

Agenda – Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 2 – y Senedd	Gareth Williams
Dyddiad: Dydd Llun, 8 Chwefror 2016	Clerc y Pwyllgor
Amser: 14.30	0300 200 6565
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1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3

(Tudalennau 1 – 5)

CLA(4)–03–16 – Papur 1 – Offerynnau statudol sydd ag adroddiadau clir
Offerynnau'r weithdrefn penderfyniad negyddol

CLA648 – Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrrwyr at Gostau Byw (Cymru) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 19 Ionawr 2016; Fe'u gosodwyd ar: 25 Ionawr 2016; Yn dod i rym ar: 1 Awst 2016

CLA652 – Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) (Diwygio) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 26 Ionawr 2016; Fe'u gosodwyd ar: 29 Ionawr 2016; Yn dod i rym ar: 22 Chwefror 2016

CLA653 – Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 29 Ionawr 2016; Yn dod i rym ar: 1 Ebrill 2016.



**CLA654 – Rheoliadau Deddf Gofal Plant 2006 (Aseidiadau Awdurdodau Lleol)
(Cymru) 2016**

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 29 Ionawr 2016; Yn dod i rym ar: 1 Ebrill 2016.

CLA655 – Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol a Gwasanaethau Deintyddol Sylfaenol) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 26 Ionawr 2016; Fe'u gosodwyd ar: 29 Ionawr 2016; Yn dod i rym ar: 1 Mawrth 2016.

CLA658 – Rheoliadau Cynllunio Gwlad a Thref (Gwasanaethau Cyn Ymgeisio) (Cymru) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 1 Chwefror 2016; Yn dod i rym ar: 16 Mawrth 2016.

CLA661 – Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) (Diwygio) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 1 Chwefror 2016; Yn dod i rym ar: 1 Mawrth 2016

CLA662 – Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwyso Deddfiadau) (Cymru) 2016

Y weithdrefn negyddol; Fe'i gwnaed ar: 27 Ionawr 2016; Fe'i gosodwyd ar: 1 Chwefror 2016; Yn dod i rym ar: 1 Mawrth 2016.

CLA663 – Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 1 Chwefror 2016; Yn dod i rym ar: 1 Mawrth 2016.

CLA664 – Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2016

Y weithdrefn negyddol; Fe'i gwnaed ar: 27 Ionawr 2016; Fe'i gosodwyd ar: 1 Chwefror 2016; Yn dod i rym ar: 16 Mawrth 2016.

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

CLA649 – Rheoliadau Deddf Cymwysterau Cymru 2015 (Diwygiadau Canlyniadol) 2016

Y weithdrefn gadarnhaol; Fe'u gwnaed ar: dyddiad heb ei nodi; Fe'u gosodwyd ar: dyddiad heb ei nodi; Dyddiad dod i rym: 1 Mai 2016

CLA667 – Rheoliadau Plant (Llety Diogel) (Cymru) (Diwygio) 2016.

Y weithdrefn gadarnhaol; Fe'u gwnaed ar: dyddiad heb ei nodi; Fe'u gosodwyd ar: dyddiad heb ei nodi; Yn dod i rym yn unol â rheoliad 1(2)

Deddfwriaeth arall

CLA650 – Cod Ymarfer ar Rôl Cyfarwyddwr y Gwasanaethau Cymdeithasol o dan y rhan 8 (Swyddogaethau Gwasanaethau Cymdeithasol) o'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant 2014

Gweithdrefn unol â Deddf Gwasanaethau Cymdeithasol a Llesiant 2014

3 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3

Offerynnau'r weithdrefn penderfyniad negyddol

CLA651 – Rheoliadau Deddf Cronfeydd Dŵr 1975 (Capasiti, Cofrestru, Ffurflenni Rhagnodedig ac ati) (Cymru) 2016 (Tudalennau 6 – 69)

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2016; Fe'u gosodwyd ar: 29 Ionawr 2016; Yn dod i rym ar: 1 Ebrill 2016.

CLA(4)–03–16 – Papur 2 – Adroddiad

CLA(4)–03–16 – Papur 3 – Rheoliadau

CLA(4)–03–16 – Papur 4 – Memorandwm Esboniadol

4 Is-ddeddfwriaeth sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.7

CLA647 – Canllawiau Statudol o dan adran 15 o Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 ac adran 60 o Ddeddf Llywodraeth Cymru 2006 (Tudalennau 70 – 164)

Y weithdrefn negyddol ddyrchafedig: Fe'u gosodwyd ar: 25 Ionawr 2016; Yn dod i rym ar: Anhysbys

CLA(4)–03–16 – Papur 5 – Adroddiad

CLA(4)–03–16 – Papur 6 – Canllawiau

CLA(4)–03–16 – Papur 7 – Memorandwm Esboniadol

5 Papurau i'w nodi

(Tudalennau 165 – 210)

CLA(4)–03–16 – Papur 8 – Llythyr gan y Gwir Anrhydeddus David Lidington AS, y Gweinidog Gwladol dros Ewrop

CLA(4)–03–16 – Papur 9 – Adroddiad Canolfan Llywodraethiant Cymru a'r Uned Cyfansoddiad: Her a Chyfle: Bil Cymru Drafft 2015

CLA(4)–03–16 – Papur 10 – Trawsgrifiad Yr Uwch-Bywllgor Cymreig, Ty'r Cyffredin: Bil Cymru Drafft

CLA(4)–03–16 – Papur 11 – Ymateb gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, Bil Iechyd y Cyhoedd (Cymru)

6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes a ganlyn:

(ix) lle mae unrhyw fater sy'n ymwneud â busnes mewnol y pwyllgor, neu fusnes mewnol y Cynulliad, i gael ei drafod

Agenda Ddiwygio Llywodraeth y DU ar yr Undeb Ewropeaidd

(Tudalennau 211 – 219)

CLA(4)-03-16 – Papur 11 – Papur ar waith y Pwyllgor ar Agenda Ddiwygio Llywodraeth y DU ar yr UE

CLA(4)-03-16 – Papur briffio'r Gwasanaeth Ymchwil ar y broses negodi

Blaenraglen Waith

(Tudalennau 220 – 221)

CLA(4)-3-16 – Papur 12 – Blaenraglen waith

CLA648 - Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrrwyr at Gostau Byw (Cymru) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn llywodraethu atebolrwydd dros fenthyciad myfyrrwyr sydd gan fyfyrrwyr sy'n cael benthyciadau at gostau byw gan Weinidogion Cymru ar gyfer y flwyddyn academaidd 2016/2017.

At hynny, mae'r Rheoliadau hyn yn darparu ar gyfer dileu hyd at £1,500 o atebolrwydd pob benthyciwr am fenthyciad at gostau byw mewn amgylchiadau penodol, gydag effaith o'r diwrnod ar ôl y dyddiad y bernir bod ei ad-daliad cyntaf ar ei fenthyciad wedi ei dderbyn.

CLA652 - Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) (Diwygio) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2015 ('Rheoliadau 2015') sy'n darparu cymorth ariannol i fyfyrrwyr sy'n preswyllo fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn cysylltiad â blynyddoedd academaidd sy'n dechrau ar neu ar ôl 1 Medi 2015.

Ymhellach, mae'r Rheoliadau hyn yn gwneud diwygiadau i Rheoliadau 2015, a fydd yn gymwys i ddarparu cymorth i fyfyrrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2016. Mae'r Rheoliadau hyn hefyd yn cywiro gwallau teipograffyddol yn Rheoliadau 2015.

CLA653 – Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2016

Gweithdrefn: Negyddol

Mae Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2016 yn diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2010 i:

- adlewyrchu'r newidiadau canlyniadol sy'n codi o'r Gorchymyn Rheoleiddio Gwarchod Plant a Gofal Dydd (Cymru) 2016 sy'n ymestyn y terfyn oedran uchaf ar gyfer cofrestru darpariaeth gofal plant o wyth i 12 mlwydd oed;
- dileu'r gofyniad i geisydd gyflwyno cais i Weinidogion Cymru am dystysgrif cofnod troseddol fanylach ac i Weinidogion Cymru gydlofnodi'r cais hwnnw;



- dileu'r gofyniad i dystysgrif gofrestru gynnwys enw'r person â chyfrifoldeb pan fo un wedi ei benodi;
- dileu gofynion penodol sy'n ymwneud â darpariaeth chwarae mynediad agored.

CLA654 - Rheoliadau Deddf Gofal Plant 2006 (Aseidiadau Awdurdodau Lleol) (Cymru) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn dirymu ac yn disodli, gyda newidiadau, Rheoliadau Deddf Gofal Plant 2006 (Aseidiadau Awdurdodau Lleol) (Cymru) 2013 (Y Rheoliadau). Mae'r Rheoliadau yn gosod dyletswydd ar Awdurdodau Lleol i gynnal aseidiadau o ddigonolrwydd gofal plant yn ardal eu hawdurdod lleol a hefyd yn rhagnodi'r materion sydd i'w cynnwys yn yr asesiad, gan gynnwys gofynion ymgynghori a chyhoeddi, cynllun gweithredu a gofynion adrodd blynyddol.

CLA655 – Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol a Gwasanaethau Deintyddol Sylfaenol) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn diwygio'r canlynol gydag effaith o 1 Mawrth 2016:-

- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004;
- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Rhagnodi Cyffuriau etc) (Cymru) 2006;
- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Deintyddol Cyffredinol) (Cymru) 2004;
- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Cytundebau Gwasanaethau Deintyddol Personol) (Cymru) 2006

Bydd y diwygiadau yn :-

- caniatáu i gontractwr gwasanaethau meddygol cyffredinol dderbyn aelod o luoedd arfog Ei Mawrhydi yn glaf am uchafswm o ddwy flynedd;
- codi'r cyfyngiad presennol ar ragnodi oseltamivir i fabanod o dan flwydd oed;
- ychwanegu avanafil at y rhestr o driniaethau cyfyngedig a thynnu apomorphin, thymoxamine a moxisylute oddi ar y rhestr;
- gwahardd ymarferwyr Deintyddol Cyffredinol sy'n contractio gyda bwrdd iechyd lleol yng Nghymru rhag defnyddio rhifau ffôn annaeryddol wrth ddarparu gwasanaethau deintyddol cyffredinol;
- ymestyn yr amserlen sydd ar gael i ystad deiliad contract ymadawedig i gadarnhau eu bod yn dymuno parhau i ddal y contract;



- darparu i Weinidogion Cymru glywed anghydfodau sy'n deillio o gcontractau a ystyrir yn gcontractau meddygol cyffredinol, contractau deintyddol cyffredinol neu gcontractau gwasanaethau personol y gwasanaeth iechyd gwladol er bod y contractwr yn ddiweddarach yn newid statws y contract o gcontract y gwasanaeth iechyd gwladol i gcontract y tu allan i'r gwasanaeth iechyd gwladol.

CLA658 Rheoliadau Cynllunio Gwlad a Thref (Gwasanaethau Cyn-ymgeisio) (Cymru) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn gwneud darpariaeth o dan adrannau 61Z1 a 61Z2 Deddf Cynllunio Gwlad a Thref 1990 ar gyfer darparu gwasanaethau gan awdurdodau cynllunio lleol cyn bo cais cymwys wedi ei wneud.

CLA661 - Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) (Diwygio) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn cywiro gwall yn nhestun Cymraeg Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012 (O.S. 2012/793 (Cy 108)).

CLA662 - Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwyso a Deddfiadau) (Cymru) 2016

Gweithdrefn: Negyddol

Mae'r Gorchymyn hwn yn cymhwyso amryw o ddeddfiadau i geisiadau a wneir i Weinidogion Cymru am ganiatâd cynllunio ar gyfer datblygiad sydd o arwyddocâd cenedlaethol. Mae'r Gorchymyn hefyd yn addasu'r deddfiadau hynny, pan fo'n briodol gwneud hynny.

CLA663 – Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn ymwneud â gwahanol faterion sy'n ymwneud â datblygiad sydd o arwyddocâd cenedlaethol i Gymru.

Mae'r Rheoliadau hyn yn:

- gwneud darpariaeth o dan adrannau 61Z1 a 61Z2 o Ddeddf Cynllunio Gwlad a Thref 1990 (“Deddf 1990”) ar gyfer darparu gwasanaethau gan awdurdodau cynllunio lleol a Gweinidogion Cymru



cyn bo cais am ganiatâd cynllunio wedi ei wneud ar gyfer datblygiad o arwyddocâd cenedlaethol (Rhan 2);

- rhagnodi swyddogaethau sydd i'w cyflawni gan berson penodedig ar ran Gweinidogion Cymru, mewn perthynas â cheisiadau o'r fath a chydsyniadau eilaidd (Rhan 3);
- gwneud darpariaeth ar gyfer y weithdrefn sydd i'w dilyn wrth archwilio ceisiadau o'r fath (Rhannau 4 i 10);
- gwneud darpariaeth ar gyfer y modd y trinnir cydsyniadau eilaidd neu geisiadau am gydsyniadau eilaidd gan Weinidogion Cymru (Rhan 11);
- addasu deddfiadau cymwysadwy mewn perthynas â chydsyniadau eilaidd (Rhan 11 ac Atodlenni 2 i 10); a
- rhagnodi pa geisiadau a wneir o dan adran 73 o Ddeddf 1990 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol) sydd i'w trin fel ceisiadau ar gyfer datblygiad o arwyddocâd cenedlaethol (Rhan 12).

CLA664 - Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2016

Gweithdrefn: Negyddol

Bydd y Gorchymyn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 ("Gorchymyn 2012") Bydd y Gorchymyn yn newid y modd caiff ceisiadau sy'n ymwneud â chynllunio eu cyflwyno i awdurdodau cynllunio lleol, sut y cânt eu trin, sut y cânt eu hysbysebu a sut y mae'n rhaid i ddatblygwyr roi gwybod i'r awdurdodau cyn dechrau gweithio ar y safle.

Mae'r Gorchymyn yn gwneud darpariaeth ar gyfer y materion canlynol i weithredu Deddf Cynllunio (Cymru) 2015:

- Gofyniad i gynnal ymgynghoriad cyn ymgeisio (Adran 17 Deddf Cynllunio (Cymru));
- Ceisiadau annilys: hysbysu ac apelio (Adran 29 Deddf Cynllunio (Cymru));
- Hysbysiadau Penderfynu (Adran 33 Deddf Cynllunio (Cymru));
- Hysbysiad am Ddatblygiad (Adran 34 Deddf Cynllunio (Cymru));
- Ymgynghori mewn cysylltiad â cheisiadau penodol sy'n ymwneud â chaniatâd cynllunio (Adran 37 Deddf Cynllunio (Cymru));

CLA649 - Rheoliadau Deddf Cymwysterau Cymru 2015 (Diwygiadau Canlyniadol) 2016

Gweithdrefn: Cadarnhaol

Mae'r Rheoliadau hyn yn cael eu gwneud o ganlyniad i Ddeddf Cymwysterau Cymru 2015 ("y Ddeddf") Cymwysterau, a sefydlodd Cymwysterau Cymru yn rheolydd annibynnol cymwysterau yng Nghymru. Mae'r Rheoliadau hyn yn diweddar cyfeiriadau mewn deddfwriaeth arall er mwyn adlewyrchu'r system newydd o reoleiddio cymwysterau yng Nghymru o ganlyniad i'r Ddeddf.



Gweithdrefn: Cadarnhaol

Mae'r rheoliadau hyn yn diwygio Rheoliadau Plant (Llety Diogel) (Cymru) 2015. Diben y diwygiadau hyn yw:

- sicrhau bod y gofynion a osodir ar awdurdodau lleol Cymru mewn perthynas â lleoliadau mewn llety diogel yn gymwys pa un a ydynt yn lleoli plant yng Nghymru neu yn Lloegr;
- dileu'r gwaharddiad ar awdurdodau lleol sy'n gwneud cais i'r llys am awdurdod i leoli plant 16 a 17 oed mewn llety diogel pan fo'r plant hynny wedi eu lletya o dan adran 76 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;
- Sicrhau bod y rhwymedigaeth ar swyddog dalfa i symud pobl ifanc sydd wedi eu harestio i lety awdurdod lleol wedi ei hestyn i blant o dan 18 oed; a
- Chadw'r gofyniad ei bod yn ofynnol i awdurdod lleol gael awdurdod gan y llys mewn achos lle caiff plentyn ei roi ar remánd mewn llety diogel am gyfnod sy'n hwy na 28 o ddiwrnodau.



CLA651 - Rheoliadau Deddf Cronfeydd Dŵr 1975 (Capasiti, Cofrestru, Ffurflenni Rhagnodedig, etc.) (Cymru) 2016

Cefndir a Phwrpas

Diben y Rheoliadau hyn yw sicrhau diogelwch y cyhoedd rhag digwyddiadau o ryddhau dŵr heb reolaeth o gronfeydd dŵr.

Gwneir y Rheoliadau hyn dan Ddeddf Cronfeydd Dŵr 1975, ac maent yn darparu ar gyfer:

- sut i gyfrifo capasiti cronfa ddŵr fawr;
- cofrestru gwybodaeth am gronfeydd dŵr mawr;
- adroddiadau CANC ynghylch cronfeydd dŵr mawr;
- adroddiadau mae'n rhaid i ymgymerywyr cronfa ddŵr perygl uchel eu cadw;
- ffurf tystysgrifau, adroddiadau a chyfarwyddiadau peirianwyr;
- yr wybodaeth mae'n rhaid i ymgymerywyr ei darparu pan yn bwriadu adeiladu, neu ail-ddechrau defnyddio, cyforgronfa ddŵr fawr;
- adroddiadau mae'n rhaid i ymgymerywyr eu cadw, a'u hanfon at CANC, ynghylch digwyddiadau o ryddhau dŵr heb reolaeth o gyforgronfa ddŵr fawr pan fo mesurau brys yn cael eu cymryd.

Mae'r rheoliadau presennol ynghylch cofrestru, adrodd a chofnodi'n cael eu dirymu.

Gweithdrefn

Negyddol

Craffu Technegol

Nodwyd un pwynt i gyflwyno adroddiad arno dan Reol Sefydlog 21.2(vii) mewn perthynas â'r offeryn hwn, gan ei bod yn ymddangos bod anghysondebau rhwng ystyr testun Cymraeg a thestun Saesneg yr offeryn.

Mae Atodlen 5 yn rhagodi ffurf adroddiad ar gyfer arolygiad cyfnodol o gyforgronfa ddŵr fawr.

Mae'n ofynnol, dan y testun Saesneg, i gynnwys (ymhlith pethau eraill), unrhyw argymhellion y gwêl y peiriannydd yn addas i'w gwneud ynghylch yr arolygiad nesaf. Nid yw'r testun Cymraeg yn cynnwys y gofyniad hwn.

Golyga hyn nad oes rhaid i adroddiad yn y Gymraeg gynnwys cymaint o wybodaeth ag adroddiad yn y Saesneg.



Craffu ar rinweddau

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

01 Chwefror 2016



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Tudalen y pecyn 7

2016 Rhif 80 (Cy. 37)

RHEOLI PERYGL LLIFOGYDD, CYMRU

Rheoliadau Deddf Cronfeydd Dŵr 1975 (Capasiti, Cofrestru, Ffurflenni Rhagnodedig, etc.) (Cymru) 2016

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

At ddibenion Deddf Cronfeydd Dŵr 1975 (p.23) (“Deddf 1975”), mae'r Rheoliadau hyn yn darparu ar gyfer y canlynol —

- (a) sut i gyfrifo capasiti at ddibenion adran A1 o Ddeddf Cronfeydd Dŵr 1975 (rheoliad 3);
- (b) y wybodaeth am gyforgronfa ddŵr fawr sydd i'w chofrestru (rheoliad 4); hysbysiad o newidiadau i gofrestr Cymru yn ogystal â chadw ac arolygu'r gofrestr (rheoliad 5 a 6);
- (c) llunio adroddiadau gan Gorff Adnoddau Naturiol Cymru (“CANC”) i Weinidogion Cymru a chynnwys yr adroddiadau (rheoliad 7);
- (d) ffurf y cofnod y mae'n rhaid ei gadw ar gyfer cronfa ddŵr perygl uchel a'r wybodaeth y mae'n rhaid ei nodi yn y cofnod hwnnw (rheoliad 8);
- (e) ffurf y tystysgrifau peirianwyr (rheoliad 9); ffurf yr adroddiadau peirianwyr (rheoliad 10) a ffurf y cyfarwyddiadau peirianwyr (rheoliad 11);
- (f) yr wybodaeth y mae'n rhaid i ymgymerwyr ei darparu pan yn bwriadu adeiladu cronfa ddŵr neu ail-ddechrau defnyddio cyforgronfa ddŵr fawr (rheoliad 12); a
- (g) llunio adroddiadau gan ymgymerwyr i CANC mewn perthynas â digwyddiadau cysylltiedig â rhyddhau dŵr heb reolaeth o gyforgronfa ddŵr fawr pan fo mesurau brys yn cael eu cymryd (rheoliad 13).

Mae'r Rheoliadau hyn hefyd yn dirymu Rheoliadau Deddf Cronfeydd Dŵr 1975 (Cofrestrau, Adroddiadau a Chofnodion) 1985 (O.S. 1985/177), Rheoliadau Deddf Cronfeydd Dŵr 1975 (Cofrestrau, Adroddiadau a Chofnodion) (Diwygio) 1985 (O.S. 1985/548) a Rheoliadau Deddf Cronfeydd Dŵr 1975 (Tystysgrifau, Adroddiadau a Gwybodaeth Ragnodedig) 1986 (O.S. 1986/468) (rheoliad 15). Disodlir y Rheoliadau hynny gan y darpariaethau yn rheoliadau 4, 6, 8 i 10 a 12.

Mae adran A1(4) o Ddeddf 1975 yn ei gwneud yn ofynnol i lunio rheoliadau ynglŷn â'r ffordd y dylid cyfrifo capasiti at ddiben sefydlu a yw adeiledd neu fan uwch yn fawr o dan adran A1(3) o Ddeddf 1975. Mae rheoliad 3 yn gwneud y ddarpariaeth hon.

O dan adran 2(2) o Ddeddf 1975 mae'n ofynnol i CANC gadw cofrestr sy'n cynnwys gwybodaeth ragnodedig ynglŷn â chyforgronfeydd mawr. Mae rheoliad 4 yn rhagnodi'r wybodaeth y dylai cofrestr Cymru ei chynnwys am gyforgronfeydd mawr.

Mae rheoliad 5 yn darparu bod yr ymgwymerwr i CANC yn rhoi gwybod am unrhyw newidiadau neu newidiadau arfaethedig a wnaed neu y cynigir eu gwneud i'r wybodaeth y mae gofyn ei chadw ar gofrestr Cymru. Mae rheoliad 6 yn ei gwneud yn ofynnol bod cofrestr Cymru a chopïau ohoni yn cael eu cadw ym mhrif swyddfa CANC a bod CANC yn sicrhau bod gwybodaeth benodol y mae'n ofynnol iddi fod yng Nghofrestr Cymru ynddi.

Mae rheoliad 7 yn pennu amseriad yr adroddiadau y mae'n rhaid i'r CANC eu paratoi i Weinidogion Cymru o dan adran 3(1) o Ddeddf 1975; yr wybodaeth y mae'n rhaid ei chyflwyno yn yr adroddiadau hynny.

Mae rheoliad 8 yn rhagnodi'r ffurf y mae'n ofynnol i gofnod o dan adran 11(1) o Ddeddf 1975 gael ei gadw arni gan ymgwymerwr cronfa ddŵr perygl uchel a'r materion y mae'n rhaid i ymgwymerwyr cronfeydd dŵr perygl uchel gadw cofnod ohonynt yn ogystal â'r rhai a nodir yn adran 11(1)(a) a (b) o Ddeddf 1975.

Mae rheoliadau 9 i 11 yn rhagnodi, fel y darperir gan adran 20(1) o Ddeddf 1975, ffurf yr amrywiol dystysgrifau, cyfarwyddiadau ac adroddiadau pan fo Deddf 1975 yn gofyn bod tystysgrifau neu gyfarwyddiadau'n cael eu rhoi neu adroddiad yn cael ei baratoi gan beiriannydd sifil sy'n ymwneud â gwaith cysylltiedig â chyforgronfa ddŵr fawr.

Mae rheoliad 12 yn rhagnodi'r wybodaeth y mae'n rhaid ei chynnwys mewn hysbysiad o dan adran 21(1) o Ddeddf 1975 y mae'n ofynnol i ymgwymerwr, sy'n bwriadu adeiladu cyforgronfa ddŵr fawr neu ail-ddechrau defnyddio cyforgronfa ddŵr fawr, ei gyflwyno i CANC.

Mae rheoliad 13 yn rhagnodi ffurf adroddiad y mae'n rhaid ei baratoi o dan adran 21B o'r Ddeddf, ac yn pennu'r digwyddiadau y dylid gwneud adroddiad o'r fath mewn cysylltiad â hwy.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o gostau a buddiannau tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan Is-adran Ynni, Dŵr a Llifogydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

2016 Rhif 80 (Cy. 37)

**RHEOLI PERYGL
LLIFOGYDD, CYMRU**

Rheoliadau Deddf Cronfeydd Dŵr
1975 (Capasiti, Cofrestru,
Ffurflenni Rhagnodedig, etc.)
(Cymru) 2016

Gwnaed 27 Ionawr 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 29 Ionawr 2016

Yn dod i rym 1 Ebrill 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau A1(4), 2(2) a (2C) i (2E), 3(1), 5, 11, 20(1), 21(1) a 21B o Ddeddf Cronfeydd Dŵr 1975(1).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Cronfeydd Dŵr 1975 (Capasiti, Cofrestru, Ffurflenni Rhagnodedig, etc.) (Cymru) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2016.

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

(1) 1975 (p. 23). Mewnosodwyd adrannau A1, 2(2B) i 2(2E) a 21B mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraffau 1, 2, 4 a 33 o Atodlen 4 i'r Ddeddf honno. Diwygiwyd adrannau 5, 11, 20 a 21 mewn perthynas â Lloegr a Chymru gan baragraff 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraffau 5, 16 i 18, 23, 26, 28, 31 a 38 o Atodlen 4 i'r Ddeddf honno. Diwygiwyd adrannau 2, 3, 20 a 21 gan adran 74 a 78 o Ddeddf Dŵr 2003 (p.37). Diwygiwyd adran 2, 2A i 2D ac adran 21B eto gan erthygl 4(1) o Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755) (Cy. 90) a pharagraffau 117, 119, 120 a 122 o Atodlen 2 i'r Gorchymyn hwnnw.

ystyr “adeiledd” (“*structure*”) yw argae, wal cronfa ddŵr neu arglawdd sy'n dal dŵr;

ystyr “CANC” (“*the NRBW*”) yw Corff Adnoddau Naturiol Cymru;

ystyr “cofrestr Cymru” (“*Welsh register*”) yw'r gofrestr y mae'n ofynnol i CANC ei sefydlu a'i chynnal o dan adran 2(2) o Ddeddf 1975;

ystyr “Deddf 1930” (“*the 1930 Act*”) yw Deddf Cronfeydd Dŵr (Darpariaethau Diogelwch) 1930 (1);

ystyr “Deddf 1975” (“*Deddf 1975*”) yw Deddf Cronfeydd Dŵr 1975;

“lefel naturiol” (“*natural level*”) yw lefel y tir naturiol sydd yn weddill ar ôl adeiladu neu ar ôl unrhyw addasiad i gyforgronfa ddŵr fawr;

mae “lefel naturiol isaf unrhyw ran o'r tir amgylchynol” (“*lowest natural level of any part of the surrounding land*”) yn cynnwys lefel isaf gwely unrhyw gwrs dŵr;

ystyr “lefel uchaf y dŵr” (“*top water level*”) yw—

- (a) yn achos cronfa ddŵr sydd â silff orlif sefydlog, lefel brig isaf y silff honno;
- (b) yn achos cronfa ddŵr, y gorlif a reolir yn llwyr neu'n rhannol gan giatiau symudol, seiffonau, neu mewn ffordd arall, y lefel uchaf y gellir storio dŵr heb gynnwys unrhyw ddarpariaeth ar gyfer storio llifogydd; neu
- (c) yn achos cronfa ddŵr a gynlluniwyd at ddibenion dal llifddwr yn ôl, lefel uchaf y llifddwr y gellir ei storio yn ystod unrhyw lifogydd heb gynnwys unrhyw ddarpariaeth ar gyfer gorlif.

ystyr “panel” (“*panel*”) yw panel o beirianwyr sifil a gyfansoddwyd o dan adran 4 o Ddeddf 1975(2):

ystyr “tir amgylchynol” (“*surrounding land*”) yw tir cyfagos i gyforgronfa ddŵr fawr;

ystyr “troed” (“*troed*”) yw'r pwynt ar yr ochr i lawr yr afon o'r adeiledd sydd yn ffurfio rhan o'r gronfa ddŵr lle mae ei sylfaen yn cwrdd â lefel naturiol isaf unrhyw ran o'r tir o'i gwmpas.

(2) Yn y Rheoliadau hyn—

- (a) rhaid i unrhyw wybodaeth sy'n ofynnol neu hysbysiad a roddir fod yn ysgrifenedig;

(1) 1930 (p.51). Diddymwyd y Ddeddf hon gydag arbedion o Ddeddf Cronfeydd Dŵr 1975, adrannau 23 a 28.

(2) Diwygiwyd adran 4 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraff 9 o Atodlen 4 i'r Ddeddf honno.

- (b) mae cyfeiriad at unrhyw ddogfen neu wybodaeth yn cynnwys y ddogfen neu'r wybodaeth honno ar ffurf electronig;
- (c) bernir bod unrhyw ddogfen neu wybodaeth a gafodd ei chyfathrebu mewn dull electronig -
 - (i) wedi ei hanfon pan fo modd i'r anfonwr gynhyrchu copi o'r cyfathrebiad electronig—
 - (aa) a oedd yn cynnwys y ddogfen neu'r wybodaeth;
 - (bb) sy'n dangos dyddiad ac amser anfon y neges; ac
 - (cc) yn dangos bod y ddogfen wedi ei hanfon i'r derbynnydd;
 - (ii) wedi ei hanfon gan y person yr honnir a'i hanfonodd; ac
 - (iii) nas ymyrrwyd â hi na'i haddasu mewn unrhyw fodd arall;
- (d) gellir bodloni unrhyw gais am lofnod mewn adroddiad, tystysgrif neu gyfarwyddiadau y mae'r Rheoliadau hyn yn ymwneud â hwy gyda llofnod electronig a'i gynnwys yn y ddogfen;
- (e) ystyr “llofnod electronig” (“*electronic signature*”) yw data ar ffurf electronig sydd wedi ei atodi i ddata electronig arall neu ei gysylltu'n rhesymol â data electronig arall ac sy'n gweithredu fel dull dilysu.

Cyfrifo capasiti

3.—(1) At ddibenion adran A1(3) o Ddeddf 1975 rhaid cyfrifo capasiti cyforganfa ddŵr fawr drwy fesur y cyfaint mwyaf o ddŵr mewn metrau ciwbig y gellir ei storio—

- (a) uwchben gwely'r gronfa ddŵr; a
- (b) rhwng troed y gronfa ddŵr a lefel uchaf y dŵr

(2) Ni ddylid cynnwys dŵr sy'n is na lefel naturiol unrhyw ran o'r tir amgylchynol yn y cyfrifiad.

(3) Yn y rheoliad hwn mae “gwely'r gronfa ddŵr” (“*bed of the reservoir*”) yn cynnwys unrhyw silt neu ddeunydd arall y mae'r peiriannydd sy'n rhoi'r dystysgrif derfynol, neu'n rhoi tystysgrif o dan adran 13(2) o Ddeddf 1975, yn barnu nad oes modd iddo lifo allan o'r gronfa ddŵr dros dir naturiol mewn achos lle caiff dŵr ei ryddhau heb reolaeth o'r gronfa ddŵr.

Gofynion cofrestru

4.—(1) At ddiben adran 2(2C) o Ddeddf 1975 yr wybodaeth y mae'n rhaid i ymgymerwr cyforganfa ddŵr fawr ei chofrestru gyda CANC yw'r wybodaeth a ragnodir yn Atodlen 1, paragraffau 1 i 7.

(2) Rhaid i'r wybodaeth a ragnodir yn Atodlen 1 gael ei chofrestru—

- (a) cyn diwedd y cyfnod o 28 diwrnod sy'n cychwyn gyda dyddiad cyflwyno tystysgrif derfynol a roddir yn unol ag adran 7 o Ddeddf 1975(1) mewn perthynas ag—
 - (i) adeiladu cronfa ddŵr newydd;
 - (ii) addasu adeiledd neu fan presennol nad oedd yn gyforgronfa ddŵr fawr cyn yr addasiad; neu
 - (iii) addasu rhan o gronfa ddŵr nad oedd yn gyforgronfa ddŵr fawr cyn ei haddasu;
- (b) o fewn 6 mis i gofrestru o dan adran 2(2C) o Ddeddf 1975,
pa bynnag un sy'n digwydd gyntaf.

Hysbysiad o newidiadau i gofrestr Cymru

5.—(1) Pan fo newid neu ychwanegiad wedi ei wneud i unrhyw ran o'r wybodaeth a gofrestrir yn unol â rheoliad 4, rhaid i'r ymgwymerwr roi gwybodaeth ddiweddar berthnasol i CANC o fewn 28 diwrnod i ddyddiad y newid neu'r ychwanegiad.

(2) Gall CANC ofyn am gadarnhad o'r ymgwymerwr bod unrhyw wybodaeth neu'r holl wybodaeth a roddwyd gan yr ymgwymerwr hwnnw at ddibenion cofrestr Cymru yn gyfoes neu'n gyflawn.

(3) Pan fo paragraff (2) yn berthnasol, heb ragfarn i baragraffau (4), (6) ac (8), rhaid i'r ymgwymerwr, o fewn 28 diwrnod yn dechrau o'r diwrnod y mae CANC yn gofyn am gadarnhad o'r fath—

- (a) cadarnhau bod yr wybodaeth berthnasol wedi ei diweddarau neu, pan fo unrhyw ran o'r wybodaeth honno ddim wedi ei diweddarau, ddarparu'r wybodaeth ddiweddaraf; a
- (b) pan fo unrhyw ran o'r wybodaeth yn anghyflawn neu ar goll, ddarparu'r wybodaeth gyflawn neu'r wybodaeth sydd ar goll.

(4) Pan gynigir gwneud addasiad sy'n cynyddu neu'n lleihau capasiti cyforgronfa ddŵr fawr, rhaid i'r ymgwymerwr hysbysu CANC ddim llai na 28 diwrnod cyn dechrau'r gwaith addasu.

(5) Rhaid i hysbysiad y cyfeirir ato ym mharagraff (4) gynnwys y wybodaeth ganlynol—

- (a) dyddiad arfaethedig dechrau ar yr addasiad;
- (b) disgrifiad o natur a graddau y gwaith arfaethedig i'r gyforgronfa ddŵr fawr.

(1) Addaswyd adran 7 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraffau 8 ac 11 o Atodlen 4 i'r Ddeddf honno.

(6) Pan gynigir rhoi'r gorau i ddefnyddio cyforgronfa ddŵr fawr o dan adran 14 o Ddeddf 1975(1), rhaid i'r ymgymerwr hysbysu CANC ddim llai na 28 diwrnod cyn gweithredu ar y cynnig i roi'r gorau i'w defnyddio.

(7) Rhaid i hysbysiad y cyfeirir ato ym mharagraff (6) gynnwys dyddiad arfaethedig rhoi'r gorau i ddefnyddio'r gyforgronfa ddŵr fawr.

(8) Pan fo peiriannydd adeiladu, goruchwyllo neu arolygu'n cael ei benodi at ddibenion Deddf 1975, rhaid i'r ymgymerwr hysbysu CANC o ddyddiad y penodiad o fewn 28 diwrnod.

(9) Rhaid i'r ymgymerwr hysbysu CANC o fewn 28 diwrnod o'r dyddiad y mae peiriannydd yn—

- (a) peidio â bod yn beiriannydd adeiladu cyn i'r peiriannydd hwnnw gyflwyno tystysgrif derfynol;
- (b) peidio â bod yn beiriannydd arolygu neu oruchwyllo.

(10) Rhaid i ymgymerwr sy'n bwriadu rhoi'r gorau i fod yn ymgymerwr roi'r wybodaeth a ganlyn i CANC—

- (a) y dyddiad y mae'r ymgymerwr yn bwriadu rhoi'r gorau i swyddogaeth yr ymgymerwr;
- (b) enw a chyfeiriad yr unigolyn y bwriedir iddo fod yr ymgymerwr newydd;
- (c) y dyddiad y bwriedir i'r unigolyn hwnnw fod yr ymgymerwr newydd.

Cadw ac arolygu cofrestr Cymru

6.—(1) Rhaid i gofrestr Cymru gael ei chadw ym mhrif swyddfa CANC(2).

(2) Rhaid i CANC gofnodi'r wybodaeth a ragnodir yn Atodlen 1, paragraffau 8 i 10 yng nghofrestr Cymru.

Adroddiadau gan CANC i Weinidogion Cymru

7.—(1) At ddibenion adran 3(1) o Ddeddf 1975, rhaid i CANC adrodd i Weinidogion Cymru –

- (a) yn ddim hwyrach na 30 Medi 2017 mewn perthynas â'r cyfnod 1 Ebrill 2016 i 31 Mawrth 2017; a
- (b) bob dwy flynedd wedi hynny.

(2) Rhaid i CANC gyflwyno'r adroddiad i Weinidogion Cymru yn ddim hwyrach na 6 mis ar ôl diwedd y cyfnod adrodd.

(1) Addaswyd adran 14 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29), a pharagraff 27 o Atodlen 4 i'r Ddeddf honno.

(2) Cyfeiriad prif swyddfa tîm gorfodi diogelwch cronfeydd dŵr CANC yw Tîm Diogelwch Dŵr, Adnoddau Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd CF24 0TP.

(3) Rhaid i'r adroddiad gadarnhau—

- (a) nifer y cyforgronfeydd dŵr mawr sydd wedi eu cofrestru;
- (b) y camau y mae CANC wedi eu cymryd (os cymeryd unrhyw gamau o gwbl) i sicrhau bod ymgymerwyr cyforgronfa ddŵr fawr wedi cydymffurfio â gofynion Deddf 1975; ac
- (c) os mai CANC ei hun yw'r ymgymerwr ar gyfer unrhyw gyforgronfa ddŵr fawr, datganiad ynghylch—
 - (i) nifer y cyforgronfeydd dŵr mawr y mae'n ymgymerwr iddynt; a
 - (ii) unrhyw gamau y mae wedi ei gymryd i arsylwi a chydymffurfio â gofynion Deddf 1975.

Cofnodion o lefelau'r dŵr etc.

8. Er mwyn ymgymryd ag adran 11(1) o Ddeddf 1975, rhaid i ymgymerwr cyforgronfa ddŵr fawr perygl uchel –

- (a) cadw cofnod ar y ffurf a ragnodir yn Atodlen 2: a
- (b) cofnodi'r materion a ragnodir yn Atodlen 3.

Ffurf tystysgrifau peirianwyr

9. At ddibenion adran 20(1) o Ddeddf 1975, rhaid i'r tystysgrifau canlynol fod yn y ffurf a ragnodir yn Atodlen 4—

- (a) tystysgrif ragarweiniol a roddir o dan adran 7(1) o Ddeddf 1975;
- (b) tystysgrif interim a roddir o dan adran 7(2) o Ddeddf 1975;
- (c) tystysgrif derfynol a roddir o dan adran 7(3) o Ddeddf 1975;
- (d) tystysgrif gweithredu'r gwaith yn effeithiol a roddir o dan adran 7(6) neu 8(7) o Ddeddf 1975(1);
- (e) tystysgrif a roddir o dan adran 10(5) o Ddeddf 1975(2) ynghylch adroddiad peiriannydd arolygu;
- (f) tystysgrif a roddir o dan adran 10(6) o Ddeddf 1975 ynghylch gweithredu ar argymhellion diogelwch;

(1) Addaswyd adran 8 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29), a pharagraffau 3 ac 11 o Atodlen 4 i'r Ddeddf honno ac adran 75 o Ddeddf Dŵr 2003 (2003 p.37).

(2) Diwygiwyd adran 10 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29), a pharagraffau 11 ac 12 o Atodlen 4 i'r ddeddf honno.

- (g) tystysgrif a roddir o dan adran 12AA(3) o Ddeddf 1975(1) ynghylch bodloni gofynion cyfarwyddyd i baratoi cynllun llifogydd;
- (h) tystysgrif interim a roddir o dan adran 13(1A) o Ddeddf 1975;
- (i) tystysgrif a roddir o dan adran 13(2) o Ddeddf 1975 ynghylch cwblhad a gweithrediad effeithlon addasiad er mwyn rhoi'r gorau i ddefnyddio cyforgronfa ddŵr fawr;
- (j) tystysgrif a roddir o dan adran 14(3) o Ddeddf 1975 ynghylch adroddiad peiriannydd;
- (k) tystysgrif a roddir o dan adran 15(2) o Ddeddf 1975(2) ynghylch gweithredu ar argymhellion diogelwch; neu
- (l) tystysgrif canolwr a roddir o dan adran 19(4) o Ddeddf 1975(3).

Ffurf adroddiadau peirianwyr

10. At ddibenion adran 20(1) o Ddeddf 1975, rhaid i'r adroddiadau canlynol fod yn y ffurf a ragnodir yn Atodlen 5—

- (a) adroddiad peiriannydd o dan adran 8(2) o Ddeddf 1975 a wnaed ar adeiladu neu addasu cyforgronfa ddŵr fawr;
- (b) adroddiad peiriannydd o dan adran 9(1) o Ddeddf 1975 a wnaed cyn ail-ddefnyddio cyforgronfa ddŵr fawr a adawyd;
- (c) adroddiad o dan adran 10(1) o Ddeddf 1975 a wnaed ar ôl arolygiad peiriannydd o gyforgronfa ddŵr fawr perygl uchel;
- (d) adroddiad peiriannydd o dan adran 14(1) o Ddeddf 1975 ynghylch camau y dylid eu cymryd mewn perthynas â gadael cyforgronfa ddŵr fawr.

Ffurf cyfarwyddiadau peirianwyr

11. At ddibenion adran 20(1) o Ddeddf 1975, rhaid i'r cyfarwyddiadau canlynol fod yn y ffurf a ragnodir yn Atodlen 6—

- (a) cyfarwyddyd a wneir o dan adran 11(2) o Ddeddf 1975 (cofnodi lefelau dŵr etc.);

(1) Mewnosodwyd adran 12AA mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29), a pharagraff 21 o Atodlen 4 i'r Ddeddf honno.

(2) Diwygiwyd adran 15 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29), a pharagraff 26 o Atodlen 4 i'r Ddeddf honno ac adran 75 o Ddeddf Dŵr 2003 (p.37).

(3) Diwygiwyd adran 19 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraff 14 a 22 o Atodlen 4 i'r Ddeddf honno.

- (b) cyfarwyddyd a wneir o dan adran 12(6) o Ddeddf 1975(1) (goruchwyllo cronfeydd dŵr: arolygiad gweledol gan yr ymgwymerwr);
- (c) cyfarwyddyd a wneir o dan adran 12AA(4) o Ddeddf 1975 (cynlluniau llifogydd: profi);
- (d) cyfarwyddyd a wneir o dan adran 12AA(7) o Ddeddf 1975 (cynlluniau llifogydd; diwygiad); neu
- (e) cyfarwyddyd a wneir o dan adran 19(4A) o Ddeddf 1975 (cyfeirio argymhellion sy'n destun dadl at ganolwr: cyfarwyddyd i beiriannydd i gyflwyno tystysgrif).

Gwybodaeth ragnodedig o dan adran 21(1) o Ddeddf 1975 i gael ei darparu gan ymgwymerwyr wrth fwriadu adeiladu cyforgronfa ddŵr fawr neu ail-ddechrau defnyddio cyforgronfa ddŵr fawr

12. Yr wybodaeth y mae'n rhaid ei rhoi mewn hysbysiad a gyflwynir gan ymgwymerwr i CANC o dan adran 21(1) o Ddeddf 1975 yw'r wybodaeth a ragnodir yn Atodlen 7.

Adroddiadau i CANC

13.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas ag unrhyw ddigwyddiad—

- (a) sy'n arwain at, neu a allai arwain at, ryddhau dŵr heb reolaeth o gyforgronfa ddŵr fawr; a
- (b) y mae camau brys wedi eu cymryd mewn perthynas ag ef er mwyn atal rhyddhau unrhyw ddŵr neu ddŵr pellach heb reolaeth o gyforgronfa ddŵr fawr ac i leihau'r perygl i fywyd dynol.

(2) Pan fo'r rheoliad hwn yn gymwys, rhaid i'r ymgwymerwr anfon y canlynol at CANC—

- (a) adroddiad rhagarweiniol o'r digwyddiad cyn gynted ag y bo'n ymarferol ar ôl dechrau ar y mesurau brys; a
- (b) adroddiad terfynol o'r digwyddiad o fewn un flwyddyn, gan ddechrau gyda'r diwrnod ar ôl y diwrnod y dechreuodd y mesurau brys.

(3) Rhaid i'r adroddiad rhagarweiniol gynnwys digon o fanylion i alluogi CANC i ganfod dyddiad ac amser y digwyddiad, lleoliad y gronfa ddŵr a chadarnhau'r ffeithiau sy'n weladwy ar unwaith.

(4) Rhaid i'r adroddiad terfynol o'r digwyddiad y cyfeirir ato ym mharagraff (2)(b) gynnwys—

- (a) y ffeithiau am y digwyddiad;
- (b) dadansoddiad o'i amgylchiadau;

(1) Diwygiwyd adran 12 mewn perthynas â Lloegr a Chymru gan adran 33 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) a pharagraff 17 o Atodlen 4 i'r Ddeddf honno.

- (c) casgliadau y gellir dod iddynt o'r dadansoddiad hwnnw gyda rhesymau dros y casgliadau;
 - (d) cadarnhad o ba gamau a argymhellir ar gyfer osgoi ailadrodd y digwyddiad.
- (5) Caiff CANC roi cyfarwyddyd i ymgwymerwr ddiwygio'r adroddiad terfynol ond mae'n rhaid iddo —
- (a) egluro'r rheswm bod angen pob diwygiad; a
 - (b) pennu'r cyfnod o ddim llai na thri mis y mae'n rhaid i'r ymgwymerwr wneud y diwygiadau oddi mewn iddo.
- (6) Nid yw diwygiadau i'r adroddiad terfynol yn effeithiol oni bai—
- (a) bod yr ymgwymerwr wedi anfon fersiwn o'r adroddiad at CANC sy'n cynnwys y diwygiadau a hysbyswyd gan CANC, a
 - (b) bod CANC wedi derbyn y diwygiadau.

Dirymiadau

14. Dirymir y Rheoliadau canlynol—

- (a) Rheoliadau Deddf Cronfeydd Dŵr 1975 (Cofrestrau, Adroddiadau a Chofnodion) 1985(1);
- (b) Rheoliadau Deddf Cronfeydd Dŵr 1975 (Cofrestrau, Adroddiadau a Chofnodion) (Diwygio) 1985(2);
- (c) Rheoliadau Deddf Cronfeydd Dŵr 1975 (Tystysgrifau, Adroddiadau a Gwybodaeth Ragnodedig) 1986(3).

Carl Sargeant,
 Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
 Cymru
 27 Ionawr 2016

(1) O.S. 1985/177.
 (2) O.S. 1985/548.
 (3) O.S. 1986/468.

ATODLEN 1 Rheoliadau 4 a 6

Gwybodaeth y mae'n rhaid ei rhoi yng nghofrestrau cyforgronfeydd dŵr mawr Cymru

1. Enw a safle'r gronfa ddŵr.
2. Cyfeirnod grid cenedlaethol y gronfa ddŵr.
3. Enw a chyfeiriad pob ymgwymerwr sydd yn gyfrifol am y gronfa ddŵr.
4. Crynodeb o gynnwys pob tystysgrif neu adroddiad a wnaed o dan Ddeddf 1975, neu Ddeddf 1930, gan gynnwys—
 - (a) enw a chyfeiriad y peiriannydd sy'n rhoi'r dystysgrif neu'n gwneud yr adroddiad;
 - (b) yr adran o ba bynnag Ddeddf y rhoddir y dystysgrif neu y gwneir yr adroddiad oddi tani;
 - (c) pan nad yw tystysgrif derfynol wedi ei rhoi o dan Ddeddf 1975, datganiad o'r ffaith honno;
 - (d) pan nad yw tystysgrif derfynol wedi ei rhoi o dan Ddeddf 1930 am fod gwaith adeiladu neu addasu'r gronfa ddŵr wedi ei gwblhau cyn dechrau'r Ddeddf honno, datganiad o'r ffaith honno.
5. Yr wybodaeth ganlynol os caiff ei datgelu gan unrhyw dystysgrif, adroddiad neu ddatganiad—
 - (a) categori'r gronfa ddŵr (cronfa sy'n cronni neu gronfa nad yw'n cronni);
 - (b) y flwyddyn/blynyddoedd y cafodd argae/argaeau, waliau neu argloddiau'r gronfa ddŵr eu cwblhau;
 - (c) adeiladwaith yr argae/argaeau, waliau'r gronfa ddŵr neu arglawdd/argloddiau (h.y. boed wedi ei adeiladu o bridd, cerrig, disgyrchiant, bwtres neu ddull arall);
 - (d) lefel uchaf yr argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr gan gyfeirio at Ddatwm Ordnans;
 - (e) lefel uchaf dŵr y gronfa ddŵr gan gyfeirio at Ddatwm Ordnans;
 - (f) uchder mwyaf yr argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr wedi ei fesur mewn metrau o lefel naturiol isaf y tir amgylchynol, i frig yr argae/argaeau, waliau neu argloddiau'r gronfa ddŵr, ac eithrio uchder y wal donnau;
 - (g) capasiti'r gronfa ddŵr;

(h) arwynebedd dŵr y gronfa ddŵr ar lefel uchaf y dŵr (mewn metrau sgwâr neu gilometrau sgwâr).

6. Enw a chyfeiriad busnes y peiriannydd goruchwyllo neu, os yw'r gronfa ddŵr o dan oruchwylloeth y peiriannydd adeiladu, enw a chyfeiriad busnes y peiriannydd hwnnw.

7. Dyddiad cynnal yr arolygiad nesaf o dan Ddeddf 1975 neu unrhyw ddyddiad yr argymhellir y dylid cynnal yr arolygiad nesaf o dan Ddeddf 1975 gan y peiriannydd goruchwyllo neu arolygu.

8. Manylion unrhyw benodiad a wnaed gan CANC o dan adran 15 o Ddeddf 1975.

9. Manylion unrhyw benodiad a wnaed gan CANC o dan adran 16 o Ddeddf 1975, gan gynnwys y dyddiad y cofnodwyd y manylion.

10. Pa un a ddynodir y gyforgronfa ddŵr fawr yn un â pherygl uchel.

Ffurflen ragnodedig cofnod ar gyfer cronfa ddŵr perygl uchel

Yn y Ffurflen hon

- ystyr “Deddf 1930” yw Ddeddf Cronfeydd Dŵr (Dardpariaethau Diogelwch) 1930;
- ystyr “Deddf 1975” yw Deddf Cronfeydd Dŵr 1975;
- ystyr “cyrhaeddiad” yw hyd effeithiol y gronfa ddŵr y gall tonnau gael eu creu ar ei hyd gan wynt;
- ystyr “lefel uchaf y dŵr” yw—
 - (a) yn achos cronfa ddŵr sydd â silff orlif sefydlog, lefel brig isaf y silff honno;
 - (b) yn achos cronfa ddŵr, y gorlif a reolir yn llwyr neu'n rhannol gan giatiau symudol, seiffonau neu mewn ffordd arall, y lefel uchaf y gellir storio dŵr gan gynnwys unrhyw ddardpariaeth ar gyfer storio llifogydd;
 - (c) yn achos cronfa ddŵr a gynlluniwyd at ddibenion dal llifddwr yn ôl, lefel uchaf y llifddwr y gellir ei storio yn ystod unrhyw lifogydd heb gynnwys unrhyw ddardpariaeth ar gyfer gorlif yn achos cronfa ddŵr.
- Rhaid cyflwyno gwybodaeth yn y modd ac ar yr adeg y cyfarwyddir gan y peiriannydd adeiladu neu arolygu.
- Os oes unrhyw eitem o wybodaeth nad yw'n gymwys i'r gronfa ddŵr, dylid datgan hyn a rhoi'r rhesymau.
- Ceir defnyddio unrhyw luniadau perthnasol i ategu gwybodaeth.

Enw a safle'r gronfa ddŵr sy'n eiddo i chi

Cyfeirnod Grid Cenedlaethol y gronfa ddŵr

Perchnogion y gronfa ddŵr

Enw	Y rhan o'r gronfa ddŵr yr ydych yn berchen arni
Cyfeiriad	

Rhan 1 – Lefelau dŵr a dyfnder y dŵr

- Rhaid cadw cofnod o lefelau'r dŵr a dyfnder y dŵr gan gynnwys llif y dŵr dros y gored gwastraff neu orlif drwy roi'r cofnodion priodol yn y lle a ddarperir isod:

Dyddiad	Lefel y dŵr yn y Gronfa Ddŵr wedi ei fesur yn berthynol i Lefel Uchaf y Dŵr. (Cadarnhaol uwch Lefel Uchaf y Dŵr, negyddol islaw Lefel Uchaf y Dŵr)	Llofnod a swydd y peiriannydd neu berson arall sy'n gyfrifol am y cofnod

Dyddiad	Dyfnder y dŵr sy'n llifo dros y gored gwastraff neu orlif, mewn metrau	Llofnod a swydd y peiriannydd neu berson arall sy'n gyfrifol am y cofnod

- Dull o gofnodi lefelau ddŵr
- Datwm y cyfeirir y lefelau iddo, e.e. Datwm Ordans neu lefel y silff orlif
- Manylion y cyfarwyddiadau a roddwyd gan y peiriannydd adeiladu neu'r peiriannydd arolygu ynglŷn â'r modd y dylid cofnodi materion y mae'r Rhan hon yn gysylltiedig â hwy, gan bennu'r dyddiadau a'r amserau y dylid eu cofnodi

Rhan 2 – Dŵr yn gollwng, waliau'n sefydlogi neu waith ac atgyweiriadau eraill a darlleniadau ar yr offer

- Rhaid cadw cofnod o ddŵr sy'n gollwng, waliau'n sefydlogi neu waith ac atgyweiriadau eraill drwy wneud y cofnodion priodol yn y lle a ddarperir isod:

Safle a maint unrhyw ddŵr sy'n gollwng o'r gronfa ddŵr neu waliau'n sefydlogi neu waith arall, gan nodi dyddiadau'r darganfyddiad	Disgrifiad o'r camau a gymerwyd o ganlyniad i ganfod dŵr yn gollwng neu wal yn sefydlogi	Llofnod a swydd y peiriannydd neu berson arall sy'n gyfrifol am bob cofnod

- Rhaid cadw cofnod o ddarlleniadau offeryn drwy wneud cofnodion priodol yn y lle a ddarperir isod ar gyfer bob offeryn

Cyfeirnod safle'r offeryn:			
Dyddiad ac amser y darlleniad	Darlleniad offeryn gan gynnwys unedau, pan fo'n berthnasol	Lefel y dŵr yn y Gronfa Ddŵr ar adeg y darlleniad, wedi ei fesur yn berthynol i Lefel Uchaf y Dŵr (Cadarnhaol uwch Lefel Uchaf y Dŵr, negyddol islaw Lefel Uchaf y Dŵr)	Llofnod a swydd y peiriannydd neu berson arall sy'n gyfrifol am bob cofnod

- Manylion y cyfarwyddiadau a roddwyd gan beiriannydd adeiladu neu beiriannydd arolygu ynghylch y dull y mae'n rhaid ei ddefnyddio o gofnodi gwybodaeth ynglŷn â materion y mae'r Rhan hon yn ymwneud â hwy, a phennu'r dyddiadau a'r amserau y dylid eu cofnodi

Rhan 3 – Personau sydd â swyddogaeth y mae Deddf 1975 yn darparu ar ei chyfer mewn perthynas â'r gronfa ddŵr

- Ymgymerywyr

Enw	Natur yr ymgymeriad
Cyfeiriad Cyfeiriad e-bost, os ar gael	

- Corff Adnoddau Naturiol Cymru

Enw
Cyfeiriad Cyfeiriad e-bost, os ar gael

- Peiriannydd adeiladu neu beiriannydd a benodwyd at ddibenion adran 8 o Ddeddf 1975

Enw
Cyfeiriad Cyfeiriad e-bost, os ar gael

- Unrhyw beiriannydd a benodwyd o dan adran 15 o Ddeddf 1975 gan Gorff Adnoddau Naturiol Cymru

Enw
Cyfeiriad Cyfeiriad e-bost, os ar gael
Y diben y gwnaed yr apwyntiad ar ei gyfer e.e. at ddibenion adran 8 o Ddeddf 1975

- Peiriannydd Arolygu

Enw
Cyfeiriad Cyfeiriad e-bost, os ar gael
<ul style="list-style-type: none"> • Achos dros benodi peiriannydd arolygu (gweler adran 10(2) o Ddeddf 1975 (e.e. ar argymhelliad peiriannydd goruchwyllo)

- Dyddiadau penodi—

<ul style="list-style-type: none"> • Peiriannydd adeiladu neu beiriannydd a benodwyd o dan adran 8 o Ddeddf 1975 • Peiriannydd arolygu • Peiriannydd a benodwyd o dan Adran 15 o Ddeddf 1975 	O..... O O	I..... I..... I.....
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- Peiriannydd goruchwyllo

Enw
Cyfeiriad Cyfeiriad e-bost, os ar gael
Rhif ffôn swyddfa Rhif ffôn cartref

Rhan 4 – manylion y cynllun llifogydd

- Rhaid i grynodedb o wybodaeth am y cynllun llifogydd yn cael ei gadw drwy wneud cofnodion yn y lle a ddarperir isod:

Dyddiad y cynllun llifogydd	Lleoliad y cynllun llifogydd	Dyddiad prawf mwyaf diweddar y cynllun llifogydd

Camau allweddol o'r cynllun llifogydd i gael eu cymryd gan yr ymgwymerwr ar gyfer atal ddŵr rhag dianc heb reolaeth o'r gronfa ddŵr heb

Camau allweddol o'r cynllun llifogydd i gael eu cymryd gan yr ymgwymerwr ar gyfer rheoli neu liniaru effeithiau llifogydd

Rhestr o bobl a sefydliadau yr anfonwyd copi o'r cynllun llifogydd atynt

Enw a manylion cyswllt y person a'r sefydliad	Y fersiwn o'r cynllun a anfonwyd	Dyddiad anfon

Manylion am gydymffurfio â chyfarwyddyd gan Weinidogion Cymru

Materion y mae'n rhaid eu cynnwys a gofynion Corff Adnoddau Naturiol Cymru	Dull o gydymffurfio

Rhan 5 – Mynediad, capasiti etc.

1. Disgrifiad o'r fynediad gan roi unrhyw gyfyngiadau ar lwyth, lled neu uchder cerbydau sy'n defnyddio'r mynediad a manylion am wneuthuriad y llwybr mynediad

2. Categori:

Cronfa ddŵr sy'n cronni

Cronfa ddŵr nad yw'n cronni

3. Y lefel y ceir storio dŵr ati, heb gynnwys storio llifogydd, fel y pennwyd ddiwethaf mewn tystysgrif a roddwyd un ai o dan Ddeddf 1930 neu Ddeddf 1975

4. Capasiti'r gronfa ddŵr

metrau ciwbig

- Ar lefel uchaf y dŵr
- Rhwng lefel naturiol isaf unrhyw ran o'r tir amgylchynol a lefel uchaf y dŵr
- Rhwng lefel naturiol isaf unrhyw ran o'r tir amgylchynol a'r lefel a gofnodwyd mewn tystysgrif a roddwyd o dan Ddeddf 1930 neu Ddeddf 1975, heb gynnwys unrhyw ddarpariaeth ar gyfer storio llifogydd

5. Arwynebedd y dŵr:-

m² neu km²

- Ar y lefel a bennwyd yn eitem 3
- Ar lefel uchaf y dŵr

6. Cyrhaeddiad effeithiol i'r arglawdd, wal neu argae'r gronfa ddŵr mewn metrau

Cyfeiriad

Rhan 6 – Arglawdd, wal neu argae'r gronfa ddŵr

<p>Math (ticiwch y blwch priodol)</p> <p>Pridd <input type="checkbox"/> Cerrig <input type="checkbox"/> (pilen neu graidd sy'n selio'n arbennig)</p> <p>Disgyrchiant <input type="checkbox"/> Bwtres <input type="checkbox"/></p> <p>Arall (nodwch)</p>	<p>Dyddiad cwblhau'r gwaith adeiladu <input type="text"/></p>
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<p>Lefelau uwch na'r Datwm Ordnans mewn metrau:</p> <p>o frig yr arglawdd a wal neu argae'r gronfa ddŵr <input type="text"/></p> <p>o frig y wal donnau <input type="text"/></p>	<p>Uchder mwyaf yr arglawdd a wal neu argae'r gronfa ddŵr mewn metrau o lefel naturiol isaf y tir yn y droed (gan gynnwys gwely'r nant) i frig yr arglawdd, wal neu argae'r gronfa ddŵr (ac eithrio'r wal donnau) <input type="text"/></p>
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Manylion:		
<ul style="list-style-type: none">gwaith tapio	Cyfradd uchaf yr arllwysiad, m^3/s	<input type="text"/>
<ul style="list-style-type: none">arllwysfa waelod	Cyfradd uchaf yr arllwysiad, m^3/s	<input type="text"/>
<ul style="list-style-type: none">unrhyw ddull arall o ostwng	Cyfradd uchaf yr arllwysiad, m^3/s	<input type="text"/>

Rhan 7 – Crynhoad a glawiad cyfartalog blynyddol ar y dalgylch uniongyrchol ac anuniongyrchol

Dalgylch Uniongyrchol (m² neu km²)

Dalgylch anuniongyrchol (m² neu km²)

Dull o ddod â dŵr i'r gronfa ddŵr o'r dalgylch anuniongyrchol, gyda manylion unrhyw reolaeth neu bympiau a ddarperir a chapasiti mewnlif mwyaf

Nodweddion ffisegol dalgylchoedd uniongyrchol ac anuniongyrchol sy'n effeithio ar y gyfradd storio dŵr

Manylion glawiad cyfartalog blynyddol ar ddalgylchoedd uniongyrchol ac anuniongyrchol y gronfa ddŵr yn ôl cofnodion y swyddfa feteorolegol

Rhan 8 – Gwaith gorlifan: math, lleoliad a lefel a'r darpariaethau diogelwch a wnaed mewn cysylltiad â'u gweithredu

- (a) Math a lleoliad, os yn annibynnol o brif strwythur yr arglawdd
- (b) Manylion, gyda lefelau brig a hyd y canlynol mewn metrau:
- coredau brig sefydlog
 - seiffonau (nodwch a ydynt yn seiffonau cyfrwy a reoleiddir gan aer ai beidio)
 - giatiau neu falfiau eraill nad ydynt yn cael eu pennu mewn man arall yn y Rhan hon
 - giatiau brig symudol
 - twnelau neu nodweddion eraill sy'n effeithio ar y capasiti arllwysiad
 - gorlifan argyfwng
- (c) Manylion am y giatiau neu'r falfiau symudol (ticiwch y blwch priodol)
- Dulliau gweithredu:
Â llaw awtomatig rheolaeth arnofio
 - Dilyniant y gweithrediadau
 - Ffynhonnell y pŵer
 - Trefniadau wrth gefn

Rhan 9 – Camau a gymerir er lles diogelwch neu a allai effeithio ar ddiogelwch

Manylion unrhyw fesurau diogelwch a argymhellir o dan Ddeddf 1975 neu Ddeddf 1930	Dyddiadau y gweithredwyd argymhellion o'r fath

Manylion unrhyw gamau a gymerwyd gan Asiantaeth yr Amgylchedd neu Gorff Adnoddau Naturiol Cymru o dan adran 16 o Ddeddf 1975

Manylion unrhyw gamau a gymerwyd a allai effeithio ar ddiogelwch	Dyddiadau y cynhaliwyd Camau o'r fath

Rhan 12 – Tystysgrifau, adroddiadau, cyfarwyddiadau a chanolwyr

- Rhaid cadw cofnod o'r tystysgrifau a roddir, adroddiadau a lunnir, cyfarwyddiadau a roddir neu ganolwyr a benodir o dan Ddeddf 1930 neu Ddeddf 1975 drwy wneud cofnodion yn y lle a ddarperir isod:

Tystysgrifau

Dyddiad	Math (e.e. tystysgrif ragarweiniol)	Adran ac is-adran pa bynnag Ddeddf y rhoddwyd y dystysgrif oddi tani (e.e. o dan adran 7(1) o Ddeddf Cronfeydd Dŵr 1975)

Adroddiadau

Dyddiad	Adran ac is-adran pa bynnag Ddeddf y rhoddwyd yr adroddiad oddi tani (e.e. o dan adran 10(3) o Ddeddf Cronfeydd Dŵr 1975)

Cyfarwyddiadau

Dyddiad	Adran ac is-adran Ddeddf 1975 y rhoddwyd y cyfarwyddyd oddi tani (e.e. o dan adran 12(6) o Ddeddf Cronfeydd Dŵr 1975)

Penodi Canolwyr

Enw'r canolwr	Dyddiad penodi

Rhan 13 – Ail-ddefnyddio, gadael â pheidio â pharhau â chronfeydd dŵr

- Ail-ddefnyddio

Enw a chyfeiriad y peiriannydd sifil cymwysedig sy'n gweithredu o dan adran 9 o Ddeddf 1975	Dyddiad penodi'r peiriannydd	Manylion unrhyw gamau a gymerwyd gan Gorff Adnoddau Naturiol Cymru o dan adran 9 o Ddeddf 1975

- Gadael

Enw a chyfeiriad y peiriannydd sifil cymwysedig sy'n gweithredu o dan adran 14 o Ddeddf 1975	Dyddiad penodi'r peiriannydd	Manylion unrhyw gamau a gymerwyd gan Gorff Adnoddau Naturiol Cymru o dan adran 14 o Ddeddf 1975

- Peidio â pharhau

Enw a chyfeiriad peiriannydd sifil cymwysedig sy'n gweithredu o dan adran 13 o Ddeddf 1975	Dyddiad penodi'r peiriannydd

Rhan 16 – Maint agoriad y falfiau, y giatiau a'r llifddorau³²

- Rhaid cadw cofnod o faint agoriad y falfiau, y giatiau a'r llifddorau drwy wneud y cofnodion priodol yn lle a ddarperir isod:

Dyddiad	Math a lleoliad offer (giât, falf neu lifddor)	Maint agoriad	Llofnod a swydd y peiriannydd neu berson arall sy'n gyfrifol am y cofnod

- Dull o gofnodi maint agoriad pob math o offer
- Gweithdrefnau a ddefnyddiwyd i weithredu pob math o offer ac ar gyfer darllen maint agoriad
- Manylion cyfarwyddiadau a roddwyd gan y peiriannwr adeiladu neu'r peiriannydd arolygu ynglŷn â'r modd y dylid cofnodi gwybodaeth am faterion y mae'r Rhan hon yn gysylltiedig â hwy a phennu'r dyddiadau a'r amserau y dylid eu cofnodi

Materion rhagnodedig cysylltiedig â
chronfeydd dŵr perygl uchel y mae'n
rhaid i ymgwymerwr gadw cofnod ohonynt

Dehongli

1. Ystyr “cyrhaeddiad” (“*fetch*”) yn yr Atodlen hon yw hyd effeithiol y gronfa ddŵr y gall tonnau gael eu creu ar ei hyd gan wynt.

Materion rhagnodedig

2. Rhaid i ymgwymerwr cronfeydd dŵr perygl uchel gadw cofnod o'r materion canlynol—

- (a) unrhyw un sydd wedi gweithredu fel ymgwymerwr neu beiriannydd o dan Ddeddf 1975;
- (b) manylion y cynllun llifogydd;
- (c) dull o gael mynediad i'r gronfa ddŵr;
- (d) categori'r gronfa ddŵr (h.y. cronfa sy'n cronni neu gronfa nad yw'n cronni), ei defnydd, y lefel ardystiedig y ceir storio dŵr ati, arwynebedd y dŵr wyneb, capasiti a chyrhaeddiad;
- (e) cymeriad strwythurol yr argae/argaeau, waliau neu argloddiau'r gronfa ddŵr, dyddiad eu cwblhau, uchder, lefel uchaf yr argae/argaeau, waliau neu argloddiau'r gronfa ddŵr a'r wal donnau uwch y Datwm Ordnans;
- (f) manylion y gwaith tapio, arllwysfa waelod, neu unrhyw ddull arall o ostwng lefel y dŵr, ynghyd â chyfraddau arllwysiad uchaf;
- (g) nodweddion ffisegol dalgylchoedd uniongyrchol ac anuniongyrchol y gronfa ddŵr a dull o lenwi o'r dalgylch anuniongyrchol;
- (h) glawiad cyfartalog blynyddol ar y dalgylch uniongyrchol ac anuniongyrchol y gronfa ddŵr;
- (i) gweithfeydd gorlifan, eu math, lleoliad a lefel y darpariaethau diogelwch a wnaed mewn perthynas â'u gweithrediad;
- (j) camau a gymerwyd er lles diogelwch ar argymhelliad peiriannydd sifil cymwysedig;
- (k) cyfarwyddiadau ac argymhellion peiriannydd goruchwylio;
- (l) digwyddiadau anarferol a allai effeithio ar ddiogelwch y gronfa ddŵr;

- (m) tystysgrifau a roddir o dan Ddeddf 1975 neu o dan Ddeddf 1930;
- (n) adroddiadau a wnaed o dan Ddeddf 1975 neu o dan Ddeddf 1930;
- (o) cyfarwyddiadau a wnaed o dan Ddeddf 1975;
- (p) penodi canolwyr o dan Ddeddf 1975;
- (q) ail-ddefnyddio, gadael a pheidio â pharhau;
- (r) cofrestr lluniadau;
- (s) offer yn y gronfa ddŵr;
- (t) cofnodion o faint agoriad falfiau, giatiau a llifddorau, gwybodaeth a chyfarwyddiadau cysylltiedig gan beiriannydd.

Tystysgrifau

Mae'r llythrennau wedi eu hitaleiddio ar ffurflenni'r tystysgrifau yn yr Atodlen hon yn dynodi'r wybodaeth y mae'n rhaid ei chynnwys fel a ganlyn—

- (a) enw'r peiriannydd;
- (b) cyfeiriad y peiriannydd;
- (c) enw'r panel y mae'r peiriannydd wedi ei benodi iddo;
- (d) enw'r ymgymerwyr;
- (e) enw'r gronfa ddŵr;
- (f) safle'r gronfa ddŵr, gyda digon o fanylion i'w hadnabod (gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras);
- (g) y lefel y ceir llenwi dŵr uwch y Datwm Ordnans, ac eithrio'r lwfans a wneir ar gyfer amodau llifogydd;
- (h) y lefel y ceir storio dŵr uwch y Datwm Ordnans, ac eithrio'r lwfans a wneir ar gyfer storio llifogydd;
- (i) dyddiad y dystysgrif ragarweiniol neu interim fel y bo'n briodol;
- (j) amodau y ceir llenwi'r gronfa â dŵr yn ddarostyngedig iddynt, neu y gellir storio dŵr ynddi hyd at y lefel a bennir;
- (k) dyddiad yr adroddiad, y dystysgrif, y cyfarwyddyd fel y bo'n briodol;
- (l) dyddiad cwblhau'r gwaith;
- (m) y cyfnod o amser a argymhellir yn yr adroddiad y dylid gwneud yr arolygiad nesaf oddi mewn iddo;
- (n) dyddiad adroddiad y peiriannydd arolygu;
- (o) enw'r peiriannydd arolygu;
- (p) enw'r canolwr;
- (q) cyfeiriad y canolwr;
- (r) dyddiad penderfyniad y canolwr;
- (s) enw'r person sy'n penodi'r canolwr;
- (t) cyfaint y dŵr sy'n gwneud cronfa ddŵr yn “gyforgronfa ddŵr fawr” o dan y Ddeddf;
- (u) yr amser y mae'n rhaid gostwng lefel y dŵr oddi mewn iddo.

Yn y ffurflenni tystysgrifau, ni ddylid cynnwys cromfachau sgwâr a'r geiriau oddi mewn iddynt lle maent yn amhriodol.

Deddf Cronfeydd Dŵr 1975

Tystysgrif Ragarweiniol

- Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i fod yn gyfrifol am

[adeiladu cyforgronfa ddŵr fawr newydd]

[adeiladu cyforgronfa ddŵr fawr newydd drwy addasu cronfa ddŵr bresennol]

[addasu capasiti cyforgronfa ddŵr fawr]

[ail-ddefnyddio cronfa ddŵr a adawyd]

a adnabyddir fel (*e*) wedi ei lleoli yn (*f*), yn ystyried y gellid yn briodol lenwi y [/yr addasiad i'r] gronfa ddŵr yn [llwyr] [rhannol] â dŵr hyd at lefel o (*g*) [yn ôl yr amodau canlynol (*j*).]

[Rhoddir y dystysgrif ragarweiniol hon mewn perthynas â thystysgrif ragarweiniol flaenorol a roddwyd gan (*a*) o (*b*) ar (*i*) ac mae'n disodli'r dystysgrif honno o ran ei bod yn amrywio [lefel y dŵr] [yr amodau] a bennir yn y dystysgrif honno.]

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif Interim wrth Addasu Cronfa Ddŵr

- Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i fod yn gyfrifol am addasiad i gyforgronfa ddŵr fawr, a adnabyddir fel (*e*) wedi ei lleoli yn (*f*), yn ystyried na ddylai'r addasiad i'r gronfa ddŵr gael ei lenwi â dŵr i lefel nac yn ôl yr amodau a fyddai'n gyfreithiol pe na roddid y dystysgrif hon, ond y ceir ei llenwi â dŵr i lefel (*g*) hyd nes y cyflwynir tystysgrif ragarweiniol [ac mae'n rhaid i unrhyw ostyngiad i lefel y dŵr i (*g*) gael ei wneud gan (*u*)], [yn ôl yr amodau canlynol (*j*).]

[Rhoddir y dystysgrif interim hon mewn perthynas â thystysgrif interim a roddwyd gan (*a*) o (*b*) ar (*i*) ac mae'n disodli'r dystysgrif honno o ran ei bod yn amrywio [lefel y dŵr] [yr amodau] a bennir yn y dystysgrif honno.]

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif Derfynol

- Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i fod yn gyfrifol am

[adeiladu cyforgronfa ddŵr fawr newydd]

[adeiladu cyforgronfa ddŵr fawr newydd drwy addasu cronfa ddŵr bresennol]

[addasu capasiti cyforgronfa ddŵr fawr]

[ail-ddefnyddio cronfa ddŵr a adawyd]

a adnabyddir fel (e), wedi ei lleoli yn (f), [y rhoddwyd tystysgrif ragarweiniol ar ei chyfer ar (i) (gweler Nodyn 1)] yn fodlon bod [yr addasiad i'r] y gronfa ddŵr [yn gadarnac yn foddhaol ac (gweler Nodyn 2)] y ceir ei defnyddio'n ddiogel i storio dŵr hyd at lefel (h) (yn ddarostyngedig i'r amodau canlynol (j)).

[Rwyf hefyd yn fodlon bod yr argymhellion ynglŷn â chymryd er lles diogelwch a gynhwysir yn yr adroddiad, wedi ei ddyddio (k) a wnaed gan (Enw'r Peiriannydd a wnaeth yr adroddiad) wedi eu rhoi mewn grym (gweler Nodyn 3).]

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Atodiad i'r Dystysgrif (gweler Nodyn 4)

Nodiadau

1. Pan fo tystysgrif derfynol yn cael ei rhoi o dan adran 8 o'r Ddeddf, mae'n bosibl nad oes tystysgrif ragarweiniol wedi ei chyflwyno.
2. Nid oes yn rhaid i dystysgrif derfynol a roddir o dan adrannau 8 neu 9 (ac eithrio un a roddir yn yr amgylchiadau a ddisgrifir uchod yn adran 8(5) ddatgan bod y peiriannydd yn fodlon bod y gronfa ddŵr, neu'r ychwanegiad iddi, yn gadarn ac yn foddhaol.
3. Os nad yw tystysgrif derfynol yn datgan bod y peiriannydd yn fodlon bod y gronfa ddŵr yn gadarn ac yn foddhaol, am y rhesymau a roddir yn Nodyn 2 uchod, a bod adroddiad a wnaed un ai o dan adran 8(2) neu 9(1) o'r Ddeddf yn cynnwys unrhyw argymhellion ynglŷn â chymryd y mae'n rhaid eu cymryd er lles diogelwch, rhaid i'r peiriannydd ddatgan bod yr argymhellion hynny wedi eu rhoi mewn grym - adrannau 8(6) a 9(5) o'r Ddeddf.
4. Rhaid i'r peiriannydd gynnwys mewn atodiad i'r dystysgrif nodyn ar y materion, os oes materion o gwbl, y mae'n ystyried bod angen iddynt gael eu gwyllo gan beiriannydd goruchwylio yn ystod y cyfnod cyn i arolygiad o'r gronfa ddŵr gael ei gynnal o dan y Ddeddf mewn atodiad i'r dystysgrif - adran 7(5) o'r Ddeddf.

Deddf Cronfeydd Dŵr 1975

Tystysgrif Gweithredu Gwaith yn Effeithiol o dan adran [7(6)][8(7)]

- Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i fod yn gyfrifol am

[adeiladu cyforgronfa ddŵr fawr newydd]

[adeiladu cyforgronfa ddŵr fawr newydd drwy addasu cronfa ddŵr bresennol]

[addasu capasiti cyforgronfa ddŵr fawr]

a adnabyddir fel (e), wedi ei lleoli yn (f), a gwblhawyd ar (l) yn ardystio [cyn belled ag y gallaf ganfod] (gweler Nodyn 1) bod y gwaith hwnnw wedi ei weithredu'n effeithiol yn unol â'r lluniadau a'r disgrifiadau a atodir i'r dystysgrif hon (gweler Nodyn 2).

Llofnod Peiriannydd

Dyddiad Tystysgrif

Atodiad i'r Dystysgrif (gweler Nodyn 2)

Nodiadau

1. Dylai tystysgrif cyflawniad gwaith a roddir o dan adran 8(7) o'r Ddeddf, yn wahanol i dystysgrif a roddir o dan adran 7(6), gynnwys y geiriau hyn.

2. Mae'r adrannau a grybwyllir yn Nodyn 1 yn ei gwneud hi'n ofynnol i atodi lluniadau a disgrifiadau manwl sy'n rhoi gwybodaeth lawn am y gwaith a adeiladwyd mewn gwirionedd gan gynnwys dimensiynau a lefelau a manylion am y dyddodion neu strata daearegol a ganfuwyd mewn tyllau prawf neu gloddiadau a wnaed mewn cysylltiad â'r gwaith ..

Deddf Cronfeydd Dŵr 1975

Tystysgrif Peiriannydd Arolygu o dan adran 10(5)

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i gynnal arolygiad o'r gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), wedi paratoi adroddiad o'r arolygiad hwnnw ar (k) sydd [ddim yn cynnwys] [yn cynnwys] argymhellion ynglŷn â chamau y mae'n rhaid eu cymryd er lles diogelwch ac sydd [ddim yn cynnwys] [yn cynnwys] argymhellion ynglŷn â chynnal a chadw'r gronfa ddŵr. [Mae'r adroddiad hwnnw hefyd yn cynnwys argymhelliad ynglŷn ag amser yr arolygiad nesaf o'r gronfa ddŵr, y dylid ei gynnal o fewn [m].]

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif o dan adran 10(6), ynglŷn â gweithredu argymhellion diogelwch

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i oruchwylio gweithrediad y camau a gymerir yn y gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), er lles diogelwch, a argymhellir mewn adroddiad a wnaed ar (n) gan (o), [a addaswyd gan benderfyniad (p) o (q), sy'n gweithredu fel canolwr, a roddwyd ar (r),] yn fodlon bod y mesurau hynny wedi eu gweithredu.

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif o dan adran 12AA(3), ynglŷn â bodloni gofynion cyfarwyddyd o dan adran 12A(2)(a) a (b)

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i ymgynghori ar baratoi cynllun llifogydd o dan adran 12A ar gyfer y gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), yn fodlon bod gofynion cyfarwyddyd o dan adran 12A(2)(a) a (b) wedi eu bodloni.

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif Interim o dan adran 13(1A), ar Beidio â Pharhau

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i [gynllunio] [gymeradwyo] ac i oruchwylio'r addasiad i'r gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), fel nad oes modd iddi ddal mwy na (*t*) medr ciwbig o ddŵr uwch lefel naturiol unrhyw ran o'r tir sy'n ei amgylchynu, yn ystyried y dylid gostwng lefel y dŵr yn y gronfa ddŵr i lefel o (*g*) gan (*u*) [yn ddarostyngedig i'r amodau canlynol (*j*)].

Llofnod y Peiriannydd

Dyddiad Tystysgrif

Tystysgrif o dan adran 13(2), ar Beidio â Pharhau

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i [gynllunio] [gymeradwyo] ac i oruchwylio'r addasiad i'r gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), fel nad oes modd iddi ddal mwy na (*t*) medr ciwbig o ddŵr uwch lefel naturiol unrhyw ran o'r tir sy'n ei hamgylchynu, yn fodlon bod yr addasiad wedi ei gwblhau ac wedi ei weithredu'n effeithiol.

Llofnod y Peiriannydd

Dyddiad Tystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif o dan adran 14(3), ar Adael Cronfa Ddŵr

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i roi adroddiad am y camau (os oes rhai) y dylid eu cymryd er lles diogelwch er mwyn sicrhau nad oes modd i'r gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), lenwi â dŵr yn ddamweiniol neu'n naturiol yn uwch na lefel naturiol unrhyw ran o'r tir amgylchynol neu sicrhau nad yw'n llenwi ddim ond i raddau nad yw'n achosi risg, wedi rhoi adroddiad heddiw o dan adran 14(1) o'r Ddeddf [nad yw'n cynnwys] [sydd yn cynnwys] argymhellion ynglŷn â chamau y dylid eu cymryd er lles diogelwch.

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif o dan adran 15(2), ynglŷn â gweithredu Argymhellion Diogelwch

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan Asiantaeth yr Amgylchedd, yn dilyn methiant (Enw'r ymgymeryd) i gydymffurfio â Hysbysiad gan yr Asiantaeth yr Amgylchedd yn gofyn iddynt weithredu argymhellion a gynhwysir mewn adroddiad a wnaed o dan y Ddeddf hon gan (*a*) ar (*k*) [ac a addaswyd gan benderfyniad canolwr] ynglŷn â chamau i'w cymryd er lles diogelwch yn (*e*) sydd wedi ei lleoli yn (*f*) i oruchwylio cyflawniad y mesurau hynny, yn fodlon bod yr argymhellion hynny wedi eu gweithredu.

Llofnod y Peiriannydd

Dyddiad y Dystysgrif

Deddf Cronfeydd Dŵr 1975

Tystysgrif Canolwr o dan adran 19(4)

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*s*) i ymchwilio i gŵyn (Enw'r ymgwymerwyr), ymgwymerwyr ar gyfer y gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), ynglŷn ag argymhelliad a gynhwysir mewn adroddiad wedi ei ddyddio (*k*) a baratowyd gan (Enw'r Peiriannydd sy'n gwneud yr Adroddiad) [ynglŷn â chymau y mae'n rhaid eu cymryd er lles diogelwch yn] [ac/neu] [ynglŷn ag argymhellion ynglŷn â chynnal a chadw] y gronfa ddŵr; wedi penderfynu [peidio ag] addasu'r adroddiad hwnnw.

[Yn unol â hynny, rwyf yn diwygio'r dystysgrif ddyddiedig (*k*) a roddwyd mewn cysylltiad â'r adroddiad hwnnw, yn y dull canlynol:-]

Llofnod y Canolwr

Dyddiad y Dystysgrif

Adroddiadau

Yn yr Atodlen hon mae cyfeiriadau at ganfyddiadau ac argymhellion peiriannydd yn cynnwys—

- (a) cadarnhad fod yr ymgymerwr wedi cofnodi'r wybodaeth sy'n ofynnol o dan adran 11 o Ddeddf 1975;
- (b) manylion unrhyw gyfarwyddiadau a roddwyd gan y peiriannydd yn pennu'r dyddiadau a'r amserau y dylid cofnodi gwybodaeth a'r dull o wneud hynny o dan adran 11 o Ddeddf 1975;
- (c) manylion unrhyw argymhellion ynghylch gwneud addasiadau neu ychwanegiadau i waith neu osod offer neu fedrydd er mwyn mesur dŵr sy'n gollwng, gwyriadau, sefydlogi, codiad, gwasgeddau mandyllau neu faterion tebyg;
- (d) manylion unrhyw symudiad yn y tir amgylchynol a welir a allai effeithio ar sefydlogrwydd y gronfa ddŵr;
- (e) canfyddiadau ynglŷn â digonolrwydd a chyflwr y gored wastraff neu orlif ac unrhyw sianeli cysylltiedig;
- (f) datganiad am unrhyw addasiadau y mae'r peiriannydd wedi eugweld sy'n effeithiol ar y lefel y ceir storio dŵr iddi neu lefel y silffoedd gorlif ers yr adeiladu neu ers yr arolygiad diwethaf;
- (g) datganiad am ddigonolrwydd y ffin rhwng argae/argaeau, waliau'r gronfa ddŵr neu lefel argloddiau'r gronfa ddŵr a lefel y gorlif;
- (h) canfyddiadau ynglŷn ag effeithlonrwydd y beipen sgwrio neu'r cylfat rhyddhau neu unrhyw ddull arall o ostwng lefel y dŵr yn y gronfa ddŵr ac unrhyw ddull o reoli'r dŵr sy'n llifo i'r gronfa ddŵr.

Yn ffurflenni'r adroddiadau hyn, ni ddylid cynnwys cromfachau sgwâr a'r geiriau oddi mewn iddynt lle maent yn amhriodol.

Deddf Cronfeydd Dŵr 1975

Adroddiad o Ganlyniad Arolygiad a wnaed o dan adran 8

[Adeiladu][Addasu] Cronfa Ddŵr

- Enw a Safle'r Gronfa Ddŵr, gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras
- Enw a Chyfeiriad y Peiriannydd
- Enw'r Panel y mae'r Peiriannydd yn aelod ohono
- Enw a Chyfeiriad yr Ymgwymerwyr a benododd y Peiriannydd neu gadarnhad bod Corff Adnoddau Naturiol Cymru wedi penodi'r Peiriannydd, fel sy'n briodol
- Dyddiad neu Ddyddiadau Arolygiad y Peiriannydd
- Canfyddiadau'r Peiriannydd ynglŷn ag [adeiladu] [addasu] y gronfa ddŵr, gan gynnwys unrhyw argymhellion y gwêl y peiriannydd yn addas i'w gwneud fel camau y mae'n rhaid eu cymryd er lles diogelwch.

Llofnod y Peiriannydd
Dyddiad yr Adroddiad

Deddf Cronfeydd Dŵr 1975

Adroddiad ar Ganlyniad Arolygiad a wnaed o dan adran 9

Ail-ddefnyddio Cronfa Ddŵr a adawyd

- Enw a Safle'r Gronfa Ddŵr, gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras
- Enw a Chyfeiriad y Peiriannydd
- Enw'r Panel y mae'r Peiriannydd yn aelod ohono
- Enw a Chyfeiriad yr Ymgwymerwyr a benododd y Peiriannydd neu gadarnhad bod Corff Adnoddau Naturiol Cymru wedi penodi'r Peiriannydd, fel y bo'n briodol
- Dyddiad neu Ddyddiadau'r Arolygiad
- Canfyddiadau'r Peiriannydd ynghylch ail-ddefnyddio'r Gronfa Ddŵr gan gynnwys unrhyw argymhellion y gwêl y peiriannydd yn addas i'w gwneud fel camau y mae'n rhaid eu cymryd er lles diogelwch.

Llofnod y Peiriannydd
Dyddiad yr Adroddiad

Deddf Cronfeydd Dŵr 1975

Adroddiad ar ganlyniad Arolygiad a wnaed o dan adran 10

Arolygiad Cyfnodol o Gyforgronfa Ddŵr Fawr

- Enw a Safle'r Gronfa Ddŵr, gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras
- Enw a Chyfeiriad y Peiriannydd
- Enw'r Panel y mae'r Peiriannydd yn aelod ohono
- Enw a Chyfeiriad yr Ymgwymerwyr a benododd y Peiriannydd neu gadarnhad bod Corff Adnoddau Naturiol Cymru wedi penodi'r Peiriannydd, fel y bo'n briodol
- Dyddiad neu Ddyddiadau'r Arolygiad
- Canfyddiadau'r Peiriannydd, gan gynnwys unrhyw argymhellion y gwêl y peiriannydd yn addas i'w gwneud fel camau y mae'n rhaid eu cymryd er lles diogelwch neu ynglŷn â chynnal a chadw'r gronfa ddŵr; a nodyn o unrhyw faterion yr ystyria'r peiriannydd y mae angen i'r peiriannydd goruchwylio gadw llygad arno yn ystod y cyfnod cyn yr arolygiad nesaf o'r gronfa ddŵr o dan adran 10
- Datganiad ynglŷn a yw'r holl gamau diogelwch a argymhellwyd yn yr adroddiad blaenorol wedi eu cymryd; ac, un ai argymelliadau ynglŷn â chymryd unrhyw gamau diogelwch sydd heb eu cymryd neu eglurhad o'r rhesymau nad oes angen argymhelliad mwyach.

Llofnod y Peiriannydd

Dyddiad yr Adroddiad

Atodiad i'r Adroddiad (os yw'n ofynnol o dan adran 26 ar gyfer cronfeydd dŵr a gwblhawyd cyn i Ddeddf 1930 ddod i rym ac os na chawsant eu harolygu o dan y Ddeddf honno)

Deddf Cronfeydd Dŵr 1975

Adroddiad a wnaed o dan adran 14

Gadael Cyforgronfa Ddŵr Fawr

- Enw a Safle'r Gronfa Ddŵr, gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras
- Enw'r Panel y mae'r Peiriannydd yn aelod ohono
- Enw a Chyfeiriad yr Ymgwymerwyr a benododd y Peiriannydd neu gadarnhad bod Corff Adnoddau Naturiol Cymru wedi penodi'r Peiriannydd, fel y bo'n briodol
- Dyddiad neu Ddyddiadau'r Arolygiad o'r Gronfa Ddŵr (os cynhaliwyd un o gwbl)
- Argymhellion y Peiriannydd ynglŷn â'r camau y dylid eu cymryd (os unrhyw gamau o gwbl) er lles diogelwch er mwyn sicrhau nad oes modd i'r gronfa ddŵr llenwi â dŵr yn ddamweiniol neu'n naturiol yn uwch na lefel naturiol unrhyw ran o'r tir amgylchynol neu sicrhau nad yw'n llenwi ddim ond i raddau nad yw'n achosi risg

Llofnod y Peiriannydd

Dyddiad yr Adroddiad

ATODLEN 6 Rheoliad 11

Cyfarwyddiadau

Mae'r llythrennau wedi eu hitaleiddio ar ffurf y cyfarwyddiadau yn yr Atodlen hon yn dangos yr wybodaeth y dylid ei chynnwys fel a ganlyn—

- (a) enw'r peiriannydd;
- (b) cyfeiriad y peiriannydd;
- (c) enw'r panel y mae'r peiriannydd wedi ei benodi iddo;
- (d) enw'r ymgwymerwyr;
- (e) enw'r gronfa ddŵr;
- (f) safle'r gronfa ddŵr, gyda digon o fanylion i'w hadnabod (gan gynnwys Cyfeirnod Grid Cenedlaethol canol y gronfa ddŵr yn fras);
- (g) y lefel y ceir llenwi dŵr uwch y Datwm Ordnans, ac eithrio'r lwfans a wneir ar gyfer amodau llifogydd;
- (h) y lefel y ceir storio dŵr uwch y Datwm Ordnans, ac eithrio'r lwfans a wneir ar gyfer storio llifogydd;
- (i) dyddiad y dystysgrif ragarweiniol neu interim fel y bo'n briodol;
- (j) amodau y ceir llenwi'r gronfa â dŵr yn ddarostyngedig iddynt, neu y gellir storio dŵr ynddi hyd at y lefel a bennir;
- (k) dyddiad yr adroddiad, tystysgrif, cyfarwyddyd fel y bo'n briodol;
- (l) dyddiad cwblhau'r gwaith;
- (m) y cyfnod o amser a argymhellir yn yr adroddiad y dylid gwneud yr arolygiad nesaf oddi mewn iddo;
- (n) dyddiad adroddiad y peiriannydd arolygu;
- (o) enw'r peiriannydd arolygu;
- (p) enw'r canolwr;
- (q) cyfeiriad y canolwr;
- (r) dyddiad penderfyniad y canolwr;
- (s) enw'r person sy'n penodi'r canolwr;
- (t) cyfaint y dŵr sy'n gwneud cronfa ddŵr yn gyforgronfa ddŵr fawr o dan Ddeddf 1975.

Yn y ffurfiaucyfarwyddiadau hyn, ni ddylid cynnwys cromfachau sgwâr a'r geiriau oddi mewn iddynt lle maent yn amhriodol.

Deddf Cronfeydd Dŵr 1975

Cyfarwyddyd o dan adran 11(2) gan y [Peiriannydd Adeiladu] [Peiriannydd Arolygu], ynglŷn â'r bwloch rhwng cofnodi gwybodaeth benodol a ragnodwyd gan reoliadau a wnaed o dan 11(1) a'r dull o wneud hynny.

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i [oruchwylio'r gwaith o adeiladu] [arolygu] y gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), yn cyfarwyddo y dylai'r wybodaeth ragnodedig ganlynol gael ei chofnodi ar yr adegau ac yn y dull a nodir.

Gwybodaeth y mae'n rhaid ei chofnodi	Dull o gofnodi'r wybodaeth	Bwlch rhwng cofnodion

Llofnod y Peiriannydd

Dyddiad y Cyfarwyddyd

Nodiadau

1. *Y materion y mae'n rhaid eu cofnodi yw unrhyw rai o'r materion a restrir ar ffurf cofnod a ragnodwyd gan reoliadau a wnaed o dan adran 11(1) o'r Ddeddf.*

2. *Dylid ychwanegu rhesi ychwanegol i'r tabl yn ôl yr angen.*

Deddf Cronfeydd Dŵr 1975

Cyfarwyddyd o dan adran 12(6) gan y Peiriannydd Arolygu, ynglŷn â'r arolygiad gweledol cyfnodol a gynhelir gan Ymgymwrwr y gronfa ddŵr

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i oruchwylio'r gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), yn cyfarwyddo bod yn rhaid i'r gronfa ddŵr gael ei harolygu o leiaf yn [ddyddiol] [wythnosol] [fisol] [Chwarterol] [flynyddol] at ddiben canfod unrhyw beth a allai effeithio ar ddiogelwch y gronfa ddŵr, gyda'r cyfnod yn dechrau ar (k).

Dylid rhoi sylw arbennig i'r materion isod yn rhan o'r arolygiad o'r gronfa ddŵr gyfan.

Materion sydd angen sylw arbennig

Llofnod y Peiriannydd

Dyddiad y Cyfarwyddyd

Deddf Cronfeydd Dŵr 1975

Cyfarwyddyd o dan adran 12AA(4) gan [Peiriannydd Goruchwylio] [Peiriannydd Penodedig], ynglŷn â phrofi'r cynllun llifogydd

• Rwyf i (*a*) o (*b*), sy'n aelod o'r (*c*), a benodwyd gan (*d*) i [oruchwylio'r] [ymgyngori ar baratoi cynllun llifogydd o dan adran 12A ar gyfer] y gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), yn cyfarwyddo bod yn rhaid i'r cynllun llifogydd gael ei brofi fel y pennir isod, gyda'r cyfnod yn dechrau ar (*k*). Bydd adroddiad o'r prawf yn cael ei ddarparu er mwyn asesu'r angen i ddiwygio'r cynllun.

Elfen o'r cynllun llifogydd	Dull o brofi	Bwlch rhwng cofnodion

Llofnod y Peiriannydd

Dyddiad y Cyfarwyddyd

Nodiadau

1. Nid oes angen cadw at yr un bwlch rhwng profion pob un o elfennau'r cynllun llifogydd.

Deddf Cronfeydd Dŵr 1975

Cyfarwyddyd o dan adran 12AA(7) gan y [Peiriannydd Arolygu] [Peiriannydd Penodedig], ynglŷn â diwygio cynllun llifogydd

• Rwyf i (a) o (b), sy'n aelod o'r (c), a benodwyd gan (d) i [oruchwylio'r] [ymgyngori ar baratoi cynllun llifogydd o dan adran 12A ar gyfer] y gronfa ddŵr a adnabyddir fel (e) sydd wedi ei lleoli yn (f), yn cyfarwyddo bod yn rhaid i'r cynllun llifogydd gael ei ddiwygio fel y pennir isod.

Elfen o'r cynllun llifogydd	Diwygiad Angenrheidiol	Amseru

Llofnod y Peiriannydd

Dyddiad y Cyfarwyddyd

Nodiadau

1. Nid oes yr un brys i wneud diwygiadau i bob un o elfennau'r cynllun llifogydd.

Deddf Cronfeydd Dŵr 1975

Cyfarwyddyd o dan adran 19(4A) gan Ganolwr, ynglŷn â rhoi Tystysgrif at ddibenion adran 12AA(3)

• Rwyf i (*a*) o (*b*), sy'n aelod o (*c*), a benodwyd gan (*s*) i ymchwilio i gwynion (Enw'r ymgymerywr), ymgymerywr ar gyfer y gronfa ddŵr a adnabyddir fel (*e*) sydd wedi ei lleoli yn (*f*), ynglŷn â gwrthodiad (Enw'r Peiriannydd) i roi tystysgrif o dan adran 12AA(3), ynglŷn â bodloni gofynion cyfarwyddyd o dan adran 12A(2)(a) a (b); wedi penderfynu ar ôl ystyriaeth ddyladwy bod gofynion cyfarwyddyd o dan adran 12A(2)(a) a (b) wedi'u bodloni.

Yn unol â hynny, cyfarwyddaf (Enw'r Peiriannydd) i roi tystysgrif o dan adran 12AA(3), ynglŷn â bodloni gofynion cyfarwyddyd o dan adran 12A(2)(a) a (b), gan ddatgan bod y gofynion wedi'u bodloni.

Llofnod y Canolwr

Dyddiad y Cyfarwyddyd

Gwybodaeth i gael ei rhoi mewn
hysbysiad o dan adran 21(1) o Ddeddf
1975

1. Enw a chyfeiriad yr ymgwymerwyr sy'n cyflwyno'r hysbysiad.

2. Enw a safle'r gronfa ddŵr.

3. Cyfeirnod grid cenedlaethol canol y gronfa ddŵr yn fras.

4. Pa un a yw'r ymgwymerwyr yn bwriadu—

- (a) adeiladu cyforgronfa ddŵr fawr newydd; neu
- (b) dechrau ail-ddefnyddio cyforgronfa ddŵr fawr ar ôl rhoi'r gorau i'r defnydd hwnnw.

5. Y dyddiad y bwriedir dechrau adeiladu neu'r dyddiad y bwriedir dechrau ail-ddefnyddio'r gronfa ddŵr, yn ôl y digwydd.

6. Enw a chyfeiriad y peiriannydd adeiladu neu, yn achos ail-ddefnyddio, enw a chyfeiriad y peiriannydd a benodir at ddibenion adran 9 o Ddeddf 1975.

7. Yr wybodaeth ganlynol ynglŷn â'r gronfa ddŵr fel ag y bydd pan fydd wedi ei hadeiladu, neu wedi dechrau cael ei hail-ddefnyddio fel y cynigir—

- (a) categori (h.y. cronfa sy'n cronni neu gronfa nad yw'n cronni);
- (b) y dyddiad(au) neu ddyddiad(au) cwblhau'r argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr;
- (c) adeiladwaith yr argae/argaeau, waliau'r gronfa ddŵr neu arglawdd/argloddiau (h.y. boed wedi ei adeiladu o bridd, cerrig, disgyrchiant, bwtres neu ddull arall);
- (d) uchder eithaf yr argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr (mewn metrau), wedi ei fesur o lefel naturiol isaf y tir amgylchynol cyfagos, i frig yr argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr, ac eithrio uchder y wal donnau;
- (e) uchder yr argae/argaeau, waliau neu arglawdd/argloddiau'r gronfa ddŵr (mewn metrau) wedi ei fesur o lefel naturiol isaf y tir amgylchynol cyfagos i lefel uchaf y dŵr;
- (f) lefel brig ar argae, waliau neu arglawdd y gronfa ddŵr gan gyfeirio at Ddatwm Ordans;
- (g) lefel uchaf dŵr y gronfa ddŵr gan gyfeirio at Ddatwm Ordans;

- (h) capasiti (mewn metrau ciwbig), wedi ei fesur o lefel naturiol isaf y tir amgylchynol cyfagos i lefel uchaf y dŵr;
- (i) arwynebedd dŵr ar lefel uchaf y dŵr (mewn metrau sgwâr neu cilometrau sgwâr).

Explanatory Memorandum to ‘The Reservoirs Act 1975 (Capacity, Registration, Prescribed Forms etc.) (Wales) Regulations 2016’

This Explanatory Memorandum has been prepared by the Department for Economy, Skills and Natural Resources and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister’s Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Reservoirs Act 1975 (Capacity, Registration, Prescribed Forms etc.) (Wales) Regulations 2016.

I am satisfied that the benefits outweigh any costs.

Carl Sargeant AM
Minister for Natural Resources
29 January 2016

1. Description

The Reservoir Act 1975 was introduced to enforce adequate safety provisions for reservoirs. However, this Act was conceived in an era where there was little information available on risk from individual reservoirs. Advances in mapping and data now allow the enforcement authority, Natural Resources Wales (NRW), to rank reservoirs by their level of risk to human life. This means that the full suite of the Reservoirs Act 1975 Regulations, which is based on volume of water as opposed to level of risk, is disproportionate for low risk Large Raised Reservoirs (LRRs).

The Reservoir Act 1975 currently applies to all reservoirs with a capacity of more than 25,000 cubic metres (roughly equivalent to 10 Olympic-sized swimming pools) above the level of the natural ground. The Flood and Water Management Act 2010 amends the Reservoirs Act 1975 to introduce new arrangements for reservoir safety, allowing for a risk-based approach to the regulation of reservoirs in place of the prescriptive (volume-based) approach in the Reservoir Act 1975 to ensure appropriate measures are in place to protect the public from a reservoir breach.

The Flood and Water Management Act 2010 allows for the extension of regulation to smaller reservoirs where risks to the public exist; hence, it is proposed that the 'threshold' capacity for regulation should be reduced to 10,000 cubic metres and above. This is based on a general consensus within the dam engineering profession, which suggests that 10,000 cubic metres represents the lowest level that could pose risks to the general public (i.e. anything below this level would not pose risk to human life).

This SI sets out in regulations the following:

- how to calculate capacity for the purposes of the Reservoirs Act 1975;
- the information about a large raised reservoir that is to be registered, notification of changes to, and the keeping and inspection of, the Welsh register;
- the making and content of reports by NRW to the Welsh Ministers;
- the form of record to be kept for a high-risk reservoir and the information to be given in that record;
- the form of certificates and reports of engineers and the form of directions of engineers;
- the information to be provided by undertakers when intending to construct or bring back into use a large raised reservoir; and
- the making of reports by undertakers to NRW in relation to incidents relating to the uncontrolled release of water from a large raised reservoir where emergency measures are taken.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

These Regulations will be made under sections A1(4), 22 and (2C) to (2E), 3(1), 5,11, 20(1) and 21(1) and 21B of the Reservoirs Act 1975.

Powers under the Reservoirs Act 1975 initially vested in the Secretary of State for Wales, so far as exercisable in relation to Wales, and were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). They now vest in the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

These Regulations are subject to approval by the National Assembly by the negative resolution procedure under section 5 of the Reservoirs Act 1975.

4. Purpose & intended effect of the legislation

The overall aim of this SI is to ensure the safety of the public from an uncontrolled release of water from a reservoir by imposing statutory obligations upon undertakers. The aim of the amendments to the Reservoirs Act 1975 as set out in Schedule 4 to the Flood and Water Management Act 2010 is to introduce a risk based approach to reservoir safety.

The intent of this legislation is:

- to define a process for calculating the capacity of a large raised reservoir;
- to set out the information that is required by NRW for a large raised reservoir to be registered, this also includes setting out how and when changes to recorded information needs to be notified to NRW and where the Welsh register of large raised reservoirs is kept;
- to set out when NRW should make reports to the Welsh Ministers on undertaker compliance with the Reservoirs Act 1975 and what, as a minimum should be included within these reports;
- to provide forms for undertakers to record information about their reservoir including water levels and depths, leakages and settlement of walls or other works;
- to provide forms for use by engineers for providing certificates, reports and directions;
- to provide the information that is required by undertakers when intending to construct or bring back into use a large raised reservoir; and
- to set out the requirements for making reports by undertakers to NRW in relation to incidents relating to uncontrolled releases of water from a large raised reservoir where emergency measures are taken.

Defining capacity

The Regulations will set out a number of points clarifying how to calculate the capacity of a reservoir for the purposes of the Reservoirs Act 1975. The capacity that is important is the volume of water and silt that could escape from a reservoir in the event of an uncontrolled release. It is considered that this is the maximum volume that can be stored within the reservoir and is related to the top water level as defined by the lowest fixed spillway crest.

In defining the calculation of capacity this will include:

- The escapable volume of water within the reservoir.
- The escapable volume of the reservoir is assessed at the time of construction or any subsequent enlargement, whether by raising the reservoir structure(s) or excavating the bed of the reservoir.
- Silt or other material that accumulates on the bed of a reservoir within the raised volume is included in the calculation of capacity.
- This is to apply to all reservoirs whether impounding or non-impounding, online flood storage reservoirs and offline flood storage reservoirs.

The following will be excluded:

- Any volume of the reservoir below the lowest natural ground level.
- Any volume within a reservoir that cannot escape over natural ground within a reservoir.

Registration requirements:

Regulations 4, 5 and 6 set out the following:

- the information required when registering large raised reservoirs with NRW
- the timing in which information must be provided when registering reservoirs, or after changes are made to reservoirs
- changes to information held on the register
- the location of the register

Schedule 1 of this SI sets out the information undertakers should provide to NRW to be held on the Welsh register of large raised reservoirs.

Those reservoirs over 25,000 cubic metres in capacity and, therefore, currently captured under the Reservoirs Act 1975 will have the full information required in terms of registration documentation. This will already be registered with NRW.

Initially, when registering reservoirs with a capacity between 10,000 and 25,000 cubic metres they will only be asked to provide basic information prior to the reservoir being designated. Any reservoirs designated as not high risk will not be required to have the full inspection regime and, therefore, undertakers will not be required to provide certificates of inspections.

As the enforcement authority for reservoirs, NRW are required to keep and maintain a register of large raised reservoirs which the Regulations set out will be kept at the principle office of NRW.

NRW reports

Until the creation of NRW in April 2013, biennial reports were made by the Environment Agency and covered England and Wales, providing information on undertaker compliance with the Reservoirs Act 1975.

Following the creation of NRW, they now become responsible for providing these reports, on a two yearly basis.

These reports must include:

- the number of large raised reservoirs that have been registered;
- the steps (if any) that NRW has taken to ensure undertakers of a high risk reservoir have observed and complied with the requirements of the Reservoirs Act 1975; and
- where NRW is an undertaker for any large raised reservoir, a statement as to—
 - the number of large raised reservoirs for which it is the undertaker for; and
 - any steps it has taken to observe and comply with the requirements of the Reservoirs Act 1975.

Prescribed forms

Schedules 2 to 6 of this SI provide the forms to be used by undertakers to record information and by engineers to provide certificates, reports and direction to undertakers.

Schedule 7 provides a form for undertakers to use when they intend to construct or bring back into use a large raised reservoir.

The intent of these forms is to provide clarity on the information required and consistency of information and format by which it is supplied.

Undertaker reports to NRW

This SI sets out the requirements for undertakers to report to NRW on any incident which results or could result in an uncontrolled release of water from a large raised reservoir and what emergency measures have been taken to prevent further release of water and minimise danger to human life. The Regulations set out the timings of reports to include a preliminary report as soon as practicable after the event and commencement of emergency measures and a full report six months later. Lessons learnt from such incidents, or near miss incidents are vital learning opportunities for the industry. The Regulations also set out what will be included within the preliminary and final reports.

Impacts

The Regulations within this SI relate to all large raised reservoirs with a capacity of over 10,000 cubic metres which will be included once Schedule 4 to the Flood and Water Management Act 2010 is fully commenced, even those where undertakers have been informed that they are not high risk. The Regulations setting out how to calculate capacity of a reservoir is required to confirm that a reservoir is over 10,000 cubic metres and, therefore, should be included on the register.

The biggest impact on undertakers will be the requirement to register, particularly for undertakers of reservoirs between 10,000 and 25,000 cubic

metres that have not previously been included within the register. NRW are working on guidance for these undertakers, and once the SI has been made, will begin a campaign to inform potential undertakers.

Risks of not implementing

Should these new Regulations not be implemented smaller, high risk reservoirs would not be brought under legislation and there would be no deregulation of those reservoirs that are deemed not to have a high risk to human life.

Not commencing Schedule 4 to the Flood and Water Management Act 2010 could result in large raised reservoirs in locations where they pose no harm to human life if a breach occurred remaining fully regulated, whilst smaller reservoirs in key locations, therefore, posing a huge risk if an uncontrolled release were to occur would be left without formal monitoring and inspection.

Without this SI there will be no set process for registering large raised reservoirs with NRW, calculating capacity, NRW reporting to Welsh Government or undertakers reporting incidents to NRW.

There will also be no requirement to use consistent forms prescribing the information to be used by undertakers and engineers, therefore, no consistency in the information provided.

5. Consultation

A Regulatory Impact Assessment (RIA) has been completed alongside this Explanatory Memorandum.

Details of the consultation are included within the RIA.

PART 2 – REGULATORY IMPACT ASSESSMENT

Options

There are only 2 options in terms of implementing these amendments to the Reservoirs Act 1975 as set out in Schedule 4 to the Flood and Water Management Act 2010; do nothing or bring into force the provisions.

Do nothing: this would see none of the provisions with Schedule 4 to the Flood and Water Management Act 2010 enacted. This would not bring the smaller reservoirs under legislation and not deregulate those reservoirs that are deemed not to have a high risk to human life. It would also not allow for regulations to be made to set out the process for calculating capacity, requirements for registration or provide consistent forms for use by undertakers and engineers.

Option 1: Bring into force the provisions of Schedule 4 to the Flood and Water Management Act 2010 to reduce the capacity of a large raised reservoir to those larger than 10,000 cubic metres, bring in a designation process and allow for regulations to be made including those around calculating capacity, registration, reporting and the use of specific forms.

Costs & benefits

Costs:

Do nothing: The 'do nothing' option would see no new regulations regarding reservoir safety as proposed by Schedule 4 to the Flood and Water Management Act 2010 made meaning no additional costs to undertakers. However this would also see no deregulation of large raised reservoirs deemed not to be at high risk and therefore no benefit to those undertakers of reservoirs unlikely to cause harm to life.

Option 1: Bringing into force the provisions of Schedule 4 to the Flood and Water Management Act 2010 - this would allow for the regulations to be made around registration requirements, calculation of capacity, reporting and forms for reports/certificates.

NRW have confirmed that initially they will not be making any charges to undertakers for registration of a reservoir as they consider this could be a barrier to registration and therefore compliance with the Act. Therefore no costs associated with registration of reservoirs with a capacity of 10-25,000 cubic metres which will come under the Reservoirs Act 1975 once Schedule 4 to the Flood and Water Management Act 2010 is fully commenced

These regulations should not bring in any additional costs to undertakers. Costs will only be incurred where the employment of a qualified civil engineers is required for a high risk reservoir as set out in The Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (Wales) Regulations 2016.

There are currently 228 large raised reservoirs registered with NRW in Wales (with a capacity of over 25,000 cubic metres) with an additional 160 expected to be added with a capacity of over 10,000 cubic metres.

Benefits

These regulations ensure that there is a consistent way of registering large raised reservoirs, calculating capacity and recording information.

The regulations around reports from NRW to the Welsh Minister ensure that the compliance of undertakers with the Reservoirs Act 1975 is recorded.

The regulations around reports from undertakers to NRW on incidents ensure that NRW are made aware of incidents which result in, or could result in an uncontrolled release of water. The regulations set out that a requirement for a preliminary and final report. This will provide initial information about the information and then a fuller report where lessons learnt can be identified.

Consultation

Welsh Government jointly consulted with Defra on amendments to the Reservoirs Act 1975 through a 12 week public consultation between 23 February and 17 May 2012. This consultation sought views on the various different amendments brought about by Schedule 4 to the Flood and Water Management Act 2010. 72 responses were received to this consultation which included responses from local authorities, environmental bodies, agricultural bodies, professional bodies (such as Institution of Civil Engineers), consultants, utility companies, representative bodies (such as RSPB) and individuals (predominantly panel engineers).

The consultation set out a proposed approach to clarifying how to calculate the capacity of a large raised reservoir for the purposes of the Act. The responses stated that in calculating the capacity, it should only include material that could escape from the reservoir in the event of an uncontrolled release, which could include silt if mobilised. Only water, silt or other material that could not escape would be excluded from the capacity calculation.

The consultation set out timings and the information to be required for the registration of a large raised reservoir and asked respondents three questions around the proposals. Whilst generally supportive, there were questions raised around the timings to register or inform NRW of changes. It was decided that the 28 days proposed was appropriate and consistent with other sections of the amended Reservoirs Act. 1975.

Whilst legislation allows NRW to charge for registration of large raised reservoirs, at this time NRW have agreed not to make any charges as this could be seen as a barrier to registration for undertakers of reservoirs over 10,000 cubic metres to be included within the Reservoirs Act 1975 for the first time.

There was no public consultation question around when reports by NRW will be required by Welsh Ministers and what these reports should contain. These reports contain information around undertaker compliance with the Act. These reports have always been provided on a biennial basis by the Environment Agency covering Wales and England. The 2013-15 reporting period is the first occasion that NRW will provide this report for reservoirs only in Wales.

There was no public consultation question around the inclusion of prescribed forms that are included within the schedules to these regulations.

The consultation asked respondents whether they agreed with the proposal to require a specific person to report incidents which affected or could affect the safety of the reservoir. There was general agreement for this proposal. By bringing in a six month time limit for completion of the final report, this will allow for lessons to be learnt from incidents or near misses quickly.

A copy of the summary of responses to this consultation can be found on the [Welsh Government website](#)

A second consultation was carried out in Wales only from 18 June to 13 August 2013 to discuss options for commencing Schedule 4 to the Flood and Water Management Act 2010. The original joint consultation had put forward a 2 phased approach to commencement to firstly introduce the amendments to the Reservoirs Act 1975 to all reservoirs currently registered (with a capacity of over 25,000 cubic metres) and then to bring in the reduction to 10,000 cubic metres. This approach was proposed prior to the creation of NRW in April 2013 and was suggested in order to allow NRW as the enforcement authority time to establish and be better equipped to deal with the changes in the legislation. As time progressed in developing this legislation it was deemed that a phased approach was contradictory to Parliament's intent which was to take a risk based approach to reservoir safety. In addition NRW has now been established for over two years and have been working closely with officials to plan and prepare for these changes to come into effect. Responses to the second consultation were in agreement that all of Schedule 4 to the Flood and Water Management Act 2010 in relation to reservoir safety should be commenced in one go.

A copy of the summary of responses to this consultation can be found on the [Welsh Government website](#)

Competition Assessment

There are no expected detrimental effects on competition as the water sector is currently classed as a monopoly utility, therefore no market exists. In addition, the impacts of this legislation will be on all reservoir undertakers who will be required to comply with the safety regime set out in the Reservoirs Act 1975 (as amended).

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation,	No

The competition filter test	
Question	Answer yes or no
does any firm have more than 20% market share?	
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

Post implementation review

The regulations provide clarity to the Reservoirs Act 1975 in relation to registration of large raised reservoirs, calculating the capacity of a reservoir for the purposes of the Act, reporting requirements and the provision of forms to be used by undertakers and engineers.

Section 3 of the Reservoirs Act 1975 requires NRW to provide a report on a regular basis to the Welsh Ministers outlining steps that they have taken to enforce compliance with the Act. This will allow for the requirements of the new regulations to be monitored and reviewed. These will be biennial reports.

In addition, Welsh Government will review and report on the impacts of these regulations within 5 years of them coming in to force. This will allow Government to ensure that the policy objectives are being met and having the intended effect and consider whether any further legislation is required. A review and report of the regulations will then be carried every 5 years.

CLA647 - Y Fframwaith Hyfforddiant Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol

Cefndir a Phwrpas

Mae'r canllawiau statudol hyn yn amlinellu Fframwaith Hyfforddi Cenedlaethol ar gyfer y rhai sy'n darparu gwasanaethau i ddioddefwyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Caiff y canllawiau hyn eu dyroddi o dan adran 15 o Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 ("Deddf 2015") ac adran 60 o Ddeddf Llywodraeth Cymru 2006.

Gweithdrefn

Mae'r weithdrefn ar gyfer cyhoeddi'r canllawiau hyn o dan adran 16 o Ddeddf 2015 yn debyg i'r weithdrefn gadarnhaol a ddefnyddir ar gyfer offerynnau statudol. Rhaid i Weinidogion Cymru gyflwyno drafft gerbron Cynulliad Cenedlaethol Cymru. Yn absenoldeb penderfyniad gan y Cynulliad Cenedlaethol, o fewn cyfnod penodol o amser, nad yw'n cymeradwyo'r drafft, rhaid i Weinidogion Cymru ddyroddi'r canllawiau.

Craffu

Mae adran 15(4)(b) o Ddeddf 2015 yn ei gwneud yn ofynnol i Weinidogion Cymru ddatgan ar ba ddyddiad y bydd y canllawiau statudol yn dod i rym. Nid oes dyddiad o'r fath yn cael ei roi yn y drafft. Mae swyddogion o Lywodraeth Cymru wedi nodi y bydd dyddiad yn cael ei roi yn fersiwn derfynol y canllawiau a gyhoeddir os na chaiff penderfyniad ei wneud. Nid nam yw hwn ond tynnir sylw'r Pwyllgor ato er gwybodaeth yn unol â Rheol Sefydlog 21.7(i).

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

02 Chwefror 2016





Llywodraeth Cymru
Welsh Government

www.llyw.cymru

Y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol:

Canllawiau statudol o dan adran 15 o Ddeddf
Trais yn erbyn Menywod, Cam-drin Domestig
a Thrais Rhywiol (Cymru) 2015 ac adran 60 o
Ddeddf Llywodraeth Cymru 2006

Ionawr 2016

Tudalen y pecyn 71

Rhagair gan y Gweinidog

Derbyniodd y Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) Gydsyniad Brenhinol ar 29 Ebrill 2015. Mae'n ddeddfwriaeth bwysig, yr enghraifft gyntaf o'i bath yn y DU. Rydym yn hynod falch o'r ddeddfwriaeth arloesol hon, a byddwn yn gweithio'n galed i sicrhau bod ei nodau yn cael eu cyflawni dros y blynyddoedd i ddod.

Un o'r prif ddulliau o gyflawni'r Ddeddf yw'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Rwy'n falch o lansio'r canllawiau statudol ac ategol hyn sy'n amlinellu'r Fframwaith a'i ofynion, a hynny llai na blwyddyn ar ôl i'r Ddeddf ddod i rym.

Mae'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn defnyddio amrywiaeth o wasanaethau cyhoeddus am lawer o resymau. Efallai eu bod mewn cysylltiad â'r heddlu ynghylch y cam-drin a brofir ganddynt. Ond yn rhy aml o lawer nid dyma'r achos. Mae'n llawer mwy tebygol eu bod mewn cysylltiad â gwasanaethau cyhoeddus am broblemau tai, bod angen sylw meddygol arnynt neu eu bod yn rhan o'r system addysg. Rhaid i bob un o'r gwasanaethau hyn agor y drws i gymorth i ddiodefwrwr a chynnig cyfleoedd ymyrryd cynnar ac atal.

Bydd ein Fframwaith Hyfforddi Cenedlaethol, sef y cyntaf o'i fath yn y Deyrnas Unedig, yn cynnig hyfforddiant cymesur er mwyn atgyfnerthu'r ymateb a ddarperir ledled Cymru i'r rheini sy'n profi'r materion hyn. Bydd yn ffurfioli gofynion y rheini sy'n cynnig gwasanaethau arbenigol a chyffredinol ac yn codi ymwybyddiaeth a meithrin dealltwriaeth o'r fath drais a chamdriniaeth. Bydd yn gwneud hyn mewn cyd-destun cenedlaethol sy'n sicrhau bod ansawdd hyfforddiant a'r ymarfer proffesiynol gofynnol yn cael eu safoni. Bydd hyn yn ein helpu i sicrhau, ni waeth ble mae dioddefwr yn byw yng Nghymru, fod yr ymateb proffesiynol a gaiff yn gyson dda.

Rwyf wedi bod yn ddiolchgar am yr adborth y mae rhanddeiliaid wedi'i roi ar y Fframwaith Hyfforddi Cenedlaethol yn ystod y cyfnod ymgynghori. Mae wedi cynnig cyngor ymarferol i gael y Fframwaith yn iawn ac mae wedi ystyried barn goroeswyr sydd wedi ein helpu i ddeall pam a ble mae angen hyfforddiant a beth ddylai ei gwmpasu.

Rwy'n hyderus y bydd y fframwaith hwn, ynghyd â chanllawiau a pholisi a ddaw yn y dyfodol, yn trawsnewid ein hymateb i'r rhai sy'n profi effaith pob math o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae gofynion y Fframwaith yn amrywio o fwy o ymwybyddiaeth ymhlith staff, hyfforddiant arbenigol i weithwyr rheng flaen perthnasol a chymwysterau proffesiynol ar gyfer rhai staff allweddol.

Mae'n gam cyntaf pwysig yn y gwaith o sicrhau, ni waeth ble mae dioddefwr yn byw yng Nghymru, y gall fod yn hyderus y caiff wasanaeth ac ymateb effeithiol ac empathetig.

Leighton Andrews AC

Y Gweinidog Gwasanaethau Cyhoeddus

Fframwaith Hyfforddi Cenedlaethol Cymru ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

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1. Yr iaith a ddefnyddir yn y Fframwaith

Mae'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn ymdrin â phob math o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Fodd bynnag, mae'r Fframwaith wedi'i enwi er mwyn sicrhau bod ffocws - drwy gyflenwi - ar fathau penodol o drais a cham-drin sy'n cael effaith anghymesur ar fenywod a merched. Dengys tystiolaeth bod menywod yn profi'n anghymesur achosion mynych o gam-drin domestig, pob math o drais rhywiol a mathau eraill o drais a cham-drin megis priodasau dan orfod ac anffurfio organau cenhedlu benywod.

Er ei bod yn bwysig i'r profiad anghymesur hwn gael ei gydnabod a'i gyfleu drwy hyfforddiant, diben y Fframwaith yw sicrhau bod gweithwyr proffesiynol yn cael eu hyfforddi er mwyn ymateb yn effeithiol i unrhyw un sy'n profi unrhyw fath o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Felly, dylid ystyried bod unrhyw gyfeiriadau yn y canllawiau hyn at "drais yn erbyn menywod, cam-drin domestig a thrais rhywiol" neu "drais a cham-drin" yn cwmpasu pob math o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol fel y'i diffinnir yn adran 24 o Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015.

Profir rhai mathau o drais a cham-drin sy'n bodloni'r diffiniadau hyn o fewn lleoliadau teuluol ac mewn perthnasoedd, gan gynnwys perthnasoedd o'r un rhyw, rhwng aelodau o'r teulu a chan ddynion a gaiff eu cam-drin gan fenywod. Fel y cyfryw, bydd hyfforddiant ar gyfer pob grŵp yn y Fframwaith yn cydnabod effaith anghymesur y mathau hyn o drais a cham-drin ar fenywod ond bydd yn cynnwys pob dioddefwr posibl.

Bydd y maes llafur pwnc arbenigol yn cynnwys rhywfaint o hyfforddiant a fydd yn canolbwyntio'n bennaf, neu'n gyfan gwbl, ar brofiad menywod ac efallai y bydd rhywfaint o hyfforddiant yn canolbwyntio'n bennaf, neu'n gyfan gwbl, ar brofiad dynion. Bydd hyn yn dibynnu ar bwnc trafod yr hyfforddiant ac mae'n cydnabod y gall profiad dynion a menywod o'r mathau hyn o drais a cham-drin fod yn wahanol a'i fod, yn aml, yn gofyn am ymateb proffesiynol gwahanol sy'n ystyried y gwahaniaethau hyn.

Mae'r Fframwaith Hyfforddi Cenedlaethol yn gofyn am ddarparu hyfforddiant mewn ffordd ychydig yn wahanol sy'n ymateb yn effeithiol i fenywod a dynion, yn cyfrif am eu profiadau gwahanol ac yn diwallu eu hanghenion yn briodol. Bydd y dadansoddiad o anghenion hyfforddi sy'n ofynnol gan y canllawiau hyn a'r asesiad strategol ehangach o anghenion sydd ei angen er mwyn datblygu strategaethau lleol ar gyfer trais ar sail rhywedd, cam-drin domestig a thrais rhywiol yn helpu ardaloedd lleol i gynnig hyfforddiant cymesur a arweinir gan anghenion.

2. Diffiniadau

Achredu: At ddibenion y canllawiau hyn, mae'r term "achredu" yn disgrifio awdurdodi neu gymeradwyo cwrs hyfforddi a ddarperir gan gorff swyddogol pan fydd safonau cydnabyddedig wedi eu cwrdd.

Aflonyddu: Math o ymddygiad gan berson lle mae'n gwybod neu lle dylai wybod ei fod yn gyfystyr ag aflonyddu'r person arall; ac at ddiben y diffiniad hwn:

Anffurfio Organau Cenhedlu Benywod: Gweithred sy'n drosedd o dan adrannau 1, 2 neu 3 o Ddeddf Anffurfio Organau Cenhedlu Menywod 2003 (c. 31).

Awdurdod Lleol: Cyngor sir neu fwrdeistref sirol.

Awdurdodau perthnasol: cyngorau sir a bwrdeistref sirol, Byrddau Iechyd Lleol, awdurdodau tân ac achub ac ymddiriedolaethau'r GIG.

Cam-drin: Cam-drin corfforol, rhywiol, seicolegol, emosiynol neu ariannol.

Cam-drin domestig: Cam-drin lle mae'r dioddefwr yn, neu wedi bod yn, gysylltiedig â'r camdriniwr.

Camfanteisio rhywiol: Rhywbeth a wneir i berson neu mewn perthynas â pherson

Cleient: Defnyddir y term cleient yma i ddisgrifio person sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae'r term yn cwmpasu'r termau "dioddefwr", "goroeswr", "defnyddiwr gwasanaeth" a "claf". Mae gwahanol bartneriaid yn defnyddio gwahanol eiriau i ddiffinio eu perthynas â'r person sy'n wynebu risg ac, felly, mae'r canllawiau yn adlewyrchu hyn.

Cynghorydd Annibynnol ar Drais Domestig: Gweithiwr arbenigol wedi'i hyfforddi sy'n darparu cymorth gwaith achos tymor byr i ganolig i ddioddefwyr cam-drin domestig risg uchel.

Cynghorydd Annibynnol ar Drais Rhywiol: Gweithiwr arbenigol wedi'i hyfforddi sy'n darparu cymorth gwaith achos tymor byr i ganolig i ddioddefwyr cam-drin rhywiol.

"Gofyn a Gweithredu": Proses ymholi wedi'i thargeddu a gyflawnir gan Wasanaeth Cyhoeddus Cymru yng nghyswllt trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a phroses ymholi reolaidd gan wasanaethau mamau a bydwreigiaeth mewn lleoliadau iechyd meddwl a cham-drin plant.

Gwasanaeth cyhoeddus: Gwasanaethau sy'n cael eu darparu er budd y cyhoedd yw gwasanaethau cyhoeddus. Gall hyn gynnwys gwasanaethau a ddarperir gan y trydydd sector, gan fentrau cymdeithasol neu gan wasanaethau sydd ar contract allanol.

Mae person yn gysylltiedig â pherson arall at ddiben y diffiniad o “gam-drin domestig” os yw'n dod o dan y diffiniad yn adran 21(2) neu (3) o'r Ddeddf Trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (Cymru).

"Trais ar sail Rhywedd"

(a) dylai person wybod bod ei ymddygiad yn gyfystyr â neu'n golygu aflonyddu os byddai person rhesymol oedd yn meddu ar yr un wybodaeth yn meddwl bod y math o ymddygiad yn gyfystyr â neu'n golygu aflonyddu person arall

(a) sy'n golygu cyflawni trosedd o dan Ran 1 o Ddeddf Troseddau Rhywiol 2003 (c. 42), o ran ei heffaith yng Nghymru a Lloegr, neu

(a) trais, bygythiadau o drais neu aflonyddu sy'n codi yn uniongyrchol neu'n anuniongyrchol o werthoedd, credoau neu arferion sy'n ymwneud â rhywedd neu gyfeiriadedd rhywiol;

(b) a fyddai'n golygu cyflawni trosedd o'r fath pe bai'n cael ei wneud yng Nghymru a Lloegr.

(b) anffurfio organau cenhedlu benywod;

(b) mae “ymddygiad” yn cynnwys iaith lafar;

(c) gorfodi person (p'un ai drwy rym corfforol neu orfodaeth drwy fygythiadau neu ddulliau seicolegol eraill) i gymryd rhan mewn seremoni briodas grefyddol neu sifil (p'un ai a yw'n ei rwympo'n gyfreithiol ai peidio);

Trais Rhywiol: Camfanteisio rhywiol, aflonyddu rhywiol neu fygwth trais o natur rhywiol.

Trais yn erbyn menywod: Y profiad o drais ar sail rhywedd gan fenywod.

Y Ddeddf: Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015.

Yng nghyd-destun y Fframwaith Hyfforddi Cenedlaethol, diffinnir y gwasanaeth cyhoeddus ar sail amcan o 'weithwyr sector cyhoeddus datganoledig' yng Nghymru - sy'n cynnwys y gwasanaeth sifil datganoledig, awdurdodau lleol, iechyd, awdurdodau addysg a chyrrff a noddir gan Lywodraeth Cymru. Er heb eu datganoli, mae Awdurdodau'r Heddlu wedi eu cynnwys oherwydd bod Llywodraeth Cymru yn eu hariannu'n rhannol. Mae 'gweithwyr sector cyhoeddus datganoledig' yn eithrio gweision sifil heb eu datganoli (fel y sawl sy'n gweithio i CThEM a'r DVLA), personél milwrol a phobl a gyflogir gan Gorfforaethau Cyhoeddus (fel S4C a Bws Caerdydd ac ati) yng Nghymru.

Yn ymarferol, awgrymir bod person sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn dewis y term sydd orau ganddo i'w ddefnyddio, lle mae angen term. Yn gyffredinol, dylai fod yn bosibl defnyddio enw cleient yn hytrach na thermau disgrifiadol eraill.

3. Crynodeb gweithredol

Mae'r ddogfen hon yn disgrifio ac yn darparu canllawiau ar y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Dyroddir adran 4 o'r canllawiau o dan adran 15 o'r Ddeddf ac mae'n amlinellu gofynion penodol ar awdurdodau perthnasol (fel y'u diffinnir yn adran 14 o'r Ddeddf) mewn perthynas â'r Fframwaith.

Dyroddir gweddill y canllawiau o dan adran 60 o Ddeddf Llywodraeth Cymru 2006 sy'n amlinellu canllawiau i gynorthwyo Awdurdodau Perthnasol i weithredu'r Fframwaith Hyfforddi Cenedlaethol yn ogystal â chynorthwyo unigolion â diddordeb i ymgysylltu â'r Fframwaith a chael budd ohono. Mae cyfeiriadau yn y ddogfen hon at brif ganllawiau'r Fframwaith Hyfforddi Cenedlaethol yn gyfeiriad at weddill y canllawiau hyn.

Mae'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol ymhlith rhai o'r bobl fwyaf agored i niwed yn ein cymdeithas. Maent yn defnyddio ystod eang o wasanaethau cyhoeddus a rhaid i staff pob un o'r rheini fod yn ymwybodol o'r materion a'u heffaith, meddu ar y sgiliau i adnabod arwyddion trais a cham-drin, cael cleientiaid i ymgysylltu'n effeithiol a darparu gwasanaethau i deuluoedd.

At hynny, rhaid i'r rhai yn y proffesiynau sy'n darparu gwasanaethau arbenigol i ddiodefwr trais o'r fath arbenigo yn eu gwaith a chynnig y safon uchaf o ofal a gweithio mewn gwasanaethau gydag arweinyddiaeth gref.

Mae'r Fframwaith Hyfforddi Cenedlaethol wedi'i fapio yn erbyn y teithiau posibl y gallai dioddefwr trais neu gamdriniaeth o'r fath eu cymryd drwy wasanaethau cyhoeddus ac arbenigol. Diben y gwaith mapio hwn yw gweithio ar sail yr asesiad ehangaf o anghenion - yn amrywio o ymwybyddiaeth ac atal, i adnabod, ymgysylltu pendant a chefnogol i gamau adfer a chefnogaeth tymor hwy. Bydd Fframwaith sy'n seiliedig ar yr asesiad hwn o anghenion yn esgor ar hyfforddiant sy'n gysylltiedig ag ymyrraeth gynnar ac argyfwng, ymddygiadau a pheryglon risg uchel a chefnogaeth tymor hwy yng nghyswllt trawma ac anghenion cymhleth.¹

Er mwyn creu safon gyson o ofal i'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a safon gwasanaeth ddi-ffael ymhob gwasanaeth cyhoeddus ar gyfer y grŵp hwn o gleientiaid, mae gan y Fframwaith ddwy brif swyddogaeth:

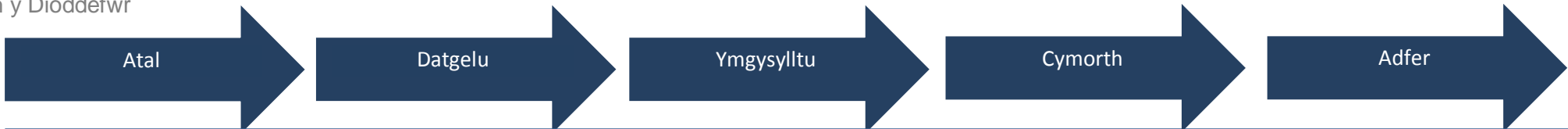
- 1) Rhoi hyfforddiant cyson wedi'i ledaenu'n gymesur i'r awdurdodau perthnasol er mwyn gwella dealltwriaeth sylfaenol y gweithlu a, thrwy hynny, yr ymateb i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.
- 2) Cysoni'r hyfforddiant arbenigol presennol er mwyn proffesiynoli'r sector arbenigol ymhellach, gwella cysondeb yr hyfforddiant mewn pynciau arbenigol

¹Mae Llywodraeth Cymru yn cydnabod y posibilrwydd na fydd y sawl sy'n profi trais ar sail rhywedd, cam-drin domestig a thrais rhywiol yn uniaethu â'r term "dioddefwr" a bod yn well ganddynt "goroeswr" neu "cleient". Mae Llywodraeth Cymru yn defnyddio'r term "dioddefwr" yma i disgrifio'r profiad o gam-drin a thrais ond mae'n cydnabod bod profiadau'n unigol.

ar lefel genedlaethol a gosod gofynion craidd ar gyfer gwasanaethau arbenigol.

Mae'r Fframwaith a chynnwys y ddogfen hon wedi'u datblygu mewn partneriaeth â rhanddeiliaid ac mewn ymgynghoriad â'r rheini sydd wedi profi trais a cham-drin neu wedi ceisio help yn hynny o beth. Dyfynnir gan ddefnyddwyr gwasanaeth drwy gydol y ddogfen hon er mwyn dangos diben y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol a'r angen amdano.

Dengys y diagram isod rôl y grwpiau o fewn y Fframwaith Hyfforddi Cenedlaethol mewn perthynas â'r rhyngweithio posibl rhwng dioddefwr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a gwasanaethau cyhoeddus a sector arbenigol Cymru a diben posibl rhyngweithio o'r fath; o gamau ataliol a chodi ymwybyddiaeth i wasanaethau argyfwng.



Tudalen y pecyn 79

Addysg gyhoeddus	Staff, cyrff cyhoeddus, datganoledig, annatganoledig, trydydd sector	Y sawl sy'n debygol o gyfarfod â'r rheini sy'n profi cam-drin	Y sawl a wnaiff ddarparu gwasanaeth (o fewn rôl gyffredinol) i'r rheini sy'n profi cam-drin, e.e. arweinwyr diogelu	Y sawl sy'n darparu gwasanaeth arbenigol mewn argyfwng (IDVA, Refuge)	Y sawl sy'n darparu gwasanaeth ymyrryd arbenigol (Allgymorth, cymorth fel y bo'r angen)
	Cam-drin domestig, trais rhywiol, Priodas dan Orfod, Trais ar sail "Anrhydedd", Anffurfio Organau Cenedlu Benywod, caethwasiaeth, stelcio ac aflonyddu <ul style="list-style-type: none"> Beth yw hwn? Ar bwy mae'n effeithio? Beth ddylid ei wneud amdano? Pwy all helpu? 	Arwyddion/symptomau/ri sgiau "Gofyn": Codi'r mater Gweithredu: Rhannu gwybodaeth Cyfeirio/atgyfeirio Llwybrau gofal a gwaith amlasiantaethol	Asesu risg Diogelwch Syth Llwybrau gofal a gwaith amlasiantaethol	Sgiliau er ymgysylltu'n arbenigol â dioddefwr: risg, diogelwch, gwaith amlasiantaethol, gweithio mewn partneriaeth, y System Cyfiawnder Troseddol (yr Heddlu, Gwasanaeth Erlyn y Goron, y Gwasanaeth Prawf), effeithiau ar iechyd, defnyddio sylweddau, iechyd meddwl, digartrefedd, stelcio, trais ar sail anrhydedd/priodas dan orfod, anffurfio organau cenedlu benywod, systemau cyfreithiol dinesig, diogelu plant, gweithio gyda CAF/CASS, cyllid, dim hawl i arian cyhoeddus	



Hyfforddiant gorfodol, statudol: diogelu plant, diogelu oedolion agored i niwed

Grŵp 6 YMGYSYLLTU STRATEGOL: Strategaeth, Polisi, Sbarduno newid

Safonau gofynnol cyffredinol (10,000 o fywydau mwy diogel) Safonau gwasanaeth arbenigol ar gyfer darparu

Gwell ymwybyddiaeth Mwy o ddatgelu Gwell ymgysylltu Cymorth effeithiol Achosion hirdymor o roi'r gorau iddi/perthynas gamdrin fyrrach

4. Canllawiau a ddyroddir o dan adran 15 o Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015

Cyhoeddir yr adran hon o'r canllawiau o dan adran 15 o'r Ddeddf. Cyflwynir y rhan fwyaf o'r canllawiau i bob awdurdod perthnasol fel y'i diffinnir yn adran 14 o'r Ddeddf². Lle mae'r canllawiau ond yn gymwys i un awdurdod perthnasol, neu nifer benodol o awdurdodau perthnasol, gwneir cyfeiriad penodol. Lle na wneir unrhyw gyfeiriad, rhaid i'r holl awdurdodau perthnasol lynu wrth y canllawiau hyn.

Yn unol ag adran 17 o'r Ddeddf, rhaid i awdurdodau perthnasol, neu awdurdodau perthnasol penodol y mae gofynion penodol yn yr adran hon o'r canllawiau yn gymwys iddynt, ddilyn y camau a nodir yn yr adran hon o'r canllawiau.

Fodd bynnag, nid oes angen i awdurdod perthnasol ddilyn y rhan hon o'r canllawiau os:

1. cred fod rheswm da dros iddo beidio â dilyn y canllawiau mewn categorïau penodol o achosion, neu beidio â'u dilyn o gwbl,
2. mae'n penderfynu ar bolisi amgen ar gyfer arfer ei swyddogaethau mewn perthynas â phwnc y canllawiau, ac
3. mae datganiad polisi a gyhoeddir gan yr awdurdod yn unol ag adran 18 o'r Ddeddf yn cael effaith.

Mae adran 18 o'r Ddeddf yn darparu bod yn rhaid i'r datganiad polisi a gyhoeddir gan awdurdod perthnasol nodi sut mae'r awdurdod perthnasol yn bwriadu i swyddogaethau gael eu harfer mewn ffordd wahanol i'r llwybr a nodir yn y rhan hon o'r canllawiau a rhesymau'r awdurdod dros fwriadu dilyn y drefn wahanol honno. Rhaid i'r datganiad polisi gael ei gyhoeddi a rhaid i gopi gael ei anfon at Weinidogion Cymru.

O dan adran 19 o'r Ddeddf, caiff Gweinidogion Cymru gyfarwyddo'r awdurdodau perthnasol i gymryd unrhyw gamau sy'n briodol ym marn Gweinidogion Cymru at ddiben sicrhau bod yr awdurdod yn arfer swyddogaethau yn unol â'r adran hon o'r canllawiau lle mae Gweinidogion Cymru o'r farn nad yw polisi amgen yr awdurdod (yn llwyr neu'n rhannol) yn debygol o gyfrannu at ymgyrhaedd at ddiben y Ddeddf³. Bydd cyfarwyddyd yn orfodadwy drwy orchymyn gorfodol ar gais, neu ar ran, Gweinidogion Cymru i'r Uchel Lys. Os na ddilynnir gorchymyn gorfodol cyflawnir dirmyg llys a all arwain at ddirwy.

Cynlluniau hyfforddi lleol

Rhaid i awdurdodau perthnasol baratoi cynllun hyfforddi a'i gyflwyno i Weinidogion Cymru erbyn 31 Mawrth 2017.

² Awdurdodau Lleol (a ddiffinnir yn adran 24(1) fel cyngorau sir neu gyngorau bwrdeistref sirol yng Nghymru), Byrddau Iechyd Lleol, awdurdodau tân ac achub ac ymddiriedolaethau'r GIG.

³ Diffinnir diben y Ddeddf yn adran 1 o'r Ddeddf fel a ganlyn: gwella - (a) trefniadau ar gyfer atal trais ar sail rhywedd, cam-drin domestig a thrais rhywiol; (b) trefniadau ar gyfer amddiffyn dioddefwyr trais ar sail rhywedd, cam-drin domestig a thrais rhywiol; ac (c) helpu pobl yr effeithir arnynt gan drais ar sail rhywedd, cam-drin domestig a thrais rhywiol.

Bydd Llywodraeth Cymru yn rhoi templed cynllun hyfforddi i bob awdurdod perthnasol. Rhaid i'r templed gael ei ddefnyddio wrth ddrafftio'r cynllun hyfforddi.⁴

Rhaid i gynlluniau hyfforddi lleol naill ai gael eu cyflwyno ar sail ranbarthol fel yr olion troed rhanbarthol a nodwyd o dan grŵp 2 neu fel un awdurdod perthnasol (gweler tudalen 12).

Os bydd awdurdodau perthnasol yn llunio cynlluniau hyfforddi ar sail yr ôl-troed rhanbarthol:

- Rhaid i'r awdurdodau lleol a'r Bwrdd Iechyd Lleol ar gyfer pob rhanbarth ethol Awdurdod Lleol ("awdurdod etholedig") o fewn yr ôl-troed rhanbarthol a fydd yn cyflwyno'r cynllun hyfforddi lleol ar ran yr awdurdodau perthnasol eraill yn y rhanbarth.
- Rhaid i'r awdurdod etholedig enwebu unigolyn o fewn yr awdurdod a fydd yn arweinydd rhanbarthol ar gyfer y gwaith o gydgyssylltu a gweithredu'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ("arweinydd rhanbarthol"). Bydd yr unigolyn hwn yn cydgysylltu'r gwaith o lunio'r cynllun hyfforddi lleol.
- Lle bydd cydgysylltydd rhanbarthol ar gyfer trais yn erbyn menywod, cam-drin domestig a thrais rhywiol wedi'i benodi, dylai arwain y gwaith hwn.
- Yn ystod y broses o lunio'r cynllun hyfforddi lleol, rhaid i'r arweinydd rhanbarthol ymgynghori ag unrhyw Gydgyssylltwyr Cam-drin Domestig sy'n gweithio mewn Awdurdodau Lleol.
- Rhaid i'r Bwrdd Iechyd Lleol, ymddiriedolaethau'r GIG a'r Awdurdod Tân ac Achub ym mhob rhanbarth enwebu unigolyn i arwain y gwaith o lunio'r cynllun hyfforddi lleol. Rhaid i'r arweinydd rhanbarthol ymgynghori â'r unigolyn hwn wrth lunio'r cynllun hyfforddi lleol.

Os bydd awdurdodau perthnasol yn llunio cynlluniau hyfforddi fel awdurdod perthnasol unigol:

Rhaid i bob awdurdod perthnasol enwebu unigolyn i arwain y gwaith o lunio'r cynllun hyfforddi lleol. Bydd yr unigolyn hwn yn cydgysylltu'r gwaith o lunio'r cynllun hyfforddi lleol.

Wrth baratoi'r cynllun hyfforddi lleol, rhaid i awdurdodau perthnasol ystyried dadansoddiad o anghenion hyfforddi lleol wedi'i gynnal gan yr awdurdod (gweler isod am y dadansoddiad o anghenion hyfforddi lleol), unrhyw asesiadau o anghenion a gynhaliwyd yn unol â Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2015⁵ ac unrhyw asesiadau llesiant lleol o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

Rhaid i'r cynllun hyfforddi lleol:

- ddarparu cynllun cyflenwi hyfforddiant pum mlynedd sy'n bodloni gofynion y Fframwaith Hyfforddi Cenedlaethol;

⁴ Mae Llywodraeth Cymru yn anelu at gyhoeddi'r templed hwn ym mis Medi.

⁵ Ar adeg cyhoeddi'r canllawiau hyn, roedd Rheoliadau Gofal a Chymorth (Asesiadau Poblogaeth) (Cymru) 2015 wedi'u gwneud o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014. Yn ôl y Rheoliadau, dylai'r asesiadau cyntaf o'r boblogaeth gael eu cynnal erbyn 1 Ebrill 2017

- rhoi manylion y grŵp llywio/bwrdd neu bartneriaeth a fydd yn goruchwyllo ac yn monitro'r broses o gyflenwi'r cynllun hyfforddi lleol;
- nodi'r gweithiwr neu'r gweithwyr proffesiynol lleol a fydd yn arwain ac yn cydgysylltu'r cynllun cyflenwi;
- egluro sut y caiff consortia hyfforddi rhanbarthol eu sefydlu, gan gynnwys y bartneriaeth a sefydlir yn seiliedig ar ôl-troed rhanbarthol y Bwrdd Iechyd Lleol er mwyn bodloni gofynion grwpiau 2 a 3 o'r Fframwaith.⁶
- nodi sut y caiff y consortia hyfforddi rhanbarthol eu cydgysylltu a'u cynnal;
- rhoi manylion y ffordd y bydd awdurdodau perthnasol yn bodloni'r gofynion mewn perthynas â grwpiau 1 i 5 a'r maes llafur pwnc arbenigol fel y nodir isod;
- cynnwys cynllun sicrhau ansawdd er mwyn asesu'r safonau hyfforddiant a gynigir yn lleol a chynllun i ymdrin ag unrhyw gwmp mewn ansawdd. Rhaid i Sicrhau Ansawdd gynnwys adborth gan ddysgwyr.

O dan adran 5 o'r Ddeddf, rhaid i Awdurdod Lleol a Bwrdd Iechyd Lleol baratoi strategaeth leol. O dan adran 6 o'r Ddeddf, rhaid i'r strategaeth leol gael ei chyhoeddi gan yr Awdurdod Lleol a'r Bwrdd Iechyd Lleol.

Cyn llunio'r strategaeth leol, rhaid i Awdurdod Lleol a Bwrdd Iechyd Lleol gyhoeddi eu cynllun hyfforddi lleol ar eu gwefan. Rhaid i'r cynllun hyfforddi lleol gael ei gyhoeddi o fewn 12 wythnos i 31 Mawrth 2017 (23 Mehefin 2017).

Pan fydd gan Awdurdod Lleol neu Fwrdd Iechyd Lleol strategaeth leol, rhaid i'r cynllun hyfforddi lleol ffurfio rhan o'r ddogfen hon⁷.

Rhaid i Ymddiriedolaethau'r GIG ac Awdurdodau Tân ac Achub gyhoeddi eu cynllun hyfforddi lleol ar eu gwefan. Rhaid i'r cynllun hyfforddi lleol gael ei gyhoeddi o fewn 12 wythnos i 31 Mawrth 2017 (23 Mehefin 2017).

Dadansoddiad o anghenion hyfforddi lleol

Rhaid i'r cynllun hyfforddi lleol fod yn seiliedig ar ddadansoddiad o anghenion hyfforddi lleol, sydd, yn ei dro, yn seiliedig ar ofynion pob grŵp yn y Fframwaith Hyfforddi Cenedlaethol.

Rhaid i'r dadansoddiad o anghenion hyfforddi gynnwys:

- ystyriaeth o brofiad dioddefwyr sy'n oedolion, plant a thramgwyddwyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn ôl diffiniad y Ddeddf;
- amlinelliad o'r hyfforddiant a gynigir yn lleol, cyn cyflwyno'r Fframwaith Hyfforddi Cenedlaethol, ond sy'n ymdrin â'r canlyniadau dysgu yn y Fframwaith a chyrhaeddiad yr hyfforddiant hwn;
- amlinelliad o'r bylchau mewn hyfforddiant lleol, yn seiliedig ar ofynion y Fframwaith;

⁶ Rhaid gwneud hyn hyd yn oed pan fydd awdurdod yn gweithio'n unigol i lunio cynllun hyfforddi a rhaid bod yn gysol â'r model cyflenwi atodol sy'n gysylltiedig â "Gofyn a Gweithredu. Gweler canllawiau Llywodraeth Cymru ar "Ofyn a Gweithredu".

⁷ Rhaid i awdurdodau lleol a Byrddau Iechyd Lleol feddu ar strategaeth leol erbyn mis Mai 2018.

- ystyriaeth o'r boblogaeth leol a sut mae hyn yn effeithio ar anghenion hyfforddi proffesiynol lleol (gan gynnwys darparu hyfforddiant yn Gymraeg ac yn Saesneg);
- sawl gweithiwr proffesiynol yn yr Awdurdod Lleol sy'n perthyn i bob grŵp.

Cyfrifoldebau gweithredol

Rhaid i'r Fframwaith Hyfforddi Cenedlaethol gael ei gynnwys yng nghyfrifoldebau aelod o Fwrdd strategol neu weithredol yr awdurdodau perthnasol.

Awdurdod perthnasol	Aelod cyfrifol
BILI	Aelod o'r Bwrdd Gweithredol (cadeirydd y Bwrdd Diogelu/Cyfarwyddwr â chyfrifoldeb corfforaethol am Ddiogelu).
ALI	Prif Weithredwr neu Gyfarwyddwr (â gwybodaeth/cyfrifoldeb corfforaethol am ddiogelu neu adnoddau dynol).
Ymddiriedolaeth GIG	Aelod o'r Bwrdd Gweithredol (cadeirydd y Bwrdd Diogelu/Cyfarwyddwr â chyfrifoldeb corfforaethol am Ddiogelu).
Awdurdod Tân ac Achub	Prif Swyddog Tân neu Brif Swyddog Tân Cynorthwyol

- Bydd gan yr aelod cyfrifol gyfrifoldeb am oruchwylio'r gwaith o weithredu a monitro'r Fframwaith Hyfforddi Cenedlaethol ac am gydgysylltu'r gwaith cysylltiedig ar lefel sefydliadol. Rhaid i'r aelod cyfrifol:
- Ddiweddarau'r bwrdd perthnasol am faterion sy'n ymwneud â'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol;
- Hysbysu'r bwrdd perthnasol am hynt y cynllun hyfforddi;
- Ar y cyd â'r bwrdd perthnasol, ystyried sut y gall y Fframwaith Hyfforddi Cenedlaethol gael ei gynnwys fel rhan o drefniadau hyfforddi cyfatebol sy'n gysylltiedig â diogelu.

Yr adroddiad blynyddol

Mae'n ofynnol i Awdurdodau Perthnasol gymryd camau rhesymol i gyflawni'r amcanion a nodir yn eu cynllun hyfforddi lleol. O ran pob blwyddyn ariannol, rhaid i awdurdodau perthnasol baratoi adroddiad blynyddol ar eu hynt yn cyflawni'r camau yn y cynllun, boed yn rhanbarthol neu'n lleol.

Rhaid i'r adroddiad blynyddol gael ei gyflwyno i Weinidogion Cymru o fewn wyth wythnos i ddiwedd y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi, gyda'r cyntaf ar gyfer blwyddyn ariannol 2017-2018.

Rhaid i'r adroddiad blynyddol:

- amlinellu'r hyfforddiant a gyflwynwyd dros y flwyddyn flaenorol a sut roedd yn cyfateb i amcanion y cynllun hyfforddi lleol ac yn bodloni gofynion pob grŵp

yn y Fframwaith Hyfforddi Cenedlaethol fel y nodir isod yn yr adran hon o'r canllawiau;

- nodi cyfraddau cwblhau hyfforddiant pob grŵp yn y Fframwaith;
- nodi'r hyfforddiant a gynigiwyd yn lleol (gan gynnwys nifer y gweithwyr proffesiynol a gyrrhaeddwyd, o ba grwpiau proffesiynol, mewn perthynas â pha bynciau);
- amlinellu sut y cafodd hyfforddiant ei gyflenwi a dangos yr ystyriwyd bod y cyrsiau hyfforddi a gynigiwyd neu a ariannwyd gan Lywodraeth Cymru yn bodloni'r gofynion cyflenwi;
- darparu gwerthusiad wedi'i arwain gan y dysgwr o hyfforddiant lleol a chynllun gweithredu i ymdrin ag unrhyw broblemau a nodwyd;
- nodi a yw'r cynllun hyfforddi lleol yn dal i fod yn addas at y diben ar ddiwedd y cyfnod adrodd ac amlinellu unrhyw newidiadau sydd eu hangen i'r broses gyflenwi er mwyn cyflawni'r cynnydd arfaethedig.

Defnyddir yr adroddiad blynyddol i fonitro gweithgarwch yn erbyn nodau cenedlaethol a rhanbarthol y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Defnyddir yr adroddiad i nodi pryderon ynghylch hynt y gwaith a monitro'r amcanion hyfforddi sy'n debygol o gael eu cynnwys yn y Strategaeth Genedlaethol.

Rhaid i awdurdodau perthnasol hefyd gymryd y camau canlynol mewn perthynas â phob grŵp yn y Fframwaith Hyfforddi Cenedlaethol.

Grŵp 1

Mae'n ofynnol i awdurdodau perthnasol ddarparu hyfforddiant sy'n cyflawni deilliannau dysgu grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol (fel y nodir ym mhrif ganllawiau'r Fframwaith) i bob aelod o staff o fewn yr amserlenni canlynol:

Rhaid i 50% o staff awdurdod perthnasol gael eu hyfforddi o fewn 12 mis i ddyddiad cyhoeddi'r canllawiau hyn

Rhaid i 100% o staff awdurdod perthnasol gael eu hyfforddi o fewn 24 mis i ddyddiad cyhoeddi'r canllawiau hyn

Mae'n ofynnol i awdurdodau perthnasol gynnwys hyfforddiant sy'n cyflawni deilliannau dysgu grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol mewn hyfforddiant sefydlu er mwyn sicrhau y caiff staff newydd yr hyfforddiant. Dylid gwneud hyn o fewn 6 mis i ddyddiad cyhoeddi'r canllawiau hyn.

Mae'n ofynnol i Awdurdodau Perthnasol fonitro cyfraddau cwblhau chwarterol yr hyfforddiant hwn a chymryd camau i sicrhau bod pob aelod o staff yn cwblhau'r hyfforddiant yn yr amser a nodir.

Mae'n ofynnol i awdurdodau perthnasol ddarparu hyfforddiant gloywi sy'n cyflawni deilliannau dysgu grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol bob tair blynedd.

Grŵp 2

Mae'n ofynnol i awdurdodau lleol a Byrddau Iechyd Lleol ddarparu hyfforddiant er mwyn cyflawni deilliannau grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol (fel y nodir ym mhrif ganllawiau'r Fframwaith) drwy gonsortia hyfforddi rhanbarthol sy'n gyson ag ôl-troed rhanbarthol Byrddau Iechyd Lleol, fel a ganlyn:

- Bwrdd Iechyd Aneurin Bevan gydag Awdurdodau Lleol Casnewydd, Torfaen, Blaenau Gwent, Caerffili a Threfynwy.
- Bwrdd Iechyd Prifysgol Caerdydd a'r Fro gydag Awdurdodau Lleol Caerdydd a Bro Morgannwg
- Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg gydag Abertawe, Castell-nedd Port Talbot a Phen-y-bont ar Ogwr
- Bwrdd Iechyd Hywel Dda gydag Awdurdodau Lleol Ceredigion, Sir Gaerfyrddin a Sir Benfro
- Bwrdd Iechyd Cwm Taf gydag Awdurdodau Lleol Rhondda Cynon Taf a Merthyr
- Bwrdd Iechyd Prifysgol Betsi Cadwaladr gydag Awdurdodau Lleol Ynys Môn, Gwynedd, Conwy, Sir Ddinbych, Sir y Fflint a Wrecsam
- Bwrdd Iechyd Addysgu Powys ac Awdurdod Lleol Powys.⁸

Rhaid i'r consortia hyn ystyried cynnwys yr Awdurdodau Tân ac Achub Lleol ac Ymddiriedolaethau GIG lleol yn y consortia rhanbarthol, a dangos eu bod wedi ymgynghori â hwy.

Rhaid i'r consortia hyn hefyd wahodd gwasanaethau arbenigol (gan gynnwys y rhai yn y trydydd sector), yr heddlu a'r gwasanaeth prawf i gymryd rhan yn y consortia rhanbarthol.

Mae'n ofynnol i Ymddiriedolaeth Gwasanaeth Ambiwlans Cymru gynnwys hyfforddiant ar gyfer grwpiau 1, 2, 3 a 6 yn ei fframwaith dysgu a datblygu presennol a chyflwyno ei gynllun hyfforddi, dadansoddiad o anghenion hyfforddi a chynllun blynyddol ei hun yn seiliedig ar hyn i Weinidogion Cymru.

Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod aelodau'r consortia rhanbarthol o Awdurdodau Perthnasol yn cael eu hyfforddi ar gwrs Hyfforddi'r Hyfforddwr a ardystir ac a ddarperir gan Lywodraeth Cymru. Hefyd, dylid cymryd camau rhesymol fel bod aelodau eraill o'r consortia yn cael yr un hyfforddiant.

Mae'n ofynnol i awdurdodau lleol a Byrddau Iechyd Lleol ddarparu hyfforddiant (drwy'r consortia hyfforddi rhanbarthol) sy'n cyflawni deilliannau dysgu grŵp 2 o'r Fframwaith Hyfforddi Cenedlaethol i grwpiau proffesiynol sy'n bodloni'r meini prawf a amlinellir ar gyfer grŵp 2 o'r Fframwaith Hyfforddi Cenedlaethol (fel y nodir ym mhrif ganllawiau'r Fframwaith), sy'n gyson â'r cynllun hyfforddi lleol.

Mae'n ofynnol i awdurdodau perthnasol ddarparu hyfforddiant gloywi sy'n cyflawni deilliannau dysgu grŵp 2 o'r Fframwaith Hyfforddi Cenedlaethol bob dwy flynedd.⁹

⁸ Mae'r ôl-troed hwn yn adlewyrchu'r hyn a ddefnyddiwyd i weithredu gofynion hyfforddi Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

Grŵp 3

Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod nifer gymesur o aelodau'r consortia rhanbarthol o Awdurdodau Perthnasol yn cael eu hyfforddi ar gwrs Hyfforddi'r Hyfforddwr a ardystir ac a ddarperir gan Lywodraeth Cymru ar gyfer grŵp 3 o'r Fframwaith (fel y nodir ym mhrif ganllawiau'r Fframwaith).

Mae'n ofynnol i Awdurdodau Perthnasol ddarparu hyfforddiant (drwy'r consortia hyfforddi rhanbarthol) sy'n cyflawni deilliannau dysgu grŵp 3 o'r Fframwaith Hyfforddi Cenedlaethol i grwpiau proffesiynol sy'n bodloni'r meini prawf a amlinellir ar gyfer grŵp 3 o'r Fframwaith Hyfforddi Cenedlaethol (gweler prif ganllawiau'r Fframwaith), sy'n gyson â'r cynllun hyfforddi lleol.

Mae'n ofynnol i awdurdodau perthnasol ddarparu hyfforddiant gloywi sy'n cyflawni deilliannau dysgu grŵp 2 o'r Fframwaith Hyfforddi Cenedlaethol bob dwy flynedd.

Grŵp 4

Mae'n ofynnol i awdurdodau perthnasol sicrhau bod unrhyw gyflogai, a chymryd camau rhesymol i sicrhau bod unrhyw weithiwr, sydd wrthi'n gweithio fel Cynghorydd Annibynnol ar Drais Domestig, Cynghorydd Annibynnol ar Drais Rhywiol, gweithiwr allgymorth, gweithiwr prosiect, gweithiwr achos, gweithiwr cymorth fel y bo'r angen, gweithiwr lloches, gweithiwr allweddol, gweithiwr argyfwng, gweithiwr cymorth eirioli, gweithiwr plant a phobl ifanc, hwylusydd gwaith grŵp tramgwyddwyr neu unrhyw rôl arall sy'n darparu cymorth arbenigol i'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn cael ei hyfforddi i'r lefel briodol o fewn 12 mis i ddyroddi'r canllawiau hyn (fel yr amlinellir yn y Fframwaith). Rhoddir canllawiau ar gysiau hyfforddi priodol yn adran 3 o brif ganllawiau'r Fframwaith.

Mae'n ofynnol i awdurdodau perthnasol sicrhau bod unrhyw gyflogai, a chymryd camau rhesymol i sicrhau bod unrhyw weithiwr, a gaiff ei recriwtio i weithio fel Cynghorydd Annibynnol ar Drais Domestig, Cynghorydd Annibynnol ar Drais Rhywiol, gweithiwr allgymorth, gweithiwr prosiect, gweithiwr achos, gweithiwr cymorth fel y bo'r angen, gweithiwr lloches, gweithiwr allweddol, gweithiwr argyfwng, gweithiwr cymorth eirioli, gweithiwr plant a phobl ifanc yn cael ei hyfforddi i'r lefel briodol o fewn 12 mis i ddechrau ei gyflogaeth.

Mae'n ofynnol i awdurdodau perthnasol sicrhau bod unrhyw gyflogai, a chymryd camau rhesymol i sicrhau bod unrhyw weithiwr, sy'n gweithio fel Cynghorydd Annibynnol ar Drais Domestig, Cynghorydd Annibynnol ar Drais Rhywiol, gweithiwr allgymorth, gweithiwr prosiect, gweithiwr achos, gweithiwr cymorth fel y bo'r angen, gweithiwr lloches, gweithiwr allweddol, gweithiwr argyfwng, gweithiwr cymorth eirioli, gweithiwr plant a phobl ifanc, hwylusydd gwaith grŵp tramgwyddwyr neu unrhyw rôl arall sy'n darparu cymorth arbenigol i'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn cwblhau rhaglen Datblygiad Proffesiynol Parhaus briodol, sy'n berthnasol i'r rôl bob blwyddyn (fel y nodir isod).

⁹ Mae Adran 7 (tudalen 31) yn amlinellu ar ba ffurf y gellir cynnig hyn er mwyn ymdrin â materion gallu ac adnoddau o fewn sefydliadau.

Dylai gofynion Datblygiad Proffesiynol Parhaus gweithwyr arbenigol gael eu cymhwyso ar sail pro rata fel a ganlyn:

Oriau contract proffesiynol	Datblygiad Proffesiynol Parhaus gofynnol
28 awr - 37.5 awr yr wythnos	35 awr o DPP y flwyddyn
17.5 - 27 awr yr wythnos	21 awr o DPP y flwyddyn
0 – 17 awr yr wythnos (i gynnwys gweithwyr sesiynol a gweithwyr y tu allan i oriau)	10.5 awr o DPP y flwyddyn

Gellir dangos tystiolaeth o Ddatblygiad Proffesiynol Parhaus y gweithwyr hyn drwy gynllun datblygu personol sy'n cynnwys unrhyw rai o'r canlynol ag amserlen gyfatebol:

Dysgu a datblygu ffurfiol drwy gyrsiau hyfforddi (p'un ai'n rhai achrededig ai peidio). Lle bo'n briodol, dylai'r cyrsiau hyn fod yn unol â'r Maes Llafur Pwnc Arbenigol;

Mynychu cynadleddau;

Cyfleoedd a gynigir yn "fewnol" fel siaradwyr gwadd mewn cyfarfodydd tîm, cysgodi, a digwyddiadau dysgu tîm.

Dylai'r cynlluniau datblygu personol hyn gael eu cyflwyno fel atodiad i'r adroddiad blynyddol. Cyhoeddir dogfen dempled at y diben hwn maes o law.

Grŵp 5

Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod unrhyw gyflogai, sydd wrthi'n gweithio fel rheolwr gwasanaeth cymunedol trais yn erbyn menywod, cam-drin domestig a thrais rhywiol arbenigol, rheolwr lloches, arweinydd tîm neu mewn rôl arweiniol/lefel uwch gael ei hyfforddi i'r lefel briodol, fel yr amlinellir ar gyfer grŵp 5 o'r Fframwaith (gweler prif ganllawiau'r Fframwaith).

Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod unrhyw gyflogai, a gaiff ei recriwtio i weithio fel rheolwr gwasanaeth cymunedol trais yn erbyn menywod, cam-drin domestig a thrais rhywiol arbenigol, rheolwr lloches, arweinydd tîm neu mewn rôl arweiniol/lefel uwch gael ei hyfforddi ar gwrs priodol o fewn 12 mis i ddechrau ei gyflogaeth.

Y maes llafur pwnc arbenigol

Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod yr holl hyfforddiant a gynigir gan eu sefydliad, sy'n ymwneud ag unrhyw fath o drais yn erbyn menywod, trais ar sail rhywedd, cam-drin domestig neu drais rhywiol yn cyflawni deilliannau dysgu uned berthnasol y maes llafur pwnc arbenigol.

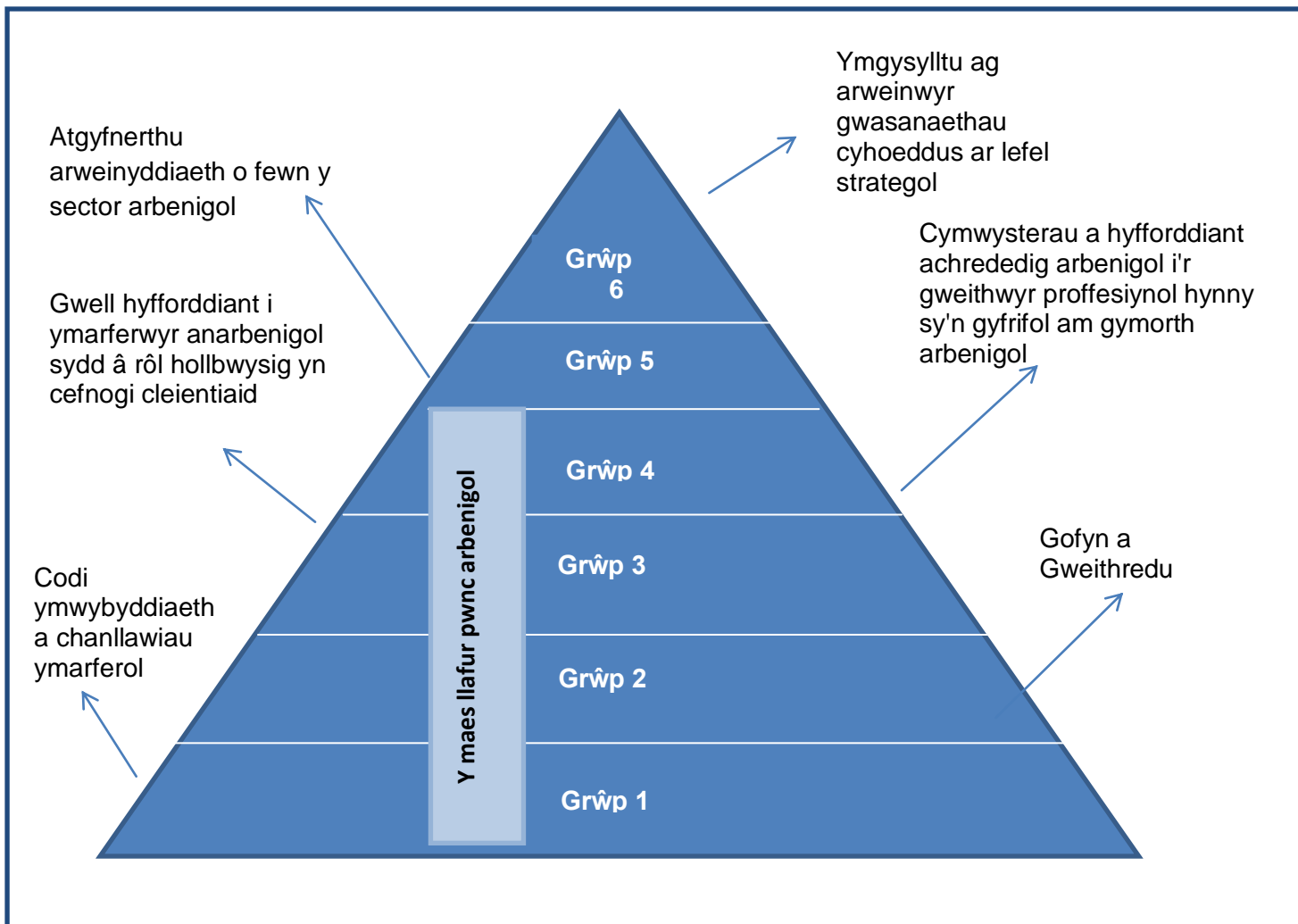
Mae'n ofynnol i Awdurdodau Perthnasol sicrhau bod yr holl hyfforddiant a gyflawnir gan eu cyflogeion, ar unrhyw fath o drais yn erbyn menywod, trais ar sail rhywedd, cam-drin domestig neu drais rhywiol yn cyflawni deilliannau dysgu'r uned berthnasol o fewn y maes llafur pwnc arbenigol.

5. Y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Hwylusydd grŵp: "Beth mae angen i weithwyr proffesiynol ei wybod neu ei wneud yn well?"

Defnyddiwr gwasanaeth: "Popeth. Gofal, ymwybyddiaeth, addysg, bod yn ymwybodol o ba sefydliadau sydd ar gael, peidio â barnu, gwrando, gweithio amlasiantaethol, adnoddau, dewis rhywedd, diogelwch, ymddiriedaeth, cymorth i ddioddefwyr, credu, deal"¹⁰.

Mae'r Fframwaith Hyfforddi Cenedlaethol yn cynnwys chwe grŵp a maes llafur pwnc arbenigol. Er bod rhywfaint o ddatblygiad o fewn y Fframwaith, ar y cyfan mae pob rhan ohono yn ymwneud â grŵp penodol o broffesiynau a fydd, yn dilyn hyfforddiant, yn rhan o weithlu sy'n gweithio tuag at yr un nod: gwella'r ymateb i'r rhai sydd wedi profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.



¹⁰ Sylwadau gan ddefnyddwyr gwasanaeth yn ystod sesiwn ymgynghori defnyddwyr gwasanaeth ar y Fframwaith Hyfforddi Cenedlaethol

Rhoddir amlinelliad o'r gynulleidfa darged, cynnwys, deilliannau dysgu, cymwyseddau dysgwyr a Safonau Galwedigaethol Cenedlaethol y dylid ymdrin â hwy ar gyfer pob grŵp o'r Fframwaith Hyfforddi Cenedlaethol yn y ddogfen hon.

Mae dwy ran i'r Fframwaith yn y bôn:

- 1) Hyfforddiant cyson wedi'i ledaenu'n gymesur i'r awdurdodau perthnasol er mwyn gwella dealltwriaeth sylfaenol y gweithlu a, thrwy hynny, yr ymateb i unrhyw un sy'n profi mathau o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

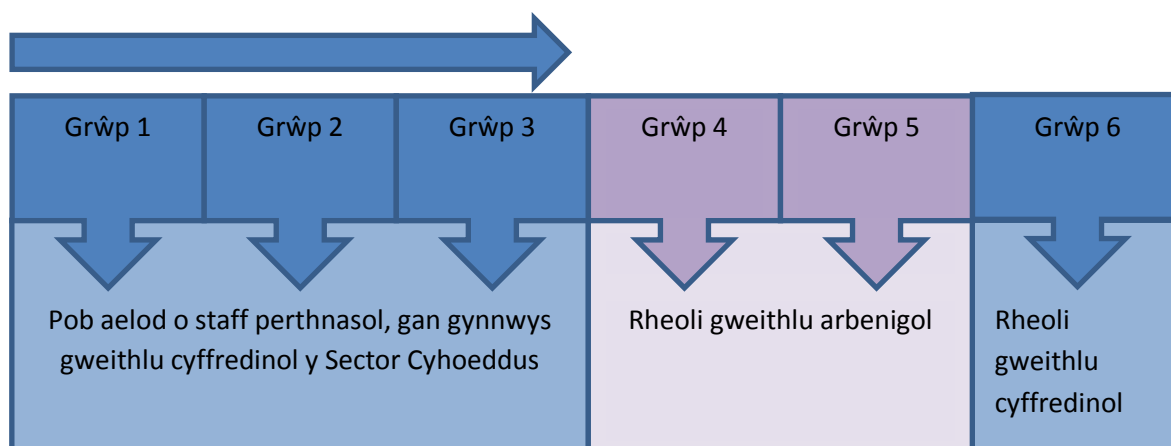
Cysoni'r hyfforddiant arbenigol presennol er mwyn proffesiynoli'r sector arbenigol ymhellach, gwella cysondeb yr hyfforddiant mewn pynciau arbenigol ar lefel genedlaethol a gosod gofynion craidd ar gyfer gwasanaethau arbenigol (Grwpiau 4 a 5).

Mae'r cynnwys a roddir i grwpiau 1, 2 a 3 o'r Fframwaith yn adeiladu ar yr hyn a roddwyd i grwpiau blaenorol, h.y. dylai'r rheini yng ngrŵp 2 fodloni gofynion hyfforddi grŵp 1 ac fel rheol bydd disgwyl i'r rheini yng ngrŵp 3 gyflawni deilliannau hyfforddi grŵp 2.

Gyda'i gilydd, bydd y grwpiau hyn yn gallu adnabod trais a cham-drin a darparu gwell cymorth i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Mae Grwpiau 4 a 5 o'r Fframwaith ond yn cynnwys y rhai sy'n arbenigo mewn trais yn erbyn menywod, cam-drin domestig a thrais rhywiol neu feysydd pwnc arbenigol.

Mae Grŵp 6 yn cynnwys arweinyddiaeth awdurdodau perthnasol i gefnogi'r gwaith o wella'r ymateb sefydliadol i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol, naill ai fel aelodau o'r gweithlu neu ddefnyddwyr gwasanaeth.



Cynulleidfa

Mae'r Fframwaith, a'r canllawiau a geir yn y ddogfen hon, wedi'u hanelu'n bennaf at yr Awdurdodau Perthnasol a enwir yn adran 14 o'r Ddeddf Trais yn erbyn Menywod,

Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015, h.y. Awdurdodau Lleol, Byrddau Iechyd Lleol, awdurdodau tân ac achub ac Ymddiriedolaethau'r GIG. Fodd bynnag, mae Llywodraeth Cymru yn annog pob sefydliad sy'n rhyngweithio â'r rhai sy'n wynebu risg o brofi neu sydd yn profi trais a cham-drin i ymwneud â'r Fframwaith, a all hefyd gael budd o'r canllawiau a roddir yn y ddogfen hon.

Cefnogi camau gweithredu lleol

Nod y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yw creu dull o ymdrin â hyfforddiant ar y materion hyn sy'n gyson ac yn sicrhau ansawdd. Er mwyn cyflawni'r nod hwn, mae'r fframwaith yn cynnwys camau canolog a lleol sy'n cynnig safonau cyflenwi cenedlaethol ochr yn ochr â chamau gweithredu lleol hyblyg. Crynhoir y dulliau cyflenwi hyn isod:

Cyflenwi lleol

- **Dadansoddiad o anghenion hyfforddi lleol**

Dylai dadansoddiad o anghenion hyfforddi lleol gael ei lunio'n syth cyn drafftio'r cynllun hyfforddi. Dylai'r dadansoddiad o anghenion hyfforddi ystyried y gofynion hyfforddi fel y'u hamlinellir ym mhob grŵp o'r Fframwaith hwn a'u mapio yn erbyn unrhyw hyfforddiant presennol a gynigir yn lleol. Dylai'r asesiad o anghenion hyfforddi hefyd amlinellu nifer y gweithwyr proffesiynol sydd angen hyfforddiant.

Os mai dim ond rhai o'r deilliannau dysgu ar gyfer pob grŵp a gyflawnir gan hyfforddiant presennol, dylai'r cyrsiau hyn gael eu datblygu er mwyn bodloni'r gofynion yn llawn. Os nodir hyfforddiant presennol sy'n bodloni'r gofynion yn llawn, dylai'r asesiad o anghenion hyfforddi nodi cyrhaeddiad yr hyfforddiant hwnnw a defnyddio'r wybodaeth hon wrth ddatblygu'r cynllun hyfforddi.

Dylai unrhyw un a gafodd ei hyfforddi ar gwrs dros ddwy flynedd yn ôl gael cynnig hyfforddiant drwy'r consortia hyfforddi rhanbarthol er mwyn sicrhau bod "Gofyn a Gweithredu" yn ysgogi drwy weithwyr proffesiynol hysbys sy'n deall yr achos dros newid.

Wrth iddynt ddod i law, dylai'r dadansoddiad o anghenion hyfforddi hefyd gael ei lywio gan yr asesiad o anghenion gofal a chymorth yn yr ardal (yr asesiad poblogaeth) o dan Reoliadau Gofal a Chymorth (Asesiadau poblogaeth) (Cymru) 2015 a'r asesiad ehangach o lesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol yr ardal (yr asesiad o lesiant lleol) fel y'i diffinnir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Nodir na fydd y rhain ar gael ar gamau cynnar gweithredu'r Fframwaith Hyfforddi Cenedlaethol.

- **Cynlluniau hyfforddi**

Dylai'r cynllun hyfforddi gael ei ddatblygu yn seiliedig ar ddealltwriaeth o'r dadansoddiad o anghenion hyfforddi ac amlinelliad o'r ffordd y bydd pob maes yn gweithredu'r Fframwaith Hyfforddi Cenedlaethol.

Dylai'r cynllun hwn ddangos sut y caiff y Fframwaith Hyfforddi Cenedlaethol ei weithredu'n lleol tra'n sicrhau bod nodau strategol lleol ac arfer da yn cael eu hystyried a bod gweithgareddau hyfforddi sy'n bodoli eisoes yn cael eu cyflwyno er mwyn bodloni gofynion y Fframwaith Hyfforddi Cenedlaethol.

Dylai'r cynllun hyfforddi lleol gael ei oruchwylio a'i fonitro gan grŵp llywio. I strwythurau lleol presennol y byddai grŵp o'r fath yn perthyn orau er mwyn sicrhau bod system lywodraethu briodol ar waith a byddai'n enghraifft o bartneriaeth weithredol a nodir yn y canllawiau statudol a gyhoeddwyd o dan adran 15 o Ddeddf Trais yn erbyn Menywod, Cam-drim Domestig a Thrais Rhywiol (Cymru) 2015 ar Gydweithredu Amlasiantaethol effeithiol. O ran trefniadau llywodraethu cyffredinol, dylai'r grŵp llywio fwydo i mewn i'r bwrdd strategol sydd ei angen ar y canllawiau Cydweithredu Amlasiantaethol. Lle y defnyddir Bwrdd presennol at y diben hwn, mae'n debygol mai Byrddau Diogelu fydd y partneriaethau llywodraethu mwyaf addas am eu bod yn dwyn ynghyd uwch arweinwyr mewn meysydd perthnasol ac yn cynnig cyfle i gysoni'r Fframwaith Hyfforddi Cenedlaethol yn gadarn â gofynion hyfforddi eraill o dan y Ddeddf Gwasanaethau Cymdeithasol a Llesiant (2014).

Lle mae gan awdurdodau perthnasol Fyrddau Diogelu ar wahân ar gyfer plant ac oedolion agored i niwed, dylai'r gwaith o fonitro'r broses o weithredu'r Fframwaith Hyfforddi Cenedlaethol yn lleol gael ei drosglwyddo i un o'r rhain ond dylid ystyried ei fod yn berthnasol i'r ddau. Dylai byrddau gyfathrebu â'i gilydd a rhannu adroddiadau.

Maes o law, dylai'r cynllun hyfforddi fod yn rhan annatod o'r strategaeth leol a gaiff ei pharatoi ar y cyd gan awdurdodau lleol a Byrddau Iechyd Lleol o dan adran 5 o Ddeddf Trais yn erbyn Menywod, Cam-drim Domestig a Thrais Rhywiol (Cymru) 2015.

Wrth ddatblygu eu cynlluniau hyfforddi lleol, dylai awdurdodau perthnasol gynnwys ymgysylltu â defnyddwyr gwasanaeth. Manylir ar gynlluniau hyfforddi lleol lle maent yn destun cyngor a chraffu defnyddwyr gwasanaeth. Bydd hyn yn hynod bwysig o ran blaenoriaethu a chynllunio hyfforddiant lleol.

Tra caiff adnoddau canolog ar gyfer pob gweithgaredd hyfforddi eu darparu ar wahân, bydd cylchlythyr grant Rhaglen Datblygu'r Gweithlu Gofal Cymdeithasol yn gofyn am ystyried hyfforddiant sy'n gysylltiedig â'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant (2014) a'r Ddeddf Trais yn erbyn Menywod, Cam-drim Domestig a Thrais Rhywiol (2015), a'i integreiddio'n lleol, o 2016-17.

- **Consortia hyfforddi rhanbarthol**

Caiff grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol eu hyfforddi drwy gonsortia hyfforddi rhanbarthol. Dylai consortia hyfforddi rhanbarthol gael eu sefydlu yn erbyn ôl-troed rhanbarthol y Bwrdd Iechyd Lleol.

Bydd y consortia yn cynnwys gweithwyr proffesiynol a enwebir o'r Bwrdd Iechyd Lleol, pob Awdurdod Lleol a'r Awdurdod Tân ac Achub perthnasol. Dylai gwasanaethau arbenigol lleol, yr heddlu a'r gwasanaeth prawf hefyd gael eu

gwahodd i gymryd rhan yn y consortia rhanbarthol er mwyn diwallu anghenion lleol a nodwyd a defnyddio arbenigedd lleol.

Er mwyn sicrhau bod y rheini yn y consortia hyfforddi rhanbarthol yn cyflenwi hyfforddiant yn ddigon rheolaidd i sicrhau eu bod yn parhau i feddu ar y wybodaeth ofynnol a chynnal lefel o hyder, argymhellir bod aelodau'r consortia hyfforddi yn cael eu rhyddhau o'u dyletswyddau craidd er mwyn hyfforddi grŵp 2 rhwng tair a chwe gwaith y flwyddyn a bod y rhai a hyfforddwyd i hyfforddi grŵp 3 yn cael eu rhyddhau i gyflenwi hyfforddiant bum gwaith y flwyddyn.

Rhoddir rhagor o ganllawiau ar rôl y consortia rhanbarthol yn adran 7.

- **Gweithredu ar sail deilliannau dysgu**

Caiff deilliannau dysgu eu hamlinellu'n glir ar gyfer pob grŵp o'r Fframwaith a dylai awdurdodau weithio tuag at gyflawni'r deilliannau hyn drwy unrhyw gynnyrch hyfforddi neu ddatblygu a ddefnyddir ar gyfer y grŵp hwn.

Mae'r Fframwaith yn cynnwys cyfres achrededig o unedau sy'n ffurfio rhan gyntaf maes llafur o bynciau arbenigol sy'n seiliedig ar ddeilliannau dysgu i lywio hyfforddiant lleol.

Cyflenwi canolog a ariennir

Ariennir rhaglen hyfforddi genedlaethol bellgyrhaeddol er mwyn sicrhau bod carfan o ymarferwyr sydd â'r sgiliau a'r wybodaeth i gefnogi hyfforddiant rhanbarthol sy'n bodloni gofynion grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol ymhob rhanbarth yng Nghymru. Mae hyn yn cefnogi blaenoriaethau rhanbarthol a gweithredu hyblyg o fewn seilwaith lleol a phenodol i sefydliad.

- **Darparu cynhyrchion hyfforddi**

Mae Llywodraeth Cymru, mewn partneriaeth â rhanddeiliaid, wedi datblygu cynhyrchion hyfforddi sydd ar gael yn genedlaethol er mwyn cyflawni deilliannau grwpiau penodol o'r Fframwaith Hyfforddi Cenedlaethol.

Bydd pecyn eDdysgu 45 munud, sy'n seiliedig ar ddeilliannau grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol, ar gael ar borth Learning@NHSWales ac Academi Cymru Gyfan, sydd ar gael i bob aelod o staff gwasanaeth cyhoeddus am ddim.

Mae'r Gyfres Cryfhau Arweinyddiaeth - cyfres o ffilmiau byr sy'n ymwneud ag arweinyddiaeth strategol a thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol - ar gael ar sianel YouTube Llywodraeth Cymru. Mae'r ffilmiau hyn yn cyflawni deilliannau grŵp 6 o'r Fframwaith Hyfforddi Cenedlaethol.

Amserlen

Mae cam cynllunio camau gweithredu cychwynnol y fframwaith dros bum mlynedd. Tua diwedd y cyfnod hwn, caiff cyrhaeddiad cenedlaethol ac effeithiolrwydd eu hasesu a gwneir rhagor o waith cynllunio cenedlaethol a rhanbarthol.

Cysondeb â fframweithau a modelau dysgu eraill.

Mae sawl fframwaith a model dysgu arall yn bodoli sy'n cynnig cyfleoedd i gysoni â'r Fframwaith Hyfforddi Cenedlaethol. Mae'r rhain yn dueddol o fod yn gysylltiedig â diogelu ac fe'u crynhoir yma ac yn y tabl yn Atodiad 2 sy'n amlinellu cyfleoedd integreiddio posibl, a all gael eu harchwilio'n lleol. Mae rhagor o ganllawiau hefyd ar gael ar ymdrin â'r gorgyffwrdd rhwng y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol a hyfforddiant presennol ar Ddiogelu Plant ar dudalen 45.

Os cymerir camau integreiddio o'r fath, mae'n bwysig bod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol **nid yn unig** yn cael eu cyflwyno fel materion amddiffyn plant neu ddiogelu oedolion agored i niwed. Diben y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yw cydnabod bod y materion hyn yn faterion gofal cymdeithasol, iechyd y cyhoedd a chyfiawnder cymdeithasol pwysig, sy'n cael effaith uniongyrchol ar gyfran sylweddol o boblogaeth Cymru, gan gynnwys plant, pobl ifanc a phobl hŷn, fel materion sylfaenol.

Os ffafrir fframweithiau eraill i gyflawni elfennau o'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac elfennau o fodlau dysgu eraill, rhaid i ddeilliannau dysgu'r ddau fframwaith gael eu nodi a'u cyflawni.

Safeguarding Children and Young people: Roles and Competences for Healthcare Staff 2014 Intercollegiate document.

Mae'r ddogfen hon yn amlinellu fframwaith cymhwysedd ar gyfer staff gofal iechyd sy'n canolbwyntio ar gynyddu gallu proffesiynol i adnabod camdriniaeth plant a chymryd camau effeithiol fel y bo'n briodol. Mae'r cymwyseddau yn gyfuniad o sgiliau, gwybodaeth, agweddau a gwerthoedd sydd eu hangen ar gyfer ymarfer diogel ac effeithiol.

Mae'r Fframwaith yn nodi pum lefel o gymhwysedd ac yn rhoi enghreifftiau o grwpiau sy'n perthyn i bob un ohonynt. Mae'r lefelau fel a ganlyn:

Lefel 1: Pob aelod o staff gan gynnwys rheolwyr anghlinigol a staff sy'n gweithio mewn lleoliadau gofal iechyd

Lefel 2: Lefel ofynnol ar gyfer staff anghlinigol a chlinigol sy'n dod i rywfaint o gysylltiad â phlant a phobl ifanc a/neu rieni/gofalwyr

Lefel 3: Staff clinigol sy'n gweithio gyda phlant, pobl ifanc a/neu eu rhieni/gofalwyr ac a allai gyfrannu at asesu, cynllunio, ymyrryd a gwerthuso anghenion plentyn neu berson ifanc a gallu rhianta lle ceir pryderon diogelu/amddiffyn plant

Lefel 4: Gweithwyr proffesiynol penodol

Lefel 5: Gweithwyr proffesiynol penodol

Addysg a Dysgu Proffesiynol Parhaus Cyngor Gofal Cymru: Fframwaith i weithwyr cymdeithasol yng Nghymru

Cyngor Gofal Cymru sy'n rheoleiddio'r gweithlu gofal cymdeithasol yng Nghymru ac mae'n gyfrifol am hyrwyddo a sicrhau safonau uchel ymhob rhan o'r gwasanaethau cymdeithasol a'r gweithlu gofal cymdeithasol.

Mae sawl elfen o waith Cyngor Gofal Cymru yn cynnig opsiynau integreiddio neu gyflenwi ar gyfer agweddau ar y Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. At hynny, gall y gwaith sydd eisoes yn mynd rhagddo mewn ardaloedd lleol, mewn perthynas â gweithgarwch sy'n gysylltiedig â rôl y Cyngor Gofal, helpu i fodloni'r gofynion a amlinellir yn y canllawiau hyn. Nodir rhai enghreifftiau posibl i'w hystyried yn lleol isod:

Ymwybyddiaeth sylfaenol yn y Pecyn Hyfforddiant Diogelu

Mae pecyn hyfforddi ar gael i'w ddefnyddio ymhob un o'r Awdurdodau Lleol er mwyn rhoi gwybodaeth a chyfleoedd datblygu sylfaenol ym maes diogelu. Mae'r pecyn hyfforddi hwn ar gael i'w ddefnyddio wrth sefydlu gweithwyr gofal cymdeithasol Awdurdod Lleol, gweithwyr gofal cymdeithasol a gwirfoddolwyr mewn sefydliadau trydydd sector a sefydlu staff gofal cymdeithasol yn y sector gofal annibynnol yng Nghymru. Caiff yr adnodd hyfforddi hwn ei ddiwygio er mwyn cyfleu ymwybyddiaeth sylfaenol o drais yn erbyn menywod a cham-drin domestig.

Cynllun Rhaglen Datblygu'r Gweithlu Gofal Cymdeithasol

Darperir grant Rhaglen Datblygu'r Gweithlu Gofal Cymdeithasol i awdurdodau lleol gynorthwyo gweithwyr gofal cymdeithasol i feithrin sgiliau a gwybodaeth ymhellach. Dyfernir y grant ar sail gwaith cynllunio manwl gywir sy'n ymwneud â datblygu'r gweithlu. Awgrymir y dylai ardaloedd lleol gynnwys gofynion y Fframwaith Hyfforddi Cenedlaethol yn eu cynlluniau ar gyfer Rhaglen Datblygu'r Gweithlu Gofal Cymdeithasol er mwyn sicrhau yr achubir ar gyfleoedd i rannu gwybodaeth, y cyfyngir ar unrhyw ddyblygu ac y caiff dadansoddiad o anghenion hyfforddi a gynhaliwyd eisoes eu defnyddio.

Fel yr amlinellir yn ddiweddarach yn y ddogfen hon, bwriedir hefyd ddarparu adnoddau hyfforddi ar wahân er mwyn bodloni gofynion y Fframwaith Hyfforddi Cenedlaethol.

Y Fframwaith Addysg a Dysgu Proffesiynol Parhaus

Mae Cyngor Gofal Cymru yn datblygu Fframwaith Addysg a Dysgu Proffesiynol Parhaus i Weithwyr Cymdeithasol yng Nghymru. Y nodau cyffredinol yw gwella safon ymarfer gwaith cymdeithasol a chefnogi gweithwyr cymdeithasol wrth iddynt ddatblygu o fod newydd gymhwyso i fod yn weithwyr cymdeithasol profiadol sydd ar frig eu proffesiwn.

Mae'r Fframwaith hwn yn disgrifio'r trefniadau gofynnol ar gyfer addysg a dysgu proffesiynol parhaus gweithwyr cymdeithasol ar ôl iddynt gymhwyso'n gychwynnol. Mae gofynion grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol yn gyson â'r ethos a'r safonau a amlinellir yn y Fframwaith Addysg a Dysgu Proffesiynol Parhaus ac maent yn adlewyrchiad da o gyfeiriad a datblygiad presennol y gweithlu Gofal Cymdeithasol.

Defnyddwyr gwasanaeth amrywiol ac ymylol

Mae hyfforddiant o dan Fframwaith Hyfforddi Cenedlaethol Cymru ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn cynnwys hyfforddiant ar brofiad o'r materion hyn gan unrhyw ddiodeffwr posibl neu uniongyrchol. Fe'i cyflenwir mewn cyd-destun rhywedd a fydd yn cydnabod profiad anghymesur menywod a merched.

Cydnabyddir bod y profiad o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn wahanol lle mae'n gysylltiedig â nodweddion gwarchodedig a restrir yn Neddf Cydraddoldeb 2010¹¹. Mae'n bwysig bod hyfforddiant yn cael ei gynnal yng Nghymru sy'n edrych ar y rhyng-gydberthynas rhwng y nodweddion gwarchodedig a'r profiad o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol. Bydd maes llafur pwnc arbenigol y Fframwaith yn canolbwyntio'n benodol ar y nodweddion gwarchodedig a sut y gallant effeithio ar fod yn agored i niwed ac wynebu risg, cynyddu effaith cam-drin a gofyn am sgiliau a gwybodaeth ychwanegol gan y gweithiwr proffesiynol.

Fodd bynnag, mae Gweinidogion Cymru yn glir na ddylai grwpiau ymylol na'r rheini ag anghenion amrywiol gael eu hystyried yn ychwanegiad i unrhyw hyfforddiant. Rhaid i'r gallu i ymateb i anghenion yr unigolion hyn a'u hystyried fod yn rhan annatod o set sgiliau timau gwasanaeth cyhoeddus ac, fel y cyfryw, bydd yr hyn sydd ar gael i bob grŵp yn cydblethu â materion amrywiaeth ac yn ystyried amrywiaeth o anghenion unigol wrth ei gyflwyno.

¹¹ Oedran, anabledd, ailbennu rhywedd, priodas a phartneriaeth sifil, beichiogrwydd a mamolaeth, hil, crefydd a chred, rhyw, cyfeiriadedd rhywiol.

Deilliannau

Tudalen y pecyn 97

Grŵp 6: Arweinwyr cryf sy'n creu diwylliant sy'n cydnabod bod TEMCDTRh yn faterion gwasanaeth cyhoeddus, sydd angen ymateb o ansawdd

Grŵp 5: Rheolwyr arbenigol, galluog sy'n rhedeg gwasanaethau cryf ac yn rheoli ymarferwyr effeithiol

Grŵp 4: Ymarferwyr arbenigol a all gynnig ymyrraeth effeithlon, hyddysg ar gyfer pob atgyfeiriad a dderbynnir

Grŵp 3: Staff allweddol, sy'n barod i gynorthwyo cydweithwyr a chleientiaid pan gaiff dioddefwyr TEMCDTRh eu hadnabod

Grŵp 2: Ymarferwyr medrus, sydd yn y lle iawn, sy'n adnabod ac yn cynorthwyo dioddefwyr TEMCDTRh

Grŵp 1: Gweithlu, sy'n effro i drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac yn ymwybodol o hynny

Deilliannau dysgu a chymwyseddau'r Fframwaith Hyfforddi Cenedlaethol

Nod hyfforddi	Deilliannau dysgu arfaethedig: Ar ôl cwblhau'r hyfforddiant hwn bydd cyfranogwyr yn:
<p>Grŵp 1</p> <p>Bydd gan gyfranogwyr ymwybyddiaeth well o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol</p>	<p>DD1.1: Deall beth yw trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.</p> <p>Gall y dysgwr ddisgrifio mathau o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol</p> <p>DD1.2: Adnabod arwyddion trais yn erbyn menywod, cam-drin domestig a thrais rhywiol</p> <p>Gall y dysgwr adnabod y mathau o ymddygiad sy'n gysylltiedig â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol</p> <p>DD1.3: Deall eu rôl yn trechu trais yn erbyn menywod, cam-drin domestig a thrais rhywiol</p> <p>Mae'r dysgwr yn gwybod beth yw rhif y llinell gymorth ac mae'n ymwybodol o wefan Byw Heb Ofn fel adnodd proffesiynol (yn ogystal ag fel adnodd i ddefnyddwyr gwasanaeth).</p>
<p>Grŵp 2</p> <p>Grŵp 1 + Adnabod arwyddion a symptomau, ymateb yn briodol i ddatgeliadau digymell, gofyn cwestiynau priodol ac ymateb.</p>	<p>DD2.1: Adnabod arwyddion a symptomau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol menywod, cam-drin domestig a thrais rhywiol</p> <p>Gall y dysgwr adnabod dangosyddion trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.</p> <p>Gall y dysgwr ddisgrifio sut y gall trais yn erbyn menywod, cam-drin domestig a thrais rhywiol effeithio ar unrhyw un ac nad yw eu profi yn gysylltiedig ag unrhyw ddiwylliant, crefydd na statws economaidd-gymdeithasol penodol yn arbennig.</p> <p>DD2.2: Deall diben ymholi wedi'i dargedu a dangos gallu i wneud hynny</p> <p>Gall y dysgwr roi'r rheswm dros ymholi wedi'i dargedu a'i rôl yn y gwaith hwn.</p> <p>Gyda diogelwch cleientiaid yn brif bryder; gall y dysgwr ofyn cwestiynau i'r rheini sy'n dangos arwyddion a symptomau sy'n ymwneud â'u profiad posibl o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.</p> <p>Gall y dysgwr ymateb i'r cleient yn briodol ac mae'n deall ei gyfrifoldebau posibl os caiff "ddatgeliad cyntaf".</p> <p>Gall y dysgwr ddisgrifio anghenion amrywiol a chymhleth ychwanegol a ystyrir ganddo wrth ofyn cwestiynau.</p> <p>DD2.3 Dangos gwybodaeth o ddiogelu data a'r ddyletswydd o ran cyfrinachedd</p>

Gall y dysgwr nodi deddfwriaeth rhannu gwybodaeth

Mae'r dysgwr yn dangos dealltwriaeth o'i ddyletswyddau/ ystyriaethau moesegol mewn perthynas â chyfrinachedd a rhannu data.

Mae'r dysgwr yn dangos sgiliau cadw cofnodion arfer da, cyfreithiol.

DD2.4: Deall diben nodi risg mewn perthynas â rhai mathau o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol¹²

Mae'r dysgwr yn deall ystyr risg mewn perthynas â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Gall y dysgwr ddefnyddio Rhestr Wirio Nodi Risg y cytunwyd arni'n genedlaethol os oes angen.

DD2.5: Gallu gweithredu llwybr gofal ymholi wedi'i dargedu

Mae'r dysgwr yn ymwybodol o'r dewisiadau gwasanaeth, opsiynau atgyfeirio a ffora amlasiantaethol sydd ar gael i'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Gall y dysgwr egluro'r rhain i'w gleientiaid a hwyluso atgyfeiriadau yn seiliedig ar ddewis y cleient.

Pan fo'r cleient neu'r unigolyn cysylltiedig yn wynebu risg o niwed difrifol gall y dysgwr ddangos y camau a gymerir ganddo i ddiogelu'r rhai sy'n wynebu risg, gan gynnwys plant.

DD3.1 Gallu ystyried trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yng nghyd-destun y teulu cyfan

Bydd gan y dysgwr wybodaeth o'r cysylltiad rhwng trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a'r risg i blant.

Bydd gan y dysgwr wybodaeth o nodweddion cyffredin tramgwyddwyr trais a chamdriniaeth o fewn perthynas agos.

DD3.2 Gallu asesu risg mewn achosion priodol o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol

Bydd y dysgwr yn gallu ystyried risgiau a wynebwr gan y dioddefwr, a berir gan y tramgwyddwr ac a brofir gan blant;

Cymryd camau priodol i leihau'r risgiau hyn a bodloni gofynion diogelwch uniongyrchol aelodau o'r teulu sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol naill ai drwy gamau

Grŵp 1 a 2
Ystyried y risg sy'n wynebu'r cleient, cymryd camau priodol i'w ddiogelu yn syth, chwarae rhan briodol mewn gwaith amlasiantaethol.

¹² Nid yw nodi risg yn un o ofynion "Gofyn a Gweithredu". Bydd ardaloedd lleol yn pennu p'un a gaiff y gwaith hwn ei wneud yn fewnol neu p'un a ddefnyddir llwybrau gofal at y diben hwn. Hyfforddir staff perthnasol i hwyluso'r naill ddull neu'r llall.

gweithredu neu atgyfeiriadau.

DD3.3 Dangos gallu i gefnogi cydweithwyr mewn perthynas â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Grŵp 3

Bydd y dysgwr yn gallu dangos proses gwneud penderfyniadau mewn perthynas â rhannu data.

Bydd y dysgwr yn gallu dangos dealltwriaeth o ffora gweithredol amlasiantaethol lleol a rôl ei sefydliad yn hynny o beth.

Grŵp 4

Cynnig ymyriadau arbenigol, penodol i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a'u plant.

Rhaglen achrededig, benodol â chorff achredu perthnasol ar gyfer rôl benodol.

Grŵp 5

Rheoli a strategaeth; darparwyr arbenigol

DD5.1 Deall y rhinweddau arwain a rheoli sydd eu hangen ar y rheini sy'n darparu gwasanaethau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

DD5.2 Deall yr Ymateb Cymunedol Cydgysylltiedig a gweithio'n effeithiol o'i fewn.

DD5.3 Dangos gallu i gynllunio cyfeiriad strategol y gwasanaeth.

DD5.4 Deall pwysigrwydd monitro a gwerthuso mewn perthynas â darparu gwasanaethau i'r rheini sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Grŵp 6

Cynllun ymgysylltu strategol ym maes arwain Gwasanaethau Cyhoeddus

Mae trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn faterion i ddefnyddwyr gwasanaeth a'r gweithlu. Mae angen creu diwylliannau lle caiff gwaith y grwpiau sy'n weddill yn y Fframwaith Hyfforddi Cenedlaethol ei gydnabod yn hanfodol i waith adrannau gwasanaethau cyhoeddus perthnasol a'r gweithle.

6. Grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol

"Cymerodd gryn dipyn i agor i fyny. Roedd fy meddyliau i ar chwâl, roeddwn i'n credu fy mod i'n wallgof"

"Mae gormod o ofn arnoch chi i ddweud sut rydych chi'n teimlo"

"Does neb yn eich credu chi"

Diben grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol yw sicrhau bod gan holl gyflogeion yr awdurdodau perthnasol ymwybyddiaeth sylfaenol o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Bydd yn targedu staff gwasanaeth cyhoeddus fel yr amlinellir isod. Nid yw hyfforddiant grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol yn anelu at newid ymarfer ac nid oes mwy o faich ffurfiol na chyfrifoldeb ar y dysgwr unigol. Yn hytrach, y gobaith yw y bydd yr hyfforddiant hwn yn herio agweddau ac yn codi ymwybyddiaeth o'r materion hyn.

Nod

Bydd gan gyfranogwyr ymwybyddiaeth well o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Cynulleidfa

Bwriedir i Grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol gyrraedd y gynulleidfa ehangaf, gan gynnwys o leiaf 284,000¹³ o gyflogeion gwasanaeth cyhoeddus.

Cyflenwi

Bydd pecyn eDdysgu a ddarperir gan Lywodraeth Cymru yn cyflawni deilliannau dysgu grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac argymhellir bod y pecyn hwn yn cael ei ddefnyddio gan yr awdurdodau perthnasol. Mae cwblhau'r e-ddysgu hwn yn bodloni gofynion grŵp 1 (fel yr amlinellir uchod) heb fynd i gostau ychwanegol (y tu hwnt i amser staff) i'r awdurdodau perthnasol.

Cydnabyddir, mewn rhai achosion, nad oes modd cynnig e-ddysgu oherwydd seilwaith TG y sefydliad. Am y rheswm hwn, mae Llywodraeth Cymru wedi llunio gweithlyfr sy'n adlewyrchu'r e-Ddysgu ond nad yw'n gofyn am ddefnydd parhaus o gyfrifiadur. Gellir bodloni gofynion grŵp 1 mewn ffyrdd amgen eraill (fel hyfforddiant wyneb yn wyneb) ond yr awdurdod perthnasol fydd yn gyfrifol am dalu am hyn.

Mae'r pecyn eDdysgu am ddim ac ar gael ar Systemau Rheoli Dysgwyr a ddefnyddir fwyaf gan y gynulleidfa darged. Ymhlith y rhain mae Learning@NHSWales ac Academi Cymru Gyfan.

Gan staff lechyd ac Awdurdodau Lleol y defnyddir y safleoedd hyn fwyaf ond maent hefyd ar gael i unrhyw un yng Nghymru sydd am gwblhau'r eDdysgu. Mae Llywodraeth Cymru yn annog cynifer o bobl â phosibl i gwblhau'r eDdysgu. Mae'r

¹³ Mae hyn yn cyfateb i 85% o gyflogeion Gwasanaeth Cyhoeddus Cymru ac nid yw'n cynnwys y DVLA, CThEM, y Weinyddiaeth Amddiffyn na Bws Caerdydd.

safleoedd hefyd yn cynnig cyfleoedd adrodd a fydd yn galluogi monitro cyfraddau cwblhau yn lleol ac yn genedlaethol.

Bydd yr eDdysgu ar gael yn ddwyieithog ac mewn amrywiaeth o fformatau eraill er mwyn lliniaru risgiau mynediad technolegol a chynyddu hygyrchedd i grŵp amrywiol o ddysgwyr.

Ategir pecyn eDdysgu Llywodraeth Cymru gan gyfres o ymgyrchoedd codi ymwybyddiaeth sy'n tynnu sylw at arwyddion a symptomau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae cyfres o ddeunyddiau adnodd hefyd ar gael i atgyfnerthu a chefnogi negeseuon yr eDdysgu. Rhoddir dolen uniongyrchol i wefan Byw Heb Ofn yn y pecyn. Bydd y ddolen yn galluogi'r dysgwr i gael gafael ar adnoddau dysgu pellach os yw'n dymuno gwneud hynny. Bydd hyn yn cynnwys adnoddau dysgu ychwanegol ar gyfer pob un o'r pynciau dan sylw, ffilmau ychwanegol ac adnoddau ymarferol.

Deilliannau

Dylai unrhyw hyfforddiant i gyflawni deilliannau dysgu grŵp 1 o'r Fframwaith Hyfforddi Cenedlaethol gael ei werthuso yn seiliedig ar gynnydd yng ngwybodaeth y dysgwr, hyder y dysgwr i adnabod arwyddion trais a cham-drin posibl a chyfeirio cydweithwyr, ffrindiau a theulu at wasanaethau arbenigol.

Achredu

Nid oes rhaid achredu hyfforddiant grŵp 1 o'r Fframwaith. Fodd bynnag, yn unol ag argymhellion yr adolygiad annibynnol o hyfforddiant arbenigol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ledled Cymru¹⁴, dylai hyfforddiant grŵp 1 gydymffurfio â'r Safonau Galwedigaethol Cenedlaethol canlynol. At hynny, rhaid cymryd camau rhesymol i sicrhau bod unrhyw hyfforddiant a roddir i grŵp 1 yn cydymffurfio â DPP ar gyfer amrywiaeth o broffesiynau.

Rhif Adnabod SGC	Teitl SGC
AG4	Adnabod ac ymateb i achosion a amheuir o gam-drin pobl o grwpiau agored i niwed
BH202	Herio agweddau'r cyhoedd at drais domestig a cham-drin
GK504	Rhoi gwybodaeth a chymorth i ddioddefwyr a goroeswyr trais rhywiol

Cymorth parhaus

Mae adborth seiliedig ar ymarfer ar sail gweithredu'r e-Ddysgu ar gam cynnar wedi dangos y gall y pecyn arwain at nodi profiadau personol o gam-drin a cheisiadau am help a chynghor gan reolwyr. Er mwyn helpu rheolwyr i helpu staff sydd angen help

¹⁴ Adroddiad terfynol Agored Cymru: The co-ordination of practical, expert-led advice to the Welsh Government on the Content Areas of Part of the Group 4 National Training Framework for Violence Against Women, Domestic Abuse and Sexual Violence.

ychwanegol ar ôl cwblhau'r e-Ddysgu, mae Llywodraeth Cymru wedi cyhoeddi canllawiau ychwanegol i reolwyr sydd ar gael ar wefan Byw Heb Ofn.¹⁵

Darperir y canllaw hwn er mwyn helpu rheolwyr llinell i wneud y canlynol:

- eu helpu i gyflwyno'r e-ddysgu i staff;
- ymdrin ag unrhyw bryderon sydd ganddynt hwy neu eu staff ynglŷn â chynnwys ac effaith yr e-ddysgu;
- cynnig cymorth a chefnogaeth i gydweithwyr sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

¹⁵ <http://livefearfree.gov.wales/policies-and-guidance/elearning-guidance-for-line-managers?skip=1&lang=cy>

7. Grŵp 2 o'r Fframwaith Hyfforddi Cenedlaethol

"Hyfforddiant sylfaenol yw hyn. Brawddeg yn unig yw [gofyn y cwestiwn]"

"Does dim angen y tabledi arnoch chi, rhywun i siarad ag ef sydd ei angen"

Mae grŵp 2 yn disgrifio'r grŵp o weithwyr proffesiynol a wnaiff "Gofyn a Gweithredu". Mae'r rhan hon o'r Fframwaith Hyfforddi Cenedlaethol yn amlinellu'r deilliannau dysgu a'r cymwyseddau sy'n cefnogi egwyddor "Gofyn a Gweithredu".

Dim ond hyfforddwyr sydd wedi'u hyfforddi a'u hardystio gan Lywodraeth Cymru a ddylai ddarparu hyfforddiant grŵp 2 a dylai hyn gynnwys cwrs hyfforddi cyfan Gofyn a Gweithredu a ddatblygwyd gan Lywodraeth Cymru at y diben hwn.

Mae "Gofyn a Gweithredu" yn ddull ymholi wedi'i dargedu yn seiliedig ar egwyddorion ar gyfer cam-drin domestig, trais rhywiol a mathau eraill o drais ar sail rhywedd. Cyhoeddir rhagor o ganllawiau manwl ar "Gofyn a Gweithredu" ar wahân gan Lywodraeth Cymru a fydd yn disgrifio'r dull gweithredu'n fanwl ac yn rhoi cyngor ar ei weithredu. Bydd hefyd yn cyfeirio at y canllawiau hyn **sy'n canolbwyntio'n benodol ar elfen hyfforddi "Gofyn a Gweithredu"**.

Mae gan Wasanaeth Cyhoeddus Cymru rôl hanfodol i'w chwarae yn y gwaith o gefnogi datgeliadau gan ddiodefwyr cam-drin domestig a thrais rhywiol ac atgyfnerthu'r gwasanaethau a gânt. Mae angen dull mwy cyson o adnabod diodefwyr ac atgyfeirio'n briodol ledled Cymru.

Prif amcan "Gofyn a Gweithredu" yw galluogi gweithwyr proffesiynol perthnasol i "ofyn" i ddiodefwyr posibl a ydynt yn profi cam-drin domestig, trais rhywiol neu fathau eraill o drais ar sail rhywedd mewn rhai amgylchiadau a "gweithredu" fel bod y diodeffaint a'r niwed a achosir gan y trais a'r cam-drin yn cael eu lleihau.

Mae'r term ymholi wedi'i dargedu yn disgrifio'r broses o adnabod arwyddion o'r ymddygiadau hyn, gan gynnwys symptomau meddygol, arwyddion ymddygiadol neu emosiynol, ciwiau gwybodaeth a chydabod y lleoliadau proffesiynol a ddefnyddir.

Nod

Bydd gan y cyfranogwyr y sgiliau, yr hyder a'r gallu i "Ofyn a Gweithredu".

Cynulleidfa

Mae grŵp 2 yn cynnwys y staff gwasanaeth cyhoeddus sydd fwyaf tebygol o ddod i gysylltiad â'r rhai sy'n profi cam-drin domestig, trais rhywiol a mathau eraill o drais ar sail rhywedd fel rhan o'u rolau (gweler Atodiad 1 am ragor o ganllawiau).

Er mwyn asesu p'un a yw rôl broffesiynol yn addas o ran hyfforddi grŵp 2 o'r Fframwaith dylid cymhwyso'r meini prawf canlynol:

Mae'r gweithiwr proffesiynol:

- mewn rôl gyhoeddus ac yn dod i gysylltiad rheolaidd â'r cyhoedd;

- mewn rôl lle mae profiad ei grŵp cleientiaid o'r mathau hyn o drais a cham-drin yn cymhlethu ac yn effeithio ar natur ymgysylltu'r cleientiaid â'r gwasanaeth a gynigir yn y rôl honno.

Dylid rhoi blaenoriaeth i hyfforddi'r gweithwyr proffesiynol hynny sy'n dod i gysylltiad wyneb yn wyneb â dioddefwyr posibl ac â theuluoedd fwyaf a dylai'r fath weithwyr proffesiynol gael eu dewis o blith yr holl awdurdodau perthnasol.

Mae ymchwil yn dod i'r amlwg sy'n dangos effaith a chyd-daro trais yn erbyn menywod, cam-drin domestig a thrais rhywiol â meysydd proffesiynol eraill yn cynnwys iechyd corfforol ac iechyd meddwl, gofal cymdeithasol, y defnydd o sylweddau ac addysg.¹⁶ Mae'r ymchwil hon yn fan cychwyn defnyddiol i ranbarthau ddatblygu eu cynlluniau cyflenwi. Bydd dadansoddiad o anghenion hyfforddi rhanbarthol hefyd yn helpu i nodi proffesiynau i'w blaenoriaethu.

Mae Llywodraeth Cymru wedi blaenoriaethu'r grwpiau canlynol ar gyfer hyfforddiant "Gofyn a Gweithredu". Nid yw'r rhestr hon yn gynhwysfawr ond dros gyfnod y cynllun cyflenwi cychwynnol pum mlynedd disgwylir i bob rhanbarth fod wedi hyfforddi gweithwyr proffesiynol i gyflawni'r meini prawf hyfforddiant yn y grwpiau hyn.

Lleoliadau mamolaeth ac ôl-enedigol

Gofal sylfaenol

Adrannau Damweiniau ac Achosion Brys

Camddefnyddio sylweddau

Iechyd meddwl

Gwasanaethau Iechyd Meddwl Plant a'r Glasoed (CAMHS)¹⁷

Gwaith Cymdeithasol

Addysg

Tai, Opsiynau tai a Digartrefedd

Timau Troseddau Ieuencid

Gwasanaethau Tân ac Achub

Parafeddygon, technegwyr meddygol achosion brys a thimau gofal dybryd

CAFCASS Cymru¹⁸

Cyflenwi

Cyflenwir grŵp 2 o'r Fframwaith drwy fodel dosbarthu rhanbarthol; caiff gweithwyr lleol proffesiynol, cynrychiolwyr rhanbarthau, gwybodaeth arbenigol a chynulleidfaoedd eu hyfforddi i hyfforddi gweithwyr proffesiynol eraill yn eu rhanbarth i "Ofyn a Gweithredu" gan ddefnyddio pecyn hyfforddi Llywodraeth Cymru.

¹⁶ Amlinellir crynodeb o'r ymchwil hon yng nghanllawiau statudol "Gofyn a Gweithredu" Llywodraeth Cymru

¹⁷ ¹⁸ Nododd sawl defnyddiwr gwasanaeth fod CAFCASS yn sefydliad lle'r oedd angen hyfforddiant ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Ni chafodd y sefydliad hwn ei gydnabod yn yr Ymgynghoriad Cyhoeddus. At hynny, er i un sefydliad a ymatebodd i'r Ymgynghoriad Cyhoeddus gyfeirio at anghenion hyfforddi Gwasanaethau Iechyd Meddwl Plant a'r Glasoed (CAMHS) yn ei ymateb, codwyd hyn yn amlach gan ddefnyddwyr gwasanaeth.

Rheolir y broses o ddewis consortia Hyfforddiant Rhanbarthol gan gydgysylltwyr cam-drin domestig neu gynghorwyr rhanbarthol a ariennir gan Lywodraeth Cymru a dylai fod yn seiliedig ar y canlynol:

1. Mae gan y darpar hyfforddwr wybodaeth arbenigol o gam-drin domestig, trais rhywiol neu fathau eraill o drais yn erbyn menywod a gafwyd drwy ymarfer yn y maes hwn; neu
2. Mae gan y darpar hyfforddwr wybodaeth ymarferol gref o faes gwaith un o'r cynulleidfaoedd â blaenoriaeth bydd yn hyrwyddo'r dull gweithredu yn y proffesiwn hwnnw;
3. Mae gan y darpar hyfforddwr brofiad o hyfforddi.

Dylai grŵp 2 o'r Fframwaith gael ei hyfforddi gan ddau hyfforddwr; un sy'n cynrychioli pwynt un uchod a'r llall sy'n cynrychioli'r ail bwynt. Dylai fod gan o leiaf un o'r ddau brofiad o hyfforddi.

Bydd yr hyfforddwyr hyfforddedig hyn yn ffurfio consortia hyfforddi rhanbarthol. Bydd y consortia hyn yn rhan o fodel cyflenwi grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol a bydd yn galluogi rhanbarthau a sefydliadau i hyfforddi gweithwyr proffesiynol lleol mewn modd hyblyg.

Gofynnir i'r consortia (a arweinir gan gynghorwyr rhanbarthol neu gydgysylltwyr cam-drin domestig) gyfrannu at y gwaith o ddatblygu a gweithredu'r cynlluniau hyfforddi. Dylai'r cynlluniau hyn gynnwys cynllun pum mlynedd i hyfforddi proffesiynau a flaenoriaethwyd yn lleol i "Ofyn a Gweithredu".

Mae model y consortia hyfforddi rhanbarthol yn cynnig cyfle i gynnwys arbenigwyr lleol wrth hyfforddi "Gofyn a Gweithredu", rheoli anghenion hyfforddi lleol yn hyblyg, cynnwys sefydliadau nas enwir yn awdurdodau perthnasol fel y bo'n briodol a darparu hyfforddiant gloywi rheolaidd. Dylai'r broses o greu consortia hyfforddi rhanbarthol fod yn gyson â'r blaenoriaethau blynyddol a amlinellir yn y cynllun hyfforddi.¹⁹

Mae'n debygol mai consortia hyfforddi rhanbarthol fydd y dull mwyaf effeithiol o gyrraedd staff Awdurdodau Lleol a Byrddau Iechyd Lleol. Fodd bynnag, efallai na fyddant mor effeithiol i Awdurdodau Tân ac Achub neu rai o Ymddiriedolaethau'r GIG fel Ymddiriedolaeth Gwasanaeth Ambiwlans Cymru, Iechyd Cyhoeddus Cymru, Felindre neu Wasanaeth Gwaed Cymru. Nid yw'r sefydliadau hyn bob amser yn perthyn yn daclus i unrhyw ôl-troed rhanbarthol ac, yn benodol, yn achos Ymddiriedolaeth Gwasanaeth Ambiwlans Cymru, mae ganddi brosesau hyfforddi staff a gaiff eu cynllunio'n drwyadl flynyddoedd ymlaen llaw ac nid ydynt yn hyblyg.

Yn achos sefydliadau o'r fath, fe'u hanogir i hyfforddi staff drwy'r consortia hyfforddi rhanbarthol (gall fod yn briodol cysylltu â sawl rhanbarth at y diben hwn) a defnyddio'r staff hyfforddedig hyn i hyfforddi eu staff perthnasol yng ngrwpiau 2 a 3 yn eu cynlluniau dysgu a datblygu eu hunain. Dylai'r trefniadau hyn gael eu hadlewyrchu mewn cynlluniau hyfforddi lleol neu ranbarthol. Lle nad yw hyn yn bosibl, oherwydd cyfyngiadau daearyddol neu strwythurol, dylai'r sefydliad geisio

¹⁹ Ni ddylid drysu rhwng y consortia hyfforddi rhanbarthol a grwpiau hyfforddi lleol a sefydlwyd at ddibenion heblaw cyflenwi grwpiau 2 a 3 o'r Fframwaith Hyfforddi Cenedlaethol.

cyngor pellach gan Lywodraeth Cymru a wnaiff ystyried a fyddai hyfforddiant sy'n benodol i'r sefydliad yn fwy addas.

Caiff yr ôl-troed rhanbarthol a nodir yn y canllawiau o dan adran 15 mewn perthynas â grŵp 2 ei ailystyried yn dilyn unrhyw ddiwygiadau i lywodraeth leol a darperir canllawiau pellach.

Deilliannau

Darperir pecyn gwerthuso fel rhan o'r adnoddau a'r deunyddiau a roddir i'r consortia hyfforddi rhanbarthol, er mwyn casglu safbwyntiau cyfranogwyr cyn ac ar ôl hyfforddiant. Dylai crynodeb o'r adborth hwn fod yn rhan o'r adroddiad blynyddol. Caiff hyfforddiant grŵp 2 ei werthuso yn erbyn y mesurau canlynol:

- Meini prawf ymateb: sut y gwnaeth yr hyfforddiant effeithio ar y cyfranogwyr ac unrhyw newid mewn agwedd yn dilyn hynny.
- Meini prawf dysgu: sut roedd yr hyfforddiant yn mesur yn erbyn y deilliannau dysgu. Dylai hyn ystyried canfyddiad y dysgwr o wybodaeth, ei hyder a'r bwriad i weithredu.
- Meini prawf ymddygiadol: effaith yr hyfforddiant ar berfformiad gwirioneddol. Gall hyn gynnwys mesur dilynol.
- Meini prawf deilliannau: bydd hyn yn cynnwys ystyried effaith yr hyfforddiant yn y tymor hwy, pa mor ddefnyddiol yw yn nhyb yr awdurdodau perthnasol a pha mor berthnasol yr ystyrir effaith yr hyfforddiant ar newid ymarfer. Ymdrinnir â hyn mewn gwerthusiadau a gomisiynir gan Lywodraeth Cymru.

Yn ogystal â'r mesurau a ddisgrifir uchod, mesurir deilliannau ychwanegol sy'n gysylltiedig â'r broses "Gofyn a Gweithredu" drwy werthusiad annibynnol o'r dull gweithredu. Bydd y gwerthusiad hwn yn anelu at ystyried y canlynol:

- cyfraddau adnabod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol;
- cyfraddau atgyfeirio i wasanaethau arbenigol;
- cam-drin yn dod i ben;
- cyfraddau ailerledigaeth lleol;
- ymyrraeth gynharach.

Achredu

Caiff Hyfforddiant Hyfforddi'r Hyfforddwr i uwchsgilio'r consortia hyfforddi rhanbarthol ei achredu. Fodd bynnag, nid felly'r hyfforddiant a gyflenwir drwy'r consortia. Mae maint y gynulleidfa a hyfforddir ar y lefel hon yn gwahardd achredu unigol. Fodd bynnag, yn unol ag argymhellion yr adolygiad annibynnol o hyfforddiant arbenigol ar

drais yn erbyn menywod, cam-drin domestig a thrais rhywiol ledled Cymru²⁰, bydd yn cydymffurfio â'r Safonau Galwedigaethol Cenedlaethol canlynol.

Rhif Adnabod SGC	Teitl SGC
AG4	Adnabod ac ymateb i achosion a amheuir o gam-drin pobl o grwpiau agored i niwed
BI101	Cyfathrebu ac ymgysylltu â dioddefwyr a goroeswyr trais a cham-drin domestig
GK101	Rhoi gwybodaeth a chymorth i ddioddefwyr a goroeswyr trais a cham-drin domestig
GK401	Ymdrin â'r sawl sy'n ffonio mewn modd sensitif
GK402	Pennu gofynion y sawl sy'n ffonio
GK502	Cyfathrebu ac ymgysylltu â dioddefwyr a goroeswyr trais rhywiol
GK504	Rhoi gwybodaeth a chymorth i ddioddefwyr a goroeswyr trais rhywiol

Cymorth parhaus

Cydnabyddir y bydd adnoddau awdurdodau perthnasol yn herio argaeledd staff i dderbyn hyfforddiant gloywi ffurfiol ar gyfer "Gofyn a Gweithredu" yn yr un ffordd â'r hyfforddiant cychwynol (hyfforddiant yn yr ystafell).

Gellir bodloni'r gofyniad i ddarparu hyfforddiant gloywi drwy gynnig dysgu cyfunol ac ar-lein a bydd deunyddiau ar gael maes o law i fodloni'r gofyniad hwn.

²⁰ Adroddiad terfynol Agored Cymru: The co-ordination of practical, expert-led advice to the Welsh Government on the Content Areas of Part of the Group 4 National Training Framework for Violence Against Women, Domestic Abuse and Sexual Violence.

8. Grŵp 3 o'r Fframwaith Hyfforddi Cenedlaethol

"Edrych ar y broblem go iawn. Mynd gam ymhellach!"

"Edrych ar y teulu cyfan - gwneud asesiad cywir"

"Dy'n nhw ddim yn deall yr effaith ar blant, does neb yn gwranddo ar lais y plentyn, mae angen gwranddo arny'n nhw hefyd"

Mae grŵp 3 o'r Fframwaith yn disgrifio'r rhai sy'n gweithio'n agos gyda theuluoedd sy'n profi mathau o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn eu rôl bresennol (ond nad ydynt yn arbenigo yn y maes hwn) a'r rhai sy'n cyflawni rôl hyrwyddo yn eu sefydliad (gweler Atodiad 4 am ddiffiniad o'r rôl hon).

Mae'n rhan hon o'r Fframwaith yn amlinellu'r deilliannau dysgu a'r cymwyseddau y mae'n rhaid eu cyflawni drwy hyfforddiant at y dibenion canlynol:

- sicrhau, ym mhob un o'r awdurdodau perthnasol, fod cyfran o'r gweithwyr proffesiynol sydd wrthi'n gweithio gyda'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol fel rhan o'u rôl bresennol, wedi'u hyfforddi i lefel uwch (uwchlaw'r hyn a roddir i grŵp 2);
- sicrhau bod unrhyw gyflogai gwasanaeth cyhoeddus y mae ei sefydliad yn gofyn iddo gyflawni rôl "eiriolwr" ar lefel swyddog²¹ o ran y materion hyn wedi'i hyfforddi i lefel uwch (uwchlaw grŵp 2).

Dengys gwersi o Adolygiadau amrywiol o Achosion Difrifol a Dynladdiadau Domestig yn fynych bod angen gwell ymarfer rhyngasiantaethol a rhannu gwybodaeth er mwyn adnabod y rhai sy'n profi cam-drin domestig ac ymateb iddynt yn well. Mae hefyd yn glir y dylai llawer o sefydliadau wella'r ffordd y maent yn adnabod arwyddion o gam-drin a bod mewn gwell sefyllfa i nodi ffactorau risg a phryderon.

Bydd angen i weithwyr proffesiynol yng ngrŵp 3 feddu ar well dealltwriaeth o gam-drin domestig, trais rhywiol a mathau eraill o drais ar sail rhywedd, yr effaith bosibl ar ddiogelu plant a rheoli risg tramgwyddwyr. Byddant yn cynorthwyo eu sefydliadau i liniaru unrhyw risg ac amddiffyn oedolion sy'n ddiodefwr a'u plant. Efallai y byddant hefyd yn gweithio (mewn rôl anarbenigol) â thramgwyddwyr ac yn cynorthwyo cydweithwyr i weithio drwy brosesau gwneud penderfyniadau mewn perthynas â rhannu data.

Nod

Bydd cyfranogwyr yn meddu ar well gwybodaeth o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol a byddant yn gallu ymarfer yn effeithiol er mwyn cefnogi cydweithwyr a sicrhau bod pob aelod o'r teulu sy'n profi trais a cham-drin yn cael cynnig ymyriadau effeithiol.

²¹ Yn gysylltiedig â'r prosiect 10,000 o Fwydau Diogelach. Rhoddir disgrifiad o'r rôl yn Atodiad 4.

Cynulleidfa

Bydd yr hyfforddiant hwn yn berthnasol i'r canlynol:

- unrhyw weithiwr proffesiynol sydd â chyfrifoldeb arweiniol am ei broffesiwn o ran trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (e.e. diogelu nyrsys, bydwragedd arbenigol);
- y rhai sy'n gweithio gyda grŵp cleientiaid sy'n profi lefel uchel o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol (fel gweithwyr cymdeithasol, y rhai sy'n gweithio mewn lleoliadau iechyd meddwl a defnyddio sylweddau neu);
- y rhai lle mae eu sefydliad yn gofyn iddynt gyflawni rôl "eirioli" mewn tîm rheng flaen.

Cyflenwi

Cyflenwir grŵp 3 o'r Fframwaith drwy fodel dosbarthu rhanbarthol hefyd, yn seiliedig ar becyn hyfforddi Llywodraeth Cymru. Bydd angen grŵp llai o hyfforddwyr i hyfforddi grŵp 3 ac, fel y cyfryw, dim ond cyfran ddethol o'r consortia a dderbynnir ar gwrs Hyfforddi'r Hyfforddwr grŵp 3. Awgrymir mai'r rheini sydd â gwybodaeth arbenigol o gam-drin domestig, trais rhywiol a mathau eraill o drais yn erbyn menywod sydd yn y sefyllfa orau i gyflwyno'r cwrs hwn.

Cyflwynir yr hyfforddiant hwn ar sail dysgu cyfunol, gan ddefnyddio dulliau dysgu annibynnol ac ystafell ddosbarth.

Dylai'r broses o hyfforddi grŵp 3 adlewyrchu cynllun cyflenwi hyfforddiant grŵp 2 er mwyn sicrhau bod pob gweithiwr proffesiynol yng ngrŵp 2 yn gallu cael gafael ar gymorth a gwell gwybodaeth gweithwyr proffesiynol yng ngrŵp 3.

Y gymhareb a awgrymir ar gyfer Hyfforddeion yng ngrŵp 2 i hyfforddeion yng ngrŵp 3 yw 1:10. Disgwylir gweld cymhareb uwch mewn adrannau sydd â grŵp cleientiaid sy'n dueddol o gynnwys dioddefwyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol, fel gofal cymdeithasol, iechyd meddwl a defnyddio sylweddau.

Er mwyn sicrhau bod grŵp o weithwyr proffesiynol sy'n meddu ar well dealltwriaeth o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn hysbys ac ar gael i bawb sy'n gweithio gyda'r materion hyn, dylid hyfforddi o leiaf 100 o weithwyr proffesiynol y flwyddyn, fesul rhanbarth yng ngrŵp 3 yn ystod y pum mlynedd gyntaf. Bydd hyn yn cefnogi'r gwaith o gyflenwi dros 3500 o weithwyr proffesiynol â gwell gwybodaeth ymhob awdurdod perthnasol. (Mae hyn yn cyfateb i 10% o'r gweithwyr proffesiynol â blaenoriaeth yng ngrŵp 2).

Achredu

Bydd hyfforddiant Hyfforddi'r Hyfforddwr a'r hyfforddiant a ddosberthir drwy'r consortia hyfforddi rhanbarthol yn cynnwys asesiad ac achrediad ffurfiol. Bydd hefyd

yn cydymffurfio â'r Safonau Galwedigaethol Cenedlaethol canlynol a chymerir pob cam rhesymol i sicrhau ei fod yn cydymffurfio â DPP mewn amrywiaeth o broffesiynau.

Rhif Adnabod SGC	Teitl SGC
AG4	Adnabod ac ymateb i achosion a amheuir o gam-drin pobl o grwpiau agored i niwed
AG5	Cefnogi'r gwaith o ddiogelu ac amddiffyn pobl o grwpiau agored i niwed
BI101	Cyfathrebu ac ymgysylltu â dioddefwyr a goroeswyr trais a cham-drin domestig
BI203	Cyfrannu at y gwaith o asesu dioddefwyr a goroeswyr trais a cham-drin domestig
BI302	Cyfrannu at gynlluniau sy'n rheoli'r risg o niwed i ddioddefwyr a goroeswyr trais a cham-drin domestig
GK101	Rhoi gwybodaeth a chymorth i ddioddefwyr a goroeswyr trais a cham-drin domestig
GK102	Cyflawni ymyriadau sy'n gwneud dioddefwyr a goroeswyr trais a cham-drin domestig yn fwy diogel
GK502	Cyfathrebu ac ymgysylltu â dioddefwyr a goroeswyr trais rhywiol
GK503	Cynnal asesiad i nodi anghenion a risgiau dioddefwyr a goroeswyr trais rhywiol
GK504	Rhoi gwybodaeth a chymorth i ddioddefwyr a goroeswyr trais rhywiol
GK505	Gweithio mewn partneriaeth ag asiantaethau i ymdrin â thrais rhywiol
GK510	Cyfrannu at y gwaith o gefnogi pobl o grwpiau agored i niwed sydd wedi profi trawma

9. Grŵp 4 o'r Fframwaith Hyfforddi Cenedlaethol

Mae [fy ngweithiwr cymorth arbenigol] yn fy helpu i gyfathrebu'n well ac yn dod ag arbenigedd sydd ar goll fel arall [i asesiadau teuluol]

"Fe wnaethon nhw achub fy mywyd"

"Doedd neb arall am wybod. Hwn yw'r unig le sydd wedi helpu mewn gwirionedd"

Mae grŵp 4 o'r Fframwaith Hyfforddi Cenedlaethol yn cynnwys y rhai sydd mewn rolau arbenigol ac yn gweithio'n uniongyrchol ac yn gyfan gwbl gyda'r rhai sydd wedi profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.²² Er y gall teitlau swydd gweithwyr yn y maes hwn gael eu dyblygu o fewn gwasanaethau cyhoeddus, mae grŵp 4 ond yn ymwneud â'r gweithwyr hynny sy'n darparu gwasanaethau penodol i'r rhai y mae trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn effeithio arnynt. Fel rheol, byddant yn gweithio o fewn gwasanaethau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol arbenigol.

Nod

Sicrhau bod pob gweithiwr proffesiynol arbenigol wedi'i hyfforddi'n briodol er mwyn sicrhau bod cleientiaid yn gallu cael gafael ar ymarferwyr arbenigol pan fo angen help arnynt sy'n arwain at;

gysondeb o ran ymarfer dilynol y gweithiwr proffesiynol hyfforddedig a gwell gwasanaethau i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Cynulleidfa

Mae grŵp 4 yn cynnwys y rhai mewn rolau arbenigol sydd angen hyfforddiant arbenigol er mwyn ymarfer. Ymhlith y rolau hyn mae Cynghorwyr Annibynnol ar Drais Domestig, Gweithwyr Allgymorth, Gweithwyr Achos, Gweithwyr Cymorth fel y bo'r Angen, Gweithwyr Lloches/Allweddol, Cynghorwyr Annibynnol ar Drais Rhywiol, Gweithwyr Argyfwng, cwnselwyr, gweithwyr plant a phobl ifanc neu hwyluswyr grŵp ar raglenni tramgwyddwyr.

Cynnwys

Defnyddir sawl rôl yn y sector arbenigol er mwyn darparu gwasanaethau i'r rhai sydd wedi profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Mae teitl, disgrifiadau a diben wedi'i gomisiynu rolau o'r fath yn amrywio'n lleol. Fodd bynnag, mae llawer o'r rolau yn amrywio'n fwy o ran teitl na swyddogaeth ac felly

²² Cydnabyddir bod y rhan fwyaf o broffesiynau arbenigol wedi'u lleoli y tu allan i'r awdurdodau perthnasol, yn y sector elusennol arbenigol. Mae Llywodraeth Cymru yn annog pob gweithiwr arbenigol i gael hyfforddiant priodol, waeth pwy yw'r prif sefydliad.

mae angen set debyg o sgiliau yn aml. Nid yw'n bosibl, yn y canllawiau hyn, i ddarparu rhestr gynhwysfawr o'r holl rolau lleol gan fod llawer wedi'u henwi er mwyn adlewyrchu anghenion lleol, y gronfa gomisiynu neu gyd-destun y maes y mae'r rôl yn gweithredu ynddo. Mae'r tabl yn Atodiad 3 yn dosbarthu'r rolau'n feysydd pwnc, yn darparu teitlau swydd nodweddiadol sy'n gysylltiedig â'r rhain a chrynodeb byr o ddiben.

Mae'r rolau a geir yma yn ymwneud â chymorth ymarferol, eirioli a chwmsela.

Dylai pob gweithiwr proffesiynol arbenigol fod wedi'i gymhwyso hyd at lefel 3 (Rhwydwaith y Coleg Agored) neu lefel tystysgrif ar y Fframwaith Cymwysterau a Chredydau neu lefel uwch ar raglen hyfforddi sy'n benodol i rôl. Mae'r cwrs hwn wedi'i ddylunio i uwchsgilio gweithiwr proffesiynol i gyflawni rôl broffesiynol, yn hytrach na chwrs sy'n benodol i bwnc a fyddai'n gwella gwybodaeth y gweithiwr proffesiynol o un pwnc yn benodol.

Ar gyfer rolau penodol, fel cynghorydd annibynnol ar drais domestig neu weithwyr lloches, dylai'r hyfforddiant gyfateb i 24 credyd neu fwy fel rheol. Gall hyn fod yn is yn achos hyfforddiant ar waith tramgwyddwyr, gweithwyr argyfwng, cwmselwyr a gweithwyr plant a phobl ifanc.

Argymhellir bod yr hyfforddiant a gwblheir yn alwedigaethol, yn benodol i rôl ac wedi'i achredu.

Rhaid i gyrsiau sy'n canolbwyntio ar gam-drin domestig gwmpasu'r canlynol:

- deall cam-drin domestig;
- deall anghenion amrywiol cleientiaid, cynllunio ar eu cyfer ac ymateb iddynt;
- diogelu plant;
- trais ar sail anrhydedd, priodas dan orfod, anffurfio organau cenhedlu benywod a dim hawl ddigolledu i arian cyhoeddus;
- camfanteisio rhywiol;
- trais rhywiol;
- yr effaith ar iechyd;
- stelcio ac aflonyddu;
- nodweddion tramgwyddwyr.

Sgiliau

- ymgysylltu â chleientiaid;
- camau newid;
- technegau cyfweld ysgogiadol;
- adnabod, asesu a rheoli risgiau;
- rheoli achosion;
- cydweithredu amlasiantaethol;
- diffiniadau o rolau, cylch gwaith a diben;
- hunanofal a thrawma dirprwyol;

- rhannu gwybodaeth.

Opsiynau cleientiaid

- y System Cyfiawnder Troseddol (yn gweithio gyda'r heddlu, Gwasanaeth Erllyn y Goron a'r Gwasanaeth Prawf);
- defnyddio rhwymedïau cyfraith sifil;
- iechyd meddwl;
- defnyddio sylweddau;
- digartrefedd ac opsiynau tai.

Dylai'r cyrsiau sy'n canolbwyntio ar drais rhywiol ddarparu cynnwys perthnasol fel yr uchod yn ogystal â chynnwys ychwanegol ar y canlynol:

- ymateb pobl i drawma;
- effaith cam-drin hanesyddol ar blant ac oedolion;
- iechyd rhywiol;
- asesiad o anghenion trais rhywiol;
- cynllun a swyddogaeth y Ganolfan Atgyfeirio Ymosodiadau Rhywiol;
- tramgwydd trais rhywiol;
- therapi cyn llys;
- cynnig cymorth drwy'r system cyfiawnder troseddol.

Dylai'r cyrsiau sy'n canolbwyntio ar y tramgwyddwr ddarparu'r cynnwys canlynol:

- deall y rheini sy'n defnyddio trais ac yn cam-drin;
- y broses o weithio mewn grwpiau gyda'r rhai sy'n defnyddio trais ac yn cam-drin;
- deall risg yng nghyd-destun gweithio'n uniongyrchol gyda thramgwyddwyr trais domestig a sut i ymateb i newidiadau mewn risg;
- gwneud asesiadau;
- osgoi cydgynllwynio a dwyn tramgwyddwyr i gyfrif;
- dadansoddi digwyddiadau treisgar;
- parch rhywiol;
- diogelu plant ac oedolion agored i niwed yng nghyd-destun gwaith gyda thramgwyddwyr;
- rheoli achosion, goruchwyliaeth a rheoli triniaeth.

Dylai'r cyrsiau sy'n canolbwyntio ar blant ddarparu'r cynnwys canlynol:

- effaith trais yn erbyn menywod, cam-drin domestig a thrais rhywiol ar blant a phobl ifanc (o ran eu cydberthnasau eu hunain a chydberthnasau â rhieni);
- damcaniaeth ymlyniad;
- ymateb i drawma;
- diogelu plant a phobl ifanc sy'n profi trais a cham-drin;
- ymgysylltu â phlant a phobl ifanc;

- negodi cyfiawnder troseddol, cyfraith ddinesig ac achosion cael cyswllt sy'n ymwneud â phlant.

Amlinellir cyrsiau addas a ffafrir Llywodraeth Cymru yn Atodiad 3.

Cyflenwi

Mae sawl cwrs sy'n bodloni'r meini prawf uchod ar gael yng Nghymru. Ar hyn o bryd, mae'r Swyddfa Gartref a'r Weinyddiaeth Gyfiawnder yn ariannu darparwyr cenedlaethol i gynnig nifer o leoedd hyfforddi a ariennir bob blwyddyn. Mae hyn yn debygol o bara tan fis Mawrth 2016. Bydd Llywodraeth Cymru yn monitro darpariaeth wedi hynny ac yn ystyried pa anghenion hyfforddi ychwanegol sy'n bodoli i grŵp 4 o'r Fframwaith yn flynyddol.

Achredu

Dylai pob cwrs penodol ar gyfer rolau arbenigol gael ei achredu yn ôl y gofynion lefel a chredyd a amlinellir uchod.

Cymorth parhaus

Rhaid i weithwyr arbenigol fod yn effro i sefyllfa newidiol gwasanaethau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol, ynghyd â deddfwriaeth a pholisi cysylltiedig, er mwyn sicrhau bod y cyngor a'r cymorth a roddir i'w grŵp cleientiaid yn arbenigol ac yn gyfredol. Am y rheswm hwn y mae'r canllawiau hyn yn cyflwyno gofyniad Datblygiad Proffesiynol Parhaus ar gyfer grŵp 4 o'r Fframwaith Hyfforddi Cenedlaethol. Maent hefyd yn cysoni safonau proffesiynol y proffesiynau hyn â rhai proffesiynau tebyg eraill fel gweithwyr cymdeithasol.

10. Grŵp 5 o'r Fframwaith Hyfforddi Cenedlaethol

Mae grŵp 5 o'r Fframwaith yn cynnwys y rhai sy'n rheoli gwasanaethau eirioli a chymorth arbenigol i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Mae'r gwasanaethau hyn yn aml yn fach ac yn dibynnu ar reolaeth effeithiol er mwyn cynnig gwasanaeth cynaliadwy o safon uchel.²³

Nod gofynion hyfforddi'r grŵp hwn yw galluogi rheolwyr gwasanaeth, uwch-weithwyr neu weithwyr proffesiynol arweiniol i weithredu strwythurau rheoli achosion effeithiol, darparu data rheoli perfformiad priodol ac ystyried lles staff. Bydd hefyd yn eu galluogi i arwain eu gwasanaeth drwy drefniadau comisiynu, codi arian, Adolygiadau o Ddyladdiadau Domestig ac Adolygiadau o Achosion Difrifol.

Nod

Dylai hyfforddiant grŵp 5 alluogi cyfranogwyr i ddeall y prosesau sy'n ofynnol i reoli gwasanaethau ar gyfer y rhai yr effeithir arnynt gan drais yn erbyn menywod, cam-drin domestig a thrais rhywiol, a gwella perfformiad staff rheng flaen drwy reolaeth ac arweinyddiaeth gadarn.

Cynulleidfa

Byddai'r swyddi a dargedir gan yr hyfforddiant hwn yn cynnwys rheolwyr gwasanaeth cymunedol, rheolwyr lloches, rheolwyr SARC, arweinwyr tîm ac uwch staff fel uwch gynghorydd annibynnol ar drais domestig neu gynghorydd annibynnol ar drais rhywiol arweiniol.

Cyflenwi

Hyfforddir grŵp 5 o'r Fframwaith drwy rywfaint o hyfforddiant yn yr ystafell ddosbarth Fodd bynnag, gall dysgu cyfunol, gweithdai a setiau dysgu gweithredol gael eu defnyddio hefyd lle bo'n briodol.

Mae Llywodraeth Cymru wedi penodi SafeLives i ddarparu'r hyfforddiant hwn yn 2014-15 gydag estyniad posibl i 2015-16. Dyma ddewis hyfforddiant Llywodraeth Cymru ar gyfer rheolwyr gwasanaeth yng Nghymru am iddo gael ei ddatblygu yn unol â manyleb sy'n seiliedig ar y Fframwaith Hyfforddi Cenedlaethol ac mae'n cynnig neges genedlaethol gyson. Mae'r hyfforddiant yn dwyn ynghyd reolwyr gwasanaeth o bob cwr o Gymru, gan gynnig cyfleoedd rhwydweithio a chyfleoedd am gymorth gan gyfoedion yn y sector ehangach.

Achredu

²³ Cydnabyddir bod y rhan fwyaf o broffesiynau arbenigol wedi'u lleoli y tu allan i'r awdurdodau perthnasol, yn y sector elusennol arbenigol. Mae Llywodraeth Cymru yn annog pob gweithiwr arbenigol i gael hyfforddiant priodol, waeth pwy yw'r prif sefydliad.

Dylai hyfforddiant grŵp 5 gael ei achredu heb fod islaw 12 credyd ar lefel 4 (Rhwydwaith y Coleg Agored) er mwyn sicrhau ei fod ar lefel academaidd uwch na chyrsgiau grŵp 4 o'r Fframwaith. Mae'r fath gynllun yn cynnig datblygiad academaidd rhwng grwpiau 4 a 5 a fydd yn proffesiynoli'r sector arbenigol ymhellach ac yn cynnig cyfleoedd sy'n cyfrannu at gadw staff medrus.

Safonau gwasanaeth

Rhydd deilliannau dysgu grŵp 5 o'r Fframwaith Hyfforddi Cenedlaethol safon sylfaenol ar gyfer rheoli gwasanaethau arbenigol a man cychwyn ar gyfer fframwaith sicrhau ansawdd o ran darparu gwasanaethau arbenigol a ddatblygir dros amser.

11. Grŵp 6 o'r Fframwaith Hyfforddi Cenedlaethol

Nod grŵp 6 o'r Fframwaith yw annog creu diwylliant a seilwaith sy'n helpu rheolwyr ac arweinwyr i gyflwyno a gweithredu'r cyfarwyddyd ymarfer a gwybodaeth sy'n bodoli yng ngrwpiau 1 i 5. Mae cyflenwi grŵp 6 yn cyfuno Cynllun Ymgysylltu Strategol i'w adolygu'n flynyddol â chyfres o ddeunyddiau ategol perthnasol.

Nodau

Ennyn cyfranogiad arweinwyr gwasanaeth cyhoeddus drwy godi ymwybyddiaeth a'u haddysgu am drais yn erbyn menywod, cam-drin domestig a thrais rhywiol, fel mater darparu gwasanaeth a gweithlu.

Creu diwylliant a seilwaith sy'n cefnogi nodau'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Cynulleidfa

Mae grŵp 6 o'r Fframwaith yn targedu Uwch Arweinwyr y gwasanaeth cyhoeddus. Maent yn cynnwys (ond heb eu cyfyngu i) Prif Swyddogion Gweithredol, Arweinwyr Cynghorau a chynghorwyr, Cyfarwyddwyr Personél, Cyfarwyddwyr Gweithlu, Rheolwyr Hyfforddi a Datblygu, arweinwyr Undebau Llafur, Prif Gwnstabiliaid, Prif Swyddogion Tân ac Achub, comisiynwyr perthnasol a phartneriaethau.

Cynnwys

Bydd cynnwys grŵp 6 o'r Fframwaith yn esblygu gan ddibynnu ar flaenoriaethau strategol ac unrhyw heriau gweithredu a nodir. Dyroddir cynllun cyflenwi blynyddol ar gyfer grŵp 6 gan Lywodraeth Cymru a fydd, lle bo'n briodol, yn cynnwys astudiaethau achos a thystebau gan ddefnyddwyr gwasanaeth.

Cyflenwi

Llywodraeth Cymru sy'n gyfrifol am hyfforddi grŵp 6 o'r Fframwaith a gwneir hyn ar ffurf dwy ffrwd waith.

- 1) Cynllun Ymgysylltu Strategol
- 2) Y Gyfres Cryfhau Arweinyddiaeth

1) Cynllun Ymgysylltu Strategol

Bydd y Cynllun Ymgysylltu Strategol yn golygu ymyrryd yn uniongyrchol er mwyn ennyn cyfranogiad arweinwyr gwasanaeth cyhoeddus a sicrhau ymrwymiad i weithredu penodol, codi ymwybyddiaeth a llywio diweddariadau polisi a deddfwriaeth.

Mae'r Cynllun Ymgysylltu Strategol yn cynnwys amserlen o ddigwyddiadau perthnasol sydd wedi eu hanelu at arweinwyr gwasanaeth cyhoeddus, sydd eisoes yn dylanwadu ar strategaeth a chyfeiriad ac eisoes yn derbyn mewnbwn gan arweinwyr. Rhoddir crynodeb o'r math o ddigwyddiadau a gynhwysir isod:

Math o fforwm	Gweithgaredd penodol
Byrddau/cyfarfodydd/partneriaethau	Bwrdd Gwasanaethau Effeithiol i Grwpiau Agored i Niwed Cyfarfod y Prif Grŵp Cyflenwi (G42) Bwrdd Cynghori Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol Grŵp Personél a Datblygu Sefydliadol Gwasanaethau Tân ac Achub Cyngor Partneriaeth y Gweithlu Arweinwyr Cwnsela Awdurdodau Lleol Cyfarwyddwyr CLILC Grŵp Adnoddau Dynol Cyfarfod o Gyfarwyddwyr Gweithlu'r GIG Cydffederasiwn y GIG Fforwm Cydgysylltwyr Cam-drin Domestig
Cyfarfodydd Llywodraeth Cymru	Grŵp Busnes Grŵp Gweithrediadau
Digwyddiadau	Cynadleddau Priodol Cynadleddau / digwyddiadau wedi'u trefnu gan Lywodraeth Cymru Cynhadledd Iechyd Cyhoeddus Cymru
Cyhoeddiadau	Councillor Connect Municipal Journal Cylchlythyrau staff
Llythyrau/cyfathrebu	Llythyrau gweinidogol Llythyrau Prif Swyddogion Gweithredol - Cyrff a Noddir gan Lywodraeth Cymru

Y bwriad yw y bydd cyflwyniadau Gweinidogol, presenoldeb uwch swyddogion o'r Llywodraeth ac, ymhenn amser, y Cynghorydd Cenedlaethol, yn y digwyddiadau hyn yn cynnig gwybodaeth a chyfle i ddylanwadu ar arweinyddiaeth gwasanaeth cyhoeddus, yng nghwmni eu cydweithwyr, heb wneud galwadau ychwanegol diangen ar eu hamser. Mae hyn yn debygol o esgor ar well ymgysylltu a chyrhaeddiad ehangach.

2) Y Gyfres Cryfhau Arweinyddiaeth

Cyhoeddir y Gyfres Cryfhau Arweinyddiaeth i gefnogi'r negeseuon a ledaenir drwy'r Cynllun Ymgysylltu Strategol. Bydd y gyfres yn rhannu arbenigedd y sector arbenigol, yn rhoi canllawiau ar weithredu cynnwys polisi Llywodraeth Cymru ac yn cyfeirio gwybodaeth o'r Gweinidog er mwyn cyfathrebu'n rheolaidd ar faterion trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Cyflwynir cynnwys y gyfres hon mewn amrywiaeth o wahanol fformatau, wedi eu dylunio mewn ffordd hawdd eu defnyddio ac i annog yr ymgysylltiad gorau. Gall y fformatau hyn gynnwys:

Clipiau fideo: Portreadau bychain i roi gwybodaeth benodol am bwnc. Gall hyn gynnwys neges gan y Gweinidog ar hynt gweithredu Deddf Trais yn erbyn Menywod, Cam-Drin Domestig a Thrais Rhywiol (Cymru) 2015 neu arbenigwr pwnc yn siarad ar fater cysylltiedig.

Webinarau: Gallai'r rhain gael eu recordio neu eu ffrydio'n fyw gan roi gwybodaeth fanwl am bwnc neu faes gweithredu. Gallant olygu dysgu rhwng cydweithwyr a rhannu arferion gorau. Byddai'r gweminarau a fyddai'n cael eu ffrydio'n fyw yn rhyngweithiol gan roi cyfle i holi ac ateb a thrafod.

Sesiynau briffio: Byddai clipiau fideo a gweminarau yn cynnwys sesiynau briffio i roi canllawiau ychwanegol. Gellir defnyddio'r rhain er mwyn helpu i ddirprwyo tasgau cysylltiedig, fel adolygu polisi'r gweithle neu greu llwybrau atgyfeirio.

Ffrydio'n fyw: Lle bo'n bosibl, bwriedir recordio cynadleddau a digwyddiadau byw i gynnig rhith-fynediad atynt. Hefyd, byddai clipiau wedi eu recordio o'r digwyddiadau hyn ar gael wedyn.

Deilliannau

Ystyrir deilliannau sy'n gysylltiedig â newid diwylliant a seilwaith cryfach. Bydd y rhain yn cynnwys:

- ✓ Mwy o ymwybyddiaeth o drais yn erbyn menywod, cam-drin domestig a thrais rhywiol gan uwch arweinwyr y gwasanaeth cyhoeddus
- ✓ Cyrhaeddiad digwyddiadau
- ✓ Faint o sefydliadau a Chenhadon Rhuban Gwyn sydd yng Nghymru
- ✓ Monitro polisiâu'r gweithle
- ✓ Ymrwymiad ysgrifenedig i feysydd gwaith penodol.

Achredu

Ni fydd hyfforddiant y grŵp hwn o'r Fframwaith yn cael ei achredu. Bydd yn cydymffurfio ag unrhyw Safonau Galwedigaethol Cenedlaethol perthnasol a chymerir pob cam rhesymol i sicrhau ei fod yn cydymffurfio â DPP mewn amrywiaeth o broffesiynau.

12. Y maes llafur pwnc arbenigol

Dylai'r maes llafur pwnc arbenigol fod yn sail i'r holl hyfforddiant a gynigir neu a ddilynir gan awdurdodau perthnasol ar gam-drin domestig, trais rhywiol neu fathau eraill o drais yn erbyn menywod.

Dylai ystyried sut y caiff anghenion hyfforddi parhaus gweithwyr proffesiynol yn yr awdurdodau perthnasol eu diwallu fod yn gyson â'r maes llafur pwnc arbenigol.

Nod

Creu cynnwys, deilliannau dysgu a chymwyseddau sy'n ymwneud â cham-drin domestig, trais rhywiol, trais ar sail rhywedd ac yn benodol drais yn erbyn menywod yn faes llafur a reolir yn ganolog sy'n cynnig cysondeb a sicrwydd ansawdd, waeth yr ardal, gan arwain at:

gysondeb o ran ymarfer dilynol y gweithiwr proffesiynol hyfforddedig a gwell gwasanaethau i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Cynulleidfa

Y rhai sydd angen hyfforddiant ar faterion pwnc penodol er mwyn diwallu anghenion cleientiaid sy'n dod i'r amlwg. Gall hyn gynnwys ymwelydd iechyd a fyddai'n cael budd o hyfforddiant ym maes Anffurfio Organau Cenhedlu Benywod er mwyn nodi'r risgiau o'r fath gam-drin ac ymateb yn effeithiol.

Mae nifer sylweddol o gyrsiau hyfforddi eisoes ar gael ledled Cymru. Caiff rhai o'r cyrsiau hyn eu cynnig fel rhan o ymgyrch genedlaethol i broffesiynoli'r ymateb i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol, tra bod eraill yn deillio o fentrau lleol i ddiwallu angen sy'n dod i'r amlwg.

Ni fwriedir i'r Fframwaith gyfyngu ar y cyrsiau hyfforddi hynny a ddatblygir er mwyn diwallu anghenion a nodwyd. Cydnabyddir bod y rhain yn aml yn chwarae rôl werthfawr yn ymateb i amgylchiadau lleol ond mae'n bwysig serch hynny eu bod yn gyson â nodau'r Fframwaith o ran cysondeb a sicrhau ansawdd.

Cynnwys

Bydd grwpiau 2 a 3 o'r Fframwaith yn cael y cynnwys sylfaenol i'w galluogi i ymateb yn effeithiol i'r rhai sy'n profi trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

Bydd yr hyfforddiant a gynigir i grwpiau 2 a 3 ond yn ymwneud â chysyniadau sylfaenol, egwyddorion a gofynion ymarfer sy'n gysylltiedig â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac ni all gwmpasu'r holl gymhlethdod a ffactorau agored i niwed cysylltiedig sy'n ymwneud â'r materion hyn.

Dylai dysgu ychwanegol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol gael ei gydnabod yn ofynnol i Ddatblygiad Proffesiynol Parhaus gwasanaeth cyhoeddus perthnasol a dylai hyfforddiant grwpiau 2 a 3 fod yn sail i ddysgu pellach ar y pynciau hyn. Dylai'r dysgu hwn gael ei arwain gan adolygiadau rheoli unigol, gweledigaeth leol a strategaeth sefydliadol.

Lle mae gweithwyr proffesiynol, rheolwyr ac arweinwyr yn nodi meysydd penodol lle gallent hwy neu eu staff gael budd o well gwybodaeth, nid yw'r hyfforddiant proffesiynol a anelir at rolau arbenigol a gynigir i grŵp 4 yn debygol o fod yn briodol oherwydd gofynion cost ac amser, ond gall cyrsiau pwnc penodol byrrach â mwy o ffocws iddynt fod yn addas.

Mae'r math hwn o hyfforddiant byr ac iddo ffocws wedi cael ei gynnig ledled Cymru ers sawl blwyddyn ac fe'i cynigir yn aml gan ddarparwyr gwasanaeth arbenigol neu drwy bartneriaethau fel y Bwrdd Lleol Diogelu Plant, Partneriaeth Diogelwch Cymunedol neu Fyrddau Gwasanaeth Lleol.

Caiff set amrywiol a chynhwysol o feysydd pwnc eu cwmpasu gan gyrsiau hyfforddi lleol ac, o ran meysydd pwnc, ni chaiff fawr ddim ei hepgor.²⁴ Fodd bynnag, nid yw'r fath hyfforddiant wedi'i gydgyssylltu ledled Cymru. Nid yw'r holl hyfforddiant ar gael ledled Cymru, nid yw darpar ddysgwyr yn ymwybodol o'r meysydd dysgu gwahanol sydd ar gael ac mae strwythur y cyrsiau yn anghymesur.

Mae'r maes llafur pwnc arbenigol yn darparu set o unedau hanfodol achrededig sy'n seiliedig ar ganlyniadau, sy'n berthnasol i Ddatblygiad Proffesiynol Parhaus pob gweithiwr proffesiynol. Fel rhan o'r gwaith o ddatblygu'r maes llafur, cynhelir gweithgarwch blynyddol, mewn partneriaeth â rhanddeiliaid, a bydd yr ystod o faterion pwnc a gwmpesir ynddo yn esblygu dros amser. Bydd fersiynau cyfredol o'r maes llafur ar gael yn www.gov.wales/livefearfree.

Bydd y Maes Llafur Pwnc Arbenigol yn cynnwys unedau Dysgu Gydol Oes gyda Sicrwydd Ansawdd a gaiff eu llunio ar lefel sylfaenol ac uwch er mwyn adlewyrchu anghenion dysgu gweithwyr proffesiynol arbenigol ac anarbenigol a byddant yn bodoli ochr yn ochr â dysgu achrededig presennol sydd ar gael ar lefel 3 ac uwch a all gael ei ddefnyddio gan rhanddeiliaid a'i fapio yn erbyn yr hyn a gyflenwir yn barod.

Cyflenwi

Mae'r unedau yn amlinellu'r deilliannau dysgu sylfaenol sy'n ofynnol gan unrhyw hyfforddiant yn ymwneud â'r pynciau a gwmpesir ganddynt a gyflenwir gan yr awdurdodau perthnasol naill ai'n unigol neu mewn partneriaeth.

Bydd yr unedau ar gael am ddim ar wefan Byw Heb Ofn Llywodraeth Cymru a bydd angen i ddarparwyr hyfforddiant lleol ddefnyddio'r modelau hyn yn sail i hyfforddiant ar y pwnc hwn wedi'i gefnogi gan Lywodraeth Cymru. Os bydd darparwr yr

²⁴ Adroddiad terfynol Agored Cymru: The co-ordination of practical, expert-led advice to the Welsh Government on the Content Areas of Part of the Group 4 National Training Framework for Violence Against Women, Domestic Abuse and Sexual Violence.

hyfforddiant mewn sefyllfa i gynnis cyrsiau achrededig Dysgu Gydol Oes gyda Sicrwydd Ansawdd, gall y cyrsiau hefyd gael eu cynnis gydag achrediad.

Caiff adnoddau defnyddiol a deunyddiau enghreifftiol eu rhestru gyda'r unedau hefyd er mwyn cefnogi cysondeb hyfforddiant, fel y bydd set o fesurau gwerthuso gofynnol. Caiff y gwaith o werthuso hyfforddiant lleol ei fonitro'n achlysurol gan y Cynghorydd Cenedlaethol ar Drais yn erbyn Menywod a mathau eraill o Drais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol er mwyn asesu effaith y model hyfforddi a argymhellir ac ymdrin ag unrhyw ddiffygion.

Mae hefyd yn bwysig bod y gwaith o gyflenwi ac asesu'r unedau hyn yn destun mesurau sicrhau ansawdd. Dylai pob hyfforddwr sy'n cynnis hyfforddiant lleol fod yn brofiadol mewn maes cysylltiedig â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol a meddu ar y lefel gywir o ddysgu (wedi neu heb ei achredu) ar gyfer cyflenwi hyfforddiant. Er enghraifft, os yw'n cynnis hyfforddiant ar lefel 3 (dysgu gydol oes gyda sicrwydd ansawdd) neu lefel tystysgrif, dylai fod wedi'i gymhwyso uwchlaw'r lefel hon.

Y Corff Dyfarnu perthnasol fydd fel arfer yn pennu'r gofyniad ar gyfer asesu hyfforddiant achrededig. Fel rheol, disgwylir y canlynol gan aseswyr a swyddogion sicrhau ansawdd mewnol.

Rhaid i aseswyr:

- feddu ar brofiad cyfredol a/neu berthnasol o asesu;
- bod wedi cael hyfforddiant perthnasol os yw'n newydd i asesu;
- meddu ar wybodaeth a dealltwriaeth dda o ofynion asesu;
- bod yn gyfarwydd â lefel yr uned(au)/cymhwyster neu gymwysterau a gyflenwir;
- meddu ar wybodaeth dda o'r pwnc a dealltwriaeth a/neu brofiad o'r uned(au)/cymhwyster neu gymwysterau a asesir (gallai fod mwy o ofynion e.e. tair blynedd o brofiad cyfredol).

Rhaid i swyddogion sicrhau ansawdd mewnol:

- feddu ar brofiad cyfredol a/neu berthnasol o asesu a dilysu'n fewnol;
- bod wedi cael hyfforddiant perthnasol os yw'n newydd i sicrhau ansawdd yn fewnol;
- meddu ar wybodaeth a dealltwriaeth dda o ofynion dilysu mewnol.

Pynciau neu gyrsiau newydd

Fel y nodir uchod, caiff y maes llafur ei ehangu a'i ddatblygu dros amser er mwyn adlewyrchu anghenion hyfforddi newidiol, gwella opsiynau achredu ac ehangu'r pynciau a gwmpesir.

Os nodir bod angen cwrs newydd yn lleol, bydd angen cymryd y camau canlynol i restru'r cwrs hwn ym maes llafur pwnc arbenigol Llywodraeth Cymru.

Dylai manylion y cwrs gael eu rhoi i Grŵp Datblygu Cynnwys Llywodraeth Cymru i'w hystyried, drwy dîm Trais yn erbyn Menywod a Cham-drin Domestig Llywodraeth Cymru.

Dylai'r manylion hyn gynnwys:

- y dadansoddiad o anghenion hyfforddi sy'n dangos yr angen am y cwrs hwn;
- meini prawf hyfforddi'r cwrs hwn (sy'n cynnwys profiad o ymarfer a hyfforddi);
- cynulleidfa arfaethedig y cwrs;
- trefn y cwrs (nifer y dysgwyr, dull o hyfforddi);
- deilliannau dysgu, deilliannau gwerthuso a deunyddiau;
- sut mae'n mapio â Safonau Galwedigaethol Cenedlaethol perthnasol.

Bydd y Grŵp Datblygu Cynnwys yn darparu proses rheoli ansawdd ar gyfer cyflwyno cwsiau hyfforddi. Bydd yn ystyried a yw'r cwrs o ansawdd digonol i'w restru ar y maes llafur, p'un a yw'r cwrs yn gorgyffwrdd â chwsiau eraill a restrir, addasrwydd y cwrs i gynulleidfaedd amlasiantaeth a ph'un a yw'n cysylltu'n briodol â llwybrau atgyfeirio cenedlaethol sy'n ymwneud â darpariaeth arbenigol a Gofyn a Gweithredu.

Pan gaiff cwrs ei gymeradwyo i'w gynnwys ar y Fframwaith, daw'n gwrs a ardystir gan Lywodraeth Cymru ac felly'r model hyfforddi a argymhellir ar bwnc penodol.

Bydd y broses hon yn mynd ochr yn ochr â'r gwaith datblygu parhaus a gynhelir drwy Lywodraeth Cymru.

Achredu

Dros amser, bydd y gyfres o unedau Dysgu Gydol Oes gyda Sicrwydd Ansawdd yn cael ei hehangu er mwyn cynyddu'r lefelau hyfforddiant sydd ar gael a'r amrywiaeth o feysydd pwnc a gwmpesir. Bydd integreiddio pob cwrs yn becyn dysgu achrededig, sy'n hygyrch dros amser, ar lefelau academaidd gwahanol yn ffurfio rhan o waith tymor hwy.

Y gorgyffwrdd rhwng trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a hyfforddiant ar amddiffyn a diogelu plant.

Mae'r Fframwaith Hyfforddi Cenedlaethol yn defnyddio'r diffiniadau o drais ar sail rhywedd, cam-drin domestig, trais rhywiol a thrais yn erbyn menywod, fel yr amlinellir yn y Ddeddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) (2015). Nid yw'r Ddeddf yn nodi ystod oedran ar gyfer profi'r materion hyn ac felly mae'n cynnwys plant a phobl ifanc.

Felly, disgwylir y bydd angen gwahaniaethu rhwng hyfforddiant sy'n ymwneud â diogelu plant, gyda phrosesau amddiffyn a diogelu plant yn ffocws, a chwsiau sy'n ymwneud â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol ac effaith uniongyrchol y materion hyn. Am y rheswm hwn, bydd y maes llafur pwnc arbenigol

yn rhestru pynciau trais yn erbyn menywod, cam-drin domestig a thrais rhywiol sy'n faterion diogelu ac y bydd angen eu gosod yn y cyd-destun hwn. Fodd bynnag, nid yw'n rhestru hyfforddiant diogelu plant ehangach sy'n ofynnol gan weithwyr proffesiynol perthnasol yn barod ac sy'n bodoli yn lleol.

Er bod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn faterion diogelu, mae'n bwysig nad ydynt **ond** yn cael eu hystyried yn faterion amddiffyn plant. Gallai gwneud hynny hepgor oedolion o wasanaethau sydd eu hangen arnynt a methu anghenion ehangach teuluoedd y mae'r materion hyn yn effeithio arnynt. Diben y Fframwaith penodol ac iddo ffocws yw cydnabod bod trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn faterion gofal cymdeithasol, iechyd y cyhoedd a chyfiawnder cymdeithasol pwysig, sy'n cael effaith uniongyrchol ar gyfran sylweddol o boblogaeth Cymru, gan gynnwys plant a phobl ifanc, yn faterion sylfaenol.

Fodd bynnag, derbyniwn, i lawer o broffesiynau, y bydd integreiddio elfennau o'r Fframwaith Hyfforddi Cenedlaethol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol mewn hyfforddiant presennol sy'n canolbwyntio ar amddiffyn plant yn ffordd effeithlon a synhwyrol o fodloni ei ofynion ac a all, i'r gwrthwyneb i orfodi gwahanu hyfforddiant, sy'n ymddangos yn fympwyol, i staff nad oes ganddynt fawr ddim amser ar gyfer dysgu a datblygu, gyfyngu ar gyrhaeddiad gofynnol y wybodaeth hon.

Lle bwriedir integreiddio'r pynciau, rhaid i faterion sy'n ymwneud â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol gael eu fframio'n briodol a chyflawni'r deilliannau dysgu a'r meini prawf asesu a amlinellir yn y fframwaith ac fe'u cydnabyddir yn faterion yn eu rhinwedd eu hunain ac maent ar wahân i bryderon i'w hystyried dim ond pan ganolbwyntir ar ddiogelu plant.

13. Y cynllun cyflenwi a dosbarthu'r Fframwaith Hyfforddi Cenedlaethol

Tudalen y pecyn 126

	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
Grŵp 1	Dylunio a lansio pecyn eDdysgu	Y pecyn e-Ddysgu'n rhan o hyfforddiant sefydlu gorfodol	Y pecyn e-Ddysgu'n rhan o hyfforddiant sefydlu gorfodol	Y pecyn e-Ddysgu'n rhan o hyfforddiant sefydlu gorfodol	Y pecyn e-Ddysgu'n rhan o hyfforddiant sefydlu gorfodol
Grŵp 2		Lansio hyfforddiant Gofyn a Gweithredu prawf	Dechrau cyflwyno Gofyn a Gweithredu yn genedlaethol		→
Grŵp 3		Lansio hyfforddiant prawf grŵp 3	Dechrau cyflwyno hyfforddiant grŵp 3-yn genedlaethol		→
Grŵp 4	Hyfforddiant Cyngorwyr Annibynnol ar Drais Domestig wedi'i ariannu gan Lywodraeth Cymru ar gyfer hyd at 48 o weithwyr proffesiynol. Annog Cymru i fanteisio ar hyfforddiant wedi'i ariannu gan y Weinyddiaeth Gyfiawnder ar gyfer Cyngorwyr Annibynnol ar Drais Rhywiol	Annog Cymru i fanteisio ar hyfforddiant wedi'i ariannu gan y Swyddfa Gartref ar gyfer Cyngorwyr Annibynnol ar Drais Domestig a Chyngorwyr Annibynnol ar Drais Rhywiol. ²⁵ Lansio maes llafur pwnc arbenigol. Ystyried anghenion hyfforddi gweithwyr proffesiynol sy'n gweithio gyda'r rhai y mae trais rhywiol yn effeithio arnynt.	Hyfforddiant arbenigol penodol i Gymru	Hyfforddiant arbenigol penodol i Gymru	Hyfforddiant arbenigol penodol i Gymru
Grŵp 5	Lansio cwrs cymorth rheoli gwasanaeth arbenigol ar gyfer hyd at 48 o reolwyr gwasanaeth	Cyflwyno cwrs cymorth rheoli gwasanaeth arbenigol ar gyfer hyd at 48 o reolwyr gwasanaeth (ar	Ei gyflwyno'n genedlaethol yn gysylltiedig â'r gyllideb a'r galw		→

²⁵ Caiff pynciau arbenigol perthnasol eu hariannu lle bo modd yn seiliedig ar yr angen a nodir.

		alw)			
Grŵp 6	Cynllun Ymgysylltu Strategol	Cynllun Ymgysylltu Strategol	Cynllun Ymgysylltu Strategol	Cynllun Ymgysylltu Strategol	Cynllun Ymgysylltu Strategol
	Y Gyfres Cryfhau Arweinyddiaeth	Y Gyfres Cryfhau Arweinyddiaeth	Y Gyfres Cryfhau Arweinyddiaeth	Y Gyfres Cryfhau Arweinyddiaeth	Y Gyfres Cryfhau Arweinyddiaeth

Cynllun ariannu

Tudalen y pecyn 128

Grŵp hyfforddi'r Fframwaith	Crynodeb cyflenwi	Cyllid
Grŵp 1	Pecyn eDdysgu wedi'i ddylunio gan Lywodraeth Cymru ar gael i bob gweithiwr gwasanaeth cyhoeddus yng Nghymru drwy Learning@NHSWales neu Academi Cymru Gyfan.	Wedi'i ariannu'n llawn gan Lywodraeth Cymru ac am ddim.
Grŵp 2	Dim ond y consortia hyfforddi rhanbarthol sydd wedi'i ardystio gan Lywodraeth Cymru a ddylai gyflenwi hyfforddiant "Gofyn a Gweithredu".	<p>Ariennir y gwaith o ddatblygu a chyflenwi cwrs Hyfforddi'r Hyfforddwr ac amser y consortia rhanbarthol i hyfforddi hyd at 35,000 o weithwyr proffesiynol rhwng 2014 a 2020 gan Lywodraeth Cymru.</p> <p>Rhennir y gyllideb rhwng ariannu datblygiadau a chyflwyno'r hyfforddiant cychwynnol gan ddarparwr canolog a dyraniad i bob rhanbarth er mwyn sybsideiddio a chefnogi model Hyfforddi'r Hyfforddwr. Caiff y dyraniad dros y pum mlynedd nesaf ei lywio gan waith peilot a wneir yn ystod blwyddyn ariannol 2015-16. Mae gwaith cynllunio cychwynnol yn awgrymu y gwnaiff dyraniad rhanbarthol o £10,000-£14,000 y flwyddyn sybsideiddio'r hyn sy'n ofynnol.</p>
Grŵp 3	Dim ond y consortia hyfforddi rhanbarthol sydd wedi'i ardystio gan Lywodraeth Cymru a ddylai hyfforddi grŵp 3.	Ariennir y gwaith o ddatblygu a chyflenwi cwrs Hyfforddi'r Hyfforddwr ac amser y consortia rhanbarthol i hyfforddi hyd at 3,500 o weithwyr proffesiynol rhwng 2014 a 2020 gan Lywodraeth Cymru.
Grŵp 4	Ar gyfer rolau proffesiynol arbenigol:	Ariannwyd hyfforddiant ar gyfer 96 o Gynghorwyr Annibynnol ar Drais Domestig yn ystod 2013-15 er

	<p>Ystyrir bod cyrsiau hyfforddi sy'n bodloni'r meini prawf a amlinellir yn y canllawiau yn addas i fodloni'r gofynion ar gyfer gweithwyr proffesiynol arbenigol yng ngrŵp 4. Os ystyrir cwrs ychwanegol i'r hyn a restrir yn Atodiad 3 yn lleol, dylai'r dewis o hyfforddiant gael ei ardystio gan Lywodraeth Cymru.</p> <p>Rhaid i'r holl hyfforddiant lleol ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol gydymffurfio â'r deilliannau a amlinellir yn y maes llafur pwnc arbenigol.</p>	<p>mwyn sybsideiddio cyllid presennol y Swyddfa Gartref.</p> <p>Bydd cyllid ar gael ar gyfer hyfforddiant dethol bob blwyddyn. Bydd yr hyn a ddewisir yn seiliedig ar strategaeth Llywodraeth Cymru a'r angen a nodir.</p> <p>Caiff y gwaith o ddatblygu'r maes llafur a'i achredu'n gyffredinol ei ariannu gan Lywodraeth Cymru.</p> <p>Nid ariennir y gwaith o achredu dysgwyr unigol yn lleol a'r dysgwr neu ei gyflogwr a fyddai'n gyfrifol am hynny. (Mae achrediad o ran y maes llafur yn opsiynol)</p>
Grŵp 5	Dewis gwrs hyfforddi Llywodraeth Cymru ar gyfer rheolwyr gwasanaeth fydd y rhaglen a gaffaelir ar y pryd.	Mae wedi'i hariannu'n llawn gan Lywodraeth Cymru ar gyfer blynyddoedd ariannol 2014-16. Bydd yn seiliedig ar alw wedi hynny ac yn destun aildendro.
Grŵp 6	Llywodraeth Cymru sy'n gyfrifol am grŵp 6. Caiff y Cynllun Ymgysylltu Strategol a'r Gyfres Cryfhau Arweinyddiaeth eu hariannu a'u cyflenwi'n ganolog.	Wedi'i ariannu'n llawn gan Lywodraeth Cymru ac am ddim.

Atodiad 1

Gweithwyr proffesiynol a nodwyd yn ystod yr ymgynghoriad cyhoeddus i'w blaenoriaethu ar gyfer grŵp 2.

Bwrdd Iechyd Lleol	
<i>Yn y canllawiau gwreiddiol</i>	<i>Ceisiadau ychwanegol yn dilyn ymgynghoriad cyhoeddus</i>
Bydwagedd Ymwelwyr Iechyd Meddygon Teulu Staff Adrannau Damweiniau ac Achosion Brys Staff camddefnyddio sylweddau ymhob haen o'r fframwaith trin Camddefnyddio Sylweddau ar gyfer Cymru Nyrsys Seiciatrig Cymunedol Tîm Argyfwng Iechyd Meddwl Nyrsys ardal Gwasanaethau Iechyd Meddwl Plant a'r Glasoed (CAMHS)	Nyrsys Iechyd Rhywiol Nyrsys Plant Nyrsys Ardal Nyrsys Practis Gwaedwyr (yn enwedig y rhai sy'n gweithio ym maes bydwreigiaeth) Staff oncoleg Ffisiotherapyddion Caplaniaid o fewn ysbytai Staff deintyddol Staff cyswllt seiciatrig Radiograffwyr/Seinograffegwyr
Awdurdod Lleol	
<i>Yn y canllawiau gwreiddiol</i>	<i>Ceisiadau ychwanegol yn dilyn ymgynghoriad cyhoeddus</i>
Gweithwyr Cymdeithasol Amddiffyn Plant Gweithwyr Cymdeithasol Diogelu Oedolion Agored i Niwed Athrawon Swyddogion diogelu arweiniol mewn Addysg Nyrsys ysgol Swyddogion Tai, Opsiynau tai a Digartrefedd Gweithwyr achos Gwasanaeth Troseddau Ieuencid	Gweithredwyr Canolfannau Gwasanaeth Cyhoeddus Iechyd Galwedigaethol Staff Dechrau'n Deg Swyddogion Cynhwysiant Lles Staff Adnoddau Dynol Gweithwyr gofal yn y cartref Pob gweithiwr cymdeithasol (yn ychwanegol at y gweithwyr cymdeithasol penodol a enwyd yn y canllawiau) Staff yng nghanolfannau gwasanaethau cwsmeriaid canolog Awdurdodau Lleol Gweithwyr Cymdeithasol Addysg, darlithwyr coleg a phrifysgol Casglwyr sbwriel Gofalwyr
Awdurdod Tân ac Achub	
Pob diffoddwr tân â chyfrifoldebau cymunedol	
Ymddiriedolaethau'r GIG	
Parafeddygon, technegwyr meddygol achosion brys a thimau gofal dybryd	
Llywodraeth Cymru	
CAFCASS Cymru ^{26 27}	

²⁶ Nododd sawl defnyddiwr gwasanaeth fod CAF/CASS yn sefydliad lle'r oedd angen hyfforddiant ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol. Ni chafodd y sefydliad hwn ei gydnabod yn yr Ymgynghoriad Cyhoeddus. At hynny, er i un sefydliad a ymatebodd i'r Ymgynghoriad Cyhoeddus gyfeirio at anghenion hyfforddi Gwasanaethau Iechyd Meddwl Plant a'r Glasoed (CAMHS) yn ei ymateb, codwyd hyn yn amlach gan ddefnyddwyr gwasanaeth.

²⁷ Dim ond proffesiynau a gyflogir gan yr awdurdodau perthnasol a restrir yma. Fodd bynnag, dylid nodi i'r proffesiynau canlynol gael eu hargymu hefyd yn ystod yr ymgynghoriad cyhoeddus ar gynnwys a strwythur y Fframwaith: y sawl sy'n ateb galwadau 101, Swyddogion yr Heddlu a Swyddogion Cymorth Cymunedol, Cwnstabiliaid Arbennig, Swyddogion Ymateb, Swyddogion Rhawd Gymunedol, Rhanddeiliaid elusennol (awgrymwyd newid y term o'r trydydd sector), Cyfreithwyr Teulu Datrysiadau, y Ganolfan Cyngor ar Bopeth, Gweithwyr ieuentid, Cyfiawnder troseddol gan gynnwys gwasanaethau llys a phrawf/Cwmni Adsefydlu Cymunedol, y Lluoedd Arfog, staff Cymdeithasau Tai, Asiantaethau sy'n delio ag arian, dyledion a budd-daliadau lles

Atodiad 2

Integreiddio'r Fframwaith o bosibl â modelau dysgu presennol

Tudalen y pecyn 132

		Cynulleidfa	Yn gyson â	Cynnwys penodol sy'n gorgyffwrdd	Opsiynau cyflenwi a awgrymir
Dogfen Ryng-golegol	Lefel 1	Pob aelod o staff mewn lleoliadau gofal iechyd	Grŵp 1 o'r Fframwaith	Cam-drin plant gan gynnwys masnachu ac anffurfio organau cenhedlu benywod Effaith cam-drin domestig ar blant	Defnyddio pecyn eDdysgu Llywodraeth Cymru (sy'n bodloni gofynion grŵp 1 o'r Fframwaith) fel rhan o hyfforddiant diogelu grŵp 1 neu'n ychwanegol ato (Hyfforddiant wyneb yn wyneb yn unig) Ymgorffori deilliannau dysgu grŵp 1 o'r Fframwaith yn hyfforddiant diogelu cymunedol grŵp 1.
	Lefel 2	Staff anghlinigol a chlinigol sy'n dod i gysylltiad â phlant a phobl ifanc a rhieni a gofalwyr	Grŵp 2 o'r Fframwaith	Atgyfeirio plentyn sydd mewn perygl o gael ei fasnachu, ei gam-drin yn rhywiol a dioddef anffurfio organau cenhedlu benywod Rhannu gwybodaeth briodol a pherthnasol â thimau eraill	Drwy hyfforddiant grŵp 2 (Fframwaith Hyfforddi Cenedlaethol) hyfforddiant
	Lefel 3	Pob aelod o staff clinigol sy'n		Cynnwys Adolygiadau o	Drwy hyfforddiant grŵp 2

		gweithio gyda phlant, pobl ifanc a rhieni ac a allai gyfrannu at asesu anghenion plentyn neu berson ifanc lle ceir pryderon diogelu		Achosion Difrifol.	(Fframwaith Hyfforddi Cenedlaethol) hyfforddiant
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Atodiad 3

Cyrsiau hyfforddi priodol, sy'n cydymffurfio â deilliannau gweithwyr proffesiynol arbenigol grŵp 4 o'r Fframwaith

Tudalen y pecyn 134

Cyrsiau penodol ar gyfer rolau arbenigol					
	Rôl	Diben y rôl	Darparu gwasanaeth i'r rhai sydd wedi profi:	Grŵp cleientiaid a gaiff y gwasanaeth	Cyrsiau hyfforddi priodol
Cam-drin domestig	Cynghorydd Annibynnol ar Drais Domestig	Rhoi cymorth mewn argyfwng ac yn y tymor canolig i'r rhai sy'n wynebu'r risg fwyaf a chydgysylltu cydweithrediad amlasiantaethol sy'n canolbwyntio ar y cleient.	Cam-drin domestig, trais rhywiol mewn perthynas agos, cam-drin ar sail "anrhydedd", priodas dan orfod, stelcio ac aflonyddu mewn perthynas agos.	Gwasanaethir pob grŵp cleientiaid.	Hyfforddiant Cynghorwyr Annibynnol ar Drais Domestig SafeLives ²⁸
	Gweithwyr Allgymorth/Gweithwyr	Cynnig cymorth mewn argyfwng ac		Gall fod yn fenywod yn unig, yn dibynnu	Hyfforddiant Cynghorwyr

²⁸ Enillwyd tendr cystadleuol i ddarparu hyfforddiant i Gynghorwyr Annibynnol ar Drais Domestig wedi'i ariannu gan y Swyddfa Gartref gan SafeLives (CAADA ar y pryd) yn 2011. Safelives yw'r unig sefydliad a ariennir gan y Swyddfa Gartref ar hyn o bryd i ddarparu hyfforddiant i Gynghorwyr Annibynnol ar Drais Domestig. Mae'r contract hwn yn rhedeg tan fis Ebrill 2016. Mae Llywodraeth Cymru wedi sybsideiddio hyfforddiant Cynghorwyr Annibynnol ar Drais Domestig y Swyddfa Gartref er mwyn sicrhau mynediad i weithwyr proffesiynol yng Nghymru yn ystod 2012-14. Mae'r cymhwyster hwn yn ofynnol gan Lywodraeth Cymru ar gyfer rôl Cynghorydd Annibynnol ar Drais Domestig.

Mae cyllid y Swyddfa Gartref ar gyfer hyfforddiant o'r fath yn debygol o gael ei adolygu yn fuan ar ôl ysgrifennu a bydd Llywodraeth Cymru yn ystyried ymhellach anghenion hyfforddi gweithwyr proffesiynol yng Nghymru yn dilyn y penderfyniad hwnnw. Rydym yn cefnogi cynnwys hyfforddiant ychwanegol at y diben hwn.

	Achos	yn y tymor canolig i'r rhai nad ydynt yn wynebu risg uchel.		ar y prif sefydliad.	Annibynnol ar Drais Domestig SafeLives Tystysgrif Cymorth i Fenywod Cymru
	Gweithwyr Cymorth fel y bo'r Angen	Darparu cymorth emosiynol ac ymarferol yng nghartref y cleient ei hun. Gall gynnwys cymorth gyda thenantiaeth.		Gall fod yn fenywod yn unig, yn dibynnu ar y prif sefydliad.	Hyfforddiant Cynghorwyr Annibynnol ar Drais Domestig SafeLives Tystysgrif Cymorth i Fenywod Cymru
	Gweithwyr Lloches/Allweddol	Rhoi cymorth emosiynol ac ymarferol i breswylwyr lloches.		Mae'r rhan fwyaf o lochesi ar gyfer un rhyw yn unig ac mae'r rhan fwyaf yng Nghymru yn darparu gwasanaethau i fenywod (er bod rhai unedau ar gael i ddynion yn unig).	Hyfforddiant Cynghorwyr Annibynnol ar Drais Domestig SafeLives Tystysgrif Cymorth i Fenywod Cymru
Trais rhywiol	Cynghorwyr Annibynnol ar Drais Rhywiol	Cynnig cymorth a arweinir gan anghenion ac arbenigedd ar y broses cyfiawnder troseddol ac adalw DNA fforensig.	Trais rhywiol mewn perthynas agos a lle mae'r tramgwyddwr yn ddieithr neu'n adnabyddus Cam-drin rhywiol hanesyddol.	Gwasanaethir pob grŵp cleientiaid.	Hyfforddiant Cynghorwyr Annibynnol ar Drais Rhywiol Ymddiriedaeth Goroewyr Cymru Hyfforddiant Cynghorwyr Annibynnol ar Drais

					Rhywiol Lime Culture Cwrs trosi IDVA-ISVA SafeLives (Ile mae'r ISVA eisoes wedi cwblhau hyfforddiant IDVA SafeLives)
	Gweithwyr Argyfwng/Eiriolaeth	Cynnig cymorth ar unwaith pan adroddir achos a thrwy unrhyw archwiliad fforensig neu feddygol yn dilyn trais rhywiol.	Trais rhywiol mewn perthynas agos a lle mae'r tramgwyddwr yn ddieithr neu'n adnabyddus	Gwasanaethir pob grŵp cleientiaid.	Hyfforddiant gweithwyr argyfwng Llywodraeth Cymru Hyfforddiant Cyngorwyr Annibynnol ar Drais Rhywiol Ymddiriedaeth Goroewyr Cymru Hyfforddiant Cyngorwyr Annibynnol ar Drais Rhywiol Lime Culture Cwrs trosi Cyngorwyr Annibynnol ar Drais Domestig a Thrais Rhywiol SafeLives
	Cwnselwyr trais rhywiol	Cynnig gwasanaethau therapiwtig tymor canolig i dymor hwy	Trais rhywiol mewn perthynas agos a lle mae'r tramgwyddwr yn	Gwasanaethir pob grŵp cleientiaid	Cwrs cwnsela trais rhywiol Llywodraeth Cymru

		yn dilyn trais rhywiol.	ddieithr neu'n adnabyddus Cam-drin rhywiol hanesyddol.		
Gwaith gyda thramgwyddwyr	Hwyluswyr gwaith grŵp	Gweithio'n uniongyrchol gyda thramgwyddwyr cam-drin domestig mewn lleoliad gwaith grŵp gwirfoddol	Gyda'r rheini sydd wedi defnyddio (yn hytrach na phrofi) trais a chamdriniaeth yn erbyn partneriaid neu gyn-bartneriaid.	Dynion yn unig yw'r rhan fwyaf o grwpiau	Hyfforddiant Respect ar Redeg Grwpiau i Ddynion sy'n Defnyddio Trais Rhwng Partneriaid Agos, Sgiliau Hanfodol ar gyfer Hwyluswyr Gwaith Grŵp
Gwaith Plant a Phobl Ifanc	Gweithwyr Plant a Phobl Ifanc	Gweithio'n uniongyrchol gyda phlant a phobl ifanc y mae trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn effeithio arnynt (naill ai ar ffurf un i un neu mewn grŵp) o fewn gwasanaeth trais yn erbyn menywod, cam-drin domestig a thrais rhywiol arbenigol.	Cam-drin domestig rhwng rhieni, trais rhwng partneriaid, cam-drin ar sail "anrhydedd", priodas dan orfod, stelcio ac aflonyddu mewn perthynas agos.	Y rhai o dan 18 oed waeth beth fo'u rhywedd.	Nid oes modd nodi cymhwyster a dderbynnir yn dda sy'n gysylltiedig â'r rôl hon. Ystyriir datblygu hyfforddiant o'r fath yn y dyfodol. Rhestrir y prif gyrsiau isod: Cynghorwyr Annibynnol ar Drais Rhywiol Plant a Phobl Ifanc: Hyfforddiant Cynghorwyr Annibynnol ar Drais

					<p>Rhywiol Ymddiriedaeth Goroeswyr Cymru</p> <p>Hyfforddiant Cynghorwyr Annibynnol ar Drais Rhywiol Lime Culture</p> <p>Cam-drin domestig:</p> <p>Pecyn cymorth Respect a achredir gan Respect UK</p> <p>Pecyn cymorth STAR a achredir gan Cymorth i Fenywod Cymru</p>
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Atodiad 4

Rôl awgrymedig yr eiriolwr yn erbyn trais yn erbyn menywod, cam-drin domestig a thrais rhywiol (lefel swyddog)

Er mwyn gweithio'n effeithiol gyda dioddefwyr, mae angen i weithwyr proffesiynol feddu ar ddealltwriaeth gyffredin o'r materion a gallu ymateb mewn ffordd gydlynol a chyson. Bydd hyrwyddwyr yn helpu i annog y fath ddealltwriaeth ymhlith gweithwyr proffesiynol yn eu hasiantaethau er mwyn sicrhau bod anghenion dioddefwyr a'u teuluoedd yn cael eu hystyried wrth ddarparu gwasanaethau yn eu hardal.

Bydd hyrwyddwyr yn:

- Cael eu hyfforddi i lefel uwch ar drais yn erbyn menywod, cam-drin domestig a thrais rhywiol (yng ngrŵp 3 o'r Fframwaith Hyfforddi Cenedlaethol)
- Gweithredu fel pwynt cyswllt ar gyfer gwybodaeth yn eu sefydliad (neu faes gwasanaeth) sy'n ymwneud â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol.
- Codi ymwybyddiaeth o faterion trais yn erbyn menywod, cam-drin domestig a thrais rhywiol yn y sefydliad cyfan a sbarduno camau gweithredu mewn ymateb.
- Hyrwyddo ymgyrchoedd cam-drin domestig lleol a chenedlaethol fel rhan o strategaeth gyfathrebu a chyfryngau cymdeithasol y sefydliad, gan gynnwys sicrhau bod posteri/taflenni yn cael eu harddangos ac ar gael.
- Cyfrannu at y gwaith o ddatblygu a gweithredu'r Cynllun Integredig Sengl (a Chynlluniau Lles yn ddiweddarach) gan sicrhau ei fod yn mynd i'r afael ag anghenion lleol ac yn mynd i'r afael â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol a, maes o law, yn cefnogi'r gwaith o ddatblygu a gweithredu'r Strategaeth Leol ar Drais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol.
- Gweithredu fel cyswllt rhwng eich sefydliad (neu faes gwasanaeth) a sefydliadau partner er mwyn cefnogi gwaith amlasiantaethol effeithiol.
- Hyrwyddo arfer da yn eich sefydliad (neu faes darparu gwasanaeth), gan dynnu sylw at waith partneriaeth ac amlasiantaethol sy'n allweddol i ddarparu gwasanaeth effeithiol, cyson ac integredig a gwell canlyniadau i unigolion a theuluoedd sy'n profi trais a cham-drin domestig.
- Hyrwyddo ac ymgysylltu â grwpiau defnyddwyr gwasanaeth wrth ddatblygu a darparu gwasanaethau.
- Cefnogi gofynion y Fframwaith Hyfforddi Cenedlaethol a'r Broses Gofyn a Gweithredu a'u hyrwyddo ymhlith staff.
- Cefnogi Polisi Gweithle'r sefydliad ei hun a'i hyrwyddo ymhlith staff.
- Cydweithio â'r Rheolwr Partneriaeth Diogelwch Cymunedol a Chydgyssylltydd Cam-drin Domestig a, maes o law, y Cynghorydd Rhanbarthol, Arweinwyr Strategol perthnasol, Cyfarwyddiaethau a Swyddogion er mwyn sicrhau y cymerir camau cydgysylltiedig a strategol i ymdrin â Cham-drin Domestig yn eich sefydliad cyfan (maes darparu gwasanaeth).

- Gweithio gyda'r swyddogion a'r partneriaid perthnasol er mwyn tynnu sylw at unrhyw faterion neu bryderon o ran trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a chynnig datrysiadau.
- Mynd i gyfarfodydd perthnasol fel y bo angen.

Atodiad 5

Maes llafur pwnc arbenigol trais yn erbyn menywod, cam-drin domestig a thrais rhywiol

Cam-drin domestig	Trais rhywiol	Trais yn erbyn menywod, cam-drin domestig a phlant	Deall caethwasiaeth fodern	Trais yn erbyn menywod	Trais yn erbyn menywod, cam-drin domestig, trais rhywiol a chydaddoldeb ac amrywiaeth	Anghenion cymhleth, lluosog
Rhagfynnol (lefel 2 o leiaf – wyth uned gychwynnol)						
Ymwybyddiaeth o gam-drin domestig	Ymwybyddiaeth o drais rhywiol	Effaith trais yn erbyn menywod, cam-drin domestig a thrais rhywiol ar blant a phobl ifanc	Ymwybyddiaeth o gaethwasiaeth fodern	Ymwybyddiaeth o drais yn erbyn menywod	Deall cydraddoldeb ac amrywiaeth mewn perthynas â thrais yn erbyn menywod, cam-drin domestig a thrais rhywiol	Trais yn erbyn menywod, cam-drin domestig a thrais rhywiol a gweithio gyda'r rhai sydd ag anghenion cymorth lluosog sy'n cydfodoli.
Unedau datblygu opsiynol (lefel 3 ac uwch)						
Adnabod risg a'r Gynhadledd Asesu Risg Amlasiantaethol (MARAC)	Rôl y gweithiwr argyfwng	Profiad pobl ifanc o drais mewn perthynas agos	Rôl yr Uwch Swyddog Cyfrifol	Priodas dan orfod	Gweithio gyda dioddefwyr trais yn erbyn menywod, cam-drin domestig a thrais rhywiol sy'n bobl Lesbiaidd, Hoyw, Deurywiol a Thraws	Diagnosis deuol: iechyd meddwl a cham-drin domestig
Y glasoed yn cam-drin rhieni	Rôl y cwnselydd trais rhywiol	Effaith cam-drin domestig ar blant		Anffurfio Organau Cenhedlu Benywod	Gweithio gyda'r rhai Na Chânt Hawl Ddigolledu i Arian Cyhoeddus a thrais yn erbyn	Digartrefedd a cham-drin domestig

					menywod, cam-drin domestig a thrais rhywiol	
Gweithio gyda thramgwyddwyr cam-drin domestig		Cam-drin plant yn rhywiol		Trais yn erbyn menywod a'r gyfraith	Gweithio gyda dynion sy'n dioddef cam-drin domestig a thrais rhywiol	Gweithio gyda gweithwyr rhyw
Dull teulu cyfan o ymdrin â cham-drin domestig		Gweithio gyda phlant sydd wedi cael eu cam-drin		Trais ar sail anrhydedd	Gweithio gyda dioddefwyr hŷn cam-drin domestig	Defnyddio sylweddau, iechyd meddwl a cham-drin domestig - y "triawd tocsig"
Cam-drin domestig a'r gyfraith		Camfanteisio'n Rhywiol ar Blant				Diagnosis deuol: camddefnyddio sylweddau a cham-drin domestig

Enghraifft yn unig yw hwn. Datblygir y Maes Llafur Pwnc Arbenigol yn seiliedig ar ymgysylltu â rhanddeiliaid a gweithio mewn partneriaeth â hwy. Dengys y tabl uchod sut y gallai'r maes llafur gael ei ffurfio a'r posibilrwydd o fini-gymwysterau ynddo. Efallai y bydd y maes llafur yn cynnwys yr unedau hyn, yn ogystal ag eraill a nodir dros amser sy'n ymwneud ag unrhyw grŵp cleientiaid a materion trais yn erbyn menywod, cam-drin domestig a thrais rhywiol.

EXPLANATORY MEMORANDUM

Statutory Guidance under Section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

National Training Framework

This explanatory memorandum has been prepared by the Education and Public Services Group and is laid before the National Assembly for Wales in conjunction with the above guidance made under the Act, and in accordance with Standing Orders 27.1 and 27.14.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Training Framework Statutory Guidance under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. I am satisfied that the benefits outweigh any costs.

[Leighton Andrews]

Minister for Public Services
25 January 2016

1. Description

This document sets out the design and requirements of the National Training Framework on violence against women, domestic abuse and sexual violence.

The section for specific consideration by the National Assembly for Wales, in accordance with section 16 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (“the Act”), is section 4 of the guidance. It is proposed that subject to the approval of the Assembly, this section will be issued under section 15 of the Act and outlines specific requirements on relevant authorities (as defined in section 14 of the Act) in relation to the Framework.

The remainder of the guidance will be issued under section 60 of the Government of Wales Act 2006, and as such is not being laid before the Assembly in accordance with section 16 of the Act. However, the whole document has been laid before the Assembly to provide context and transparency. The remainder of the document provides guidance to assist relevant authorities in implementing the National Training Framework as well as to assist interested persons to engage with and benefit from the Framework.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The Committee may wish to note that this Statutory Guidance is the first guidance document to be laid before the Assembly under section 16 of the Act.

3. Legislative background

The Act received Royal Assent on 29 April 2015. The Act ensures a focus across the public sector on the prevention of these issues, the protection of victims and the support for those affected by such issues.

The provisions within the Act strengthen the leadership and strategic approach to violence against women, domestic abuse and sexual violence.

Section 15 of the Act provides the Welsh Ministers with the power to issue guidance to relevant authorities on how in the exercise of their functions they could contribute to the achievement of the purpose of the Act. Section 16 of the Act requires the guidance to be laid before the Assembly in draft before being issued.

Section 60 of the Government of Wales Act 2006 enables the Welsh Ministers to do anything which they consider appropriate to promote or improve the economic, social and environmental well-being of Wales. The guidance published under section 60 will provide further assistance to relevant authorities and other bodies in relation to violence against women, domestic abuse and sexual violence.

4. Purpose and intended effect of the Statutory Guidance

The guidance outlines the National Training Framework on violence against women, domestic abuse and sexual violence. Section 4 of the document issues guidance under section 15 of the Act to relevant authorities on how they should exercise their functions in relation to the delivery and standards of training on violence against women, domestic abuse and sexual violence.

In establishing the Framework the Welsh Government aims to create a consistent standard of care for those who experience violence against women, domestic abuse and sexual violence. To ensure an unfailing standard of service throughout the public service the Framework has two main functions:

- 1) Consistent, proportionately disseminated training for relevant authorities to fundamentally improve the understanding of the general workforce and, therefore the response to those who experience violence against women, domestic abuse and sexual violence.
- 2) Alignment of existing specialist training to further professionalise the specialist sector, to improve consistency of specialist subject training provision nationally and to set core requirements of specialist service provision.

5. Consultation

Two consultations have been undertaken in relation to the National Training Framework. The first focussed on the content and structure of the Framework to facilitate needs led and stakeholder informed delivery whilst the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 progressed through Assembly scrutiny. This consultation was held between 23 October - 19 December 2014 and engaged forty six respondents. A parallel survivor engagement exercise was run at the same time which engaged fifty eight participants who had both experienced abuse and who were seeking help due to their use of abuse within intimate partner relationships.

The second consultation ran for twelve weeks between 31 July – 23 October 2015 with a total of 51 responses received. A consultation event was also held in October, which engaged 44 participants.

Links to both consultations are provided below:

<http://gov.wales/consultations/people-and-communities/national-training-framework-on-gender-based-violence/?lang=en>

<http://gov.wales/consultations/people-and-communities/national-training-framework-on-violence-abuse/?lang=en>

The summary of responses to the formal consultation is published alongside this document. The response to the consultation, and to the National Training Framework itself, was overwhelmingly positive and included:

- Support for the level of engagement and stakeholder participation within development of the NTF;
- Support for the inbuilt flexibility of the model (although one or two respondents called for more prescriptive information in some examples); and
- Strong support for regional implementation.

In order to further improve the statutory guidance respondents to the consultation called for:

- More detail in some elements of the Framework and a stronger focus on engaging leadership and holding this group to account.
- The NTF to be applied beyond the parameters of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 to apply the requirements of the statutory guidance to professionals working in the non devolved, contracted and third sectors.
- Improved alignment of implementation of the NTF with training activity linked to the Social Services and Well-being (Wales) Act 2014.
- Additional references to children's experience of violence against women, domestic abuse and sexual violence.

The main issues which have been revised in the Statutory Guidance following the consultation are:

- Revisions to the requirements to strengthen local governance arrangements for implementation of the National Training Framework and leadership engagement in oversight and monitoring.
- Clarification over regional implementation and co-ordination.
- A requirement for explicit references to the needs of all family members within the local training needs analysis to ensure that the needs of both adults and children are sufficiently assessed in local implementation and the inclusion of child focussed professionals within group 4 of the Framework.
- Additional references to corresponding legislation (specifically the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 to improve alignment in the implementation of the legislation (this is also further improved in supporting policy and pilot work).
- Clarified timescales for implementation and rollout of the group 1 training.
- An explicit requirement regarding "refresher" training.
- A clarified requirement regarding Continuous Professional Development for specialist services.

More detailed responses to the consultation are available in the formal consultation response document which is provided at appendix 1.

6. Regulatory Impact Assessment (RIA)

No separate RIA has been prepared as the Impact Assessment prepared for the Act is still relevant and a copy can be found on the Welsh Government website:

<http://gov.wales/docs/dsjlg/publications/commsafety/150501-explanatory-memorandum-vawdasv-en.pdf>

Appendix 1

A response from the Welsh Government to the public consultation on the draft statutory guidance on the National Training Framework on violence against women, domestic abuse and sexual violence.

Introduction

This document outlines a summary analysis of the responses received to the public consultation on draft statutory guidance on the National Training Framework on violence against women, domestic abuse and sexual violence. It will outline the responses received in the consultation and how these responses have informed how the Welsh Government intend to further develop and implement the Framework. The report will outline the general themes of the feedback and focus primarily on those pieces of feedback we received multiple times.

It is not possible in this document to represent individual comments or one-off pieces of feedback but each response received to the consultation has been considered individually. Individual response have also been published separately.

The Welsh Government would like to thank each individual and organisation who submitted a response to the consultation and those who attended the consultation event held in October 2015. Each response submitted as part of this exercise is valued and has been considered carefully.

Summary of respondents

The entire consultation exercise engaged 95 individuals.

51 responses were received to the written public consultation. A summary of the profiles of these respondents is provided below:

Organisation profile	Number of individual responses
Housing	4
Local Government/Local Authority	12
Health	9
Fire and Rescue Authority	3
Police/PCC	1
Probation	1
Specialist sector/interest groups	16
Care Council for Wales	1
Union	2
Individual other	2
Total	51

A consultation event was also held on the 9th October 2015. This event engaged 44 attendees. A summary of the profiles of these attendees is provided below:

Attendee profile	Number of individuals
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Health	6
Specialist sector/interest groups	15
Police	4
Local Government/Local Authority	13
Probation/Community Rehabilitation Company	6
Total	44

A full list of respondents (excluding those who requested anonymity) is provided in appendix a.

Summary of key issues

The consultation process provided an overwhelmingly positive response on the NTF. It was welcomed by every respondent and most constructive feedback received through the written consultation focussed on the detail of the Framework and the intricacies of implementation.

“We are very supportive of Welsh Government proposals to develop the NTF to foster a more consistent and coherent approach to training for public sector professionals in these areas. We believe that this approach has the potential to have a significant impact on the lives and experiences of victims of Wales. We congratulate Welsh Government on being the first administration in the UK to commit to a holistic approach to training across the public service on these issues”. (Respondent 023)

Although the consultation event also aimed to facilitate discussions at this level (and did to a certain extent), more operational feedback was provided here, including the challenges associated with rolling out elearning in localities and requests for a prescribed approach to what local leadership would look like.

There was support for the level of engagement and stakeholder participation within development of the NTF so far. The inbuilt flexibility of the model was welcomed although one or two respondents called for more prescriptive information in some examples. There was strong support for regional implementation.

“The existing arrangements for Local Safeguarding Children Boards, regional collaboration boards, community safety partnerships naturally lend themselves to multi agency collaboration and joint planning around agreed priorities, the aspiration for regional planning and consistency of delivery doesn't lend itself to isolated working practices”. (Respondent 011)
“Regional Safeguarding Boards would provide the strategic infrastructure. Many have training sub groups in place”.

More constructively, respondents also called for more detail in some elements of the Framework and a stronger focus on engaging leadership and holding this group to account. Many respondents requested that the NTF be applied beyond the parameters of the Violence against Women, Domestic

Abuse and Sexual Violence (Wales) Act 2015 to apply the requirements of the statutory guidance to professionals working in the non devolved, contracted and third sectors.

Specific commentaries on the themes of the feedback are provided below, along with a summary of comments related to each group within the Framework.

1. The requirements proposed under section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

The consultation responses outlined general support for the requirements of the NTF and the way such requirements would be evidenced (the training needs analysis and plan). The specific suggestions received to further develop the requirements are listed below:

- For the need for inclusion for all forms of violence against women, domestic abuse and sexual abuse to be specified in the requirements relating to the needs analysis to ensure some less well recognised elements of violence against women, domestic abuse and sexual abuse would not get missed.

“It is imperative that the Training Needs Analysis, on which the plan is based, pays equal attention to the requirements of each group within the National Training Framework and ensures that the learning needs of each group, with regards to sexual violence, are fully recognised”. (Respondent 028)

- A child specific training analysis be incorporated into the general requirements currently outlined in the guidance, to be informed by the child and young person elements of the population needs assessments and the local assessments of wellbeing, as required by the Social Services and Well-being (Wales) Act 2014 (“Social Services Act”) and the Well-being of Future Generations (Wales) Act 2015 (“Well-being Act”).
- Activity related to fulfilling the requirements of the NTF should be made a requirement of the local Social Care Workforce Development Partnership (SCWDP) plan.
- A further requirement be placed on regional education consortia to ensure that workforce development programmes delivered within education include the requirements of the relevant groups within the NTF.
- Two respondents suggested that reference to the United Nations Convention on the Rights of the Child be specified as a requirement of the training needs analysis and that this also be considered when Ministers review submitted analyses and plans.

- One respondent suggested a requirement that the training plans of each relevant authority be published.
- Calls were made for a formal requirement of refresher training for group 1 to be outlined within the guidance. Some respondents requested that completion of the eLearning be a bi-annual requirement.

Welsh Government response

Each of these proposals were considered for inclusion.

In relation, specifically to the United Nations Convention on the Rights of the Child; a specific reference to this is not required because when developing the NTF guidance, the Welsh Ministers have had regard to the UNCRC (A Children’s Rights Impact Assessment is published alongside this response). As a result, the relevant authority’s will indirectly have had regard to it.

Moreover, section 7(2) of the Social Services and Well-being (Wales) Act 2014, requires that when a local authority and Local Health Board is exercising functions in relation to children under that Act, they must have regard to Part 1 of the UNCRC. This would include the function of conducting the section 14 population needs assessment. When developing their local strategy, a local authority and LHB are under a duty to have regards to the needs assessment. The first population assessment is due no later than 1 April 2017.

Sanctions

Some respondents requested further advice on the sanctions which would be imposed on relevant authorities if they did not comply with the statutory guidance or deliver against their submitted plans.

Welsh Government response

As outlined in section 17 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, relevant authorities are required to follow any guidance that is issued under section 15. However, they do not have to follow the statutory guidance if it “would be unreasonable for them to do so” or the following criteria are met:

- there is a good reason for them not to;
- they have an alternative policy; and
- they issue a policy statement in accordance with section 18 of the Act.

If the relevant authority does not provide a policy statement setting out an alternative approach or the Welsh Ministers consider the alternative approach outlined in the policy statement is not likely to contribute to the purpose of the Act, the Welsh Ministers may “direct” them to take any action which the Welsh Ministers consider appropriate. The relevant authority must comply with the

direction which is enforceable by mandatory order. The order would be sought at the High Court by or on behalf of the Welsh Ministers.

Failure to follow a mandatory order is contempt of court and is punishable by fine.

In addition to the power outlined above, it would be possible for a person to challenge the compliance or delivery of a relevant authority against the statutory guidance by way of judicial review. In such a case a variety of remedies are available to the court.

These sanctions will not be further outlined in the guidance as they are referred in the Act.

“Funded workers”

There were also multiple questions as to whether the requirement for relevant authority “funded “ workers placed a duty on the funder or the workers organisation in relation to meeting the training need for groups 4 and 5 of the Framework.

Welsh Government response

Following detailed consideration of these comments, reference to funded workers has been removed from the guidance. The reason for this removal is to avoid an unintended consequence that a requirement to supply a funded worker’s professional development could have a detrimental impact on the current salary rate of specialist workers (which is not consistent) should the finances to resource this requirement be sourced from existing monetary sources rather than from additional funding.

The Welsh Government will seek to provide further clarity around funding for specialist workers and their professional development as part of the development of subsequent future guidance and complementary policy activity related to commissioning and regional service provision.

2. Leadership and governance

Regional Safeguarding Boards were repeatedly named as the governance structure most relevant to the NTF and the multi agency forum most suitable to oversee regional implementation. There were also a few suggestions that governance be strategically integrated with Public Service Boards. Respondents want clear and careful monitoring of implementation of the NTF via the governance board.

There were some calls for clarification over the role of the current Domestic Abuse Co-ordinators in relation to delivery of the NTF. These calls mainly came from the Domestic Abuse Co-ordinators themselves but some respondents also suggested that local leads for the implementation of the NTF be further clarified beyond the current guidance which states:

“The local training plan is to be co-ordinated by the Local Authority, i.e., the regional lead of violence against women, domestic abuse and sexual violence within the Local Authority”.

Feedback in relation to this was particularly strong in the consultation events.

“What is required is a single point of contact who would, on behalf of the "region" undertake the work to design, develop, and monitor the training plan reporting back within the designated governance structure. It would make sense if this was the regional domestic abuse strategic coordinator”
(Respondent 011)

Welsh Government response

The guidance will be reviewed to ensure that options for governance and operational co-ordination are laid out clearly.

It is acknowledged that the corresponding policy areas relating to pilot regionalisation of Violence against Women, Domestic Abuse and Sexual Violence co-ordination, funding and service provision and commissioning inter-relate to oversight of the National Training Framework. The parallel development of this work has led to questions about what the future of leadership and co-ordination in this area will look like. These developing policy areas will provide clarity in time and but at this stage the Welsh Government aim to provide guidance which is reasonable and allows flexibility of implementation which is determined by local need and infrastructure.

3. Regional application

There was general support for regional implementation of the NTF. Some comments were made regarding the challenges associated with developing training plans and needs analysis across Local Authorities and Health Boards and some requests were made that Local Authorities and Health Boards develop their own plans and these are dealt with separately and reviewed through individual regional governance structures.

Whilst there was general support for the lead for regional implementation to be placed within the Local Authority, this support did not extend to responses received from Health who suggested a separate health-based lead, possibly within the safeguarding team, should hold this specific responsibility for health. Some questioned why the lead for the work had been linked to Local Authorities. This link had been made as the current Domestic Abuse Co-ordinator role is based within the Local Authority and the future Regional Advisor role, currently being piloted by the Welsh Government will also be based here. It is hoped that the Regional Advisor will have a strategic role which can draw in all relevant authorities.

“Unclear why it is proposed that the local training plan be co-ordinated by the Local Authority as HBs cover more than one LA. May be better for HBs to complete their own training plans”. (Respondent 011)

Whilst some respondents favoured a multi agency training plan across all relevant authorities within a region (primarily specialist third sector respondents), others referenced the challenges of multi agency training delivery when balancing the capacity of relevant staff (primarily respondents working within the relevant authorities).

The role of Workforce development teams was referenced in several responses as key to the implementation of the NTF. Feedback in relation to this was particularly strong in the consultation events.

“Workforce Development Teams in Social Services will need to play a pivotal role in this. Whilst the training needs to be delivered to those outside the Social Care Sector WDT teams are already in a position to capture training records for staff in Local Authorities and to be able to report data in this area”. (Respondent 003)

Welsh Government response

The Welsh Government agree that Workforce development teams have an important role to play in rollout of the National Training Framework and will continue to seek to engage with this audience.

In terms of training delivery, the regional implementation of the NTF relates most directly to groups 2 and 3 of the Framework. We will consider further, as part of the “Ask and Act” pilot work underway this year and next, the opportunities and challenges relating to regional implementation and reflect this learning in the “Ask and Act” guidance.

The National Training Framework guidance will be reviewed to consider the opportunities and challenges associated with planning and implementing the requirements of the National Training Framework on a regional basis.

4. The scope of the National Training Framework.

Multiple questions regarding the scope of the NTF were received during the consultation. Respondents expressed an appetite for widening the scope beyond the relevant authorities named in the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 to non devolved organisations such as police, probation and the prison service and to organisations which may be sub-contracted to deliver some of the functions of the relevant authorities such as domiciliary care workers who work for private contractors or Registered Social Landlords. There was also significant appetite for the requirements of the guidance to apply to the Third Sector. Some concerns were raised that the NTF is based on risk or safeguarding thresholds. Also, a small group of respondents expressed concern that the NTF should apply to violence against women, domestic abuse and sexual violence, rather than domestic abuse.

The role of NHS Trusts and their place in regional rollout must be considered further in order to ensure that these organisations are engaged appropriately either as single organisations or within regional implementation and the good work already underway in these organisations is built upon.

“The training plan should take account of how local consortia engage with the wider public sector such as specialist NHS Trusts”. (Respondent 029)

Welsh Government response

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 applies to “relevant authorities”. In the Act, “relevant authority” means:

- (a) a local authority;
- (b) a Local Health Board;
- (c) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21), or a scheme to which section 4 of that Act applies;
- (d) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006

The National Training Framework statutory guidance is issued under section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. It is not possible for the Act (or the guidance) therefore to place requirements on anyone outside of these “relevant authorities”. However, as the guidance stipulates wider organisations are encouraged to engage in the Framework and implementation work to date has included organisations beyond the relevant authorities.

The NTF will not relate to risk as a basis for its application. The NTF is mapped against a victims journey through the Public Sector and groups 1 and 2, particularly, form part of improving earlier intervention and prevention. Risk and needs assessment are referenced in the content of some groups of the Framework in order to reflect common and accepted good practice in relation to service provision based on these assessments and to assist the relevant authorities decision making. This is not included to determine or exclude anyone from a service and the guidance will be reviewed to ensure this is clear.

The NTF does apply to the full breadth of the definitions of violence against women, domestic abuse and sexual abuse as outlined in the Act. This is reflected in the title and in the content of training developed under the Framework so far.

The roles of the NHS Trusts will be further considered and outlined in the revised guidance.

Ask and Act

Several respondents requested further detail regarding Ask and Act within the NTF.

There was some confusion amongst a small number of respondents between the regional training consortia and any training sub groups which are being set up locally to support implementation of the NTF.

A few requests were received for further guidance on the length of training required for “Ask and Act”.

Welsh Government response

“Ask and Act” is a large and detailed area of policy and in order to provide the requisite level of detail on this approach separate guidance has been published. This guidance is also open to public consultation until 27th January 2016. This guidance will address the comments received to this consultation.

Aligning Welsh Government legislation.

Some calls were received in the consultation response to ensure that at both central and local levels the requirements of the Social Services Act, the Violence against Women, Domestic Abuse and Sexual Violence Act and the Well-being Act were aligned. Such calls related particularly to mechanisms of implementation, including the significant training ask associated with the legislation.

“I would therefore welcome requirements for a child-specific training needs analysis to be contained in the statutory guidance and for this analysis to be informed by the child and young person elements of the population needs assessments and the local assessments of wellbeing, as required by the Social Services and Wellbeing Act 2014 and the Wellbeing of Future Generations (Wales) Act 2015 respectively”. (Respondent 050)

In a linked comment, one respondent called for a clearer outline of the role of the Care Council for Wales within the NTF.

Welsh Government response

The teams responsible for implementations of each Act are in liaison regarding potential integration and alignment of training activity related to each piece of legislation.

Implementation

Several respondents suggested that the 12 month rollout period for group 1 training was not long enough. No suggestions were received for a more suitable rollout period.

Some respondents were concerned that the 12 month eLearning rollout was the rollout period for the entire NTF (including Ask and Act). A small number of respondents commented on planning time for implementation and requested further clarification on how long they would have to plan.

Welsh Government response

The 12 months reference relates only to the group 1 training. The NTF rollout has an initial rollout phase of five years.

The time frame for planning and implementation will be further considered as the guidance is refined.

Capacity

The issue of capacity within the relevant authorities and within the specialist sector was raised during the consultation and this was particularly relevant to the consultation event. Concerns have been raised that there is limited capacity within relevant authorities to attend and deliver training, further hampered by similar training programmes which are being rolled out linked to other Welsh Government legislation and potential forthcoming funding cuts. There is also concern that groups 2 and 3 training which support “Ask and Act” will lead to demand on specialist services beyond existing capacity.

“I am supportive of the prudent approach taken to address the training requirements within this subject area and recognition of the importance of proportionality. However, it needs to be recognised that there are ever increasing demands placed on staff for more and more training coming from subject matter experts. Whilst not wishing to undermine this very important subject, there needs to be recognition that this is only one of a range of subjects that have training requirements. From an organisational perspective, it is essential that we consider these demands as a whole and look at the impact of them across the organisation from a staff perspective”. (Respondent 044)

Several respondents expressed support for integration of NTF implementation with that of the Social Services and Well-being (Wales) Act 2014 training programme. There were also calls to align the language associated with the Social Services and Well-being (Wales) Act 2014 with the language of “Ask and Act” and the NTF, such as the term “adult at risk”.

The role of the manager was referenced in several responses; particularly the role of Public Service line managers and their role in managing staff who disclose their own experiences of abuse following training. There were some calls that managers are prioritised for group 3 training in order to support staff appropriately.

Welsh Government response

The VAWDA team are in liaison with the teams implementing the overlapping training programmes to assess opportunities for integration to reduce the burden on the audience delivering against the legislation.

It is hoped that the pilot work related to this training and to the establishment of an infrastructure to support “Ask and Act” will lead to an enhanced understanding of what any increase in service need is and this learning will influence the development of the forthcoming guidance on commissioning which is being developed by the Welsh Government.

Prioritisation of staff training for groups 2 and 3 will be determined by the relevant authority and this should allow them to prioritise managers where necessary.

Specific feedback provided for each group of the Framework.

Group 1

Many responses linked the requirements for group 1 training to mean a requirement to complete the Welsh Government elearning. This is not the case and is an important point given some of the feedback provided below. One respondent suggested that additional resource would be required to ensure that all staff with FRAs could complete the elearning. However, this response was not replicated across other relevant authorities.

Several respondents called for the reach of the eLearning to be widened to anyone who wanted to complete it.

There was strong support for the elearning to form part of induction processes within the Public Service although some respondents raised concerns that this become nothing more than a “tickbox exercise” and that clear support for staff was available within each relevant authority following completion of the elearning.

Some concerns were raised that the technology of the relevant authorities was not able to support the elearning and that versions of the elearning should be created which met some of the additional needs of the relevant authorities. A small number of respondents requested that face to face training be used for group 1 where appropriate.

“E-learning assumes that all staff will have a sufficient level of IT literacy. This is not the case for some employees. Also not all staff have access to a computer”. (Respondent 012)

Closed captions are available on the elearning for those who cannot hear or do not have sound enabled on their machines and an audio book is also available for those who are visually impaired. Some respondents suggested

that the accessible versions be made more widely available. A hard copy workbook is also being developed.

A few respondents raised a preference for local monitoring of elearning completion, rather than centralised monitoring. This feedback was particularly relevant to those in DAC roles who felt that such monitoring was part of their roles and would form part of recording requirements made locally on them. Some DACs also raised a concern regarding access to the elearning on the All Wales Academy being hampered by a license agreement between the portal and the local authorities.

Welsh Government response

The Elearning is available on Learning@NHSWales which is technically accessible to all (it is also available on the All Wales Academy but this is less accessible outside of local authorities). However the Welsh Government accepts that accessing the elearning through this portal may feel unwieldy to the general public.

In order to make the eLearning available to a wider audience it would need to be placed on a public facing website. The Welsh Government are not currently in a position to do this. It is not possible through such an approach to monitor completion of the eLearning or enhance the wellbeing and safety checks inbuilt within the package. The Welsh Government will, however continue to assess the reach of the elearning and its placement and host.

The Welsh Government are in conversation with the All Wales Academy regarding the issues raised by the Domestic Abuse Co-ordinators and the guidance will be revised in line with the outcomes of these conversations. The guidance will also reference more clearly the alternative versions of the elearning which are available on all portals.

Group 2

Calls were made for a formal requirement to be made that refresher training at this level be outlined within the guidance.

One respondent highlighted the importance of ensuring those on relevant degrees (specifically social care in this example) were informed and aware of the legislation as part of this programme.

There were calls that community based organisations be included in the regional consortia. Similar (although less) calls were made in relation to the role of Registered Social Landlords.

Additional content on Multi Agency Risk Assessment Conferences was requested for the group 2 learning outcomes.

Welsh Government response

As the NTF and “Ask and Act” guidance outlines, the inclusion of specialist third sector organisations within the regional consortia is encouraged, especially in relation to group 3 which will rely on the expertise of the specialist third sector.

The developer contracted to develop the training for groups 2 and 3 on behalf of the Welsh Government will be provided with the responses to both the NTF and the “Ask and Act” consultations in order to use this feedback during the development of the training.

The Care Council for Wales has been engaged throughout the development of the National Training Framework and will continue to be as the guidance is further refined and the links between the NTF and the training linked to the Social Services Act are explored further.

Group 3

Calls were made for a formal requirement to be made that refresher training at this level be outlined within the guidance.

Additional content on Multi Agency Risk Assessment Conferences was requested for the group 3 learning outcomes.

Two respondents suggested that more content on children be added to the learning outcomes of group 3.

There was general support for the accreditation offered for group 3 trained professionals.

Some respondents suggested that group 3 training should be delivered prior to local rollout of group 2 training to ensure champions were in place to support the roll out of “Ask and Act” and managers were able to support any increased disclosures within the workplace.

Welsh Government response

The developer contracted to develop the training for groups 2 and 3 will be provided with the responses to both the NTF and the “Ask and Act” consultations in order to use this feedback during the development of the training.

The suggestion regarding the order of group 2 and 3 training will be shared with the contracted training developer for consideration in the “Ask and Act” pilot.

Group 4

One respondent called for volunteers to be included in the professional groups listed in group 4.

There was some suggestion that the requirements of group 4 of the NTF be built into national guidance relating to commissioning arrangements. A few questions were received in relation to the requirements for 35 hours CPD for this group of the NTF. Respondents have requested more clarification on what would comply as CPD and how this could be delivered. One respondent suggested that the credit value currently assigned to acceptable courses at this level be reduced to incorporate existing courses which are acceptable to their organisation. There were also a few calls for clarity that existing qualifications were acceptable at this level and that professionals already qualified to a suitable level would not have to re-train. A number of respondents suggested that more emphasis be placed on children and young people in this group and that children and young people's workers be included within this group.

One respondent suggested that training beyond the Safelives IDVA training be acceptable for IDVAs working in Wales and suggested that this was the case in England. They also suggested that courses beyond those funded for particular purposes by the Welsh Government be listed as acceptable for professionals in groups of the Framework.

Welsh Government response

Practice based feedback suggests that it is not uncommon for specialist workers to be provided access to a vocational qualification or course and for this to mark the end of their formal learning and development. Given the changing landscape of violence against women, domestic abuse and sexual violence service provision, legislation and policy this means that many practitioners may not have the opportunity to ensure they are up to date on changes affecting their work. This is not the case for other professions such as social work or midwifery where formal professional development is a requirement of that profession.

The parameters of the CPD requirement will be further considered in the revised guidance with additional advice provided. This will be considered within a context of compromised capacity within specialist services and flexibility will be considered carefully.

Those specialist workers already trained on one of the courses listed in the guidance would not need to retrain – their current training would comply with the guidance requirements on relevant authorities.

The Welsh Government will consider the credit value and course requirements at this level in line with the feedback received and the consequences relating to alternative courses beyond those funded by the Welsh Government in delivering a consistent Framework.

Group 5

Several responses highlighted the sensitivities experienced across the specialist sector in relation to commissioning and welcomed the peer support

element of this level, acknowledging a need for partnership and consortium working linked to commissioning and funding arrangements.

“The peer support network for managers is a specific area that should be supported. The competitive climate of commissioning and funding circles can be detrimental for relationships between service managers where they may not feel able to openly discuss difficulties and concerns. Group 5 training offers a possible safe and equal space where this support and sharing can be facilitated”. (Respondent 008)

A few respondents raised concerns that group 5 of the NTF related to domestic abuse services only.

There were some calls that group 5 training also be applied to wider managers working across the Public Service but not managing specialist services, and to commissioners. One respondent suggested that LCM qualifications be included for group 5.

Several respondents welcomed the inclusion and current provision of this training by the Welsh Government and requested that further funding is allocated to the delivery of the training beyond financial year 2015-2016.

Welsh Government response

The training for group 5 applies to anyone in a management or leadership role within a specialist service relating to any form of violence against women, domestic abuse and sexual violence. Uptake of training in this area to date would indicate that this is primarily domestic abuse and sexual violence services as specific services relating to other forms of violence against women are far rarer. The training at group 5 is co-developed and delivered by a domestic abuse charity (Safelives) and a sexual violence charity (New Pathways) and the feedback of learners indicates it is being very positively received. Feedback will be further monitored following training delivery during 2015-2016 and learning from this exercise will influence future delivery. The aims of group 5 of the NTF were not originally intended to apply beyond the specialist sector. The current focus of this group is acknowledging, validating and strengthening the leadership roles played within the specialist sector. Additional training needs of managers within the Public Service, more generally, will be met through group 3 of the Framework.

Group 6

Several respondents called for a more formal and targeted approach to group 6 of the National Training Framework to ensure that the aims of this group were more robustly addressed. Several calls for greater accountability of this group were received.

Many respondents acknowledged the role of leadership as key to the success of the National Training Framework and that the strategic engagement plan linked to the Framework was important. There were some calls that the National Safeguarding Board be included in the plan.

“Engagement with Group 6 professionals should be more targeted, and participation of leaders across public authorities should be monitored”.
(Respondent 048)

Welsh Government response

The Welsh Government will further consider how the Public Service leadership can be targeted and engaged effectively in the implementation of the NTF and will seek further advice on engaging relevant strategic forums. This will include liaisons with the National Adviser for Violence against Women, other forms of Gender-Based Violence, Domestic Abuse and Sexual Violence.

Specialist subject syllabus

There was strong support for the creation and ongoing development of the Specialist Subject Syllabus. Some respondents raised concerns that the syllabus could be too accessible and that the materials and outcomes be listed on the Live Fear Free website be restricted to only a select group of providers or “members”. One respondent urged that the creation of the syllabus should not impact on the income generation of the specialist third sector through training.

Welsh Government response.

It is not the intention of the Welsh Government for the existence of the Specialist Subject Syllabus to affect the income generation of the specialist third sector through training. It is hoped that the existence of the syllabus will add value to the training offer of this sector as the units listed on the syllabus are accredited and quality marked by the Welsh Government. The aim of the syllabus is to begin to create some consistency across localised training provision and to strengthen and formalise this offer for potential participants so it complies with CPD requirements.

Enquiries are being made regarding “members only” areas of the Live Fear Free website.



Foreign &
Commonwealth
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Minister for Europe
King Charles Street
London SW1A 2AH

26 January 2016

David Melding AM
Chair
National Assembly for Wales
Constitutional and Legislative Affairs Committee
Cardiff Bay
Cardiff, CF99 1NA

Dear Mr Melding,

Thank you for your letter of 5 January inviting me to give evidence to your Committee on the afternoon of either Monday 29 February or Monday 7 March in Cardiff. I acknowledge and welcome the strong interest in this issue in the National Assembly for Wales and the Constitutional and Legislative Affairs Committee.

I regret that I am unable to attend on either date, however, please be assured that we are considering the interests of all of the UK. There are many opportunities for engagement between the UK and Welsh Government and Assembly on this issue, namely:

My recent meetings and telephone calls with Jane Hutt AM; the Foreign Secretary's meeting with the First Minister on 16 December; and at the Joint Ministerial Committee's Europe meetings where this issue is on the agenda.

This issue is also under scrutiny by the UK Parliament, which includes MPs from Wales; two Welsh MPs are members of the European Scrutiny Committee.

We feel that these opportunities provide the Committee with the information it needs at this time.

RT HON DAVID LIDINGTON MP

Press Release: Independent review recommends politicians say NO to Draft Wales Bill unless major changes are made

1 February 2016

A report by an independent review group consisting of constitutional and legislative experts will today (Monday 1 February 2016) say that they could not recommend that politicians in Cardiff Bay and Westminster support the Draft Wales Bill in its current form.

The landmark report, “Challenge and Opportunity: The Draft Wales Bill 2015,” was commissioned by the Wales Governance Centre at Cardiff University and the Constitution Unit at the University College London. The report provides an expert commentary and assessment of the detailed provisions set out in the Draft Wales Bill published in October 2015.

In their report, the independent review group say:

- **The ‘reserved powers’ approach offers many benefits to Wales and to the UK as a whole if done properly.** That is not the case with the Draft Wales Bill. Done badly, the reserved powers approach will lead to another short-lived arrangement that works poorly.
- **To be lasting and effective, a new Wales Act needs to be underpinned by clear principles that ensure a coherent and consistent devolution package for Wales.** As that is not the case, it is unsurprising that the Bill has attracted little support, even in the short time available for consideration.
- **The list of reservations in the draft Bill reflects the lack of coherent approach by Whitehall. The overall package of reservations is highly complex,** and some of the proposed reservations are designed to protect Whitehall departmental interests rather than deliver a coherent and consistent set of devolved powers. Their complexity will inhibit policy making and undermine the robustness of the settlement.
- **The reliance on ‘necessity’ tests for legislation affecting private or criminal law is unduly onerous.** These tests add complexity and uncertainty, and will provoke legal challenge with decisions on whether Welsh legislation is necessary taken by judges rather than elected representatives.
- **There are complex questions about the legal relationship between England and Wales arising from the powers necessary to make ‘reserved powers’ work effectively.** A distinct Welsh legal jurisdiction is one answer to these issues. A ‘rules-based’ approach to managing legal differences is another.

Commenting on the difficulties with the Draft Wales Bill, Professor Richard Rawlings of University College London, who helped draft the report, said:

“Wales has experienced three deeply problematic devolution settlements since 1999. There was genuine hope that the all-party agreement that Wales should move to a ‘reserved powers’ model of devolution heralded the beginning of a process that would lead to Welsh devolution being placed on a sustainable constitutional basis.”

“The draft Wales Bill does not do what was promised. All too often, the Secretary of State’s fine policy objectives of a stronger, clearer, fairer and more robust devolution settlement are frustrated by provision that is constricting, clunky, inequitable and constitutionally short-sighted. At the heart of the difficulty is the triple squeeze on the devolved institutions of intrusive general restriction, over-occupation of legislative space, and blurry forms of executive veto. It does not have to be like this.”

The report points to the need for fundamental changes to the proposed legislation and sets out a series of proposals for reconstructing the legislation in order to deliver a properly constituted reserved powers model of devolution for Wales.

The report explains how alternative approaches to the legislation based on territorial rules or a distinct but not separate jurisdiction for Wales offer ways of providing the space to allow the National Assembly to legislate effectively.

Commenting on the next steps for the Draft Wales Bill, Professor Richard Wyn Jones of the Wales Governance Centre at Cardiff University said:

“We believe that the legislative process around the Draft Wales Bill should be paused for these matters to be fully examined by all stakeholders including the Welsh Government, Wales Office and the Ministry of Justice.”

Editor’s Notes:

1. The Wales Governance Centre is a Cardiff University research centre undertaking innovative research into all aspects of the law, politics, government and political economy of Wales, as well the wider UK and European contexts of territorial governance. The Constitution Unit at UCL conducts timely, rigorous, independent research into constitutional change and its consequences. Its research has significant real-world impact, informing policy-makers engaged in constitutional reform both in the United Kingdom and around the world.
2. To arrange media opportunities in both Welsh and English, please contact Llew Williams on [07455 015819](tel:07455015819) or WilliamsL59@cardiff.ac.uk
3. The report will be launched at 12.30pm in the Main Hall in the Pierhead Building, Cardiff Bay on Monday 1 February 2016. The report will also be launched in Westminster at 5.00pm on Tuesday 2 February 2016 in the Wilson Room in Portcullis House.
4. The report was produced by an independent review group consisting of:
 - Alan Cogbill (Chair), former Director of the Wales Office
 - Robert Hazell CBE, Professor of Government and the Constitution and former Director of the Constitution Unit at University College London
 - Sir Stephen Laws, former First Parliamentary Counsel and Member of the McKay Commission on the Consequences of Devolution for the House of Commons
 - Emyr Lewis, Senior Regional Partner Wales at Blake Morgan LLP
 - Lowri Morgan, Head of Wales Office, The Law Society

- Richard Rawlings (Rapporteur), Professor of Public Law at University College London and former Legal Adviser to the House of Lords Constitution Committee
 - Sir Paul Silk, former Clerk to the National Assembly for Wales and Chair of the Commission on Devolution in Wales 2011-2014
 - Alan Trench (Adviser), former Specialist Adviser to the House of Commons Welsh Affairs Committee and to the Scottish Conservatives' Commission on the Future Governance of Scotland
 - Thomas Glyn Watkin, former First Legislative Counsel for Wales and Honorary Professor at Bangor and Cardiff Universities
 - Richard Wyn Jones, Professor of Welsh Politics and Director of the Wales Governance Centre at Cardiff University
5. The first report issued in September 2015 by the Wales Governance Centre and the Constitution Unit, *Delivering a Reserved Powers Model of Devolution for Wales*, can be found [here](#).

A copy of the UK Government's Draft Wales Bill can be found [here](#). The Command paper which preceded the Draft Bill, *Powers for a Purpose*, is available [here](#).

Related Links

- [Click here for a copy of the report.](#)

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Welsh Grand Committee

DRAFT WALES BILL

Wednesday 3 February 2016

(Morning)

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Draft Wales Bill

*General debate in progress when the Committee adjourned till this day at
Two o'clock.*

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Sunday 7 February 2016

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The Committee consisted of the following Members:

Chairs: MR DAVID HANSON, †ALBERT OWEN

- | | |
|--|---|
| † Andrew, Stuart (<i>Pudsey</i>) (Con) | † Irranca-Davies, Huw (<i>Ogmore</i>) (Lab) |
| Bebb, Guto (<i>Aberconwy</i>) (Con) | † Jones, Mr David (<i>Clwyd West</i>) (Con) |
| † Brennan, Kevin (<i>Cardiff West</i>) (Lab) | † Jones, Gerald (<i>Merthyr Tydfil and Rhymney</i>) (Lab) |
| Bryant, Chris (<i>Rhondda</i>) (Lab) | † Jones, Susan Elan (<i>Clwyd South</i>) (Lab) |
| † Cairns, Alun (<i>Parliamentary Under-Secretary of State for Wales</i>) | † Kinnock, Stephen (<i>Aberavon</i>) (Lab) |
| Clwyd, Ann (<i>Cynon Valley</i>) (Lab) | † Lucas, Ian C. (<i>Wrexham</i>) (Lab) |
| † Crabb, Stephen (<i>Secretary of State for Wales</i>) | † Lumley, Karen (<i>Redditch</i>) (Con) |
| † David, Wayne (<i>Caerphilly</i>) (Lab) | Moon, Mrs Madeleine (<i>Bridgend</i>) (Lab) |
| † Davies, Byron (<i>Gower</i>) (Con) | † Morden, Jessica (<i>Newport East</i>) (Lab) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | † Morris, David (<i>Morecambe and Lunesdale</i>) (Con) |
| † Davies, David T. C. (<i>Monmouth</i>) (Con) | Rees, Christina (<i>Neath</i>) (Lab) |
| † Davies, Geraint (<i>Swansea West</i>) (Lab/Co-op) | † Sandbach, Antoinette (<i>Eddisbury</i>) (Con) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Saville Roberts, Liz (<i>Dwyfor Meirionnydd</i>) (PC) |
| † Davies, Dr James (<i>Vale of Clwyd</i>) (Con) | † Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| Doughty, Stephen (<i>Cardiff South and Penarth</i>) (Lab/Co-op) | Smith, Owen (<i>Pontypridd</i>) (Lab) |
| † Edwards, Jonathan (<i>Carmarthen East and Dinefwr</i>) (PC) | † Stevens, Jo (<i>Cardiff Central</i>) (Lab) |
| † Evans, Chris (<i>Islwyn</i>) (Lab/Co-op) | Tami, Mark (<i>Alyn and Deeside</i>) (Lab) |
| † Flynn, Paul (<i>Newport West</i>) (Lab) | † Thomas-Symonds, Nick (<i>Torfaen</i>) (Lab) |
| † Griffith, Nia (<i>Llanelli</i>) (Lab) | † Williams, Craig (<i>Cardiff North</i>) (Con) |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | † Williams, Hywel (<i>Arfon</i>) (PC) |
| † Hart, Simon (<i>Carmarthen West and South Pembrokeshire</i>) (Con) | † Williams, Mr Mark (<i>Ceredigion</i>) (LD) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | |
| | Glenn McKee, Liam Laurence Smyth <i>Committee Clerks</i> |
| | † attended the Committee |

Welsh Grand Committee

Wednesday 3 February 2016

(Morning)

[ALBERT OWEN *in the Chair*]

Draft Wales Bill

[Relevant documents: oral evidence taken before the Welsh Affairs Committee on 26 October, 9, 16 and 30 November and 9 December 2015, and written evidence to the Committee, reported to the House on 16, 23 and 30 November and 7 December 2015, on the pre-legislative scrutiny of the draft Wales Bill, HC 449.]

9.30 am

The Chair: Before we start, it might be helpful if I remind Members of the timing of this debate. This session will go until 11.25 am, and we will meet again at 2 pm to debate the motion for a further two hours, until 4 pm. I have no power to limit the length of speeches, but I ask Back Benchers and Front Benchers to appreciate the fact that a number of people are down to speak, many of whom are speaking in their first Grand Committee.

Paul Flynn (Newport West) (Lab): On a point of order, Mr Owen. A fortnight ago, my hon. Friend the Member for Clwyd South raised in the Chamber the issue of the languages permitted in Grand Committee. She rightly pointed out that when this Committee meets in Wales, we can use either of the two beautiful languages of Wales. The Leader of the House said he was unaware that we are confined to one language when we meet in Westminster and said it was a serious point. Have you had any information from the Leader of the House on which languages will be permitted today?

The Chair: The hon. Member knows I have sympathy with the point he raises, but I have had advice that London is not in Wales and the rules have not changed, so the language of this Committee will be English. If Members wish to mention Welsh names or use Welsh phrases, I ask that they do so in English to follow. That is the ruling on the use of the Welsh language.

9.31 am

The Secretary of State for Wales (Stephen Crabb): I beg to move,

That the Committee has considered the matter of the draft Wales Bill.

May I start by welcoming you to the Chair, Mr Owen? It is a particular pleasure to serve under your chairmanship. In the past 18 months, while I have been Secretary of State, I have tried not to burden colleagues with too many of these meetings, after taking soundings from Members from Welsh constituencies. We had organised a meeting of the Welsh Grand Committee for 1 July, with the aim of discussing the Queen's Speech and the Budget statement together, but at the request of the then shadow Secretary of State for Wales, the hon. Member for Pontypridd, that meeting was cancelled.

I am glad we now finally have a chance to meet and to discuss the Bill. Today is an opportunity to update Members on the progress of the draft Wales Bill and for right hon. and hon. Members to make their views known; I look forward to hearing them. The draft Wales Bill is, of course, still undergoing pre-legislative scrutiny by the Select Committee on Welsh Affairs, ably chaired by my hon. Friend the Member for Monmouth, and we await the Committee's report with interest.

Before we get into the real meat of the Bill, I will take a step back to remind Members of what we are doing with the Bill and how we got to this point. It is fair to say that a number of Members—particularly Government Members, myself included—were not initially natural devolutionists, but once it became clear that that was what the people of Wales wanted, we were determined to make Welsh devolution work. In 2011, the coalition Government held the referendum whereby full law-making powers were devolved to the Assembly for the first time.

Following that, the then Wales Office Ministers, my right hon. Friends the Members for Chesham and Amersham (Mrs Gillan) and for Clwyd West, established the Silk Commission to undertake a broad consultation and to make recommendations on the future direction of devolution in Wales. As Members will be aware, the commission's first report made recommendations about fiscal devolution that we then took forward in the Wales Act 2014. The Silk Commission's second report looked more widely at the balance of powers between Westminster and Cardiff and made recommendations on a broad range of areas, from the model of the devolution settlement itself all the way through to specific recommendations about new powers that should be devolved from Westminster to Cardiff.

It is important to note that although the Silk Commission included representatives of the four main political parties in Wales, those representatives had no mandate to bind their parties to the recommendations the commission made. That is why, following the Scottish referendum, I decided to take forward what we called the St David's day process, to identify the recommendations that could command political consensus. The resulting St David's day document set a clear path for the future of devolution in Wales, and in the Conservative party's manifesto last year, we committed to implement the St David's day agreement in full.

All the main political parties in Wales, at Westminster level and Cardiff level, were involved in the St David's day discussions, and it would be wrong of any of the parties represented on this Committee to seek to distance themselves from that process. The fact that we decided not to implement the Silk Commission's recommendations to devolve policing and justice was as much to do with the views of the official Opposition as with ours—the Labour party at the time took a very clear view, as did my party, that we would not take forward those recommendations—and the recommendation in the St David's day package to devolve fracking licensing was as much to do with how hard Plaid Cymru pressed for it to be included. The fingerprints of all the main parties in Wales are on the St David's day document.

Hywel Williams (Arfon) (PC): I agree fully with the Secretary of State's point on policing. Can he explain the status of the St David's day process? Did he see it as determining—defining—what the Bill would be, or was

that, as I and my right hon. Friend Elfyn Llwyd recall, a matter of consultation with the Opposition parties and fully owned by the Government who wrote it?

Stephen Crabb: Of course we own the Bill that we write. The purpose of being a Government is to write legislation. The hon. Gentleman will recall that what was enumerated in the St David's day document was a recommendation about a set of powers that all parties agreed on. We were absolutely clear throughout the process and on the day that the Prime Minister and the then Deputy Prime Minister made the announcement in Cardiff that it was entirely up to other parties to go further than the St David's day recommendations. In fairness to Plaid Cymru, they did that. In fairness to the Liberal Democrats, their manifesto at last year's general election went further than St David's day. St David's day represented a baseline around which the process showed that all parties were in consensus.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Does the Secretary of State think that the St David's day process was more comprehensive than the Silk Commission, which took a number of years and consulted widely with the people of Wales and all political parties, whereas the St David's day agreement was a couple of backroom meetings with Westminster politicians?

Stephen Crabb: The hon. Gentleman can caricature the discussions in that way if he wants to, but he will remember that they were a lot more meaningful and substantive than he gives them credit for. The Silk Commission, which my right hon. Friends the Members for Chesham and Amersham and for Clwyd West established, took a broad range of evidence not just from politicians but from stakeholders, who included representative of the parties. If hon. Members read the Silk document, as I have done several times in great detail, they will see that some of the recommendations lack a lot of detail; some of them do not give a precise, clear policy steer. There is a lot of good in the Silk Commission documents, but it is up to elected politicians to decide how to take forward the recommendations, which is why the official Opposition, the Labour party, could not sign up to the recommendations around the devolution of policing and justice.

Mr Mark Williams (Ceredigion) (LD): I think there were rather more than two meetings, and I am not sure they were quite as characterised by my hon. Friend the Member for Carmarthen East and Dinefwr. However, with hindsight and given some of the problems the Secretary of State has encountered since the publication of the draft Bill, does he regret that the St David's day process was not more inclusive of our colleagues in the National Assembly?

Stephen Crabb: The process was inclusive. I had discussions with them in Cardiff Bay as a group; we had discussions in this place with the Cardiff Bay leaders of the parties here; and I met with them all individually as well, so it was a process that encompassed both the Cardiff Bay bit of the Welsh political parties and Westminster.

The Conservative party went into last year's general election with a clear package of new powers that we put to voters and the people of Wales made their decisions at the election. The package included putting in place an historic funding floor in the relative level of Welsh funding, as we committed to do in the St David's day agreement. Members will recall that during Labour's leadership election last year, the right hon. Member for Leigh (Andy Burnham) revealed that when he was Chief Secretary to the Treasury he knew that Wales was being sold short by the Barnett formula but admitted that he could not do anything about it. It took Conservatives in government to do something about the Barnett formula and bring forward an historic funding floor.

The St David's day package also included making further progress on income tax. Hon. Members will know that in his autumn statement the Chancellor announced a decision to remove the referendum requirement for devolving a portion of income tax to Wales. We are doing that in recognition that the debate has moved on from the Wales Act 2014, and because we believe that income tax devolution will help deliver more accountable, responsible devolved government for Wales. Within the mature devolution settlement that the draft Bill will deliver, the Welsh Government simply cannot continue to be a purely spending Department. They need to take responsibility for raising money as well as spending it.

As part of the devolution package, we are also legislating for a new reserved powers model through the Wales Bill. Hon. Members for Welsh constituencies who have been in this House for a number of terms will recall that the call for a reserved powers model has been around for some time. I remember during discussion of the Bill that became the Wales Act 2014 a former Secretary of State, the former Member for Torfaen, saying on the Floor of the House, "Now is the time to move to a reserved powers model." That was, of course, before we took forward the St David's day process. At that time I warned that simply moving to a reserved powers model, in and of itself, is not a panacea. It does not fix all the complexities around the Welsh devolution settlement—in fact, moving to a reserved powers model throws up new complexities. Moving to a reserved powers model is not a quick fix that clarifies Welsh devolution. The detail of the wiring underneath is what matters, and that is where a lot of the controversy around the current Bill lies.

Nick Thomas-Symonds (Torfaen) (Lab): On reserved powers, does the Secretary of State agree that it certainly does not bring clarification if there are 34 pages of reservations in the Bill?

Stephen Crabb: I broadly agree with that sentiment, but looking at the Scottish settlement, the list of reservations is also pretty long in the Scotland Act 1998. The point is to get the reservations right, spelling out which Government is responsible for what. We should not get hung up on how long the list is.

I said in evidence to the Welsh Affairs Committee and to the Welsh Assembly's Constitutional and Legislative Affairs Committee that the list of reservations is one of the things I want to look at, along with the necessity test and ministerial consent, so that we get the detail right as we move from a draft Bill to a full one.

Hywel Williams: A point arose yesterday at the launch of the excellent document, “Challenge and Opportunity: The Draft Wales Bill 2015”, by the Constitution Unit and the Wales Governance Centre, which I recommend to all right hon. and hon. Members. One participant questioned the inclusion of a provision in schedule 1—new schedule 7A, page 34, section B14(54)(a) and (b), which deals with licensing of the provision of entertainment and late night refreshment. I do not want to trip up the Secretary of State—I am sure he is conversant with the reasoning behind all these inclusions—but can he tell me why that provision is in there?

The Chair: Order. Before the Secretary of State responds, interventions should be short. Those intending to speak later are eating into their own time and that of other Members.

Stephen Crabb: It would not be the first time I get tripped up on the subject of night-time entertainment. The whole purpose of publishing a draft Bill is to address issues such as that. When we include a list of reservations in the Bill, what is the balance to be struck around broad drafting of a policy area and being specific so that it is spelled out clearly? The hon. Member for Arfon highlights a very specific example. The less specific we are, the more scope there is for vagueness. If one of the objectives of the Bill is to put far more specificity into the devolution settlement for Wales than there is at the moment, there will be times when we have to spell out in detail what those reservations are. We are looking at all the reservations at the moment.

Pre-legislative scrutiny has shone a spotlight on what I think is becoming a new orthodoxy in Cardiff Bay around Welsh devolution, so I would like to spend a few moments addressing that. On the devolution boundary, there is now a view in Cardiff Bay that the Supreme Court, through the agricultural wages decision, has effectively redrawn the devolution boundary way beyond what Parliament intended for the Welsh devolution settlement, and in some respects way beyond the Scottish devolution settlement. I discussed that with the Presiding Officer of the Welsh Assembly and her team on Monday, asking her specifically, “Do you now regard the Supreme Court as having effectively redrawn that devolution boundary beyond what the Scottish devolution settlement is?” Their response was that, yes, that is their view. That was never the intention of Parliament when Labour Ministers drafted the existing devolution settlement, nor is it this Government’s position. We believe that it is the role of elected politicians to draw the devolution boundary, and not the role of the courts and judges to decide where the devolution boundary is.

An important purpose of the Bill is to make it clear where the boundary lies and to bring an end to the confusion and argument about which Administration, Cardiff or London, is responsible for which areas of policy. Regardless of whether parties in the Assembly or in this place choose to try to block the draft Bill, no one should underestimate the Government’s intention to fix where the devolution boundary lies. We are not willing to carry on with a situation where the boundary is unclear for large swathes of policy and where the settlement is silent on which Administration is responsible for which area.

Geraint Davies (Swansea West) (Lab/Co-op): I hear what the Secretary of State is saying, but does he agree that the Welsh people’s consent was given by the most recent referendum in which they argued that more, not less, devolution should occur? He is now arguing that we should move backwards, behind that battle line, and in fact many laws that have been passed in Wales would not have been passed under the legislation he is now proposing.

Stephen Crabb: The hon. Gentleman’s charge is untrue on so many levels. The Conservative-led coalition Government held the referendum and we recognise that that was a game changer in terms of devolution for Wales. A large majority of people who participated in that referendum voted for full law-making powers in the areas that were devolved. They were never asked to agree that the devolution boundaries should be redrawn. It is the role of elected Governments to make decisions about where the devolution boundary lies.

Carolyn Harris (Swansea East) (Lab): How does the Secretary of State expect the Assembly to function as a law-making body without the ability to change the laws?

Stephen Crabb: We absolutely do want it to be a law-making body. We want it to have the freedom to give expression to its law-making powers. That means having the ability to change the law to enforce its legislation—I think that is the point the hon. Lady is getting at. Nothing in the Bill prevents the devolved Government from doing that. We do not want inhibitions around the Welsh Government making law in the areas that are devolved to them. However, when there are spillover effects from making law the Bill, rightly in my view, raises a safeguard—a boundary, a hurdle—so that those spillover effects are not more than is necessary.

Jonathan Edwards *rose—*

Antoinette Sandbach (Eddisbury) (Con) *rose—*

Huw Irranca-Davies (Ogmore) (Lab) *rose—*

Stephen Crabb: I will give way to the hon. Gentleman who is shortly to be a Member of the Assembly.

Huw Irranca-Davies: Indeed, I have a vested interest in this in more ways than one. The Secretary of State is trying valiantly to play a very difficult hand, but I suspect he is running out of cards. How does he respond to this week’s report that highlighted in depth, with detailed analysis, both fundamental and detailed points of principle that were wrong? The conclusion was that that suggests an unwillingness to take Wales seriously. I ask him, in all seriousness, how he responds to that.

Stephen Crabb: I respond to the hon. Gentleman by saying, in all seriousness, that this Government take Wales very seriously. We take Wales so seriously that we did not do what his Administration did, when he was a Minister in the previous Labour Government, and bury our heads in the sand over the inequities of the Barnett

formula. They have admitted that they were unwilling to address that issue. We are bringing forward the funding floor. This Government took the decision to have a referendum for the people of Wales on having full law-making powers.

Huw Irranca-Davies: This Bill does not do it.

Stephen Crabb: In the details of the report that came out today, and in other academic reports, there are some good and important points. We have taken the report away and are looking at it very closely. The whole point of having pre-legislative scrutiny is to use it as an opportunity to think again and take views from a very broad range of stakeholders.

I have to say, having read some of the evidence presented to the Welsh Affairs Committee and to the Welsh Assembly's Committee, sometimes the people giving that evidence are asking a different question from the question we are asking. The question they are asking is, "How do we craft a piece of legislation that expands the remit of Welsh government and Welsh law-making?" If that is your only question, of course you will find failings and limitations in the Bill. If you are trying to balance that question with the question of how to regulate the interface between the two legitimate Governments for Wales: the UK Government and the Welsh Government—how to ensure clarity about who is responsible for what, how to build in respect for the devolution settlement so that we do not get Governments crossing over one another's boundaries, changing each other's functions without a clear consenting process in place—then you cannot avoid coming up with some of the procedures and mechanisms in the Bill.

Jonathan Edwards: The Secretary of State is a well-known pragmatist; I was hoping he would come to the Chamber this morning with a slightly more flexible approach, but it seems to me as if he is digging a trench around the Bill as it stands. As he knows, even his own party will vote against the Bill in the legislative consent motion when it comes before the Assembly. Will he respect the vote in the National Assembly if his party decides not to support the Bill?

Stephen Crabb: The hon. Gentleman is trying to take me down a road that we are not going down today. On the earlier point of his intervention, as I said to the Welsh Affairs Committee and to the Assembly's Committee, we will be using this process to look again at some of the details and I have listed three broad areas that we are looking at: reservations, ministerial consents and the necessity test. My purpose today is to remind Members from Wales, who perhaps have not participated in the Welsh Affairs Committee proceedings or followed what the Assembly Committee has been saying, of some of the broad principles behind our approach to what is a really complicated and difficult issue.

The second bit of what I regard as a new, emerging orthodoxy in Cardiff Bay is this: they believe that the Welsh Government and the National Assembly should have completely unfettered freedom to legislate in devolved areas. They believe that they should have complete freedom in those policy areas that are clearly the competence of the Welsh Government. That is a proposition I agree

with and am very comfortable with. I want the Welsh Government and Welsh Assembly to exercise their law-making powers freely. What I do not agree with is what they then go on to say about these law-making powers—that when Welsh legislation has spillover effect in terms of affecting reserved matters, in terms of affecting the law as it applies to England or in terms of the way it affects the underlying principles of English and Welsh law—the single jurisdiction—somehow the Welsh Government should have the unfettered ability to make changes in those areas.

That is what the necessity test in this Bill is designed to do—not to stop the Assembly enforcing its legislation, but to make clear where the boundaries of their competence lie. However, this test has now become a point of warfare because they do not believe there should be any boundary or safeguard to those powers. When I put the question to them—when I asked the Presiding Officer and Carwyn Jones why the Welsh Assembly should have unfettered ability to make law without having any regard to the impacts on England or on reserved matters—I simply got a shrug of the shoulders in response. That is not a proposition that we can endorse.

The Bill is not designed to serve the agendas of those who believe that the next stage of devolution should be about driving a wedge between England and Wales and creating more separation. The purpose of the Bill is to provide clarity and to ensure that the two legitimate Governments for Wales, the UK Government and the Welsh Government, can work together in clarity so that Ministers in Cardiff Bay and in Westminster understand which areas of policy they are responsible for.

The answer to the complexities around this is not, as the First Minister now suggests, to create a separate legal jurisdiction. A separate jurisdiction would be expensive, unnecessary and, in the words of a partner of a major law firm in Cardiff, would result in a flight of legal talent from Wales. Let us be clear. If the Labour party had won the general election and had taken forward a devolution Bill, it would not be entertaining the creation of a separate jurisdiction.

Nia Griffith (Llanelli) (Lab): On a point of order, Mr Owen. The First Minister has not advocated a separate legal jurisdiction. He has talked of a distinct legal jurisdiction, as indeed have the Constitutional Affairs Committee at the Assembly and all the Members of the Assembly, including all the Conservative Members, and that was backed in a motion at the Assembly.

The Chair: That is not a point of order, but it is very welcome and I am sure the Secretary of State will want to respond.

Stephen Crabb: I will, and I will be very clear. In my discussions with Carwyn Jones, he told me that he regards "distinct" and "separate" as the same thing. They are words. He said that he regards a distinct and separate jurisdiction as amounting in practical terms to the same thing.

What I do believe is that as the body of Welsh-specific law grows, the judicial system will need to take account of the distinctiveness within Wales. I have discussed that with the Lord Chief Justice and the Lord Chancellor here. Work is needed to ensure effective delivery of the

[Stephen Crabb]

justice function in Wales to take account of the growing body of Welsh law, but that does not necessarily lead to a path of separate jurisdiction and splitting the single England and Wales jurisdiction, which has served the people of Wales well for centuries.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Surely we need to look more closely at what “separate and distinct” means. “Separate” implies a different legal profession with a whole new set of courts. “Distinct” does not have to mean that. What we are hearing from the Assembly is “distinct”. All the requirements that go alongside that—necessity clauses—are what we would require to make this Bill work.

Stephen Crabb: The hon. Lady, for whom I have huge respect, is very knowledgeable about legal and constitutional matters. If, through the Select Committee of which she is a member or independently, she would like to provide me with details of what she regards as a distinct jurisdiction, we can measure it against what other people are saying they regard as a distinct jurisdiction.

Part of the problem is that no one knows what “distinct jurisdiction” means. We understand what “separate jurisdiction” means, but people are bandying about this term “distinct jurisdiction” as if it is now the answer, in the same way as people used to say, “We need a reserved powers model; that will sort out Welsh devolution” without thinking of the complexity underneath it. People are now saying “separate jurisdiction” or “distinct jurisdiction” without really having thought through what it means.

Hywel Williams: The Secretary of State is being generous with his time. He has conceded that there is a growing body of Welsh law that will need to be responded to and he says he has had discussions with the Lord Chief Justice and the Lord Chancellor. Can he give the Committee an indication of when these considerations will come to fruition, so that we have clarity on the nature of our Welsh law and Welsh jurisdiction, whether distinct, separate or whatever? Does he see this as part of the full Bill when it comes before the House or over the horizon?

Stephen Crabb: The hon. Gentleman asks an important question. We are in the early stages of that work and we are having discussions about it with a view to being clear about what distinctive arrangements Wales needs to make sure there is effective delivery of justice in Wales that takes account of the growing body of Welsh law. We will make some announcements about that in due course, but that work does not need to happen within the context of the Bill. It does not need to be put into legislation to give effect to it. A lot of practical work can just be got on with fairly quickly.

Ministerial consent is another controversial area in the Bill that we are looking at again. Let me put on the record some thoughts about it. Much has been said about the consent requirements in the draft Wales Bill. They are intended to provide flexibility for the Assembly to legislate but with a demarcation of responsibility between the Assembly and the UK Government. It is

only right that the Minister’s consent is required to amend the functions of reserved bodies that are accountable to UK Ministers, just as it is right that the UK Government seek the Assembly’s consent to make changes to the law in devolved areas.

I am told that when making legislation that changes the responsibilities of UK Ministers or the functions or duties of a reserved body—a public body that is the responsibility of a UK Minister—the Welsh Government should have the ability to do that without the relevant UK Minister in Whitehall being able to have any say on that. To any fair-minded Welsh man or woman, that is not a reasonable proposition, because the United Kingdom Government are responsible for those areas of policy. However, this seems to be emerging as the new consensus in Cardiff Bay. We are told that we need to take away the draft Bill and remove the consenting requirements. The threat is that the Bill will be blocked if there is any attempt to make the Welsh Government more responsible in making changes to things that are the responsibility of UK Ministers. We do not believe that is a credible position.

I know from my discussions with business leaders and others in Wales that there is a large body of pragmatic and reasonable opinion on devolution, which does not endorse the rhetoric and criticism of the Bill that is coming out of Cardiff Bay which says the Welsh Government should be able to change the functions of a UK Minister, and change the duties and functions of a UK public body that is the responsibility of a UK Minister, without any consenting requirement. This is about basic respect in the devolution settlement. It is a key principle of ours that we respect the Welsh Government in recognising the areas for which they are responsible. When we make legislation in this place that touches on devolved areas, there is rightly a process of seeking the consent of the Welsh Government. We believe that the principle should work in reverse. I do not think that is an unreasonable proposition.

We have hit a number of major stumbling blocks with the Bill on the differences of viewpoint between how we see the devolution settlement working and how the Cardiff Bay Welsh Government want it to work. They believe that the draft Bill should give legislative effect to the new consensus that they believe in with the expanded devolution boundary that they believe the Supreme Court has given them with the ability to make law unfettered that affects reserved matters or England without any hurdle or boundary or safeguard around that, or any requirement for consent. That is not something that we can go along with.

I appeal to Members of this place and Assembly Members to try to understand the devolution settlement from the viewpoint of the interests of the UK Government, in the same way as I have spent a lot of time trying to understand the devolution settlement from the perspective of Cardiff Bay and the Assembly,

I am going to wrap up there to allow other Members to speak. We have heard language such as “English veto”. There is nothing in the Bill which provides an English veto. When the First Minister uses that phrase, he is talking about the UK Government—the UK Parliament. He is saying that all of us sitting here are English—the hon. Member for Newport West is English, and the hon. Member for Llanelli is English, because they are part of the UK Government. Let us be absolutely

clear—this goes to the core of my approach to the Wales Bill—Wales has two legitimate Governments: the UK Government, who exist for the benefit of all parts of the United Kingdom, including Wales; and the devolved Welsh Government, who exist to create law in devolved areas. The purpose of the legislation is to create clarity and respect about the roles of those Governments. It is not to delegitimise and push back the role of the UK Government and say that Wales has an elected Government in Cardiff Bay who are the primary legitimate Government for Wales.

Mr Mark Williams: The Secretary of State talks about respect and says he hopes our colleagues in the National Assembly will be listening to what he says as much as we are here today. Does that extend now to a meaningful dialogue with the Assembly and the officials at the National Assembly on the core issues he has identified—the necessity test and ministerial consents and reservations? I do not doubt the primacy of this place to make the law, but will a meaningful dialogue remedy those issues with the National Assembly now?

Stephen Crabb: My door is always open. I do not think anybody has tried to bend over backwards and be more pragmatic and flexible on this stuff than I have. I have spent the past 18 months moving the position of the UK Government, compromising on a number of very key areas that have proved controversial. From our perspective, it feels as if we have made all the movements on our side, and we have run into the buffers of stubbornness and a lack of reasonableness.

Ian C. Lucas (Wrexham) (Lab): Would not the Secretary of State's argument carry a great deal more force if he were not the Secretary of State who had colluded in diminishing the rights of Members of Parliament from Wales to have a voice on issues that directly affect our constituents? Is not what he says about English votes for English laws and the lack of consultation that took place with Members an absolute disgrace?

Stephen Crabb: I do not know how to dignify that question with a response. It is a nice try to attempt to confuse the issues before us today.

I will wrap up my remarks after I have reiterated my answer to the hon. Member for Ceredigion. I am determined to get the legislation in a position that not only Assembly Members and the Welsh Government, but Members here are comfortable with—a piece of legislation that strikes the right balance and achieves our aims, which I think most fair-minded people in Wales would agree with. I will not allow this legislation, through the force of criticism from Cardiff Bay, to be changed into a piece of legislation that we are not comfortable with. As I said previously, if the Labour party were in power in the UK Government, its Members would not take forward a Bill that delivers a separate jurisdiction. They would not be doing things that the Welsh Government are calling for.

Kevin Brennan: As my hon. Friend the Member for Wrexham said, these matters are intertwined. For example, 9,000 English students, many of whom are registered to vote in Cardiff, attend Cardiff University. In the recent vote we had in this House on their student maintenance

grants, Welsh Members were effectively denied the opportunity to influence the ultimate outcome of that vote. Those students, who are disfranchised, have no one to vote for them. Their MP cannot represent them in such a vote because the students are registered to vote in Wales. Does the draft Bill do anything to re-enfranchise the people this Government are disfranchising?

Stephen Crabb: If we follow the logic of what the hon. Member for Cardiff West just said, it is an argument against devolution in the first place. Arguments about those kinds of disparities were exactly the kinds of arguments made by people who opposed devolution in the first place. The health service is another example of one of the challenges of devolution. There are English residents who are patients in Wales and Welsh residents who are patients in England. Devolution throws up those complexities. *[Interruption.]*

The Chair: Order.

10.8 am

Nia Griffith: It is a pleasure to serve under your chairmanship, Mr Owen.

The draft Wales Bill has understandably led to lively debate since it was published in October. I asked the Secretary of State to convene this Committee so that Members could be part of that debate, and to scrutinise the draft Bill before a new version is presented to the House. The draft Bill is the end product of some five years of work including the Silk Commission, the St David's day process, and the Government's White Paper. We expected a draft Bill that was worthy of the years of work that led up to it—a landmark constitutional moment giving more powers to Wales. Instead, we have a shambles of a draft Bill that has been criticised by academics, trade unions, lawyers, the Assembly's Presiding Officer, the Church in Wales, the Equality and Human Rights Commission, the Welsh Language Society and every party in the Assembly, including the Welsh Conservatives. In fact, when the Assembly's Constitutional and Legislative Affairs Committee launched its inquiry on the draft Bill, it was left in the unprecedented situation where practically no one supported it.

A new report by University College London and the Wales Governance Centre describes the draft Bill as “constricting, clunky, inequitable and constitutionally short-sighted.”

In plain English, it is junk. The Secretary of State should be ashamed that he has presented such a weak and unworkable draft Bill because the people of Wales deserve better.

Labour Members support a move to a reserved powers model, which Silk recommended, and we support the new powers proposed in the Bill on energy, transport and the Assembly's own affairs. Labour set up the Assembly and gave it greater powers through the Government of Wales Act 2006 and the 2011 referendum. We support the Assembly's having more powers, and that is exactly why we will not support this Bill unless it is radically amended.

Jonathan Edwards: I congratulate the hon. Lady on her appointment as shadow Secretary of State. I am absolutely delighted by that appointment, but can she

[Jonathan Edwards]

explain why, as the Secretary of State said, the biggest roadblock during the St David's day process was the Labour party? I understand that she was not in those negotiations, but is she entirely happy with the position taken by her predecessor?

Nia Griffith: Today's subject is the Bill before us, and we want a Bill that actually works, so that is what we need to scrutinise now; that is what we need to be looking at.

Just last year, the Secretary of State said:

"I want to establish a clear devolution settlement for Wales which stands the test of time."—[*Official Report*, 27 February 2015; Vol. 593, c. 35WS.]

Elsewhere, he referred to

"a clear, robust and lasting devolution settlement".

We have only to take one look at this Bill and it is plain that he has completely failed to do that. The Bill as drafted is not clear. It does not meet the Secretary of State's stated aims. Those are not just my words; they are also those of the Assembly's Constitutional and Legislative Affairs Committee, chaired, incidentally, by a Conservative Assembly Member. Its inquiry heard

"grave concerns about the complexity of the draft Bill"

from the

"overwhelming majority of...consultees and witnesses".

It heard

"a clear, unanimous voice from legal experts and practitioners that the complexities of this Bill will lead to references to the Supreme Court."

This Government have been particularly trigger happy in taking the Assembly to court ever since it has had primary law-making powers. Those cases cost the taxpayer tens of thousands of pounds and lead to long delays before the Assembly's laws come into force.

Antoinette Sandbach: Does the hon. Lady agree that the Agricultural Sector (Wales) Bill decision drove a coach and horses through the Government of Wales Act and in effect conferred a reserved powers model on the Assembly, which requires legislation to address the issues that arose out of that case?

Nia Griffith: An awful lot more cases will go to the Supreme Court if we do not get this Bill correct. That is the problem. The Assembly has passed 14 Bills, parts of which various commentators are suggesting could not have been passed if this legislation had been in place. The fact that they are arguing over that is the reason why we would end up with people—not just the UK Government or the Welsh Government, but any individual—taking things to the Supreme Court, and thousands of pounds would be spent trying to sort that out. That is simply not the way we want to proceed.

Geraint Davies: Does my hon. Friend agree that the logic of English votes for English laws was that there would be Welsh votes for Welsh laws and that the direction of travel of this Bill is in fact English votes for Welsh laws? That will generate all sorts of confusion, some of which has just been alluded to

Nia Griffith: The issue is, more than anything, the confusion. Everybody wants a clear settlement that will not cause problems. I am not the only one saying this. David Melding, the Conservative Assembly Member for South Wales Central, warns:

"Judicial review could become, if not the norm, then far from the exception. Welsh legislation would be drafted in an atmosphere of profound uncertainty, which itself would curtail its scope and ambition."

Therefore, the Secretary of State has comprehensively failed his first test—clarity.

If the Secretary of State had really wanted to make the devolution settlement clearer, he could easily have reduced the number of tests that the Assembly has to satisfy before it can legislate. Those are the tests that decide whether a Bill is within the Assembly's competence. This Bill increases them from nine to 13. Of course, the most controversial, understandably, are the so-called necessity tests. Quite why those tests were dreamt up is not clear. What is clear is that they will make it significantly harder for the Assembly to legislate. That is not just my view, but that of Paul Davies, the Tory Assembly Member for Preseli Pembrokeshire—a colleague from the same constituency as the Secretary of State. He said that

"it's clear from the evidence...that introducing these tests would restrict the Assembly's competence."

As the Law Society said in its evidence to the Welsh Affairs Committee, "necessity" is not a term that is well understood by lawyers. It does not have an established meaning. In fact, the Assembly's Director of Legal Services has pointed out that there are at least three completely different ways in which the term "necessity" can be understood. Quite frankly, it could mean anything, and the only way to establish what it means will be through reference to the Supreme Court, which is profoundly undemocratic.

Mr David Jones (Clwyd West) (Con): I have considerable sympathy with what the hon. Lady is saying. The word "necessity" is not a term of science nor is it even a term of art. Nevertheless, does she not agree that it is entirely right that the Assembly should not legislate in areas that are beyond its defined competence, so a term has to be arrived at that achieves that?

Nia Griffith: Absolutely. There have to be certain consents and criteria, but our difficulty with the Bill is that it does not provide the clarity that we all want in legislation.

Stephen Crabb: I am interested in what the hon. Lady just said. Is she saying therefore that she supports the retention of some kind of test, whether that is necessity or some other formula, or does she want to remove it altogether?

Nia Griffith: Our worry is that we might turn the clock back to a time pre-2006. The purpose of the Bill is to define powers, but what we have at the moment is confusing. That confusion has arisen for several reasons, but particularly with regard to the non-devolution of certain parts of the law.

Stephen Crabb: I am grateful to the hon. Lady for giving way again. In answer to my right hon. Friend the Member for Clwyd West, she appeared to say that we clearly need some kind of test. Is it her view, and the

view of her party, that, whether it is the necessity test or another formula that commands legal respect, we need some kind of boundary or legal phrasing in the Bill, rather than no test at all?

Nia Griffith: We need a framework that successfully explains to people what it actually is, not one that is confused and suggests, for example, that we might be looking at Bills that have been passed in the Assembly such as the Renting Homes (Wales) Bill.

Stephen Crabb: The hon. Lady has made strong points about the need for clarity by posing a specific question, which she now appears to have muddled. Does she support having some kind of test around the spillover impact when the Welsh Government make law that affects reserved areas, matters affecting England, and civil and criminal law? Does she support having some kind of test within the framework?

Nia Griffith: There has to be some sort of framework to define exactly where the Welsh Government can legislate. What we do not want is a situation where we continually dispute that, as that would not help.

Mr David Jones: I am grateful for the direction of travel that the hon. Lady is taking. Will she perhaps suggest a term that could be used to achieve the clarity that she desires?

Nia Griffith: It is for the Secretary of State to produce a Bill with some form of words that explains exactly how and when the Assembly can legislate. We want to see that in the Bill in a way that will actually work. At the moment, we have turned the clock back, and it looks as if we are asking for many different types of consent. We do not have clarity, but that is what we need. We have a situation where even Bills that have been passed will be contested.

Mr David Jones *rose—*

Nia Griffith: I will not give way any more. It is for the Secretary of State to introduce better legislation. It is simply undemocratic to go continually to the Supreme Court, because it is not for judges to decide this, that or the other about what can be subject to legislation. We want legislation that makes the position clear, rather than having to go to court time after time.

The real problem is the sense that we are going back pre-2006, and rolling back things that have been introduced by the Assembly in the past few years. The Welsh Government have listed no fewer than 14 Acts in this Assembly's term that would require additional permission from Whitehall if the Bill were in force. The Secretary of State has said that this all about respect, but where is the respect in making it harder for the democratically elected Assembly to pass laws? The people of Wales did not vote in 1997 and 2011 for a Welsh Assembly hamstrung by Whitehall, able to legislate but only when UK Ministers allowed it. That completely undermines the autonomy of the Assembly and is a major step backwards. As Conservative Assembly Member David Melding has highlighted, that ends with the constitutionally unacceptable

position of UK Ministers, who are not accountable to Assembly Members, telling the Assembly what it can and cannot do.

Of course, ministerial consent exists under the current system, but if the Secretary of State really wants to clarify and simplify the settlement, he would clear up the consent process. As the Silk Commission recommended, there should be general transfer of ministerial functions in devolved areas from Whitehall to Cardiff Bay, just as happened in the Scotland Act. The Secretary of State has given no good reason why Wales should be treated any worse than Scotland.

The Bill would make the system significantly more complicated, with the effect of rolling back the Assembly's powers. In the words of the Assembly's Constitutional and Legislative Affairs Committee:

"It is clear to us that the cumulative effect of the approach being adopted... is to reduce the Assembly's legislative competence."

Yet again the Bill would fail to deliver a fair and lasting settlement. Instead, it would take powers away from Wales and make it harder for the Assembly to do its job.

Let us turn to the reservations themselves. A primary purpose of the Bill is to introduce a reserved powers model, in order to bring greater clarity to the devolution settlement. The Silk Commission report says:

"In a reserved powers model, the settlement would set out clearly the limits of devolved competence. We would expect law-makers to legislate with greater confidence... rather than being constrained by uncertainty".

Clarity is about the last thing that comes to mind when reading the 34 pages of reservations in the Bill, covering 267 separate powers, on everything from Antarctica to zebra crossings. Everyone agrees that the list is far too long. Indeed, Angela Burns, the Conservative Assembly Member for Carmarthen West and South Pembrokeshire, has described the list as unworkable. She said:

"The reservations, as they stand, will hinder the development of policy, will impact on the coherence and unity of legislation and will, in my view, muddy the waters between legislatures."

Even the Secretary of State has said:

"When I read through the list of reservations I can see for myself that there are things where I think, you know, 'For goodness' sake, why is that being held back as reserved?'"

It is his Bill.

Stephen Crabb: Draft Bill.

Nia Griffith: As a bare minimum, we should expect the Secretary of State to have confidence in his own draft legislation, not to rush forward with some half-baked set of reservations that not even he supports.

The failure of the Wales Office to challenge Departments to explain what needs to be reserved, not just what they want to have reserved, is quite remarkable. In the words of the Assembly's Constitutional and Legislative Affairs Committee:

"The absence of a principled approach has contributed to the excessive number and complexity of the reservations."

In this week's report by the Wales Governance Centre and University College London, they describe the failure to think rationally about what needs to be reserved as a "fundamental defect" in the Bill.

[*Nia Griffith*]

Perhaps if the Secretary of State and his Department commanded more respect in Whitehall we would not have ended up with a shoddy list of reservations that literally no one supports.

The biggest problem with the reservations is the completely ill-advised decision to reserve the entirety of criminal and civil law. That makes absolutely no sense and is the clearest example of the Bill rolling back the Assembly's powers. The Assembly is a law-making body, so preventing it from having any ability to change the law is both illogical and unacceptable. It reduces the status of the Assembly to a second-class legislature. It is directly contrary to the Silk Commission's warning that the reserved powers model must

"do nothing to restrict the existing and future ability of the National Assembly to create criminal sanctions where it is necessary".

The rationale behind the decision to reserve the entirety of the law is given in the explanatory notes. The Bill seeks to provide

"a general level of protection for the unified legal system of England and Wales, whilst allowing the Assembly some latitude to modify these areas of law".

But the 2011 referendum was about giving the Assembly full powers to legislate in the areas devolved to it, not some latitude to modify the law. So the Secretary of State needs to reconsider this crucial aspect of the Bill. One solution would be to introduce a distinct legal jurisdiction for Wales, as recommended by the Assembly's Constitutional and Legislative Affairs Committee and endorsed unanimously by the Assembly.

Craig Williams (Cardiff North) (Con): Since the hon. Lady is fond of quoting, will she comment on the view of Lord Morris of Aberavon, her predecessor and a Labour Attorney General, who ruled out the single jurisdiction? If she supports that, will she explain what she means by "distinct"? Does she have a simple term for it? What does it mean?

Nia Griffith: The term "distinct" has been used to suggest that we would not need to have separate courts, that lawyers could practice on both sides of the border—we would have, if you like, a separate book, separate legislation, but not a separate court system. As I just said, that is one solution that might be suggested; it is not the only solution. If the Secretary of State can show us what other plans he might have, perhaps he can bring forward something different, but it clearly needs to be looked at. We understand the problem: we have not yet had a solution from the Secretary of State.

The Parliamentary Under-Secretary of State for Wales (Alun Cairns): The hon. Lady has tried to define "distinct legal jurisdiction", but the Presiding Officer in the Assembly, for example, has called for a high court of Wales. Does that fit the "distinct" model?

Nia Griffith: The "distinct" model does not have to have a separate high court: that is the whole point.

Antoinette Sandbach: Will the hon. Lady give way?

Nia Griffith: No; I think I have said enough on this. What we need from the Secretary of State is a solution, a way forward. We need a way to make it possible for

the Assembly to legislate in the areas in which it has competence, which people voted for in 2011, not to make it more difficult. If we remember, the Secretary of State said he was going to deliver,

"the most robust and ambitious package of further devolution to Wales in a generation".

However, it is pretty clear that the consents, the necessity test and the Bill in general would roll back the powers of the Welsh Assembly. The Bill is not robust, ambitious, lasting or clear. In fact, the Secretary of State has failed every one of his own tests. What he has proposed is a second-class settlement, a system that is unduly complex, regressive and unworkable, and we will not support the Bill unless it is radically amended. It is clear that the Secretary of State has badly mismanaged this entire process, including failing miserably to ensure the cross-party consensus that characterised both the Silk and Smith Commissions. In fact, he has not even got consensus within his own party.

Hywel Williams: I am listening to the hon. Lady with great interest. She seems to be batting into the Bill very hard indeed and criticising it. In response to my hon. Friend the Member for Carmarthen East and Dinefwr I think she repudiated the stance taken by her predecessor. Does she think there is a case to be made for reopening discussions between the parties on what the Bill should be, rather than the dog's dinner that we have before us?

Nia Griffith: I would welcome the opportunity to have another look at how the Bill could work, but what I want to hear from the Secretary of State is a willingness to be more open about that, rather than digging this big trench around himself and saying that he is not going to change this, not going to change that, and not going to change the Bill radically.

Stephen Crabb: I hesitate to interrupt the hon. Lady, because I am enjoying her speech a lot, but just to clarify, at no point have I said that I am not going to change this and not going to change that. She has put words in my mouth there. What I have said today is that there are areas of the Bill which we need to look at and change—I have said that very clearly—but also there are fundamental principles behind what we are trying to do, in ensuring the integrity of the UK Government and Parliament and the integrity of the Welsh Government and Assembly.

Nia Griffith: The problem is that we had the hon. Member for Montgomeryshire telling us that he may not even vote for the Bill; he describes it as an abysmal failure. We had the hon. Members for Vale of Clwyd, for Brecon and Radnorshire, for Monmouth, and for Gower—I see he has left his place—and, indeed, the right hon. Member for Clwyd West, all saying publicly that the income tax devolution that will be included in the final Bill is disrespectful to the Welsh people. So there is utter chaos on the Conservative Benches about the Bill. It is a remarkable situation.

Mr David Jones: I need to clarify the hon. Lady's point. I did not say that I would oppose the devolution of taxation powers. What I said was that to impose such powers without a referendum of the Welsh people was, I felt, disrespectful to the people of Wales.

Nia Griffith: That is precisely my point.

Nick Thomas-Symonds: In her excellent speech my hon. Friend gave a series of quotations from Conservative Assembly Members and Conservative Members of Parliament. We certainly need an amended Bill to reduce conflict over the Supreme Court, and we need an amended Bill to reduce conflict in the Conservative party.

Nia Griffith: My hon. Friend put that very well indeed —[*Interruption.*]

The Chair: Order.

Nia Griffith: It is remarkable that we have seen the entire Conservative group in the Assembly, including the leader of the Welsh Conservatives, supporting a series of motions that savage the Secretary of State's Bill. I hope he will take the time to sort out this Bill, but his inability to convince even his own colleagues hardly fills me with confidence.

The Secretary of State said last year that it is vital that we get the Welsh devolution settlement right. For that to happen, the Bill needs a radical rewrite. It is not enough for the Wales Office just to go through the motions and tinker with it at the margins. Yes, we need fewer reservations; yes, we want an end to the necessity test; yes, ministerial consents must follow the Scottish system. But that is not enough to make this shoddy Bill work. Unless it is radically overhauled, Labour MPs will vote against it on Second Reading, not because we do not want the Assembly to have more powers, but for exactly the opposite reason. The Opposition will not vote for a Bill that deliberately rolls back the Assembly's powers, makes it harder to pass laws and will almost certainly lead to thousands of pounds of taxpayers' money being wasted on legal challenges.

The Bill is not the clear and lasting settlement that the Secretary of State promised. It is not what the Welsh public voted for in the 2011 referendum. It is poorly drafted, unduly complicated and unworkable. The people of Wales deserve better.

10.31 am

Liz Saville Roberts: It is a great pleasure to serve under your chairmanship, Mr Owen. After the Scottish independence referendum in 2014, the Prime Minister made a promise to the people of Wales that just as the rights of Scottish voters would be respected, reserved and enhanced, so too would the rights of Welsh voters. He promised that Wales would be at the heart of the devolution debate. Since then, the Wales Office has published a draft Wales Bill and presented it as the UK Government's response to the cross-party Silk Commission. However, it was immediately apparent that the draft Bill has utterly failed to deliver the recommendations of the Commission, which the Tories established. I believe that there are people present in this room who were party to that.

Throughout Wales's devolution journey, Plaid Cymru has consistently sought the best possible deal for everyone who has chosen to make Wales their home. That has and always will be our driving motivation as Wales's national party. We hold true to the principle that the people who live in Wales are best placed to make decisions for Wales.

Jonathan Edwards: Does my hon. Friend accept that it is for people living in Britain to make decisions about what is in Britain's best interests?

Liz Saville Roberts: It was distressing to hear about the students in Cardiff who have no one to speak for them. We recognise, however, that not all parties share this view. That is why we agreed to sign up to the Silk Commission—a cross-party Commission with nominees from each of the four parties represented here and in the Assembly, along with academic experts. It carried out extensive engagement and consultation with the public across all parts of Wales. It was a truly representative Commission.

It was deeply disappointing, therefore, to find the Secretary of State then choosing to forego genuine consensus in favour of a process that can only be described as a means of determining the lowest common denominator. Far from being an agreement, as the Secretary of State likes to call it, "Powers for a Purpose" and the resulting draft Wales Bill that we are discussing today fall well short of the consensus that Silk worked so hard to achieve.

The heavy criticism that the draft Bill has received from all sides, including the Secretary of State's party, is striking when contrasted with the consensus previously evident in Wales. What happened to the consensus that Wales's natural resources should be in the hands of the people of Wales? What happened to the consensus that Wales's Welsh language television channel should be in the hands of the people who use it? We find ourselves with a cherry-picked menu that trusts people in Wales to set their own speed limits, but considers drink-drive limits far too complicated.

Jonathan Edwards: I congratulate my hon. Friend on her passionate speech. Does she agree that perhaps the most revealing aspect of these proceedings is the way the new shadow Secretary of State for Wales is distancing herself from her predecessor's position?

Liz Saville Roberts: I cannot say because I was not here at that time, but that is what I understand.

It is interesting that the menu on offer considers water to be too valuable a resource to be left in the hands of the people of Wales, but—fair play—it gives us control over sewage.

I have many concerns regarding the current list of reserved policy fields and will return to this later in my contribution, but I will start by focusing on the foundations of the draft Bill. I should stress first that Plaid Cymru warmly welcomes the move to a reserved powers model as a matter of principle; that is, to move away from the current model whereby the devolution settlement lists areas where the Assembly can legislate, to a model in which the settlement lists areas where it cannot.

There was an unusual and welcome consensus across all six of Wales's biggest parties on the need to move to a reserved powers model over a number of years. This consensus stems from the frequency with which Welsh legislation is challenged in the Supreme Court and the lack of clarity on where responsibility lies, especially when compared with the Scottish dispensation. Moving to a reserved powers model was also about shifting the mentality and attitudes towards devolution. It should

[Liz Saville Roberts]

put the onus on the UK Government to justify why something should be reserved, rather than justifying why something might be devolved—devolution based on subsidiarity rather than on retention.

However, those principles—the foundations of the argument in favour of a reserved powers model—have been lost, and the result is a Bill that is simply not fit for purpose. We have unfortunately gone from a position as recently as May last year where all four parties represented in this Chamber today, as well as UKIP and the Greens, agreed on a way forward, to a position where, I am sad to say, it appears the Secretary of State is the only person who thinks the Bill delivers a workable settlement.

Stephen Crabb: The hon. Lady is making a good and important speech. Agreeing on moving to a reserved powers model, to use her phrase, is the easy bit. Of course, everybody can sign up to the principle of moving to a reserved powers model. The really hard bit is doing the wiring underneath it. How do you do that in the context of preserving the combined England and Wales jurisdiction? Even if one moves down the road of a distinct or separate jurisdiction, one does not get over the complexities. The hard bit is doing the detailed work to get the wiring right to make the reserved powers more able to work.

Liz Saville Roberts: Perhaps that is why the Presiding Officer of the Assembly has asked for a consolidation of previous Welsh legislation, because we are effectively building on the previous conferred models and trying to build a reserved model out of that. That is part of the problem we face. I will return to distinct legislation anon.

We are facing a draft Bill that claws back the powers for which the people of Wales voted overwhelmingly in favour in 2011; a draft Bill that, had it been implemented in that year would have required 20% of the current Assembly's Acts to seek the consent of UK Government Ministers. We are facing a draft Bill that would allow Welsh legislation to be enacted only if it passes no fewer than 10, or perhaps a debatable number of tests on each provision within the Bill in question—certainly a wide range, a battery, of tests. Incidentally, distinguished legal experts have described the tests as

“a failure of comparative legal method”

and claimed that they

“jar with basic constitutional principle”.

Members of the Welsh Affairs Committee have been warned that this could lead to situations whereby legislators would choose to avoid amending the law—a chilling effect—despite it being the better option, for fear of opening a Pandora's box of debate about what constitutes “necessary”.

Perhaps the most concerning legal aspect of the draft Bill is the reservation of criminal law and private law. These are not policy reservations, they are mechanisms—means—necessary for the enforcement of law. They are what animates the law. They will put policies into effect. They were not discussed as part of the St David's day process, and, as Professor Thomas Glyn Watkin told the Welsh Affairs Committee, the introduction of these restrictions

“appears to deliberately ignore the express decision of the people of Wales regarding their Assembly's legislative powers”.

Placing restrictions on the Assembly's ability to make such modifications to the law not only drastically rows back on the 2011 referendum, but also restricts directly elected Welsh Governments from implementing their policies. It is no wonder that so many people have described the Bill as unworkable.

In fairness, it is proposed that the Assembly should be able to make modifications where such modification is:

“(a) necessary for a devolved purpose or is ancillary...to a provision which has a devolved purpose, and (b) has no greater effect on the general application of the private law than is necessary to give effect to that purpose.”

Simple. I hope Members will have detected that I did not understand what I have just said, although I may have said it with confidence. It asks the question of who is to decide whether a modification to the law is necessary for a devolved purpose or whether a modification has no greater effect than is necessary to give effect to a provision's purpose. This is not a matter of semantics and niceties; it is a lawyers' playground.

Mr David Jones: I agree with the hon. Lady. The word “necessary” is unworkable. Does she have an alternative formulation that would define the boundaries between what is and what is not devolved?

Liz Saville Roberts: I will come to that anon, rather than trying to answer briefly and then repeating myself. As I said, this is a lawyers' playground and, exactly as the Secretary of State said earlier, means that we will end up in the Supreme Court, which is what we do not want.

Stephen Crabb: Nobody has argued more forcibly than Plaid Cymru that the Welsh devolution settlement should mirror the Scottish devolution settlement. However, the necessity test, which the hon. Lady has taken a few minutes to malign and attack, appears in the Scottish devolution settlement.

Liz Saville Roberts: It does appear in the Scottish devolution settlement but it appears three times in the draft Bill. In Scotland, it refers to reserved matters but here, it also refers to criminal and private law. That is the significant question.

I challenge anyone to justify making a Government accountable to a judge rather than to a legislature, as the draft Bill effectively promotes. The report released this week by the Wales governance centre at Cardiff University and the constitution unit at UCL states:

“To restrict the choice of National Assembly members in matters likely to form parts of a great many Assembly Acts may be said to undercut their role as primary legislators, and to deny the institution...proper esteem in ‘the union of the nations of Wales and England’.”

The reasons that these mechanisms are listed as reserved is, according to the Secretary of State,

“to protect the unified legal system of England and Wales”.

All the criticisms that the Secretary of State has faced since the publication of the draft Bill—the cries of “unworkable,” “badly drafted,” “overly complex,” and so on—are a consequence of his blind loyalty to preserving

the unified legal system, which has almost unanimously been described to the Welsh Affairs Committee by the legal profession as unnecessary, damaging and paradoxical.

Plaid Cymru, along with many legal experts, believes that it would be a sensible and—crucially—sustainable solution, to create a separate legal system for Wales and the Welsh legislature. As the Wales governance centre's report says,

“it would bring Wales more into the mainstream of sub-state constitutional arrangements in the common law world”.

It is noteworthy that that is also the long-term aim of the Labour Welsh Government.

We acknowledge that it would have financial and practical implications that would need careful consideration but, if the UK Government are serious about delivering a devolution settlement that stands the test of time, they need to adopt a long-term approach. Although that would be Plaid Cymru's preferred solution, we recognise that not all parties have caught up with our position. The same cannot be said, however, for the creation of a so-called distinct but not separate jurisdiction. The evidence that the Welsh Affairs Committee has heard has been overwhelmingly in favour of this solution, as has that heard by the Constitutional and Legislative Affairs Committee in the National Assembly. I suspect that those who remain sceptical of this solution mistakenly fear the practical and financial implications that a separate jurisdiction might have, and do not fully understand—or perhaps do not want to fully understand—the simplicity of what is actually being proposed.

Creating a distinct jurisdiction need not be any more complicated—perhaps this is the definition that we have been looking for—than simply acknowledging in statute the existence of the law of Wales and the law of England that extend to the territory of Wales and the territory of England respectively.

Antoinette Sandbach: Can the hon. Lady explain why Welsh law does not have that current status and why she feels it needs to be put into statute? Surely it has that status already.

Liz Saville Roberts: Because we are arguing about the leeway and lock model, and the necessity clauses in criminal and private law, and that is creating so much complication. With this acknowledgment, we could move ahead.

Stephen Crabb: The hon. Lady is making an incredibly intelligent speech. I was struck by what she said about the geographical boundary and that moving to a distinct jurisdiction is as simple as that. Would she acknowledge that the Welsh Government, through their law making in the Assembly, have the ability to have impacts on reserved matters and matters affecting England? The draft Bill preserves that, albeit with a necessity test. What she is proposing with that geographically sharp distinction ends their freedom to do that altogether.

Liz Saville Roberts: It does seem to be a way forward in dealing with the necessity clauses, which are such a problem. The territory acknowledgement—

Stephen Crabb: That is rolling back.

Liz Saville Roberts: If I may continue, creating a distinct jurisdiction need not entail establishing a separate system of courts and separate legal professions, and it would evidently avoid the costs associated with doing so. It would, however, provide clarity on the territorial extent of the laws of the National Assembly for Wales, thus avoiding the need for the complex and restrictive drafting in the Bill, which has been the subject of such criticism.

The National Assembly does not want to legislate for England. It wants to legislate for Wales, and a distinct jurisdiction would allow it to do so effectively. In the words of the Lord Chief Justice of England and Wales:

“there is no reason why a unified court system encompassing England and Wales cannot serve two legal jurisdictions”.

The Secretary of State can hardly accuse the Lord Chief Justice of being a “nationalist lawyer”.

Returning to the list of reservations more broadly, the draft Bill is 71 pages long. Some 34 of those pages—half of the Bill—is a list of reservations. Provisions need only “relate to” one of the more than 220 matters in that list, making the Bill all the more problematic. As the report by the Wales governance centre and UCL states:

“Complexity is piled on complexity...The potential for legal challenge casts a long shadow.”

As I have said, the shift to a reserved powers model was supposed to be made in tandem with a shift in mentality to determine what needed to be reserved, rather than what might be devolved. It is clear that the Secretary of State has instead facilitated a Whitehall trawl of powers based on no evident principles. If he is serious about creating a lasting devolution settlement, he cannot simply flip the current settlement from the conferred powers model to the reserved model and then just allow Whitehall to pick and choose what powers it wants. The process must be built on the principles of clarity and workability, coherence and subsidiarity.

The Silk Commission expressed hope that the move to a reserved powers model would be an opportunity to rewrite the settlement to remove the defects of haste and inconsistency that have so far marred legislative devolution in Wales. The list of reservations certainly does not reflect that hope. The authors of the report by the Wales governance centre and UCL go as far as to say that

“it even suggests an unwillingness to take Wales seriously.”

In practical terms—this is only to be regretted—it will undoubtedly lead to even more partisan blame-shifting between Cardiff and London, which is the last thing that the public of Wales want or deserve.

The original report from the Wales governance centre, which was released before the draft Bill was published, offered a list of considerations for identifying functions that should be devolved:

“Is its retention...necessary for the functioning of the UK as a state... Does retention of a particular function make the governance of the UK generally less clear or comprehensible?... Does retention of a particular function undermine the workability, stability or durability of the devolution settlement?”

I will not return to the examples, but it is easy to put the reservations listed in the draft Bill through that test and to come up with some obvious questions. Those are the questions that the Secretary of State should be asking himself for each and every reservation in the Bill. He should

[Liz Saville Roberts]

justify each individual reservation. Simply making hundreds of reservations for no good reason is not acceptable. I welcome his comment that he will shorten the list of reservations in the Bill, but I hope he hears the calls of commentators and those of us in this Room today that all reservations need to be individually justified.

The draft Bill has come under heavy criticism from all directions: from academia, business experts, legal experts and all four parties, including the Secretary of State's. The workability of the Bill and the legal drafting—including the necessity tests, ministerial consents and the reservation of criminal and private law—stem from the Secretary of State's obsession with maintaining a unified legal jurisdiction. The same unified legal jurisdiction was the excuse for opposing Wales-only legislation in the 1880s and the creation of a Secretary of State for Wales in the last century. Most recently, it was the reason for not giving Wales a reserved powers model from the outset of devolution. It is an unnecessary and damaging block on Welsh devolution that has affected, and continues to affect, the effectiveness of Welsh governance. The Tory party cannot deny the existence of the National Assembly of Wales, which, by existing, makes self-evident the existence of legislation that is distinct to Wales.

As the Wales Governance Centre and UCL report concludes, there is no quick fix to the legal problems in this draft Bill. It is not possible simply to replace the term “necessary” with an alternative such as “appropriate”. The problem is not terminology but the whole model, which the report calls

“the leeway and lock model”

and which is built around the unnecessary preservation of the unified legal system.

I recognise that the Secretary of State wants to hurry this Bill through and get the job done, but this issue is too important to pass legislation on with a nod and a wink. This Bill will be the foundation upon which the Welsh Government will operate for the foreseeable future—how it will govern health, education and economic development. It is in everybody's interest that the Wales Bill makes devolution work better.

I hope that the Secretary of State will please recognise that the criticisms he faces are not merely political attacks. They are criticisms from experts, legal and otherwise, who want to see something that achieves exactly what he himself says he wants to achieve: a clear and lasting devolution settlement. The Bill as it stands will move us further away from achieving that goal.

Members will have read the conclusion of the comprehensive second report from the Wales governance centre and UCL, which recommended that Assembly Members reject the Bill. The opportunity to shape Wales's constitution does not come around very often. This Bill is crucial to all of us who care about the future of our country, and when the time comes to vote, I do not want to be forced to vote against it. There are many things in the Bill that we welcome: powers over fracking; devolving further planning consenting powers over energy; electoral arrangements; and so forth. I should also take this opportunity to say that we welcome and are grateful for the opportunity to discuss a draft Bill. I think we have discussed it very thoroughly.

For Plaid Cymru—the party of Wales, whose primary purpose is to empower the nation and the people of Wales to run their own affairs—to vote against those powers would be a painful decision. I sincerely hope that the Secretary of State will not force me to do so. I urge him to take these criticisms on board in the constructive spirit in which they are intended, and to make the necessary changes before publishing the Bill itself. Finally, I urge him to reflect on the significance of what he is building. I suggest that the task of reshaping Wales's constitution is far more important than keeping a date with a particular time slot in the parliamentary calendar. I am encouraged by his comments that suggest that the Bill will be drastically altered before it is published, as a result of this pre-legislative stage, but the Bill requires reconstruction and not mere tinkering. The Secretary of State needs to pause, to listen to the concerns of everybody around him and—please—to come back with a different Bill.

10.53 am

David T. C. Davies (Monmouth) (Con): I begin by offering a word of support for the point of order that was raised earlier. The Conservative party, as a party that has always prided itself on providing support for the Welsh language, would be quite happy about and would look positively at the possibility of allowing Welsh to be used during Welsh Grand Committees. Why would we not be? After all, I gather that in the last few minutes alone there has been an announcement of extra funding for S4C, the Welsh language television channel, which, of course, was set up by a previous Conservative Government. The Conservative party will always be a huge supporter of the Welsh language.

I find myself in a slightly difficult position in talking about this Bill, because even as we speak, of course, members of the Welsh Affairs Committee are considering their own positions on the draft report, which I hope will be a unanimous report full of recommendations about this Bill. Obviously, as has become clear already, different Members from different parties, and even different Members from the same party, have taken somewhat different positions on this Bill, so talking about it is challenging. In fact, when it comes to trying to get a unanimous Bill through, I think I know how the Prime Minister feels in Europe.

Consequently, I will skirt around some of the issues. I understand the wish of the Government and the Minister to bring some clarity to the devolution settlement—I certainly support that principle. However, I have to put on record my disappointment over the issue of taxation. I have been around long enough to know which way the wind is blowing and I can see what is going to happen. I have to say, with all due respect to the Minister, I personally think it would have been better to have a referendum.

One thing I want to talk about is scrutiny, because regardless of what people have been saying, it is clear to me that this Bill will lead to the Welsh Assembly having significant further powers when it finally goes through, and one issue that has been raised all the way through our Select Committee evidence has been the Welsh Assembly's ability to conduct good scrutiny. It has become even more important that it can do so because of the extra powers that it can have.

There are two areas where the scrutiny process could be improved. The first, of course, is the Assembly Committees. They are the equivalent of our Select Committees. The Select Committee process, ever since the late 1970s, has been one of the great success stories of Parliament, but the reform that happened in 2010, when Select Committee Chairs started to be elected by all Members of the House, was very important. I cannot understand how those of us who were here before that could have tolerated a situation in which party leaders were simply sticking in people who they thought would be compliant and handing out those positions almost as a kind of prize.

That system was totally unacceptable, and nobody would ever go back to it, yet we still have it in the Welsh Assembly, and there have been controversies where leaders of various political parties have allegedly removed people or put people in place as Select Committee Chairs because they held a view that was more likely to be supportive of the political party that they represented. Even the suggestion that that could have happened undermines confidence in the process, so I think that the situation is unacceptable and that somehow we ought to persuade the Welsh Assembly Members of the success of the reforms that have been made in Parliament.

Antoinette Sandbach: That was proposed by Assembly Members, including Lord Elis-Thomas, myself and Nick Ramsay in the current Assembly. Very regrettably, those proposals were not taken up, largely because the party leaders want to hand out the baubles of chairmanships of Committees, and it allows them to control the casting votes in those Committees. It is—

The Chair: Order. Before the democratically elected Chair of the Welsh Affairs Committee continues, I point out that we are talking about this draft Bill in this House, not procedures in the National Assembly.

David T. C. Davies: Thank you, Mr Owen. If I may, I will continue not so much on Select Committees, because that was a side issue, but on the overall issue of scrutiny. A lot of evidence came to us from people who were basically calling for there to be more Welsh Assembly Members, and they included the Speaker of the Assembly. I want to pick up on that, because one thing that I said when I campaigned against the Assembly in the late 1990s was that it would be a case of 60 people doing a job that was previously done by three—then, of course, we had two junior Ministers. In one sense, I got that one wrong, as we all did, because of course in Parliament there are 1,400 people who can scrutinise legislation: Members of the House of Lords and Members of the House of Commons. I think that in the Welsh Assembly there are 13 Ministers and junior Ministers, which leaves 47 people, or thereabouts, who can actually scrutinise legislation. That clearly puts them at a disadvantage, and various people have suggested various solutions to the problem over the years.

One suggested solution was that scrutiny could be conducted by the Welsh Grand Committee or even by the Welsh Affairs Committee. I would not mind putting myself forward for such a role, but in reality it would be completely politically unacceptable for Members of Parliament to scrutinise Welsh Assembly legislation.

Another solution that has been offered is some kind of Ty'r Arglwyddi—a Welsh House of Lords—but again that would be politically very difficult to get through and would involve huge cost, so people have started talking about more Assembly Members. That was the solution put to us in the evidence we took. I believe that Rosemary Butler mentioned a figure of 80 to 100 Assembly Members—I do not want to put words in her mouth. David Melding said something similar. We were definitely being told by one witness after another that we needed between 80 and 120 Assembly Members to do the job, rather than 60, but I think all of them recognised that that would be a very difficult sell to the public, so respectfully I want to put forward an alternative solution, based on the thought that, assuming this Bill goes through in some form, the Assembly will have the extra powers and there will be a need for a much higher level of scrutiny than there is currently.

I think there is an obvious solution. We have 22 local authorities. I believe that those local authorities could easily send four members, based on some sort of party balance, to sit in the chamber of the Welsh Assembly—perhaps on one day a month. They could carry out good scrutiny of the legislation that is being passed. They would have a democratic mandate to do that because they would all be elected. They would have the expertise to do it because local authority members often carry out the functions of legislation passed by the Welsh Assembly, particularly in education and social services, and they will clearly be in a position to know what will work and what will not work. I am not suggesting for one moment that local councillors should be able to block or overturn legislation, but they could have a role in forcing the Assembly to think again and add amendments.

Geraint Davies: Does the hon. Gentleman accept that in such a model there would be a tendency for more money to go towards local authorities and for less money to go towards health?

David T. C. Davies: There would clearly be pressure from local authority members to reconsider the local government funding formula, and I assume that members from areas such as Brecon and Monmouth would want to do that because, despite the Minister giving extra money to the Welsh Assembly, areas such as Monmouthshire are seeing a huge cut in funding, and there is absolutely no reason for that. Brecon is even worse, because I believe that about 4%—

The Chair: Order. The hon. Gentleman is drifting slightly from the Bill. I would expect him, as Chairman of the Select Committee on Welsh Affairs, to be succinct in both time and subject matter.

David T. C. Davies: I can take a hint. There is a good argument from local government members for allowing such a committee to take place.

I hear some of the criticisms of the Bill, and I hear criticisms of the English votes for English laws mechanism. I say to the hon. Member for Wrexham, who raised the criticism, that we were making those arguments in the 1990s. We—that is to say I—lost that argument. There is a recognition that Wales will be able to do things in

[David T. C. Davies]

health and education and that England will have no part in that. It is not unfair or inconsistent to say that the English should be able to take the same decisions. Of course people will be affected by that. There always have been and always will be people who have their health treatment, or who go to school or university, on one side of the border but who live on the other side. That was the case in the 1990s, when the Welsh Assembly was set up. All the Government have done is to bring a slightly consistent view to it. If it discourages Members of the Welsh Assembly from asking for yet more powers because they are afraid that their party colleagues might lose control over other things, such as policing, then as a Unionist I am pleased for it. It is a good thing and a step forward.

Kevin Brennan: Disgrace.

David T. C. Davies: It is not a disgrace. It is no more of a disgrace than the Welsh Assembly in the first place, which I argued strongly against.

Kevin Brennan: The Welsh Assembly was established—the hon. Gentleman knows this well, because he and I were on opposite sides of the argument back in the late 1990s—after a long debate, after a referendum and after considerable parliamentary time and scrutiny was devoted to it. His party made Members, including himself, second-class MPs by using the mechanism of the Standing Orders of this House. It is a constitutional aberration and a disgrace.

David T. C. Davies: It was a manifesto commitment, and people voted for a Conservative Government because of that express manifesto commitment. If the hon. Gentleman went down to the streets of England and said, “Do you think that Welsh MPs, who are not allowed to have any say over what happens to the health service in Wales, should be able to tell the English what to do?”, I know what the answer would be. The Government are carrying out a manifesto commitment that was democratically voted for, and it is completely consistent with what Opposition Members have done. [Interruption.]

The Chair: Order. The hon. Gentleman is absolutely right that there was a Conservative commitment. We have also had long debates on it in the past. It is not the purpose of this Grand Committee to continue those debates. I ask him to bring his remarks to a close.

David T. C. Davies: Thank you, Mr Owen. I would simply say one last thing: as somebody who was opposed to the Welsh Assembly, I completely accept that it is there forever. I hope that we will not constantly see more powers handed over to it. I see powers as being not a one-way street but possibly a two-way street, but there will be people voting at the next Assembly elections in May who were barely born when it was set up, so the idea that we can somehow scrap it has now long gone. Opposition Members have said that matters affecting Wales should be decided in Wales, which is an interesting principle. I would like to see matters affecting Britain being decided in Great Britain, which is why I will be

joining the Vote Leave campaign at some point this afternoon. I look forward to the support of Plaid Cymru Members.

11.5 am

Ian C. Lucas: I am interested by that characteristically reflective speech from the Chairman of the Welsh Affairs Committee. I am pleased to follow it and will pursue some of the points he raised.

Academics do not generally favour demolitions, but anyone who attended yesterday evening’s briefing on the draft Wales Bill by the Wales governance centre at Cardiff University and the constitution unit at University College London saw an exception to the rule. It exposed the incoherence of the draft Bill that we are considering today, and it is clear that, unloved and unsupported as it is, it will effectively proceed no further in its present form. It is yet another example of constitutional vandalism, fraying the edges of the United Kingdom’s constitution while diminishing the governance of the UK as a whole. As Vernon Bogdanor, professor of government at King’s College London, argued in a lecture in the House of Lords last night, we need a constitutional convention to address the long-term future of constitutional arrangements in the UK.

Almost unseen, this Secretary of State for Wales has presided over the sidelining of Welsh MPs on issues that directly affect the people whom we represent. Representatives are elected from north Wales to play a part in the governance of foundation hospitals in England but, under the EVEL proposals, MPs from Wales will be excluded from stages of legislation affecting those hospitals. The reality is that the Conservative position is illogical and does not in any way reflect the position on the ground. Moreover, the Conservatives have refused to apply the EVEL principles to Wales. There are no Welsh votes for Welsh laws and no Scots votes for Scots laws. Even though there are devolved institutions, some issues that directly affect Wales are not devolved to the National Assembly. S4C is one example. Issues relating to S4C, which is precious to Wales, could be decided by a majority of English MPs, overriding the views of Welsh MPs. The rules for English MPs do not apply to Welsh MPs.

Jonathan Edwards: Going back to the hon. Gentleman’s point about a constitutional convention, does he support the comments of the former right hon. Member for Neath, who now sits in the other place? He made the case for a confederal model, whereby the historic nations would decide what powers they wanted to be held in their part of the state and then an agreement would be made at the UK level, as opposed to the current model, whereby the UK decides what is devolved down to the historic nations.

Ian C. Lucas: I do not think that I can deal with the constitutional question in response to an intervention, but I welcome any consideration or detailed assessment of the constitution as a whole. I want to get away from the principle of trying to deal with such issues piecemeal across the United Kingdom, which is a massive mistake.

Alun Cairns *rose*—

Ian C. Lucas: I am not going to give way to those on the Front Bench, because they have had far too many interventions.

Craig Williams: Will the hon. Gentleman give way to me?

Ian C. Lucas: I will give way to the Back Bencher opposite.

Craig Williams: The hon. Gentleman touched on S4C. Does he welcome the fantastic announcement that its budget will be protected by this Parliament and this Government?

Ian C. Lucas: I do welcome that. I tabled parliamentary questions on that very issue earlier this week. I am pleased that Welsh MPs across the Chamber have had a strong voice in the matter.

Hywel Williams: Will the hon. Gentleman give way?

Ian C. Lucas: I will make a little progress, because I am conscious that others want to speak.

I want to turn to the Chairman of the Welsh Affairs Committee's comments. The EVEL proposals, appalling as they are, actually contain a kernel of something that could take constitutional considerations further. In general, I welcome the introduction of geographical Committees in the UK Parliament, because the public do not want more politicians. At the heart of Tony Blair's defeat on his proposals for a north-east regional assembly was the powerful image of such an institution being a white elephant. Basically, for the general public it was unacceptable to have yet more politicians—the very problem that the hon. Member for Monmouth mentioned earlier. The creation of an English Grand Committee made up of MPs who are already elected creates a body capable of scrutiny with no additional costly elected members. It is a possible model for the scrutiny of legislation and budgets not only in England but throughout the UK.

As an MP from Wales, I am conscious of the differentiation of roles created by the devolution settlement across the UK. Some political roles are devolved to the Welsh Government, the most prominent of which is health, yet my constituents have a limited appreciation of the level of government that deals with their issues. Frankly, they do not care. They think that if they have a problem that is of sufficient importance for them to go to their MP about it, he should deal with it. That view extends not only to matters devolved to the Welsh Government. Barely a weekly surgery goes by without an issue being brought to me that is the responsibility of the local council. I deal with such issues, and I know that my parliamentary colleagues in England do exactly the same, yet the parliamentary process makes little concession to either the devolution settlement or the developed role of MPs as constituency advocates.

Politicians at different levels of governance operate as if they were on different floors of an office block that governs: local government on the ground floor; devolved jurisdictions, Members of the Scottish Parliament, Assembly Members or Members of the Legislative Assembly on the second floor; Members of Parliament on the third floor; and Members of the European Parliament on the floor above them. The time is right, in appropriate cases, to put those representatives on the same floor to scrutinise together in the interests of our constituents. The EVEL proposals, which suggest the creation of a

separate parliamentary Committee to deal with appropriate legislation on a geographical basis, give an indication of how to achieve that.

For many years, as an MP from Wales I have advocated MPs and AMs working together on joint Committees for the benefit of our constituents. That should be considered further in the draft Bill. The health issues I have set out are examples of issues that need joint work to reflect the reality of NHS provision to my constituents. There has been great resistance to this proposal. Some see it as undermining the principle of devolution, but devolution is not separatism. It is incumbent on those of us who want devolution to work to work together, not separately, to make it work in practice. We must leave separatism to the nationalists.

Parliament needs to recognise in its procedures the role of devolved institutions by incorporating them into the scrutiny process. It must also recognise that, in England, that will mean MPs working in joint Committees with local government. Such Committees must, of necessity, be constituted on a regional basis. Just as the Conservatives propose creating a Committee of MPs in England in their EVEL proposals, Labour should go one step further and create Committees of MPs on a regional basis within England to scrutinise matters relating to that region. In England, that will mean extending Committee membership to local government leaders. In Wales and Scotland, it will mean Scottish Parliament and Welsh Assembly Committees admitting MPs, and parliamentary Committees admitting MSPs and AMs, as well as, where appropriate, local government leaders.

In appropriate cases, such Committees could extend across national boundaries, so that they could deal with issues that transcend boundaries, reflecting the reality of the situation on the ground for, for example, constituents in the part of the cross-border region of England and Wales that I represent. Such Committees would more accurately reflect the present governance of the UK. Governance is a process that integrates different levels of government, and such Committees would do the same.

Mr David Jones: I have a great deal of sympathy with what the hon. Gentleman is suggesting. Does he agree that the issue is not simply one for parliamentarians but for Government Ministers—the Executive—as well? There should be far more discussion of the alignment of policies between Governments.

Ian C. Lucas: I agree with that entirely. I do not pretend that what I have said this morning is a solution, but it is a starting point for a debate. The right hon. Gentleman knows that there is an appetite for cross-border working in Parliament, as shown by the recent establishment of the all-party parliamentary group for the Mersey-Dee and north Wales region.

The concept of regional representation in Government and in Parliament is neither novel nor past. As Prime Minister, Gordon Brown introduced regional Ministers. They were abolished by the coalition Government in 2010, but they were very effective. I dealt with them when I was a Minister in the Department for Business, Innovation and Skills. The Conservative Government have now created a Minister for the northern powerhouse. We should have a Committee to hold such people to

[*Ian C. Lucas*]

account. Bit by bit, the Government are adopting the model through their proposals for regional devolution. To develop regional institutions within Government, we need the parliamentary equivalents. To work with other organisations, we need local government and devolved institutions to take matters forward. The move should be against the separatism that the Government have promulgated through EVEL. We should establish a Committee of elected representatives—MPs, AMs and councillors—who can hold the institutions of Government to account and more properly reflect the situation on the ground.

The tragedy of far too much of the constitutional reform since 1999 is that it has tinkered in a piecemeal way with our constitution, and the draft Bill is another example. Unfortunately, the Government are unlikely any time soon to consider an overall constitutional convention, which is what we need. Those of us who dearly love the United Kingdom need to agree to create such a convention to regularise the rules that we have. Until that happens, the proposal for a regional Committee, which can, if necessary, transcend boundaries, is a good way of taking forward a more accountable and effective governance structure that would address the needs of the people whom we represent.

11.17 am

Mr David Jones (Clwyd West) (Con): It is a huge pleasure to serve under your chairmanship, Mr Owen. May I commence by congratulating the hon. Member for Llanelli on calling for this Welsh Grand Committee today? I have often felt that this Committee contributes more than is frequently recognised to the political life of Wales, and I am glad that we are sitting here again. I also congratulate the hon. Member for Dwyfor Meirionnydd on an excellent contribution to the debate.

This forum is important for Welsh MPs. I am pleased that we have the opportunity today to discuss the draft Wales Bill, which is the latest in an increasingly long line of measures put forward by successive Secretaries of State to address devolution in Wales. Our principal problem is that the devolution settlement as originally implemented was grossly defective. It was put in place in a hurry by the Blair Administration, and successive Governments since have had to make attempts to repair the damage done to the constitution of the United Kingdom as a consequence.

Like the Secretary of State, I started my journey as an avowed devo-sceptic. I have since become, as has the Lord Murphy of Torfaen, a devo-realist, because it is clear that devolution will be a feature of the constitution of this country, at least for the foreseeable future. I congratulate the Secretary of State on attempting to put right what is in my view a defective settlement. However, I have huge concerns about this draft Bill, which I shall touch on later. Many have called for a move from a conferred powers model of devolution to a reserved powers model. The view that I have always taken, as has my right hon. Friend, is that simply to do that is not a panacea. We can have the same issues, but in mirror image, so to speak.

The proposed reserved powers model addresses some issues of concern, most importantly those of the silent subjects, which proved so problematic in the Agricultural

Wages Board case. However, it is perfectly clear from today's contributions in this Chamber and externally from experienced commentators that what is now proposed does not go far enough.

I do not want to deal with the specific provisions of the Bill at great length. However, I applaud my right hon. Friend for the reservation of policing from the devolution settlement. Policing is one of the three great public services. From a pragmatic point of view, it is perfectly clear that the Assembly has not so far proved successful in their stewardship of either health or education. I believe to confer competence for policing would be a step too far.

Jonathan Edwards: Is it the right hon. Gentleman's position that policing should be re-reserved in the case of Scotland and Northern Ireland?

Mr Jones: I believe that is correct in the case of Wales. England and Wales, as we have heard at length today, is a conjoined jurisdiction. It makes far more sense for such an important public service as policing to be reserved. Furthermore, from a pragmatic point of view, let me say quite bluntly that I do not believe the Welsh Government would be able to handle policing. I think it would be beyond them.

I also have concerns about the proposed devolution of competence for harbours. Harbours are an important part of our economy. Again, I have concerns about the capacity of the Assembly to deal with them. On what may appear to be a minor matter, I think that the proposal to devolve competence for speed limits is, quite frankly, potty.

The problem with the draft Bill is not what is devolved and what is reserved. Those are matters for discussion, negotiation and rethought. The principal problems lie in schedule 2. This has been the subject of much discussion this morning. The core of the problem lies in the use of the word "necessary". To decide the limits of devolution by an interpretation of the word "necessary" is a positive invitation for many more references to the Supreme Court.

It should be possible to arrive at a terminology. I had hoped that, when I intervened on the Shadow Secretary of State, she might have given thought to this matter and have a formulation herself, but it would appear not. Nevertheless, I suggest to my right hon. Friend the Secretary of State that considerable further thought needs to be given to the use of the word "necessary". Otherwise, we will see many more cases referred to the Supreme Court, which is the last thing that anyone in this Chamber wants.

On the expression "reserved authority", I see the need to refer to it. Increasingly, legislation emanating from the Assembly has imposed greater and greater burdens on non-devolved authorities and Ministries of State. It is quite right that those burdens should not be imposed and I believe, therefore, that they should be constrained. The expression "leeway and lock" has been used by the Wales governance centre in its recent paper. "Leeway and lock" sounds like the opening words of the 1951 test match. Nevertheless, I believe that it is important to define the area of competence wherein the Assembly operates and it is absolutely right that it

should not be passing legislation that has unforeseen consequences on the reserved authorities referred to in the draft Bill.

It is right that, before any such burdens are imposed, the consent of the relevant Minister should be sought. It is, after all, the flipside of the provision that provides that where the Assembly's competence is being invaded, the legislative consent motion should be sought. This can also be addressed by making provisions for a timescale

within which consent can be given, or, as I think the Wales governance centre suggested, by a presumption in favour of a consent, unless consent is withheld within a certain time.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Welsh Grand Committee

DRAFT WALES BILL

Wednesday 3 February 2016

(Afternoon)

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Draft Wales Bill

Resumption of general debate.

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The Committee consisted of the following Members:

Chairs: †MR DAVID HANSON, ALBERT OWEN

- | | |
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| Andrew, Stuart (<i>Pudsey</i>) (Con) | Irranca-Davies, Huw (<i>Ogmore</i>) (Lab) |
| Bebb, Guto (<i>Aberconwy</i>) (Con) | † Jones, Mr David (<i>Clwyd West</i>) (Con) |
| Brennan, Kevin (<i>Cardiff West</i>) (Lab) | † Jones, Gerald (<i>Merthyr Tydfil and Rhymney</i>) (Lab) |
| Bryant, Chris (<i>Rhondda</i>) (Lab) | † Jones, Susan Elan (<i>Clwyd South</i>) (Lab) |
| † Cairns, Alun (<i>Parliamentary Under-Secretary of State for Wales</i>) | † Kinnock, Stephen (<i>Aberavon</i>) (Lab) |
| Clwyd, Ann (<i>Cynon Valley</i>) (Lab) | † Lucas, Ian C. (<i>Wrexham</i>) (Lab) |
| † Crabb, Stephen (<i>Secretary of State for Wales</i>) | Lumley, Karen (<i>Redditch</i>) (Con) |
| † David, Wayne (<i>Caerphilly</i>) (Lab) | Moon, Mrs Madeleine (<i>Bridgend</i>) (Lab) |
| † Davies, Byron (<i>Gower</i>) (Con) | † Morden, Jessica (<i>Newport East</i>) (Lab) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | † Morris, David (<i>Morecambe and Lunesdale</i>) (Con) |
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| Davies, Geraint (<i>Swansea West</i>) (Lab/Co-op) | Sandbach, Antoinette (<i>Eddisbury</i>) (Con) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Saville Roberts, Liz (<i>Dwyfor Meirionnydd</i>) (PC) |
| † Davies, Dr James (<i>Vale of Clwyd</i>) (Con) | Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| Doughty, Stephen (<i>Cardiff South and Penarth</i>) (Lab/Co-op) | Smith, Owen (<i>Pontypridd</i>) (Lab) |
| † Edwards, Jonathan (<i>Carmarthen East and Dinefwr</i>) (PC) | † Stevens, Jo (<i>Cardiff Central</i>) (Lab) |
| Evans, Chris (<i>Islwyn</i>) (Lab/Co-op) | Tami, Mark (<i>Alyn and Deeside</i>) (Lab) |
| Flynn, Paul (<i>Newport West</i>) (Lab) | † Thomas-Symonds, Nick (<i>Torfaen</i>) (Lab) |
| † Griffith, Nia (<i>Llanelli</i>) (Lab) | † Williams, Craig (<i>Cardiff North</i>) (Con) |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | † Williams, Hywel (<i>Arfon</i>) (PC) |
| Hart, Simon (<i>Carmarthen West and South Pembrokeshire</i>) (Con) | † Williams, Mr Mark (<i>Ceredigion</i>) (LD) |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | Glenn McKee, Liam Laurence Smyth, <i>Committee Clerks</i> |
| | † attended the Committee |

Welsh Grand Committee

Wednesday 3 February 2016

(Afternoon)

[MR DAVID HANSON *in the Chair*]

Draft Wales Bill

[*Relevant documents: oral evidence taken before the Welsh Affairs Committee on 26 October, 9, 16 and 30 November and 9 December 2015, and written evidence to the Committee, reported to the House on 16, 23 and 30 November and 7 December 2015, on the pre-legislative scrutiny of the draft Wales Bill, HC 449.*]

2 pm

Question again proposed,

That the Committee has considered the matter of the draft Wales Bill.

The Chair: I advise hon. Members that about nine hon. Members are seeking to catch my eye before the end of the debate. I intend to call the winding-up speeches from 3.30 pm. The right hon. Member for Clwyd West was on his feet.

Mr David Jones (Clwyd West) (Con): Welcome to the Chair, Mr Hanson.

Before we adjourned, I was expressing both support for what the Wales Office is seeking to do via the Bill and concern about whether the Bill is the best vehicle for achieving that. The difficulty we have in this country is that, as other hon. Members have said, we have experienced piecemeal devolution over many years, going back to the original defective settlement imposed in 1999. We have asymmetric devolution, which that is not necessarily a bad thing. One of the strengths of this country is the inherent flexibility of its institutions, so I do not think that the asymmetry is the problem. I think that having had years of piecemeal devolution, we are continuing the process and keep tinkering with the devolution settlement. We are trying to fix the big end when what we need is a completely new engine.

I commend to members of the Grand Committee the work being carried out by the Public Administration and Constitutional Affairs Committee, of which I am a member, as are the hon. Members for Merthyr Tydfil and Rhymney and for Newport West. That Committee is carrying out an extensive inquiry into the British constitution, and evidence we have heard in recent weeks follows a pattern, which is that progress of further devolution is proceeding too quickly, with too little thought and, frankly, not in a holistic manner.

For example, we visited the Welsh Assembly some weeks ago and were told by Dame Rosemary Butler, the Presiding Officer, that changes to the devolution settlement are being rushed. Only yesterday we heard evidence from Lords Forsyth and Lang, former Scottish Secretaries, who expressed the same concern; and that concern was echoed in the report by the Wales Governance Centre published yesterday. I know there is anxiety and keenness within the Government that the Bill should proceed as quickly as possible, but I ask my right hon. Friend the Secretary of State to give careful consideration to the

evidence that is emerging, not only from the Public Administration and Constitutional Affairs Committee, but from external sources, that if we carry on at this pace of reform, we are going to make an even bigger mess.

Suggestions have been made, for example by the First Minister, that there should be a constitutional convention. That suggestion has been echoed to a certain extent by Lord Norton of Louth, who has called for a constitutional convocation. There have also been suggestions that a high commission on the constitution should be established. There is merit in giving consideration to all those suggestions.

What we are all seeking is a constitutional settlement that ultimately will settle the question of devolution. I remember when I arrived in this House in 2005 being told by Lord Hain, who was then Secretary of State, that the Bill that became the Government of Wales Act 2006 would settle the issue of devolution for Wales for a generation, and here we are talking about it again. There has to be a terminus to this process and it has to be a terminus that is fair and reflects all the interests of all the people of this country. I do not believe that the bolt-on approach represented by the Bill is the right approach.

I entreat my right hon. Friend the Secretary of State not to proceed at such great speed. I know that, from the point of view of the press, there is tremendous attraction in a Wales Bill being introduced to the House on 1 March—the St David's day Bill. We need something much more substantial than that. While fully applauding my right hon. Friend's desire to put right the mess that we inherited from previous Parliaments, I ask him to think about pausing the process. I ask him to give the whole process more time, to listen to the interested parties who are now increasingly making their voices heard, and to consider with his colleagues in Government putting in place a process that gives the people of this country the opportunity to have a devolution settlement that endures, not one that—God forbid—we have to revisit in five years' time.

2.5 pm

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship for my first Welsh Grand Committee, Mr Hanson.

Our starting point has to be what the Secretary of State for Wales says in the foreword to the draft Wales Bill:

“We are determined to ensure the people of Wales have a clear and lasting devolution settlement... For too long Welsh politics has been dominated by constitutional debates about what is and is not devolved.”

I fear that, as it is, the draft Wales Bill is likely to create more and more debate, much of which will end up before the UK Supreme Court unless stringent and significant changes are made to the Bill. I shall give a few examples, starting with the issue of ministerial consent.

The provisions on ministerial consent on page 73 of the draft Bill mean that if the Assembly wants to legislate in a way that affects the power of a UK Government Minister, it must first ask for consent. In and of itself, that creates great uncertainty, because the powers of UK Government Ministers are set out in hundreds of statutes. Let me give one example of the kind of absurd consequences that could arise and why the provisions are an example of devolution being rolled back, not forward:

the Control of Horses (Wales) Act 2014. Reservation 184 in the draft Bill is about arbitration. Section 7 of the 2014 Act contains a dispute resolution procedure to resolve disagreements between horse owners and local authorities. Under the draft Bill, that Act would have to be subject to ministerial consent. There we have it: horses in Wales having to be subject to a UK Government Minister in London. I do not know the Secretary of State's view on horses, but no doubt we will have to find out if the draft Bill becomes a permanent fixture.

The Silk Commission said that one way to resolve uncertainties would be to transfer the powers in the devolved areas. I urge the Secretary of State to look at ministerial consents to see whether there can be such a simplification. Otherwise, we will simply be piling up work for the UK Supreme Court.

In an intervention on the Secretary of State this morning, I raised the issue of reserved powers. Yes, of course, a reserved powers model can work extremely well. I think the right hon. Member for Clwyd West pointed out that my predecessor as MP for Torfaen, who was twice Secretary of State for Wales, had spoken about the reserved powers model. There is nothing wrong with the model. The problem is that, first, it has to be pretty clear and, secondly, the number of powers that are and are not reserved has to be in line with the expectations of the Welsh people.

Conservative Assembly Member David Melding said of the reserved powers in the draft Bill:

"They are numerous. Quite literally, they cannot be counted, although most who have attempted enumeration put the figure somewhere above 250. This is ominous."

The Secretary of State really should take that into account as he looks at how he can redraft the Bill. Dame Rosemary Butler put it this way:

"there is significant roll-back in the reservations themselves. A large number of matters which are not exceptions from the Assembly's current competence have been made into reserved matters in the draft Bill."

That is devolution being rolled back.

The Secretary of State for Wales (Stephen Crabb):

The hon. Gentleman highlights an important point and refers to comments by the Presiding Officer of the Welsh Assembly. Does he agree with the Presiding Officer's presumption that all of those silent subjects were intended to be devolved, and therefore the Supreme Court judgment on the Agricultural Sector (Wales) Bill effectively makes all of those subjects devolved now if they can be linked in some way to a devolved purpose? Alternatively, does he agree with me that we should go back and understand Parliament's intentions in making the existing devolution settlement and then extend the devolution boundary by a political process, rather than rely on the courts?

Nick Thomas-Symonds: With the greatest of respect to the Secretary of State, I do not think he has quite picked up the point I am making, which is this: the Assembly has already legislated on a number of matters that, under this Bill, it will have to seek his consent to legislate on. Another example of where his consent would have been required is the Human Transplantation (Wales) Act 2013. I am sure he is a generous man with his consent, but the reality of the situation is that where the Assembly has been able to legislate, the Bill now requires his consent to do it. That is a roll-back of devolution; it is as simple as that.

Stephen Crabb: The hon. Gentleman is getting confused. Under the existing settlement, the Act to which he just referred required ministerial consent. That consent was given, with no problem at all. Under the new settlement, because that Act has an impact on reserved matters or functions of a UK Minister of the Crown, it would still require consent. We should not see consents as some great problem. We need a way of regulating the interface between the UK Government and the Welsh Government.

Nick Thomas-Symonds: With respect, the Secretary of State has to understand that simplicity is the most important thing. The Silk Commission said—this is what the Presiding Officer of the Welsh Assembly was also referring to—that there must be scope for the situation where consent is not required in the 20 devolved areas. I cannot understand why the Secretary of State cannot see that. The roll-back of the devolution process is the danger of the Bill.

Stephen Crabb: Confused.

Nick Thomas-Symonds: If we want to talk about confusion, let us move on to necessity, because we will have some fun on that with the Secretary of State.

Let us be clear what the test of necessity actually means. The Assembly has to be convinced that Acts are necessary before it can act—that is what the necessity test says. There are plenty of examples in the Bill; there is one on page 69, if Members want to look at it. Let me tell the Secretary of State what the Wales Governance Centre at Cardiff University said:

"The concept of necessity-testing in the draft Bill represents a failure of comparative legal method... The use of necessity-testing in the draft Bill jars with basic constitutional principle."

Why does it say that? It says that because necessity-testing is a concept that has essentially been taken from Scottish law, but in Scottish law it would refer only to cases where the law has to be modified in a very narrow, consequential way in relation to reserved matters, and not in the very broad sense that it is being attempted to include in the Bill. That is the central problem.

This morning, the right hon. Member for Clwyd West kept asking, "What do you replace necessity with?" It is true that we could use a different word. We could use "reasonable" or "sufficient" if we wanted to, but none of that would deal with the basic problem, which is that that would ultimately have to be a subject of interpretation by the judiciary. The real problem is that the Secretary of State has to revisit the framework in which the necessity test arises; it has to be about the overall framework.

I practised in the courts in England and Wales for many years, and one problem is that the necessity test could end up before the criminal courts and the civil courts on a daily basis. That is what the Law Society of England and Wales has said about the extraordinary worry that there is about the Wales Bill. We could have the law being challenged on an almost daily basis, which certainly cannot be what the Secretary of State intends.

Further to those confusions, David Melding AM—my new favourite Conservative—said on 13 January:

"Judicial review could become, if not the norm, then far from the exception. Welsh legislation would be drafted in an atmosphere of profound uncertainty, which itself would curtail its scope and ambition. Taken to extremes, the very exercise of the legislative function could be compromised."

[Nick Thomas-Symonds]

My hon. Friend the shadow Secretary of State also referred to that pretty stinging criticism. With all this stuff floating around, I certainly would not mind being a fly on the wall at the next meeting between the Conservative AMs and MPs.

The Secretary of State now has an opportunity to take another look at the Bill. He has previously said, and I take him at his word, that he is in listening mode. I hope that he is still in listening mode and that he is willing to go back and look at the Bill. The organic growth of devolution went from the Government of Wales Act 1998 to the 2006 Act and the referendum, and we are moving another step forward on the journey. We certainly do not want—to change the metaphor—the devolution car to go into reverse. Since the first Welsh Secretary of State took office in 1964, he is the only one under whose tenure the powers of Welsh Members of Parliament have been taken away. Not one of the previous Secretaries of State—

Stephen Crabb: Nonsense.

Nick Thomas-Symonds: Well, find me an example under a previous Secretary of State of English votes for English laws. You will not find one. Secretary of State, do not make a disastrous devolution Bill your second contribution to history.

2.16 pm

Dr James Davies (Vale of Clwyd) (Con): It is a pleasure to serve under your chairmanship, Mr Hanson, as it is to speak in my first Welsh Grand Committee since being elected in May. I am a member of the Welsh Affairs Committee and we have all enjoyed the pre-legislative scrutiny over recent weeks, so I do not intend to speak at length about the issues covered by the Committee, but I do have a few points to make.

The Bill's key feature is delivering a reserved powers model, in theory to create additional clarity and reduce legal challenges, about which we have had some discussion today. We heard from a multitude of witnesses in our Select Committee and received conflicting legal advice from various quarters. I am a doctor, not a lawyer, but the list of reservations must as a starting point accurately reflect what the UK Government intended in their conferred model when the last piece of devolution legislation was passed. The length of the list is not what is important.

Elements of the draft Bill also constitute the delivery of further powers to Cardiff Bay, the basis for which is the St David's day agreement. For those of us in Wales who believe strongly in the United Kingdom, as I believe the vast majority do, the level of government where powers are based should be rooted in common sense and the potential to achieve the best outcomes for the people of Wales, not on the simple expectation of a continual one-way transfer of powers from Westminster to Cardiff.

The general public and, it is fair to say, many politicians are often unaware of where powers are currently held in Wales. We need greater clarity, which will help accountability. The best way of achieving clarity is to ensure, as I said, that constitutional decisions on devolution are based on a strong underlying rationale. The draft Bill contains a few examples of new powers arising from the St David's day agreement of which I would urge further study.

The first is fracking. It is proposed to devolve the licensing powers of the Oil and Gas Authority to the Assembly, but not the licensing powers of the Coal Authority. That is interesting because the Coal Authority licenses underground coal gasification, which, as you will know, Mr Hanson, is the type of unconventional gas extraction of most interest to our part of north Wales. In my opinion, energy production and security is best managed at a UK level, but I am led to believe that some of the decisions made in the St David's day agreement might have been based more on what was in the headlines at the time, and prominent issues of the day, than on the overall picture.

The second issue is speed limits. Local authorities and the Assembly Government control the speed limits that are put in place to increase safety. Unless I am mistaken, what is suggested now is the devolution of the national limits—in other words, the largely un-signposted 30 mph limit in built-up areas, the 60 mph limit and the motorway limit of 70 mph. As we all know, many roads cross the England-Wales border; in fact, people often have no notification that they are moving from England to Wales or vice versa, so is the proposal workable? Is it in any way desirable? Are the cars in use in Wales or the safety of the roads so significantly different that there should be a different policy on a national speed limit? I very much doubt it, and I think the issue should remain reserved. If the powers will not be used anyway, why on earth would we want to devolve them?

The third issue to mention is voting systems. I have no issue with the Assembly having a greater say over its voting system, but do we want confused voters to be faced with a second set of electoral boundaries, a different voting age and so forth? I come back to accountability—there is a risk that politicians will become less accountable.

We have heard voices advocating more separatism in this debate, and that does not reflect the views that I hear in my part of Wales. People are concerned about the success of the local economy and the quality of local services. When services have been devolved, such as in the health service and education, there is often great concern about their performance in Wales.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): My position is that Wales should be an independent country. Is the hon. Gentleman's position that the National Assembly should be scrapped?

Dr Davies: I respect the view of the people of Wales. I was too young to vote in the devolution referendum, but I would not have supported devolution had I had that choice.

Jonathan Edwards: In 2011?

Dr Davies: No, when the Assembly was first formed.

Local people want to see true devolution to localities, as the UK Government are pursuing, for instance the devolution of business rates in England and planning powers over many offshore wind farms. Sadly, in Wales, all too often we see the centralisation of powers in Cardiff. I urge both the UK and Welsh Governments to devolve to local communities in Wales, and particularly north Wales. They need to empower local authorities and others in north Wales to pursue the issues that are particular to the region, which largely relate to our strong links to the north-west of England.

There is, of course, an economic sub-region spanning north Wales and north-west England, with 50,000 cross-border commutes daily, equating to about 1 million a month. Earlier today I met the North Wales Business Council, which emphasised the need for the North Wales Economic Ambition Board to be allowed to develop into a body with powers analogous to a local enterprise partnership. That would assist the development of a much needed growth deal in partnership with the Cheshire and Warrington LEP.

North Wales clearly has a key opportunity to be part of the northern powerhouse, especially through the upgrading of transport infrastructure. That would be an important way to address deprivation and unemployment in my part of the world. Parts of north Wales have untapped workforce availability, and therefore, an associated cost to the taxpayer through out-of-work benefits. Better links would help the strategic and united growth of the north Wales and north-west region, and the political barriers that have developed post-devolution could be addressed through true devolution—not along the M4 to a very distant Cardiff, but out to the communities of Wales.

2.23 pm

Mr Mark Williams (Ceredigion) (LD): It is a privilege to serve under your chairmanship this afternoon, Mr Hanson. Whether you are calling me to speak from the Liberal Democrat Front Bench or the Liberal Democrat Back Bench, I do not suppose it matters much these days—[*Interruption.*] It is a Bench, that's right.

It is a great pleasure to follow the hon. Member for Vale of Clwyd. He used the word “enjoy” liberally as he reflected on our deliberations and pre-legislative scrutiny in the Welsh Affairs Committee. With no disrespect to our Chairman over there—the hon. Member for Monmouth—it has not exactly been enjoyable, but none the less, the process we have been undertaking is incredibly worthwhile and important.

To respond to a point made by the hon. Member for Vale of Clwyd, is the draft Wales Bill the great talking point in the aisles of Morrisons in Aberystwyth or in the mart in Tregaron? I suspect not. However, the heart of our democracy involves clarity and coherence. People need to know who to go to—whether it is their Assembly Member or Member of Parliament—and what powers such people have. The Secretary of State is right to seek a much clearer devolution settlement through the Bill, and, on those grounds alone it is important that it proceeds.

Many of the points that have been made today are ones that I and my colleagues in the Welsh Assembly have made since the draft Bill was published. There are genuine concerns about the Bill, and the Secretary of State has been big enough and realistic enough to acknowledge that there are challenges. It is a draft Bill, and as part of the process we want it to morph into something more substantive. We will have Second Reading in the Chamber to address many of our concerns.

The draft Bill has a fair number of Liberal fingerprints on it. Its origins were in the coalition Government with the creation of the Silk Commission I and II, the referendum and the St David's day agreement. I was privileged to be part of those discussions. However, it would be difficult for me as a Liberal Democrat to support the draft Bill. We are where we are and part of the process of pre-legislative scrutiny is to seek remedies

to the problems and for the Secretary of State to listen to the overwhelming evidence that expresses those concerns, which has certainly been heard by the Select Committee.

The Secretary of State candidly talked about his history, and his journey to being a devo-pragmatist. I, too, remember those early days on the Select Committee when he did not always have the views he has now. I celebrate that movement towards devolution, whatever the motivation behind it. He has given us a challenge to get a Bill that is right.

As the Select Committee deliberated, it was sometimes quite hard. We had discussions about what really underpins the Bill. Is it an attempt to remedy a failing system based on existing legislation? The right hon. Member for Clwyd West described it as a “bolt-on” and I think he is right in that analysis. It is certainly there to alleviate problems. Is it simply seeking to import a model from Scotland? Maybe parts of it, yes, and there are failings there, because Scotland has a very different system from what we need and require in Wales. If we could start again, I would like to see the principle of subsidiarity embedded in the legislation far more clearly: the notion that powers are best exercised at different levels of government, as close as possible to the people we serve.

The Secretary of State has wisely said that the list of reservations must be diminished, and diminished it must be. I will quickly go through the list of issues controlled by London, not all 267 of them, I hasten to add: hovercraft; knives; pedlars and street trading; dangerous dogs; gender recognition; sports ground safety; driving instruction; auctions and mock auctions; hallmarking; gun-barrel proofing; regulation for the carriage of animals on aircraft; fire safety; pedestrian crossings; traffic signs; exemptions from speed limits; insurance of motor vehicles; coal; the sale and supply of alcohol; misuse or dealing in drugs or psychoactive substances; the classification of film and video recording; licensing and the provision of entertainment and late-night refreshment; betting, gaming and lotteries; Sunday trading; railway services; the Boundary Commission for Wales; the regulation of estate agents; timeshares and package travel and package holidays; the regulation of unsolicited goods and services and trading schemes; railway heritage.

Hon. Members: Hooray!

Mr David Jones: I do not know if the hon. Gentleman is suggesting that all those issues should be devolved to Wales. I notice he mentioned gender recognition. Would that mean that someone could be a man in England and a woman in Wales?

Mr Mark Williams: I thank the right hon. Gentleman, if only because he has given me a chance to catch my breath. Would seeing those powers controlled in Wales mean the unravelling of our constitution and the end of the Union? Should we have not started from the principle that what is devolved to Scotland and Northern Ireland should be devolved to Wales? Better still, if one believes in subsidiarity, should we have not started with the principle that all powers are devolved, and it is for the Secretary of State and Westminster to argue the case for reserving them to Westminster?

However, we are where we are and we have this Bill. The hon. Member for Wrexham, who is not in his place, talked about the need for a constitutional convention and the right hon. Member for Clwyd West said he was

[Mr Mark Williams]

open to the case for that. He described the Bill as a “bolt-on”. That and the devolutionary drift in other parts of the UK points to the need to look at such matters in the round. My party has always believed in a federal Britain, with home rule for Wales, and we need a constitutional convention to look into that.

Some have asserted that there should be a pause and, on balance, I agree. Too many concerns have been expressed, as the Select Committee will reveal at some point in the future. The question is: how much of a pause should there be? If a pause means that we lose a legislative slot for the Wales Bill to carry forward devolution, I would be immensely concerned. However, the issues on which the Secretary of State has openly reflected, such as looking again at the necessity test, or whatever form of words we use for that, ministerial consents and the scale of the list of reservations, are a big body of work that needs to be done urgently.

I would not say that the Secretary of State was disdainful when I talked about the need for robust dialogue with Assembly colleagues, but that dialogue needs to happen. I was privy to discussions between Westminster MPs representing the four parties and our Assembly colleagues and given the level of concern expressed since the draft Bill was published, that needs addressing. There are rumours of delays to the suspected date of Second Reading. I do not expect to get a date at the end of the Committee, but we need to be mindful of that and of the work that needs to be done.

The Secretary of State said that he wants the matters to be settled. The issue of a distinct jurisdiction has gained much traction in discussions, with various questions fired around the Committee today asking people to define what that means. I am not a lawyer—perhaps that is obvious—so I cannot give that definition.

Craig Williams (Cardiff North) (Con): Will the hon. Gentleman give way?

Mr Mark Williams: I will carry on. I hope that the hon. Gentleman will forgive me.

Craig Williams: I hope he answers my question anyway.

Mr Mark Williams: I know his question, but I am not going to give him an answer because he tried it on the hon. Member for Llanelli. A debate is going on about the question of a distinct—not separate—jurisdiction. The genie is out of the bottle and if the Secretary of State wants a resolution—I know he is sincere about that—that issue must be addressed and I think it should be addressed in the Bill.

Sir Paul Silk said that politicians should be open to a review between the Assembly Government and the Westminster Government and a time period of 10 years was referred to, which is probably too long, given the debate that we have had. That issue will not go away. Hon. Members still here in a few years’ time—I hope to be—will have to revisit the Welsh jurisdiction issue unless it is dealt with soon.

Stephen Crabb: The hon. Gentleman is making a good speech. I urge a bit of caution in the discussion about distinct and separate jurisdiction, because I fear

that history is slightly repeating itself. Two or three years ago in Welsh Grand Committee and on the Floor of the House people were saying, “We need the reserved powers model,” but simply to say that we will move to a distinct jurisdiction would not tackle the problems of the complexities of consenting that we have been talking about. It does not tackle the complexities around the spillover effects of the Welsh Government making law that affects reserved matters or has an impact in England. All those really difficult and contentious issues still need to be addressed, whether we are maintaining the joint jurisdiction or somehow moving to a distinct or separate jurisdiction.

Mr Mark Williams: Of course, the Secretary of State is right. That is the difference between the draft Bill and the final Bill that he will present before us in due course. He partially answers my point. He is right that three or four years ago people were talking about a reserved system. That is what is being proposed now. My point is that unless the issue of a distinct jurisdiction is dealt with, he or his successors will have to deal with it in a few years’ time.

I will end in the same way as the hon. Member for Dwyfor Meirionnydd, my neighbour in west Wales, ended her speech. I want to vote for the Bill. I want the march to devolution—in my party’s case, to home rule—to continue. I want to vote for the Bill on Second Reading, but I can only do so if certain changes are made. The Secretary of State is making very encouraging noises about listening to people. He needs to address the concerns that we and others in Wales right across the board in civil society, as well as our colleagues in the National Assembly, have raised. He needs to make those changes.

2.36 pm

Glyn Davies (Montgomeryshire) (Con): I apologise for not having been here for the opening speech today, Mr Hanson. It was impossible for me to be here. It is a pleasure to serve under your chairmanship and to follow a very thoughtful speech by the hon. Member for Ceredigion.

I congratulate the Secretary of State on the draft Bill. We need change and reform, and publishing the Bill in draft form gives us the opportunity to comment on it and to speak as we are speaking today in this forum and as we have been able to speak for some time, and to give other organisations a chance to comment on it. For the main Bill then to be brought forward taking into account what everybody has said is a very good way to proceed.

We all have the same objective: we all want a stronger, fairer, more stable devolution settlement. In 1997, I was not in favour of establishing the National Assembly for Wales—I campaigned and voted against it. But when such a body is established, the purpose of a party is to do everything possible to make it successful. The steps we have taken since then have been steps on the road to make it successful, but there is one more step to take, and I congratulate the Secretary of State on delivering that.

We have looked at broadcasting and I wanted to make the briefest of references to today’s S4C agreement, which is brilliant news, and to congratulate my hon. Friends the Members for Carmarthen West and South Pembrokeshire and for Aberconwy on the sterling work they put in. Though unsung, they were like a couple of

I will move on to the subject under discussion. I want to speak in general terms, not on the details of the Bill, because it is a large Bill and some of the details will change, but on two hugely important issues. I want to speak positively about the Bill. Many of the comments I have heard have been quite negative. Some people have been quite negative about the Bill today, without saying what should go in its place. I thought the presentation of the report from academics and constitutional experts that came out this week was incredibly negative and was not at all helpful. I have massive respect for a member of the group who talked about the recommendation that Assembly Members should not approve the Bill because there had been absolutely no change from the draft Bill, but that will not be the position. It provided a meaningless headline and gave a negative feel to the response to the Bill, when it is something that we can all build on and make something we want of it. I think the negative response was a mistake.

I want to touch on two major changes. The first is the move from a conferred model to a reserved powers model. That was never going to be easy. I have always favoured it since the Assembly were established. During my period in the Assembly as chairman of the legislative Committee, I always thought a reserved model was right. But it is a hugely difficult step to take. Not only that, it will not remove the legal arguments about what is devolved and what is not—those will continue—but I think it is the right step to take.

A list has been produced, which has caused a great deal of entertainment and amusement as people list what seems inappropriate, but the Secretary of State has made it clear to me that he will look at this list and we will have a different list. So it may cause amusement to talk about unlikely things that should be reserved, but we should not set aside how important it is to move to a reserved powers model. It changes the nature of devolution, it is the biggest step in the Bill and we should welcome it and congratulate the Secretary of State on bringing it forward. It should have been there in the beginning.

The second big issue is income tax powers. There are divisions over this issue, of course, even on my side. I remember speaking in favour of income tax powers in the main Chamber, when there had been no referendum. I felt I was alone at the time, but I must say that that has changed. I thought that a referendum was no more, in many people's minds, than a blocking mechanism. I suspect that my friends on the Opposition Benches will do everything they can to avoid having the financial responsibility that comes with income tax powers. A Parliament does not grow up until it is responsible for both sides of the ledger—what it spends on the one hand and what it raises on the other. If we had a referendum on that, the arguments would be completely different—it would be simply a blocking mechanism.

The Bill is an incredibly courageous step by the Secretary of State to introduce the change that is desperately needed to make devolution grow up and become a proper Parliament, which is what it should be, and give the people that chance. The people voted for us knowing that that was the position, and we should go forward and include it in the Bill.

The background to where we are has for ages been the Barnett formula. Again, I do not want just to pass by on the Barnett formula. For ages, that dominated

discussion: in a debate like this, it was all that was talked about. What we now find is that Government spending in Wales has reached a level that the Barnett formula would deliver, so it is not an issue. We should congratulate the Government on funding Wales and continuing that funding throughout this Parliament at a level that meets the requirements that critics have argued for over many years. It is a major step forward.

Another background issue is the debate about the police. It is recommended that policing should be devolved. I am not against that—I never have been—but it has to be on the basis of an understanding that policing will be improved. We could be satisfied if policing would be improved, but I do not think we have ever seen that. Policing is something that is a bit different; we should look not just at the devolution aspect, but at how effective it is. If policing can be devolved and be as effective as it is now, it is something that a lot of us could live with.

The point is that no one will agree with everything in a draft Wales Bill—dispute and disagreement will inevitably occur. I am going to have to bite the bullet of devolving greater energy powers, knowing full well that the present Welsh Government are intent on granting permissions that will destroy mid-Wales. That is what they want to do. Also, it is a hugely centralising Government. Only last week they took power to themselves to deal with energy projects over 10 MW: those are small energy powers but the Welsh Government want to take them. It is an anti-localism strategy and I very much hope that leaving power to the people becomes a feature of the debate in the Welsh Assembly election.

Devolution is not just about transferring power to Cardiff, it is about transferring power to the people, and the Welsh Government are accumulating power to themselves every chance they get. There is a lot of talk about wanting a pause. I am sure that the Secretary of State will consider that we do not want a pause just because it is too difficult to confront. A pause has to be for a genuine reason, not because there are some tough decisions to take before an election so you pause to avoid taking them. That is just not good enough.

There is much talk about a constitutional convention. That may well be sensible, but I cannot help but feel that my Opposition friends are very keen on a constitutional convention because it is the ultimate in long grass—they think, “We will not have to take any of these decisions; we can just talk about them forever and a day.”

2.45 pm

Carolyn Harris (Swansea East) (Lab): May I say what a pleasure it is to serve under your excellent stewardship for the second time this week, Mr Hanson, for my very first Welsh Grand Committee?

As members of the party that was the architect of devolution, my colleagues and I would naturally support a Bill that moved to elevate the Assembly to a reserved powers model, but the draft Bill we have been presented with is, in reality, an instrument to roll back the powers of the Assembly and make its ability to govern effectively restrictive and cumbersome.

As a member of the Welsh Affairs Committee, I have spent many long hours pondering the Bill and hearing substantial evidence on it. The conclusion I have reached is that the Bill is, at best, fragmented, patchwork and arguably a complete shambles. Throughout the evidence

[Carolyn Harris]

sessions of the Committee, we repeatedly heard widespread condemnation of the draft Bill from the legal profession and noted academics. We read in the press that there has also been condemnation from within the Conservative party itself.

I will touch on two areas today: energy and the necessity test. I welcome the initiative to allow the Welsh Assembly to have authority over onshore oil and gas extraction, including fracking. I also welcome the move to allow the Welsh Assembly to grant planning consent for energy projects of a capacity of up to 350 MW. However, I am sure that large renewable investors in Wales will be disappointed with that limit.

It could be argued that if the renewables industry in Wales is to survive, companies need to be confident that they have a guaranteed price for energy—a so-called subsidy-free contract for difference. They need confidence in planning decisions for both developments and the associated grid, so the draft Wales Bill should allow planning decisions on both those things to be made in Cardiff, not in Westminster. The renewable energy industry needs that boost; it needs the confidence to allow it to continue to attract investors.

Craig Williams: Does the hon. Lady welcome, in the spirit of the Bill and localism, the fact that the power she succinctly puts forward is coming to local authorities in Wales through the Energy Bill? Local authorities will be able to grant that power.

Carolyn Harris: I can only speak for those in the industry who have lobbied me, who feel that the Wales Bill will give them no confidence to attract investors. The current provisions are not sufficient.

The Government of Wales Act 2006, which governs how the Assembly currently operates, contains basic tests that the Assembly must meet before it can legislate. However, the draft Bill increases the number of tests from nine to 13. The Assembly's own Presiding Officer and others have pointed out that that will make the work of the Assembly far more complicated.

There is much controversy around the necessity test. The remit of the test is that the Assembly must be convinced the Act to be passed is necessary. The draft Wales Bill is littered with references to the necessity test. For example, the Welsh Assembly will only be able to modify the law if it is convinced that that will have "no greater effect on the general application of the private...law than is necessary".

Even "necessity" has various definitions. The Assembly's director of legal services agreed with that point and referred to necessity's several different meanings in law. As a consequence, more cases could end up in the Supreme Court to decide what necessity means in each particular context. That will only cause confusion, slow down the Assembly's work and ultimately cost the taxpayer significant money.

The Law Society of England and Wales, as my hon. Friend the Member for Torfaen mentioned, also warned that the necessity tests are drafted in such a way that they could be challenged in the course of ordinary civil or criminal cases. Surely the Assembly, as an elected body, should be allowed to make decisions on the policy areas that are devolved to it. There should be no demand

on it to justify a policy it wants to implement as necessary. It would be in the interests of all if the necessity test were entirely removed from the Wales Bill.

I would like to thank the Secretary of State and his officials for all their hard work but I suggest they go away, sleep on it and come back with a completely different draft Bill.

2.50 pm

Craig Williams: May I say what a pleasure it is to serve under your chairmanship, Mr Hanson, and to take part in my first Welsh Grand Committee? I would say that I will be brief, but along with many words we have spoken today, it seems that in the Grand Committee, the word "brief" does not quite mean what I thought it did. I hope to contain my remarks.

As a Member of the Welsh Affairs Committee, I would like to pay tribute to our Chairman. He has brought Members within and across parties together on many of these issues.

My hon. Friend the Member for Swansea East is the only Member I know who could get away with claiming the architecture of devolution and then go on in the same breath to complain how complex it is. It amuses me no end but she carried it off with her usual charm.

I support the process in which the Bill has come forward. I had to pinch myself on a couple of occasions during the debate to remind myself that we are discussing the draft Bill. We are not discussing the end Bill, which I am sure will dominate the Welsh Affairs Committee and the normal legislative process in the House once we get it. This is a draft Bill and that is the way I have approached it, with the constructive criticism that a lot of people from all parties have brought to the Wales Office. It is not just that. It seems to have taken Welsh academia and the Welsh Governance Centre by surprise that we are talking about constitutional issues and are again seeking to empower Wales a little bit more.

I was 12 years old at the time of the 1997 referendum and I have no doubt that when my grandchildren are 12 they will still be talking about a separate jurisdiction. The genie is out of the bottle. I pay tribute to the hon. Member for Dwyfor Meirionnydd for the way that she approaches the issue in a clear and concise manner, and I understand completely where Plaid Cymru comes from, although I disagree fundamentally with her on most of the points she has made in Committee and, more broadly, in the Chamber. We need to understand as Welsh politicians that it is okay to disagree and to disagree forever. I cannot see how we think we are all going to get round a table and finally agree forever on Welsh devolution. That is simply never going to happen and is an aspiration that none of us should share. As a proud Welshman and a Welsh MP, I love Committees. I love joining Committees, I love serving on Committees and I love setting up Committees. I just think we need to be mindful of this constitutional journey we are on. There will be no terminus, no end, but there will be significant movements, and this is one the most significant that I have seen and studied.

Of course, this is the beginning of the process and it is always interesting to hear calls for people to pause at the beginning of anything, but during this draft stage it is very welcome. I do accept the premise of my right hon. Friend the Member for Clwyd West about the piecemeal

nature of devolution. Is it where we want to be? I do not think so; it is not where I want to be as a proud Welshman in terms of protecting the Union forever. The United Kingdom has a glorious unwritten constitution which has worked for a couple of years, and I suppose we are just seeing the nations in this Union coming together now and stapling. I recognise where the constant call is coming from with Plaid Cymru but I am bemused and confused at the noises—

Stephen Kinnock (Aberavon) (Lab): I am very interested in the hon. Gentleman's comment about being uncomfortable with the piecemeal nature of devolution. He must surely then support the idea of constitutional convention.

Craig Williams: I do not at this moment. I can see the argument for looking holistically at the Union, at the four nations and how to draw this together within our glorious unwritten constitution, but the political calls for that being made at the moment are tied to the Bill and efforts to pause it, and not for good reasons. I understand the broader opinion about protecting the Union—I take it that the hon. Gentleman is a proud Unionist, as I am—but I do not accept that we should link that to the Bill and further powers for Wales. This is an important juncture for Welsh politics and the Assembly, and we should crack on and take a pragmatic approach.

The Wales Governance Centre and academia have commented on the Bill, but what are we going to do as a nation if we cannot draw together? It seems to me that the Government come up with ideas, happily produce them for public scrutiny, take it all on the chin, then everyone reacts. There is never a response along the lines of, "This is what we as a Welsh nation, academics and legal experts have come up with after consideration." It should not take anyone by surprise that we are in this position. The onus is on those people to come up with more practical solutions—or just some solutions, not constant entirely negative feedback.

Briefly—I have fallen into my own trap straightaway, as I am not very brief—in this regard, my Labour fan, since we are picking fans from alternative parties, is Lord Morris of Aberavon. His clear view on the single jurisdiction is out there. The starkness of what the First Minister has said—and is saying—is not apparent to me. I do not know why we keep referring to the single jurisdiction. What does the shadow Secretary of State mean by "distinct jurisdiction"? I did not get clear and concise answer—she requested one from the Secretary of State—and I am more than happy to give way if she has come up with a meaning.

That is the nub of the issue. What on earth is a distinct jurisdiction? If it is a different jurisdiction, we have that in housing in Wales. The Assembly has cracked on and, in layman's terms, we have a distinct jurisdiction on housing law as it comes through the Assembly and as it develops. We are talking about only 3% of UK—England and Wales—laws; 3% are effected by the Assembly. Why on earth are we looking at getting that 97% down to the Assembly? It simply does not make sense to think about a separate jurisdiction, and it does not make sense to go for a distinct jurisdiction. It sounds like a political soundbite in the run-up to the Assembly elections. I get the political sentiment behind the proposal, but I do not get any sense of a legal rationale.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Have we not been told that we cannot even consider a distinct legal jurisdiction? We have not even got to the position where we discuss maturely what this actually means. That surely is something that we should look at and go into greater detail, but we have not had the room to discuss it properly.

Craig Williams: I have never known Plaid Cymru to wait for permission to discuss or look at something. If the hon. Lady is suggesting that she should seek our permission before exploring anything, I welcome that due deference, but I do not think that that is the case. If someone had a clear definition of "distinct jurisdiction" it would have been published and it would be out there. There would be a clear answer, but no one in the Committee can answer the question of what a distinct jurisdiction is.

Liz Saville Roberts: To be fair, there are three models in the Bill.

Craig Williams: At least. The hon. Lady emphasises my point for me. She is asking for clarity in the draft Bill, and this is the panacea that people come up with. There are already three models. If we want clarity, "distinct jurisdiction" does not solve the problem. I think that in many areas of law Wales already has it, so I do not see why we need to make reference beyond this practical solution. I accept what the Secretary of State said about protocol and looking at the way in which our legal system operates. That is a separate issue—a distinct issue—from what we are talking about, but there is bit of maturity in Welsh politics and where the Assembly is at. We should recognise that it now has the power to effect laws, and it has, for the sake of argument, a distinct jurisdiction, but I still hold my hands up, as I have no idea what that means.

On reserved matters, we have seen some welcome movement by the Secretary of State and the Wales Office, but I see the complications. Space is an obvious one. Why on earth is that in the Bill? I wholly welcome the spaceport—it should of course go to north Wales. The industry, the sector and the technology are developing and they need to be future-proofed. The Bill should be future-proofed, and space should be a reserved matter—but we could argue at length about hovercraft.

To conclude, there is a clash between political reality and academia. I find completely bemusing the emotive terms that some academics and Welsh politicians have used when discussing the Bill. I can see how people can get emotional about a Commonwealth games bid from Wales and about the city deal for Cardiff and the transformational effect on south Wales, but I cannot see how people can get so emotive about the deep constitutional debates that we are having at the moment. Of course, the onus is on us to get excited about it, because if we do not get excited, I do not think anyone in Morrisons in Aberystwyth, or in Tesco or Asda in Cardiff, will be getting excited at all. I call for a mature, pragmatic approach to the Bill, which is a huge step for Wales. I welcome the responsibility that the Bill would bring to Wales with income tax devolution—true responsibility for the Welsh Government.

3.1 pm

Stephen Kinnock (Aberavon) (Lab): It is pleasure to serve under your chairmanship, Mr Hanson. It is also a pleasure to participate in my first Welsh Grand Committee.

[Stephen Kinnock]

I want to engage in a spirit of pragmatism and problem solving, which is needed particularly when we are dealing with what are often relatively technical issues. To an extent, there is an opportunity to take some of the politics out of this and to adopt a positive, problem-solving approach, and it is in that spirit that I make my speech. I also defer to colleagues who have been involved for far longer than I in some of these areas, so I am not going to dive down into the weeds of some of the issues.

The benefit of being a relative newcomer is that one is perhaps more able to apply a common-sense test, and that is where the red lights start to flash for me. I see a real risk of what I would call constitutional red tape. I know that the Conservative party is a great enemy of red tape and is passionately committed to removing it whenever it possibly can, so let us examine some of the red tape of the Bill, which contains a 34-page list of 267 powers. I feel convinced that if someone in the Department for Business, Innovation and Skills came forward with a new proposal for regulating business in this country and it consisted of 34 pages of 267 new sets of regulations, the Secretary of State for Wales would be jumping up and down and ringing alarm bells. The Bill really does not pass the test for which we are looking: streamlined, well co-ordinated, smooth and effective government.

Jo Stevens (Cardiff Central) (Lab): Never mind our test, that clearly fails the test of the Secretary of State for Business, Innovation and Skills of one rule in, two rules out.

Stephen Kinnock: I agree absolutely with my hon. Friend. It is an issue of clarity, common sense and making progress. The message that the Secretary of State for Wales has received from both sides of the Committee, and from our very own favourite AM, Mr David Melding, will be heard loud and clear. The critical point is to ensure that the Bill is not made in London, but is developed in collaboration with Wales. I welcome all the feedback that has been given today.

The lack of clarity also means that we run the risk of the Bill being questioned from the point of view of politicising the approach. For example, clauses 13 to 16 state that Westminster will retain control of ports with a turnover of £14.3 million. Lo and behold, that means that Milford Haven would remain under UK Government control. To my knowledge, the Secretary of the State has not made it entirely clear—it is not clear from the Bill—why it is necessary for Milford Haven to remain under Westminster's jurisdiction. I am sure that the right hon. Gentleman would want to make that clear in the Bill and to dismiss any damaging speculation that it might be because the Government are preparing to privatise the port.

Stephen Crabb: The hon. Gentleman is making a thoughtful and interesting speech. May I allay his fears on this point? One of the voices that has not had enough air time in this whole constitutional debate is that of the business community. However, on the issue of ports, and especially a large, strategic energy port such as Milford Haven, the voice of the business community came through loud and clear. This is entirely to do with UK strategic issues, despite any scaremongering that we might hear from the hon. Gentleman or his political colleagues regarding potential privatisation.

Stephen Kinnock: I thank the Secretary of State for his intervention and welcome the clarity that it brings. I am trying to make a broader point: when there are gaps, loopholes or a lack of understanding, they open up the risk of speculation about the motives behind a policy. That is why clarity is so important and I cite that example simply to illustrate that risk.

The necessity test is another prime example of how the Bill risks creating uncertainty and ambiguity. We must take with the utmost seriousness the quote by our favourite Assembly Member, Mr David Melding, about the possibility of legislative gridlock, or the very basis of legislative function being compromised.

All hon. Members in the room will recognise the broader point that politics and politicians are not always and universally held in the highest regard by the public. Anything that looks as if it might mean more and more Committee meetings, more and more bureaucracy and more and more legislative ping-pong between Westminster and Cardiff has the potential to bring the Assembly and this place into disrepute. I am sure that all Members would not want that to happen. Although the hon. Member for Cardiff North has told us how much he enjoys sitting endlessly in Committees, I am sure that he agrees with that point.

My final specific concern is about ministerial consent and the risk that this process is seen as tantamount to an English veto. We must be absolutely clear that the direction of travel for devolution is more devolution and more decentralisation. The referendum in Wales in 2011 made that clear and we need to recognise the democratic voice of the people of Wales in that context. Anything that looks as if it may be a way—even through the back door—of pulling powers back from Cardiff to London must be treated very carefully indeed and could again create concerns, with some speculating about a possible hidden agenda.

I conclude with the broader point that I sympathise with the Secretary of State for Wales because I feel that he has been asked to take on the task of creating something that is very important, even though, as hon. Members have said, it might not be what gets the average constituent of Aberavon out of bed in the morning. It is very important because it is about saving the United Kingdom. I am proud to be Welsh and I am very, very proud to be British. I believe passionately in the integrity of the United Kingdom. In a rapidly globalising world, with huge challenges coming at us from all angles, the last thing that we should be doing is diminishing the role, power and influence of the United Kingdom on the global stage.

The draft Bill must be seen in that context. We are not talking in isolation about reserved powers, the necessity test and the question of distinct or separate. We are talking about the architecture of the United Kingdom. The debate around the Scottish referendum was, of course, very passionate, but it demonstrated that the constitutional foundations upon which this country is built are cracking beneath our feet. The main reason why they are cracking beneath our feet is because we have had this piecemeal, sticking-plaster, botch-it-and-scarper approach to building our constitution over the years. That is why we need a constitutional convention—so that the things we are discussing today can be discussed within a broader context.

I know that the Secretary of State for Wales is an avid fan of rugby, our favourite and national sport. In some ways, he has been asked to define the rules at the breakdown of the ruck without having any sense of the broader rules of the game of rugby—the offside rule, passing backwards, the knock on, or whatever it might be. So many issues are in the framework of what we are talking about today, and they are the broader debate within which this debate must exist. The result of a lack of clarity is the kind of constitutional red tape to which I referred.

In conclusion, this plea for a constitutional convention is not at all about what the hon. Member for Montgomeryshire, who is no longer in the room, said with regard to kicking this into the long grass. It is not at all about wanting a pause and a broader discussion because we do not want to take the hard decisions—quite the opposite. Labour Members want to take the hard decisions because we wish to save the integrity of the future of the United Kingdom. If we do not adopt the radical, bold solution of a constitutional convention that leads to a full—and, in my view, written—constitution, with a clear definition of powers that defines where the English regions fit in with Scotland, Wales and Northern Ireland, we will find, in 20 years, that this great United Kingdom will no longer exist.

3.12 pm

Byron Davies (Gower) (Con): It is a great privilege to serve under your chairmanship, Mr Hanson. I apologise that I am suffering from terrible flu at the moment, so I hope that you can hear me okay.

I was recently a Member of the National Assembly for Wales, of course, and I think I am unique among Welsh Conservatives here in having been a Member of the National Assembly for Wales and a Westminster MP. I have seen the Welsh Government working at first hand and I have several concerns about the way they operate.

My first concern is that while I get the fact that we need to have tax devolution, and that the Government need to show competence and to be answerable for the money that they raise and how they spend it, the Welsh Government in Cardiff Bay have recently overseen an appalling piece of financial mismanagement—the regeneration investment fund for Wales. Tens of millions of pounds are being wasted, so it is worrying to think that we will suddenly hand down to Wales tax-raising powers. There is a certain arrogance about the Welsh Government's response to the loss of those millions of pounds, so I am really concerned that, should we give them tax devolution and these tax-raising powers, they will follow the same sort of path. I cannot say how much I feel for the people of Wales if they are to suffer such mismanagement.

Stephen Crabb: My hon. Friend makes an important point. I understand his long-held, strong views about our being careful about devolving taxes to Cardiff Bay. He highlights the scandal of that sale of land and the loss to the taxpayer, but until and unless the Welsh Government become a more responsible body by being accountable for the money that they raise as well as how they spend it—as long as they carry on as a big spending Department—we will get more of these scandals and more of that careless use of public money.

Byron Davies: I understand the Secretary of State's point. We have to realise that the scandal, as he calls it, of the regeneration investment fund for Wales was examined by the Wales Audit Office, which produced a damning report, and by the Welsh Assembly's Public Accounts Committee, whose damning report was published only last week. I hope that I can have some faith in his suggestion that if we give the Welsh Government this responsibility, they will grow into a more responsible—

Mr David Jones: Does my hon. Friend agree that while it is all well and good to give the Assembly Government the responsibility for accounting for the money that they spend, tax-varying powers should not be conferred without the acquiescence of the Welsh people, as was the case with the Scottish people in 1997, and that therefore a referendum should be held on the issue?

Byron Davies: It is well known that I think that the people of Wales should have had a referendum on that issue, and it is in the public domain that I have made that known to the Government.

Jonathan Edwards: Since the hon. Gentleman has been elected, he has voted for the devolution of full income tax powers for Scotland and for devolving corporation tax in its entirety to Northern Ireland, so why is he so opposed to empowering the people of Wales with fiscal powers?

Byron Davies: I have just answered that point. After seeing at first hand the Welsh Government at work, I do not have faith in their competency—it is that simple.

My final point is about policing, an area in which I have some experience. I am delighted that we will not devolve policing to Wales, because it is a very complex matter. It is about complex intelligence systems and cross-border complexities. I have always been of the opinion that bigger is better in policing. I am in favour of regional policing and we need to consider that issue in another forum, but I am delighted that it is not being considered in the Bill.

3.17 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): Last, but not least, Mr Hanson; it is a pleasure to serve under your chairmanship. This is a double pleasure because, as is the case for many other Members, this is the first Welsh Grand Committee that I have attended.

As other right hon. and hon. Members have said, the draft Bill does not have much support from academics, lawyers and even the Secretary of State's party colleagues in the Welsh Assembly. Indeed, many of those who have given evidence to the Welsh Affairs Committee have outlined concerns about the Bill, particularly regarding whether it takes us forward. As our party established the Welsh Assembly, Labour Members support the additional powers for Wales proposed in the Bill, but we have significant concerns about how the powers of the Assembly would be rolled back by its other provisions.

The Secretary of State says that he wants the Bill to provide a clear and lasting settlement, but I am deeply concerned that it would take devolution backwards and not provide anything like the stable solution that he is seeking. In fact, I agree with the view that the Bill may

[Gerald Jones]

be unworkable. We know that existing legislation sets out basic tests that the Assembly must meet before it can legislate—it must abide by EU law and the European convention on human rights. It is regrettable that the Bill increases the number of tests from nine to 13. It is clear to most people that that will make the work of the National Assembly more complicated and increase bureaucracy.

There is much wrong with the Bill, but I shall focus on the necessity tests. They appear throughout the Bill, but several legal experts have made the point that “necessity” has an array of different meanings in law. The unfortunate result of the necessity test would be that many more cases could end up in the Supreme Court to decide what “necessity” means. Clearly, that would slow down the Assembly’s work and would cost the taxpayer hugely. The reality would be the bizarre situation of the Supreme Court, rather than the elected National Assembly for Wales, deciding whether a law is necessary.

Chris Davies (Brecon and Radnorshire) (Con): Although I have missed some of this afternoon’s debate, for which I apologise, I have heard a lot about various legal jurisdictions—separate or whatever—and constant calls from Labour Members for a different jurisdiction. My hon. Friend the Member for Cardiff North, who has now disappeared from the room, spoke of how much time he has spent sitting in Committees, as have I. Those of us on the Select Committee heard from lawyers, academics and legal experts who constantly wanted a new jurisdiction in Wales, although they seem to be the only ones calling for it. We have heard from the Secretary of State that the senior legal people in this country do not recommend that. The general public in Aberavon and Brecon and Radnorshire do not want it, either.

The Chair: Order. The hon. Gentleman’s intervention is too long. He will have an opportunity to make a speech after Mr Jones has finished, should he so wish. Interventions should be short sentences.

Gerald Jones: I am not sure where the hon. Member for Brecon and Radnorshire was going with that. Clearly, we want a system that works and that provides a framework for moving the Assembly and devolution forward.

The Assembly’s Constitutional and Legislative Affairs Committee’s report on the draft Bill says:

“The necessity tests have elicited considerable reaction amongst those who have provided us with evidence and it is fair to say that these tests have received very little support.”

We should accept the principle that the Assembly should be able to legislate freely in the areas devolved to it without having to prove that its actions are necessary.

Stephen Crabb: There is nothing in the draft Bill that makes the Welsh Assembly consider whether legislating in a devolved area is necessary. This is about a spill-over effect in reserved areas impacting on England and the underlying principles of civil and criminal law. There is freedom to act as long as it can be satisfied that the impact is no greater than necessary. There is nothing about satisfying an overall test of whether legislating in a devolved area is necessary.

Gerald Jones: There are necessity tests throughout the Bill. Many existing Acts of the Assembly would not have been possible if the draft Bill had been in force. We should accept the principle that the Assembly should legislate freely in those areas that are devolved.

The Bill would be much easier to implement if the necessity test was taken out of it—I ask the Secretary of State to consider that—but, unfortunately, I am not filled with much confidence that that will happen. However, to be fair, the Secretary of State has indicated that this is a draft Bill and that he is listening to comments during pre-legislative scrutiny. After listening to the deliberations of not only the Welsh Affairs Committee, but those in all aspects of Welsh life, as my hon. Friend the Member for Llanelli mentioned, I hope that the Secretary of State will act accordingly.

3.24 pm

Hywel Williams (Arfon) (PC): It is a pleasure to serve under your chairmanship, Mr Hanson. I apologise to you and the Committee for my slightly late arrival; I was detained by the Prime Minister’s statement.

I thank the Secretary of State for allowing us this pre-legislative stage for discussion. The Bill has sparked some vigorous debates about what Wales’s constitutional position should look like, not just among politicians but in civil society, although possibly not for the people on the streets of Aberavon. I hope that we will have sufficient time to think about and discuss the draft and the responses to it, not least by bodies such as the Wales Governance Centre. I would like to thank the centre for its excellent and useful report that was launched in Parliament last night. I also look forward to the report by the Welsh Affairs Committee. The discussions will take place not only today and tomorrow, but through the next weeks and months, so that parliamentarians and, more importantly, the people of Wales can come to a considered view, not subject to the time constraints of a party or parties facing difficult Assembly elections.

While I am glad that legal issues around workability and drafting are under the spotlight before the Bill is published in full, we have not had adequate time to scrutinise in debate the policy areas in the list of reservations. Members have mentioned the lack of a guiding principle in the list, and that absence is fairly clear. As far as I know, little effort has been made to justify the reservations as a group and the principle behind them. However, they do need to be justified.

I will give a small and obscure example. Members will recall that this morning I asked the Secretary of State for the justification for retaining alcohol and entertainment licences, and I referred to schedule 1 referring to schedule 7A, and so on. I would like to tell the Committee a very brief story about the debates around the Licensing Act. At that time, a number of local licensees told me that they would like to apply for their licences in Welsh. I asked the Secretary of State for Culture, Media and Sport at the time whether application forms could be made available in Welsh. The Secretary of State, now safely ensconced in the upper echelons of the BBC—I think that is today’s equivalent of running away to sea—was embarrassed because he had no answer. He countered by offering me a meeting. At the meeting, I suggested the names of a number of translation companies, which could turn the forms around in a day. Inevitably, he said it was not as simple as that. It was

not a mere matter of translation. Eventually, Welsh forms turned up, some 18 months later, long after the aforementioned licensees had despaired, and had applied for and been granted the licences in English.

I doubt that the Cardiff Government would be remiss in the first place, but if they were, they would get their skates on. Yet now, apparently, alcohol and entertainment licences must be retained here, although licensing is a local authority function and local authorities work through the Welsh, not the UK, Government, in general. I do not why it is in the list unless it is because DCMS insists that it is.

When I asked the Secretary of State all those years ago why he had not ensured that Welsh forms were available, he eventually confessed that a mere 13 years after the advent of the Welsh Language Act 1993, after 13 years of apparently serving the people of Wales well, his Department—the Department for culture, for heaven's sake—still had no Welsh language plan. Is this the same Department that now insists that it retain the power over Welsh entertainment and alcohol licences, let alone S4C—I, of course, welcomed the announcement made today—or is the decision for our own Secretary of State?

There are many other points to be made. I will not repeat the words of my hon. Friend the Member for Dwyfor Meirionnydd about the true consensus that we achieved with Silk versus the Bill that is now before us, which has been called the lowest common denominator. However, I think it is clear that the erosion of the work of the Silk Commission has hampered the Secretary of State in his stated aim of achieving a long-term settlement.

Reference has been made to policing, and I note the concerns of the right hon. Member for Clwyd West. Policing was also referred to by the hon. Member for Montgomeryshire, who is no longer in his place. Policing is devolved in Scotland and in Northern Ireland, but it is reserved in Wales—I am not quite sure why. What makes it necessary to reserve policing in Wales when it is not necessary to do so elsewhere in the UK?

The hon. Member for Gower referred to the complexities of cross-border considerations. I just want to say that it would be for the Secretary of State to argue the case for reserving, and it is not for me to argue why that should not be. I would point out that the police forces themselves support the devolution of policing. The former chief constable of Gwent Police highlighted in her evidence to the Silk Commission the fact that the Home Office develops initiatives based on the English Partnerships landscape without considering the different landscapes in Wales. That intra-Wales issue could be addressed by the devolution of policing.

The crime priorities in Wales are different. England has a knife crime problem that has not affected Wales in the same way, but that dictates the priorities of the Welsh police forces regardless. Those police forces are unique within the UK because they are non-devolved bodies operating within a largely devolved public service landscape. In the usual way, it is a case of follow the money, and where does the money for the police come from? It tends to come, as we all know, from the Assembly itself.

The police are required to follow the agendas of two Governments—currently of a different political hue. To reserve policing prevents us from achieving greater clarity and efficiency by uniting devolved responsibilities such as community services, drugs prevention and safety

partnerships with those currently held by UK Government. In my view, that is linked to the question of legal jurisdiction. I will not rehearse the argument made by my hon. Friend the Member for Dwyfor Meirionnydd this morning, but the unified jurisdiction has been a block on progress.

I should like to consider briefly the reservations that we have about energy. Plaid Cymru compromised during the Silk Commission. We believe that full responsibility should be transferred to the Welsh Government, just as it is in Scotland, but in the interests of compromise, we agreed to support an arbitrary limit of 350 MW. We compromised on that in return for compromises elsewhere, but given that the report has been cherry-picked our compromise is now meaningless. We gave in, but we do not seem to be getting back. Under the current proposal, the Swansea bay tidal lagoon would fall within the remit of the National Assembly, but the proposed Cardiff and Colwyn bay lagoons would be a matter for this place.

Stephen Crabb: I find the point that the hon. Gentleman has made fascinating, because this is the first time that I have heard anyone who was involved with the Silk Commission describe a process of fudge and political compromise. I thought from previous contributions to the debate that the commission was characterised by high-minded principle, but the hon. Gentleman is saying that it was all a bunch of trade-offs to achieve consensus, which did not have the buy-in of Her Majesty's Government or of the official Opposition, so there was no great Silk consensus based on principle.

Hywel Williams: The principles of the Silk Commission and its recommendations are quite clear—further devolution—however, as the Secretary of State knows better than I, in the process of discussion people take positions on the basis of what is before them. We decided to compromise on our long-held belief that there should be no limits. There is an interesting case that illustrates why this might be so. In the village near the town where I live, near Caernarfon, there is a hydro-electric scheme. It was initially going to generate 49 MW, because at 50 MW it would have to come to the attention of the Department of Energy and Climate Change in Whitehall. When the limit was mooted to be 350 MW, the proposed capacity was immediately raised. What we have here is an example of legislation preventing economic development that we would all want to see—the production of green electricity—because of an arbitrary limit. That is one of the reasons why we did not want such an arbitrary limit, but it is now 350 MW, which we have agreed to.

I will not refer in any detail to the contribution of my hon. Friend the Member for Dwyfor Meirionnydd, excellent as it was. It was a model for first speeches in a Welsh Grand Committee and I am sure that it will repay close reading. She said that there was little shift in mentality. There has been a change, but not a change in the world view. We heard contributions from the hon. Members for Monmouth and for Wrexham, who discussed English votes for English laws. That is a problem. I raised a point of order in the Chamber when we were debating the student issue, asking how I would represent the thousands of English students who live in Bangor, many of whom voted for me, and who will be affected by that decision. They would be unrepresented, especially if the vote went a different way. That issue needs to be addressed.

[Hywel Williams]

I am suspicious about the suggestion from the hon. Member for Wrexham that we have a joint committee of Assembly Members and Members of Parliament, along with local councils in both Wales and in England. That would be a camel by design, but perhaps we could meet in Ludlow, as the Council of Wales and the Marches used to do. There are some excellent restaurants there, I am told, but even that could not attract me to the proposal.

The right hon. Member for Clwyd West said, quite rightly, that the powers model is not a panacea and needs to be discussed. I certainly agree about that. He did not believe, as I have said, that the Welsh Government should handle policing, and there is a debate to be had about that. The hon. Member for Torfaen made an interesting reference to horses—not camels—and he made a good point that there would be legal challenges daily, which is something that animates everyone on the Committee. We want a proper solution that would not be subject to the attention of the courts.

The hon. Member for Vale of Clwyd suggested that decisions made during the St David's day process were directed by what was in the press on that day. As a long-term politician, God forbid that we take any notice of the press at all. The hon. Member for Ceredigion said that clarity was at the heart of democracy, and I agree with him entirely, as I do on many matters. He also addressed the issue of a distinct jurisdiction. The hon. Member for Montgomeryshire decried the negative tone of the discussion. In last night's meeting to launch the report by the Welsh Governance Centre direct reference was made to the negative tone of the coverage of that report. Given that the press are not here, I might say that there was a direct reference to the *Western Mail's* completely negative coverage.

The Chair: Order. I am sorry to interrupt the hon. Gentleman. He will know that time is pressing, so I hope that he will conclude his speech shortly.

Hywel Williams: Thank you, Mr Hanson. I certainly needed that note of caution.

We heard contributions from the hon. Members for Swansea East, for Cardiff North, for Aberconwy, for Gower, and for Merthyr Tydfil and Rhymney, all of which will surely repay close attention.

Finally, there is a saying in Welsh, *tri chynnig i Gymro*—three chances or opportunities for a Welshman or, I might say, for a Welsh woman. Well, this is the fourth attempt at getting devolution right, and I am quite happy to allow a fifth. Wales must have an Assembly based on a fuller, clearer and more workable set of powers to make decisions for the people of Wales. The Secretary of State could call for a pause, and I think that I reflect the view of the Committee in saying that.

3.39 pm

Susan Elan Jones (Clwyd South) (Lab): It is a great pleasure to serve under your chairmanship, Mr Hanson.

It is fair to say that we have heard a range of insightful contributions from hon. Members, and it is quite clear that the Bill, as drafted, is flawed. All the contributions that we heard are worthy of serious consideration. The hon. Member for Dwyfor Meirionnydd spoke of the

Bill as a lawyers' playground, which is an alarming thought. The right hon. Member for Clwyd West decried the Bill's bolt-on approach and made some very serious points concerning the necessity test in schedule 2, describing it as a positive invitation to make more reference to the Supreme Court, which is very worrying. My hon. Friend the Member for Wrexham spoke in great detail about the whole dilemma of English votes for English laws, especially for Welsh Members of Parliament serving border constituencies. He also spoke of the need for a constitutional convention.

My hon. Friend the Member for Torfaen spoke of the many anomalies in the draft Bill, the possible dilemma concerning horses and the apparent threat to the United Kingdom. The hon. Member for Vale of Clwyd called for greater clarity about where powers are held. The last Liberal standing, the hon. Member for Ceredigion, spoke of the importance of clarity, of subsidiarity and, again, of the need for a constitutional convention. The hon. Member for Montgomeryshire, in a wide-ranging speech, urged the Secretary of State to look at a different list of reservations, but not, we hope, at more reservations.

My hon. Friend the Member for Swansea East, who serves on the Welsh Affairs Committee, spoke of many matters, including the necessity test. My hon. Friend the Member for Aberavon decried red tape—a view with which we would all agree—and spoke of many constitutional issues. The hon. Member for Gower requested fewer powers. My hon. Friend the Member for Merthyr Tydfil and Rhymney spoke of the fear of increased bureaucracy. The hon. Member for Cardiff North said that he was not excited about constitutional issues but volunteered to be on committees, which I think would make him an excellent representative, should we ever get to a constitutional convention. Finally, the Chair of the Welsh Affairs Committee, the hon. Member for Monmouth said that the idea that we can somehow scrap the Welsh Assembly is “long gone”, which I think, by his own standards, makes him *devo-philic*.

To be serious, however, today's debate has shown that the draft Bill is nowhere near commanding consensus. Before it was published there was cross-party agreement on the need to give greater powers to the Welsh Assembly. Indeed, before May's elections, all the main parties in Wales were agreed that we should move to a reserved powers model of devolution. As we have heard, the model proposed in this Bill is unclear, unworkable and unacceptable in that it rolls back the Assembly's powers. Many hon. Members have referred to the evidence of the Assembly's Constitutional and Legislative Affairs Committee. Its report is pretty incisive and damning, saying that

“the draft Bill neither meets the Secretary of State's aims of a stronger, clearer and fairer devolution settlement for Wales that will stand the test of time, nor the view expressed in his evidence to us that ‘the new reserved powers model provides the clarity the current model lacks.’”

The Bill seems to fail every test the Secretary of State has set. It will not make the settlement stronger because it takes power away from the Welsh Assembly.

As many witnesses said in their evidence to the Committee, this is a ridiculously long list of reservations that amounts to a power grab. It is pure Gilbert and Sullivan because they are on a list, and it would not be so bad if it were a little list, but it is ginormous: 34 pages of reservations and 267 separate powers. Therein lies

the problem. The Secretary of State failed to stand up to Departments to ensure a rational basis to the reservations. As a consequence, if the Bill were passed, the Assembly would end up with fewer powers than it currently has. The Bill will not make the settlement clearer either, because, as Members have highlighted today, the so-called necessity tests introduce serious complexity that could be resolved only by the Supreme Court. It would be time-consuming; it would be costly to the taxpayer, and it would lead to the unacceptable situation whereby judges, as opposed to the democratically elected Assembly Members, are deciding whether Acts of the Assembly are necessary. The tests amount to a significant roll-back of the Assembly's powers, and hardly anybody is prepared to defend them.

The Bill will not make the settlement fairer, for, as well as depriving the Assembly of many important powers that it already has, it introduces a wide-ranging English veto on Welsh laws. Ministers in Whitehall will be able to block legislation that they do not agree with, even if it relates only incidentally to a Minister of the Crown's powers.

The Bill as drafted will not stand the test of time. Indeed, it has not even stood up to the scrutiny we have given it today. We all agree that we need a lasting settlement that provides certainty about the Assembly's powers, but this is not it. The Bill is so fatally flawed that if it were passed in anything like its current form, there would undoubtedly be a need for another Bill in the very near future, which takes us back to "The Mikado".

Today's debate has not only highlighted the serious flaws in the Bill, but spelled out the changes that must be made for it have cross-party support—which is what we want—both here and in the Assembly. As my hon. Friend the shadow Secretary of State said this morning, we will not support the Bill unless it is radically amended. We cannot support it in its current form, because we believe in an Assembly with greater powers. Our party created the Welsh Office in the 1960s and established the Welsh Assembly and gave it greater powers through the 2006 Act, so we will not vote for a Bill that leaves the Assembly with fewer powers than it has at present. The people of Wales will not stand for that, and neither will we.

I thank everyone who has contributed to the debate.

Jonathan Edwards: I hope you will forgive me, Mr Hanson, but in my old age my approach to politics is getting cynical. I think that what really concerns the Labour party is not the roll-back of powers, but the possible inclusion of fiscal powers—income tax sharing powers—in the Bill. Will the hon. Lady make a commitment that, if the Secretary of State moves on some of the rolled-back powers, the Labour party will support a Wales Bill that proposes more fiscal powers for Wales?

Susan Elan Jones: Let me be clear: the Labour party in Wales has always supported a fair funding settlement for Wales. We will not settle for rhetoric—[*Interruption.*]

The Chair: Order.

Susan Elan Jones: We will not settle for rhetoric when what we want is fair funding for the people of Wales and proper funding for services. We will not vote for a Bill that leaves the Assembly with fewer powers than it has at present, because that is not acceptable.

Wrth orffen, hoffwn fynegi fy siom mai Saesneg yw'r unig iaith a ganiatawyd yn y Pwyllgor yma heddiw. In finishing, I would like to express my disappointment that English is still the only language permissible in this Committee. I have raised the issue with the Leader of the House and have written to the Chair of the Procedure Committee. It is not acceptable in this day and age, when Wales has two official languages, that we are allowed to use only the English language in our proceedings here.

3.48 pm

The Parliamentary Under-Secretary of State for Wales (Alun Cairns): Thank you, Mr Hanson, for chairing this Welsh Grand Committee so ably, and I echo the comments that have been made about Mr Owen, who chaired this morning's sitting. I thank right hon. and hon. Members for their contributions and for the largely positive way in which the debate has been conducted. We have had the odd tense moment, but there has been a remarkable change in the culture of the Welsh Grand Committee, certainly compared with some of the sittings I attended in the past.

As the Secretary of State said at the outset, we want a constructive debate about the draft Wales Bill, to inform the improvements we will make before the Bill is introduced. The Committee has certainly agreed about the principle involved, but there has been some disagreement about the detail and the wiring, to use a phrase used by the Secretary of State. That only underlines how complex and difficult this process is. Some of the suggestions we have heard—I will come to them in a moment—are flawed.

According to many members, the answer is to call for a constitutional convention. My hon. Friend the Member for Montgomeryshire said that that could well be a method of kicking the matter into the long grass. There is only one example in modern history of a convention or a commission to examine the UK settlement: the Kilbrandon Commission. It was set up by Harold Wilson in April 1969 and it reported in October 1973. It had 16 volumes, 10 research papers and it ended inconclusively. That is a warning that some hon. Members may wish to bear that in mind when they call for a constitutional convention. It does not address the fundamental issues that we are trying to resolve.

Stephen Kinnock: I agree that we cannot just press "pause" on the world and wait for a constitutional convention. However, there is no reason why such a convention could not be started while we deal with some of the urgent issues that need to be tackled. The argument that, because something may not have worked in the past, it should not be tried in the present is deeply reactionary. I hoped that a more progressive point of view would be expressed.

Alun Cairns: I am grateful for that point, which I accept in the spirit that the hon. Gentleman intended. I intended partly to give a light-hearted example of a constitutional convention, and partly to probe the motives of some who call for such a convention to ascertain whether they really want a Bill.

Mr David Jones: I fully appreciate my hon. Friend's point. We do not want a talking shop that goes on for years. I also understand his possible suspicion of Members of other parties, such as the First Minister of Wales. However, given that Lord Norton of Louth, who is a

[Mr David Jones]

well-respected Conservative peer, is calling for a constitutional convocation, should not the Wales Office at least consider that?

Alun Cairns: Certainly, the Wales Office and the Government will listen to all the points that are expressed, but I was merely highlighting the one example that we have in modern history of a constitutional convention and how complicated that became to give a context for the difficulty of trying to resolve some of those issues.

I remind people who have been extremely critical of the draft Bill, the St David's day agreement and the process that the Secretary of State undertook, of the Richard Commission and the amount of time that that spent, only to be rejected by the Government of the day. That left us with a complex situation and the LCO mechanism. How many of us remember how complicated that was, whether we were in the Assembly or in Westminster? It is therefore a bit rich for some people to suggest that there is a simple and straightforward way of resolving the issues. We are keen to listen to and develop the debate, and the draft Bill was published in that spirit.

To underline the points that were made at the outset, there is a lot of rhetoric and misunderstanding. Some comments that have been made in Committee are simply inaccurate. I will pick up on some of them shortly, including those made by the hon. Member for Clwyd South. The draft Bill is ambitious and extends significant amounts of new powers to the Assembly. Matters that have been raised—be it the necessity test or the consents—are not about limiting Assembly powers. There is no Machiavellian plot to clip the Assembly's wings. It is about giving the Assembly the powers, with two Governments that have responsibility for matters that relate to Wales: the legitimate Welsh Government, who will have legitimate powers over devolved matters, and the UK Government. Who knows? In the long-term future, there may be a Labour Administration, although I do not expect that to happen for at least another two or three general elections. However, in future, Opposition Members in this Committee Room, who may be Ministers in such an Administration, could be grateful for the powers that the Bill will grant to marry the interface between Wales and the UK Government.

Not unexpectedly, several Members raised the necessity test, and I will not have time to go round all those who mentioned it. Let me clear up the misunderstanding that exists. The necessity test applies only when the Assembly seeks to legislate in relation to England, in relation to reserved matters and in relation to underlying principles of criminal and private law. It has nothing to do with the Welsh Government legislating in Wales on a devolved matter. The necessity test is about when something touches reserved matters and matters that could be deemed to be the responsibility of the UK Government.

I will give a practical, straightforward example relating to the education of a child with special educational needs. If that child, from Wales, is being educated in a school in England, Estyn would naturally have the responsibility for inspecting the provision for that child in the school in England. It would not have the authority to close the school in England, because that would be a matter for the UK Government, but it would have the power to go to that school in England. The necessity test is about making the Welsh legislation effective when

it crosses the English border. That is one practical example: there are a whole host of higher education institutions that have bases in England. The necessity test is about making the Welsh legislation effective as it applies to England. That is the scope and the scale of the necessity test. It is about enforcing legislation made by the Assembly.

Nick Thomas-Symonds: Can the Minister confirm that that necessity test is taken from Scots law, where it is used in far narrower circumstances? Ministers are trying to massively broaden it in the Welsh context. Will he confirm that that is the case? Because it is.

Alun Cairns: I am grateful to the hon. Member for Torfaen. The reason I highlighted that practical example was to reject completely some of the accusations that have been made in a number of speeches about not granting the Welsh Government the powers to act in those devolved areas. The hon. Member for Torfaen made a point about legislation relating to horses. That is absolute nonsense as the Bill is drafted.

Nick Thomas-Symonds: Will the Minister give way?

Alun Cairns: I would like to give way, but in the limited time I have left I will not. I will happily write to the hon. Gentleman and share with any other interested hon. Member why the example relating to horses is not relevant. I apologise, but I have two minutes left and I want to talk very briefly about the "separate" and "distinct" jurisdictions.

The hon. Member for Dwyfor Meirionnydd came forward with the very practical suggestion of having the "distinct" jurisdiction governed by the geographical border. However, that in itself curtails the powers of the Assembly when it is enacting legislation in relation to England. That is an example of the complexity here: should we pursue the model presented by the hon. Member for Dwyfor Meirionnydd, we would roll back powers. This complexity explains why we are trying to tease out these issues, so that we can bring forward amendments that will work for Wales, but will also work for the UK Government.

In the minutes that remain, I want to talk about the Crown consents, the so-called English veto. I absolutely reject the accusations and the phrase. More than 50 legislative consent motions have been agreed between the UK Government and the Welsh Government over the past five years when the UK Government have touched devolved responsibilities. That is the responsibility of a mature Administration. If the Welsh Government want to act on non-devolved responsibilities, quite clearly a Crown consent would be the mature, natural approach to follow. If it works, and legislative consent motions have worked well over the past five years, in a mature debate, why cannot that work in the other way? The suggestions of rejecting and opposing them would be to grant the Welsh Government powers extending well beyond any other settlement. I do not think that that is what the Labour party wants and it is certainly not what the Conservative party wants. Plaid Cymru might want that, but it has a respected position, which is to seek independence. I do not think it is what the Labour party or the Government want.

The Chair: Order. Time has beaten us.

4 pm

Committee adjourned without Question put (Standing Order No. 116(5)).



Ein cyf/Our ref MA-L/MD/0296/15

David Melding AC
Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF99 1NA

26 Ionawr 2016

Annwyl David

Bil Iechyd y Cyhoedd (Cymru)

Diolch unwaith eto am yr ystyriaeth y mae eich Pwyllgor wedi'i rhoi i Fil Iechyd y Cyhoedd (Cymru) yn ystod Cyfnod 1. Cadarnheais yn ystod y ddadl ar Egwyddorion Cyffredinol y Bil ar 8 Rhagfyr y byddwn yn rhoi ymateb penodol i adroddiad y Pwyllgor a'i naw argymhelliad. Rwy'n gobeithio bod y wybodaeth a ddarparwyd yn dangos yr ystyriaeth ofalus sydd wedi cael ei roi i bob un ohonynt.

Rwyf yn anfon copi o'r llythyr hwn at David Rees AC, Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol.

*In gywir,
Mark*

Mark Drakeford AC
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

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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.

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.

Ymateb i Adroddiad Cyfnod 1 y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ar Fil Iechyd y Cyhoedd (Cymru)

Yr wyf yn diolch i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ar gyfer ei ystyriaeth fanwl o Fil Iechyd y Cyhoedd (Cymru). Yr wyf wedi ystyried pob un o argymhellion y Pwyllgor a wyf yn ymateb yn unol â hynny.

Mae **Argymhelliad 1** yn ymwneud â diffiniadau sy'n ymwneud â gweithleoedd a fyddai'n ofynnol o dan y Bil i fod yn ddi-fwg. Bu'r Pwyllgor cyflwyno dau awgrym eraill ar gyfer diwygiadau i'r Bil ar y pwynt hwn. Yr wyf yn **derbyn** yr ail o'r dulliau a awgrymwyd gan y Pwyllgor, ac rwyf wedi cyflwyno gwelliant i fynnu bod rheoliadau a wnaed i ddiffinio'r hyn a olygir gan "gaeedig" a "sylweddol gaeedig" i fod yn amodol ar y weithdrefn gadarnhaol. Fy marn gyffredinol, fel yr amlinellais eisoes i'r Pwyllgor, yw bod y diffiniad o "caeedig" a "sylweddol gaeedig" yn ddarpariaeth dechnegol allai angen ei at ddiwygio yn y dyfodol, ac felly mae'n briodol i ymdrin â hwy mewn rheoliadau. Yr wyf, fodd bynnag, yn hapus i roi sicrwydd ychwanegol i'r Aelodau drwy ddefnyddio'r weithdrefn gadarnhaol i'r rheoliadau, a hyderaf y bydd y Pwyllgor yn cael ei fodloni drwy ymagwedd hon.

O ran **Argymhelliad 2**, lle mae'r Pwyllgor yn argymhell diwygio adran 12 i egluro y bydd awdurdodau cyhoeddus awdurdodau gorfodi o dan Bennod hon o'r Bil, yr wyf yn **derbyn yr egwyddor** yr argymhelliad. Yr wyf yn fodlon ailadrodd y syniad rhoddais wrth ddarparu tystiolaeth i'r Pwyllgor y bydd awdurdodau cyhoeddus yr asiantaethau gorfodi. Fodd bynnag, ni allaf ymrwymo i ddiwygio'r Bil ar y pwynt hwn, gan y byddai ei angen yn gyntaf rhagor o waith o gwmpas y diffiniad o "awdurdodau cyhoeddus". Y bwriad yw i ddynodi cynghorau sir a chynghorau bwrdeistref sirol (awdurdodau lleol) fel awdurdodau gorfodi ar gyfer gorfodi gofynion di-fwg mewn mangreuedd cyhoeddus a gweithleoedd, yn ogystal ag unrhyw fangre ddi-fwg ychwanegol. Fodd bynnag, gall yr sefyllfa codi mewn rhai achosion lle bydd yn ddefnyddiol i dynodi awdurdodau gorfodi ychwanegol: er enghraifft, yr heddlu yn cael eu dynodi ar gyfer gorfodi'r ein rheoliadau ar ysmegu mewn ceir sy'n cludo plant, a ddaeth i rym y llynedd. Wrth ystyried unrhyw ddiwygiad posibl i'r Bil, felly, byddai angen i mi fod yn fodlon na fyddai'r dull hwn o weithredu yn atal awdurdodau gorfodi priodol eraill rhag cael ei ddynodi, os oes angen.

Argymhellion 3, 4 a 7, tra'n ymwneud â gwahanol rannau o'r Bil, mae pob un yn rhoi galwad i ddiwygiadau gael eu gwneud sy'n gofyn i Weinidogion Cymru i ymgynghori ar reoliadau sy'n gael eu gwneud o dan adrannau penodol o'r Bil. Mae fy dull gweithredu cyffredinol ac gan Llywodraeth hon i ymgynghori cyn cyflwyno deddfwriaeth sylfaenol ac eilaidd i mewn i'r Cynulliad. Felly roedd yn wastad fy mwriad i ymgynghori ar y rheoliadau a gwmpesir gan yr argymhellion hyn. Fodd bynnag, er mwyn rhoi mwy o hyder i Aelodau, yr wyf yn hapus i **dderbyn** y tri argymhelliad a rwyf wedi cyflwyno wellianau sy'n gofyn i Weinidogion Cymru, cyn gwneud rheoliadau o dan adran 23(3), adran 40(2) ac adran 76(1), i ystyried a oes bersonau cynrychiadol sy'n debygol o gael eu heffeithio gan y rheoliadau, ac i gynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru o'r farn ei bod yn briodol ymgynghori â hwy. Byddai reoliadau o dan adrannau hyn yn ymwneud â ffurf a phroses o wneud cais i'w gofnodi yn y gofrestr o fanwerthwyr tybaco a cynnyrch nicotin, gan ychwanegu troseddau newydd i'r gyfundrefn Gorchymyn Adeiladau Cyfyngedig, a diwygio'r rhestr o weithdrefnau arbennig a gwmpesir gan y system drwyddedu a gyflwynir gan y Bil.

Mewn perthynas â gweithdrefnau arbennig, rwyf wedi ystyried yn ofalus **Argymhelliad 5**. Mae'r galw am welliannau i gynnwys rhai meini prawf craidd sylfaenol ar gyfer trwyddedu yn adran 51, a rhai amodau craidd sylfaenol yn adran 52. Rwyf wedi dod i'r casgliad yr wyf yn fodlon **derbyn** yr argymhelliad hwn ac rwyf wedi cyflwyno gwelliannau i osod rhai pynciau craidd ar wyneb y Bil, y meini prawf y mae'n rhaid ei wneud i'r rheoliadau a wnaed ar amodau'r trwyddedau. Bydd y pynciau yma yn cynnwys, er enghraifft, mesurau rheoli haint a gofynion cadw cofnodion. Wrth wneud hyn, byddaf hefyd yn cadw'r dull presennol a gymerir yn y Bil sy'n galluogi Gweinidogion Cymru i ddefnyddio rheoliadau i ddatblygu meini prawf ac amodau trwyddedu wedi'i deilwra ar gyfer gweithdrefn arbennig unigol, y lleoliad y mae'n cael ei arfer o, ac ar ba sail y mae'n cael ei berfformio. Mae'r arfer o weithdrefnau arbennig yn amrywio'n sylweddol, ac felly mae'n bwysig bod y meini prawf trwyddedu yn cael eu datblygu i ystyried yr amrywiant. Er enghraifft, rhagwelir y bydd y gofynion yn wahanol ar gyfer ymarfer tatwio o un safle i'r rhai ar gyfer ymarferydd sy'n ymarfer aciwbigo peripatetig. Bydd y dull gweithredu wyf yn cymryd mewn ymateb i'r argymhelliad hwn hefyd yn ceisio mynd i'r afael ag argymhelliad y Pwyllgor Iechyd a Gofal Cymdeithasol (Argymhelliad 5 o'i adroddiad).

Mae **Argymhellion 6 ac 8** yn galw am welliannau gael eu gwneud i'r Bil i gymhwyso'r weithdrefn gadarnhaol at wneud rheoliadau o dan adran 58(6) ac adran 77(1). Mae'r rheoliadau hyn yn berthnasol i eithrio eiddo neu gerbydau penodol o ofynion cymeradwyaeth ar gyfer y perfformiad o weithdrefnau arbennig, ac i ymestyn y diffiniad o "tyllu'r corff". Yr wyf yn fodlon **derbyn** y ddau argymhelliad ac rwyf wedi cyflwyno gwelliannau i'r perwyl hwn. Mewn perthynas ag adran 77(1) yn benodol, gallaf hefyd cadarnhau fy mod eisoes wedi cyflwyno gwelliant i egluro ymhellach y diffiniad o "tyllu'r corff" o fewn y Bil, ac i sicrhau bod y diffiniad yn cipio ar yr atodiad i, mewdblannu, neu gael gwared â gemwaith neu wrthrychau o gorff unigolyn.

Mae **Argymhelliad 9** yn galw am welliant i gymhwyso'r weithdrefn negyddol â gorchmynion cychwyn sy'n cynnwys darpariaeth drosiannol, ddarfodol neu arbed, a wnaed yn unol ag adran 101(3)(b). Yr wyf yn **gwrthod** yr argymhelliad hwn gan nad yw gwneud gorchmynion cychwyn fel arfer yn ddarostyngedig i unrhyw weithdrefn, gan eu bod yn dod i rym yr hyn y mae'r Cynulliad Cenedlaethol eisoes wedi cymeradwyo. Ni welaf unrhyw reswm, felly, i wyro oddi wrth y confensiwn presennol mewn perthynas â gorchmynion cychwyn.

Eitem 6.1

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Eitem 6.2

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon