

# Y Pwyllgor Cyllid

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Lleoliad:

**Ystafell Bwyllgora 3 – Senedd**

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Dyddiad:

**Dydd Mercher, 24 Medi 2014**

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Amser:

**09.00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



I gael rhagor o wybodaeth, cysylltwch â:

**Bethan Davies**

Clerc y Pwyllgor

029 2089 8120

[PwyllgorCyllid@cymru.gov.uk](mailto:PwyllgorCyllid@cymru.gov.uk)

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## Agenda

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**1 Cyflwyniadau, ymddiheuriadau a dirprwyon (09:00)**

**2 Papurau i'w nodi (09:00– 09:05) (Tudalennau 1 – 3)**

**Cyllid addysg uwch: Llythyr gan Darren Millar AC (30 Gorffennaf 2014) (Tudalennau 4 – 7)**

**Y Bil Addysg Uwch (Cymru): Llythyr gan Addysg Uwch Cymru (31 Gorffennaf 2014) (Tudalennau 8 – 13)**

**Adroddiad Alldro Llywodraeth Cymru 2013–14: Llythyr oddi wrth y Gweinidog dros Gyllid (5 Awst 2014) (Tudalennau 14 – 23)**

**Y Bil Trais ar sail Rhywedd, Cam–drin Domestig a Thrais Rhywiol (Cymru): Llythyr gan y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth (29 Awst 2014) (Tudalennau 24 – 31)**

### **3 Ymchwiliad i'r arfer gorau mewn prosesau cyllidebol – Rhan II: Sesiwn dystiolaeth 1 (09:05–10:05) (Tudalennau 32 – 37)**

Fideogynadledda

FIN(4)–15–14 papur 1

Papur briffio gan y Gwasanaeth Ymchwil

Laura van Geest – Cyfarwyddwr, Canolfan CPB yr Iseldiroedd ar gyfer Dadansoddi Polisi Economaidd

Suyker Wim – Arweinydd Rhaglenni, Canolfan CPB yr Iseldiroedd ar gyfer Dadansoddi Polisi Economaidd

(Egwyl 10.05–10.15)

### **4 Ymchwiliad i'r arfer gorau mewn prosesau cyllidebol – Rhan II: Sesiwn dystiolaeth 2 (10:15–11:15) (Tudalennau 38 – 44)**

Papur briffio gan y Gwasanaeth Ymchwil

Robert Chote – Cadeirydd y Swyddfa Cyfrifoldeb Cyllidebol

### **5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes â ganlyn: (11:15)**

Eitemau 6, 7, 8 a 9, ac Eitem 1 y cyfarfod a gynhelir ar 2 Hydref 2014

### **6 Ymchwiliad i'r arfer gorau mewn prosesau cyllidebol – Rhan II: Trafod y dystiolaeth a gafwyd (11:15–11:45)**

### **7 Y Bil Addysg a Chynhwysiant Ariannol (Cymru): Goblygiadau Ariannol y Bil (11:45–12:00) (Tudalennau 45 – 48)**

FIN(4)–15–14 papur 2

### **8 Swyddfa Archwilio Cymru: Adroddiad ar ganfyddiadau'r archwiliad o gyfrifon 2013 – 2014 (12:00–12:15) (Tudalennau 49 – 77)**

FIN(4)–15–14 papur 3

### **9 Blaenraglen waith (12:15–12:30) (Tudalennau 78 – 83)**

FIN(4)–15–14 papur 4

## Y Pwyllgor Cyllid

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Lleoliad: Ystafell Bwyllgora 2 – y Senedd

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Dyddiad: Dydd Mercher, 16 Gorffennaf 2014

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Amser: 09.00 – 10.46

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Gellir gwyllo'r cyfarfod ar Senedd TV yn:

[http://www.senedd.tv/archiveplayer.jsf?v=en\\_400000\\_16\\_07\\_2014&t=0&l=en](http://www.senedd.tv/archiveplayer.jsf?v=en_400000_16_07_2014&t=0&l=en)

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### Cofnodion Cryno:

#### Aelodau'r Cynulliad:

Jocelyn Davies AC (Cadeirydd)  
Christine Chapman AC  
Paul Davies AC  
Mike Hedges AC  
Alun Ffred Jones AC  
Julie Morgan AC

#### Tystion:

Peter Black AC, Comisiynydd  
Rhodri Glyn Thomas AC, Comisiynydd  
Nicola Callow, Comisiwn y Cynulliad  
Craig Stephenson, Comisiwn y Cynulliad  
Dave Tosh, Comisiwn y Cynulliad

#### Staff y Pwyllgor:

Bethan Davies (Clerc)  
Claire Griffiths (Dirprwy Clerc)  
Joanest Jackson (Cynghorydd Cyfreithiol)

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### TRAWSGRIFIAD

Gweld [trawsgrifad o'r cyfarfod](#).

## 1 Cyflwyniadau, ymddiheuriadau a dirprwyon

Tudalen y pecyn 1

**1.1 Croesawodd y Cadeirydd yr Aelodau i'r Pwyllgor. Cafwyd ymddiheuriadau gan Ann Jones a chan Peter Black ar gyfer eitemau 1-5.**

## **2 Papurau i'w nodi**

### **2.1 Nodwyd y papurau.**

2.1 Y Bil Addysg Uwch (Cymru): Llythyr gan y Gweinidog Addysg a Sgiliau (30 Mehefin 2014)

2.2 Ymchwiliad i'r arfer gorau mewn prosesau cyllidebol: Gwybodaeth ychwanegol gan y Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth

## **3 Cyllideb Ddrafft Comisiwn y Cynulliad 2014–15**

3.1 Clywodd y Pwyllgor dystiolaeth gan Rhodri Glyn Thomas AC, Comisiynydd y Cynulliad sy'n gyfrifol am swyddogaethau a pholisi ieithoedd swyddogol y Comisiwn, gwasanaethau cyfreithiol a Rhyddid Gwybodaeth, Craig Stephenson, Cyfarwyddwr Gwasanaethau Comisiwn dros dro, Cynulliad Cenedlaethol Cymru a Nicola Callow, Pennaeth Cyllid, Cynulliad Cenedlaethol Cymru, ynghylch cyllideb ddrafft Comisiwn y Cynulliad 2014–15.

## **4 Cyllideb Ddrafft Comisiwn y Cynulliad 2014–15**

4.1 Clywodd y Pwyllgor dystiolaeth gan Peter Black AC, Comisiynydd y Cynulliad sy'n gyfrifol am TGCh, darlledu ac e-ddemocratiaeth, ystâd y Cynulliad a chynaliadwyedd, Dave Tosh, Cyfarwyddwr TGCh, Cynulliad Cenedlaethol Cymru a Nicola Callow, Pennaeth Cyllid, Cynulliad Cenedlaethol Cymru, ynghylch cyllideb ddrafft Comisiwn y Cynulliad 2014–15.

## **5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:**

5.1 Derbyniwyd y cynnig.

## **6 Y Bil Trais ar sail Rhywedd, Cam–drin Domestig a Thrais Rhywiol (Cymru): Goblygiadau Ariannol y Bil**

6.1 Trafododd yr Aelodau y papur briffio ar y Bil Trais ar sail Rhywedd, Cam–drin Domestig a Thrais Rhywiol (Cymru), gan gytuno na fyddent yn gwahodd y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth i ateb cwestiynau ar oblygiadau ariannol y Bil

ar y cam hwn, ond y byddent yn ysgrifennu ati i ofyn am eglurder ynghylch nifer o faterion.

6.2 Cytunodd y Cadeirydd i ysgrifennu at Christine Chapman AC, Cadeirydd y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol, i nodi nad yw'r Pwyllgor Cyllid am wahodd y Gweinidog i un o gyfarfodydd y Pwyllgor ar y cam hwn, ond y byddai'n croesawu'r wybodaeth ddiweddaraf am oblygiadau ariannol y Bil.

## **7 Bil Llesiant Cenedlaethau'r Dyfodol (Cymru): Goblygiadau Ariannol y Bil**

7.1 Trafododd yr Aelodau y papur briffio ar Fil Llesiant Cenedlaethau'r Dyfodol (Cymru), gan gytuno na fyddent yn gwahodd y Gweinidog Cymunedau a Threchu Tlodi i ateb cwestiynau ynghylch goblygiadau ariannol y Bil, ond y byddent yn ysgrifennu ato i ofyn am eglurder ynghylch nifer o faterion.

7.2 Cytunodd y Cadeirydd i ysgrifennu at Alun Ffred Jones AC, Cadeirydd y Pwyllgor Amgylchedd a Chynaliadwyedd, i nodi nad yw'r Pwyllgor Cyllid am wahodd y Gweinidog i un o gyfarfodydd y Pwyllgor ar y cam hwn, ond y byddai'n croesawu'r wybodaeth ddiweddaraf am oblygiadau ariannol y Bil.

## **8 Ymchwiliad i'r arfer gorau mewn prosesau cyllidebol: Trafod yr adroddiad drafft**

8.1 Trafododd y Pwyllgor yr adroddiad drafft, gan gytuno arno yn amodol ar rai mân newidiadau. Nodwyd y byddai'n cael ei gyhoeddi ar 24 Gorffennaf.

# Eitem 2.1

**Pwyllgor Cyfrifon Cyhoeddus**  
**Public Accounts Committee**

Cynulliad  
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Assembly for  
Wales



Jocelyn Davies AM  
Chair of the Finance Committee  
National Assembly for Wales  
Cardiff Bay CF99 1NA

30 July 2014

Dear Jocelyn,

At its meeting of 15 July, the Public Accounts Committee noted the Finance Committee's report into Higher Education Funding, which was published in May.

The Committee believed you might find the attached letter from the Auditor General for Wales of interest as you maintain a watching brief on Higher Education Funding. In his letter, the Auditor General reflects on the Welsh Government's response to his November 2013 report on Higher Education Finances. You will note that, while the Welsh Government accepted the report's six recommendations that applied to them, the Public Accounts Committee has not yet received a response from HEFCW on two recommendations relating to their 'risk review' process and their role in identifying, disseminating and promoting good practice.

Yours sincerely,

**Darren Millar AM**  
**Chair**

Bae Caerdydd  
Cardiff Bay  
CF99 1NA

**Tudalen y pecyn 4**

Ffôn / Tel: 029 2089 8041

E-bost / Email: [PublicAccounts.Committee@Wales.gov.uk](mailto:PublicAccounts.Committee@Wales.gov.uk)

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

Mr Darren Millar AM  
Chair of the Public Accounts Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Date: 9 July 2014  
Our ref: HVT/2179/fgb  
Page: 1 of 3

Dear Darren

## HIGHER EDUCATION FINANCES

I am writing with regard to the Welsh Government response to my November 2013 report on *Higher Education Finances*. To help inform any further action by the Committee, I have also provided below an update on the Welsh Government commissioned work referred to in my report that was still on-going when I and Wales Audit Office staff briefed the Committee in January 2014.

### **Commissioned work on the processing of student finance applications and related data matching**

As noted in my *Higher Education Finances* report (paragraphs 2.35-2.41), the Welsh Government had commissioned further work by the Wales Audit Office to review the operation of controls in relation to student finance applications at nine local authorities. That work followed on from a 2012 review of controls at four other local authorities. The latest report found that, since the 2012 review, the Welsh Government has improved aspects of its oversight and control of student finance, although a small number of significant weaknesses remain in the overall system of control operated collectively by the Welsh Government, Student Loans Company and local authorities. The report and the Welsh Government's response to its recommendations have been considered by the corporate governance committee for the Department for Education and Skills.

Wales Audit Office staff have also been facilitating a data matching exercise, the aim of which was to explore the use of data matching work to address potential control weaknesses in the assessment of applications for student finance, particularly in respect of the Tuition Fee Grant. The data processing itself was undertaken by the Audit Commission. Wales Audit Office staff have provided the Welsh Government with a summary of the findings from this work which covered three pilot local authority areas (Cardiff, Swansea and Wrexham). The work involved the matching of address details for students applying for student support with electoral data. The aim of this exercise was to

identify any anomalies between the data sets which could have arisen due to fraud or error (whilst accepting that timing differences may also be a source of anomalies). The exercise aimed to identify negative matches: those students who had applied for student finance via a Welsh local authority, but did not appear on the latest electoral data for Wales. For all of the negative matches, the process also identified from the electoral data, whether or not there was someone else living at the address with the same family name.

Wales Audit Office staff risk-assessed the data matching results and gave the three local authorities guidance to support their follow-up investigations. The local authorities indicated to Wales Audit Office staff that they had largely been able to obtain evidence to demonstrate that applicants were eligible for the Tuition Fee Grant (where negative matches had been identified). However, Wales Audit Office staff recommended to the Welsh Government that it should seek assurance from the local authorities on the eventual outcomes of their investigations and the evidence that they obtained in undertaking their investigations.

### **Welsh Government response to my *Higher Education Finances* report and further action by the Committee**

At the time of writing this letter, I understand that the Committee has not yet received a response from HEFCW to recommendations 7 and 8 in my report. Those recommendations related to HEFCW's 'risk review' process and to HEFCW's role in identifying, disseminating and promoting good practice.

The Welsh Government has responded positively to the recommendations in my report. The Welsh Government has indicated that it accepts all six of the recommendations that were directed at it. However, it would have been helpful if the Welsh Government could have set out more clearly the likely timetable for discharging the actions that it has set out in response to recommendations 5 and 6, particularly given the time that has already passed since my report.

When the Committee discussed my report in January 2014, it noted the on-going Finance Committee inquiry on *Higher Education Funding*. The Finance Committee's report covers some similar ground to my report and I am aware that the Finance Committee report has recently been the subject of a plenary debate. Added to which, there is the on-going work of the '*Review of Higher Education Funding and Student Finance Arrangements in Wales*' and an expectation that the National Assembly will, as part of its regular budget scrutiny, have an opportunity to keep track of the financial implications of the current tuition fees policy. I have also written recently to the Children and Young People Committee to draw attention to issues arising from my report, and the Welsh Government's response to it, that are relevant to that Committee's scrutiny of the Higher Education (Wales) Bill.



In January 2013, we noted that one of the issues arising from my report that appeared to have been covered in less detail by the Finance Committee concerned the arrangements for the valuation of the student loan book and annual loan policy write-off charges (paragraphs 2.7 to 2.11). However, the Finance Committee's report does include a section on the student loan book and many of the related issues have also been covered by the Westminster Public Accounts Committee's February 2014 report on *Student Loan Repayments*, which followed a National Audit Office report on the same subject in November 2013. The planned consideration of the Welsh Government's 2013-14 consolidated accounts should provide an opportunity for your Committee to follow up these issues from a Welsh Government perspective.

The other issue that we highlighted to the Committee in January 2014 was the Student Finance Wales modernisation project (paragraphs 2.26 to 2.34 of my report). That project will see the Student Loans Company take on the processing of student finance applications for all new and returning students for the 2015/16 academic year, having taken on the applications for new students only in 2014/15. The Children and Young People Committee had expressed some concern about these changes when reporting on the Further and Higher Education (Governance and Information) (Wales) Bill in July 2013.

The Welsh Government responses to recommendations 2 and 4 in my report are both relevant to the Student Finance Wales modernisation project. As noted in the report (paragraph 2.38), the adequacy of controls around Tuition Fee Grant payments is material to my opinion on HEFCW's financial statements. The Wales Audit Office team that audits HEFCW's accounts is likely to be undertaking further work during 2014-15 to seek assurances about the robustness of the Student Loans Company's own processing of student finance applications. The specification for, and costing of, the new centralised student finance Wales service had not been finalised at the time of my report, but these costs and potential future savings are another issue that could be explored as part of scrutiny of the Welsh Government's budget.

I hope that this letter is helpful to the Committee.

Yours sincerely



**HUW VAUGHAN THOMAS**  
**AUDITOR GENERAL FOR WALES**

# Eitem 2.2



Bethan Davies, Clerk  
Finance Committee  
National Assembly for Wales  
Cardiff Bay, Cardiff  
CF99 1NA  
[FinanceCommittee@wales.gov.uk](mailto:FinanceCommittee@wales.gov.uk)

31 July 2014

Dear Bethan

## HE (Wales) Bill

Please could you pass our comments on to the Finance Committee relating to the above Bill, in the hope that they are of use in identifying the key outstanding issues relating to the financial implications of the Bill in so far as we can assess them at this stage. We would like to thank the Committee in seeking further information and clarity over the costings provided. At this stage the issues which the Committee may wish to consider further, or seek clarification on, are as follows:

- *Regular and recurrent costs of implementation.* The Welsh Government identifies recurring costs of around £1.6m p.a. for regular tasks of which £363k is identified as additional cost. The Explanatory Memorandum appears to confirm that there was no consultation with the sector on these costings and the cost estimates for institutions rely on the 'sense-checking' by Welsh Government officials only (Explanatory Memo, Annex A paras 333-35). The further information provided by the Welsh Government to the Finance Committee is helpful in understanding the how the cited figures were reached, but lacks detail on the salary assumptions used or where the additional costs have been assumed at this level. HEFCW, in its submission, estimated costs at one additional relatively senior member of staff per university which appears to be a significantly higher estimate of the additional costs for universities than estimated by the Welsh Government. We would welcome further comment on the difference in these estimates.
- *Exceptional costs.* The Explanatory Memorandum provides estimates of exceptional costs relating to sanctions which would only be incurred when compliance activity is triggered (paras 245-5), and models two potential scenarios on this basis. It does not appear that the costs of litigation have been adequately included, however. The further information provided by the Welsh Government in their letter to the Finance Committee clarifies that the costings

assume a number of days of specialist staff time (costed at an institutional rate) relating to sanction/compliance costs for institutions (18 by our count), of which only some would be additional (it is not clear how many). From this it appears that the exceptional costs do not include the costs of commissioning legal advice and/or litigation costs, or these cost estimates are significantly lower than we may have expected. On the face of it this looks like a serious omission in the costings and we would welcome further clarification on this.

- *Other compliance costs.* HEW has also drawn attention to the fact that the Bill, as it stands, enables the Welsh Government and/or HEFCW to impose financial requirements or requirements with a financial impact which do not relate either to grant funding or fee grant payments. Under current legislation, the Welsh Government/HEFCW may not set terms and conditions which relate to income/grant which does not come from the Funding Council. The Bill could mean that the Welsh Government/HEFCW set requirements that universities have to fund from other sources and is effectively an additional cost for universities: there is a risk that in future policy requirements have financial consequences for universities without the corresponding public funding to support it. This heading of potential costs is not dealt with by the Bill and we would welcome clarity on how the Welsh Government intends to ensure that there will be no additional costs for universities under this heading in future if that is the Welsh Government's assumption.
- *Major contingent costs.* In addition, it is noted that the Bill does not deal with the financial implications in the event that the Bill compromises charitable status/duties or universities classification for purposes of national accounting, or the damage to the business and financial interests of universities arising from the actual or apparent erosion of financial autonomy, as outlined in our submission to the Children Young People & Education Committee (see the appended extract). Para 227 of the Explanatory Memorandum states that the Welsh Government discounted some of the benefits in the light of risks identified in the consultation responses relating in particular to the 'breach of institutional and academic autonomy with unintended consequences and that direct funding and control would risk HEIs in Wales being reclassified as part of the public sector'. The paragraph states that benefits are discounted in Option 3 (see paras 272-282) – but they are not mentioned there, and the benefits are not quantified in any way. We would welcome any figures relating to discounting of benefits under this heading. These potential major costs appear not to have been included in the costings presented.
- *The cost of providers other than existing universities becoming regulated institutions.* The Welsh Government's costings are based on the assumption that the existing universities in

Wales will become regulated institutions only. They do not include costs relating to other potential regulated institutions. The Explanatory Memorandum (EM, para 240) also assumes no additional costs in tuition fee grants and loans arising from the Bill. Are these realistic assumptions? If providers other than universities become regulated institutions their courses would automatically qualify for student support and this could have a significant impact on the student support budget. It could also, as current arrangements stand, have a significant financial implication for existing universities since fee grant payments are paid from HEFCW's budget. We would welcome further scrutiny of these assumptions.

- In particular, we understand that the Bill is designed to allow further education institutions (among others) to become regulated institutions. We would welcome the Committee seeking to clarify the Welsh Government's assumptions on this. How far could this lead to an increase of students eligible to receive student support? What mechanisms would be in place to control student numbers if necessary (there are none included in the Bill). If there is a potential increase in student support and fee grant costs, how will this increased cost be met?
- *Costs relating to HEFCW's regulation of providers who are not 'regulated institutions' with an approved plan.* Under the Bill only regulated institutions would be covered by HEFCW's statutory duty to assess the quality of education. However, the Explanatory Memorandum suggests (although we have queried this) that HEFCW could maintain quality assessment arrangements for part-time only providers through terms and conditions of funding 'because HEFCW will continue to pay some recurrent funding to institutions for part-time courses for the foreseeable future' (EM, para. 112). What are the Welsh Government's assumptions about HEFCW's available budget for the foreseeable future, the sums required to meet this commitment, and how will the Welsh Government ensure that this commitment can be met in the light of the above points?
- Will a similar commitment be needed to enable HEFCW to make quality assurance arrangements for postgraduate only providers in future? It is noted that although part-time only providers may potentially be brought within the new regulatory framework in future, postgraduate provision cannot be included in the list of qualifying courses covered by the fee and access plans i.e. postgraduate only providers cannot be later included.
- *Costs arising from revisions to HEFCW's quality assurance duty.* An issue raised with the Welsh Government is that the new duty to assess the quality of education appears to extend to all education provided by a regulated institution, not just higher education. It is not yet

clear whether this is intentional or not. In the case of further education colleges or other providers with significant provision at levels lower than HE, this duty could be significant (and conflict with the statutory duties of other bodies). We would welcome greater clarity on the cost implications of this.

- *Impact on HEFCW budget available for grant funding.* More generally we would welcome clarification on how the Welsh Government intend to ensure that there is enough funding in HEFCW's budget for research or other strategic priorities (including support for expensive and strategic subjects) as a result of the regulatory changes in light of the above. Would HEFCW be expected to make fee grant payments in relation to students on courses designated on a case-by-case basis? If so, how could it control its budget? How would the costs fall between the Welsh Government, HEFCW and universities?
- *Financial implications for regulated institutions compared to unregulated institutions.* The Explanatory Memorandum states that the Welsh Government assumes that all existing universities would wish to become regulated institutions under the Bill proposals – and this has been our assumption so far too. However, the key benefit identified for institutions in return for accepting greater regulation is that their students would be eligible to receive the grant element in addition to the loan element of student support. The grant element, however, is paid from the budget that HEFCW has available for making grants to higher education. Does this not mean that there is no net financial advantage for universities becoming regulated institutions, compared to seeking designation of all courses on a case-by-case basis? Clarity is needed over how this would operate in order to assess the costs and impact of the proposals.

Finally we note that, in so far as we were aware, there was no consultation with the sector on these costings, and the costings for institutions rely on the 'sense-checking' by Welsh Government officials only (Explanatory Memo, paras 333-35). We query whether the Welsh Government has been able to set out its best estimates as required by standing orders without any consultation with the sector, and hope that these issues can be clarified.

Yours sincerely

Ben Arnold  
Policy Adviser

**Extract from HEW's submission to the Children Young People & Education Committee:**

37. The costs for the sector may largely depend on the further regulations and exercise of the HEFCW's powers. There will undoubtedly be an additional administrative cost for both HEFCW and universities anticipated as result of this Bill. Since the new regulatory framework would rely on enforcement through legal action we would also expect there to be significant costs for the Council and sector arising from increased litigation.
38. The Bill includes several new powers to allow the Welsh Government and/or HEFCW to determine and enforce spending requirements. These are not limited to income derived from the Funding Council, or additional income received from regulated fees. Where powers are used to direct university spending which does not relate to the use of grant or regulated fee income, this would represent additional cost to the sector which must be met from other sources. There is a clear danger that the Bill could be used to enforce policy on universities, at the expense of other activities, without proper financial support.
39. The new powers to direct income could also seriously damage the business and financial interests of universities. Investors, contractors and bankers need to be confident in universities ability to determine their own financial and corporate affairs. There is evidence in Wales to suggest that any questions regarding this could significantly damage universities ability to compete for business and research contracts and research council income, to enter partnerships and agreements, to obtain banking covenants or to attract investment more generally.
40. As it stands our advice is that the Bill and its subsequent regulations could lead to the breach of the charity duties of university governors, leading to their personal financial liability should their institution apply to become a regulated institution. The wider financial and reputational impact on universities would be critical to their continuation.
41. In the case of reclassification of universities to central government for purpose of national accounting we would expect there to be significant consequences for the DfES budget, which in turn would have serious implications for the sector – in particular surpluses and losses would become Welsh Government funds and would have to be managed within their overall budget. If universities lost NPISH status and became part of the public sector then it would also be necessary for the universities affected to conduct a comprehensive review of all their contracts and legal agreements with third parties. Particular areas of concern include: employment arrangements and collective employment agreements; banking covenants to ensure there is no

breach of covenant; and representations and warranties as to a university's legal status in commercial agreements, and joint ventures.

42. It is not clear whether these have been identified or included in the costs set out in the Explanatory Memorandum. In general, we note that we do not understand the costs presented in the Explanatory Memorandum. We are not aware of any engagement with universities in their preparation. We are uncertain whether HEFCW has been appropriately involved but would regard HEFCW as the most appropriate body to comment on the costs as shown. We would welcome the Finance Committee scrutinizing these further to clarify what these costs refer to and how they were calculated in producing a Stage 1 report.

# Eitem 2.3

Jane Hutt AC / AM  
Y Gweinidog Cyllid  
Minister for Finance



Llywodraeth Cymru  
Welsh Government

Jocelyn Davies AM,  
Chair, Finance Committee,  
The National Assembly for Wales,  
Cardiff Bay,  
Cardiff,  
CF99 1NA

5 August 2014

Dear Jocelyn,

As in previous years and in line with my commitment to good practice and transparency I have produced a written report to the Finance Committee on 2013-14 final outturn against spending plans which is attached.

The Welsh Government's Consolidated Annual Accounts for 2012-13 were published on 5 August 2014 and so the figures provided in the report are audited.

The final Ambit outturn for 2013-14 is £13,929.6 million, an underspend against the Welsh Government Budget of £85.2 million which represents a 0.6% variance.

The report and supporting annexes provide a summary of expenditure by portfolio, variations compared to the budget, an explanation of significant variances and details the Welsh Government underspends which will be carried forward into the current year under 'Budget Exchange'.

Best wishes,

A handwritten signature in black ink that reads "Jane".

**Jane Hutt AC / AM**  
Y Gweinidog Cyllid  
Minister for Finance



## 1. Introduction

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**1.1** This report has been produced in accordance with the protocol endorsed by the National Assembly for Wales on 21 March 2012 regarding changes to the Budget motion and their impact on the in-year Budget cycle.

**1.2** As part of the protocol the Welsh Government agreed:

*In line with the Welsh Government's commitment to working openly and transparently, the Welsh Government will provide a written report to the Committee on final outturn. The report would include a comparison with the spending plans set out in the last Supplementary Budget of the year and an explanation of significant variations.*

**1.3** This report addresses that commitment for the financial year 2013-14.

**1.4** The Second Supplementary Budget for 2013-14, was approved by the National Assembly on 11 March 2014. The final outturn follows publication of the Welsh Government's Consolidated Annual Accounts on 5 August 2014. See the attached internet link:

<http://wales.gov.uk/about/civilservice/how-we-work/facts-figures/ourfinance/welsh-government-consolidated-accounts/welsh-government-annual-accounts-2013-2014/?lang=en>

**1.5** The outturn is reported on the basis of the Welsh Government budget structure in force at the time.

## 2. Main Expenditure Group Outturn 2013-14

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- 2.1** The Consolidated Accounts of the Welsh Government were laid before the Assembly on 30 July 2014. These audited accounts contain a Summary of Resource Outturn against the control totals approved in the Second Supplementary Budget motion of 2013-14 (the 'Ambit').
- 2.2** This report provides details of outturn against the controls operated and enforced by HM Treasury. These administrative budgets are detailed in the documentation and tables which supported the Second Supplementary Budget (<http://wales.gov.uk/funding/budget/2nd-supplementary-budget-2013-2014/?lang=en>).

### Departmental Expenditure Limit (DEL) Outturn

- 2.3** The Welsh Government's audited DEL outturn is £15,733.4 million. This is an underspend against the budget as agreed in the Second Supplementary Budget of £32.4 million.
- 2.4** Included in the results is an underspend of £13.4 million against the Fiscal Resource budget (near cash revenue). There is also an underspend of £8.8 million on the Capital budget. The outturn represents an underspend of 0.1% against Fiscal Resource and 0.7% Capital. The Non Fiscal Resource budget (non cash) is underspent by £10.2 million.
- 2.5** Underspends of greater than 1% of departmental DEL and above a de-minimis level of £0.5 million and *any* overspends are explained below. A breakdown of the outturn by MEG is provided in Annex 1.

### Fiscal Resource

- 2.6** There were underspends on all MEGs the most significant of which was on the Communities and Tackling Poverty MEG.

**2.7** The underspend on the Communities and Tackling Poverty MEG was a combination of claw-backs from prior year grant certification work, project delays due to complexity of establishment and operation of new schemes, recruitment issues across the public and third sector due, primarily, to concerns over continuity of posts and some optimistic expenditure forecasts from some delivery bodies. Lessons have been learnt from the issues arising and an action plan has been put into action to mitigate events recurring in 2014-15 and future years.

### **Capital**

**2.8** All MEGs reported underspends. The most significant of which were in respect of the Communities and Tackling Poverty and Natural Resources and Food MEGs.

**2.9** There was an underspend of £1.2 million reported against the Communities and Tackling Poverty MEG. There were a number of large and complex Flying Start settings which encountered planning and construction problems towards the year end, leading to slippage in development and completion of the schemes.

**2.10** The underspend on the Natural Resources and Food MEG of £5.6 million includes £5 million agreed in principle to be carried forward to 2014-15 through the budget exchange mechanism. The funding is in respect of Local Authority capital flood works which suffered slippages due to the severe weather storms last Winter.

### **Non Fiscal Resource**

**2.11** There were underspends on all MEGs apart from Education and Skills which overspent.

- 2.12** The underspend on the Health and Social Services MEG was £20.5 million. The budget covers depreciation charged against assets held by NHS bodies. These charges are dependent on asset valuations which can fluctuate from year to year as a result of economic factors. As a result they are difficult to forecast. The NHS Estate Valuation of 2012/13 resulted in a favourable outcome in 2013-14 financial year.
- 2.13** The underspend on the Economy, Science and Transport MEG of £12.3 million relates primarily to depreciation charges for the motorway and trunk road network (there is a small element in respect of infrastructure assets). The depreciation charge is dependent upon the results of an annual road condition survey and the value of Welsh Government capital maintenance investment. The budget allocation is set at a predicted level based on historic trend although the charges will vary year on year following the results of the independent assessment of the network condition.
- 2.14** The Education and Skills MEG reported an overspend of £25.6 million, which reflects the final statement on student loans submitted by SLC on 14 April. The overspend is due to identification of an error in the student finance model ('HERO') which was identified following a comprehensive year end check. The correction increased the annual 'write off' charge which was not previously forecast.
- 2.15** The £1.2 million variance on Housing and Regeneration non-cash relates mainly to a credit of £1 million reflecting an increase in the carrying value of the Welsh Government's investment in the Regeneration Investment Fund for Wales (RIFW). This was an adjustment carried out after the year end based on the RIFW final audited accounts. As the amount of the adjustment could not be foreseen prior to this time, no budgetary provision was made for it in the Second Supplementary budget 2013-14.

**2.16** The underspend on Central Services and Administration of £1.6 million arose principally because an impairment charge in respect of ex-Welsh Development Agency properties. The charge of £1 million was budgeted to fall within the MEG but correctly sat within the Economy, Science and Transport MEG.

### **Annually Managed Expenditure (AME) Outturn**

**2.17** HM Treasury recognise the volatility and demand led basis of certain programmes and the resultant difficulty in estimating costs over a period of time. As a result these programme budgets are managed on an annual basis and funding cover is generally provided. Examples include asset impairments, student loans issued and repaid, housing revenue account subsidy and pension valuations of sponsored bodies. The Welsh Government are unable to recycle underspends against AME programmes.

**2.18** Annex 2 to this report provides a summary of outturn against Annually Managed Expenditure (AME) Budgets.

### 3. Budget Exchange System

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**3.1** In the Second Supplementary Budget for 2013-14, the Welsh Government reported Fiscal Resource DEL reserves of £50.8 million and Capital DEL reserves of £7.8 million. We also planned to carry forward both these reserves and any underspends up to the agreed caps under Budget Exchange. The caps are set at 0.6% of Resource DEL and 1.5% of Capital DEL (although financial transactions within the Capital DEL have a cap of 20% in 2013-14).

**3.2** Table 1 illustrates the final reserves position. The balances to be carried forward for the Welsh Government will be £64.2 million Fiscal Resource, £18.5 million Non-Fiscal Resource and £16.5 million Capital which are within the Treasury limits.

**Table 1 Carry forward resulting from Welsh Government outturn**

	<b>Fiscal Resource £000</b>	<b>Non Fiscal Resource £000</b>	<b>Capital £000</b>
Reserves as per Second Supplementary Budget 2013-14	50,771	51,088	7,750
2013-14 Underspends	13,446	10,221	8,763
<b>Balance to be carried forward to 2014-15</b>	<b>64,217</b>	<b>18,460<sup>1</sup></b>	<b>16,513</b>
<i>Treasury Budget Exchange Limits</i>	<i>82,677</i>	<i>4,919</i>	<i>34,880<sup>2</sup></i>

**3.3** The balance to be carried forward will be affected by the outturns of the other bodies funded from the Welsh DEL i.e. the National Assembly for Wales Ombudsman, the Public Services Ombudsman for Wales and the

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<sup>1</sup> In the event that the limit for Fiscal Resource DEL carry forward is not fully utilised the balance can be used to carry additional Non Fiscal Resource DEL forward up to the overall cap on the Fiscal Resource DEL.

<sup>2</sup> The capital limit is made up of £18.8m traditional and £16.1m financial transactions.

Auditor General for Wales. The figures will be revised if necessary following the publication of their audited accounts.

- 3.4** The adjustments to our baseline to reflect the final amount carried forward outlined above will be made later in the financial year through the UK Supplementary Estimate process and will feature in the Second Supplementary Budget for 2014-15.
- 3.5** Allocations were made in the First Supplementary Budget of 2014-15 of £29.5 million from the Fiscal Resource reserve and £18 million from the capital reserve.

## Annex 1 – DEL Outturn 2013-14

Main Expenditure Group	Supplementary Budget			Outturn			Underspends / Overspends (-)		
	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000
Health & Social Services	5,973,197	168,100	240,821	5,972,576	147,554	240,784	621	20,546	37
Local Government	4,705,014	150	22,920	4,704,852	140	22,757	162	10	163
Communities & Tackling Poverty	175,891	0	27,200	169,714	0	26,045	6,177	0	1,155
Economy, Science & Transport	414,288	128,491	360,626	410,283	116,204	359,681	4,005	12,287	945
Education & Skills	1,531,426	436,931	202,134	1,531,341	462,560	202,058	85	-25,629	76
Natural Resources & Food	295,850	8,826	102,316	294,321	8,715	96,682	1,529	111	5,634
Housing & Regeneration	172,593	0	331,725	172,459	-1182	331,500	134	1,182	225
Culture & Sport	121,341	3,677	15,084	121,247	3,562	14,939	94	115	145
Central Services & Administration	285,120	18,500	23,642	284,481	16,901	23,259	639	1,599	383
<b>TOTAL</b>	<b>13,674,720</b>	<b>764,675</b>	<b>1,326,468</b>	<b>13,661,274</b>	<b>754,454</b>	<b>1,317,705</b>	<b>13,446</b>	<b>10,221</b>	<b>8,763</b>



## Annex 2 – AME Outturn 2013-14

Main Expenditure Group	Supplementary Budget			Outturn			Underspends / Overspends (-)		
	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000	Fiscal Resource £000	Non Fiscal Resource £000	Capital £000
Health & Social Services	0	159,336	0	-79,344	200,192	0	79,344	-40,856	0
Local Government	18,507	0	0	18,507	0	0	0	0	0
Economy, Science & Transport	0	47,362	0	0	17,698	0	0	29,664	0
Education & Skills	0	-98,456	340,323	0	-84,560	305,838	0	-13,896	34,485
Natural Resources & Food	0	3,600	0	0	0	0	0	3,600	0
Housing & Regeneration	-73,000	0	0	-72,790	0	0	-210	0	0
Culture & Sport	0	2,740	0	0	0	0	0	2,740	0
Central Services & Administration	0	1,473	0	-1,010	0	0	1,010	1,473	0
<b>TOTAL</b>	<b>-54,493</b>	<b>116,055</b>	<b>340,323</b>	<b>-134,637</b>	<b>133,330</b>	<b>305,838</b>	<b>80,144</b>	<b>-17,275</b>	<b>34,485</b>

# Eitem 2.4

Lesley Griffiths AC / AM  
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LF/LG/0800/14

Jocelyn Davies AC  
Cadeirydd, y Pwyllgor Cyllid  
Cynulliad Cenedlaethol Cymru  
Caerdydd, CF99 1NA

29 Awst 2014

Annwyl Jocelyn,

## **BIL TRAIS AR SAIL RHYWEDD, TRAIS DOMESTIG A THRAIS RHYWIOL (CYMRU) – Y PWYLLGOR CYLLID – CAIS AM WYBODAETH BELLACH**

Diolch am eich llythyr dyddiedig 29 Gorffennaf 2014 yn gofyn am eglurhad pellach ar oblygiadau ariannol Bil Trais ar sail Rhywedd, Trais Domestig a Thrais Rhywiol (Cymru) ("y Bil"), sy'n destun gwaith craffu gan y Pwyllgor Cyllid ar hyn o bryd. Mae fy safbwyntiau mewn ymateb i bob un o'ch pwyntiau i'w gweld yn Atodiad A.

Fy ngweledigaeth ar gyfer y Bil hwn yw, yn y dyfodol, na fydd dioddefwyr trais ar sail rhywedd, trais domestig a thrais rhywiol bellach yn gorfod mynd ar hyd llwybrau gofal anodd ac y byddant yn gallu dod o hyd i wasanaeth a all eu helpu. Bydd dioddefwyr hefyd yn gallu cael gwasanaethau gan weithlu medrus ac ymwybodol, a fydd yn ymateb yn effeithiol ac yn rhoi cymorth arbenigol yn gyflym. Rwyf hefyd eisiau bod dioddefwyr yn cael gwasanaethau arbenigol sydd o'r un ansawdd waeth ble y maent yn cael eu darparu, ac y bydd y gwasanaethau hyn yn rhan o bartneriaeth gydweithredol o weithwyr proffesiynol a all ymdrin â holl anghenion dioddefwyr.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Wedi'i argraffu ar bapur wedi'i **Tudalen y 24**

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk  
*Printed on 100% recycled paper*

Hyderaf y bydd yr wybodaeth hon yn helpu'r Aelodau i graffu ar y Bil, ond mae croeso i chi gysylltu â mi os bydd gennych unrhyw ymholiadau pellach neu os bydd angen gwybodaeth bellach arnoch am unrhyw agwedd ar hyn.

Rwyf hefyd yn anfon copi o'r llythyr hwn at Christine Chapman AC, Cadeirydd y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol.

Yn gywir

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AC / AM**

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth  
Minister for Local Government and Government Business

## **Atodiad A**

### **Pwynt 1 – Cyllid ychwanegol yng nghyllideb Llywodraeth Cymru**

*O ystyried bod y costau ychwanegol i Lywodraeth Cymru ar gyfer bob blwyddyn o 2015-16 i 2017-18 yn amrywio rhwng £0.4 miliwn a £0.5 miliwn, byddai'n ddefnyddiol cael eglurder ynghylch a yw'r cyllid ychwanegol a ddyrannwyd yn ddigonol i fodloni gofynion y ddeddfwriaeth, yn enwedig o gofio y rhagwelir y bydd y broses o weithredu'r Ddeddf yn arwain at gynnydd pellach yn nifer y cleientiaid sy'n cael mynediad at wasanaethau cyhoeddus ac arbenigol, a chostau ychwanegol posibl y tu hwnt i'r rhai sydd wedi'u cynnwys yn yr Asesiad Effaith Rheoleiddiol.*

Cynyddais gyllideb 2014-15 i £4 miliwn, sef cynnydd o £0.33 miliwn. Hefyd rwyf wedi darparu cyllid cyfalaf o £500,000 eleni i adeiladu'r seilwaith angenrheidiol a chefnogi darparwyr gwasanaethau. Er bod hyn yn destun proses y gyllideb ddrafft o hyd, rwy'n gobeithio o leiaf cynnal y gyllideb eto yn y flwyddyn ariannol nesaf, os nad ei chynyddu.

Mae'r gyllideb bresennol eisoes yn cyfrif am gostau cyflwyno'r Fframwaith Hyfforddi Cenedlaethol a'r rhaglen Perthynas Iach, felly nid costau newydd yw'r rhain. Cost ychwanegol o £92,500 fydd ar gyfer y Cynghorydd Gweinidogol yn 2015-16, ac £81,000 y flwyddyn wedi hynny, fel y nodir yn yr Asesiad Effaith Rheoleiddiol (tudalen 47). Rwy'n chwilio am adnoddau ychwanegol ar gyfer hyn.

Yn fwy cyffredinol, rwy'n ymwybodol iawn ei bod yn debygol y bydd y Bil yn arwain at gynnydd mewn atgyfeiriadau. Gallai cynnydd mewn atgyfeiriadau ac ymyriadau arwain at gynnydd mewn galw ac felly cost i wasanaethau cyhoeddus. Fodd bynnag, mae'r gost gynyddol hon yn llawer llai na'r gostyngiad yng nghost colli allbwn economaidd a gostyngiad yng nghostau dynol ac emosiynol y materion.<sup>1</sup> Mae datblygu a'r defnydd cynyddol o wasanaethau cyhoeddus hefyd yn cyfrif (yn rhannol) am ostyngiad mewn trais domestig.

Mae ymchwil flaenorol yn dangos y dylai gweithio'n well gyda'r Gwasanaeth Cyhoeddus arwain at ostyngiad yng nghost trais domestig dros gyfnod cymharol fyr, a fydd yn fwy na chostau cynnydd mewn datgeliadau. Roedd diweddariad Walby<sup>2</sup> yn 2009 (o ymchwil 2004) yn dangos bod cyfanswm cost trais domestig wedi gostwng £23 biliwn i oddeutu £16 biliwn y flwyddyn, a bod y gostyngiad hwn wedi digwydd yn rhannol yn sgil datblygu a'r defnydd cynyddol o wasanaethau cyhoeddus. Daeth i'r casgliad fod buddsoddiad mewn gwasanaethau cyhoeddus i leihau trais domestig yn effeithiol o ran cost.

Rwy'n adolygu'r strwythur cyllido presennol i nodi'r model mwyaf priodol o ail hanner 2015-16 ymlaen. Y flaenoriaeth bennaf i mi yw sicrhau bod adnoddau'n cael eu cyfeirio yn y ffordd fwyaf briodol i sicrhau bod gwasanaethau effeithiol yn cael eu cefnogi a'u bod ar gael i'r rheini sydd eu hangen, ar yr adeg iawn ac yn y lle iawn.

### **Pwynt 2 – Costau sy'n gysylltiedig ag ad-drefnu Llywodraeth Leol**

*Byddai'n fuddiol gwybod a fyddai'n ofynnol i awdurdodau lleol sydd newydd uno gynhyrchu strategaethau newydd, a pha asesiad o'r costau hyn cyn 2017-18 sydd wedi'i wneud.*

Bydd y Pwyllgor yn deall, adeg cyhoeddi'r Bil a'r Asesiad Effaith Rheoleiddiol fel rhan o'r Memorandwm Esboniadol, nad oeddem wedi cyhoeddi'r Papur Gwyn 'Diwygio Llywodraeth

<sup>1</sup> Mae hefyd yn debygol bod y gostyngiad hwn yn amcangyfrif rhy isel gan ei fod yn cyfeirio at drais domestig yn unig ac nid at fathau eraill o drais ar sail rhywedd fel trais rhywiol, priodas dan orfod neu anffurfio organau cenedlu benywod.

<sup>2</sup> Walby, S., *The Cost of Domestic Violence: Up-date 2009*.

Leol'. Mae'r Papur Gwyn yn destun ymgynghoriad 12 wythnos ar hyn o bryd a fydd yn dod i ben ar 1 Hydref ac a fydd yn arwain at Fil i roi'r pwerau y mae eu hangen i uno awdurdodau mewn ffordd gydlynus a threfnus, i'w cyflwyno ym mis Ionawr 2015.

Mae felly'n rhy gynnar i wneud amcan o'r costau ar gyfer strwythur awdurdod lleol nad yw'n bodoli eto. Mae'r costau yn yr Asesiad Effaith Rheoleiddiol yn seiliedig, ac ond yn gallu bod yn seiliedig, ar y 22 o awdurdodau lleol presennol. Fodd bynnag, fel y tynnoch sylw ato'n briodol yn eich llythyr, gallai cyfanswm cost datblygu strategaethau lleol fod yn is, a hynny os, fel sy'n debygol, y bydd llai o awdurdodau unigol yn ennyn costau. Byddai hyn yn debygol o arbed arian yn y tymor hwy.

Hefyd, amcangyfrif yr Asesiad Effaith Rheoleiddiol ar gyfer datblygu strategaeth leol oedd £8,300, wedi'i rannu rhwng yr awdurdod lleol a'r bwrdd iechyd lleol. Nid yw'r costau hyn yn debygol o newid waeth beth fydd strwythur awdurdodau lleol yng Nghymru.

Fel y nodir yn y Papur Gwyn, nid oes bwriad cyflwyno deddfwriaeth i uno a diwygio awdurdodau cyn mis Mai 2016. Fodd bynnag, rwy'n bwriadu cyflwyno Bil drafft ar gyfer ymgynghoriad yn hydref 2015 yn esbonio sut y bydd uno yn digwydd, gan gynnwys darpariaethau er mwyn galluogi'r diwygio ehangach rwyf eisoes wedi'i amlinellu.

Rwy'n cydnabod, yng ngoleuni hyn, y bydd angen ystyried ymhellach y gofyniad i awdurdodau lleol a byrddau iechyd lleol gyhoeddi eu strategaethau lleol cyntaf ymhen blwyddyn ar y mwyaf ar ôl dyddiad yr etholiadau llywodraeth leol cyntaf ar ôl cychwyn. Byddaf yn sicrhau bod y Pwyllgor yn cael y diweddaraf am hyn wrth i'r Bil fynd drwy'r cyfnod craffu.

### **Pwynt 3 – Canllawiau statudol**

*Byddai'n ddefnyddiol deall a yw Llywodraeth Cymru yn gallu rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor ar y meysydd y mae'n bwriadu cyhoeddi canllawiau arnynt, ac a fydd unrhyw gostau ychwanegol yn gysylltiedig â hyn.*

Mae'r pŵer i wneud canllawiau yn adran 12 y Bil yn fwriadol eang – gellir cyhoeddi canllawiau mewn perthynas ag unrhyw swyddogaeth sy'n cael ei arfer gan awdurdod perthnasol a allai gyfrannu at gyflawni diben y Ddeddf.

Fel yr esboniais i'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol ar 17 Gorffennaf, o ystyried natur eang y pŵer, nid yw'n bosibl – nac yn ddoeth – rhestru pa ganllawiau y bydd eu hangen neu na fydd eu hangen dros y blynyddoedd i ddod. Drafftwyd y Bil i sicrhau y gall unrhyw Lywodraeth yn y dyfodol ymateb yn briodol ac yn rhagweithiol i anghenion, newidiadau deddfwriaethol ac arferion sy'n codi drwy gyhoeddi canllawiau priodol.

Yn hytrach na chyfyngu'r canllawiau posibl drwy geisio rhestru'r materion yn hollgynhwysfawr ar wyneb y Bil, bydd fy null gweithredu'n rhoi mwy o le am hyblygrwydd a'r cyfle i ymateb i anghenion dioddefwyr trais ar sail rhywedd, trais domestig a thrais rhywiol, gyda pholisi synhwyrol, canllawiau gweithredu manwl, egwyddorion ymarferol a chanlyniadau clir.

Rhoddais dair enghraifft i'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol o'r mathau o ganllawiau rydym yn bwriadu eu cyhoeddi o dan adran 12, sef Cydweithredu Aml-asiantaeth, y Fframwaith Hyfforddi Cenedlaethol a Gofyn a Gweithredu. Fel y gwyddoch, drafftiau cynnar yw'r rhain i helpu gydag ystyried y Bil. Bydd y broses ymgysylltu ac ymgynghori arferol yn cael ei chynnal cyn cyhoeddi unrhyw ganllawiau o dan adran 12.

Mae'r cynlluniau uniongyrchol ar gyfer canllawiau ychwanegol yn ymdrin â rhannu gwybodaeth a chomisiynu effeithiol ar gyfer gwasanaethau arbenigol. Mae fy swyddogion yn cynllunio'r gwaith hwn nawr ac yn gweithio gyda rhanddeiliaid arbenigol. Rwy'n gobeithio y bydd drafftiau ar gael i ymgynghori arnynt yn gynnar yn 2015. Wedi hynny, ac os bydd angen, gellid cyhoeddi canllawiau ar godi ymwybyddiaeth er enghraifft i lywio newid diwylliannol hollbwysig ar y materion hyn, a'r dull ysgol gyfan, i sicrhau bod ein pobl ifanc yn deall pwysigrwydd perthynas iach.

Bydd angen adnoddau i ryw raddau ar gyfer unrhyw ganllawiau ychwanegol. Drafftiwyd cryn dipyn o'r canllawiau a roddwyd i'r Pwyllgor gan Lywodraeth Cymru, gyda mewnbwn gan arbenigwyr penodedig. Bydd adnoddau pellach yn cael eu targedu adeg creu'r canllawiau comisiynu a rhannu gwybodaeth, gan gynnwys arbenigwyr pwnc ac arbenigwyr cyfreithiol. Rwy'n disgwyl y bydd costau'r canllawiau comisiynu yn rhai untro o oddeutu £7,000. Rwy'n disgwyl y bydd y canllawiau rhannu gwybodaeth yn gofyn am fewnbwn mwy dwys gan wahanol asiantaethau ac arbenigwyr, ac felly gallai'r costau fod yn uwch. Fy nghyllideb bresennol fydd yn talu'r costau hyn.

#### **Pwynt 4 – Costau cyfle y Fframwaith Hyfforddi Cenedlaethol a'r elfen Gofyn a Gweithredu**

*Er mwyn asesu gwerth am arian y rhan hon o'r Bil, byddai o gymorth canfod a oes unrhyw asesiad wedi'i wneud yn y meysydd hyn, ac a yw Llywodraeth Cymru yn credu bod manteision yr hyfforddiant hwn yn gorbwyso'r costau cyfle.*

Mae'r costau cyfle yn ymwneud ag ymrwymiad amser y gweithwyr proffesiynol, fel yr amlinellir yn yr Asesiad Effaith Rheoleiddiol, i gwblhau lefel berthnasol y Fframwaith Hyfforddi Cenedlaethol (tudalen 39 yr Asesiad Effaith Rheoleiddiol). Mae hyn yn cynnwys lefel 2, sef darparu hyfforddiant Gofyn a Gweithredu (fel sydd wedi'i grynhoi ar dudalen 42 yr Asesiad Effaith Rheoleiddiol).

Rwy'n argyhoeddedig bod manteision yr hyfforddiant hwn yn fwy na'r costau cyfle. Mae'r disgwyliadau am effeithiolrwydd cost y model yn cynnwys arbedion ychwanegol yn gysylltiedig â chostau llai i'r system cyfiawnder troseddol, yr economi ac mewn perthynas ag ansawdd bywyd gwell i'r rheini sy'n dioddef yn sgil trais a cham-drin o'r fath.

Mae'r amcangyfrifon ar sail poblogaeth sy'n berthnasol i adroddiad Walby (y cyfeiriais ato uchod) yn awgrymu bod trais domestig ei hun yn costio tua £303.5m y flwyddyn i Gymru – £202.6m mewn costau gwasanaeth a £100.9m yn sgil colli allbwn economaidd. Nid yw'r ffigurau hyn yn cynnwys unrhyw elfen o gostau dynol ac emosiynol, sydd yn ôl amcangyfrifon yr ymchwil yn costio £522.9m ychwanegol i Gymru. Y cyfanswm felly yw £826.4m. Nid yw'r ffigurau hyn yn cynnwys mathau eraill o drais ar sail rhywedd a thrais rhywiol, sydd hefyd yn arwain at gostau dynol, emosiynol ac ariannol sylweddol i gymdeithas. Ar sail costau ariannol sylweddol cam-drin domestig i'r economi, mae Walby yn dadlau bod buddsoddiad ychwanegol mewn gwasanaethau cyhoeddus i leihau trais domestig yn effeithiol o ran cost.

Amcangyfrifir bod costau ychwanegol y Bil hwn rhwng £1.1m a £2m y flwyddyn (fel yr amlinellir ar dudalen 60 yr Asesiad Effaith Rheoleiddiol) yn ystod y pedair blynedd ariannol nesaf (2015-16 i 2018-19). Mae hyn yn gyfran o gostau cyffredinol trais ar sail rhywedd, cam-drin domestig a thrais rhywiol i'r wlad. Er nad yw wedi bod yn bosibl mesur yn llawn y manteision sy'n gysylltiedig â'r cynigion hyn (mae prinder data penodol i Gymru am gostau'r materion hyn, gyda'r mwyafrif o'r gwaith hwn yn berthnasol i Gymru a Lloegr gyda'i gilydd), mae'n dilyn y byddai angen effaith fach yn unig ar nifer a/neu ddifrifoldeb y fath achosion o drais a cham-drin er mwyn i fanteision y cynigion fod yn fwy na'r costau ychwanegol.

Er mwyn rhoi rhywfaint o gyd-destun i'r ffigurau hyn, mae'n bosibl cyfuno data costau Walby gyda rhywfaint o ddata ynghylch nifer yr achosion Cymru i lunio rhai amcangyfrifon am gostau i rannau o wasanaeth cyhoeddus Cymru yn sgil ymddygiadau penodol. Rwyf wedi rhoi rhai enghreifftiau yma; mae modd allosod yn yr un modd mewn perthynas â llawer o fathau eraill o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol.

- Gan ystyried y 140,000 o bobl rydym yn credu sy'n dioddef cam-drin domestig bob blwyddyn yng Nghymru, a chymryd yr amcangyfrifon isaf o adroddiadau cam-drin domestig i'r heddlu (23%) a chyfradd gyhuddiadau Gwasanaeth Erllyn y Goron o 65% (yn 2012-2013), a chan gymhwyso costau erlyn i'r cyhuddiad ymosodiad lefel isaf yn unig (adran 39 Deddf Cyfiawnder Troseddol 1988), mae amcangyfrifon costau Walby yn nodi bod hyn yn unig yn costio tua £4.5 miliwn y flwyddyn i Gymru.\*
- Mae enghraifft eraill yn ymwneud ag achosion o drais rhywiol: derbyniwyd 940 o atgyfeiriadau aciwt oherwydd treisio i Ganolfannau Atgyfeirio Ymosodiadau Rhywiol y llynedd. Mae'r rhain yn debygol o fod wedi costio £640,000 i wasanaethau ysbytai ac ambiwlans yng Nghymru.
- O ran tai, roedd 22% o'r ceisiadau digartrefedd a dderbyniwyd yng Nghymru y llynedd (ar sail sefyllfaoedd bregus) oherwydd cam-drin domestig. Mae data Walby, ar sail dim ond y gost i dimau tai awdurdodau lleol, yn nodi bod costau hyn oddeutu £5.5 miliwn.
- Amcangyfrif y Swyddfa Gartref yw bod llofruddiaeth ddomestig yn costio dros filiwn o bunnoedd: cyfanswm o £1,097,330 am un farwolaeth. Yn ôl ACPO Cymru, roedd 4 llofruddiaeth ddomestig yng Nghymru yn 2013, sy'n gyfwerth â £4.3 miliwn.<sup>3</sup>

Nid oes modd gwybod pa gyfran o'r costau hyn sy'n ymwneud â'r un bobl, ac nid yw'r amcangyfrifon yn cynnwys amcangyfrifon o gostau cyfreithiol sifil, costau amddiffyn plant na'r costau i'n gwasanaeth iechyd meddwl a chyffuriau ac alcohol. Fodd bynnag, rwy'n siŵr y byddwch yn cytuno bod yr ychydig enghreifftiau hyn o gostau uniongyrchol i wasanaethau penodol yn dangos y byddai gostyngiad bach yn unig yn cyfiawnhau costau'r Bil. Yn wir, byddai atal dwy farwolaeth a achosir gan gam-drin a thrais o'r fath hefyd yn gyfwerth ag uchafswm cost flynyddol y Bil. Hefyd, ni ellir gorbwysleisio'r costau dynol o ran lleihau'r nifer sylweddol o bobl sy'n dioddef yn sgil y materion hyn neu'n cael eu cam-drin yn rheolaidd.

Mae'r diffyg fframwaith hyfforddi cynhwysfawr a chyson ym maes trais ar sail rhywedd, cam-drin domestig a thrais rhywiol yn golygu bod gweithwyr proffesiynol wedi troi at yr amryw gyrsiau hyfforddi niferus sydd ar gael mewn gwahanol rannau o Gymru, ar sail diddordeb unigol yn y gwaith hwn, yn hytrach nag yn ôl cyfarwyddyd gan arweinwyr i wella sgiliau staff. Nid oes cwmpas cenedlaethol a chyson ar yr hyfforddiant ar y materion hyn; mae strwythur y cyrsiau yn anghydweddol ac mae'r cynnwys a'r ansawdd yn amrywio.

Mae amrywiaeth y cyrsiau sydd ar gael yn achosi anhawster o ran pennu ar lefel genedlaethol yr ymrwymiad amser y mae gweithwyr proffesiynol perthnasol yn ei roi ar gyfartaledd ar hyn o bryd i ddatblygu proffesiynol ym maes trais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Fodd bynnag, bydd cyfran o'r staff perthnasol eisoes yn ymrwymo amser i ddatblygu proffesiynol yn y maes hwn ac felly'n ennyn rhai o'r costau cyfle.

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<sup>3</sup> Mae'r ffigurau hyn yn cymryd y lefel isaf o adroddiadau a'r drosedd isaf bosibl lle mae data costau ar gael. Amcangyfrifon yw'r rhain sy'n defnyddio data penodol i Gymru sydd ar gael drwy'r Adolygiad o Wasanaethau sydd newydd ei gyhoeddi (UCLAN) a Stats Cymru. Daw'r data ar achosion o dreisio o ddata atgyfeiriadau aciwt gan Ynys Saff a Llwybrau Newydd, a diolch iddynt am hynny. Mae'n bwysig nodi bod dioddefwyr benywaidd sydd wedi dioddef cam-drin domestig difrifol mewn 18 o achosion fel cyfartaledd cymedrig, a chyfartaledd o 6 o achosion i ddioddefwyr gwrywaidd cam-drin domestig. (Walby 2004 –ar sail ystadegau Arolwg Troseddu Prydain)

Ar hyn o bryd nid oes trefn ar gyfer alinio'n ffurfiol na sicrhau ansawdd y cyrsiau lleol hyn, ac nid ydynt ychwaith bob amser yn gysylltiedig â seilwaith cenedlaethol neu leol. Bydd creu'r Fframwaith Hyfforddi Cenedlaethol yn safoni ac yn sicrhau ansawdd yr hyfforddiant ar y pynciau hyn sydd ar gael yng Nghymru, a bydd hefyd yn gosod yr hyfforddiant hwn yng nghyd-destun y polisi cenedlaethol sy'n cefnogi'r Bil.

Bydd modd i weithwyr proffesiynol weithredu'n gyflym ac yn effeithlon drwy lwybrau gofal syml a hygyrch. Y canlyniad yw y bydd yr effeithlonrwydd o ran adnabod dioddefwyr, cynnig cymorth iddynt a'u hatgyfeirio yn gwrthbwysu'r amser ar gyfer cwblhau'r hyfforddiant. Bydd gwella cysondeb mewn arferion gwaith, a fydd â gofynion clir mewn perthynas â'r cymorth y mae ei angen ar ddioddefwyr, yn gwella perfformiad lleol a chenedlaethol.

Wrth gwrs, nid manteision ariannol yn unig sydd i'r hyfforddiant. Mae angen ymateb cryf a chyson gan ystod o asiantaethau i wella canfyddiad y rheini sy'n dioddef trais ar sail rhywedd, cam-drin domestig a thrais rhywiol o effeithiolrwydd gwasanaethau. Mae hyn yn glir yng ngwerthusiadau prosesau aml-asiantaeth (Robinson 2005) a thrwy adborth defnyddwyr gwasanaeth y prosiect 10,000 o Fywydau Mwy Diogel. Drwy gynnig gwasanaeth cyson ar draws y gwasanaeth cyhoeddus, gyda negeseuon a llwybrau gofal cyson, yn codi hyder cleientiaid.

#### **Pwynt 5 – Is-ddeddfwriaeth**

*Felly, ymddengys yn debygol y bydd y costau sy'n gysylltiedig â'r pum pŵer i wneud is-ddeddfwriaeth yn y Bil yn cael eu cwmpasu gan y maes hwn; fodd bynnag, byddai'n ddefnyddiol cael cadarnhad o hyn.*

Dylwn egluro fod dau ddarn o is-ddeddfwriaeth ar gyfer gwneud pwerau yn y Bil – rheoliadau o dan adran 6 a gorchmynion cychwyn o dan adran 22. Nid yw cyfarwyddiadau a wneir gan Weinidogion Cymru a chanllawiau a gyhoeddir o dan adran 12 yn is-ddeddfwriaeth.

Gallaf gadarnhau mai Llywodraeth Cymru fydd yn talu'r costau gweinyddu sy'n gysylltiedig â defnyddio'r pwerau is-ddeddfwriaeth yn y Bil (ac a amlinellir yn y datganiadau o Fwriad y Polisi) drwy'r costau a ddarperir i helpu i roi'r Strategaeth Genedlaethol ar waith yn yr Asesiad Effaith Rheoleiddiol.





# Eitem 3

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

# Eitem 4

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

# Eitem 9

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon