

Y Pwyllgor Cyllid

Lleoliad:

Ystafell Bwyllgora 2 – y Senedd

Dyddiad:

Dydd Mercher, 25 Chwefror 2015

Amser:

09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

Bethan Davies

Clerc y Pwyllgor

0300 200 6565

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Agenda

- 1 Cyflwyniadau, ymddiheuriadau a dirprwyon (09:00)**
- 2 Papurau i'w nodi (09:00–09:05) (Tudalennau 1 – 84)**
- 3 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol: (09:05)**
Eitemau 4, 5, 6, 7, 8, 10, 12 ac Eitemau 1 a 2 ddydd Iau 5 Mawrth
- 4 Arferion Gorau o ran y Gyllideb: Ystyried yr adroddiad drafft (09:05–09:25)**
- 5 Penodi Aelodau anweithredol Bwrdd Swyddfa Archwilio Cymru (09:25–09:30)**
- 6 Ystyriaeth gychwynnol o'r Bil Rhenti Cartrefi (Cymru) (09:30–09:40)**
(Tudalennau 85 – 90)

7 Amcangyfrif Atodol Swyddfa Archwilio Cymru ar gyfer 2014–15
(09:40–09:50) (Tudalennau 91 – 102)

8 Cyllideb Atodol Comisiwn y Cynulliad ar gyfer 2014–15 (09:50–10:00)
(Tudalennau 103 – 119)

9 Ail Gyllideb Atodol Llywodraeth Cymru ar gyfer 2014–15 (10:00–11:00) (Tudalennau 120 – 166)

Jane Hutt AC, y Gweinidog Cyllid a Busnes y Llywodraeth

Gawain Evans, Dirprwy Gyfarwyddwr Rheoli Ariannol, Llywodraeth Cymru

Matt Denham-Jones, Pennaeth Rheoli a Chofnodi Cyllidebau, Llywodraeth Cymru

10 Ail Gyllideb Atodol Llywodraeth Cymru ar gyfer 2014–15: Trafod y dystiolaeth (11:00–11:15)

11 Ystyried pwerau: Ombwdsmon Gwasanaethau Cyhoeddus Cymru: Sesiwn dystiolaeth 4 (11:15–12:15) (Tudalennau 167 – 186)

Lyn Cadwallader, Prif Weithredwr Un Llais Cymru

Steve Thomas, Cymdeithas Llywodraeth Leol Cymru

Daniel Hurford, Cymdeithas Llywodraeth Leol Cymru

12 Ystyried pwerau: Ombwdsmon Gwasanaethau Cyhoeddus Cymru – trafod y dystiolaeth (12:15–12:30)

Finance Committee

Meeting Venue: **Committee Room 3 – Senedd**

Meeting date: **Wednesday, 4 February 2015**

Meeting time: **09.00 – 12.14**

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This meeting can be viewed on [Senedd TV](http://senedd.tv/en/2650) at:
<http://senedd.tv/en/2650>

Concise Minutes:

Assembly Members:

Jocelyn Davies AM (Chair)
Peter Black AM
Christine Chapman AM
Mike Hedges AM
Alun Ffred Jones AM
Ann Jones AM
Julie Morgan AM
Nick Ramsay AM

Witnesses:

Jim Martin, Scottish Public Services Ombudsman
Simon Rogers, Welsh Independent Healthcare Association
Sally Taber, Welsh Independent Healthcare Association

Committee Staff:

Bethan Davies (Clerk)
Leanne Hatcher (Second Clerk)
Tanwen Summers (Deputy Clerk)

1 Introductions, apologies and substitutions

1.1 The Chair welcomed Members to the Meeting.

1.2 There were no apologies.

Tudalen y pecyn 1

2 Papers to note

2.1 The papers were noted.

3 Welsh Tax Forecasts: Evidence Session 1

3.1 The Committee took evidence from Robert Chote, Chairman and Jon Riley, Senior Analyst for the Office for Budget Responsibility via Video Conference.

3.2 The Committee agreed to write to the Office for Budget Responsibility for clarification on how they calculate Landfill tax.

4 Consideration of Powers: Public Services Ombudsman for Wales: Evidence Session 2

4.1 The Committee took evidence from the Scottish Public Service Ombudsman on its inquiry.

4.2 The Ombudsman agreed to provide the following:

- Records of press coverage and statistics around the governance of the complaints handling process.

5 Consideration of powers: Public Services Ombudsman for Wales: Evidence Session 3

5.1 The Committee took evidence from Simon Rogers – Chair, Welsh Independent Healthcare Association and Sally Taber – Director of Independent Healthcare Advisory Services, Welsh Independent Healthcare Association.

5.2 The Healthcare association agreed to provide the following:

- Briefing on complaint trends that will feature in the forthcoming ISCAS annual report.
- A copy of last year's annual report for Members' information.
- Share a paper ISCAS has produced in conjunction with the Department of Health.

6 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

6.1 The motion was agreed.

7 Consideration of powers: Public Services Ombudsman for Wales: Discussion of evidence

7.1 The Committee considered the evidence received.

8 Consideration of Scoping Papers

8.1 The Committee considered the scoping papers and agreed a way forward.

9 Consideration of Paper on Assembly Week 2015

9.1 The Committee considered a paper on Assembly Week 2015.

**Follow up paper subsequent to evidence provided
by the Public Services Ombudsman for Wales to
the National Assembly for Wales's Finance Committee
at its meeting on 21 January 2015**

1. Introduction

1.1 At its meeting on 21 January 2015, the Finance Committee took evidence from me in relation to proposals for amendments to the Public Services Ombudsman (Wales) Act 2005. At that meeting the Committee asked that I provide further information as follows:

- examples of where own-initiative powers have been used well in other countries;
- details of the relationship between the Scottish Complaints Standards Authority and the rest of the Scottish Ombudsman's office.

1.2 The further information requested on these matters is provided below.

2. Own Initiative Powers in Other Countries

2.1 Following the Committee's request, I contacted colleague ombudsmen in other countries asking them for their experiences in relation to the use of own initiative powers. A number of ombudsmen during their responses commented that they have always had own initiative powers; this included the Swedish Ombudsman, the first ever ombudsman institution, saying that they have had this power since 1809.

2.2 Also from the responses I received, comments were made as to how they may identify an area which warrants an own initiative investigation by the ombudsman. These include:

- during the investigation of a complaint made to the ombudsman, other anomalies are identified whereby the ombudsman finds reason to extend an investigation;
- from a number of investigations indicating that there could be a more widespread national problem;
- in areas where citizens are vulnerable and there is a little tradition of them lodging complaints;
- anonymous letters are received providing information;
- matters are brought to the ombudsman's attention from other authorities;
- concerns come to the ombudsman's attention via the media.

Equally, responses I have received have made the point that the ombudsman does not initiate such an investigation without good reason.

- 2.3 Whilst own initiative powers are common internationally, the jurisdictions of ombudsmen schemes differ and it is not always possible to make direct comparisons with my jurisdiction as Public Services Ombudsman for Wales. However, some examples of own initiative investigations and their outcomes can be found below:

Malta – The Ombudsman conducted an own investigation into the waiting times at the Accident and Emergency Department at the General Main Hospital. The outcome was an improvement in the patient registration and screening procedures, resulting in a reduction in waiting times.

Latvia - Attention was given to a matter arising from a number of concerns about access to universal free education for children. Following his own initiative investigation, the ombudsman found that the right to education without charge was not being fully complied with and that what was happening in reality did not ensure equal rights and access to education, as provided for by the laws and regulations in Latvia. Following the Ombudsman's investigation into this area, the Education Law was changed in 2013 to clarify the position concerning the acquisition of teaching materials and aids. Subsequently, the Ombudsman asked schools to inform parents of pupils before the beginning of the school year for 2013/14 that the school would provide them with all learning materials (including workbooks) necessary for their child's education programme and that parents did not need to buy them.

Greece – The Ombudsman conducted an investigation concerning four Roma settlements and problems of social friction. The particular aim of the Ombudsman was to resolve issues concerning cases of social exclusion, addressing them in relation to the implementation of Greece's national plan for the integration of the Roma community.

Ontario, Canada – The Ombudsman decided to undertake an investigation concerning parents having to 'abandon' their disabled children. This arose from six initial complaints. At the time the Ombudsman announced the investigation he invited the public to come forward with any information that might assist him. The response from parents and professionals who had experienced this situation first hand was overwhelming. Approximately 90 families, all of whom had at least one special needs child, were among those who contacted the office. Many had either given up their child to a children's aid society or were contemplating doing so. The Ombudsman concluded that the Ministry of Children and Youth Services had failed to ensure that parents of children with severe disabilities were not forced to relinquish custody to Children's Aid Societies in order to receive necessary residential placements and that this was unjust. He made a number of recommendations to address this. As a result of the investigation, custody was returned to 68 families who had surrendered disabled children to Children's Aid Societies because they could not afford to care for them.

Ontario, Canada - Child care arrangements came to the Ombudsman's attention when, over a seven-month period in 2013/14, four young children died in unlicensed child care settings in the greater Toronto area. The Ombudsman launched an investigation. Following the Ombudsman's public announcement of his intention to conduct the investigation, 22 people contacted his office to comment about unlicensed daycares. Two were parents who expressed concerns about unlicensed operations where they had placed their children.

The investigation resulted in an unprecedented 113 recommendations. Some were addressed to the Government of Ontario, whose co-operation was necessary if modernisation of the legislative framework for monitoring unlicensed child care was to move forward. Many were focused on improvements in the Ministry of Education's administration of the system for responding to complaints about illegal caregivers. The Ministry accepted all of the Ombudsman's recommendations and provided a detailed response to them. It has already worked to implement them and has committed to providing the Ombudsman with half-yearly updates on its progress. It is hoped that implementation of the Ombudsman's recommendations will lead to a more rigorous, proactive, and risk-based system for monitoring unlicensed child care in Ontario that will better protect the interests of children and their families.

Finland – It had come to the Ombudsman's attention from a complaint made to him that a round-the-clock on-call dental service was not available in the Helsinki Metropolitan Area. He pointed out that under the law, a patient in need of urgent treatment, including oral health care, had to receive treatment at once. The Ombudsman was concerned that there may be similar problems in the rest of country and, in this instance, asked the National Supervisory Authority for Welfare and Health to examine how the right of patients to urgent oral health care was being safeguarded in various parts of Finland. As a result of the Ombudsman widening out the attention to this area of concern (beyond the individual complaint that he had received) a Government Decree resulted, which stipulates the details of what must be done in relation to organising on-call dental care.

Finland - The Ombudsman decided to look into a matter concerning circumstances where basic education had not been provided for all school-age children, because they were not domiciled in a municipality in Finland. In addition to so-called 'paperless children', the children of people who, for example, were in Finland to work or study or were asylum-seekers may have no municipality of domicile. This lack of basic education provision was in violation of the Constitution and the Convention on the Rights of the Child. The obligation to provide basic education that the Basic Education Act imposed on municipalities was broad. The Act did not require that a child be permanently resident in a municipality or that the municipality should, under the Municipality of Residence Act, determine the child's municipality of domicile. The Ombudsman emphasised that everyone had a right under the Constitution to cost-free basic education and pointed out in addition obligations enshrined in the UN Universal Declaration of Human Rights and the UN Convention on the Rights of the Child.

The relevant Government Ministry expressed the view that the problems had been caused by an erroneous interpretation of the Act and decided to issue guidelines to municipalities and regional administrative authorities to ensure that they interpreted the legislation correctly. In addition, the Ministry reported that it would arrange a round of training in various parts of the country in the early part of 2014.

3. The Scottish Ombudsman and the Complaints Standards Authority


- 3.1 In relation to details of the relationship between the Scottish Complaints Standards Authority and the rest of the Scottish Ombudsman's office, the Public Services Reform (Scotland) Act 2010 ('the PSR Act') gave the Scottish Public Services Ombudsman (SPSO) new responsibilities and powers in relation to complaints handling. Specifically, it amended the Scottish Public Services Ombudsman Act 2002 to give the SPSO a new role to oversee the development of standardised model complaints handling procedures for listed authorities (including local authorities, the NHS, Registered Social Landlords, colleges and universities, Scottish Government, Scottish Parliament and associated bodies). The PSR Act also requires the SPSO to monitor and promote best practice in complaints handling.
- 3.2 The SPSO established the Complaints Standards Authority (CSA) in October 2010 to work closely with public bodies to standardise and simplify complaints handling procedures and to help drive improvement. The overall aim of the CSA is to improve complaints handling to ensure that complaints are handled more simply, more effectively and more consistently, and are resolved at the first point of contact, wherever possible.
- 3.3 The CSA is part of the Scottish Ombudsman's office and the staff are employed directly by the Ombudsman. Effectively, the CSA is a team within the Scottish Ombudsman's office and the SPSO and is responsible to Parliament for its activities, budgets etc. The CSA forms one element of the SPSO's overall budget.

Nick Bennett
Public Services Ombudsman for Wales
6 February 2015

Our ref: NB/SMH

Ask for: Susan Hudson

Your ref:

 01656 641153

Date: 18 February 2015

 susan.hudson@ombudsman-wales.org.uk

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

Dear Jocelyn

Inquiry into the Consideration of Powers: Public Services Ombudsman for Wales

Thank you for your letter dated 6 February 2015, which set out areas where you and the Committee would like further information.

In particular, you asked that I provide by 18 February further details and comments concerning:

- the proposals for extending the Ombudsman's jurisdiction to include private health services when a patient has received a combination of public healthcare and private health care (not commissioned by the NHS);
- evidence provided to the Committee on 4 February by the Independent Sector Complaints Adjudication Service (ISCAS), which operates a three-stage complaints code of practice across the UK independent healthcare sector.

Accordingly, I attach a paper addressing the above issues.

Yours sincerely



Nick Bennett
Ombudsman

Enc

Inquiry into the Consideration of Powers: Public Services Ombudsman for Wales

**Paper subsequent to evidence provided
by the Public Services Ombudsman for Wales to
the National Assembly for Wales's Finance Committee
at its meeting on 21 January 2015**

Private Healthcare

1. Types of Private Health Care Complaints

- 1.1 Further to my appearance before the Finance Committee on 21 January 2015 and subsequent evidence the Committee has heard from other parties, I am happy to provide clarification on the extension to jurisdiction that I am seeking in relation to private health care.
- 1.2 I confirm that I am seeking powers for the Public Services Ombudsman for Wales to be able to look into care and treatment provided by a private health care provider where that care/treatment has stemmed from the NHS, or has been a part of a person's health care pathway which has also involved the NHS. I would anticipate that invariably the types of complaints that the PSOW would wish to look into would arise from hospital health care provision that has been provided as the result of an originating GP referral.
- 1.3 In this regard, I am seeking that the Public Services Ombudsman for Wales should be able to have the discretion to consider complaints from members of the public who have received treatment at an 'Independent Hospital' as defined by the Care Standards Act 2000, which is as follows:

"Independent Hospital" (except in the expression health service hospital) means—

- (a) an establishment —
 - (i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
 - (ii) in which (whether or not other services are also provided) any of the listed services¹ are provided;

¹ As defined in s 2(7) of the Care Standards Act 2000 - medical treatment under anaesthesia or sedation; dental treatment under general anaesthesia; obstetric services and, in connection with childbirth, medical services; termination of pregnancies; cosmetic surgery and treatment using prescribed techniques or prescribed technology as defined in regulations.

- (b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983.

For the avoidance of doubt, I am seeking that this should include the private practice of health professionals (including private units) conducted on the premises of NHS organisations, who invariably under contractual arrangements with the NHS have access to NHS staff and facilities.

- 1.4 I should perhaps also note that independent palliative care has, of course, already been brought into the Ombudsman's jurisdiction by virtue of the Social Care and Well-being (Wales) Act 2014.
- 1.5 I confirm that I am **not** seeking powers to look into complaints about other types of businesses also classified as private health care providers, such as beauty parlours, tattoo parlours etc.

2. Differences between the Public Services Ombudsman for Wales (PSOW) and Independent Healthcare Sector Complaints Adjudication Service (ISCAS)

- 2.1 The possibility of sharing information between ISCAS and the PSOW was also raised during an evidence session of the Finance Committee. Whilst ISCAS could share information with the PSOW, the circumstances where the PSOW can share information obtained by the Ombudsman is restricted to the circumstances set out in section 34X of the Public Services Ombudsman (Wales) Act 2005 and because the Act specifies that all investigations shall be conducted in private. These restrictions are essential to ensure that the Ombudsman is able to obtain all information required to carry out his statutory function effectively. This includes the provision that information must not be disclosed except in the case of information to the effect that a person is likely to constitute a threat to the health and safety of one or more persons, to any person to whom the Ombudsman thinks it should be disclosed in the public interest. To this extent the possibility for information sharing is limited. I consider that the disclosure of information obtained by the Ombudsman, but for the purposes other than those listed in s26 of the PSOW Act will result in authorities and staff being less inclined to provide and discuss all relevant information in future.
- 2.2 The nature of the PSOW and ISCAS as entities is also very different. The Law Commission has recognised that public service ombudsmen form one of the four pillars of administrative justice.

- 2.3 Conversely, in 2011, following an application for Judicial Review of an ISCAS decision by a complainant, the Administrative Court's decision was that ISCAS provides a private service (and not a public service) for the benefit of complainants and its member organisations. [A complaint] is a private arrangement between ISCAS, the complainant and the member organisation. The Administrative Court concluded that as such ISCAS was not carrying out a "public function" and therefore the complainant could not seek a public law remedy in the Administrative Court. (Source: ISCAS Annual Report 2011/12)
- 2.4 There are also some additional differences that should be highlighted. Ombudsmen schemes have to meet certain criteria for membership of the British and Irish Ombudsman Association. Among a number of fundamental criteria is 'Independence' whereby the requirement is that: 'The Ombudsman must be visibly and demonstrably independent from those whom the Ombudsman has the power to investigate.'
- 2.5 ISCAS is a voluntary membership scheme. Independence is key to public confidence in the ombudsman system and it would be important not to undermine confidence in the PSOW's service by working closely with voluntary membership bodies.
- 2.6 Furthermore, there are a number of restrictions in relation to the ISCAS scheme. Amongst information set out in its guide for patients are the following:
- (a) Some cases will, because of the seriousness of the issues raised and their potential for legal compensation not be suitable for being managed under the ISCAS Code.
 - (b) It cannot deal with issues of causality and liability in relation to allegations of clinical negligence.
 - (c) If the complainant accepts any payment offered by the procedure, s/he must accept it in full and final settlement of the complaint.
- 2.7 A vignette from ISCAS's Annual Report 2012/13 may be helpful to illustrate differences between the service provided by ISCAS and the Ombudsman's powers in relation to points (a) and (b) above.

"... a complainant who underwent major surgery. Pre-operatively, the patient had been assessed as having three factors that increased her risk of Venous Thromboembolism (VTE) and identified her as needing anti-embolic (TED) stockings from admission until she was fully mobile. However, when she arrived at hospital, stockings in this patient's size were not available. Alternative mechanical prophylaxis was used to assist the prevention of VTE, but this was for only 24 hours and she was discharged from hospital without any support stockings. On two occasions after discharge home, the patient complained to hospital nursing staff about pain in her upper legs; these concerns were not escalated to her consultant. When she saw the consultant, he diagnosed bilateral deep vein thrombosis (DVT) and she later developed a pulmonary embolism (PE).

It was beyond the scope of the complaints procedures to establish whether the absence of support stockings caused, or contributed, to the development of this patient's DVTs and, subsequently, the PE. The adjudicator instead focused on how the hospital responded to the issues raised by the complainant" [PSOW's emphasis]

In the circumstances above, the PSOW would have obtained relevant clinical advice on this matter, and – if failings in the clinical treatment had been found – would have made recommendations in relation to appropriate redress. In fact there are examples of circumstances where the Ombudsman has investigated cases of DVT in NHS settings where, sadly, deaths were involved. Some relevant summaries can be found in 'The Ombudsman's Casebook', such as case 201101484 (Issue 11, January 2013 - extract also set out below); case 201305716 (Issue 19, January 2015) and case 201302513 (Issue 16, May 2014).

Extract from PSOW public interest investigation report (case 201101484):

"... The Ombudsman's investigation found that the test was viewed by a nurse before Mrs Y's discharge on 14 May. Mrs Y's blood result was positive. A positive result can indicate thrombosis. The test result does not appear to have been appropriately considered, if at all, by the doctor who made the decision to discharge Mrs Y or by the Consultant with overall responsibility for her care before her discharge.

The Ombudsman concluded that the failure to consider and act upon the positive blood test result before making the decision to send Mrs Y home fell below an acceptable standard of care. This failing gave rise to a missed opportunity to make the correct diagnosis and to treat Mrs Y appropriately. The treatment that should have been given might have prevented her death. The investigation also identified a number of additional failings on the part of the Health Board."

- 2.8 With regard to (c) above, ISCAS states that the maximum it will award as a good will payment is £5,000. Whilst the PSOW often does not go higher for consolatory payments, given that the Ombudsman's function is to remedy injustice caused to a person from service failure, he does have the ability to go higher than this if the circumstances warrant it.
- 2.9 Furthermore, there are no restrictions upon what a complainant may do following the outcome of an Ombudsman's investigations and conclusions. In fact, Ombudsman investigation reports often inform complainants of events and failings which may have occurred which have not come to light or been acknowledged in the body's initial complaint response. The Ombudsman does not attach any condition on any redress payment he recommends a person receives so they may pursue legal action against a body if they have grounds to do so when an investigation has been completed.

3. Levy

- 3.1 With regard to the issue of a potential levy, in view of the very limited powers being sought to be able to look at complaints about private health care, I would reiterate the point that I am of the view that the resource necessary to develop and operate a levy system would be disproportionate to the number of private health care complaints that I would anticipate considering. This could always be revisited again in the future based on experience of actual casework volumes in this area.

Nick Bennett
Public Services Ombudsman for Wales
18 February 2015



ANNUAL REPORT 2013

Adjudicating Complaints for the Independent Healthcare Sector

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Foreword

by Sally Taber, Director of ISCAS

This is the 13th year of the Independent Sector Complaints Adjudication Service, ISCAS, which we formed in response to a report by the Health Select Committee. Essentially derived from best practice of the members of the trade association serving independent acute hospitals, it added the element of external adjudication by an independent body, which enabled both complainants and providers to find closure of otherwise intractable complaints under a code of practice which is equitable and fair. Free to consumers, the adjudication process fosters a culture of learning, and assures the consumer that the complaint has a positive result.

The ISCAS Annual Report goes to subscribing members of ISCAS, government, professional and system regulators, the Parliamentary and Health Service Ombudsman and the general public via its website. It has been my endeavour to put best practice in handling complaints into the forefront of our subscribing member's minds, and to this end we have in 2013 revised and reformed the Code of Practice and expect our members to further develop their complaints management procedures to reflect these improvements.

During this year, a review of cosmetic interventions by Sir Bruce Keogh recommended that all private healthcare complaints in England should be handled by the Parliamentary and Health Service Ombudsman. The report adduced no evidence that ISCAS (to which over 90% of independent acute hospitals in England belong) was failing consumers. We believe that a public funded agency would be ill-suited to the independent healthcare sector, and have therefore put forward to government the successful ISCAS model as the foundation of a complaints management code to be mandated for the whole independent healthcare sector. This would be regulated by the Care Quality Commission in England, Healthcare Inspectorate Wales in Wales, Healthcare Improvement Scotland in Scotland and the Regulatory and Quality Improvement Authority (RQIA) in Northern Ireland.

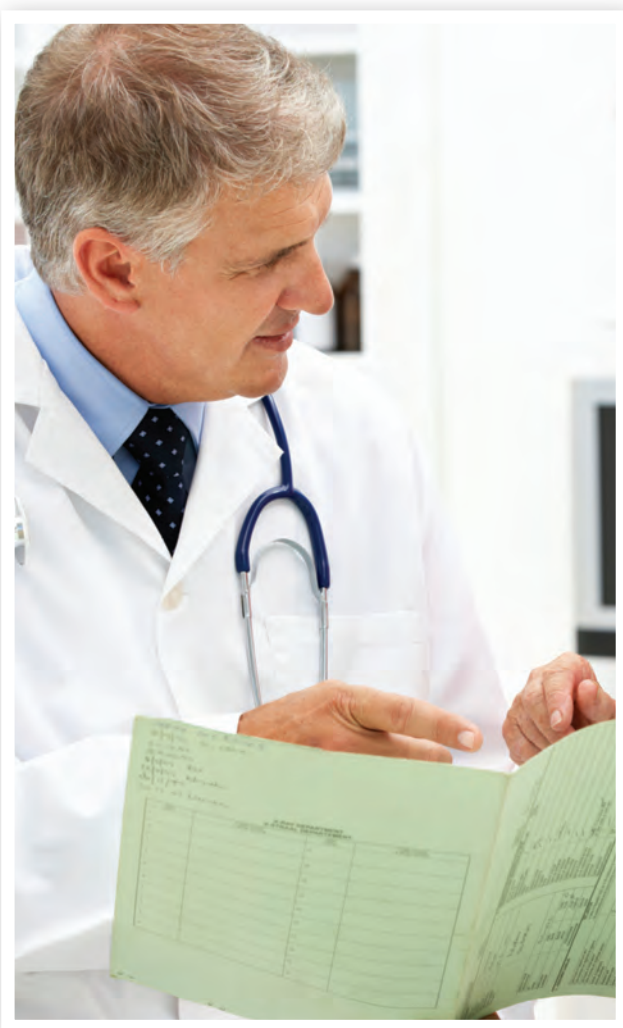
We do recognise that ISCAS serves only the healthcare providers already committed to high standards of consumer service. There are many healthcare providers who will have no recognised independent review process and this undoubtedly gives rise to difficulties. During recent years we have extended the reach of ISCAS in conjunction with the Independent Doctors Federation, whose fast growing membership encompasses doctors who are in independent practice. Patients of such doctors who need to complain now have a recognised route to resolution. In other cases we have invited new clinics to adopt the ISCAS Code – specifically the Private Ambulance Service and BCAM (British College of Aesthetic Medicine), thus extending its protection further to patients.

With our codes' recognition as suitable for the organisations they inspect, we believe that the CQC could do more to require other clinics to adopt the ISCAS Code, for the ultimate benefit of patients. Be it noted, ISCAS is not toothless, removing from membership more than one provider who has failed to abide by the Code; and reporting to the professional and system regulators instances of concern.

ISCAS is built upon the principle of openness, appropriately in this era of the increasingly well-informed patient.

Introduction

The Independent Sector Complaints Adjudication Service (ISCAS) operates the well-established, and recently revised, independent healthcare sector's Complaints Code of Practice (Code) and provides independent adjudication for complaints made against ISCAS members. The 2013 Code continues to focus on local resolution, first directly with the service provider (stage 1) and then at a corporate level (stage 2). The Code sets out the standards that ISCAS members agree to meet when handling complaints about their services. Each year ISCAS sees the vast majority of complaints amongst its members are being resolved at either stage 1 or stage 2.



Adjudication with ISCAS is the stage 3 independent review process for complaints that an ISCAS member has not been able to resolve at stages 1 and 2. It is the only complaints Code offering this level of independence operating in the independent healthcare sector.

The healthcare sector is facing increased regulation from system regulators such as the Care Quality Commission and scrutiny of quality following both the Francis Report, the Review of the Regulation of Cosmetic Interventions, conducted by Professor Sir Bruce Keogh, and also the Winterbourne View report. Fundamental to the drive for quality is ensuring that the best procedures are in place for managing disputes.

ISCAS is already recognised by major regulators, including the Care Quality Commission (CQC), Health Inspectorate Wales (HIW), Healthcare Improvement Scotland (HIS) and the Regulation and Quality Improvement Authority (RQIA). CQC and HIW even signpost complainants to the service where appropriate.

Over the year ISCAS saw a small increase in membership from 68 organisations to 71. Of note many organisations have a large number of hospital services in their corporate membership of ISCAS, for example the largest has 68 hospitals.

ISCAS Complaints Code of Practice

The Complaints Code is the cornerstone of ISCAS and the review of the Code has been the focus of development work over the year. The new Code has a different approach and look, providing clear standards of what to expect for everyone that uses it. The effective 3 stage approach has been retained as it affords greater opportunity for local resolution.

The review of the Code included a consultation with the ISCAS Governance Board, ISCAS members and then a wider external consultation. This latter phase ensured ISCAS engaged with regulatory bodies, medical defence organisations and importantly with patient groups. The patient groups largely welcomed the changes to the Code but wanted ISCAS to be much clearer about the interface between complaints and clinical negligence, which led to further changes. It is important to reduce barriers for complainants as they work their way through a complaints process and the new Code strives to achieve this.

The Code has retained the prescribed timescales unlike the NHS framework, as these have proven helpful in managing complaints for both ISCAS members and complainants. A major change is how the Code takes account of potential clinical negligence issues within individual heads of complaint. Under the previous Code, complaints that involved potential clinical negligence, and in particular if a legal claim had been made, would have halted the whole complaints process. This is no longer the case with the new Code and ISCAS recommends that the complaints procedure, including stage 3, continues even if a complaint relates to matters that may give rise to a potential claim.

ISCAS also responded to feedback to increase the time a complainant has to escalate their complaint at each stage. Complainants now have up to six months to escalate complaints at each of the three stages. The Code was published in June 2013 and members had until September 2013 to comply with the changes.



ISCAS Secretariat and Complaint Activity

by Andrew Wilby

Table 1: How people hear about ISCAS

329 people contacted ISCAS about their complaint over the reporting year in addition to complainants referring their case for adjudication. Table 1 shows how people were signposted to ISCAS however, 43% of all contacts could not recall, or were unsure where they learnt about ISCAS. From the remainder, the vast majority (21%) were using the internet and found the ISCAS website, which demonstrates the importance of continued development of this information resource. Fewer people were relying on the patient leaflet than has been the case previously.

Table 1: How people hear about ISCAS, Referral Source.

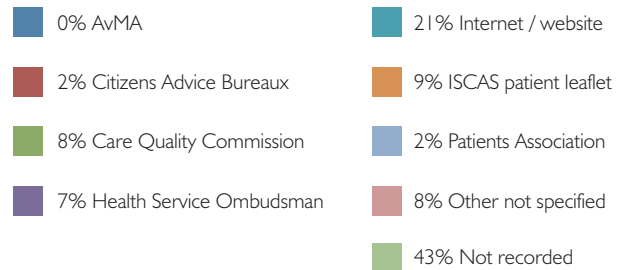
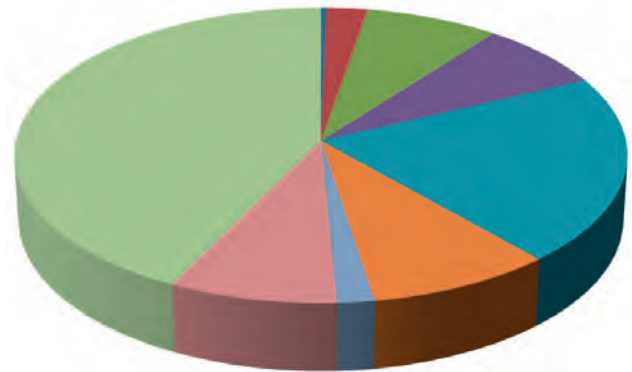


Table 2 clearly shows that most of the people contacting ISCAS had a complaint in relation to cosmetic surgery, followed by complaints about consultant care.

Table 2: Complaint by type for all contacts at stages 1 and 2

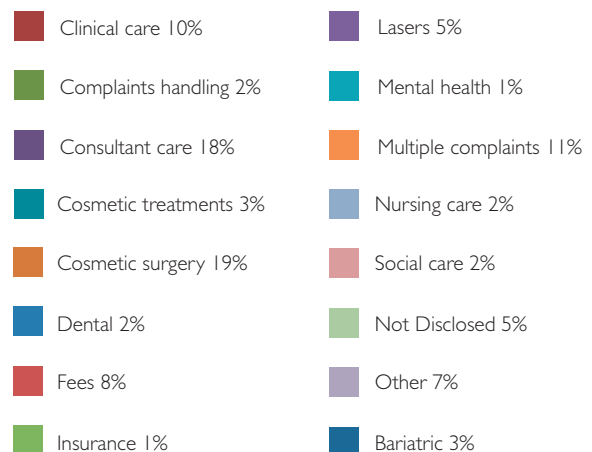


Table 3: Complaint by type for ISCAS members

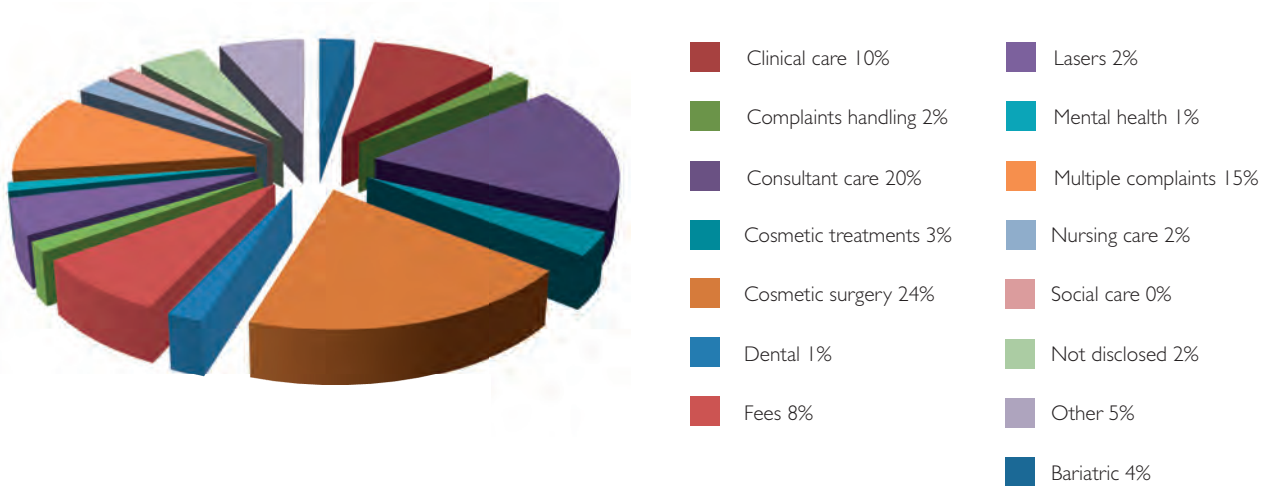
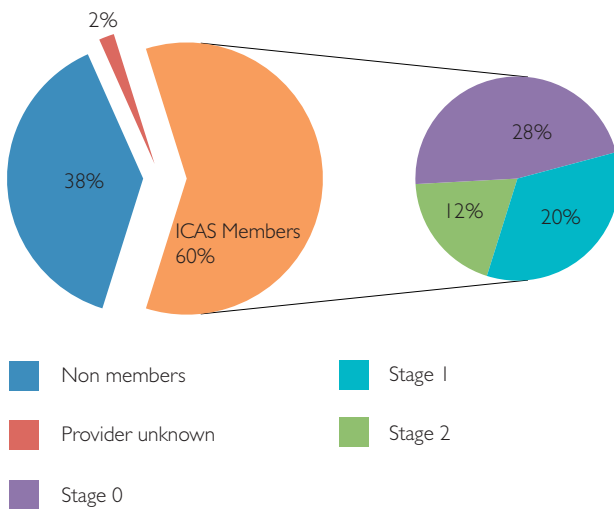


Table 4: Breakdown of complaints by each stage for ISCAS members

Table 4 also shows the stage that the complaint had reached when people contacted ISCAS.



Some people contact ISCAS before embarking upon the complaints process (28%), which reflects that in some cases the ISCAS member has not publicised their complaints information effectively. Some people seek assurance about how the complaint process is working.

ISCAS had a significant increase in complaints about non-members: 38%, compared with 25% last year. This includes people seeking to complain about NHS Private Patients Units, which do not currently subscribe to ISCAS. The remit of the Health Service Ombudsman does not extend to complaints about these units, leaving users of these services with limited redress and no avenue for independent review of their complaint. This is a matter the ISCAS Governance Board continues to raise with Ministers.

The majority of people contacting ISCAS about a member are at stage 1 of the process. Some are seeking advice about next steps and confirmation that the ISCAS member is following the right procedure. In some cases, there is a wish to escalate a complaint before stage 2 has begun. A significant amount of ISCAS time is committed to helping people work through the complaints process ahead of adjudication and to advising about alternative ways to pursue complaints about non-members. This is equally important to ISCAS, as unfortunately these complainants have used a service that has no commitment to a full complaints process with an independent review stage.

ISCAS Governance Board

Over the year, the Board has ratified the membership and focused on increasing its patient representation, including engagement with Action against Medical Accidents (AvMA) and the Private Patients Forum. The Board agreed a number of ISCAS developments to take forward:

- **Revision of the Code**
- **Seeking feedback from complainants about the service**
- **Improving the monitoring of member's compliance to the Code**
- **Reporting on ISCAS activity and adjudication outcomes**

ISCAS discontinued membership of one organisation due to continued non-compliance with the Code and providing a poor complaint service to its patients. This was an exceptional decision for the Board to make.

The Board's role in agreeing decisions about non-compliance is an important aspect of ensuring independence in the governance of the Code and demonstrating publicly that membership of ISCAS means complainants are treated and responded to properly.

Baroness Fiona Hodgson, CBE, ISCAS Governance Board Chair

It has been my pleasure to chair the ISCAS Governance Board since its inception at its first meeting in March 2012.

This past year has seen the ISCAS Governance Board become well established. Getting the right balance on the Board has been an important concern. Coming from a patient background myself, I am always mindful about the importance of ISCAS engaging with patient representatives. During the past year we have invited in AvMA and the Private Patients Forum (PPF) in to talk to us about their work. We already have representation from the Patients Association and have been fortunate to have a patient representative from the Private Patients Forum.

Much work, and extensive consultation, has been put into the review of the Complaints Code of Practice. This has proved to be a challenging task which has meant that it has taken slightly longer to produce than originally anticipated. However, the new Code has been launched and I hope will be well received. I would like to thank Andrew Wilby and the ISCAS staff for all their hard work during the past year. Having such an excellent team has really helped the Governance Board enormously and we look forward to the challenges of the year ahead!



Baroness Fiona Hodgson, CBE

Independent Adjudication

Since reporting last year on the appointment of Sally Williams, ISCAS has been successful in confirming a second adjudicator, Fiona Freedland.

Fiona Freedland is a solicitor who specialises in the field of medical law. She played an active role in the Shipman Inquiry and in policy work regarding the regulation of healthcare professionals.

For many years, Fiona worked in the field of law and healthcare policy as Legal Director for AvMA, a national charity for patient justice. In addition to her work for

ISCAS, Fiona is an Adjudicator for the Solicitor's Regulation Authority and sits as a Chair of the Nursing and Midwifery Council Fitness to Practice Panels. She is a lay assessor for the National Clinical Advisory Service (NCAS). Fiona has a masters degree in Medical Law and Ethics and she undertakes several public speaking roles on the subject of Medical Law and Ethics which is a particular interest of hers. She is an accredited mediator with CEDR.



Learning from Complaints During 2012-2013

Sally Williams, Adjudicator

An important and valued outcome of the complaints handling process is taking action to improve services and prevent the same problems happening again. Whenever an independent adjudicator reaches a decision on a complaint, they send a decision letter to the complainant and copy this to the ISCAS member the complaint was about.

The letter to the ISCAS member usually contains advice on how the organisation could improve its complaints handling. Often ISCAS members are asked to report back to ISCAS about actions they are taking as a consequence of this advice. In this way, independent adjudication seeks to be part of a circle of learning from complaints.

Where themes arise in the advice given to ISCAS members about specific complaints, these are shared with all ISCAS members through the Adjudicator's Monthly Message (this can be found at www.iscas.org.uk in the news section). Over the last year the monthly message has touched upon a broad range of issues. These include the thorny issue of complaints and clinical negligence. It is not uncommon for complaints to reach the adjudicator that stray into the field of clinical negligence, however ISCAS members often express uncertainty over whether the complaints procedures can continue where a complaint appears to have arisen as a result of possible clinical negligence and compensation is sought. The new ISCAS Code, published in June 2013, seeks to be clearer on this point and reflects practice in NHS complaints handling. It states: 'Even if independent advice is being sought about possible clinical negligence the ISCAS Code recommends that the complaints procedure and ultimately stage 3 adjudication is continued.'

Other themes from the year include the following:

1. Handling complaints received by email, including establishing a clear process for managing email interactions with complainants. This includes introducing timeframes that remove the pressure to give an immediate and, sometimes less considered, response and implementing a single database to log emails from the complainant and any organisational responses.

2. Demonstrating caution about what is contained in emails about complaints, which comprise an increasing proportion of complaints files and are potentially disclosable under the Data Protection Act. The informality of email can lure users into disregarding rules about confidentiality and the transfer of sensitive information. In reality, the risk of confidentiality breaches of personal information is much greater.

3. Ensuring that protocols governing the storage of patient records are adhered to by consultants with practising privileges and that information sharing happens to support complaints handling. Missing records make it much harder to establish the facts of a case and can create suspicion of a cover-up. Gaps often occur around consultant's clinical notes or photographs and imaging taken by consultants.

4. The use of experts to advise on the clinical aspects of complaints, including the importance of independence and the absence of any conflict of interest, having a clear documentation trail, and transparency over the identity of the expert and the opinion they provide.

5. Managing complaints that involve third parties, such as clinical negligence lawyers or a professional regulatory body, including whether there are elements of the complaint that the organisation should answer regardless of whether other parties are involved, what purpose will be served by halting a complaints process while third party investigations take place, and how the interests of the complainant and those complained about are best served.

6. The potential to resolve complaints more swiftly by offering to meet with complainants early on. This can be helpful in resolving complaints in a collaborative way.

7. Greater use of templates to ensure that responses to complaints routinely contain the right information.

Goodwill Payments, Anonymised Vignette

When a complaint reaches stage 3, the independent adjudicator is able to consider a wide range of remedies, of which one is to award a goodwill payment. Under the new code a goodwill payment can be awarded 'in recognition of shortfalls in the complaint handling, inconvenience, distress, or any combination of these, up to a limit of £5,000'. Often the award of a goodwill payment reflects all of these things, but issues have arisen over what the phrase 'shortfalls in the complaint handling' means in practice.

One case that illustrates this point concerns a complainant who underwent major surgery. Pre-operatively, the patient had been assessed as having three factors that increased her risk of Venous Thromboembolism (VTE) and identified her as needing anti-embolic (TED) stockings from admission until she was fully mobile. However, when she arrived at hospital, stockings in this patient's size were not available. Alternative mechanical prophylaxis was used to assist the prevention of VTE, but this was for only 24 hours and she was discharged from hospital without any support stockings. On two occasions after discharge home, the patient complained to hospital nursing staff about pain in her upper legs; these concerns were not escalated to her consultant. When she saw the consultant, he diagnosed bilateral deep vein thrombosis (DVT) and she later developed a pulmonary embolism (PE).

It was beyond the scope of the complaints procedures to establish whether the absence of support stockings caused, or contributed, to the development of this patient's DVTs and, subsequently, the PE. The adjudicator instead focused on how the hospital responded to the issues raised by the complainant, and found that the hospital did not respond adequately regarding its failure to provide the stockings that the patient had been identified as needing, that there was no evidence that consideration was given to postponing the procedure, and that it was not clear why stockings were not provided for use post discharge. The adjudicator also found that this patient was not well served during interactions with nursing staff post-discharge.

Positively, the handling of this complaint had been within the timeframes set out in the code and the adjudicator did not uphold heads of complaint that related to specific aspects of complaint handling. However, complaints handling covers the whole process, from responding to complaints within timeframes, the investigation and inquiry, as well as

the remedies offered to the complainant. The adjudicator considered that as part of remedying the core complaint as set out above, the hospital should have made a gesture of goodwill.

The hospital considered the goodwill award made by the adjudicator – which fell into the category of 'very serious' – to be 'excessive'. It was concerned that the adjudicator had implied causality between the care delivered by the hospital and the complications the patient had experienced, and thought this was reflected in the goodwill payment awarded. The hospital was concerned that in paying the award, it risked implying acceptance of causality should the patient proceed to litigation.

The adjudicator responded that the size of the award reflected the seriousness of the issues and the distress caused to the complainant and her spouse. Paying it need not imply any acceptance of causality and appropriate caveats could be attached, such as expressly stating that it was made on an ex gratia basis, without prejudice and without any admission of liability. It was therefore incorrect to suggest that it would prejudice any clinical negligence claim in the event that the complainant decided to pursue this avenue.

This case highlighted the difficult path that ISCAS members and adjudicators often tread when handling complaints about issues that could potentially give rise to a clinical negligence claim. It also exposed a lack of transparency about the basis for determining the size of an award. This is something that the team of adjudicators are planning to address with ISCAS by developing guidance on the type of circumstances in which an award may be appropriate and the factors to consider in deciding the level of award. Such guidance can only be indicative, as each case must be considered on its own merits, but it should help to increase transparency of the formulation of awards.

Adjudication, Facts and Figures

The number of heads of complaint has risen since last year and may, in part, explain the increasing complexity of many of the cases that come to adjudication (Table 5). Last year, for the first time, adjudication saw more complaints about nursing and a decrease in medical complaints. This year there was a return to a higher number of medical complaints, as seen in table 5. It is important to note that these are complaints that are not resolved at stages 1 and 2; they do not necessarily reflect the scope of complaints received at those earlier stages by ISCAS members.

Complaints relating to administration, which includes complaints handling, have always been significant, however they have increased this year following a slight decrease last year. This has implications for how members comply with the code, which has led to the adjudicators recommending that ISCAS has oversight of actions taken by members organisations to improve complaints.

Table 5: Total heads of complaint year on year

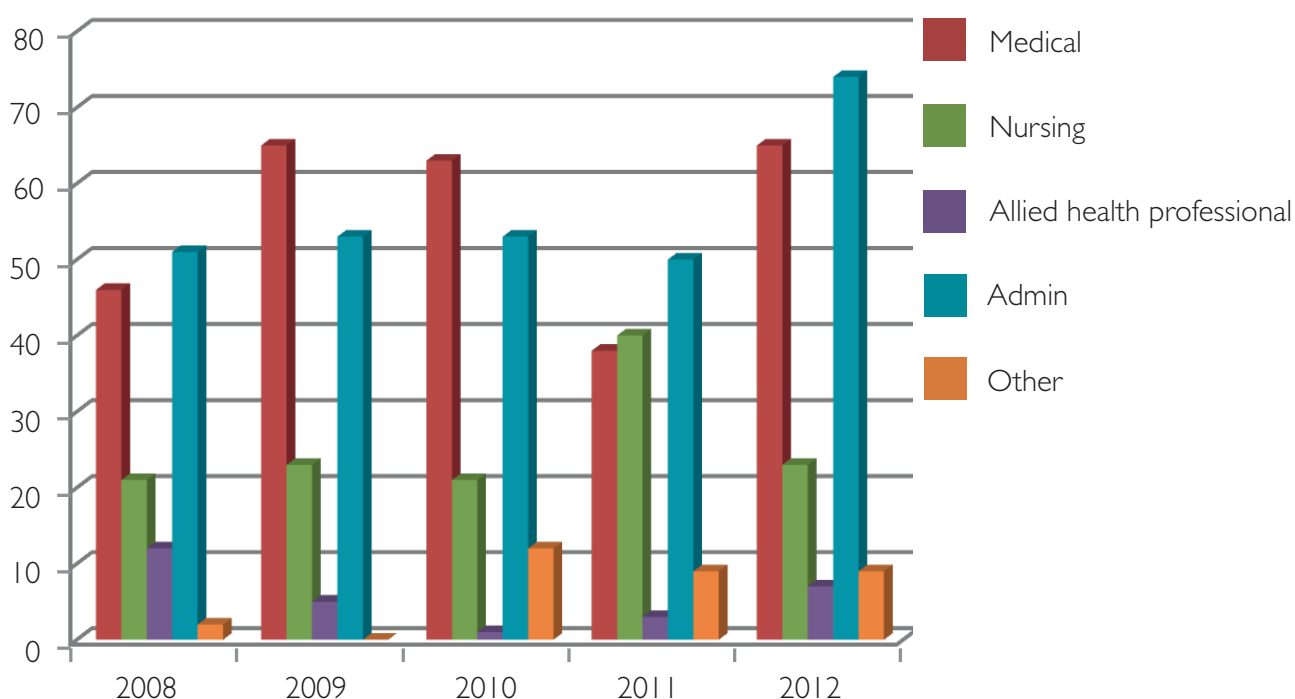


Table 6: Heads of complaint upheld by Independent Adjudication

48% heads of complaint were upheld under Independent Adjudication:	
Medical	33% of all medical complaints were upheld
Nursing	43% of all nursing complaints were upheld
Allied health professional	42% of all AHP complaints were upheld
Administrative	66% of all administrative

Expert Clinical Advice

The use of expert advice is essential when a case involves a clinical matter that an Adjudicator needs to make a decision about, and demonstrates to the complainant the evidence and rationale the Adjudicator has relied upon. This year saw a rise in the number of cases requiring expert clinical advice from just 1 of the 28 cases last year to 8 of the 38 cases in 2012/13. The total costs associated with the expert advice came to £6,646.

Costs of adjudication

Since 2009 the cost of adjudication has reduced. However, during 2012 the overall cost rose slightly, which is shown in Table 7. There are a number of reasons for this. There has been an increase in the total number of cases coming to adjudication (Table 7). As noted previously, the cases coming to stage 3 adjudication are increasingly complex in nature, which has resulted in an increase in the resource required to complete an adjudication. ISCAS had for five years made no increase in the fees paid to the adjudicators and 2012 saw a reasonable increase in these fees. Such costs are met by the ISCAS members and adjudication remains free to complainants, as is the case with the Health Service Ombudsman.

Table 7: Year on year adjudication costs

The Code has a focus on learning and improving from complaints although it does allow the Independent Adjudicator to make a goodwill payment in recognition of inconvenience and distress. Table 9 shows there has been a slight decrease in the number of cases where a payment was made (down from 57% to 50%). The average cost of a payment was higher in 2012 compared with 2011, but was less than in previous years. The maximum payment that can be awarded is £5000, although the majority of cases that attract the payment are between £150 to £500. The maximum awarded for a single adjudication case was £3000.

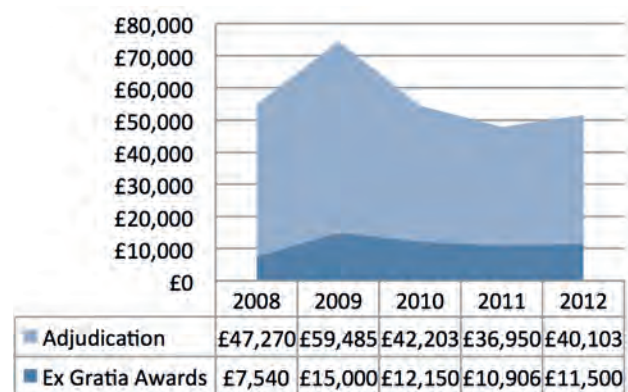


Table 8: Goodwill payments

Goodwill payments made	2008	2009	2010	2011	2012
Cases in which payments made	14	21	17	16	19
% of cases attracting a payment	72%	78%	77%	57%	50%
Total cost payment £	7,450	15,000	12,150	10,906	11,500
Average cost payment £	573	714	714	390	605

The Year Ahead

Over the next year we will be reviewing the governance of ISCAS to continually improve the service. The governance arrangements of the Board will be further developed, including a commitment to increase the patient and public representation. ISCAS is seeking to raise its profile in the healthcare sector, firstly with a formal launch event of the ISCAS Code to sector stakeholders. ISCAS members are also likely to experience increased monitoring of their compliance with the Code as an integral part of membership application and renewal.

Management Accounts for 2012 - 2013

ISCAS	To 30/04/13
Subscriptions (£)	<u>52,714</u>
	<u>52,714</u>
Direct expenses	<u>38,455</u>
Gross profit /(loss)	<u>14,259</u>
	<u> </u>
Overheads	<u>20,735</u>
Net profit / (loss)	<u>(6,476)</u>

ISCAS is a not for profit scheme that reviews member subscriptions on an annual basis, with the intention that member subscriptions will cover the ISCAS operating costs.



Appendix I

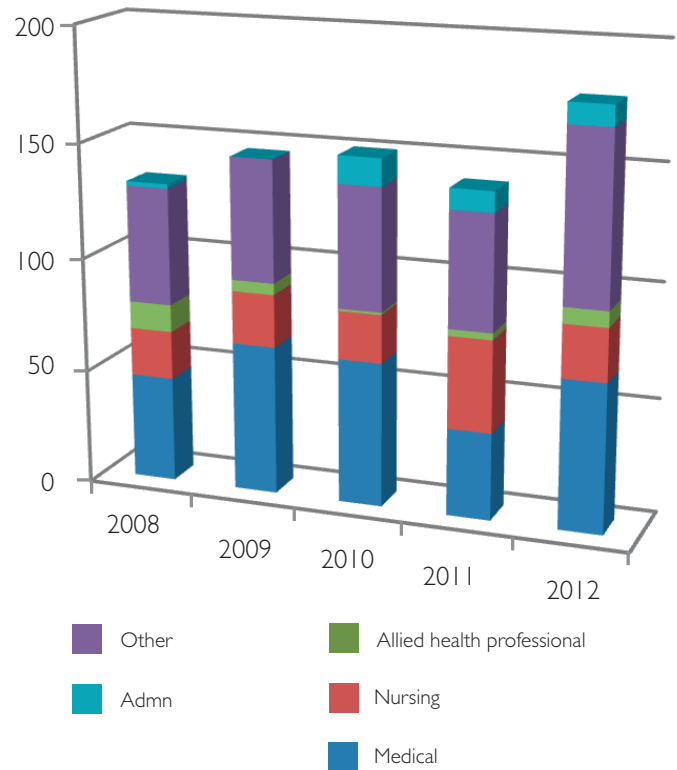
Table 9: Total number of complaints and by complainant type

	2008	2009	2010	2011	2012
Total number of complaints adjudicated	18	27	22	28	38
Total heads of complaints	132	146	150	140	178
% Female complainants	72%	63%	82%	64%	66%
% Male complainants	28%	37%	18%	36%	34%
Adjudication panels held	0	0	1	0	0

Table 10: Heads of complaint year on year

	2008	2009	2010	2011	2012
Total heads of complaint	132	146	150	140	178
Medical	46	65	63	38	65
Nursing	21	23	21	40	23
Allied health professional	12	5	1	3	7
Admin	51	53	53	50	74
Other	2	0	12	9	9
Total heads of complaint not upheld	106	77	89	73	95
Medical	38	34	36	24	43
Nursing	15	11	12	15	13
Allied health professional	12	3	1	1	4
Admin	39	29	32	30	27
Other	2	0	8	3	8
Total heads of complaint upheld	26	69	61	68	83
Medical	8	31	27	14	22
Nursing	6	12	9	25	10
Allied health professional	0	2	0	2	3
Nursing	12	24	21	20	47
Other	0	0	4	7	1

Table 11: Nature of heads of complaint coming to Independent Adjudication



ISCAS Members

Aspen Healthcare Group

Ayr Partnerships in Care

Benenden Hospital Trust

BMI Healthcare

Bupa Cromwell Hospital

Cambian Group

Castle Craig Alcohol & Drug Rehab Clinic

Castlebeck Care (Teesdale) Ltd

Circle Partnership UK

Clock House Healthcare Limited

Destination Skin

Linia

Fairfield Independent Hospital

Glenside Hospital

HCA International

Huntercombe Hospital - Edinburgh

Independent Doctors Federation

King Edward VII Hospital Sister Agnes

Lighthouse Phoenix House, Welshpool

Llanarth Court Partnerships in Care

Ludlow Street Healthcare

Make Yourself Amazing

Marie Stopes International

Mental Healthcare UK Ltd

NE Oasis

New Life Clinic

New Victoria Hospital

Newport Cardiac Centre

North West Independent Hospital

Nucleus Healthcare (now closed)

Nuffield Health

Ophthalmic Surgery Centre (North London) Ltd

Ramsay Health Care UK

Rushcliffe Care Group

Sancta Maria Hospital

Scottish Epilepsy Centre (Quarriers)

SERCO Health

Sk:n Ltd

Spencer Private Hospitals

Spire Healthcare Ltd

St. Joseph's Private Hospital

Surehaven Glasgow

The Alexander Clinic

The French Cosmetic Medical Company

The Horder Centre

The Hospital Group

The Hospital of St John and St Elizabeth

The London Clinic

The Medical Chambers Kensington Limited

The Priory Group of Companies

The Raphael Medical Centre

The Royal Hospital for Neurodisability

Transform Medical Group

UK Specialist Hospitals

Ulster Independent Hospital

UME Diagnostics

Vale Healthcare Ltd

Your Excellent Health Service

Briefing on ISCAS

Finance Committee Hearing - 4 February 2015

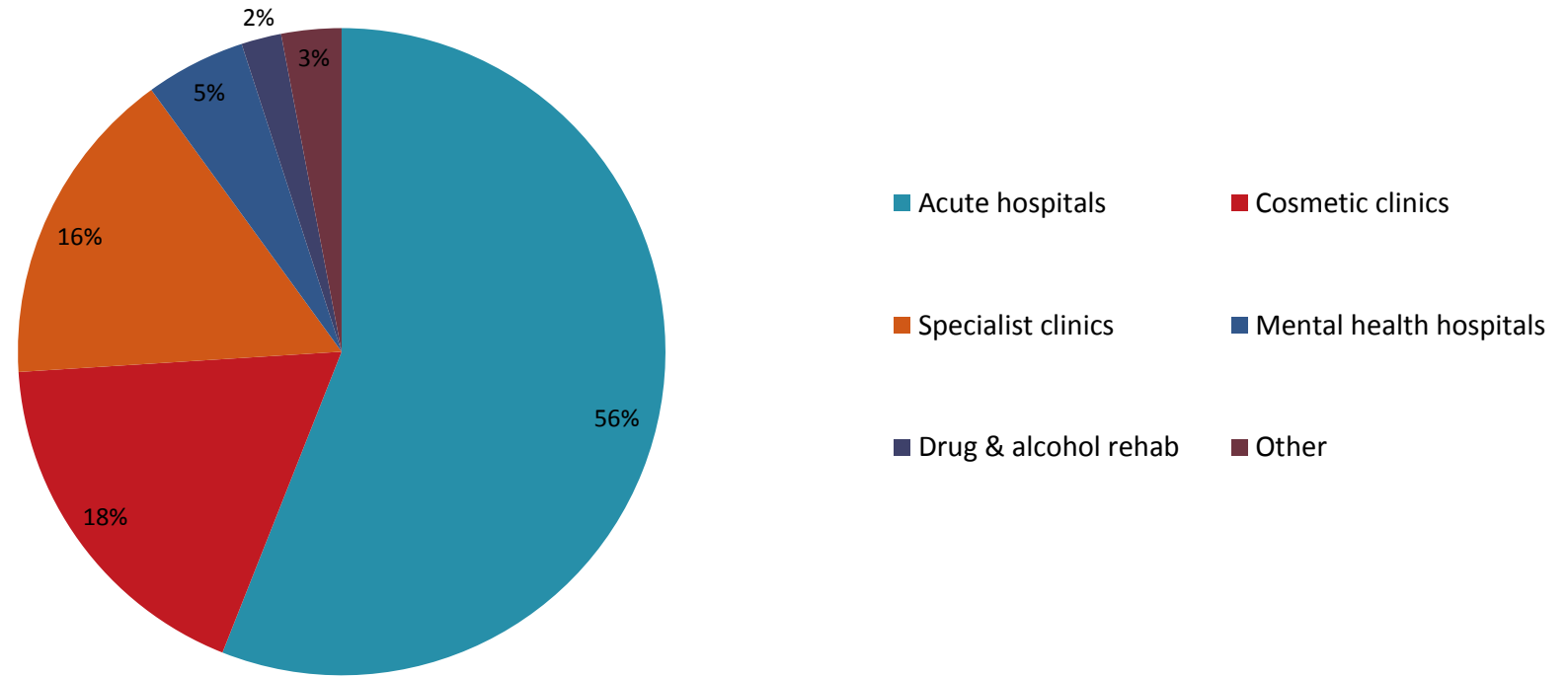


Membership of ISCAS

- ISCAS deals with complaints related to privately-funded treatment
- 98% of all UK regulated independent healthcare providers
- 57 members across the UK – 234 individual hospitals/clinics at last count
- 5 providers joined ISCAS in 2014

ISCAS Members – types of provider

Tudalen y pecyn 32



Key ISCAS documents

- Cornerstone is the Code of Practice (2013)
- Patient Guide for Making Complaints (2014)
- Adjudicators Goodwill Payments Guide (2014)
- All available on the ISCAS website: www.iscas.org.uk

Stage 1&2 contacts to ISCAS in 2014

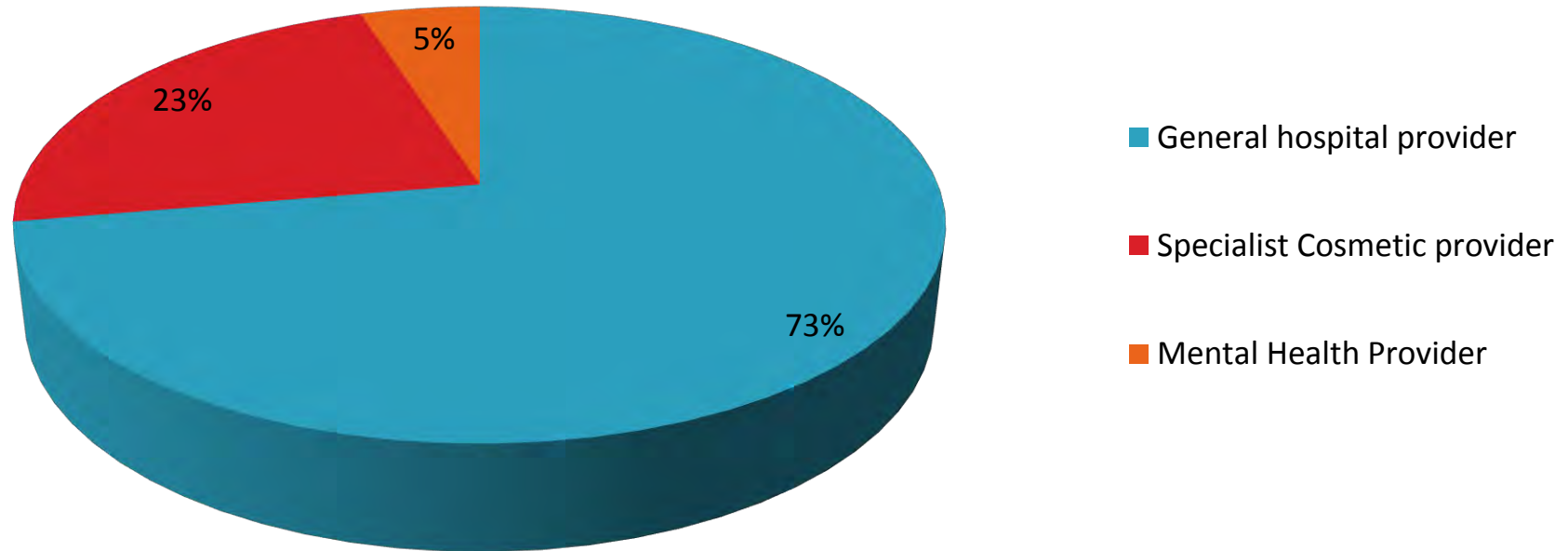
- 320 people contacted ISCAS re a complaint
- 63% of contacts concerned ISCAS members
- 70% of referrals came from four sources:

Tudalen y pecyn 34



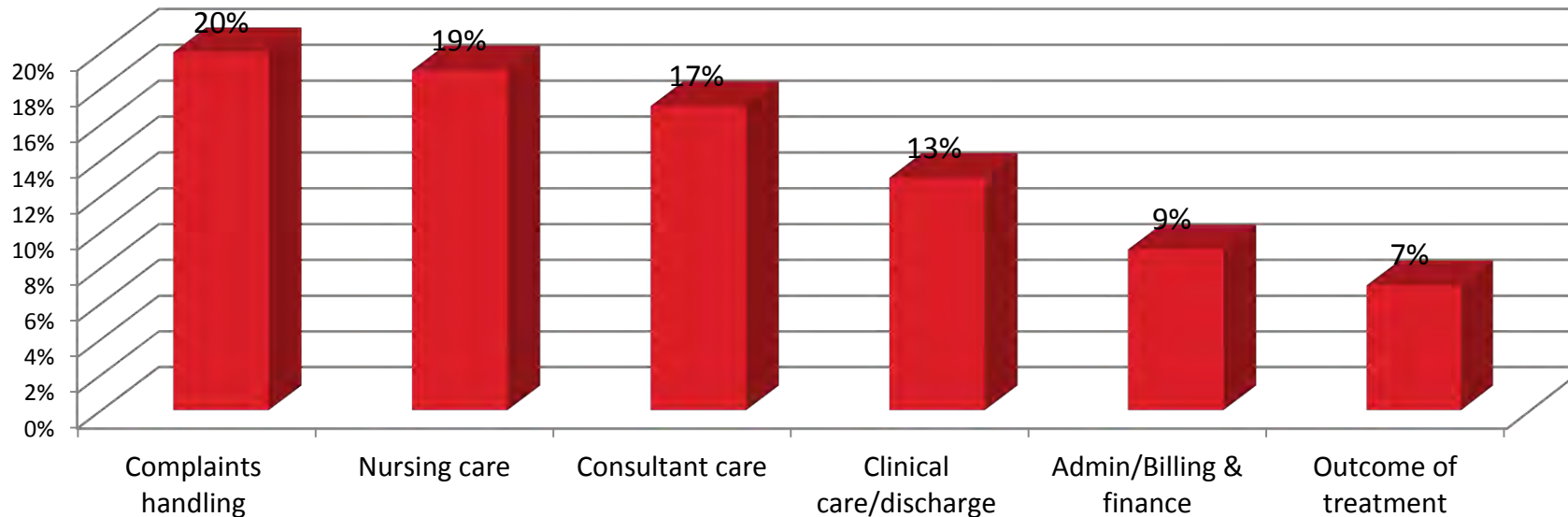
Stage 3 Adjudication

40 Stage 3 Adjudications in 2014



Heads of Complaint at Stage 3

- A total of 151 Heads of Complaint were adjudicated on in 2014.
- Breakdown of 85% of Heads of Complaint :

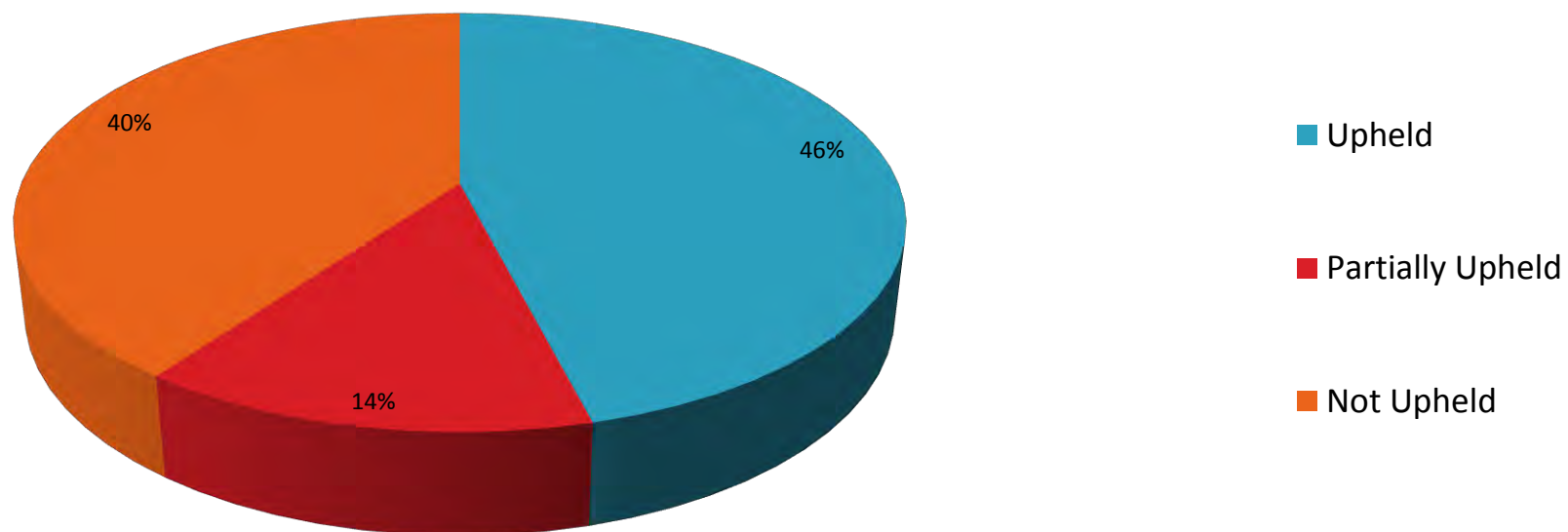


Findings on Heads of Complaint

Adjudicator Findings on the 151

Heads of Complaints

Tudalen y pecyn 37



Stage 3 Adjudication Costs 2014

- Individual members bear the cost of adjudications.
- Average cost of an adjudication was £2430.
- Goodwill payments made in 88% of cases.
- Average size of a goodwill payment was £400.
- Range of goodwill payments awarded was from £100 to £1500.

ISCAS Services - The Way Forward

- Increasing the two-way dialogue with ISCAS members
- Guidance for members on what to include in your complaints policy
- Continuing information sharing with the CQC and extending this to all healthcare regulators
- Regular compliance checks on members
- Consultation with members on the Code of Practice

Review of the Code of Practice

Issues from the ISCAS Management Team:

- Delays in completing Stage 2 Reviews
- Clarity on exceptional circumstances that would extend the time limit for investigating a complaint.
- Engagement with CEOs at the Stage 3 level.

Review of the Code of Practice

Considerations arising from the Patients Association's criticisms of the PHSO

- Appeals to Stage 3 Adjudication.
- Demonstrating change has occurred as a result of adjudication
- Face to face to meetings between complainants and Adjudicators
- Draft decision letters sent to complainants for comment

How ISCAS Stage 3 Adjudication Works

1. Who we are, what we do, how we do it

Who we are

Tudalen y pecyn 44

- Currently three independent adjudicators
- Variety of backgrounds, including health policy, health professional standards, complaint handling, consumer policy, regulation and the law
- ISCAS looks for adjudicators with the skills and competencies required for the role, including:
 - demonstrable integrity
 - experience and ability of reaching considered and unbiased decisions affecting other people
- Impartiality

What we do

- Complaints Code of Practice (2013) – 3 stage process
- Review and make decisions on complaints by people who are not satisfied with the results of the internal complaints-handling processes of the hospital or clinic that provided their care
- In other words, the complaint must have exhausted the provider's two-stage process:
 - Stage 1 – local resolution
 - Stage 2 – internal complaint review
- Independent adjudication is Stage 3 – the **final stage of the process**

How we do it

- Desk-based review of all the documentation associated with a complaint
- Draw on expert advice for clinical aspects of complaints
- Issue decisions in the form of a ‘letter’ to the complainant and the ISCAS member

1. Complaint escalated to ISCAS

- ISCAS confirms stage 2 has been completed, seeks consent for release of documents, requests file from provider

2. Complaint file sent to Adjudicator

- Acknowledge receipt of file
- Undertake preliminary review – identify gaps, decide whether expert advice might be needed

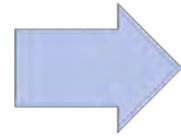
3. Review documentation

- Prepare chronology
- Note observations as go through it
- Pay attention to timeframes
- Flag any breaches of Code

Tudalen y pecyn 47

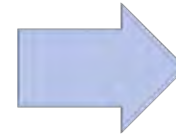
4. 'Key heads' letter

- Set out understanding of main concerns – ask complainant to highlight anything misinterpreted or overlooked
- Address outcome sought
- CQC



5. Questions for expert

- ISCAS instructs expert and agrees fees
- Adjudicator sets out questions under the relevant head of complaint
- Share chronology



6. Prepare adjudication

- Informed by examination of documentation
- Draw on expert report
- Decisions made in isolation

When the complaint has been decided upon, the Adjudicator submits six documents to the ISCAS team

Decision
'letter'

Covering letter
to provider

Data sheet for
ISCAS

List of all those
named in the
decision letter

Chronology

Invoice

Post-decision

- Note any positive feedback

'Thank you very much for reviewing this matter in such comprehensive detail.'
Complainant

'I am really happy that you responded to my complaint and investigated my case.'
Complainant

'I am extremely grateful to ISCAS for providing the opportunity for a proper and full investigation of my husband's treatment.'
Complainant

Tudalen y pecyn 50

Post-decision

- Note – and learn from – any negative feedback

Tudalen y pecyn 51

'I am not disappointed but disgusted with your decision.'
Complainant

'I am not the problem it is the regulation of the plastic surgery industry that is the problem and until this happens more and more cases like mine will land on your desk.'
Complainant

Post-decision

- Signpost other organisations – e.g. General Medical Council, right to seek legal advice
- Emphasise finality of decision and completion of complaints process

2. Underpinning aims: Agile, responsive, transparent and fair

‘Dealing with complaints. Easy, 6 steps; listen, sympathise, don’t justify, make notes, agree a course of action and follow through.’

Roy Lilley, *nhsManagers.net*, 22 January 2015

Can it be this simple?

Stronger stage 3 review

- Revising the documentation sent to complainants
 - Including the format of adjudication decision letters
- Standardising the approach to capturing the key heads of complaint
 - Developing a 'heads of complaint library'
- Redesigning the way we instruct experts

3. Goodwill payments

‘Most of those who complain about NHS services do not seek financial redress. They do so because they wish to have their concerns and experiences understood and for any failings to be acknowledged and put right so that others do not suffer the same avoidable harm.’

House of Commons Health Committee, 13 January 2015

Do people who complain about private healthcare seek these same outcomes?

Discretion

Tudalen y pecyn 58

- Independent Adjudicators have the discretion to award a goodwill payment of up to £5,000.
- Primary purpose: to reflect any distress or inconvenience arising from the issues complained about, or as a result of pursuing the complaint
- NOT a refund or compensation – beyond the complaints process to establish causation, liability or negligence (concepts tested in court)
- BUT do take into account offers or reimbursement made by provider
- Focus on whether service fell below the standards that could reasonably be expected

Goodwill Payments Guide

- Compliance with the Code (e.g. minor or significant breaches)
- Time taken to respond to the complaint
- The provider's response (e.g. tone / substance of responses)
- The complainant's actions (e.g. whether delays partly caused by complainant)
- Nature of complaint (e.g. isolated failing v. repeated problems)
- Impact on complainant (e.g. distress, inconvenience, pain and suffering)
- Other factors (e.g. financial burden arising from making complaint)

Provider's response to the complaint

Tudalen y pecyn 60

Mitigating factors	Aggravating factors
Evidence that complaint has been taken seriously (e.g. proper investigation, attempts to resolve expeditiously)	Lack of evidence that complaint has been taken seriously /insufficient investigation
Tone of responses was constructive, empathetic and sincere	Tone of responses was unhelpful to the resolution of the complaint
Attempts made to remedy at an early stage (e.g. sincere apology, steps to rectify, review appointment offered)	Little evidence of attempts to remedy
Action reported to prevent recurrence/improve services and/or identify shortfalls	Complainant was required to take additional or unnecessary steps

Goodwill Payments Guide

- Four tier scale

Scale	
Tier 1 (moderate)	Up to £500
Tier 2 (significant)	£500 - £1,000
Tier 3 (serious)	£1,000 - £3,000
Tier 4 (very serious)	£3,000 - £5,000

4. Identifying learning

Examples of learning – complaints

- Weaknesses in the investigation of complaints at local level
 - Failing to gathering statements from doctor providing treatment
 - Failing to document evidence in a systematic way
 - Statements that are unsigned and undated
- Breaches of the Code
 - Timeframes tends to be a particular issue
- Lack of process for dealing with communications from complainants by email
 - Complaints management can quickly unravel without a clear process here

Examples of learning – services

Tudalen y pecyn 64

- Failure to give sufficient attention to recording the detail of conversations about consent
 - Doctors' clinical notes sometimes give scant reference to risks
 - Notes closed to scrutiny by illegible handwriting
 - Consent forms often have the appearance of being written in haste
- Misleading or exaggerated claims about the skills and experience of doctors
 - E.g. describing one doctor as a 'surgeon' and a 'specialist Gynaecologist and Obstetrician' who was not on the General Medical Council's specialist register and was in fact a GP

Escalating concerns

- Concerns over how ‘Patient Coordinators’ were being used in one cosmetic surgery organisation
- The number of telephone calls another cosmetic surgery organisation made to a prospective patient
- Failures by one hospital group to deliver the distinct two-stage complaint process The impersonal and anonymous letters of response sent by one provider

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LF-LA-0184-15

Jocelyn Davies AM
Chair of Finance Committee

17 February 2015

Dear Jocelyn,

Inquiry into the Consideration of Powers: Public Services Ombudsman for Wales

You wrote to all Cabinet Ministers on 27 January asking for their views on the inquiry your committee has begun. I have been asked to respond on behalf of us all.

These are important proposals and every member of the Cabinet values the role the Ombudsman plays in Wales to help deliver the best for the Welsh citizens, promotes lessons learnt and works to improve public service.

In the past 18 months both the past PSOW and the current PSOW have raised the prospect of new powers for their office.

The Government has on two occasions commented on those suggested powers: more recently to you and previously to the chair of the Communities, Equalities and Local Government Committee.

Broadly, we said that there were some issues we could support, but taking the legislation forward is a matter for the Assembly Commission. We noted that the Assembly's programme of legislation is already very busy for the current term, and there is little prospect of a Government bill in the Fourth Assembly. When we met on 15 January, I said the timetable you alluded to seemed ambitious and it may be better to take this forward after the 2016 Assembly elections.

The Ombudsman has asked for new powers which would change the nature of the Ombudsman service, moving it from the role of an independent adjudicator championing citizens' concerns, working to persuade and influence public bodies to adopt good practice and learn lessons so that their services improve, to one where the Ombudsman's office becomes more of an enforcer issuing statutory guidance in their own right. It is something your committee may want to consider in taking evidence if the shift is something we want in Wales.

It is worth noting that a substantial part of the public sector is currently preparing for major change. The White Paper *Reforming Local Government: Power to Local People*, published recently, asks important questions about the future size, roles and functions (including complaints and scrutiny) of local authorities.

In addition, the Well-being of Future Generations (Wales) Bill will require specified public bodies to improve the economic, social and environmental well-being of Wales by contributing to the achievement of a set of “well-being goals”. The responsibility for ensuring these duties are adhered to will be vested in a Future Generations Commissioner for Wales who will be able to conduct reviews into how a public body is taking account of the long-term impact of what the body does under a well-being duty.

The Well-being of Future Generations (Wales) Bill also provides for a separate power enabling the Auditor General for Wales to examine specified public bodies for the purposes of assessing the extent to which a body has acted in accordance with the sustainable development principle when setting well-being objectives and taking steps to meet those well-being objectives.

If the Ombudsman is given powers to conduct ‘own initiative inquiries’, this could potentially duplicate the review powers of the Commissioner and examination powers of the Auditor General for Wales. The nature of the Well-being of Future Generations Bill and its well-being goals means that there are a wide range of issues the Commissioner and Auditor General for Wales could potentially look at given their focus on public services, and these may conflict with an additional power for the Ombudsman to conduct inquiries. If this provision is made we would want to ensure that the powers of the Future Generations Commissioner and Auditor General for Wales are distinguished from those of the Ombudsman. It may benefit the Ombudsman’s office to make the case for new powers after these public service reforms embed and take effect.

I hope that these comments are helpful.

A handwritten signature in black ink, reading "Leighton Andrews". The signature is written in a cursive style. Below the signature is a horizontal line that ends in an arrowhead pointing to the right.

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Jocelyn Davies AM
Finance Committee Chair
National Assembly for Wales

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Cardiff CF10 5FL

Adeiladau Cambrian
Sqwâr Mount Stuart
Caerdydd CF10 5FL

19 February 2015

Dear Jocelyn

Thank you for the opportunity to submit comments to the Finance Committee's inquiry into the consideration of powers of the Public Services Ombudsman for Wales (the Ombudsman). You have specifically asked me to provide comment on the following:

1. Could own initiative investigations by the Ombudsman conflict with the role of independent commissioners?

I believe there is an opportunity for the Ombudsman to be allowed to act in a more proactive role through for example own initiative investigations, especially where there is evidence to suggest from individual cases that there could be a wider public interest issue. Many older people tell me that they complain not just to resolve their own concerns but also to ensure that there is not a repeat occurrence of the same mistakes and to prevent the same thing happening to someone else or to someone else's family.

I would fully expect that I would be consulted about any own initiative investigations which impact upon older people and be able to contribute towards the investigation and that any changes to legislation places on the Ombudsman a requirement to consult.

I already meet with the Auditor General for Wales to share our intended work programmes, identify areas of common interest, minimise duplication of effort and resource and discuss how our two organisations can work to support each other to achieve shared outcomes for older people in Wales. This has been achieved without conflict and could work along similar lines with the Ombudsman.

2. Is there a need for a co-ordination role between the independent commissioners, the Ombudsman and the Auditor General for Wales to help their investigations and recommendations to improve public services?

I do already meet regularly through the year with the Ombudsman to discuss our respective casework and work programmes. There are also strong relationships with officers in both organisations that ensure that information about key investigations is shared.

Section 16 of the Commissioner for Older People (Wales) Act 2006 (the Act) covers 'Working jointly with the Public Services Ombudsman for Wales'. Section 17 covers 'working collaboratively with other ombudsmen' e.g. the Children's Commissioner for Wales and Welsh Language Commissioner for Wales.

The requirements of the Act address:

- Informing the Ombudsman about a case
- Consulting the Ombudsman about a case
- Co-operating with each other in relation to the case
- Conduct a joint examination of a case
- Prepare and publish a joint report

Underpinning the legislation we have developed a Memorandum of Understanding which sets out in more practical terms how we would work collaboratively together and extends to joint training, sharing information about trends and pro-active sharing of relevant reports.

The memorandum states that the overarching aim is to contribute to the development of excellent public services in Wales that respect and promote the human rights of citizens in Wales and are sensitive to the needs of the most disadvantaged and vulnerable members of society and make best use of public resources. I see no reason why this Memorandum could not be extended to cover own initiative investigations.

3. Would the proposed reforms of the Ombudsman's role be better carried out in advance of wide public sector reforms, or after?

I would favour any reforms of the Ombudsman's role to be carried out in advance of wide public sector reforms so there is no delay in investigating concerns raised by individuals.

Additionally I have also considered some of the other questions listed in Annex A to your request:

- **Oral complaints**

Whilst I acknowledge the importance of a written record to support a complaint; insisting that a complaint is in writing before any action can be taken can create a barrier to some older people and others with protected characteristics that may need assistance in documenting a complaint.

I would hope that in accordance with the principles and requirements of the Equality Act 2010, that reasonable adjustments could be made to allow people to make complaints by email, in person or by telephone that could later be confirmed in writing or through alternative means e.g. with support from an advocate or where relevant an interpreter.

- **Complaints handling across the public services**

I would welcome a model complaints policy which all public bodies would be obliged to adopt, provided that the language used is accessible, there is a named individual appointed to investigate the complaint and that timelines for investigation and response are prompt.

Whilst I would always encourage older people to trust in the complaints processes of public bodies, as this is a proven way that public bodies can learn from mistakes and strengthen their own processes, there can however be some cynicism and a model complaints policy would go some way to alleviate this concern.

Any model complaints policy would however need to be supported by training and promotional materials for staff in public bodies and for people who use services. There would also be an impact on other organisations that provide support in making a complaint such as Community Health Councils and Citizen Advice Bureaux. I would be supportive of any move to improve the way in which complaints are investigated across public bodies in Wales.

- **Ombudsman's jurisdiction**

My preference would be for the pathway followed by the individual to form the basis of the pathway of the complaint investigation and not be limited to just the public bodies along that pathway; individuals do not live their lives in such linear patterns.

As the future model of public service delivery is likely to become more diverse and extend to social enterprises and other innovative public/private partnership arrangements then this pathway approach needs further consideration.

- **Links with the Courts**

Many of the people that contact me are looking for restorative justice and an assurance that no-one has to go through what they have been through. Making a complaint can be a very emotional experience as can the pursuit of remedy through a legal challenge.

Careful consideration must therefore be given to the best interests of the individual as to which are the most effective paths to follow. There needs to be honesty at the outset in what can and cannot be achieved. Support must be available to individuals during the complaints and legal process.

It would be helpful to know the numbers of cases and examples of cases where the Ombudsman would have acted differently had the possibility of recourse been available.

I can see merit in allowing the Ombudsman being able to refer cases to the Court for a determination on a point of law if it brings about a swifter resolution for an individual rather than having to go through a separate legal process to seek resolution.

- **Other issues**

As highlighted in the evidence session I gave to the Silk Commission, alongside the then Ombudsman, there is a frustration that changes to the devolution settlement can mean an individual finds themselves having to follow more than one complaint process. It is important therefore that the jurisdiction of the Ombudsman be reviewed as the settlement changes to ensure wherever possible

the impact on the individual does not get lost between systems and processes.

I would lend my support to the recommendations of the Ombudsman being binding so that the impact of failure by public bodies is felt by those bodies and not just by individuals who have been failed by them.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Rochira". The signature is written in a cursive style with a clear, legible font.

Sarah Rochira
Older People's Commissioner for Wales

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

Date: 19 February 2015
Our ref: HVT/2271/fgb
Page: 1 of 2

Dear Jocelyn

**INQUIRY INTO THE CONSIDERATION OF POWERS:
PUBLIC SERVICES OMBUDSMAN FOR WALES**

Thank you for your letter of 26 January 2015.

My views on the particular issues you raise are as follows. My answers to your general (Annex A) consultation questions are attached in the Annex.

- (i) *Whether given my role in overseeing the Welsh Consolidated Fund there would be any significant financial issues arising from the Ombudsman's proposals should a Bill be introduced, particularly in relation to Standing Order 26.6 (viii)?*

In terms of Standing Order 26.6 (viii), I do not think it should be necessary or likely for the proposals put forward by the Ombudsman to require provision to be made for charging directly on the Fund. As you know, direct charge provisions enable funds to be paid without further Assembly approval (in the form of budget motions), and are appropriate for enabling certainty of payment, such as for indemnities and salaries of constitutionally significant offices (such as that of the Presiding Officer). The Ombudsman's proposals do not seem to relate to that kind of matter. One of the five areas put forward is termed "Complaints Standards Authority", but I understand that this is intended to be a brand for the proposed model complaints policy work, rather than a proposal for a new public body that might require provision for direct charges.

My further views on the wider financial implications of the Ombudsman's proposals are in my answers to your Annex A consultation questions (please see Annex to this letter).

- (ii) *Whether I have any concerns that 'own-initiative' investigations by the Ombudsman could conflict with the Auditor General's value for money investigations. How could this risk be managed?*

I think that there is a possibility of overlap with my value for money studies, but I do not think it would be a great risk. Furthermore, I think that risk could be managed effectively fairly easily. I am sure that both the Ombudsman and I would in any case continue to confer with one another regarding our respective forward programmes. To put the matter

beyond doubt, however, it would be appropriate to include provision in legislation requiring the Ombudsman and the Auditor General each to take account of the other's views before exercising the relevant functions and to co-operate with one another in so far as they consider is necessary for the effective exercise of those functions.

(iii) *Is there a need for a co-ordination role between the Auditor General for Wales, the Ombudsman and independent commissioners to help their investigations and recommendations to improve public services?*

I think the requirements that I suggest in response to question (ii) would provide appropriate co-ordination. I do not think that further co-ordination provision, such as specific co-ordination role to be held by any particular person should be necessary.

(iv) *Would the proposed reforms of the Ombudsman's role be better carried out in advance of wider public sector reforms, or after?*

For the most part, I do not think that there are strong timing issues either way. However, I do think that it would be somewhat more economical and efficient to introduce a requirement on public bodies to adopt model complaints policies at the same time as establishing complaints policies for merged bodies than either introducing such requirements before or after mergers. Such timing should help bodies to avoid having to make two sets of changes to their complaints procedures.

I should be happy to provide further explanation if the Committee would find that helpful.

Yours sincerely



HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Enc: Annex A: Responses to Annex Consultation Questions

RESPONSES TO ANNEX CONSULTATION QUESTIONS

1. *What are your views on the effectiveness of the current Public Services Ombudsman (Wales) Act 2005?*

On the basis of our monitoring of issues arising from the audit of accounts and wider monitoring for the purposes of planning value for money studies, I have no particular concerns regarding lack of effectiveness of the current legislation.

Own initiative investigations

2. *Currently, the Ombudsman may only investigate a matter that is the subject of a complaint made to him/her. What are your views on 'own initiative' investigations powers, which would enable the Ombudsman to initiate his/her own investigations without having first received a complaint about an issue. Please explain your answer.*

I consider that own initiative investigations would enable wider systemic problems to be addressed coherently. I also think that such a power should enable evidently problematic matters to be investigated despite the absence of complaints, which might, for example, be the case with systemic problems that affect particular groups who tend to be reluctant or unable to raise complaints.

I consider that such a power to undertake such investigations should be used sparingly, but I think it is very likely that resource constraints and oversight of resourcing by the Assembly will ensure that the power is not used excessively.

3. *Do you have any concerns that own-initiative investigation powers could result in the Ombudsman's responsibilities overlapping with the responsibilities of other bodies? How could this be managed?*

I think that there is a possibility of overlap with my value for money studies, and perhaps with inspections by the Welsh Ministers (HIW and CSSIW) and Estyn. But I think the risk could be managed effectively fairly easily. As I say in my covering letter, I am sure that both the Ombudsman and I would in any case continue to confer with one another regarding our respective forward programmes. To put the matter beyond doubt, however, it would be appropriate to include provision in legislation requiring the Ombudsman and the Auditor General each to take account of the other's views before exercising the relevant functions and to co-operate with one another in so far as they consider is necessary for the effective exercise of those functions.

4. *Do you have a view on the likely financial costs and benefits of the Ombudsman having own-initiative powers?*

The cost estimate provided in the Ombudsman's proposal paper are realistic in respect of sparing use of own-initiative investigation powers—say one or two investigations each year. In terms of benefits, it is not possible to predict the likely monetary benefits of such powers. I would hope that good use of such powers would lead to reduced levels of

maladministration leading to efficiency savings as well as increased public satisfaction (and reduced harm and distress to individuals), but such benefits are very difficult to quantify, let alone predict.

Oral complaints

5. *At present, the Ombudsman can only accept complaints in writing. What are your views on the Ombudsman being able to accept complaints made orally? Please explain your answer.*

As I understand it, it is not actually the case that the Ombudsman can only accept complaints in writing. Section 2(4) of the Public Services Ombudsman (Wales) Act 2005 provides the Ombudsman with discretion to investigate oral complaints, and I gather that the Ombudsman does indeed investigate such complaints. I do, however, also understand that Ombudsman's office time is taken up in writing up oral complaints and seeking confirmation that the complainant wishes the Ombudsman to proceed with investigation. I am not sure what the most appropriate solution to that problem is; I am not sure that removing the requirement in section 5 of the 2005 Act for complaints to be made in writing would, on its own, make much difference, given the discretion to investigate complaints that do not meet section 5. I do suspect, however, that new provision for own-initiative investigations should help the Ombudsman address serious issues that have been raised orally but not confirmed.

6. *What other type/form of submission should be acceptable (eg email, website form, text messages)*

As I understand it, email, webform and text message submissions would be held by the courts to be written submissions. I do not see it should necessary for a submission to be made by letter on paper.

7. *Do you have a view on the financial costs and benefits of this provision?*

As I not sure how specific provision for oral complaints would operate, I cannot give a view on financial costs and benefits. If a solution can be found to the problem of staff time being spent on recording oral complaints that are not confirmed, then there may be some financial saving in the sense of avoiding what can be regarded as nugatory work. But I think any solution that makes it easier to submit complaints orally will also lead to more complaints, which will increase costs. I do, however, see that there may be real benefit to vulnerable people in making the submission and investigation of oral complaints easier.

Complaints handling across public services

8. *At present there is no consistency in the way public bodies deal with complaints. Adoption of the model complaints policy issued by the Welsh government is voluntary. What are your views on the Ombudsman preparing a model complaints policy which public bodies would be obliged to adopt. Please explain your answer.*

I think this proposed development would be likely to be beneficial overall. I think there is a strong parallel with the Information Commissioner providing clear guidance to

public bodies on review procedures for FOI, which helped eliminate some very unhelpful practices in some bodies. The required adoption of model policies should enable good and efficient complaints handling practice to be embedded across public bodies. This should be conducive to improved effectiveness (better handling).

It may helpful to provide for the Ombudsman to be able to approve deviation from a model policy, such as where the requirements of a body's operations do not fit well with the model policy. There may also be a need to exempt certain matters from the model policy, such as FOI review procedures, as those are subject to other regulation.

9. *Do you have a view on the financial costs and benefits of this provision?*

While the overall net savings are not likely to be great and will be hard to quantify, particularly where complaint handling staff do not work with a time recording system, I think the required adoption of model policies should be conducive to improved economy by, among other things, saving bodies spending time and money on devising their own policies. Similarly some savings might be achieved where public bodies are operating poorly designed policies.

Ombudsman's jurisdiction

10. *What are your general views on the Ombudsman's current jurisdiction?*

Generally, I think the Ombudsman's current jurisdiction is appropriate.

11. *At present the Ombudsman can investigate private health care that has been commissioned by the NHS. The Ombudsman would like the jurisdiction to be extended to enable him/her to investigate when a patient has received private healthcare (self-funded not commissioned by the NHS) in conjunction with public healthcare. This would enable the complaints process to follow the citizen rather than the sector. What are your views on extending the Ombudsman's jurisdiction in this way?*

I can see merit in a "follow the citizen" approach, where private healthcare is received in conjunction with public healthcare. I do, however, see defining linkages in care histories as possibly quite challenging in some cases. And there may be other issues in defining the scope of healthcare to be covered by the Ombudsman's jurisdiction. There are, however, also wider public policy issues on which I do not think it is appropriate for me to comment.

12. *How do you think the investigation of private health care complaints should be funded? (Possibilities include a levy, charging on a case by case basis or no charge.)*

These are public policy issues on which it is probably not appropriate for me to comment.

13. *Do you have a view on the financial costs and benefits of this provision?*

Again, I am not in a position to comment.

Links with the courts

14. *What are your views on the removal of the statutory bar to allow the Ombudsman to consider a case which has or had the possibility of recourse to a court, tribunal or other mechanism for review? (ie this would give complainants the opportunity to decide which route is most appropriate for them.)*

Given the potential additional cost to the public purse, I would be concerned if the removal of the statutory bar meant that complainants had not just a choice of remedy (ie one or the other) but two remedies to pursue. Furthermore, as the statutory bar does not apply if the Ombudsman is satisfied that in the particular circumstances it is not reasonable to expect the person to resort to the right remedy, I am not sure that there is a pressing case for the removal of the statutory bar in terms of removing impediments to remedy for vulnerable people.

15. *What are your views on the Ombudsman being able to refer cases to the Courts for a determination on a point of law?*

In principle, referral of cases to the Courts for the determination of points of law seems sensible, but there is need for consideration of who should bear the cost of such referrals.

16. *Do you have a view on the financial costs and benefits of this provision?*

My answers to questions 14 and 15 indicate my concerns as to the costs of such changes.

Other issues

17. *Do you have any specific examples where the Ombudsman having the additional powers proposed could have been useful in securing a successful conclusion to an issue?*

No, but that is not to say that I do not see an own initiative investigation and model complaints policy functions as not having benefits.

18. *Schedule 3 of the current 2005 Act, provides a list of authorities that are within the Ombudsman's jurisdiction to investigate complaints. Please provide details of any other bodies/organisations that should be included in this list?*

I am not aware of any significant omissions from the list.

19. *If extended powers were given to the Ombudsman in a new Bill/Act, at what point should the impact of this legislation be evaluated?*

A baseline review before commencement would be helpful. Thereafter, given the timescales for undertaking and allowing the effects of own-initiative investigations and model complaints policy work, evaluation at least three to five years after commencement would be appropriate if the evaluation is to address effectiveness. However, if the evaluation were confined to assessing whether the provisions were fit for purpose in terms of enabling the processes to commence (which is quite a narrow focus), then it could be undertaken one to two years after commencement.

20. *What unintended consequences could arise as a result of these provisions becoming legislation and what steps could be taken to deal with these consequences?*

While mentioned above, I would say again that there may be unintended cost consequences of specific provision for oral complaints. Similarly, there may be unintended cost consequences of removal of the statutory bar on matters that could be considered by the Courts.

21. *What factors should be measured to determine the cost-benefit analysis of this legislation being brought forward?*

I would need to undertake some extended research in order to answer this properly.

22. *Do you have any comments on the following issues:*

- *areas coming into jurisdiction over time, should consideration be given to other bodies being included in the Ombudsman's jurisdiction;*

Such consideration would be appropriate for any new service-delivery organisations, but probably not for new review bodies (eg the forthcoming Future Generations Commissioner).

- *recommendations and findings - should the recommendations of the Ombudsman to public bodies be binding. This would mean that bodies cannot decide to reject the findings;*

In my view, binding recommendations could be problematic. They may confuse or reduce the accountability of the executives of public bodies. The existing provisions in the Act for reporting and certifying non-action seem appropriate.

- *protecting the title - there has been a proliferation of schemes calling themselves ombudsmen, often without satisfying the key criteria of the concept such as independence from those in jurisdiction and being free to the complainant. Should anyone intending to use the title ombudsman gain approval from the Ombudsman;*

This seems to me to be a sensible precaution against misuse. Regulations already exist to provide such protection for titles such as "government" and "auditor general" (it may be appropriate to ask for an insertion into Schedule 4 of the *Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015*).

- *code of conduct complaints – the Ombudsman would prefer to focus on the element of his work that deals with service users and service delivery, rather than local authority and town and community councils' resolutions. Whilst a local resolution procedures exists and has been adopted by 22 local authorities, variance exists in practice.*

I can see the merits of that preference, but I consider that there is a need for investigation of serious code of conduct complaints.

23. *Do you have any views on any aspects of future planned or proposed public sector reforms that would impact on the role of the Ombudsman?*

I think it is likely that the proposed public sector reforms and continuing austerity will increase the volume of the Ombudsman's casework, at least in the short to medium term—separating the effect of the proposed reforms and the effect of austerity may be difficult. Similarly, the proposed public sector reforms and continuing austerity will increase the volume of complaints to public bodies. This latter point may reinforce the case for Ombudsman having model complaints policy functions.

24. *Do you have any other issues or concerns about the current Act and are there any other areas that need reform or updating?*

Not at present.

19 February 2015



Eich cyf/Your ref
Ein cyf/Our ref

Jocelyn Davies AC
Cadeirydd
Pwyllgor Cyllid
Cynulliad Cenedlaethol Cymru
T Hywel
Bae Caerdydd
Caerdydd
CF99 1NA

10 Chwefror 2015

Annwyl Jocelyn,

Pwyllgor Cyllid – Ystyriaeth o oblygiadau cyllidol Bil Cymwysterau Cymru

Diolch am eich llythyr dyddiedig 29 Ionawr, yn holi am ragor o wybodaeth am ddau bwynt yn dilyn ystyriaeth Gweinidogion o oblygiadau ariannol y Bil Cymwysterau. Er hwylustod rwyf i wedi gosod fy ymateb dan bob un o'r pwyntiau y mae Gweinidogion yn dymuno cael rhagor o wybodaeth amdanynt.

Costau TGCh

Gofynnwch chi am ddadansoddiad o'r cyfrifiadau costau TGCh a gyflwynwyd ym Memorandwm Esboniadol Bil Cymwysterau Cymru.

Rwyf yn falch i gyflwyno'r cyfryw ddadansoddiad yn Atodiad A.

Cyfanswm a chostau ychwanegol yr opsiwn a ffefrir

Gofynnwch chi hefyd i fi gadarnhau pa gyllideb a gaiff ei defnyddio i dalu'r cyfanswm a chostau ychwanegol a fydd yn deillio o weithredu'r ddeddfwriaeth.

Mae cyfanswm a chostau ychwanegol y corff newydd eisoes yn rhan o'r gyllideb 2015/16 ar gyfer Addysg, a chânt eu talu o'r Llinell Wariant yn y Gyllideb ar gyfer Cymwysterau yn y Prif Grŵp Gwariant Addysg a Sgiliau, sydd ar hyn o bryd yn gyfanswm o £7.903m. Er mwyn cwrdd â chostau arfaethedig yr opsiwn a ffefrir sy'n gyfanswm o £9.412m yn 2015-16, bydd trosglwyddiad hefyd o gyllideb Costau Rhedeg Dirprwyedig yr adran yn y Prif Grŵp Gwariant Gwasanaethau Canolog a Gweinyddu i'r Llinell Wariant yn y Gyllideb ar gyfer Cymwysterau i dalu costau'r staff fydd yn symud o Lywodraeth Cymru i Cymwysterau Cymru.

Bydd y detholiad canlynol o bapur tystiolaeth y Pwyllgor Plant, Pobl Ifanc ac Addysg a drafodwyd yn y cyfarfod ar 23 Hydref fel rhan o'r broses o graffu Cyllideb Ddrafft Llywodraeth Cymru 2015-16 yn ddefnyddiol:

Cymwysterau Cymru

Mae darpariaeth yn y gyllideb o £7.903m wedi cael ei dyrannu ar gyfer cymwysterau yn 2015-16, i dalu am y broses barhaus o weithredu'r Adolygiad o Gymwysterau a sefydlu Cymwysterau Cymru.

O fewn y Cam Gweithredu Cymwysterau rydym wedi dyrannu £2.3m ychwanegol yn 2015-16 ar gyfer y costau sefydlu sy'n gysylltiedig â Cymwysterau Cymru. Bydd y dadansoddiad terfynol o gostau'n cael ei gyhoeddi fel rhan o'r Asesiad Effaith Rheoleiddiol pan fydd y Bil Cymwysterau (Cymru) yn cael ei gyflwyno ar 1 Rhagfyr 2014. Rhagwelir trosglwyddiad pellach o'r Prif Grŵp Gwariant Gwasanaethau Canolog a Gweinyddu i'r Cam Gweithredu Cymwysterau, a fydd yn cael ei weithredu fel rhan o Gyllideb Atodol yn 2015-16, i roi cyfrif am aelodau o staff Llywodraeth Cymru a fydd yn trosglwyddo i'r corff newydd o 1 Medi 2015.

Wrth gynnig y gyllideb hon, a gafodd ei derbyn gan y Cynulliad, fe adolygom ni'r holl flaenoriaethau addysg gan ddarparu'n briodol ar gyfer pob un. Rwyf i felly'n fodlon fod yr amcangyfrifon costau ar gyfer sefydlu a rhedeg Cymwysterau Cymru'n briodol ac yn realistig.

Hyderaf y bydd yr wybodaeth hon o gymorth i Aelodau'r Pwyllgor.

Rwyf i'n anfon copi o'r llythyr hwn i Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg.

Yn gywir



Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Tabl 25 - Costau referniw: TGCh

Crynodeb o'r costau yn yr Asesiad Effaith Rheoleiddiol

	2015-2016 Sefydlu	2015-2016 Gweithredu	Parhaus
COSTAU SEFYDLU			
Ymgynghori	457,000		
WAN	22,000		
Meddalwedd arall	101,000		
COSTAU GWEITHREDU			
Ymgynghori			95,000
WAN			87,000
Meddalwedd arall			70,000
Cymorth Microsoft			47,000
Caledwedd			27,000
	<u>580,000</u>	<u>0</u>	<u>326,000</u>

Dadansoddiad manwl o'r costau hyn (isgyfansymiau'n cynnwys TAW ac wedi'u talgrynnu)

Dadansoddiad o Gostau Referniw: TGCh

	Sefydlu (3 blynedd)	Blyneddol
Ymgynghori (Costau Sefydlu)		
Integreiddiwr System	£84,000	£28,400
Datblygu Gwefan	£65,000	£26,500
Cronfa Ddata Rheoliadau	£96,000	£24,000
Adnoddau TGCh Llywodraeth Cymru	£120,000	
Sicrhau Ansawdd	£15,800	
<i>Isgyfanswm yn cynnwys TAW</i>	<u>£457,000</u>	
Ymgynghori (Costau parhaus)		
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£95,000</u>
WAN / LAN (Costau Sefydlu)		
Costau Teleffoni	£9,000	£9,000
Ffonau Symudol	30 o ddefnyddwyr £9,450	£9,450
<i>Isgyfanswm yn cynnwys TAW</i>	<u>£22,000</u>	
WAN (Costau parhaus)		
WAN / Teleffoni / Wal dân	100 o ddefnyddwyr	£11,000
Fideogynadledda	100 o ddefnyddwyr	£10,080
Band llydan (PBSA WAN & Rhyngrwyd)	200/100mb	£33,000
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£87,000</u>
Meddalwedd Arall (Costau Sefydlu)		
Adobe Creator	30 o ddefnyddwyr £5,440	£5,440
Pecyn Canfod Firysau	100 o ddefnyddwyr £12,000	£12,000
Apiau Cleient (arall)	100 o ddefnyddwyr £22,000	£22,000
Rhaglen AD	3 defnyddiwr £27,000	£1,500
Rhaglen Cyllid	3 defnyddiwr £10,000	£10,000
Rhaglen Caffael	2 ddefnyddiwr £8,000	£8,000
<i>Isgyfanswm yn cynnwys TAW</i>	<u>£101,000</u>	
Meddalwedd Arall (Costau parhaus)		
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£70,000</u>
Cymorth Microsoft		
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£39,000</u>
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£47,000</u>
Caledwedd (Costau Parhaus)		
Ffôn Symudol	30 o ddefnyddwyr	£6,300
Fideogynadledda (presenoldeb tele)	1 OF	£4,300
Argraffyddion a Pherifferolion	5 OF	£12,000
<i>Isgyfanswm yn cynnwys TAW</i>		<u>£27,000</u>

Tabl 26 - Costau Cyfalaf: TGCh

Crynodeb o'r costau yn yr Asesiad Effaith Rheoleiddiol

Costau cyfalaf TGCh	2015-2016 Sefydlu	2015-2016 Gweithredu	Parhaus
COSTAU SEFYDLU			
Trwyddedu a chymorth cwmwl*	247,000		
Caledwedd	204,000		
WAN	213,000		
COSTAU GWEITHREDU			
Darparu gwesteigr a thrwyddedu			178,000
	£ 664,000	£0	£178,000

Dadansoddiad manwl o'r costau hyn (isgyfansymiau'n cynnwys TAW ac wedi'u talgrynnu)

Dadansoddiad o Gostau Cyfalaf: TGCh

		Sefydlu (3 blynedd)	Costau pwynt 3 blynedd
Trwyddedu Cwmwl (Costau Sefydlu)			
Trwyddedu Cleient	100 o ddefnyddwyr	£94,672	£94,672
Gwesteigr Azure	Blynyddol	£54,000	£54,000
Cymorth Microsoft	Blynyddol	£39,000	
Hyfforddiant Microsoft	Sefydlu	£18,000	
	<i>Isgyfanswm yn cynnwys TAW</i>	£247,000	
Darparu Gwesteigr a Thrwyddedu (Costau parhaus)		<i>Isgyfanswm yn cynnwys TAW</i>	£178,000
Caledwedd (Costau Sefydlu)			
Pecyn Cleient (Pendeg)	80 o ddefnyddwyr	£44,355	
Pecyn Cleient (Gliniadur)	20 o ddefnyddwyr	£14,400	
Gweinyddion a Pherifferolion	2 Stac (M)	£38,000	
Ffôn Symudol	30 o ddefnyddwyr	£6,300	
Fideogynadleda (presenoldeb tele)	1 OF	£25,000	
Taflunyddion a Pherifferolion	2 OF	£7,000	
Argraffyddion a Pherifferolion	5 OF	£27,000	
Pecynnau Bwrdd Gwyn Rhyngweithiol	4 OF	£8,000	
	<i>Isgyfanswm yn cynnwys TAW</i>	£204,000	
WAN / LAN (Costau Sefydlu)			
WAN / Teleffoni / Wwl dân	100 o ddefnyddwyr	£80,000	
Fideogynadleda	100 o ddefnyddwyr	£25,370	
Band llydan (PBSA WAN & Rhyngwyd)	200/100mb	£72,000	
	<i>Isgyfanswm yn cynnwys TAW</i>	£213,000	

Amcangyfrifon yw'r costau hyn gan nad yw'r ymarferion caffael wedi'u cwblhau eto. Nid yw wedi'i gadarnhau eto chwaith a gaiff y costau eu trin fel cyfalaf neu refeniw.

Mae cyfyngiadau ar y ddogfen hon



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Jocelyn Davies AC
Cadeirydd y Pwyllgor Cyllid
Cynulliad Cenedlaethol Cymru
Tŷ Hywel
Bae Caerdydd
CF99 1NA

Cyfeirnod IG-2015-003(W)
Dyddiad 20 Ionawr, 2015
Tudalennau 1 o 2

Annwyl Cadeirydd

Diolch am eich llythyrau dyddiedig 15 Rhagfyr ac adroddiad y Pwyllgor a gyhoeddwyd ym mis Tachwedd ar ein *Hadroddiad Blynyddol a Chyfrifon, Adroddiad Interim 2014-15 ac Amcangyfrif ar gyfer 2015-16*.

Penodi Baker Tilly yn Archwilwyr Allanol Swyddfa Archwilio Cymru

Yng ngoleuni cymeradwyaeth y Pwyllgor, byddwn yn bwrw ymlaen â phenodi Baker Tilly fel ein Harchwilwyr Allanol. Gallaf gadarnhau y byddwn yn cytuno ar fetrics perfformiad fel rhan o'r contract. Bydd ein Pwyllgor Archwilio a Sicrwydd Risg hefyd yn goruchwyllo perfformiad yr archwilwyr, yn enwedig o ran gwaith gwerth am arian a wneir yn y dyfodol.

Byddwn yn fwy na pharod i roi'r wybodaeth ddiweddaraf i'r Pwyllgor yn ôl yr angen.

Cynllun Ffioedd 2015

Rydym yn croesawu penderfyniad y Pwyllgor i gytuno ar y Cynllun a byddwn yn mynd ati i'w gyhoeddi a chytuno ar ffioedd â chyrrff unigol a archwilir yn unol â'r cyfraddau cyhoeddedig. Rwy'n ddiolchgar i'r Pwyllgor am gydnabod yr arbedion a'r effeithlonrwydd mewnol y mae'r Bwrdd wedi gofyn amdanynt fel nad effeithir ar y ffioedd.

Er mwyn egluro un ateb a roddais i'r Pwyllgor mewn perthynas â'r ymgynghoriad ynglŷn â'n graddfeydd ffioedd, ymgynghorwyd â phob corff a archwilir sy'n dod o dan y rheoliadau statudol mewn perthynas â graddfeydd ffioedd Llywodraeth Leol a graddfeydd ffioedd ar gyfer y Fenter Twyll Genedlaethol. O dan y ddeddfwriaeth nid yw'n ofynnol i ni ymgynghori y tu hwnt i hynny, ond wrth gwrs bu'r adborth cynhwysfawr drwy ein Harolwg o Randdeiliaid a gynhaliwyd yn gynharach yn ystod y flwyddyn yn fuddiol i ni, fel y crybwyllais wrth y Pwyllgor.

Byddwn yn cyflwyno cynigion ar gyfer model symlach o adennill costau archwilio cyhoeddus i'r Pwyllgor maes o law.

Amcangyfrif Atodol 2014-15

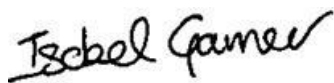
Rydym yn croesawu'n fawr iawn y ffaith bod y Pwyllgor yn fodlon ar ein Hadroddiad Interim ar gyfer 2014-15 a'n Hamcangyfrif ar gyfer 2015-16. Gallaf gadarnhau bod eich argymhellion yn cael eu hymgorffori yn ein prosesau cynllunio busnes arferol.

Wrth ddod gerbron eich Pwyllgor ar 6 Tachwedd, rhoddwyd y wybodaeth ddiweddaraf am brynu a gweithredu system TG archwilio newydd yn lle'r systemau a etifeddwyd sy'n achosi risgiau i barhad busnes erbyn hyn. Amcangyfrifir mai'r gost gyfalaf, i'w thalu'n llawn yn 2014-15, yw £216,000. Esboniwyd y byddai angen i ni drosglwyddo adnoddau refeniw i adnoddau cyfalaf er mwyn rhoi cyfrif am y buddsoddiad yn briodol.

Nododd y Pwyllgor fod angen cyllideb atodol er mwyn trosglwyddo'r arian yn y modd hwn a chroesawodd y ffaith y gallem dalu am y gwariant ychwanegol drwy ein hadnoddau presennol yn hytrach na gofyn am gynnydd cyllidebol. Mae'n bleser gennyf amgáu Memorandwm Esboniadol i'r Pwyllgor gytuno arno a gallaf gadarnhau iddo gael ei drafod â swyddogion Llywodraeth Cymru er mwyn bod yn gyson â llinell amser cyllideb atodol Llywodraeth Cymru. Rwyf wedi ysgrifennu at y Gweinidog Cyllid a Busnes y Llywodraeth ar wahân.

Fel bob amser, rydym yn awyddus i roi unrhyw wybodaeth sydd ei hangen ar eich Pwyllgor.

Yn gywir



Isobel Garner
Cadeirydd, Swyddfa Archwilio Cymru



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Memorandwm Esboniadol

Memorandwm Esboniadol i'r Pwyllgor Cyllid Ynghylch yr Amrywiad yng Nghyllideb Swyddfa Archwilio Cymru ar gyfer y flwyddyn a ddaw i ben 31 Mawrth 2015

Cyflwynwyd i Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru i'w ystyried o dan Reol Sefydlog 20.35.

Isobel Garner
Cadeirydd, ar ran Swyddfa Archwilio Cymru

Huw Vaughan Thomas
Archwilydd Cyffredinol Cymru

Cynnwys

Memorandwm Esboniadol

Trosolwg	4
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Cyflwyniad	5
Addasiadau i adnoddau referiw a chyfalaf	6
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Atodiadau

Crynodeb o ofynion cyllidebol 2014-15 i'w cynnwys yng Nghynnig Cyllidebol Atodol Gweinidogion Cymru o dan adran 126 o Ddeddf Llywodraeth Cymru	7
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Trosolwg

- 1 Ar gyfer pob blwyddyn ariannol, mae'n rhaid i Swyddfa Archwilio Cymru gyflwyno amcangyfrif blynyddol o'i hincwm a'i gwariant i Bwyllgor Cyllid y Cynulliad Cenedlaethol. Rhaid i'r pwyllgor cyfrifol archwilio'r amcangyfrif hwnnw a'i osod gerbron y Cynulliad Cenedlaethol ar ôl gwneud unrhyw ddiwygiadau sy'n briodol ym marn y pwyllgor.
- 2 Cafodd Amcangyfrif Swyddfa Archwilio Cymru ar gyfer 2014-15 ei gynnwys yn y Cynnig Cyllidebol Blynyddol o dan Reol Sefydlog 20.26 a'i gymeradwyo yn y Cyfarfod Llawn ar 10 Rhagfyr 2013, ar ôl gwaith craffu gan y Pwyllgor Cyllid.
- 3 Ymhellach at y dystiolaeth a gyflwynwyd i'r Pwyllgor Cyllid ar 6 Tachwedd 2014, mae Swyddfa Archwilio Cymru bellach yn ceisio diwygio'r Amcangyfrif cymeradwy ar gyfer y flwyddyn a ddaw i ben ar 31 Mawrth 2015.

Diben y Memorandwm Esboniadol hwn

Cyflwyniad

- 4 O dan y cynnig cyllidebol awdurdodwyd Swyddfa Archwilio Cymru i gadw £17.639 miliwn o adnoddau cronrus, a gynhyrchwyd drwy ffioedd a godwyd ar gyrff archwilio, a darparu £5.974 miliwn o adnoddau eraill. Gyda'i gilydd, defnyddir y swm hwn o £23.613 miliwn i ariannu costau Swyddfa Archwilio Cymru i gyflawni ei dyletswyddau o dan Ddeddf Archwilio Cyhoeddus (Cymru) 2013.
- 5 Esboniodd Ein Hamcangyfrif ar gyfer 2014-15 fod amrywiaeth o systemau TG a etifeddwyd yn cael eu defnyddio gan Swyddfa Archwilio Cymru i gynllunio, rheoli, cofnodi a storio gwaith archwilio yn ein dwy adran ymarfer archwilio (archwilio ariannol ac archwilio perfformiad). Etifeddwyd y systemau hyn gan Swyddfa Archwilio Cymru ar adeg ei sefydlu. Hysbyswyd y Pwyllgor Cyllid bod prosiect wedi'i ddechrau i nodi a oedd llwyfan archwilio cyffredin a allai ymgymryd â'r gwahanol swyddogaethau hyn a helpu i wella'r ffordd y caiff gwaith archwilio ei gynnal. Tynnwyd sylw'r Pwyllgor at y ffaith y gallai fod angen arian cyfalaf ychwanegol drwy Gyllideb Atodol, pe bai'r prosiect yn nodi ateb dichonadwy.
- 6 Wrth brofi'r farchnad, canfuwyd na allem gyflawni ein dyhead yn y byrdymor heb adnoddau sylweddol na meddalwedd arloesol nad oedd wedi cael ei phrofi yn y sector archwilio allanol. Daeth y Bwrdd i'r casgliad bod y risgiau a oedd yn gysylltiedig â gweithredu yn rhy uchel, ond hefyd fod risgiau i barhad busnes yn rhy sylweddol i gyfiawnhau parhau i 'wneud dim'. Nododd llythyr gan Gadeirydd Swyddfa Archwilio Cymru at Gadeirydd y Pwyllgor Cyllid ar 29 Hydref 2014, benderfyniad y Bwrdd i gaffael system rheoli archwilio newydd ar gyfer ein hymarfer archwilio ariannol. Bydd y system hefyd yn rhesymoli ac yn symleiddio systemau ategol, gan y bydd yn disodli ein systemau presennol ar gyfer cofnodi amser a rheoli adnoddau. Y gost gyfalaf yw £216,000, ynghyd â chostau refeniw cychwynnol o £46,000 yn 2014-15. Bydd yn arwain at gostau rhedeg systemau is a gwell effeithlonrwydd i'r gweithlu, gan ryddhau adnoddau ar ôl iddi gael ei gweithredu (yn weithredol o 2016-17). Mae'r Bwrdd yn dal yn awyddus i sicrhau llwyfan archwilio cyffredin ar gyfer y ddwy adran ymarfer, y rhagwelwn y gellir ei gyflawni yn y tymor canolig, yn enwedig wrth i ni barhau i weithio'n agos gyda chyrrff archwilio allanol eraill y DU.
- 7 Fel yr esboniwyd i'r Pwyllgor Cyllid ar 6 Tachwedd, drwy reoli ein hadnoddau'n ofalus, gellir talu am y costau ychwanegol hyn yn fewnol, heb fod angen gofyn am arian ychwanegol. Felly defnyddir dull y Gyllideb Atodol i wneud addasiad technegol i Amcangyfrif Swyddfa Archwilio Cymru er mwyn symud arian refeniw i arian cyfalaf. Nododd y Pwyllgor fod angen cyllideb atodol er mwyn trosglwyddo'r arian yn y modd hwn a chroesawodd y ffaith y gallem dalu am y gwariant ychwanegol drwy ein hadnoddau presennol yn hytrach na gofyn am gynnydd cyllidebol. Mae'r Memorandwm Esboniadol hwn yn nodi'r addasiadau technegol sydd eu hangen.

Addasiadau i gyllidebau refeniw a cyfalaf

- 8 Fel yr esboniwyd uchod, mae Swyddfa Archwilio Cymru wedi nodi arbedion ac effeithlonrwydd yn ei chyllideb refeniw ar gyfer 2014-15 a fydd yn ei galluogi i ariannu'r gost o brynu system rheoli archwilio newydd a'r costau gweithredu cychwynnol. Nodir y newidiadau cyllidebol technegol sydd eu hangen yn [Nhabl 1](#).

Tabl 1

	Amcangyfrif Cymeradwy 2014-15	Amcangyfrif Atodol 2014-15	Amcangyfrif Diwygiedig 2014-15
	£'000	£'000	£'000
Adnoddau refeniw	5,876	(200)	5,676
Adnoddau cyfalaf	98	200	298
Adnoddau cronuss	17,639	–	17,639
Cyfanswm gwariant	23,613	–	23,613

Gofyniad arian parod net

- 9 Nid oes angen newid y gofyniad arian parod net cymeradwy sef £5.974 miliwn.

Crynodeb

- 10 Rhydd [Tabl 2](#) grynodeb o'r adnoddau cyfalaf a refeniw diwygiedig a'r gofyniad arian parod net os cymeradwyeir yr amcangyfrif atodol hwn.

Tabl 2 – Crynodeb o'r adnoddau refeniw a'r ceisiadau am arian parod

	Cais am adnoddau	Gofyniad arian parod net
	£'000	£'000
Adnoddau refeniw	5,676	5,676
Adnoddau cyfalaf	298	298
Cyfanswm	5,974	5,974

Atodiad 1

Crynodeb o ofynion cyllidebol 2014-15 i'w cynnwys yng Nghynnig Cyllidebol Atodol Gweinidogion Cymru o dan adran 126 o Ddeddf Llywodraeth Cymru

O dan Adran 126 o Ddeddf Llywodraeth Cymru 2006 ('Deddf 2006'), mae'n rhaid i Weinidogion gynnig Cynnig Cyllidebol Atodol yn y Cynulliad Cenedlaethol i awdurdodi defnyddio adnoddau, cadw incwm a hawlio arian parod o'r Gronfa Gyfunol ar gyfer personau perthnasol penodol, gan gynnwys Swyddfa Archwilio Cymru.

Mewn perthynas â gwasanaethau a dibenion y Swyddfa Archwilio Cymru yn ystod y flwyddyn a ddaw i ben ar 31 Mawrth 2015, bydd y Cynnig Cyllidebol yn awdurdodi'r canlynol:

- cyfanswm yr adnoddau i'w defnyddio gan Swyddfa Archwilio Cymru;
- cyfanswm yr adnoddau sy'n cronni i Swyddfa Archwilio Cymru y gellir eu cadw (yn hytrach na'u talu i mewn i'r Gronfa Gyfunol);
- y swm y gellir ei dalu o'r Gronfa Gyfunol i Swyddfa Archwilio Cymru.

Ceir crynodeb o'r gofynion hyn, na ellir ond darparu amcangyfrifon ar eu cyfer oherwydd amrywioldeb ffrydiau incwm, yn **Nhabl 1** isod.

Tabl 1 – Crynodeb o ofynion cyllidebol amcangyfrifedig 2014-15

	£'000
Adnoddau ac eithrio adnoddau sy'n cronni i'w defnyddio gan Swyddfa Archwilio Cymru ar gyflawni swyddogaethau statudol Swyddfa Archwilio Cymru, yr Archwilydd Cyffredinol ac archwilywyr penodedig llywodraeth leol, ar weinyddu Swyddfa Archwilio Cymru:	
• Refeniw	5,676
• Cyfalaf	298
Adnoddau sy'n cronni o ffioedd a thaliadau ar gyfer gwasanaethau archwilio a gwasanaethau cysylltiedig (ac eithrio ar gyfer gwaith archwilio, asesu ac arol-ygu llywodraeth leol); costau eraill a adenillir sy'n gysylltiedig â swyddogaethau'r Archwilydd Cyffredinol; incwm amrywiol o gyhoeddiadau, cynadleddau, darparu gwasanaethau gweinyddol a phroffesiynol a thechnegol; costau a adenillir oherwydd staff wedi'u secondio; benthyciadau staff a ad-delir; taliadau prydlesu ceir a adenillir; a llog a geir ar falansau gwaith at ddefnydd Swyddfa Archwilio Cymru ar gyfer gwasanaethau cysylltiedig a gweinyddu Swyddfa Archwilio Cymru.	17,639
Gofyniad arian parod net o'r Gronfa Gyfunol i dalu'r symiau net sy'n ddyledus i'w talu yn ystod y flwyddyn gan Swyddfa Archwilio Cymru.	5,974

Mae **Tabl 2** yn cysoni cyfanswm cais Swyddfa Archwilio Cymru am adnoddau â'i gofyniad arian parod net ar gyfer y flwyddyn a ddaw i ben ar 31 Mawrth 2015.

Tabl 2 – Cysoni'r gofyniad adnoddau â'r gofyniad hawlio arian parod o Gronfa Gyfunol Cymru

	£'000
Cais net am adnoddau – referniw a chyfalaf	5,974
Addasiadau cyfalaf gwaith net	–
Gofyniad arian parod net	5,974

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Swyddfa Archwilio Cymru

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Ffôn Testun: 029 2032 0660

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Gwefan: www.wao.gov.uk

Angela Burns AC/AM

**Comisiynydd y Cynulliad
Assembly Commissioner**

**Cynulliad National
Cenedlaethol Assembly for
Cymru Wales**

29 January 2015

Dear Jocelyn,

I am writing to bring to the attention of Committee that the Commission will be submitting a Supplementary Budget for 2014-15. The Commission is proposing adjustments to increase the:

- Annually Managed Expenditure (AME) budget from £0.75million to £1.2million.
- amount of income the Commission is permitted to accrue from £0.25million to £0.4million.

These changes reflect anticipated changes in requirement as identified by the in-year budget monitoring process.

The AME Budget

The AME budget is an accounting adjustment relating to the future financial liability of the Members' Pension Scheme. There is no associated cash requirement and making changes to it has no impact on the Commission Resource budget or service delivery.

The final value cannot be calculated until after 31 March, but estimates are requested from professional advisors during the year. The most recent estimate indicates that the liability for the current year is likely to be in excess of £1million, which is higher than the current budget. In order to provide an element of contingency, we are seeking to increase the budget to £1.2 million.

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Ysgrifenyddiaeth Comisiwn y Cynulliad/Assembly Commission Secretariat

Tudalen y pecyn 103



Income

The budget ambit states the maximum level of income that the Commission can accrue during the financial year to be used for service delivery. This was set at £0.25million for 2014-15. However, this year has seen an increase in the number of staff taking external secondment opportunities for which we receive payment. There has also been an increase in income from car park charges. We would therefore like to increase the limit to £0.400million.

The overall effect of these changes will be:

- Resource budget remains at £50.598million
- AME budget increases from £0.750million to £1.2million

In accordance with Standing Order 20.32, the Commission will be laying an explanatory memorandum with this request. A copy is attached. If you need any further information please let me know.

Yours sincerely

Angela Burns
Comisiynydd y Cynulliad
Assembly Commissioner

Cynulliad Cenedlaethol Cymru
Comisiwn y Cynulliad

Cyllideb Atodol 2014-15
Memorandwm Esboniadol

Chwefror 2015

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Cynulliad Cenedlaethol Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddfu ar gyfer Cymru ac i ddwyn Llywodraeth Cymru i gyfrif.

Mae'r ddogfen hon hefyd ar gael mewn fformatau hygrych, gan gynnwys ar ffurf Braille, fersiwn hawdd ei darllen, fersiwn print bras, fersiwn sain a chopi caled drwy gysylltu â ni:

Cyfathrebu'r Cynulliad
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
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Rydym yn croesawu galwadau a wneir drwy wasanaeth Text Relay.

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Ceir atgynhyrchu testun y ddogfen hon am ddim mewn unrhyw fformat neu gyfrwng cyn belled ag y caiff ei atgynhyrchu'n gywir ac na chaiff ei ddefnyddio mewn cyd-destun camarweiniol na difriol. Rhaid cydnabod mai Comisiwn Cynulliad Cenedlaethol Cymru sy'n berchen ar hawlfraint y deunydd a rhaid nodi teitl y ddogfen.

Cynulliad Cenedlaethol Cymru
Comisiwn y Cynulliad

Cyllideb Atodol 2014-15
Memorandwm Esboniadol

Chwefror 2015

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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01.Cefndir

Cafodd Cyllideb y Comisiwn **ar gyfer 2014-15** ei chynnwys yn y Cynnig Cyllideb Blynyddol o dan Reol Sefydlog 20.26 ac fe'i cymeradwywyd yn y Cyfarfod Llawn ar 20 Tachwedd 2013, ar ôl bod yn destun gwaith craffu gan Bwyllgor Cyllid y Cynulliad.

Roedd y cynnig cyllideb yn darparu £50.600 miliwn o Gyllideb Adnoddau i'r Comisiwn gan ddarparu:

- £36.500 miliwn i wasanaethau'r Cynulliad; a
- £14.100 miliwn ar gyfer Penderfyniad y Bwrdd Taliadau ar gyfer Aelodau'r Cynulliad.

Darparwyd £0.750 miliwn ychwanegol ar gyfer addasiadau cyfrifyddu nad ydynt yn arian parod mewn perthynas â Chynllun Pensiwn Aelodau'r Cynulliad, a hynny drwy'r gyllideb Gwariant a Reolir yn Flynyddol.

Gosodir y Memorandwm Esboniadol hwn i gydymffurfio â Rheol Sefydlog 20.32, gan gefnogi newidiadau i'w cynnig i gyllideb gymeradwy y Comisiwn, drwy Gynnig ar y Gyllideb Atodol.

Memorandwm Esboniadol

Effaith cyllideb atodol y Comisiwn fydd cynyddu cyfanswm yr Incwm y caniateir i'r Comisiwn ei gronni, a chynyddu'r Gwariant a Reolir yn Flynyddol yn unol â'r rhagamcanion.

Cyllideb Adnoddau

Dros yr ychydig flynyddoedd diwethaf, bu cynnydd yn lefelau'r incwm a gafodd y Comisiwn heb wneud unrhyw newid i'r terfyn o fewn cwmpas y Gyllideb. Canlyniad hyn yw bod y Comisiwn mewn perygl o fethu ag ail-fuddsoddi'r incwm ar gyfer darparu ei wasanaethau ac yn hytrach yn gorfod dychwelyd y swm sydd dros ben i Gronfa Gyfunol Cymru.

Y prif resymau am y cynnydd yw:

- mwy o gymorth ar gyfer datblygiad staff trwy gyfleoedd i fynd ar secondiadau allanol sy'n cynhyrchu incwm mewn perthynas â chostau cyflogau;
- cynnydd o ran defnyddio'r maes parcio ac felly cynnydd yn yr incwm o ffoedd parcio;
- gwerthu offer sydd wedi mynd y tu hwnt i'w oes ddefnyddiol o ran gofynion y Comisiwn ond sy'n dal i fod â gwerth yn y farchnad ehangach.

Mae angen i'r Comisiwn fanteisio i'r eithaf ar ddefnyddio incwm i gefnogi buddsoddiad mewn gwasanaethau a rheoli incwm a gwariant yn briodol fel adnodd.

Gwariant a Reolir yn Flynyddol

Mae cyllideb gwariant a reolir yn flynyddol y Comisiwn ar gyfer yr addasiad cyfrifyddu nad yw'n arian parod mewn perthynas â Chynllun Pensiwn Aelodau'r Cynulliad. Pwrpas yr addasiad hwn yw sicrhau bod darlun cywir a theg o atebolrwydd y Cynllun yn cael ei gofnodi ar fantolen y Comisiwn; nid yw'n adlewyrchu'r symiau ariannol a dalwyd gan y Comisiwn i'r Cynllun. Nid oes unrhyw ofyniad cysylltiedig o ran arian parod ac ni fydd gwneud newidiadau iddo yn effeithio ar gyllideb adnoddau'r Comisiwn na'r gwasanaethau a ddarperir.

Ni fydd modd cyfrifo'r gwerth terfynol tan wedi 31 Mawrth, ond gofynnir am amcangyfrifon gan gynghorwyr proffesiynol yn ystod y flwyddyn. Yn seiliedig ar gyfrifiadau sy'n adlewyrchu newidiadau hysbys i'r gyfradd ddisgownt a newidynnau eraill sy'n effeithio ar atebolrwydd amcangyfrifedig y cynllun, mae'r amcangyfrif diweddaraf ychydig o dan £1.0 miliwn.

Felly, mae'r Comisiwn yn cynnig cyllideb atodol, o ran gwariant a reolir yn flynyddol, o £1.200 miliwn er mwyn sicrhau bod digon o arian wrth gefn i reoli unrhyw amrywiad o'r amcangyfrif yn y ffigurau terfynol ar ddiwedd y flwyddyn.

Effaith y Gyllideb

Bydd y Cynnig Cyllideb Atodol yn cynnig cynnydd i'r:

- terfyn ar gronni adnoddau o £0.150 miliwn i £0.400 miliwn
- Cyllideb gwariant a reolir yn flynyddol o £0.450 i £1.200 miliwn

02.Cwmpas y Gyllideb

Gosodir y cyflwyniad cyllidebol hwn yn unol â Rheol Sefydlog 20 i helpu i lunio Cynnig Cyllideb sy'n ofynnol yn ôl Adran 126 o Ddeddf Llywodraeth Cymru 2006. Mae'r cyflwyniad hwn yn ceisio diwygio gofynion Comisiwn y Cynulliad o ran adnoddau a gofynion gwariant a reolir yn flynyddol ar gyfer y flwyddyn a ddaw i ben ar 31 Mawrth 2015.

Mae'r Cynnig Cyllideb Atodol yn awdurdodi'r adnoddau net i'w defnyddio ar gyfer gwasanaethau a dibenion Gwasanaethau'r Aelodau a'r Cynulliad. Mae'r cynnig yn cynnwys uchafswm yr incwm (neu'r adnoddau cronrus) y gellir ei gadw i'w ddefnyddio ar gyfer y gwasanaethau hynny ac at y dibenion hynny yn hytrach na'i fod yn cael ei dalu i Gronfa Gyfunol Cymru, a'r arian parod y bydd angen ei gael o'r gronfa i dalu am y cyfansymiau net a ragwelir y bydd y Comisiwn yn gorfod talu amdanynt.

Nodir y gyllideb ddiwygiedig ar gyfer Comisiwn y Cynulliad yn 2014-15, sy'n mynd i'r afael â'r gofynion hyn, isod yn Nhabl 1.

Tabl 1

	£000oedd diwygiedig
Arian ar wahân i arian cronrus i'w ddefnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru ar gostau refeniw a chyfalaf sy'n gysylltiedig â gweinyddu a gweithredu Gwasanaethau'r Cynulliad i gefnogi Cynulliad Cenedlaethol Cymru ("y Cynulliad"); hyrwyddo'r Cynulliad gan gynnwys taliadau i'r Comisiwn Etholiadol ac eraill; taliadau mewn perthynas â'r Comisiynydd Safonau a'r Bwrdd Taliadau; unrhyw daliadau eraill sy'n ymwneud â swyddogaethau'r Cynulliad neu Gomisiwn Cynulliad Cenedlaethol Cymru.	36,500
Arian ar wahân i arian cronrus i'w ddefnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru mewn perthynas â phenderfyniadau'r Bwrdd Taliadau.	<u>14,100</u>
<i>Cyfanswm yr arian, ar wahân i arian cronrus</i>	<i>50,600</i>
Gwariant a Reolir yn Flynyddol i'w ddefnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru mewn perthynas â darparu Pensiwn Aelodau'r Cynulliad	1,200
Arian cronrus i'w gadw yn unol ag Adran 120(2) o Ddeddf Llywodraeth Cymru 2006 ac i'w ddefnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru:	
Arian cronrus i'w gadw yn unol ag Adran 120(2) o Ddeddf Llywodraeth Cymru 2006 ac i'w ddefnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru:	
o'r broses o gael gwared ar asedau sefydlog ac incwm cyfalaf arall i'w ddefnyddio i brynu neu gaffael asedau sefydlog; neu	400
incwm rhent; anrhegion; cymorth grant; ad-daliadau ac incwm o werthiant masnachol a gwasanaethau eraill a ddarperir i'r cyhoedd ac eraill i'w defnyddio ar gyfer costau gweinyddu'r Cynulliad.	
Y swm a ddaw o Gronfa Gyfunol Cymru i dalu am y symiau y rhagwelir y bydd angen eu talu o fewn y flwyddyn mewn perthynas â'r gwasanaethau uchod ac at ddibenion ar wahân i dderbynebau y gellir eu cadw a TAW y gellir ei adennill.	46,448

Mae Tabl 2 isod yn cysoni'r gofyniad adnoddau net â'r gofyniad tynnu arian o Gronfa Gyfunol Cymru.

Tabl 2 – Gofyniad ariannol

**£000oedd
2014-15
diwygiedig**

Gofyniad Refeniw Net yr Aelodau	14,100
Gofyniad Refeniw Net y Comisiwn	36,000
Gofyniad cyfalaf net	500
Darpariaeth Pensiwn Aelodau'r Cynulliad	1,200
<i>Addasiadau:</i>	
Dibrisiant	(4,000)
Newidiadau yn y ddarpariaeth	(1,200)
Newidiadau o ran y dyledwyr a'r credydwyr	(252)
Defnydd o ddarpariaethau	100
Gofyniad ariannol net i'w gymryd o Gronfa Gyfunol Cymru	46,448

Y Pwyllgor Cyllid
Finance Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales

Angela Burns AC
Comisiynydd
Cynulliad Cenedlaethol Cymru



5 Chwefror 2015

Annwyl Angela

Cyllideb Atodol Comisiwn y Cynulliad 2014-15

Diolch am eich llythyr dyddiedig 29 Ionawr mewn cysylltiad â Chyllideb Atodol y Comisiwn. Ar hyn o bryd, nid wyf yn credu bod angen i chi ddod i'r Pwyllgor er mwyn craffu ar y gyllideb atodol. Fodd bynnag, er mwyn helpu'r Pwyllgor i graffu ar y gyllideb atodol, byddwn yn ddiolchgar pe gallech ddarparu rhagor o fanylion am y meysydd canlynol.

Cyllideb Adnodd

Hoffai'r Pwyllgor gael dadansoddiad o sut y disgwylir i godi'r incwm ychwanegol. Fel y gwyddoch, cafwyd trafodaeth yn y Pwyllgor ynghylch y penderfyniad i ddechrau codi arian am y maes parcio yn ystod gwaith craffu ar y gyllideb yn 2011.

A fyddech cystal â darparu'r canlynol:

- y wybodaeth ddiweddaraf am refeniw a chostau y cynllun maes parcio ar gyfer 2014-15 a sut mae hyn yn cymharu â'r amcangyfrifon yn y gyllideb yr hydref diwethaf; a
- sut mae hyn wedi newid ers dechrau'r cynllun?

Er nad oes newid yn y gofyniad o ran arian parod cyffredinol o Gronfa Gyfunol Cymru, mae'r Pwyllgor yn nodi ei bod yn ymddangos bod yr arian wedi newid o gyfalaf i refeniw. A allech chi gadarnhau y bu trafodaethau gyda Llywodraeth Cymru ynghylch y bwriad hwn gan nad oes manylion am hyn yn y nodyn esboniadol.

Gwariant a Reolir yn Flynyddol (AME)

Mewn cysylltiad â'r newid mewn pensiwn, hoffem gael rhagor o fanylion am y newid hwn ar 31 Mawrth pan fydd y gwerthoedd terfynol wedi'u cyfrifo.

Er mwyn i'r Pwyllgor ystyried Cyllideb Atodol Comisiwn y Cynulliad yn ein cyfarfod ar 25 Chwefror, byddwn yn ddiolchgar pe gallech ymateb erbyn dydd Mercher 18 Chwefror (heblaw am y mater ynghylch pensiwn).

Yn gywir

A handwritten signature in black ink that reads "Jocelyn Davies". The signature is written in a cursive, flowing style.

Jocelyn Davies AC
Cadeirydd



Jocelyn Davies AC
Cadeirydd y Pwyllgor Cyllid
Cynulliad Cenedlaethol Cymru
Tŷ Hywel
Bae Caerdydd
Caerdydd
CF99 1NA

18 Chwefror 2015

Annwyl Jocelyn

Diolch am eich llythyr dyddiedig 5 Chwefror 2015, ynglŷn â Chyllideb Atodol y Comisiwn 2014-15.

Gofynnwyd am ddadansoddiad o'r incwm ychwanegol y disgwylir iddo gael ei godi. Mae hwn wedi'i nodi yn Nhabl 1.

Tabl 1

Ffrwd Incwm	Disgrifiad	Amcangyfrif Cyllideb Gwreiddiol ar gyfer 2014-15 £000	Amcangyfrif diwygiedig ar gyfer 2014-15 £000
Secondiadau	Incwm a gafwyd mewn perthynas â chyflogeion yn ymgymryd â secondiadau mewn sefydliadau eraill	£0	£173
Rhent	A godir ar gyrff sy'n meddiannu gofod ar Ystad y Comisiwn	£90	£76
Siop y Cynulliad	Incwm a gynhrychir o werthu nwyddau yn siop y Senedd ac incwm amrywiol arall, fel gwerthu offer.	£15	£32
Parcio	Incwm a gynhrychir o daliadau staff ar gyfer defnydd o'r cyfleusterau parcio.	£100	£91
Arall	Wrth gefn ar gyfer incwm arall	£45	£28
Cyfanswm		£250	£400

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Ffôn/Tel: 0300 200 6230

E-bost/Email: Claire.Clancy@assembly.wales

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

Mae'r cynnydd o £150,000, i £400,000, yn angenrheidiol er mwyn rheoli sefyllfa 2014-15, a darparu swm bychan wrth gefn ar gyfer unrhyw amrywiad ar i fyny i'r rhagolwg.

Dadansoddiad o ran Parcio

O ran eich ymholiad penodol am barcio ceir, dangosir yr incwm a ragwelir ar gyfer y flwyddyn ariannol gyfredol o'i gymharu â blynyddoedd ariannol blaenorol yn Nhabl 2.

Tabl 2

Blwyddyn	Gwariant	Incwm	Cost Net	% o'r gost a gaiff ei adfer drwy daliadau
2011-12	98,556	84,405	14,151	85.64%
2012-13	115,109	85,976	29,133	74.69%
2013-14	103,404	88,968	14,437	86.04%
2014-15 (yr hyn a ragwelwyd yn Ionawr 2015)	98,334	91,300	7,034	92.84%

Nododd y gyllideb a gymeradwywyd ar gyfer 2014-15 bod disgwyl i'r costau parcio fod yn £120,000. Fodd bynnag, o ganlyniad i reolaeth ofalus o'r cyfleusterau parcio, mae'r costau wedi gostwng o'i gymharu â blynyddoedd blaenorol. Hefyd, mae newid i'r dosbarthiad o gostau'r maes parcio wedi golygu bod y Comisiwn yn awr yn gallu adennill TAW ar gostau a dalwn i'r cwmni parcio allanol, sydd wedi lleihau costau ymhellach.

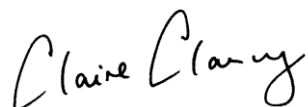
Refeniw a Symud Cyfalaf

Fel rhan o'n gwaith rheolaidd, byddwn yn cysylltu â chydweithwyr yn Llywodraeth Cymru i sicrhau bod tryloywder ac eglurder ynghylch unrhyw newidiadau y mae'r Comisiwn yn eu cynnig o ran y gyllideb. Gan fod ein cyllideb yn gyfran mor fach o gyfanswm y gyllideb a reolir gan Lywodraeth Cymru, anaml y bydd ein newidiadau arfaethedig yn cael unrhyw effaith ar Lywodraeth Cymru. Rydym yn darparu gwybodaeth reolaidd o flaen llaw i helpu gyda phroses gynllunio y Llywodraeth, ac i liniaru'r risg o unrhyw effaith annisgwyl o ran y gyllideb. Gallaf gadarnhau felly y bu trafodaethau gyda swyddogion Llywodraeth Cymru am gynigion Cyllideb Atodol y Comisiwn.

Nodaf eich cais am wybodaeth am y pensiwn, a byddaf yn sicrhau y caiff hon ei hanfon atoch cyn gynted ag y bo modd ar ôl 31 Mawrth 2015.

Gobeithio bod yr eglurhad hwn yn ddigonol i ateb eich ymholiadau. Peidiwch ag oedi cyn gofyn os bydd angen rhagor o wybodaeth arnoch.

Yn ddiffuant

A handwritten signature in black ink that reads "Claire Clancy". The signature is written in a cursive style with a large initial 'C'.

Claire Clancy

Prif Weithredwr a Chlerc/Chief Executive and Clerk

Cynulliad Cenedlaethol Cymru/National Assembly for Wales

Cynnig y Gyllideb Atodol 2014-15

*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru gan y Gweinidog Cyllid a Busnes y
Llywodraeth*

Chwefror 2015

Cynnig y Gyllideb Atodol**Gofynnir i'r Cynulliad gytuno ar y canlynol**

“1. Gwneir y penderfyniad hwn ar gyfer y flwyddyn sy'n dod i ben ar 31 Mawrth 2015 gan Gynulliad Cenedlaethol Cymru (“y Cynulliad”) yn unol ag Adran 126 o Ddeddf Llywodraeth Cymru 2006.

Llywodraeth Cymru

2. Awdurdodir Llywodraeth Cymru -

(a) i ddefnyddio adnoddau (heb gynnwys adnoddau cronuss) yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015 ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Atodlen 1, hyd at uchafswm y symiau cyfatebol a nodir yng Ngholofn 2 yr Atodlen honno;

(b) yn ogystal, i gadw incwm, yn y categorïau adnoddau cronuss a nodir yng Ngholofn 1 o bob Rhan o Atodlen 2, yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015, ar gyfer ei ddefnyddio ar y gwasanaethau a'r dibenion a nodir yn y manau cyfatebol yng Ngholofn 2 o bob Rhan o'r Atodlen honno, hyd at y terfyn a nodir ar gyfer pob Rhan o'r Atodlen honno; ac

(c) i gymryd arian parod o Gronfa Gyfunol Cymru i'w ddefnyddio ar y gwasanaethau a'r dibenion a nodir yn Atodlen 1, hyd at derfyn y gofyniad net am arian parod a nodir yn Atodlen 5.

3. Er gwaethaf paragraffau 2(a) a (b), caiff yr adnoddau y gellir eu defnyddio ar gyfer y gwasanaethau a'r dibenion a bennir yng Ngholofn 1 o Atodlen 1 (neu, fel y bo'n briodol, yng Ngholofn 2 o bob Rhan o Atodlen 2), fod yn uwch na'r swm a bennir yn y cofnod cyfatebol yng Ngholofn 2 o Atodlen 1 (neu, fel y bo'n briodol, ym mhob rhan o Atodlen 2)-

(a) os bodlonir yr amod cyntaf, yn achos adnoddau heb gynnwys adnoddau cronuss, neu

(b) os bodlonir yr ail amod, yn achos adnoddau cronuss.

4. Yr amod cyntaf yw nad yw cyfanswm yr adnoddau (heb gynnwys adnoddau cronuss) a ddefnyddir yn ystod y flwyddyn ariannol yn dod i ben 31 Mawrth 2015 ar gyfer yr holl wasanaethau a dibenion a bennir yng Ngholofn 1 o Atodlen 1 yn uwch na chyfanswm y symiau a bennir yng Ngholofn 2 o'r Atodlen honno.

5. Yr ail amod yw nad yw cyfanswm yr adnoddau cronuss a ddefnyddir yn ystod y flwyddyn ariannol yn dod i ben 31 Mawrth 2015 ar gyfer yr holl wasanaethau a dibenion a bennir yng Ngholofn 2 o Atodlen 2 yn uwch na chyfanswm y symiau a bennir ar gyfer pob rhan o'r Atodlen honno.

Comisiwn y Cynulliad

6. Awdurdodir Comisiwn y Cynulliad -

(a) i ddefnyddio adnoddau (heb gynnwys adnoddau cronrus) yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015 ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 1 o Atodlen 3, hyd at uchafswm y symiau cyfatebol a nodir yng Ngholofn 2 o Ran 1 o Atodlen 3;

(b) yn ogystal, i gadw incwm, yn y categorïau adnoddau cronrus a nodir yng Ngholofn 1 o Ran 1 o Atodlen 4, yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015, ar gyfer ei ddefnyddio ar y gwasanaethau a'r dibenion a nodir yn y manau cyfatebol yng Ngholofn 2 o Ran 1 o'r Atodlen honno, hyd at y terfyn a nodir ar gyfer Rhan 1 o'r Atodlen honno; ac

(c) i gymryd arian parod o Gronfa Gyfunol Cymru i'w ddefnyddio ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 1 o Atodlen 3, hyd at derfyn y gofyniad net am arian parod a nodir yn Atodlen 5.

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

7. Awdurdodir Ombwdsmon Gwasanaethau Cyhoeddus Cymru -

(a) i ddefnyddio adnoddau (heb gynnwys adnoddau cronrus) yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015 ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 2 o Atodlen 3, hyd at uchafswm y symiau cyfatebol a nodir yng Ngholofn 2 o Ran 2 o Atodlen 3;

(b) yn ogystal, i gadw incwm, yn y categorïau adnoddau cronrus a nodir yng Ngholofn 1 o Ran 2 o Atodlen 4, yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015, ar gyfer ei ddefnyddio ar y gwasanaethau a'r dibenion a nodir yn y manau cyfatebol yng Ngholofn 2 o Ran 2 o'r Atodlen honno, hyd at y terfyn a nodir ar gyfer Rhan 2 o'r Atodlen honno; ac

(c) i gymryd arian parod o Gronfa Gyfunol Cymru i'w ddefnyddio ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 2 o Atodlen 3, hyd at derfyn y gofyniad net am arian parod a nodir yn Atodlen 5.

Archwilydd Cyffredinol Cymru

8. Awdurdodir Archwilydd Cyffredinol Cymru -

(a) i ddefnyddio adnoddau (heb gynnwys adnoddau cronrus) yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015 ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 3 o Atodlen 3, hyd at uchafswm y symiau cyfatebol a nodir yng Ngholofn 2 o Ran 3 o Atodlen 3;

(b) yn ogystal, i gadw incwm, yn y categorïau adnoddau cronrus a nodir yng Ngholofn 1 o Ran 3 o Atodlen 4, yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2015, ar gyfer ei ddefnyddio ar y gwasanaethau a'r dibenion a nodir yn

y manau cyfatebol yng Ngholofn 2 o Ran 3 o'r Atodlen honno, hyd at y terfyn a nodir ar gyfer Rhan 3 o'r Atodlen honno; ac

(c) i gymryd arian parod o Gronfa Gyfunol Cymru i'w ddefnyddio ar y gwasanaethau a'r dibenion a nodir yng Ngholofn 1 o Ran 3 o Atodlen 3, hyd at derfyn y gofyniad net am arian parod a nodir yn Atodlen 5.

Manyleb y Categoriâu o Adnoddau Cronnus

9. Mae'r categorïau o adnoddau cronnus a restrir yng Ngholofn 1 o bob Rhan o Atodlen 2, ac yng Ngholofn 1 o bob Rhan o Atodlen 4, yn gategoriâu penodedig at ddibenion Adran 120(2)(a) o'r Ddeddf."

Crynodeb o'r Gofynion Adnoddau a Chyfalaf***Gweinidogion Cymru***

Cwmpas	Adnoddau (£000)	Adnoddau Cronnus (£000)
Iechyd a Gwasanaethau Cymdeithasol	5,657,480	1,016,908
Llywodraeth Leol	3,616,564	351
Cymunedau a Threchu Tlodi	636,948	72,770
Yr Economi, Gwyddoniaeth a Thrafnidiaeth	1,182,168	70,886
Addysg a Sgiliau	2,040,988	137,023
Cyfoeth Naturiol	419,855	356,187
Gwasanaethau Canolog a Gweinyddu	366,163	610,550
Cyfanswm yr Adnoddau y Gofynnir Amdanynt a'r Incwm Cronnus mewn perthynas â Gweinidogion Cymru	13,920,166	2,264,675

Cyrff a Ariennir yn Uniongyrchol

Cwmpas	Adnoddau (£000)	Adnoddau Cronnus (£000)
Comisiwn Cynulliad Cenedlaethol Cymru	51,800	400
Ombwdsmon Gwasanaethau Cyhoeddus Cymru	4,023	6
Archwilydd Cyffredinol Cymru	5,974	17,639
Cyfanswm yr Adnoddau a'r Incwm Cronnus ar gyfer Cyrff a Ariennir yn Uniongyrchol	61,797	18,045

Atodlen 1 – Cwmpas gwariant Gweinidogion Cymru

Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronrus)	
<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Iechyd a Gwasanaethau Cymdeithasol</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar Iechyd a Gwasanaethau Cymdeithasol gan gynnwys hybu neu wella lles economaidd, cymdeithasol neu amgylcheddol.</p> <p>Cyllid adnoddau a chyfalaf i Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG Cymru a darparwyr gofal iechyd cysylltiedig; Cyfalaf Difidend Cyhoeddus i Ymddiriedolaethau'r GIG; benthyciadau i Ymddiriedolaethau'r GIG; taliadau am wasanaethau o dan gontract gan gynnwys gwasanaethau deintyddol, offthalmig a fferyllol; gwasanaethau meddygol cyffredinol; cymorth ar gyfer addysg a hyfforddiant; ymchwil a datblygu; gwasanaethau iechyd meddwl; triniaeth ar gyfer clefydau cronig; a mesurau i fynd i'r afael ag Anghydraddoldebau Iechyd; cyllid ar gyfer Cronfa Risg Cymru; cyllid i gefnogi plant a'u teuluoedd, gan gynnwys sefydliadau plant a theuluoedd ac eiriolaeth; Grantiau i gyflenwi'r Strategaeth Camddefnyddio Sylweddau a chymorth i'r Asiantaeth Safonau Bwyd; cymorth i wasanaethau ar gyfer pobl hŷn ac i wasanaethau cymdeithasol a gofalwyr; gwella gwasanaethau cymdeithasol gan gynnwys ariannu Cymdeithas y Cyfarwyddwyr Gwasanaethau Cymdeithasol (ADSS) Cymru a'r Sefydliad Gofal Cymdeithasol er Rhagoriaeth (SCIE); i Gyngor Gofal Cymru; y Sefydliad Cenedlaethol dros Iechyd a Rhagoriaeth Glinigol (NICE); y Comisiynydd Pobl Hŷn; a chyfraniadau i gyrff iechyd a gofal cymdeithasol y DU.</p> <p>Cyllid ar gyfer y Gwasanaeth Cyngori a Chynorthwyo Llys i Blant a Theuluoedd (CAFCASS) Cymru; cyllid ar gyfer gwasanaethau a ddarperir i Lywodraeth yr Alban, Gweithrediaeth Gogledd Iwerddon a'r Adran Iechyd neu ar eu rhan; gwasanaethau ar gyfer gwella iechyd ac ar gyfer atal salwch, gwneud diagnosis ohono a'i drin; ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod.</p>	<p>5,657,480</p>

Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronrus)	
<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Llywodraeth Leol</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar hybu lles economaidd, cymdeithasol ac amgylcheddol ym meysydd llywodraeth leol a chyflenwi gwasanaeth cyhoeddus a hyrwyddo diogelwch cymunedol. Arian wedi'i neilltuo a heb ei neilltuo ar gyfer awdurdodau unedol llywodraeth leol; comisiynwyr yr heddlu a throseddau ac awdurdodau'r gwasanaeth tân ac achub, drwy gyllid grant heb ei neilltuo drwy gyfrwng grant cynnal refeniw, ardrethi annomestig cenedlaethol (NNDR) wedi'u hailddosbarthu a chyllid cyfalaf cyffredinol neu ddull ar wahân o ddarparu adnoddau a chyllid grant cyfalaf at ddiben polisi penodedig sy'n berthnasol i'r meysydd uchod o weithgarwch. Cyllido a noddi cyrff cyhoeddus a sefydliadau anstatudol sydd â swyddogaethau'n ymwneud ag archwilio, rheoleiddio ac arolygu; hyrwyddo a chynrychioli democratiaeth; datblygu perfformiad a rheoli newid; hybu a chynnal safonau ac atebolrwydd (gan gynnwys swyddogaethau llys apêl); darparu canlyniadau; a gwella perfformiad mewn perthynas â llywodraeth leol. Cyllid ar gyfer costau rhaglen, costau staffio a chostau gweinyddol cyffredinol (gan gynnwys costau prydlesu) yr Arolygiaeth Gofal a Gwasanaethau Cymdeithasol ac Arolygiaeth Gofal Iechyd Cymru, noddi Estyn gan gynnwys costau staff a gwariant gweinyddol cyffredinol a dibrisiant ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod. Ariannu Partneriaethau Diogelwch Cymunedol mewn perthynas â diogelwch a datblygu cymunedol; gwaith i gefnogi'r lluoedd arfog, cyn-filwyr a'u teuluoedd; gwrthsefyll camdriniaeth ddomestig a thrais rhywiol; atal pobl ifanc rhag troseddau, a gwariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod. Arian cyfatebol o dan Flaenoriaeth 4 o Gronfa Gymdeithasol Ewrop; cymorth i Asiantaeth y Swyddfa Brisio.</p>	<p>3,616,564</p>

Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronuss)	
Colofn 1	Colofn 2
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Cymunedau a Threchu Tlodi</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar hyrwyddo lles economaidd, cymdeithasol ac amgylcheddol ym maes Cefnogi Cymunedau a Phobl gan gynnwys adfywio a datblygu cymunedau, ariannu cyrff y Trydydd Sector; mentrau Trechu Tlodi; cefnogi Rhaglen Cymunedau yn Gyntaf; datblygu cymunedol; datblygu cyrff gwirfoddol a gwirfoddoli; cynhwysiant ariannol, gan gynnwys undebau credyd; cynhwysiant digidol; swyddfeydd post; gwiriadau'r Biwro Cofnodion Troseddol; ac ariannu a gweinyddu prosiectau diwygio lles.</p> <p>Arian ar gyfer cymorth i blant a'u teuluoedd, gan gynnwys arian ar gyfer Dechrau'n Deg, Teuluoedd yn Gyntaf, Comisiynydd Plant Cymru, strategaethau tlodi plant, gofal plant, chwarae, hawliau plant a phobl ifanc, cyfranogi, cyrff plant a theuluoedd, cymorth i awdurdodau lleol, y trydydd sector a'r sector preifat at ddibenion gofal plant a chymorth i ofal plant y tu allan i'r ysgol a gofal cofleidiol.</p> <p>Arian ar gyfer cefnogi a hyrwyddo Cydraddoldeb, Amrywiaeth a Chynhwysiant gan gynnwys materion sy'n ymwneud ag ariannu rhaglenni ar gyfer cydraddoldeb a chyfle cyfartal; ar gyfer gwella cyfiawnder cymdeithasol a chynhwysiant cymdeithasol a chydlyniant cymunedol; ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod.</p> <p>Arian ar gyfer Tai ac Adfywio, gan gynnwys hybu neu wella diwylliant a lles economaidd, cymdeithasol neu amgylcheddol, rhoi cyllid, cyngor a chymorth gweinyddol i awdurdodau lleol, asiantaethau a chyrff eraill er mwyn hybu, hwyluso a darparu ystod o gynlluniau a gwasanaethau mewn perthynas â Thai ac Adfywio; gwella cyflenwad ac ansawdd y tai sydd ar gael ledled Cymru, gan gynnwys safon tai'r awdurdodau lleol a landlordiaid cymdeithasol cofrestredig, a gwella'r gwasanaethau sy'n gysylltiedig â thai; caffael, lesio, datblygu a chynnal a chadw tir ac adeiladau; trosglwyddo stoc tai; cymorth ar gyfer modelau cymunedol cydfuddiannol ac er mwyn meithrin gallu; tai cymdeithasol; cymorth ar gyfer gwaith adfywio ffisegol gan gynnwys ardaloedd adnewyddu tai a thrwyddedu tai amlfeddiannaeth; cefnogi pobl; atal a mynd i'r afael â digartrefedd; darparu arian ar gyfer gwaith addasu a chyfleusterau er mwyn i bobl fedru aros yn eu cartrefi eu hunain; rheoleiddio ac arolygu landlordiaid cymdeithasol cofrestredig; polisi adfywio a gweinyddu polisiâu ac arian gan gynnwys hybu lles economaidd, cymdeithasol ac amgylcheddol i fusnesau, unigolion,</p>	<p>636,948</p>

<p>cymunedau a lleoedd yng Nghymru; trosi a gweithredu deddfwriaeth a rhwymedigaethau'r DU a deddfwriaeth a rhwymedigaethau Ewropeaidd a rhyngwladol; gweinyddu a chyflawni prosiectau a ariennir gan gronfeydd strwythurol y Comisiwn Ewropeaidd; cynnal ymchwiliadau, ymchwil a gwerthuso; hybu a chyhoeddusrwydd a gwasanaethau; ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod.</p>	
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Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronuss)	
Colofn 1	Colofn 2
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Yr Economi, Gwyddoniaeth a Thrafnidiaeth</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar yr Economi, Gwyddoniaeth a Thrafnidiaeth gan gynnwys hybu lles economaidd, cymdeithasol neu amgylcheddol ar gyfer busnesau, unigolion, cymunedau a lleoedd yng Nghymru.</p> <p>Ar gyfer darparu arian adnoddau a chyfalaf i helpu sefydlu, twf, datblygiad a chynaliadwyedd busnes a thwristiaeth yng Nghymru.</p> <p>Gwariant yn ymwneud â chefnogi diwylliant, chwaraeon, y cyfryngau, cyhoeddi, a'r amgylchedd hanesyddol a naturiol gan gynnwys arian i Amgueddfa Cymru; Llyfrgell Genedlaethol Cymru; Cyngor Celfyddydau Cymru; Grdd Fotaneg Genedlaethol Cymru; Chwaraeon Cymru a sefydliadau eraill sy'n hybu chwaraeon a ffyrdd egnïol o fyw ledled Cymru; Cadw a Chomisiwn Brenhinol Henebion Cymru a sefydliadau eraill sy'n ceisio hybu ac ehangu mynediad i drysorau diwylliannol, adeiladau a lleoedd sydd o ddiddordeb hanesyddol neu bensaernïol yng Nghymru; a'u gwarchod, eu diogelu, eu cynnal a'u cyflwyno, ac unrhyw wariant cysylltiedig arall a defnydd heb fod yn arian parod.</p> <p>Cyllid adnoddau a chyfalaf ar gyfer trafndiaeth a seilwaith ffyrdd, gan gynnwys adeiladu, gweithredu, cynnal a chadw a gwella cefnffyrdd yng Nghymru; darparu gwasanaethau teithio ar y rheilffyrdd a theithio awyr; diogelwch ar y ffyrdd; rheoleiddio croesfannau i gerddwyr a pharcio ar y stryd; ariannu a gweinyddu rhaglenni i awdurdodau lleol a chyrrff eraill er mwyn darparu ystod o gynlluniau a gwasanaethau trafndiaeth gan gynnwys tocynnau teithio rhatach; cymorth i hyrwyddo a datblygu cerdded a beicio; ac unrhyw wariant cysylltiedig arall, a defnydd o adnoddau heb fod yn arian parod sy'n rhoi budd economaidd ehangach i Gymru.</p> <p>Ad-daliadau cyfalaf i'r Gronfa Benthyciadau Cenedlaethol.</p>	<p>1,182,168</p>

Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronus)	
<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Addysg a Sgiliau</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar Addysg a Sgiliau er mwyn ariannu: gwella llythrennedd a rhifedd; ymestyn hawliau a llwybrau dysgu 14-19; y Cyfnod Sylfaen; gwelliannau i'r cwricwlwm; cefnogaeth i Techniquet; hyfforddi, datblygu a chefnogi athrawon; datblygu a rheoleiddio cymwysterau; arian cyfalaf ac adnoddau i Gymwysterau Cymru, darpariaeth adnoddau ar gyfer addysg a hyfforddiant ôl-16 gan gynnwys addysg bellach, prentisiaethau a dysgu seiliedig ar waith; arian cyfalaf ac adnoddau ar gyfer Cyngor Cyllido Addysg Uwch Cymru; cefnogi addysg feddygol i israddedigion; gwella perfformiad ysgolion; ariannu arolygiadau; cymorth i godi safonau a gwella effeithiolrwydd ysgolion; y grant amddifadedd disgyblion; arian cyfalaf ac adnoddau ar gyfer datblygu TG ym maes dysgu; cyfalaf i gefnogi'r seilwaith ysgolion a'r seilwaith ôl-16; datblygu sgiliau a dysgu yn y gweithle; gwasanaethau cyngor ar yrfaedd; cefnogi'r Gwasanaeth Ieuentid; cymorth i bobl ifanc nad ydynt mewn cyflogaeth, addysg na hyfforddiant; cynhwysiant ac anghenion dysgu ychwanegol, darparu llaeth mewn ysgolion; cyllid i ddysgwyr a myfyrwyr gan gynnwys costau'r Cwmni Benthyciadau i Fyfyrwyr a'r Lwfansau Cynhaliaeth Addysg; trechu dadrithiad; dysgu dwyieithog; cymorth i Gomisiynydd y Gymraeg, a grantiau a phrosiectau sy'n hybu'r Gymraeg; cymorth i fentrau addysg ryngwladol; ymchwil addysgol a gwerthuso addysg; hybu addysg a sgiliau; eitemau cysylltiedig heb fod yn arian parod ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod.</p>	<p>2,040,988</p>

Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronuss)	
Colofn 1	Colofn 2
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Cyfoeth Naturiol</p> <p>I'w ddefnyddio gan Weinidogion Cymru ar Gyfoeth Naturiol, gan gynnwys hybu a gwella lles economaidd, cymdeithasol neu amgylcheddol gan gynnwys yr amgylchedd ac ynni ac ynni adnewyddadwy; darparu arian, cyngor a chymorth gweinyddol i awdurdodau lleol; asiantaethau a chyrrff eraill i hybu, hwyluso a chyflenwi ystod o gynlluniau a gwasanaethau mewn cysylltiad â Chyfoeth Naturiol, tirwedd a hamdden awyr agored; rhoi cyllid i gynorthwyo gwaith Cyfoeth Naturiol Cymru er mwyn sicrhau bod amgylchedd ac adnoddau naturiol Cymru yn cael eu rheoli, eu gwella a'u defnyddio yn sylweddol; hybu a chyflawni cynaliadwyedd, newid yn yr hinsawdd ac ansawdd yr amgylchedd; cynorthwyo a hybu cynhyrchu ynni drwy ddulliau carbon isel; effeithlonrwydd ynni, rheoli adnoddau dŵr mewn modd cynaliadwy a gwella ansawdd dŵr; darparu ac ariannu gwasanaethau dŵr a charthffosiaeth, atal llifogydd ac amddiffyn yr arfordir a mesurau rheoli risg; darparu cyllid a chymorth ar ffurf benthyciad a chyngor sy'n ymwneud â newid yn yr hinsawdd, effeithlonrwydd ynni, tlodi tanwydd, rheoli dŵr a rheoli risgiau llifogydd ac erydu arfordirol; darparu cyllid, iawndal, cymorth a chyngor sy'n ymwneud â rheoli gwastraff ac adnoddau mewn ffordd gynaliadwy; atal, gwaredu, casglu a rheoli gwastraff, cynlluniau ailgylchu, glanhau strydoedd a chredydau treth tirlenwi; rheoli ymbelydredd, llygredd amgylcheddol, ansawdd yr amgylchedd a llygredd sŵn; hybu bioamrywiaeth, rheoli adnoddau naturiol a gwasanaethau ecosystem; cadwraeth; iechyd anifeiliaid a phlanhigion; hadau, plaladdwyr a chnydau GM; iechyd y cyhoedd; mesurau i liniaru allyriadau nwyon tŷ gwydr o sector diwydiannau'r tir; gweinyddu polisïau a grantiau gan gynnwys hybu lles economaidd, cymdeithasol ac amgylcheddol i fusnesau, unigolion, cymunedau a lleoedd yng Nghymru; trosi a gweithredu deddfwriaeth a rhwymedigaethau'r DU, Ewrop ac yn rhyngwladol; gweinyddu a chyflenwi prosiectau a ariennir gan gronfeydd strwythurol y Comisiwn Ewropeaidd; arian Ewropeaidd i gynorthwyo ffermwyr yng Nghymru, gan gynnwys Taliadau Uniongyrchol; gweinyddu arian Ewropeaidd i ffermwyr yng Nghymru; cynnal ymchwiliadau, ymchwil a gwerthuso; hyrwyddo, cyhoeddusrwydd a gwasanaethau; rhoi cymorth ariannol i gefnogi'r dirwedd a datblygu cyfleusterau ar gyfer hamdden agored a mannau gwyrdd a'u hyrwyddo; arian i'r Parciau Cenedlaethol; prosiectau sy'n ymwneud â Pharciau Cenedlaethol Cymru; datblygu a monitro rheoliadau, deddfwriaeth, polisi, gweithdrefnau, cyngor technegol a safonau ym maes cynllunio ac adeiladu; comisiynu ymchwil, cyhoeddi adroddiadau a chanllawiau; penderfynu ar apelau a gwaith achos arall, a noddi'r Arolygiaeth Gynllunio; rhoi cyllid a chymorth grant, gan gynnwys y</p>	<p>419,855</p>

Gronfa Ardoll Agregau; arian i gefnogi a hybu prosiectau a mentrau Polisi, Cynllun a Siarter atblygu Cynaliadwy Llywodraeth Cymru Gwariant yn ymwneud ag Amaethyddiaeth, Datblygu Gwledig, gweithgareddau Pysgodfeydd a'r Môr, Lles ac Orlhain Anifeiliaid, Rheoli Tir a Choetiroedd; gweithgareddau goruchwyllo clefydau ac unrhyw wariant cysylltiedig arall a defnydd heb fod yn arian parod.	
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Cwmpas gwariant Gweinidogion Cymru (ac eithrio adnoddau cronuss)	
<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
<p>Gwasanaethau Canolog a Gweinyddu</p> <p>I'w ddefnyddio gan Lywodraeth Cymru ar wariant sy'n gysylltiedig â gweinyddu a chostau rhedeg gan gynnwys: costau a threuliau staff; costau rhedeg yr ystâd sifil a buddsoddi ynddi; gwariant gweinyddol cyffredinol; gwariant ar TG a chyfathrebu; gwariant ar raglenni gwella busnes; gwariant adnoddau a chyfalaf gweinyddol arall; penodiadau cyhoeddus; galluogi a hybu llywodraeth agored; cefnogi gwaith ymchwil a gwerthuso; hybu lles economaidd, ffisegol, cymdeithasol neu amgylcheddol; rheoli digwyddiadau cyfathrebu corfforaethol mewnol, ynghyd â'r gwaith o gyfathrebu polisiâu a chymau gweithredu'r Llywodraeth yn allanol; cyllid ar gyfer cysylltiadau rhynglywodraethol, gan gynnwys y Cyngor Prydeinig-Gwyddelig, ac ar gyfer datblygu cyfansoddiadol, gan gynnwys costau unrhyw refferendwm; cynnal digwyddiadau o bwys cenedlaethol; costau ymchwiliadau cyhoeddus; cost tribiwnlysoedd; cyllid i gyrff y sector cyhoeddus ar gyfer sicrhau arbedion effeithlonrwydd; ariannu Gwerth Cymru, cyfnewidcymru a Rheoli yng Ngwasanaeth Cyhoeddus Cymru; taliadau i gefnogi datblygu tramor a chysylltiadau tramor; grantiau a chymorth ariannol i sefydliadau eraill yn y sector cyhoeddus; cefnogi prosiectau a ariennir gan yr Undeb Ewropeaidd; gweinyddu a chyflenwi prosiectau a ariennir gan gronfeydd strwythurol y Comisiwn Ewropeaidd; ac unrhyw wariant cysylltiedig, a defnydd o adnoddau heb fod yn arian parod.</p>	366,163

Atodlen 2 – Defnydd o adnoddau cronrus gan Weinidogion Cymru**Rhan 1: Iechyd a Gwasanaethau Cymdeithasol**

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronrus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
<p>Mae adnoddau cronrus yn cynnwys incwm o dan y Cynllun Rheoleiddio Prisiau Fferyllol; incwm mewn perthynas â setliadau hawliadau cyfreithiol; tâl am lety, nwyddau a gwasanaethau i gleifion preifat, cleifion y GIG, awdurdodau lleol ac eraill; ad-daliadau cyllid Buddsoddi i Arbed gan Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG Cymru; incwm oddi wrth Lywodraeth yr Alban, Gweithrediaeth Gogledd Iwerddon, yr Adran Iechyd, adrannau llywodraeth eraill a'r Undeb Ewropeaidd; incwm o hysbysiadau cosb benodedig a gyhoeddwyd o dan Ddeddf Sgorio Hylendid Bwyd (Cymru) 2013: cynlluniau creu incwm; Incwm Yswiriant Gwladol gan Gyllid a Thollau Ei Mawrhydi; incwm anweithredol drwy werthu tir, adeiladau, cerbydau, offer ac eiddo; ac adennill TAW.</p>	<p>Mae'r gwasanaethau a'r dibenion yn cynnwys gwariant ar wasanaethau iechyd sylfaenol a chymunedol; gwariant gan Ymddiriedolaethau GIG Cymru, Byrddau Iechyd Lleol a darparwyr gofal iechyd cysylltiedig yn prynu neu'n caffael asedau sefydlog; cefnogaeth i ddarparu a gweinyddu gwasanaethau iechyd a gofal cymdeithasol.</p>
Cyfanswm yr incwm (£000)	1,016,908

Rhan 2: Llywodraeth Leol

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Mae'r adnoddau cronnus yn cynnwys arian grant oddi wrth y Comisiwn Ewropeaidd; ad-daliadau ac adennill taliadau grant ac adennill TAW; ffioedd a thaliadau a godwyd am gynnal arolygiadau a gwasanaethau rheoleiddio; darparu digwyddiadau hyfforddi a datblygu; taliadau am gofrestrïadau deintyddol; incwm o secondïadau staff; ad-daliadau benthyciadau staff; incwm o rentu eiddo; iawndal o dan setliadau masnachol a sifil a chodi ffioedd hwyluso; incwm o werthiant asedau cyfalaf.	Mae'r gwasanaethau a'r dibenion yn cynnwys costau rhedeg, costau gweinyddu cyffredinol a gwariant adnoddau'r Arolygiaethau a'r Tribiwnlys Prisio; darparu ymyriadau hyfforddiant i Wasanaeth Cyhoeddus Cymru; gwariant ategol ar gymunedau mwy diogel ac adfywio; talu grantiau i awdurdodau lleol a chyrff y Trydydd Sector; pob prosiect sy'n cael arian Ewropeaidd; ac i gefnogi'r holl wariant sydd wedi'i nodi yn y Cwmpas gwariant.
Cyfanswm yr incwm (£000)	351

Rhan 3: Cymunedau a Threchu Tlodi

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Adnoddau cronnus gan gynnwys ad-dalu ac adennill taliadau grant ac adennill TAW; ffioedd a chostau gwasanaethau arolygu a rheoleiddio; darparu digwyddiadau hyfforddi a datblygu; incwm o secondiadau staff; ad-dalu benthyciadau staff; incwm o werthu asedau cyfalaf; incwm a ddaw o ad-daliadau'r Grant Tai Cymdeithasol; adennill grantiau gan awdurdodau lleol, sefydliadau'r trydydd sector a sefydliadau eraill yn y sector cyhoeddus a phreifat; incwm rhenti; derbyniadau o werthu asedau, cyllid gan adrannau llywodraeth eraill ac adennill TAW; arian drwy gynlluniau cyllido Ewropeaidd a chynlluniau cyllido eraill; adennill grantiau neu setliadau mewn perthynas â thaliadau grant; grantiau ad hoc o ffynonellau eraill; ac adennill TAW.	Talu grantiau i awdurdodau lleol a chyff y Trydydd Sector; pob prosiect sy'n cael arian Ewropeaidd; gwariant, taliadau grant a chynlluniau Tai Cymdeithasol a gefnogir yn rhannol gan adrannau llywodraeth eraill; gwariant a chynlluniau tai'r farchnad; gwariant ar gynlluniau Adfywio; a phob prosiect a noddir gan Ewrop, ac i gefnogi'r holl wariant sydd wedi'i nodi yn y Cwmpas gwariant.
Cyfanswm yr incwm (£000)	72,770

Rhan 4: Yr Economi, Gwyddoniaeth a Thrafnidiaeth

Colofn 1 <i>Categori adnoddau cronnus</i>	Colofn 2 <i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Adnoddau cronnus ac arian naill ai yn uniongyrchol neu'n anuniongyrchol gan y Comisiwn Ewropeaidd; rhentu eiddo ac incwm cysylltiedig arall; taliadau gwasanaethau busnes; cyfraniadau prosiect gan gyrrff eraill yn y sector cyhoeddus a'r sector preifat; incwm o fuddsoddiadau; ad-daliadau grant a chyllid busnes ad-daladwy; incwm o werthu asedau cyfalaf; incwm yn gysylltiedig â gweithgarwch twristiaeth; derbyniadau o astudiaethau trafndiaeth; iawndal o dan setliadau masnachol a sifil a chodi ffioedd hwyluso; incwm Cadw a Chomisiwn Brenhinol Henebion Cymru o godi tâl mynediad ar eu safleoedd a gwariant gweithredol arall, ac adennill TAW.	Pob prosiect sy'n cael arian Ewropeaidd ac i gefnogi'r holl wariant sydd wedi'i nodi yn y Cwmpas gwariant.
Cyfanswm yr incwm (£000)	70,886

Rhan 5: Addysg a Sgiliau

Colofn 1 <i>Categori adnoddau cronnus</i>	Colofn 2 <i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Mae'r adnoddau cronnus yn cynnwys incwm o brosiectau Ewropeaidd, ymchwil a gwerthuso a datblygu sgiliau busnes; breindaliadau cwricwlwm a chymwysterau; adennill Benthyciadau Myfyrwyr; arian o gronfa Cyfalaf Ymchwil Addysg Uwch; gwerthu cyhoeddiadau ac adennill TAW.	Mae'r gwasanaethau a'r dibenion yn cynnwys cefnogi prosiectau Ewropeaidd, CQFW, datblygu rhaglenni, datblygu sgiliau busnes, a gwariant cyfredol ar ymchwil a gwerthuso; cefnogi gwariant cyfredol ar y cwricwlwm a chymwysterau a chefnogi pob gwariant sydd wedi'i nodi yn y Cwmpas gwariant.
Cyfanswm yr incwm (£000)	137,023

Rhan 6: Cyfoeth Naturiol

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
<p>Mae'r adnoddau cronnus yn cynnwys arian naill ai yn uniongyrchol neu'n anuniongyrchol gan y Comisiwn Ewropeaidd; gan gynnwys incwm o gronfeydd strwythurol Ewropeaidd; incwm oddi wrth yr UE i gynorthwyo ffermwyr a chymunedau gwledig yng Nghymru; incwm o brosiectau ffermydd gwynt; incwm o Fferm Pwllpeiran neu werthu asedau cyfalaf; incwm o adennill grant o'r awdurdodau lleol, cyrff y trydydd sector a chyrff eraill y sector preifat; dirwyon cosb sifil yn gysylltiedig â chynlluniau masnachu allyriadau; incwm o drwyddedau morol; incwm o achub carcasau o anifeiliaid sydd wedi'u lladd ar gyfer rheoli clefydau; grantiau ad hoc o ffynonellau eraill ac adennill TAW; derbyniadau o werthu asedau gan gynnwys adeiladau, arian o adrannau eraill y llywodraeth ganolog ac incwm sy'n gysylltiedig â Chyfoeth Naturiol.</p>	<p>Mae'r gwasanaethau a'r dibenion yn cynnwys gwariant sy'n ymwneud â Fferm Pwllpeiran, taliadau grant, cynlluniau a ariennir yn rhannol gan adrannau eraill o'r llywodraeth; gwariant ar bob prosiect sy'n cael arian Ewropeaidd; ac i gefnogi pob gwariant sydd wedi'i nodi yn y Cwmpas gwariant.</p>
Cyfanswm yr incwm (£000)	356,187

Rhan 7: Gwasanaethau Canolog a Gweinyddu

Colofn 1 <i>Categori adnoddau cronnus</i>	Colofn 2 <i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
<p>Mae'r adnoddau cronnus yn cynnwys incwm o secondio staff a ffioedd staff; ad-dalu benthyciadau staff; ad-dalu didyniadau statudol o dan PAYE; adennill TAW; gwerthu tir ac adeiladau; is-osod eiddo; gwerthu asedau gweinyddol; gwerthu nwyddau a gwasanaethau; incwm gweinyddol; incwm o wasanaethau TGCh a ddarperir; ad-daliadau darparwyr hyfforddiant; adennill y costau a rennir â chyrff eraill yn y sector cyhoeddus; derbyniadau o grantiau adenilladwy gan gynnwys derbyniadau Buddsoddi i Arbed; a chyllid (boed uniongyrchol neu anuniongyrchol) oddi wrth y Comisiwn Ewropeaidd.</p>	<p>Mae'r gwasanaethau a'r dibenion yn cynnwys ariannu costau rhedeg a gwariant gweinyddol cyffredinol; cefnogi gwariant cyfalaf ar sylfaen ystadau ac asedau Llywodraeth Cymru; a phob prosiect sy'n cael arian Ewropeaidd.</p>
Cyfanswm yr incwm (£000)	610,550

Atodlen 3 – Gwariant Cyrff a Ariennir yn Uniongyrchol (heb gynnwys adnoddau cronrus)

Rhan 1 – Comisiwn Cynulliad Cenedlaethol Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
Adnoddau heblaw adnoddau cronrus i'w defnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru ar gostau adnoddau a chyfalaf sy'n gysylltiedig â gweinyddu a gweithredu Gwasanaethau'r Cynulliad i gefnogi Cynulliad Cenedlaethol Cymru ('y Cynulliad'); hyrwyddo'r Cynulliad gan gynnwys taliadau i'r Comisiwn Etholiadol ac eraill; taliadau i'r Comisiynydd Safonau a'r Bwrdd Cydnabyddiaethau Ariannol; unrhyw daliadau eraill sy'n ymwneud â swyddogaethau'r Cynulliad neu swyddogaethau Comisiwn Cynulliad Cenedlaethol Cymru. Adnoddau heblaw adnoddau cronrus i'w defnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru mewn perthynas â phenderfyniadau'r Bwrdd Cydnabyddiaethau Ariannol a gwariant yn ymwneud â darpariaeth pensiynau Aelodau'r Cynulliad.	51,800

Rhan 2 - Ombwdsmon Gwasanaethau Cyhoeddus Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
Adnoddau heblaw adnoddau cronrus i'w defnyddio gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru ('yr Ombwdsmon') ar gostau adnoddau a chyfalaf sy'n gysylltiedig â gweinyddu swyddfa'r Ombwdsmon; taliadau i gymdeithas Ombwdsmyr Prydain ac Iwerddon; taliadau i'r Sefydliad Ombwdsmyr Rhyngwladol; ac eitemau cysylltiedig nad ydynt yn arian parod.	4,023

Rhan 3 – Archwilydd Cyffredinol Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Gwasanaethau a dibenion</i>	<i>Swm £000</i>
Adnoddau heblaw adnoddau cronrus i'w defnyddio gan yr Archwilydd Cyffredinol ar gyflawni swyddogaethau statudol yr Archwilydd Cyffredinol ac archwilwyr sydd wedi'u penodi gan lywodraeth leol, ac ar weinyddu Swyddfa Archwilio Cymru.	5,974

Atodlen 4 – Defnydd o Adnoddau Cronnus gan Gyrff a Ariennir yn Uniongyrchol

Rhan 1 – Comisiwn Cynulliad Cenedlaethol Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Adnoddau cronnus i'w cadw yn unol ag adran 120(2) o Ddeddf Llywodraeth Cymru 2006 ac i'w defnyddio gan Gomisiwn Cynulliad Cenedlaethol Cymru, o werthu asedau sefydlog ac incwm cyfalaf arall; incwm rhenti; rhoddion; cymorth grant; ailgodi tâl; incwm o werthiant masnachol a gwasanaethau eraill a ddarperir i'r cyhoedd ac eraill.	I'w defnyddio i brynu neu gaffael asedau sefydlog ac i'w defnyddio i dalu costau gweinyddol y Cynulliad.
Cyfanswm yr incwm (£000)	400

Rhan 2 – Ombwdsmon Gwasanaethau Cyhoeddus Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Incwm o werthiant masnachol a gwasanaethau eraill a ddarperir i'r cyhoedd ac eraill.	I'w defnyddio ar wasanaethau cysylltiedig ac ar weinyddu gwasanaeth yr Ombwdsmon.
Cyfanswm yr incwm (£000)	6

Rhan 3 – Archwilydd Cyffredinol Cymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Categori adnoddau cronnus</i>	<i>Gwasanaethau a dibenion y gellir cadw'r incwm ar eu cyfer</i>
Adnoddau cronnus o ffioedd a thaliadau am wasanaethau archwilio a gwasanaethau cysylltiedig (heb gynnwys gwaith archwilio, asesu ac arolygu llywodraeth leol); adennill costau eraill sy'n gysylltiedig â swyddogaethau'r Archwilydd Cyffredinol; amryfal incwm o gyhoeddiadau, cynadleddau, darparu gwasanaethau gweinyddol, proffesiynol a thechnegol; adennill costau staff wedi'u secondio; ad-daliadau benthyciadau i staff; adennill taliadau lesio ceir; a llog a dderbynnir ar ffioedd y fantolen waith.	I'w defnyddio gan yr Archwilydd Cyffredinol ar wasanaethau cysylltiedig a gweinyddu Swyddfa Archwilio Cymru.
Cyfanswm yr incwm (£000)	17,639

Atodlen 5: Cysoni Adnoddau ag Arian Parod – 2014-15 (£000)*Tabl 1: Y Cysoniad Adnoddau ac Arian ar gyfer 2014-15 yng Nghynnig Mehefin 2014 ynghylch y Gyllideb Atodol (£000)*

	Gweinidogi on Cymru	Comisiwn y Cynulliad	Ombwdsmon Gwasanaethau Cyhoeddus	Archwilydd Cyffredinol Cymru
Gofyniad Adnoddau Net	12,851,407	49,607	4,010	5,876
Gofyniad Cyfalaf Net	578,855	1,741	13	98
Addasiadau:				
Taliadau cyfalaf	-118,880	-4,400	-105	0
Amhariadau	-63,303	0	0	0
Symudiadau yn y darpariaethau	-73,472	-500	-30	0
Elw/Colled wrth werthu asedau	0	0	0	0
Symudiadau mewn stociau	0	0	0	0
Symudiadau mewn dyledwyr/credydwyr	0	0	20	0
Defnyddio darpariaethau	0	0	254	0
Arall	0	0	0	0
Gofyniad Arian Parod Net i ddod o Gronfa Gyfunol Cymru	13,174,607	46,448	4,162	5,974

Tabl 2: Newidiadau i'ri Cysonad Adnoddau ag arian parod a gynhwysir yn y Cynnig hwn ynghylch y Gyllideb Atodol (£000)

	Gweinidogi on Cymru	Comisiwn y Cynulliad	Ombwdsmon Gwasanaethau Cyhoeddus	Archwilydd Cyffredinol Cymru
Gofyniad Adnoddau Net	373,525	1,693	0	-200
Gofyniad Cyfalaf Net	116,379	-1,241	0	200
Addasiadau:				
Taliadau cyfalaf	-41,986	400	0	0
Amhariadau	-35,035	0	0	0
Symudiadau yn y darpariaethau	-109,806	-700	0	0
Elw/Colled wrth werthu asedau	0	0	0	0
Symudiadau mewn stociau	0	0	0	0
Symudiadau mewn dyledwyr/credydwyr	92,848	-252	0	0
Defnyddio darpariaethau	0	100	0	0
Arall	0	0	0	0
Gofyniad Arian Parod Net i ddod o Gronfa Gyfunol Cymru	395,925	0	0	0

Tabl 3: Cysoniad Adnoddau ag arian parod a gynhwysir yn y Cynnig hwn ynghylch y Gyllideb Atodol (£000)

	Gweindoddi on Cymru	Comisiwn y Cynulliad	Ombwdsmon Gwasanaethau Cyhoeddus	Archwilydd Cyffredinol Cymru
Gofyniad Adnoddau Net	13,224,932	51,300	4,010	5,676
Gofyniad Cyfalaf Net	695,234	500	13	298
Addasiadau:				
Taliadau cyfalaf	-160,866	-4,000	-105	0
Amhariadau	-98,338	0	0	0
Symudiadau yn y darpariaethau	-183,278	-1,200	-30	0
Elw/Colled wrth werthu asedau	0	0	0	0
Symudiadau mewn stociau	0	0	0	0
Symudiadau mewn dyledwyr/credydwyr	92,848	-252	20	0
Defnyddio darpariaethau	0	100	254	0
Arall	0	0	0	0
Gofyniad Arian Parod Net i ddod o Gronfa Gyfunol Cymru	13,570,532	46,448	4,162	5,974

Nodiadau:

1. Mae cynnwys a fformat y tabl hwn yn cydymffurfio ag Adran 125(1)(c) a 126(2) o Ddeddf Llywodraeth Cymru 2006 ("y Ddeddf"). Mae'r Adran hon yn pennu bod yn rhaid, er mwyn awdurdodi'r cynnig, gael datganiad sy'n awdurdodi "the amount which may be paid out of the Welsh Consolidated Fund in the financial year to the relevant persons, or for use pursuant to a relevant enactment, for the purposes so specified". Gwneir y taliadau o Gronfa Gyfunol Cymru mewn arian parod, felly mae'r tabl hwn yn dangos y gofynion perthnasol o ran arian parod i gefnogi'r adnoddau y gofynnir amdanynt i gefnogi Atodlen 1 i 4, sy'n rhestru'r dibenion perthnasol y gellir defnyddio adnoddau ar eu cyfer.
2. Mae cynnwys a fformat y tabl hwn hefyd yn cydymffurfio â Rheol Sefydlog 20.28(v), sy'n pennu bod yn rhaid i gynnig y gyllideb gynnwys cysoniad o'r adnoddau sydd i'w hawdurdodi o dan Adran 125(1)(a) a (b) o'r Ddeddf â'r symiau sydd i'w hawdurdodi i'w talu o Gronfa Gyfunol Cymru o dan Adran 125(c) o'r Ddeddf.
3. Cyflwynir y tablau hyn o dan Adran 126 o'r Ddeddf a Rheol Sefydlog 20.31 yn dangos amrywiadau i'r adnoddau a ddyrennir yng Nghynnig y Gyllideb Flynyddol a'r symiau i'w talu o Gronfa Gyfunol Cymru.

Atodlen 6: Cysoni adnoddau y gofynnir amdanynt yn y Cynnig ynghylch y gyllideb â'r adnoddau a ddarperir gan y Trysorlys ar gyfer Bloc Cymru ar gyfer 2014-15

Tabl 1: Y Cysoniad rhwng yr adnoddau y gofynnir amdanynt yng Nghynnig Mehefin 2014 ynghylch y Gyllideb Atodol â'r adnoddau a ryddhawyd y Trysorlys ar gyfer Cymru (£000)

	2014-15 (£000)				Cyfanswm
	DEL Adnoddau	DEL Cyfalaf	AME Adnoddau	AME Cyfalaf	
<i>Adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb:</i>					
- Gweinidogion Cymru	12,869,993	240,533	-18,586	338,322	13,430,262
- Comisiwn y Cynulliad	48,857	1,741	750	0	51,348
- Ombwdsmon	4,234	13	-224	0	4,023
- Archwilydd Cyffredinol	5,876	98	0	0	5,974
Cyfanswm yr adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb Atodol	12,928,960	242,385	-18,060	338,322	13,491,607
<i>Addasiadau:</i>					
(i) Defnydd adnoddau gan Gyrrff a Noddir gan Lywodraeth y Cynulliad a Byrddau Iechyd Lleol	176,840	0	122,340	0	299,180
(ii) Grantiau	-1,111,284	1,111,284	0	0	0
(iii) Benthycia â chymorth	0	88,800	0	0	88,800
(iv) Arall	1,996,849	0	0	0	1,996,849
Cyfanswm yr addasiadau yng Nghynnig y Gyllideb Atodol	1,062,405	1,200,084	122,340	0	2,384,829
- Taliadau a godir yn uniongyrchol ar Gronfa Gyfunol Cymru	2,427	0	0	0	2,427
- Swyddfa Cymru	4,859	25	0	0	4,884
- Cronfa wrth gefn heb ei chlustnodi	244,526	12,618	0	0	257,144
Cyfanswm y Gwariant a Reolir (Bloc)	14,243,177	1,455,112	104,280	338,322	16,140,891

Tabl 2: Newidiadau i'r cysoniad rhwng yr adnoddau y gofynnir amdanynt yng Nghynnig Mehefin 2014 y Gyllideb Atodol â'r adnoddau a ryddhawyd gan y Trysorlys ar gyfer Cymru (£000)

	2014-15 (£000)				Cyfanswm
	DEL Adnoddau	DEL Cyfalaf	AME Adnoddau	AME Cyfalaf	
<i>Adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb:</i>					
- Gweinidogion Cymru	241,151	68,326	132,374	48,053	489,904
- Comisiwn y Cynulliad	1,243	-1,241	450	0	452
- Ombwdsmon	0	0	0	0	0
- Archwilydd Cyffredinol	-200	200	0	0	0
Cyfanswm yr adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb Atodol	242,194	67,285	132,824	48,053	490,356
<i>Addasiadau:</i>					
(i) Defnydd adnoddau gan Gyrrff a Noddir gan Lywodraeth y Cynulliad a Byrddau Iechyd Lleol	2,390	0	-28,000	0	-25,610
(ii) Grantiau	999	-999	0	0	0
(iii) Benthycia â chymorth	0	0	0	0	0
(iv) Arall	-7,016	-7,300	0	0	-14,316
Cyfanswm yr addasiadau yng Nghynnig y Gyllideb Atodol	-3,627	-8,299	-28,000	0	-39,926
- Taliadau a godir yn uniongyrchol ar Gronfa Gyfunol Cymru	0	0	0	0	0
- Swyddfa Cymru	0	0	0	0	0
- Cronfa wrth gefn heb ei chlustnodi	-129,910	-10,688	0	0	-140,598
Cyfanswm y Gwariant a Reolir (Bloc)	108,657	48,298	104,824	48,053	309,832

Tabl 3: Cysoni'r Adnoddau y Gofynnir amdanynt yn y Gyllideb Atodol hon

	2014-15 (£000)				Cyfanswm
	DEL Adnoddau	DEL Cyfalaf	AME Adnoddau	AME Cyfalaf	
<i>Adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb:</i>					
- Gweinidogion Cymru	13,111,144	308,859	113,788	386,375	13,920,166
- Comisiwn y Cynulliad	50,100	500	1,200	0	51,800
- Ombwdsmon	4,234	13	-224	0	4,023
- Archwilydd Cyffredinol	5,676	298	0	0	5,974
Cyfanswm yr adnoddau y gofynnir amdanynt yng Nghynnig y Gyllideb Atodol	13,171,154	309,670	114,764	386,375	13,981,963
<i>Addasiadau:</i>					
(i) Defnydd adnoddau gan Gyrrff a Noddir gan Lywodraeth y Cynulliad a Byrddau Iechyd Lleol	179,230	0	94,340	0	273,570
(ii) Grantiau	-1,110,285	1,110,285	0	0	0
(iii) Benthycia â chymorth	0	88,800	0	0	88,800
(iv) Arall	1,989,833	-7,300	0	0	1,982,533
Cyfanswm yr addasiadau yng Nghynnig y Gyllideb Atodol	1,058,778	1,191,785	94,340	0	2,344,903
- Taliadau a godir yn uniongyrchol ar Gronfa Gyfunol Cymru	2,427	0	0	0	2,427
- Swyddfa Cymru	4,859	25	0	0	4,884
- Cronfa wrth gefn heb ei chlustnodi	114,616	1,930	0	0	116,546
Cyfanswm y Gwariant a Reolir (Bloc)	14,351,834	1,503,410	209,104	386,375	16,450,723

Nodiadau:

1. Mae cyfanswm gofyniad Llywodraeth Cymru am adnoddau yn gyfwerth â chyfanswm y dyraniadau a gynhwyswyd yn y Cwmpasau yn Atodlen 1.
2. Dywed Rheol Sefydlog 20.28(ii) y dylai cynnig y gyllideb flynyddol gynnwys yr adnoddau y mae'r Trysorlys yn cytuno arnynt ar gyfer cyllideb bloc Cymru ar gyfer y flwyddyn ariannol y mae'r cynnig yn ymdrin â hi. Mae Atodlen 6 yn bodloni'r gofyniad hwn.

3. Dywed Rheol Sefydlog 20.28(iii) fod yn rhaid i gynnig y gyllideb flynyddol gynnwys cysoniad rhwng yr adnoddau a ddyrannwyd i gyllideb bloc Cymru gan y Trysorlys a'r adnoddau sydd i'w hawdurdodi i'w defnyddio yng nghynnig y gyllideb. Mae Atodlen 6 yn bodloni'r gofyniad hwn.
4. Mae'r atodlenni uchod yn dangos amrywiadau a awdurdodwyd ar gyfer y flwyddyn ariannol o dan Adran 126 o'r Ddeddf a Rheol Sefydlog 20.31.
5. Dyma'r taliadau a godir yn uniongyrchol ar Gronfa Gyfunol Cymru:

Eitem	2014-15 £000
Taliadau i'r Gronfa Fenthyciadau Genedlaethol	1,677
Cyflogau a chostau pensiwn cysylltiedig y Llywydd a'r Dirprwy Lywydd	239
Cyflogau a chostau pensiwn cysylltiedig yr Ombwdsmon	191
Cyflogau a chostau pensiwn cysylltiedig yr Archwilydd Cyffredinol	193
Cyflogau a chostau pensiwn cysylltiedig Cadeirydd Swyddfa Archwilio Cymru	27
Cyflogau a chostau pensiwn cysylltiedig y Comisiynydd Safonau	22
Incwm Ardrethi Annomestig Cenedlaethol	-1,037,585
Ardrethi Annomestig Cenedlaethol sy'n Daladwy	1,037,585
Costau Etholiad	78
Cyfanswm	2,427

Atodlen 7: Cysoni'r llif arian parod i Gronfa Gyfunol Cymru â'r arian parod y gofynnir amdano yng Nghynnig y Gyllideb (£000)

	Darpariaeth Flaenrol 2014-15	Newidiadau	Darpariaeth Ddiwygiedig 2014-15
Amcangyfrif o'r symiau net i'w talu i Weinidogion Cymru:			
Grant i'w dalu gan Ysgrifennydd Gwladol Cymru i Gronfa Gyfunol Cymru o dan Adran 118 (1)	13,399,228	292,801	13,692,029
Taliadau gan Adrannau Llywodraeth eraill	941,985	31,399	973,384
Taliadau o ffynonellau eraill	2,080,544	248,332	2,328,876
Amcangyfrif o'r symiau i'w talu i Weinidogion Cymru	16,421,757	572,532	16,994,289
Llai y symiau a awdurdodwyd i'w cadw gan Weinidogion Cymru	-1,981,529	-283,146	-2,264,675
Llai y symiau i'w cadw yng Nghronfa Gyfunol Cymru	-1,041,000	3,415	-1,037,585
Symiau sydd ar gael i'w dyrannu o Gronfa Gyfunol Cymru	13,399,228	292,801	13,692,029
Dosbarthwyd fel a ganlyn:			
- Gweinidogion Cymru	13,174,607	395,925	13,570,532
- Comisiwn y Cynulliad	46,448	0	46,448
- Ombwdsmon	4,162	0	4,162
- Archwilydd Cyffredinol	5,974	0	5,974
Arian a ryddheir o Gronfa Gyfunol Cymru yn y Cynnig	13,231,191	395,925	13,627,116
<i>Plws:</i>			
Taliadau a godir yn uniongyrchol ar Gronfa Gyfunol Cymru	2,427	0	2,427
Cronfeydd heb eu clustnodi	165,610	-103,124	62,486
Amcangyfrif o Gyfanswm y Taliadau	13,399,228	292,801	13,692,029

Nodiadau:

1. Mae Adran 125(3) o'r Ddeddf yn datgan bod yn rhaid i gynnig y gyllideb flynyddol gael ei ategu gan ddatganiad ysgrifenedig gan y Gweinidogion, yn dangos:
 - i. cyfanswm y taliadau y maent yn amcangyfrif a wneir ar gyfer y flwyddyn ariannol o dan Adran 118(1);

- ii. cyfanswm y taliadau y maent yn amcangyfrif a wneir i Weinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol ar gyfer y flwyddyn ariannol gan Weinidogion y Goron ac adrannau'r llywodraeth; a
 - iii. cyfanswm y taliadau y maent yn amcangyfrif a wneir i Weinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol ar gyfer y flwyddyn ariannol heblaw gan Weinidogion y Goron neu adrannau'r llywodraeth.
2. Mae'r atodlen uchod yn dangos amrywiadau yn y symiau hyn fel sy'n ofynnol o dan Reol Sefydlog 20.31

Chwefror 2015

Mae cyfyngiadau ar y ddogfen hon

One Voice Wales Consultation Response

CONSULTATION ON AN ENQUIRY INTO THE CONSIDERATION OF POWERS OF THE PSOW.

INTRODUCTION

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over three-quarters of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning. Our sector is therefore well placed to contribute to a successful future nation, building community and public services from the bottom up.

GENERAL

Question 1 – The PSOW service is well established within Wales and its role is understood and respected by community and town councils. The service appears to work effectively and its decisions are communicated through the production of annual reports and full updates. The Code of Conduct guidance available to community and town councils is widely available and its content has been used in the development of training materials delivered by One Voice Wales.

OWN INITIATIVE INVESTIGATIONS.

Question 2 – Rigid procedural adherence is often necessary to protect both the complainant and the person(s) to whom the complaint has been made against. However, it is possible that on limited occasions, intelligence may be received which highlights concerns that might be harmful to individuals and for whatever reason the individual(s) find themselves powerless to complain in a formal sense. Such intelligence could be revealed through a range of sources (e.g. information from third parties, press reports etc.) and it is important that the PSOW has the power to investigate in order to assess whether there is a serious matter requiring investigation. It is important that individuals who may be unduly restricted for whatever reason from raising the alarm by way of making a complaint should be protected. Effective arrangements would need to be in place to require the PSOW to liaise with other relevant bodies such as the Police, Older Person' Commissioner etc.

Question 3 – There would inevitably be issues relating to over-lapping responsibilities and proper mechanisms would need to be in place to ensure that effective communication and co-ordination of activity was in place. It may be necessary to establish a forum of key players that would meet as necessary to consider the possible involvement of the PSOW in appropriate cases. There are many models in place within other sectors such as Case Conferences, MAPPA arrangements etc.

Question 4 – One Voice Wales has no particular view on the financial costs and benefits except to say that proper investigation of own initiative investigations could save time and money in the longer term but more importantly could prevent the continuation of poor practices which have adverse effects on individuals.

ORAL COMPLAINTS

Question 5 – The case made by the PSOW for enabling complaints to be submitted electronically or orally is compelling and it is vitally important that all members of society do not face unnecessary obstacles which might prevent them from having their complaint properly investigated. There will however, need to be some ground rules established to ensure the appropriateness of complaints not submitted in writing in order to prevent an escalation of vexatious type complaints where a proper assessment of the nature of the complaint has been given scant attention by the complainant.

Question 6 – E-Mail, website form and text messages should all be accepted as a legitimate means of complaint submission. In the case of oral submissions it is important that if necessary complainants in such cases should have the opportunity of an interview where the nature of their complaint would be recorded by a competent individual.

Question 7 – There could be additional costs involved in seeking additional information from complainants as electronic methods of making a complaint would not follow a questioning technique that is built in to complaints forms. There would also be additional costs associated with the arrangement of interviews for those who are unable to communicate in writing.

COMPLAINTS HANDLING ACROSS PUBLIC SERVICES.

Question 8 – One Voice Wales would support a model complaints and concerns policy becoming mandatory for public service bodies in Wales. In order to save on time and costs it would be appropriate for models to be produced for each sector body e.g. NHS, Unitary Authorities, Community and Town Councils etc. A mandatory model would ensure greater consistency across Wales and set a desired standard for the handling of complaints.

Question 9 – There would be little in the way of additional costs as there is already a model in place. The additional direct cost of producing variable models for each sector would be more than offset by the reduced costs incurred by each body in adapting their own.

OMBUDSMAN'S JURISDICTION.

Question 10 – In general terms the Ombudsman's jurisdiction is about right. However, where there are overlapping elements into private healthcare or private nursing homes it is fundamentally wrong to restrict the extent of an investigation which is frustrating to both the investigator but more importantly to the aggrieved.

Question 11 – One Voice Wales would support the proposed extension of the Ombudsman's role.

Question 12 – Perhaps charging could be on the basis of a charge per case based on time spent on the investigation which would not be applied if the performance of the private provider was found to be acceptable.

Question 13 – No comments.

LINKS WITH THE COURTS.

Question 14 – One Voice Wales considers that it would be important to provide the complainant with the choice. This would help resolve the matter without the costs and individual pressure that Courts processes can entail.

Question 15 – One Voice Wales has no particular strong view on this though accepts that having this recourse may be appropriate in specific cases so would not be averse to such a development.

Question 16 – No comments.

OTHER ISSUES.

Question 17 – No comments.

Question 18 – There is a need to amend to reflect the formation of Natural Resources Wales.

Question 19 – One Voice Wales would suggest ‘after 5 years.’

Question 20 – There is a possibility that there could be an escalation in complaints received and some of these might be lightweight or inappropriate.

Question 21 – No comments.

Question 22 –

Jurisdiction – No comment

Recommendations and Findings – They should be binding subject to appropriate appeal arrangements being in place.

Protecting the Title – One Voice Wales agrees that the PSOW should give approval to use of titles by others.

Code of Conduct Complaints – It is considered important that the PSOW retains his current remit for our sector where internal resolution arrangements are not in place.

Question 23 – No comment.

Question 24 – No comment.

WLGA Evidence

Finance Committee Inquiry: Consideration of powers: Public Services Ombudsman for Wales

February 2015

The WLGA welcomes the opportunity to present evidence to the Committee on its inquiry into the consideration of powers for the Public Services Ombudsman.

The WLGA is aware that this inquiry could potentially lead to new legislation concerning the Ombudsman's powers being introduced, possibly by this Committee, before the end of this Assembly term. Clearly the Committee must conclude its Inquiry, which may or may not lead to proposals to introduce legislation as a result.

The WLGA notes however that a Committee Inquiry which led to the introduction of a significant new piece of legislation could mean a curtailed process around policy review and legislative scrutiny given it is our understanding that a Committee Bill would automatically bypass the Stage 1 Committee process. If this is the case, there would be reduced scope for effective consultation and engagement with the general public and public bodies affected by policy proposals and legislation.

The WLGA therefore would request that should the Committee decide to move to legislation, that a Draft Bill is published to encourage the widest opportunity for consultation before the formal introduction of the Bill.

1. What are your views on the effectiveness of the current **Public Services Ombudsman (Wales) Act 2005?**

The Act is generally regarded as effective. As noted by the Ombudsman's own submission to the Committee, the Law Commission commented favourably on the Act but put forward a number of proposed amendments to clarify and improve the Ombudsman's role.

Own initiative investigations

2. Currently, the Ombudsman may only investigate a matter that is the subject of a complaint made to him/her. What are your views on 'own initiative' investigations powers, which would enable the Ombudsman to initiate his/her own investigations without having first received a complaint about an issue. Please explain your answer.

3. Do you have any concerns that own-initiative investigation powers could result in the Ombudsman's responsibilities overlapping with the responsibilities of other bodies? How could this be managed?

4. Do you have a view on the likely financial costs and benefits of the Ombudsman having own-initiative powers?

The WLGA recognises the Ombudsman's frustration where his current powers prevent him from exploring suspected wider concerns within public services stemming from an investigation into an initial individual complaint. The WLGA however shares the Welsh Government's concerns over the risks of 'mission-creep' (as stated in a letter to the Communities, Equalities and Local Government Committee from Minister for Local Government and Government Business on 12th February 2014). In principle, it is of course appropriate that such concerns over wider and potentially systemic public service issues should be investigated, however there are a number of investigatory bodies whose role it is to examine matters of governance or public service concerns or improvements. There would be scope for duplication between the Ombudsman and these existing bodies, such as the Auditor General for Wales, as well as potential burden for public service bodies.

Whilst the Welsh Government notes that any such new powers should be carefully circumscribed and available in specific and exceptional circumstances, an alternative model could be that where the Ombudsman has identified wider systemic concerns following an initial investigation into a complaint, he then writes to the Auditor General for Wales (or relevant inspectorate) advising him/her to undertake a special inspection or produce a Public Interest Report into the matter.

Oral Complaints

5. At present, the Ombudsman can only accept complaints in writing. What are your views on the Ombudsman being able to accept complaints made orally? Please explain your answer.

6. What other type/form of submission should be acceptable (e.g. email, website form, text messages)

7. Do you have a view on the financial costs and benefits of this provision?

The WLGA agrees that alternative arrangements for submitting complaints should be considered to ensure that the Ombudsman is accessible to all. Oral complaints should be acceptable, but such safeguards and procedures will be need to be introduced to ensure such complaints can provide consistency in terms of detail, as well being recorded and stored securely and confidentially.

The financial costs and/or benefits of any such provision would depend on digital solutions, any necessary additional administrative support and the volume of oral complaints received.

Complaints handling across public services

8. At present there is no consistency in the way public bodies deal with complaints. Adoption of the model complaints policy issued by the Welsh government is voluntary. What are your views on the Ombudsman

preparing a model complaints policy which public bodies would be obliged to adopt. Please explain your answer.

9. Do you have a view on the financial costs and benefits of this provision?

The WLGA supported the Ombudsman in the development of the model complaints policy which was published in 2011¹. The WLGA understands that 21 of the 22 authorities have implemented the model policy and 1 is reviewing its complaints procedures in line with the model. It is likely that the anticipated mergers of local authorities would see further streamlining and consistency of complaints processes within local government.

Ombudsman's jurisdiction

10. What are your general views on the Ombudsman's current jurisdiction?

11. At present the Ombudsman can investigate private health care that has been commissioned by the NHS. The Ombudsman would like the jurisdiction to be extended to enable him/her to investigate when a patient has received private healthcare (self-funded not commissioned by the NHS) in conjunction with public healthcare. This would enable the complaints process to follow the citizen rather than the sector. What are your views on extending the Ombudsman's jurisdiction in this way?

12. How do you think the investigation of private health care complaints should be funded? (Possibilities include a levy, charging on a case by case basis or no charge.)

13. Do you have a view on the financial costs and benefits of this provision?

The WLGA does not have strong views regarding the Ombudsman's jurisdiction or powers in private healthcare, although the case put forward in the Ombudsman's paper appears compelling.

Links with the courts

14. What are your views on the removal of the statutory bar to allow the Ombudsman to consider a case which has or had the possibility of recourse to a court, tribunal or other mechanism for review? (ie this would give complainants the opportunity to decide which route is most appropriate for them.)

15. What are your views on the Ombudsman being able to refer cases to the Courts for a determination on a point of law?

16. Do you have a view on the financial costs and benefits of this provision?

¹ http://www.ombudsman-wales.org.uk/~media/Files/Documents_en/Model%20Complaints%20Policy%20Final%20PSOW.ashx

The WLGA recognises the Ombudsman's rationale for removing the statutory bar with a view to improving the public's accessibility to resolution of complaints. That said, this is the most significant legislative and jurisdictional reform that the Ombudsman proposes which would have implications for law across England and Wales and a potentially significant impact in terms of workload and resources for the Ombudsman. It is unclear what data is available or what analysis has been undertaken to assess the impact of such a reform or the Assembly's competence in this arena given the territorial jurisdiction of the courts. The WLGA also notes that in his oral evidence, the Ombudsman suggested that of his 5 proposed areas for reform, removal of the statutory bar (given the above complexity) was not the highest priority reform.

Other issues

17. Do you have any specific examples where the Ombudsman having the additional powers proposed could have been useful in securing a successful conclusion to an issue?

No.

18. Schedule 3 of the current 2005 Act, provides a list of authorities that are within the Ombudsman's jurisdiction to investigate complaints. Please provide details of any other bodies/organisations that should be included in this list?

The list in Schedule 3 appears appropriate, although it should be updated to incorporate bodies established or renamed after the 2005 Act.

19. If extended powers were given to the Ombudsman in a new Bill/Act, at what point should the impact of this legislation be evaluated?

As the Ombudsman noted in his oral evidence to the Committee, there is significant and ongoing reform of public services and the devolution settlement and there would probably not be an 'ideal time' to take stock. That said, the current timeframe of ten years for reviewing the current Public Services Ombudsman (Wales) Act 2005 is probably too long given the anticipated changes to public services and a five year review would probably be more appropriate.

20. What unintended consequences could arise as a result of these provisions becoming legislation and what steps could be taken to deal with these consequences?

As noted above, the main concern regarding unintended consequences is the potential for jurisdiction between the Ombudsman and the Auditor General for Wales around 'self-initiative' investigations. This could be mitigated by clear criteria for such investigations, agreement of protocols between inspection bodies or a process

by which the Ombudsmen requests that other bodies carries out follow-up inspections or investigations after his initial work.

21. What factors should be measured to determine the cost-benefit analysis of this legislation being brought forward?

It is difficult to determine an appropriate cost-benefit analysis given limited data has been presented to date which could be used to assess the likely impact in terms of additional complaints and, subsequently, upheld complaints as a result of any legislative changes. Should this Inquiry lead to legislation, a more thorough Regulatory Impact Assessment should be completed which should assess the potential impact, particularly in terms of workload on the Ombudsman's office and public services as a result. In principle however, it is difficult to quantify the value of a regulatory or complaints regime which seeks to provide assurance and public confidence about public services, provides support and redress to individuals who have had a complaint upheld and contributes to wider service improvements.

22. Do you have any comments on the following issues:

- **jurisdiction – changes to the devolution settlement have led to new areas coming into jurisdiction over time, should consideration be given to other bodies being included in the Ombudsman's jurisdiction;**

See 18 above

- **recommendations and findings - should the recommendations of the Ombudsman to public bodies be binding. This would mean that bodies cannot decide to reject the findings;**

The current approach to Ombudsman recommendations works effectively in Wales. The relationship between the Ombudsman and public services is based on early, open and constructive dialogue, where 'quick fixes' are encouraged. The regulatory relationship would shift significantly if recommendations were made to be binding, with implications for local democratic discretion and/or challenge or appeal.

- **protecting the title - there has been a proliferation of schemes calling themselves ombudsmen, often without satisfying the key criteria of the concept such as independence from those in jurisdiction and being free to the complainant. Should anyone intending to use the title ombudsman gain approval from the Ombudsman;**

The WLGA does not have strong views on this matter.

- **code of conduct complaints – the Ombudsman would prefer to focus on the element of his work that deals with service users and service delivery, rather than local authority and town and community councils'**

resolutions. Whilst a local resolution procedures exists and has been adopted by 22 local authorities, variance exists in practice.

Local resolution procedures have been developed by local authorities, the WLGA and the Ombudsman and they are increasingly effective in managing lower level complaints about the conduct of councillors. These procedures have meant a reduced burden on the Ombudsman's office, but in turn has meant a transfer of workload (but not of resources) to local authorities. The Ombudsman's latest Annual Report shows that code of conduct complaints were down 22% in 2013-14 at 228 new complaints, of which only 111 related to county or county borough councils. Of the 228 complaints, only 41 were investigated and only 6 investigation reports led to referral to either a standards committee or the Adjudication Panel for Wales.

The Ombudsman was specifically established to investigate complaints about councillors' conduct as well as complaints about public services. Although the Ombudsman's own workload and priorities have varied during recent years, his role in independently investigating complaints about councillors' conduct remains a vital back-stop role which local government would wish to retain, particularly for most serious breaches of the code of conduct.

It is not possible to meaningfully enforce a code of conduct for councillors without an independent statutorily empowered investigative and adjudicator framework. Such a reform of the Ombudsman's role and weakening of the code would be a retrograde step at a time when so much controversial reform is proposed within local government.

23. Do you have any views on any aspects of future planned or proposed public sector reforms that would impact on the role of the Ombudsman?

See preamble above.

24. Do you have any other issues or concerns about the current Act and are there any other areas that need reform or updating?

No

Mae cyfyngiadau ar y ddogfen hon