diagnostics and therapies

### **Minimising the impact of COVID – protecting the interests of children**

- Specific action is required to ensure a focus on children in the recovery programme and resulting plans
- Action must be taken to ensure that the interests of children are protected within an ethical and transparent decision making process
- A Children's surgical forum/Clinical Reference Group should be established in all health boards where this is currently not the case
- All NHS organisations should ensure that they are meeting existing statutory responsibilities for children
- Delays in treating/screening/vaccinating children can have a life-long (or significant, but delayed) impact on the health of a child and such risks need to be factored into prioritisation of service delivery and the deployment of staff
- A specific surgical prioritisation tool for children should be agreed for use across Wales
- Decision making and prioritisation must be informed by data that allows the impact on children specifically to be disaggregated. This should include data for 0-16 years, with data for 16-18 years captured separately, to ensure the impact of any transition to adult services is planned for
- The loss of a health-related setting (e.g. schools), should not simply result in a suspension of health related activity that normally takes place in that setting (e.g. school nursing)
- A particular focus is needed on the workforce given the impact of redeployment has seemingly been more profound for those staff working with children

# 1 Background and rationale for the review

During the first wave of the COVID pandemic, the Essential Services Group, with wide representation from Welsh Government and NHS Wales, oversaw the development and approval of an NHS Wales Essential Services Framework (informed by WHO guidance), an agreed list of services deemed to be essential and a range of supporting guidance for NHS Wales.

After the first wave of the pandemic, the full group was stood down, with work being coordinated by a core Steering Group. In late 2020, the Steering Group concluded that there was a need to take stock of the status of the delivery of essential services and to get a fuller understanding of:

- whether (or to what extent) relevant guidance is being complied with across Wales
- what the main challenges are in maintaining essential services in line with the guidance
- whether current guidance remains fit for purpose or needs to be revised or supplemented
- what other action could be taken/recommended that would support both the maintenance of essential services and the recovery of a wider range of services.

To do this, and in view of the wide and varied range of specified essential services, the Steering Group agreed to conduct a series of 'deep dives', to review specific areas, focusing on the above points. The aim was to convene a series of topic-specific sessions, bringing together members of the Steering Group, the relevant WG policy lead(s), the relevant national clinical lead(s) or body(ies) and, where applicable, network managers, informed by the:

- current essential services guidance
- evidence/data relating to service delivery (both 'hard' and 'soft')

It was anticipated that this exercise would identify the need for additional actions and guidance.

The first 'deep dive' was into cardiac services. Having initially looked at a condition specific topic, it was determined that a wider population approach would be undertaken next. The Steering Group, therefore, agreed that the second review should determine how essential services for children had been maintained. The following areas were prioritised:

1. **Immunisation and Screening** (for school aged children)
2. Access to General and Specialist **Surgical Services**
3. **Child and Adolescent Mental Health Services** (CAMHS)
4. **Safeguarding**

This set of services was chosen to provide an overview of services which encompass preventative services and services that meet both acute physical and mental health needs, including specialist/tertiary elements. Children under the age of 18 were in the scope of the review.

It is important to remember what is meant by 'essential' services. As the Essential Services Framework describes, services are typically categorised as 'emergency', 'urgent', 'soon' or 'routine'. Essential services, however, include services from all of these categories. The key point being whether loss of access to services may be life threatening or significantly life impacting. This is particularly relevant for children, where a lack of timely access to preventative or treatment services can result in an adverse lifelong impact. So, for example childhood immunisation services are routine, but are also classed as essential. Within the Essential Services Framework the need to consider timely interventions to prevent irreversible harm, as well as death, is emphasised.

In many ways, children have been disproportionately impacted by the pandemic. Their education and social development has been severely disrupted and the duration of 'lock down' has been for a larger proportion of their lifetimes to date. Although SARS-CoV-2 has minimal direct impact on the paediatric population, the pandemic has had a significant impact on the ability of children to access services, including essential services. It is, therefore, vital that when Boards are faced with prioritising and making difficult choices and decisions that the needs of children are considered within the overriding ethical principles, as articulated in the Welsh Government's 'Coronavirus: ethical values and principles for healthcare delivery framework' (<https://gov.wales/coronavirus-ethical-values-and-principles-healthcare-delivery-framework-html>):

- everyone matters
- everyone matters equally – but this does not mean that everyone is treated the same
- the interests of each person are the concern of all of us, and of society
- the harm that might be suffered by every person matters, and so minimising the harm that a pandemic might cause is a central concern.

## 2 Conduct of the review

### 2.1 Collection of evidence

The collection of evidence and supporting material was co-ordinated by the Welsh Government Women and Childrens Health Team. All areas involved supported the review through the provision of written evidence and participation in review meetings with members of the Steering Group.

An evidence gathering proforma was shared to help structure the information required under the following headings:

- Specification of essential services
- Guidance on essential services
- Assurance of essential services delivery
- Overall assessment of current essential services delivery
- Assessment of threats to essential services delivery during Winter 2020/21
- Specific recommendations to support the maintenance of essential services

Welsh Government policy leads also provided a written report on the provision and oversight of CAMHS services during the pandemic.

In addition, some specific work has been undertaken to gather direct views from children about their experience of accessing health services during the pandemic. In partnership with the organisation 'Children in Wales' an online survey of children was conducted and a focus group discussion held. The overall aim of this work was to consider the views and experiences of children and young people who have accessed or tried to access health services during the pandemic. A notable finding of this work (albeit not limited to access to essential services) was that, of the 34 participants that said they did have health problems that needed regular care or treatment, 16 said that they did not receive their usual treatment in the year since the pandemic started, 11 said that sometimes they had received their usual treatment and only seven said that they had received their usual treatment throughout. A full report on this work is included as Appendix 1.

### 2.2 Review meetings and interviews

#### 2.2.1 Immunisation and Screening (for school aged children)

A review meeting was held on 11 March 2021. Participants included members of the Steering Group, representatives from Public Health Wales and NHS audiology services and additional WG officials. A list of participants

is included as Appendix 2. Participants presented in support of the written evidence provided, answered specific questions and participated in a discussion.

By way of context, it is important to note that there are around 35,000 births a year in Wales. Therefore, any one school year can have a cohort of that size and accessing that number of pupils requires intensive planning.

A key theme arising from the presentation and discussion was the link between the school setting and service delivery and the consequent redeployment of staff. There appeared to have been an assumption by health boards that, when schools were closed, school nurses were largely not required. There was, therefore, a widespread redeployment of school nurses in support of the COVID response (including the COVID vaccination programme). The fact that school nurses are needed to deliver a range of services to school aged children was lost and it is clear that there had been a significant impact on the maintenance of essential immunisation and screening services to children as a result. There was insufficient consideration of how these services could be delivered in other settings. At the time of the review many school nurses had not returned to their substantive roles. Also, when schools were reopened, there had been examples of schools being reluctant to allow access to health staff, as a result of concerns over the increased risk of transmission through increased footfall.

The impact of the loss of the school setting and the redeployment of, or lack of access to staff is described in the evidence paper at Appendix 3 and is summarised below:

### **Immunisation**

- The 2020/21 school year 8 (12-13 year olds) will be the second cohort to include boys eligible for the Human Papillomavirus (HPV) vaccine. Uptake for the boys during the 2019/20 period was 53.4%, however as this was the first cohort of boys eligible for vaccination there is no data from previous years for comparison
- Coverage of the first dose of HPV vaccine in school year 9 (13-14 year old girls) in 2020/21 was 65.0%, down from 86.1% in 2019/20
- Coverage of the second dose of HPV vaccine in school year 10 (14-15 year old girls) in 2020/21 was 55.6% down from 81.3% in 2019-20
- Coverage of the MenACWY vaccine in the 2020/21 school year 10 cohort is 75.8% down from 84.6% in 2019/20
- Coverage of the Td/IPV teenage booster in the 2020/21 school year 10 is 75.7% down from 84.5% in 2019/20
- Coverage of one dose of MMR vaccine in the 2020/21 school year 10 (age 14-15 years) was 95.3% similar to uptake from the year before,



and coverage of two doses was 91.7% which was a slight increase from 91.6% in 2019/20

- Uptake of influenza vaccination in eligible schoolchildren in Wales increased from 69.9% in 2019/20 to 71.3% in 2020/21

With the exception of MMR and influenza this shows a concerning picture, with a variable picture across health board areas.

The Essential Services Steering Group is aware that some of the 2020/21 statistics presented during the review have been challenged on the grounds of data completeness. The review was, however, reliant on the data that had been entered and collated at the time and delays in data entry are themselves of concern.

The rationale for vaccination against Human Papilloma Virus (HPV) at 12-13 years old is that this will provide the best protection possible before the start of sexual activity. Findings from the National Surveys of Sexual Attitudes and Lifestyles (Natsal) showed that 30.9% of males and 29.2% of females had first heterosexual intercourse before the age of 16. It is standard practice to vaccinate people before they are exposed to an infection and the aim is to vaccinate children before they are exposed to HPV. Studies of HPV vaccine indicate that younger adolescents respond better to the vaccine than older adolescents and young adults. Healthy children vaccinated at this age will need only two doses of vaccine rather than three doses if vaccinated at an older age.

The Joint Committee on Vaccination and Immunisation (JCVI) identifies school based vaccination programmes as potentially the most effective setting for improving uptake of immunisations, specifically in adolescents. Schools have become an increasingly important setting for delivery of immunisation programmes. They are an attractive venue for vaccination as they have the ability to reach large numbers of children in a short period of time. Additionally, recommendations from the *Inequalities in uptake of routine childhood immunisations in Wales 2018-19* (Public Health Wales, 2019) demonstrate the positive effect school based vaccine delivery has on reducing inequalities, and highlights the importance of ensuring measures are in place for ongoing checking and offering of outstanding vaccines.

The review was advised that a Task and Finish Group was being established to consider potentially innovative models to deliver an expanded influenza vaccination programme in schools in 2021/22. Options under consideration will include adapting variations of the mass vaccination delivery model for use in school settings. Although this work is primarily aimed at the children's influenza programme, the application of any learning or good practice emerging from these new delivery models could potentially be transformative for the delivery of children's immunisation programmes as whole.

## Vision and Hearing Screening

Screening for reduced vision in children aged 4 to 5 years is primarily undertaken to detect children with amblyopia, a form of abnormal vision system development. The most common predisposing conditions are strabismus (squint) and refractive error (focusing problems requiring glasses). Early detection of amblyopia is necessary to avoid permanent visual impairment by allowing treatment to be undertaken within the sensitive period of neuroplasticity (growth and change) in the visual system. Treatments have been shown to result in improved vision helping children to reach their social educational potential.

The school entry hearing screen identifies children with temporary and permanent hearing loss of a range of types and severity. Due to the high prevalence of temporary hearing losses in children of this age, referral rates vary depending on the season and cold and flu profile of a given year. Detailed breakdowns of outcomes of children referred to ENT and audiology following screening were not available to the review. However, these children may receive grommet surgery, hearing aids or ongoing surveillance.

From the evidence provided, both vision and hearing screening services have not been maintained to any significant degree. This is of significant concern and detailed plans will need to be developed to ensure these children are not entirely missed. Efforts had been made to advise parents to attend high street optometric services or their GP for hearing issues while school services were ceased, but there is no data available to determine if this intervention had any impact.

### 2.2.2 Access to General and Specialist Surgical Services

The review meeting was held on 8 April 2021. Participants included members of the Steering Group, clinicians, representatives from WHSSC, the planned care programme and additional WG officials. A list of participants is included as Appendix 4.

Presentations were made in support of the written evidence provided and questions and discussion followed. The detailed information considered at the meeting is available at Appendix 5.

Key themes arising from the presentation and discussion were:

- Although existing evidence suggests that SARS-CoV-2 has minimal direct impact on the paediatric population, the pandemic has had a significant impact on the ability of children to access both specialist and non-specialist surgical services, across all the surgical specialties
- The impact has been greater for children accessing surgical services in Wales than for Welsh children accessing services in England

- The reduction in both inpatient and day case activity by Welsh providers has affected patients from across Wales, with all health boards having long waiting lists for children services
- Based on the limited data readily available during the review, over a third of Welsh patients on an active waiting list are waiting over 36 weeks, compared with a sixth of Welsh patients accessing treatment in an English centre
- Given the delays, a number of children currently waiting will transition to adult services before they are likely to receive treatment and this needs specific consideration
- There was a particular difficulty in accessing data relating to children waiting for general surgery. In general, figures are combined with adults on waiting lists. Traditionally, paediatric planned care delivery has not been a focus in monitoring arrangements having formed part of total waiting times and activity data. Detailed information for children is, however, collected for specialist surgery by WHSSC
- Although there has been a decrease of more than 50% in surgical activity in children at Cardiff and Vale UHB in 2020 when compared with 2019, the total number on the waiting list has only increased marginally, with the number waiting more than 26 weeks having increased four-fold. This is consistent with the trend in adult services
- The Royal College of Surgeons prioritisation tool was not considered to be appropriate for use in children, with a more holistic assessment being required for children's surgery. A number of different tools have emerged and are, increasingly, being used, but a consistent and equitable approach is not being used across Wales
- Workforce sustainability across health boards is unclear, including the situation with the movement of staff to COVID services during the pandemic who may not be back in their substantive posts. The impact of staff movement on retention is also unknown
- While beyond the formal scope of the review, clinicians warned of the likely difficult winter ahead, with anticipated increases in paediatric medical emergency activity, resulting from an increase in the incidence of other respiratory viruses. This will need to be factored into recovery planning, including HDU and PICU capacity

### 2.2.3 Child and Adolescent Mental Health Services (CAMHS)

Following discussions with mental health policy officials, a comprehensive evidence paper (Appendix 6) was provided and discussed by the Steering Group on 6 May. It is very clear that from the beginning of the pandemic there has been a strong focus on both defining and monitoring the provision of those services deemed essential. CAMHS services (both primary care and specialist services) were therefore positioned as 'essential services'.

Detailed advice was provided setting out the key functions that must be continue, making it clear that any discontinuation could potentially lead to avoidable harm and mortality. Whilst models of delivery may have adapted due to the restrictions, mental health and eating disorder services remained open for referrals.

A Mental Health Incident Group (MHIG) was established to provide assurance of delivery and a monitoring tool developed to track capacity and capability as well as ensuring issues and concerns were highlighted in a systematic way. This is considered to be good practice in ensuring whole system oversight was maintained during a time when routine performance management repowering was stood down.

Keep themes that have emerged include:

- There were and continue to be, effective governance arrangements in place to monitor service demands and challenges
- Data and information was available from a range of sources, including health boards, population surveys and third sector in order to provide a rounded view of the pressures and challenges services were facing
- It is too early to tell what the overall effect on suicide rates will be, but data that are available provide some reassurance
- A range of actions were taken to support services during the pandemic, including:
  - The establishment of a specific website to improve access to specific guidance and advice for mental health services and service users
  - Additional funding for inpatient surge capacity to ensure flexibility in managing demand; strengthening support for lower level issues; accelerated role out of video consultation
  - Refreshing the 'Together for Mental Health Delivery Plan 2019-22'
  - Temporary modifications to the Mental Health Act as an additional safeguard, albeit this has not been needed to be used
- Whilst referrals to specialist CAMHS remain higher than in pre-pandemic levels, services are more challenged by the acuity of presentations and the higher prevalence of eating disorders. There were fluctuations however in children waiting:
  - There was a dip in the number of children and young people (1,842, 368 per month) on the waiting list between April and August 2020. This compared to the same period 12 months ago where there 3,013 children and young people (603 per month) on the waiting list, a decrease of 39 per cent)
  - However, since August 2020 there has been 5,029 children and young people on the waiting list – this equates to 718 per month

- There has been record high number of children and young people on the waiting list for the months of October 2020 to January 2021
- The numbers within primary mental health services at the start of 2020-21, especially April and May, were significantly lower than the norm. There were 350 and 365 referrals for these two months compared with an average of 750 referrals per month during 2019-20. The average of referrals over the last three months (Oct to Dec 2020) was 784 per month
- A review has been commissioned from NCCU to undertake a review of admissions to age appropriate beds as this is thought to have increased. We have been assured that any actions that come from this will be taken forward
- A key aspect of the learning from the pandemic response includes the need to better integrate mental health with physical health services. Whilst the arrangements established to ensure the continuity and availability of NHS mental health services during the pandemic were effective, these arrangements operated alongside and felt more separate from the central NHS Governance arrangements that were established. An example is identifying the need for and process to secure surge in-patient capacity. This work was not included as part of the central mechanism to plan and assure the capacity of broader NHS services and needed to be undertaken separately. In all aspects of COVID planning and assurance there were separate arrangements for mental health which created additional challenges and the potential for inconsistency when compared to the arrangement for 'physical health services'

The overall impact now presents a range of challenges going forward and in recovery planning. For example, recent modelling for Wales suggests for 2021 a potential increase in demand for all-age primary care mental health services of up to 40%, which could translate into some 31,000 referrals. Additional demand in hospital services could see an increase of up to 25%, translating into some 10,000 referrals.

Whilst specialist CAMHS continue to see levels of referral higher than pre-pandemic levels, the key concerns from health boards are the higher acuity and complexity of patient presentations and an observed increase in prevalence of eating disorders.

We sought additional information to better understand the picture with eating disorder services. Following a reduction in referrals during the first wave of the pandemic in 2020, the service are now seeing an increase in the complexity/acuity of patients and an increased prevalence of eating disorders. This has, in turn, led to an increase of the need for Nasal Gastric (NG) feeding. It is not yet apparent whether this increase is temporary following the pandemic societal changes during 2020 or whether this will be

a longer term change for which the service will need to adjust. We were assured that action was in hand to determine potential short and medium term solutions. While there is already an existing commitment to reconfigure services towards earlier intervention and focus on preventative services following a review in 2018, the impact of the pandemic has emphasised the need to focus on fully implementing these recommendations.

Overall, work is underway to update the framework for an all-Wales recovery plan for mental health and substance misuse services, covering all ages and tiers of care. The evidence paper sets this out in more detail.

#### **2.2.4 Safeguarding**

An initial review meeting was held on 22 April 2021. Participants included members of the Steering Group and additional WG officials. A list of participants is included as Appendix 7. A supplementary meeting was then held on 27 April including a limited number of members of the Steering Group and the lead from the Public Health Wales National Safeguarding Team. A list of participants in the supplementary meeting is included as Appendix 8.

The initial meeting was mainly focused on the Welsh Government perspective, with much of the emphasis being on the social services aspects of safeguarding. A paper describing the actions that had been taken is at Appendix 9. Although there is considerable interplay between NHS and local authority safeguarding teams, the delivery of safeguarding by local authorities is outside the scope of the Essential Services Group and, therefore, of the review. To ensure appropriate consideration of NHS services, the supplementary meeting focused on NHS safeguarding from the perspective of the National Safeguarding Team.

Key themes arising were:

- Conditions during the pandemic and, in particular, the consequences of 'lockdown', have provided circumstances in which children have been at greater risk of abuse and neglect and in which the signs of such abuse or neglect have been more likely to have remained hidden. As such, the need for appropriate safeguarding has been high
- From the early stages of the pandemic, WG officials maintained a close oversight the delivery of safeguarding. Locally, assessments were carried out to work out how to keep in contact with vulnerable children and young people
- Guidance was developed and issued at various points. In particular, Welsh Government issued guidance about the continuation of the Healthy Child Wales Programme regularly throughout the pandemic, emphasising that face to face contact should still be made where a

family needs additional support or where safeguarding concerns have been identified. WG received assurance that such visits were being undertaken wherever possible

- Despite the increased levels of vulnerability, and efforts made to continue to deliver relevant services and promote their availability, referral rates to safeguarding had fallen during the first lockdown
- Available data has demonstrated that school is the safest place for children, including through having access to education, friends and to socialise
- Additional funding has been provided to MEIC Cymru to assist with engagement and support
- NHS staff involved in safeguarding, including school nurses and members of the National Safeguarding Team (NST) have been diverted, or partially diverted, to support the direct COVID response
- The NST had operated through the pandemic at 'level 2 – partial operation'. Whilst it is the view of the NST lead that essential 'core' safeguarding was maintained, there is concern about the negative impact on NST work to further develop and improve safeguarding, much of which was paused. This is of particular concern in view of the increase in safeguarding work load that is anticipated as COVID restrictions are eased. The intention of Public Health Wales to return safeguarding to level 3 'full operation' is noted
- There had been issues around the collection and availability on comparable data on the delivery of safeguarding

### 3 Recommended action

The following recommended actions have been developed following the review meetings, the evidence submitted and subsequent discussions. They include both strategic actions, in relation to the future focus needed on children's services, and actions specific to the areas reviewed.

The emphasis increasingly needs to be on the resetting and recovery of services in the aftermath of acute pandemic pressures, but it remains important to ensure that action is also taken to better protect and maintain children's services through any further COVID waves. We are aware that some relevant action is already in train following circulation of the initial findings of the review.

A number of the issues identified are common to those identified in the earlier deep dive into cardiac services. These issues include the need for:

- a focus on the health and well-being needs of the workforce
- access to relevant and timely data and information about the performance of services

- access to support services, including diagnostics and therapies
- the use of virtual service delivery, where viable and appropriate

In addition, there are a many issues, and related recommendations, that are specific to children's services and/or which were particularly highlighted in this review.

### Recommendations:

- It is important to recognise that, whilst direct morbidity and mortality from COVID in much lower in children than other age groups, in other respects the wider impact of COVID on children's lives has been profound (including on their mental health and wider aspects of their physical health). **Specific action is therefore required to ensure a focus on children in the recovery programme and resulting plans**
- Health board recovery plans must include specific elements, with target dates, on the recovery and catch up of:
  - surgical services for children (recognising that, currently, the backlog is continuing to grow)
  - childhood vaccination and immunisation
  - childhood screening
- Recovery plans must factor in:
  - workforce requirements
  - regional models of care
  - the recommendations of the national task and finish group on influenza vaccine
  - the recommendations of national work on moving audiology screening back to audiology
- Whilst acknowledging the hugely challenging nature of the decision making and prioritisation processes that are required in the current context, **action must be taken to ensure that the interests of children are protected within an ethical decision making process**. This must remain the case during recovery and any future curtailments in services in response to COVID or other crises
- It is proposed that a **Children's surgical forum/Clinical Reference Group** should be established in all health boards where this is currently not the case. Guidance from RCPCH sets out the role such a group should (Standards for Childrens Surgery, 2013)
- **All NHS organisations should ensure that they are meeting existing statutory responsibilities for children**, such as those under the Social Services and Well-being (Wales) Act 2014. The designated independent and executive members of the Board need to ensure they are actively fulfilling their roles on behalf of children. Boards need to receive comprehensive information to be assured that children's needs are being addressed.



- It is important to recognise that **essential services are about more than preventing mortality and immediate significant morbidity**. Delays in treating/screening/vaccinating children can have a life-long (or significant, but delayed) impact on the health of a child and such risks need to be factored into prioritisation of service delivery and the deployment of staff
- The current surgical prioritisation tool from the RCS is deemed not to be appropriate for use in children. We, therefore, recommend that **a specific surgical prioritisation tool be agreed for use across Wales**, building on those already in use or emerging. Similar prioritisation tools may also be required for preventative and medical services.
- There is a need to ensure that decision making and prioritisation is informed by **data that allows the impact on children specifically to be disaggregated and considered by age group**. This should include data for 0-16 years, with data for 16-18 years captured separately, to ensure the impact of any transition to adult services is planned for
- There is a need to ensure that the **loss of a health-related setting (e.g. schools), should not simply result in a suspension of health related activity** that normally takes place in that setting (e.g. school nursing). Any suspensions of services should follow evidence and risk based ethical judgements and creative solutions should be found for delivering services in other settings, where possible
- A particular **focus is needed on the workforce given the impact of redeployment** has seemingly been more profound for those staff working with children
- It is important that the findings from the consultation conducted in partnership with Children in Wales are considered carefully. **Boards should familiarise themselves with the content of the full report (Appendix 1) and should also ensure they are seeking feedback from children** routinely and acting on it

## 4 Next steps for essential services

Having conducted two deep dives, into cardiac and children's essential services, the Essential Services Steering Group has taken stock of what has been learned and recommended and has considered the key lessons and most appropriate next steps.

The deep dives have been exceptionally informative and have generated a number of important recommendations. A case could be made for the Essential Services Steering Group to continue to pursue a rolling programme of deep dives covering all the key clinical areas specified in the

NHS Wales Essential Services Framework. A number of factors, however, suggest that this would not be the most efficient or effective course of action:

- As things stand, it appears that the worst waves of the pandemic are behind us and, as such, a primarily backward looking review process is becoming less timely and helpful
- The deep dive process is very resource intensive, both for those involved in conducting and reporting on the reviews and those collecting and presenting evidence to them
- It is already clear that many of the key issues and lessons from such reviews will be common across all essential services

The most important overall conclusion stemming from the work to date is that the primary responsibility for ensuring the ongoing delivery of essential services during future COVID waves and other crises, and for recovering delayed activities, must rest with health boards and trusts.

Going forward, health boards and trusts must ensure that:

- the recovery and maintenance of all essential services covered by the Framework must be explicitly featured in recovery planning (including in specific recovery plans and IMTPs and the oversight of the implementation of those plans)
- future decisions about the prioritisation of the delivery of services (including decisions about staff redeployment) must be taken within a risk based and ethical decision making process that is overseen by boards
- they ensure access to, and make use of, timely and accurate data and information that enables boards to be assured that essential services are being delivered and statutory obligations met, including to children
- where full assurance cannot currently be provided, recovery planning must include the steps to be taken to rectify any gaps

## Appendices

### Appendix 1



YW Patient  
Experience Report.p

### Appendix 2



Review of Children's  
Screening and Immur

### Appendix 3



Review of Screening  
and Immunisation Ess

### Appendix 4



Children's Essential  
Services - Surgery - 8

### Appendix 5



paediatric deep dive -  
Appendix A- April 202



Paediatric planned  
care deep dive summ:



Summary and  
analysis of surgical da



Paediatric  
recommendations - fr

### Appendix 6



Essential Services  
- CAMHS Ass...

### Appendix 7



Children's  
Safeguarding Essentia

## Appendix 8



Appendix 7.docx

## Appendix 9



Safeguarding  
deep dive 2204...



6005 Harms  
arising from csw...

# Eitem 9.7

CYPE(6)–07–21 – Papur i’w nodi 7

## Y Pwyllgor Plant, Pobl Ifanc ac Addysg

### Children, Young People and Education Committee

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Jeremy Miles AS

Gweinidog y Gymraeg ac Addysg

Dyddiad | Date 24 Tachwedd 2021

Pwnc | Subject: Bil Addysg Drydyddol ac Ymchwil (Cymru)

Annwyl Jeremy,

Diolch am roi tystiolaeth am y Bil i’r Pwyllgor ar 18 Tachwedd. Fel y nodais yn ystod y sesiwn, roedd rhai cwestiynau na wnaethom ni eu holi y cytunwyd y byddem yn ysgrifennu atoch amdanynt. I helpu i lywio ein gwaith craffu, byddem yn gwerthfawrogi pe gallech ymateb erbyn dydd Llun 13 Rhagfyr.

#### Amcanion polisi a’r angen am ddeddfwriaeth

1. Beth yw sylfaen dystiolaeth Llywodraeth Cymru dros gredu y bydd y Bil yn gwireddu bwriad Llywodraeth Cymru? Fe wnaeth eich dadansoddiad cost a budd gan Alma Economics nodi bylchau yn y sylfaen dystiolaeth, ac ymddengys fod peth camddealltwriaeth ynddo ynghylch natur y diwygiadau arfaethedig. Er enghraifft, mae’n awgrymu y bydd y Comisiwn yn dod â’r sector ynghyd o dan un ymbarel rheoleiddio, ac yn nodi y bydd hyn yn cael gwared ar ddryswch o ran rolau nifer o sefydliadau’n gorgyffwrdd. Yna mae’n rhestru nifer o sefydliadau sydd y tu allan i gymhwysedd deddfwriaethol, fel Adran Addysg a Sgiliau Llywodraeth y DU a’r Asiantaeth Sicrhau Ansawdd (QAA).
2. Nid oes unrhyw resymeg glir yn bresennol yn y Memorandwm Esboniadol ynghylch pam y cafodd rhai opsiynau eu gadael i fynd yn gynnar yn y broses. Mae hyn yn ei gwneud hi'n anodd iawn deall proses Llywodraeth Cymru o wneud penderfyniadau ar gyfer y Bil newydd hwn. A allwch chi egluro pam nad oes mwy o wybodaeth am hyn ar gael i ni?



## Heriau cychwyn a gweithredu

3. Sut fydd y trosglwyddiad rheoleiddio a chyllid yn cael ei reoli gan ystyried y bydd angen i ddarparwyr wneud cais i gofrestru a pharatoi'r ceisiadau hynny?

## Dylanwad Gweinidogion Cymru ar y Comisiynydd a darparwyr

4. Beth yw'r rhesymeg dros beidio â rhoi pwerau i'r Comisiwn sefydlu ei fframwaith cyllido cydlynol ei hun, ond yn hytrach dweud pwy sy'n gymwys i gael cyllid ar sail rheoliadau Gweinidogion Cymru?
5. Mae CCAUC yn dweud wrthym: "Mae'r ddeddfwriaeth yn galluogi'r Llywodraeth i ariannu ymchwil o amgylch y Comisiwn drwy gadw pwerau o dan Ddeddf Gwyddoniaeth a Thechnoleg 1965 a Deddf Addysg Uwch 2004. Mae'r rhesymeg dros hyn yn aneglur." A fyddechystal â dweud beth yw'r rhesymeg dros hyn?

## Rhwystrau i ddysgu gydol oes a chydweithredu

6. Beth yw'r rhesymeg dros beidio â disgwyl i bob darparwr fodloni'r amod parhaus o gyfle cyfartal ar gyfer cofrestru? Pa ddarparwyr y bydd disgwyl iddynt fodloni'r amod hwn?

## Sicrhau ansawdd ac Estyn

7. I ba raddau ydych chi wedi mynd i'r afael â phryderon CCAUC ynghylch ystyried trefniadau ansawdd ar gyfer addysg drawswladol, trefniadau dilysu a phrentisiaethau gradd?
8. Canfu gwaith craffu ar ôl deddfu ar y Ddeddf Addysg Uwch fod y system sicrhau ansawdd ar gyfer darparwyr addysg bellach sy'n darparu addysg uwch yn golygu bod sefydliadau'n ddarostyngedig i ofynion QAA a gofynion Estyn. Mae'n ymddangos bod y Bil yn parhau â'r sefyllfa hon – a allwch chi nodi'r rhesymeg dros hyn.

## Prentisiaethau a dosbarthiadau chweched dosbarth

9. Yn ystod y sesiwn, fe wnaethoch chi gytuno i ymateb i'r cwestiwn hwn yn ysgrifenedig: A yw prif gontractwyr prentisiaethau angen cydsyniad Llywodraeth Cymru ar hyn o bryd i drosglwyddo cyllid i isgontractwyr, ac nad ydynt, beth yw'r rhesymeg dros newid hyn yn y Bil i wneud cydsyniad yn ofynnol?

## Llais y dysgwr

10. Sut ydych chi'n rhagweld y bydd Cynlluniau Diogelu Dysgwyr yn cefnogi myfyrwyr sy'n dymuno trosglwyddo cyrsiau pan fydd rhwystrau systemig yn aml i wneud hynny, fel cydnabod statws uwch a throsglwyddo credydau?

11. I ba raddau y bydd cysondeb o ran disgwiliadau ar draws yr holl ddarparwyr addysg drydyddol ynghylch lefel ymrwymiad a chynnwys eu Cynllun Diogelu Dysgwyr?

Yn ystod y sesiwn, fe wnaethoch chi gytuno hefyd i rannu'r cynllun gweithredu deddfwriaeth â ni. A allwch chi gadarnhau eich bod yn gallu rhannu hyn â ni? Fe wnaethoch chi gytuno hefyd i roi nodyn i'r Pwyllgor ynglŷn â sut rydych chi'n rhagweld y bydd y Bil yn gwella'r berthynas rhwng cyflogwyr, cyrff dyfarnu, y Comisiwn a Cymwysterau Cymru.

Rwy'n edrych ymlaen at gael eich ymateb.

Yn gywir,



Jayne Bryant AS  
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

