

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

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Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 1 – y Senedd	Marc Wyn Jones
Dyddiad: Dydd Iau, 6 Hydref 2016	Clerc y Pwyllgor
Amser: 09.15	0300 200 6565
	<a href="mailto:SeneddPPIA@cynulliad.cymru">SeneddPPIA@cynulliad.cymru</a>

### 09.15 – 09.30 – Rhag-gyfarfod anffurfiol

- 1 **Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**  
(09.30)
- 2 **Comisiynydd Plant Cymru – Adroddiad Blynyddol 2015/16**  
(09.30 – 10.30) (Tudalennau 1 – 11)

Papur 1 – Comisiynydd Plant Cymru – [Adroddiad Blynyddol a Chyfrifon 15/16](#)

Sally Holland, Comisiynydd Plant Cymru  
Hywel Dafydd, Rheolwr Polisi a Materion Cyhoeddus  
Sara Jermin, Pennaeth Perfformiad a Chyfathrebu

#### Dogfennau atodol:

Papur Ymchwil

### Break – 10.30 – 10.40

- 3 **Ymchwiliad i Waith Ieuenctid – Sesiwn dystiolaeth 1 – Cyngor Cymreig y Gwasanaethau Ieuenctid Gwirfoddol (CWVYS)**  
(10.40 – 11.34) (Tudalennau 12 – 36)

Keith Towler, Cadeirydd – CWVYS  
Catrin James, Cydlynnydd Rhanbarthol – CWVYS  
Paul Glaze, Prif Weithredwr – CWVYS



**Dogfennau atodol:**

Papur Ymchwil

CYPE(5)-06-16 – Papur 2

**4 Ymchwiliad i Waith Ieuenctid – Sesiwn dystiolaeth 2 – Grŵp Prif Swyddogion Ieuenctid Cymru (PYOG) a Chymdeithas Llywodraeth Leol Cymru (CLILC)**

(11.40 – 12.40)

(Tudalennau 37 – 49)

Dr Chris Llewelyn – Cyfarwyddwr, Dysgu Gydol Oes, Hamdden a'r Gymraeg – Cymdeithas Llywodraeth Leol Cymru

Barbara Howe – Rheolwr Gwasanaethau Ieuenctid, Cyngor Bwrdeistref Sirol Torfaen

Jason Haeney – Prif Swyddog Ieuenctid a Chymuned Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

Tim Opie – Swyddog Polisi Dysgu Gydol Oes (Ieuenctid) – Cymdeithas Llywodraeth Leol Cymru

**Dogfennau atodol:**

CYPE(05)-06-16 – Papur 3

**5 Papurau i'w nodi**

(12.40)

**Llythyr oddi wrth Ysgrifennydd y Cabinet dros Addysg – rhagor o wybodaeth yn dilyn y cyfarfod ar 13 Gorffennaf**

(Tudalennau 50 – 51)

**Dogfennau atodol:**

CYPE(05)-06-16 – Papur 4 – i'w nodi

**Llythyr at yr Ysgrifennydd Gwladol dros Iechyd – rhagor o wybodaeth yn dilyn y cyfarfod ar 14 Medi**

(Tudalennau 52 – 53)

**Dogfennau atodol:**

CYPE(05)–06–16 – Papur 5 – i'w nodi

**Llythyr gan Gadeirydd y Pwyllgor at Gadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol – Bil Cymru**

(Tudalennau 54 – 59)

**Dogfennau atodol:**

CYPE(05)–06–16 – Papur 6 – i'w nodi

Mae cyfyngiadau ar y ddogfen hon

# Eitem 3

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
Education Committee  
Ymchwiliad i Waith Ieuenctid | Inquiry into Youth Work

YW 08

Ymateb gan : Cyngor Cymreig y Gwasanaethau Ieuenctid  
Gwirfoddol (CWVYS)

Response from : Council for Wales of Voluntary Services (CWVYS)

CYPE(05)–06–16 – Paper 2

**Question 1** – What are your views on young people’s access to youth work services, including, for example:

- levels of provision across Wales and any regional variation;
- issues relating to access for specific groups of young people e.g. language, disability, rurality, ethnicity.

Access is directly and adversely affected by the huge variations in spend by local authorities (LAs) via the Revenue Settlement Grant (RSG) because of non-hypothecation. This is evidenced by Welsh Government Statistics Unit report for 2014–15:

<http://gov.wales/statistics-and-research/youth-services/?lang=en>  
and

<http://gov.wales/docs/statistics/2015/151020-youth-work-2014-15-en.pdf>

These figures are LA-only (no similar audit exists for the voluntary youth work sector; an issue for us in terms of evidence-base).

The key issues here being:

- a) non-hypothecation of funds to LAs;
- b) lack of leadership from Welsh Government to ensure that all funds are spent as intended;
- c) where does the non-spend on youth services go?
- d) the impact on life choices/life chances for young people as a result of the huge underspend
- e) the lack of an effective and efficient Wales-wide service

There are knock-on effects of limited RSG spend on youth services to the voluntary sector i.e. if a LA spends 100% of its budget as allocated then the voluntary sector might expect to receive some support but

where it is below, say, 75% ,that knock-on effect is hugely negative. The voluntary youth work sector works with 250,000 young people aged 11–25 years, with roughly 30,000 volunteers and 3,000 paid staff involved. CWVYS currently has 90 member organisations – located across Wales and with a 50/50 split between national organisations e.g. the Urdd; Boys’ and Girls’ Clubs of Wales; Youth Cymru; Prince’s Trust Cymru; ScoutsCymru; Girlguiding Cymru etc; and local/community organisations such as Cwmbran Centre for Young People; Dr Mz; GISDA; West Rhyl Young People’s Project; The Tanyard Youth Project; Ethnic Youth Support Team; YMCA Swansea etc.

CWVYS members include those working exclusively with deaf young people and also young people with physical disabilities – both report a lack of investment in basic needs.

Additionally, emotional wellbeing and mental health issues for young people are being regularly outlined as areas of concern within the sector. The Together 4 Children and Young People programme is a good initiative and youth work has a hugely important role to play – but not enough is known about it.

Several CWVYS members deliver programmes on ethnicity e.g. Ethnic Youth Support Team (EYST) based in Swansea, which provide a wide range of excellent provisions (see [www.eyst.org.uk](http://www.eyst.org.uk)) Of particular concern is the rise of attacks (personal/physical/psychological) on young people and their families in certain communities as a result of the EU referendum process and result. 25% of population of Cardiff is from a BME background (with city population in total to rise by 30% in next 10 years) and 12% in Swansea.

Issues of transport availability and access to digital connections (cost/location) are real for young people living in rural areas, as is the closure of youth centres due to certain LAs deciding to deliver in future from ‘hubs’ within main pockets of population.

The support needs of 18–25 year olds and how they can be met is an area of growing concern, particularly with regards to funding such vital work.

If you believe that there are particular problems, how do you think they could be resolved?

CWVYS believes that an opportunity exists to create a National Youth Service that provides an improved, more efficient and cost-effective range of modern services for and with young people. This would be funded by the 'reclaiming and hypothecation' of RSG monies.

This has been our consistent perspective for the past 4 years – as outlined in *'The Future of Youth Services in Wales'* which was published in 2012.

Essentially, this paper presented four options to the then Minister for Education in response to his question to the sector at the National Youth Work Conference in March 2012, namely: 'Do you want a national or a regional youth service?'

Copies of *'The Future of Youth Services in Wales'* are freely available upon request. However, in brief, the paper outlined the following two main, preferred options:

#### **A National Youth Service Council for Wales**

We propose a National Youth Service Council for Wales (NYSCW) with an expanded remit like that for YouthLink Scotland. This leaves direct responsibility for the funding of the youth service, and the distribution and monitoring of those funds, with the Welsh Government.

CWVYS believes that NYSCW structures should be consistent with the concept of a unified youth service and focus on substantive areas of work rather than sectors.

An outline of how the NYSCW might look is shown at Question 5 on **pages 18–19** of this response.

#### *Strengths:*

A single, integrated body would be responsible to the Welsh Government for supporting the delivery of the youth service strategy, for advice to Ministers and Welsh Government officials, for the maintenance of quality and standards, and for the registration of



youth workers.

Membership of NYSCW would give organisations a stake in the governance of the Council and would demonstrate eligibility for government funding.

The NYSCW Board would comprise an independent Chair and full representation from the current voluntary and maintained youth services.

Expertise and experience from the whole of the youth service would be brought together in one organisation.

Administrative costs would be very small compared with Revenue Support Grant levels of funding for administration through the 22 local authorities. This is based on an assumption that the delivery of the youth service would be through a small number of regional bodies funded directly by the Welsh Government but supported by the NYSCW Programmes Division.

The NYSCW would lead on the development of opportunities for commissioned services via its National Programme Directorate. It would follow a 'commissioned nationally, managed regionally, delivered locally' plan.

A new, constructive and challenging partnership between the Welsh Government and the Council would be established as an essential element for ensuring the maintenance and development of opportunities for young people and for capitalising on the contribution of young people to the economic and social development of Wales.

The new Council would have a formal remit for developing constructive partnerships between the youth service and business, schools, further education and higher education.

The NYSCW would have responsibility for professional standards and youth worker registration and would be ideally placed to work with Education and Training Standards (Wales) in relation to youth work

qualifications, pay, conditions of service and agreements with JNC as well as with Estyn in relation to reporting on and monitoring standards of delivery.

*Potential challenges:*

It is expected that local authorities would be required to give up responsibility for the delivery of the youth service and the funding associated with it. Funding would be transferred directly to organisations and/or regional bodies and responsibility for the delivery of the National Youth Work Strategy and monitoring its effectiveness vested in the new Council.

Arrangements would need to be made for the appointment of regional youth service managers to replace the existing staffing structures of the local authorities.

The current distinction between voluntary and statutory local authority organisations would disappear. All engaged in the governance, management and operation of organisations would need to recognise this and the consequent implications for funding, management and quality assurance.

The Welsh Government and the NYSCW would need to agree (a) revised structures (national and/or regional) for the delivery of the youth service (b) a funding model for the youth service as a whole and (c) a funding allocation for the operation of the Council and its Directorates.

A position paper jointly presented with the Chair of the Wales Principal Youth Officers' Group (PYOG) at the Ministerial Youth Work Reference Group (YWRG) in December 2014 paved the way for a comprehensive, externally commissioned report to the YWRG in 2015.

However, in spite of these discussions there has been no further mention or consideration of such proposals.

It would be useful to know whether the Minister is minded to re-address these issues.

**Question 2** – How effective do you think the Welsh Government strategy and policy on youth work is?

In considering this question you may wish to think about:

- the Welsh Government’s specific youth work policy and strategy such as ‘The Youth Work offer’; The Wales Charter for Youth Work; The National Youth Work Strategy for Wales 2014 to 2018;
- Welsh Government departmental responsibilities and whether there is a cross-departmental and co-ordinated approach to support youth work provision.

We would like to know whether the Youth Work Reference Group is to continue to meet and to discuss high-level strategic issues.

If not, will the ‘Charter’ result in a new/re-shaped ‘Reference Group’ to take this work forward? There is a need for the WG to act quickly and assert the roles of either the existing Group or another.

Currently, there is a view that the Charter ‘exists’ on a piece of paper only and also as a previous Ministerial ‘concept’ but with no further thinking on how it might be enacted upon within the sector. A basic offer for all young people is welcomed (although the Charter says nothing ‘new’ about the delivery of youth work in Wales) but there is currently no guidance on how this can or might be implemented.

Communication generally needs to be improved across the sector. A relatively quick and short piece of work by the WG (and/or by the sector?) as a summary on where ‘we are at’ on each item of the National Strategy e.g. youth work in schools; the Quality Mark; National Outcomes Framework; funding for the voluntary sector post 2016/17; Youth Engagement and Progression Framework etc; would be useful. However, a summary of where ‘that’ takes us is of equally critical importance.

How do you think the Welsh Government could approach its youth work strategy and policy differently / to better effect?

The Charter has the laudable aim of ensuring a minimum offer for all young people in Wales.

However, the issue of youth voice is perhaps not as clearly defined as it might be – which is unfortunate given the National Assembly’s recent drive to encourage young people to participate in democratic engagement processes.

Wales used to lead the way in young people's participation. Wales currently has no recognised Youth Assembly, resulting in no seats being taken up at the UK Youth Parliament. Serious questions are being asked in other UK nations about Wales's absence.

Voices of young people need to be expressed, listened to and acted upon in a new Wales Youth Assembly.

**Question 3** – What are your views on the funding available for youth work, including through Local Authority, Welsh Government, European Union, and Third Sector.

**Youth Service Grant Funding (Welsh Government/LA/Voluntary Sector)**

- £40.5M annually is made available by the Welsh Government for youth services via the Revenue Settlement Grant (RSG), Youth Work Strategy Support Grant (YSSG), National Voluntary Youth Work Organisation grants (NVYO) and CWVYS core funding.
- The Revenue Settlement Grant (RSG) is non-hypothecated funding of approximately £37M for local authorities, who are able/permitted to spend the allocations how they wish. This results in an inconsistent spend on youth services with the attendant 'knock-on' effect on voluntary youth organisations.
- Total Welsh Government grant made directly to local authority youth services i.e. to PYOs (YSSG) is £2.756m. The *YSSG* supports implementation of the National Youth Work Strategy.

**Criteria for the YSSG:**

- To support implementation of the YEPF Implementation Plan, including supporting/facilitating the contribution of the voluntary sector.
- To support open access provision to meet local need and fill gaps identified within the *Local Authority Single Integrated Plan*.
- Up to 25% can be spent on supporting training needs for staffing (including the voluntary sector), this grant may not be used to fund generic training which should be delivered through local

authorities such as safeguarding, health and safety and food hygiene.

#### Voluntary Youth Work Sector Funding

- NVYO grants account for £679,000 per year for 2015–2018 i.e. 1.6% of overall youth service budget.
- CWVYS core funding is £105,000 for 2016/17 i.e. 0.25% of overall youth service budget.

CWVYS is working on future sustainability plans. If Welsh Government support is not forthcoming in 2017/18, CWVYS will close in August 2017.

#### Third Sector

The voluntary youth work sector in Wales involves more than 250,000 young people, at least 30,000 volunteers and 3,000 paid staff. WCVA estimates that there are at least 2,554 voluntary groups specifically involved with young people or 7.7% of all voluntary groups in Wales (WCVA Third Sector Statistical Resource, 2016).

The voluntary youth sector is playing an exceptionally important role in supporting the development, well-being, self-esteem, employment skills and life skills of young people. Direct funding from the Welsh Government to the voluntary sector is exceptionally small, especially compared to the funding available for local authority provision. Because of this historical imbalance and low level of financial support, the voluntary youth sector is facing severe difficulty in trying to absorb the planned reductions whilst maintaining services to young people in accordance with the National Youth Work Strategy for Wales.

The voluntary sector needs core funding to ensure that it can develop opportunities for young people and support its volunteers. Investing in the voluntary sector is extremely cost effective. WCVA estimates for the whole of the voluntary sector in Wales that 145 million hours of effort are provided by volunteers (equivalent to £1.7 billion or 3.2% of Wales GDP). When added to the estimated £2 billion of third sector income, this totals some £3.7 billion or 6.8% of Wales GDP (WCVA Third Sector Statistical

Resource, 2016). Voluntary sector youth groups in Wales benefit from 11 million hours of volunteer effort per year.

### European

#### **FUNDING: ERASMUS+**

Over its lifetime, Erasmus+ will see a significant increase in EU funding (+40%): **a budget of €14.7 billion** for development of knowledge and skills.

Two-thirds of its funding will provide grants for more than **four million people** to study, train, gain work experience or volunteer abroad in 2014–2020.

Almost **one billion Euros** will be allocated to the UK alone over seven years. In the UK, it is expected that nearly **250,000 people** will undertake activities abroad with the programme.

### Erasmus+ goals

The European Union links Erasmus+ to policy objectives such as Europe 2020.

- Through Erasmus+ the EU aims to achieve the following by 2020:
- **over 500,000 young people will have the chance to volunteer abroad or take part in youth exchanges**
- mobility of 2 million HE students within Erasmus+ programme countries
- mobility of 135,000 students to/from Erasmus+ partner countries
- mobility of around 300,000 staff from higher education
- 200,000 master's student loans
- 25,000 scholarships for Joint Master degrees
- 25,000 Strategic Partnerships between 125,000 institutions, to implement joint initiatives; promote exchange of know-how and links with world of work
- 150 Knowledge Alliances between 1,500 HE institutions and enterprises
- 1,000 Capacity-Building projects between HE institutions
- 800,000 youth workers, lecturers, teachers, trainers and

education staff to teach or train abroad

- 650,000 vocational students to engage in education AND training abroad
- more than 200,000 teachers collaborating online and involving more than 100,000 schools through eTwinning
- 800,000 lecturers, teachers, trainers, education staff and youth workers to teach or train abroad
- The sector also has the opportunity (currently) to engage in bidding for European Social Funds and European Regional Development Funds.

However, many members report that their access to LA-designed bidding processes for ESF is very limited and anecdotally amounts to a 'zero-hour contract' basis. However, where members have been lead bodies there have been successes e.g. YMCA Swansea has received £2.6M in European support since 2012.

If you believe there are problems in this area, how do you think they could be resolved?

- The inward investment into Wales of charitable trust funding to the voluntary youth work sector is something we highlight on a regular basis but is not fully recognised.
- Without project monies from large funders such as Comic Relief, Tudor Trust, BBC Children in Need (via the Wales office), Big Lottery Fund (Wales office), Erasmus+ etc; plus several small to mid-sized trusts across the UK, Europe and occasionally beyond, many of our Member organisations would either not exist or would not be able to deliver such high quality services.
- This 'plays well' for Wales but is largely ignored within Wales.
- Quantifying the volume and type of funding would be a relatively large piece of work – but would be a valuable indicator of such inward investment.
- Our 5 Nations colleagues at YouthLink Scotland and the National Youth Council for Ireland have delivered two excellent pieces of work in which the Committee might well find of real interest.

Both items relate to the economic and social value of youth work in those nations.

- Wales desperately needs the same level of analysis and evidence-based reporting. Scotland and Ireland engaged independent economists to provide the following:

[http://www.hallaitken.co.uk/component/option,com\\_docman/Itemid,10/gid,437/task,doc\\_download/](http://www.hallaitken.co.uk/component/option,com_docman/Itemid,10/gid,437/task,doc_download/)

[http://www.youth.ie/investing\\_in\\_youth\\_work\\_pays\\_off](http://www.youth.ie/investing_in_youth_work_pays_off)

**Question 4** – Are there any other issues you consider relevant to the Inquiry that you think the Committee should be made aware of? (for example: workforce related issues; the Quality Mark for Youth Work in Wales; buildings and infrastructure; youth work in schools; transport issues; access to digital technology; Welsh Government’s consultation on proposals to register and inspect some out of school education settings).

- The Quality Mark for Youth Work in Wales (QM) has generated a level of interest amongst voluntary youth work sector organisations. However, the sustainability of the QM beyond March 2018 is open to question. In addition, the current rounds suggest that only 12 organisations will be eligible to carry out the QM process with support via the private sector consultancy firm commissioned by the Welsh Government to deliver this contract. Whilst the development of the QM is broadly welcomed, it is open to question as to which organisations might benefit and how much of an advantage they might find themselves at as a result of obtaining a QM at any of the three levels (bronze, silver and gold).
- The registration of youth workers (via the Education Workforce Council); and youth work in schools. CWVYS understand that there is a desire to register degree-level youth workers at £45.00 each from April 2017. However, there is an apparent aim to rename currently qualified youth workers at Level 2 and Level 3 as ‘Youth Support Workers’, who are unlikely to be required to register. The inference here is that schools will only



accept registered youth workers, who constitute a very small number of people.

Questions here are:

- a) Given the very small numbers of degree-level qualified youth workers, will the much-vaunted concept of 'youth work in schools' therefore be a much-reduced (less effective?) policy?
  - b) is this a potential restriction of trade for the vast majority of youth workers and organisations?
  - c) does this potentially undermine the aspirations of the Wales Charter for Youth Work in reducing the choices and life chances for young people in Wales?
- The commissioning or outsourcing of youth services by local authorities (LA) and other agencies. As in the case of day-to-day working, with each LA 'doing things differently', there can be 22 variations on a theme: that's difficult at the best of times for our national member organisations in particular, who need to be aware of and operate within that way of working when they all have only a fairly limited 'HQ' capacity.
  - The lack of available monies to invest in infrastructure and buildings creates significant problems for the voluntary youth work sector. Whereas funding for projects and developmental programmes are available for those who have the time and ability to source them, cuts are seeing our members closing down parts of buildings that need urgent refurbishing and LAs divesting themselves of youth centre buildings. An example of the latter: Cardiff Council sought to close 13 of its 19 neighbourhood youth centres under its latest cost-saving initiative (total youth service budget reduced from £3M to £1M). Working closely with the voluntary youth work sector, it has established an Innovation Fund which has seen universal youth work being commissioned-out via a grants programme: a good opportunity for some of our members. However, the

issue of Community Asset Transfers (CAT) has reared its head of late: one of our members took on a CAT building from a LA last year and has been delivering youth work from it – but the LA now wishes it to be returned for a property development scheme!

- Finally, we would suggest that there are questions to be asked about the procurement process operated by Welsh Government. CWVYS Trustees have asked us to raise this at the highest possible levels. Most of the recently commissioned pieces of research and significant contracts regarding youth work in Wales have been awarded to individuals and companies based outside of Wales – and nearly all with a link to the National Youth Agency in England i.e. former employees now set up as consultants. We are surprised that some of these opportunities do not appear to have been commissioned via the sell2wales website.

This is not intended to spotlight or criticise those individuals.

However, the process and the ‘England-only’ supply chain is an identified problem within the sector. We conclude that the Committee could be interested in finding out why this is the case, perhaps? Examples to the contrary: a CWVYS-led consortium bid for the Quality Mark failed in open competition. We have no problem with a ‘fair fight’ and completely accept the decision taken. However, other important pieces of work affecting the future direction of youth work in Wales have been placed outside Wales – the rationale for which is hard to determine.

**Question 5** – If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be?

The creation of a sustainable and developmental National Youth Service that meets the needs of young people aged 11–25 years and of the sector in Wales.

The policy and legislative basis of the National Youth Service includes National Youth Work Strategy for Wales (2014–18) and attendant developments such as the Quality Mark for Youth Work in Wales and National Outcomes Framework for Youth Work in Wales plus design and development of future National Youth Work Strategies; Youth Engagement and Progression Framework (2013–); The Wellbeing of Future Generations (Wales) Act (2015); The Rights of Children and Young Persons (Wales) Measure 2011; Extending Entitlement (2000); Social Services and Wellbeing (Wales) Act (2014); A Curriculum for Life (2015); *Youth Work in Wales: Principles and Purposes* (2014);

Such a body might look like this:

**NATIONAL YOUTH SERVICE COUNCIL FOR WALES**  
**(NYSCW)**

**NYSCW Board**

- Independent Chair (by Public Appointment)
- 4 representatives from voluntary youth services,
- 4 representatives from local authority youth services
- 3 co-options for specialist skill and experience outside the youth service

**NYSCW Directorates**

**Registration & Ethics**

- Reports directly to Sub-Committee of the Board on matters of ethics and registration

**National Finance & Audit**

- Advice/guidance on finance (reports to Welsh Government)
- Audit function (reportable to Welsh Government)
- Grants and procurement policy and practice (Revenue Support Grant and other grant/tender opportunity programmes)
- Internal audit function

### **Communications**

- Marketing (including Youth Work Excellence Awards; ‘Youth Work in Wales: Principles and Purposes’; Youth Work Conferences)
- Information & Advice
- Welsh Language
- Volunteering

### **Workforce Development**

- Credits & Qualifications Framework for Wales
- Continuous Professional Development
- Training Consortium
- Youth Work Training Grant

### **Policy Advice & Research**

- Responding to Welsh Government, National Assembly for Wales and other consultations
- Policy development
- Advice to frontline service providers
- Evidence-based research to inform policy positions (identifying and securing research projects; link role to Higher Education/Further Education/Welsh Government/the sector)

### **National Programmes**

- Youth work delivery (national; regional; local)
- Good practice development e.g. collaborative partnerships; consortia working; community engagement
- Brokerage between youth services and other sectors e.g. education; health; employment; training
- Commissions nationally, delivers locally/regionally
- Line management of Regional Development Officers who provide support for both voluntary and local authority national/regional/local members and for non-members

### **Additional notes**

- All youth work organisations would be encouraged to be a member or an associate member of the Council.

- All members would sign up to a Code of Practice/Ethics
- Eligibility for Welsh Government funding would be dependent on membership of the Council.

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
Education Committee  
Ymchwiliad i Waith Ieuenctid | Inquiry into Youth Work

## YW 17

Ymateb gan : Grŵp Prif Swyddogion Ieuenctid Cymru a Cymdeithas  
Llywodraeth Leol Cymru (CLILC)

Response from : Wales Principal Youth Officers' Group (PYOG) & Welsh  
Local Government Association (WLGA)

### CYPE(05)–06–16 – Paper 3

**Question 1** – What are your views on young people's access to youth work services, including, for example:

- levels of provision across Wales and any regional variation;
- issues relating to access for specific groups of young people e.g. language, disability, rurality, ethnicity.

1. For the benefit of this and following answers in relation to this inquiry, the PYOG (the network of strategic leads for the Youth Service in each of the 22 local authorities in Wales) wishes to recognise and reinforce the Committee's apparent intention to consider youth work services', as distinct from other (no less valued but different) work with young people – the key purpose of youth work being defined to '*Enable young people to develop holistically, working with them to facilitate their personal, social and educational development, to enable them to develop their voice, influence and place in society and to reach their full potential*' National Occupational Standards (NOS). The work is carried out with young people aged 11–25 years and is done so via a voluntary engagement.

2. The process of registering youth workers with the education workforce regulator, the Education Workforce Council (EWC), from April 2017 should assist in providing further clarity on the professional status of youth work.

3. Under the *Learning & Skills Act* (2000) Section 123, local authorities are charged with the statutory responsibility of providing, securing or participating in Youth Support Services in

Wales. The Youth Service (the framework by which youth work is delivered) is a key element of this offer and is often the lead agency (as has been recognised via recent Estyn YSS lines of enquiry) in this process, including a substantial role in increasing capacity via support and training for organisations within a local area. This is done by carefully considering the needs of young people aged 11–25 in each local authority area against the resources available to discharge this function, including prevailing demographic trends (age, gender, geographic dispersal, protected characteristics etc). Provision is also delivered in the context of requirements in *Extending Entitlement*, the Welsh Government Directions and Guidance derived from the *Learning & Skills Act*.

4. By its nature, youth work is available to all young people, regardless of background or ability, an offer and approach (known as universal or open access), which is highly valued by young people and which is reinforced by the WG *National Youth Work Strategy for Wales* (2014–18, page 2). It is widely recognised that such an approach can remove stigma<sup>1</sup> and put many young people in touch with more specialist provision who may not otherwise have had the knowledge or ability to do so.

5. In light of recent tight funding challenges in local authorities and also in part due to Welsh Government policy (in particular the Youth Engagement and Progression Framework), youth work has seen an increased targeting of its services e.g. towards young people not in education, employment or training (NEET), meaning that fewer young people are accessing the provision whilst also resulting in fewer opportunities for them to mix with and learn from others from different backgrounds. The PYOG does recognise that youth work skills are particularly valued and effective in such circumstances e.g. re-engaging young people who have become disengaged from mainstream services e.g. formal education.

6. Feedback on youth work provision in Estyn inspection reports in recent times indicate a strong performing sector e.g. during the recent era of Young Peoples' Partnerships, whilst the leadership and

management of YPP's drew criticism in a number of areas following inspections, the quality of youth service delivery was found to be consistently high and remains so, particularly around relationships with young people.

7. The PYOG recognises the variation in core (Revenue Support Grant, RSG) funding between local authorities across Wales, which the Committee has drawn attention to (mentioned in greater detail later in this response). However, this does not always have a direct correlation with either level or quality of provision e.g. youth work is also funded by a variety of other sources such as ESF, Families First, Communities First and other local, and national funding streams.

If you believe that there are particular problems, how do you think they could be resolved?

8. The over-riding concern of the sector currently is that of stability and sustainability. Despite ongoing funding challenges and the subsequent changes to available budgets, as well as shifting policy approaches from Welsh Government, local authority youth services are keen to retain the benefits of youth work and so have sought to reconfigure provision e.g. via streamlining services, merging with Youth Offending Services and generating income via other sources. Some areas are considering or have taken rather more acute action in commissioning services or changing governance structures by moving to alternative delivery models (ADM's). The new structures taking shape and learning taking place as part of this process is constantly shared across PYOG membership. Regardless of what new structures are determined, the PYOG maintains that the unique identity of the intervention and support offered by youth work needs to be retained and recognised for the benefit of the young people it comes into contact with.

9. The voluntary sector has an important part to play in the delivery of youth services and they are also affected by the current challenging circumstances. A number of voluntary sector organisations rely on local authority funding either directly or



indirectly via the level of in-kind support offered.

10. In this context however, youth workers across Wales remain totally committed to supporting and serving the young people they work with on a daily basis. The work-force and young people are fully engaged in the necessary process of change at local level – change which can bring a welcomed and fresh approach, as well as improved outcomes.

11. The PYOG also contends that the notion of *education* has received a rather narrow focus in Wales – whilst formal education is of course important, we all learn in different ways and at different stages and **non-formal and informal learning opportunities have an important role to play in both accessing formal learning and as a mechanism for learning in its own right.** The benefits of these approaches need to be better understood and recognised in a broader contextualisation of education.

12. In an era with increasingly targeted policy, the PYOG is concerned that many of the traditional benefits of youth work are being lost. One of the defining features of youth work is that of association and the educative power of playing one's part in a group – groups of young people of all backgrounds and abilities learning from each other's different circumstances and aspirations, which can also be hugely beneficial for emotional well-being. For example, if young people deemed to be NEET are only being exposed to other young people who are NEET, it can be more challenging to change attitudes and mind-sets.

13. A few years ago, the then Children's Commissioner for Wales expressed concern around a lack (or absence) of institutional knowledge in certain areas of policy across Welsh Government departments in relation to children and young people's issues. This has also been evident for youth work as a high turn-over of civil service staff has resulted in a continual need to re-visit the meaning and purpose of youth work at strategic level. It would be useful and productive to look at developing a shared vision and understanding

of youth work, including the values underpinning that provision and support.

**Question 2 – How effective do you think the Welsh Government strategy and policy on youth work is?**

In considering this question you may wish to think about:

- the Welsh Government’s specific youth work policy and strategy such as ‘The Youth Work offer’; The Wales Charter for Youth Work; The National Youth Work Strategy for Wales 2014 to 2018;
- Welsh Government departmental responsibilities and whether there is a cross-departmental and co-ordinated approach to support youth work provision.

14. *Extending Entitlement* was an ambitious document which clearly articulates the 10 Entitlements which young people should expect from youth support services in Wales. Its content of course remains relevant today but perhaps requires a new focus, clearly articulating the role of youth work. In recent years there have been a few attempts to re-write *Extending Entitlement*, whilst other policies have emerged and taken priority e.g. the 7 Core Aims in *Rights to Action; Learning Pathways* (2004); *Learning & Skills (Wales) Measure* (2009); *Youth Engagement & Progression Framework* (YEPF, 2013). Should a review of *Extending Entitlement* (and the role of youth work within) be deemed a priority again, the PYOG would welcome full involvement in such a process.

15. In relation to more recent youth work-specific strategy and policy, whilst the PYOG welcomes the recent focus by Welsh Government on the profession with some merit to some of the content and themes e.g. the Charter makes a useful attempt to distil the 10 Entitlements in relation to the contribution of the youth work sector, due to the lack of involvement of the sector in their development and uncertainty regarding their status, there is an apparent low impact of these at strategic and operational level. The PYOG considers too many strands of work and recent publications to have been missed opportunities.

16. The writing of the first WG strategy for youth work in Wales *National Youth Service Strategy for Wales: Young People; Youth*

*work; Youth Service* (2007) saw colleagues from the field of youth work fully engaged in its development, from conception stage. Numerous meetings and events were held across the sector to elicit views of individuals and organisations, who were able to influence and shape it and to comment on the deliverability of its themes and priorities. This brought about not only a boost to morale as it engineered a great deal of welcomed debate (not all of it comfortable but necessary nonetheless) and cross-sector working and learning. The real benefit of this approach was ‘buy-in’ with individuals and organisations taking ownership. Whilst the evaluation of the strategy was never completed (a missed opportunity for learning for future strategies), the strategy included clear actions for each part of the sector (Welsh Government; local authorities; voluntary sector organisations and the higher education sector), whereas the current strategy includes actions only for Welsh Government.

17. More recent times have seen a different approach in the production of Welsh Government policy and strategy. There has been far less involvement of the sector and, at times, work and/or documents have been published in circumstances where the sector has not been informed beforehand e.g. the announcement of the development of the National Outcomes Framework by the National Youth Agency, at the National Youth Work Excellence Awards in 2015 and the recent Youth Work Charter, launched at the WG Youth Work Conference in March. Likewise, the current strategy was developed without involvement of the sector. This is important as youth work organisations are delivering front line youth work on a daily basis, have practical experience and understanding of the funding issues and have an understanding of what works. For any strategy to be successful, it requires the full understanding of and buy-in from the workforce delivering it.

18. Following the closure of the *Wales Youth Agency* in 2006, youth work capacity, leadership and influence within WG has declined over time. In 2007, when WYA staff transferred into the Civil Service, the then Branch had 10 members of staff. The branch was then reduced over 10 years to three members of staff, losing its profile and status

in the process, which has also seen its status as a branch reduce to a small team within a branch. This shows a systematic downgrading of youth work within Welsh Government.

19. Welsh Government could do more to improve the profile of youth work across the organisation and outwards. The PYOG would be more than willing to play its part in doing so and, by doing so, could increase the impact currently being made by sharing knowledge, expertise and capacity. Regrettably, it is rare that Welsh Government engages with important youth work stakeholders (including the PYOG) unless invited to do so e.g. by attending PYOG meetings. Whilst developing the YEPF, youth work's profile did receive a boost and the sector was presented with opportunities to engage in its development. However, whilst appreciating this recognition, this was not specifically about youth work but rather an aspect of youth work – that of work with young people NEET. Likewise, a great deal of youth work goes on in communities as well as schools, a process valued highly by those engaging with it, as well as the wider community involved, but often over-looked elsewhere. As can be seen by the recent PYOG publication [\*The role and value of youth work in current and emerging agendas in Wales\*](#), youth work's contribution is extensive. However, this is not obviously apparent in recent Welsh Government policy, which has focussed on young people NEET and youth work in schools.

20. Welsh Government has established a Ministerial *Youth Work Reference Group*, which has met a number of times in the last couple of years. However, this has been ineffective as it has not produced any tangible outcomes, membership has become disillusioned and agendas are didactic. This may be in part due to its sprawling membership which, in attempting to capture views across the sector is too broad and has failed to make an impact.

21. The PYOG would like to see more joined up planning between departments in Welsh Government where there are obvious links to youth work. Examples of this include the development of Families First new programme, Play, YEPF, Youth Work, Careers Wales, Employment/Skills, Social Care, Health and wellbeing – so many of

these areas impact on young people and youth work and yet seem to be developed in isolation of each other.

How do you think the Welsh Government could approach its youth work strategy and policy differently / to better effect?

22. Welsh Government's role is to set the strategic direction for youth work in Wales and local authorities, who have the statutory duty to deliver youth services, are responsible for delivering that strategic vision. It is preferable therefore that local authorities be fully involved in discussions with Welsh Government on the development of that vision. With a shared vision that is based on sound knowledge and experience of best practice, then it is much more likely that the vision will be delivered successfully. The Youth Service has a strong tradition in being positive, flexible and in working in partnership both across and beyond the sector itself – as a collective of delivery organisations, the sector is constantly in touch with young people on the 'front line' and therefore is well practiced in understanding and articulating their needs. It is felt that this knowledge would help shape more effective central government policy and strategy.

23. Whilst using an educative approach, youth work by its nature supports young people, regardless of their background, ability or need. As a number of policy areas affect the lives of young people (health & social care, housing, culture & sport, transport etc.), central youth work policy needs to reflect this accordingly – for example, other current relevant legislation such as the *Social Services & Well-being Act*, *Future Generations Act*.

24. However, having made reference to this, youth work is not always well understood. As an education provider in its own right, whilst valued almost universally, its contribution is not always recognised, particularly at strategic level. The PYOG would like to see the status of youth work receive a higher profile within Welsh Government.

**Question 3** – What are your views on the funding available for youth

work, including through Local Authority, Welsh Government, European Union, and Third Sector.

25. As with all other public sector organisations, funding for youth work continues to be challenging and has seen a reduction over a number of years. Youth work is responding to these challenges as positively, however, the reduction in funding has posed a serious strain on the delivery of youth services in their originally intended manner of being universal/offering open access provision.

26. The way in which youth work in Wales is funded can be seen as both a strength and weakness – whilst levels of local authority core funding vary, services continue to be innovative in accessing external funding. This can bring added value and flexibility to the way in which services are shaped and delivered. However, where services either identify a desire (or where circumstances dictate a need) to access such funding streams, the application process can be intensive and time-consuming, as well as requiring a skill set not always readily available in the work-force, changes focus for managers and can take workers away from direct contact with young people.

27. Given the opportunities which European funding has offered young people, there is a strong probability that the Brexit vote will negatively impact young people more than for other British citizens. For example, if it disappears, the Erasmus+ programme will leave a substantial gap in funding and opportunities for young people gaining experiences via exchanges with other European countries. Further, a great deal of the successful work carried out to implement the ‘brokerage’ and ‘support’ role required within the Welsh Government Youth Engagement and Progression Framework (YEPF) Action Plan is currently funded for the next 3 years by ESF. Unless funded differently, this level of intensive support to young people may well disappear and lead the YEPF to be ineffective.

28. In relation to Third Sector organisations, whilst many of these are self-sustaining, local authorities support a great number of such organisations both in direct funding (e.g. via the Youth Service Strategy Grant), training and via in-kind support.

29. In the context of education service provision and the impact of youth work in this context, it is also worth recognising that the spend per head via youth work is a tiny proportion of that which is spent through our schools (for example). Total spend per head (for ages 11–19) in 2014–15 was £111 for youth work (Welsh Government Youth Work Audit) compared to £5,607 per head in schools.

If you believe there are problems in this area, how do you think they could be resolved?

30. Local authority youth services are facing challenges. This has meant the loss of staff, knowledge and experience, increased targeting of young people with particular characteristics, sharing of buildings and other facilities previously for specific use of young people accessing them and other capital resources e.g. mobile provision, which can have a particularly negative effect in rural areas. Whilst all involved in youth work continue to work hard to influence and innovate, given the almost unprecedented situation that local authorities face, numerous difficult decisions are being made on a daily basis and it is difficult to see how one service can be protected over other important services that local authorities provide.

31. Whilst the sector struggles to gain clarity and unity in the face of such challenges, in the context of how other professions are represented, youth work in Wales does not currently have a single organisation which can promote and represent its interests e.g. the National Training Federation for Wales (NTfW) representing the interests of work-based training organisations, Colegau Cymru representing the interests of Further Education Colleges and various unions representing teachers. Whilst facing similar funding issues in Scotland, youth work there has such a structure, which also acts as a critical friend to central government and, as such, has a strong link and profile within the Scottish Government. Both the voluntary sector and local authorities (via PYOG) have in recent years called for such a body, which could also act as an important link with the

Education Workforce Council. Institutional (or sectoral) knowledge is important as the history of a profession defines its future; apart from playing an effective role on behalf of youth work in Wales, it is also felt that such an organisation could assist in ensuring youth work in Wales is sustainable – if only as an important capacity builder as/when funding opportunities return.

32. The PYOG has also been surprised and somewhat concerned recently that the sector here in Wales has not been approached to lead on a number of strands of work (Quality Mark; Charter; National Outcomes Framework). Instead, Welsh Government has chosen to engage consultants from England (including associates of the National Youth Agency, whose remit does not extend to Wales) to lead these pieces of work. Whilst there are some excellent academics and youth work leaders in England, we consider that to also be the case in Wales – indeed, many in England are envious of much of the progress that has been made in relation to youth work in Wales in recent years e.g. the existence of Extending Entitlement; the professional document (written by and for the sector) that is [\*Youth Work in Wales: Principles & Purposes\*](#); its retention as an education service (a core principle) and a coherent work-force. Whilst not disputing their credentials, it is apparent that some of these individuals have limited knowledge of youth work here in Wales and it is therefore somewhat perplexing that they should be developing and leading most of the new policy.

**Question 4** – Are there any other issues you consider relevant to the Inquiry that you think the Committee should be made aware of? (for example: workforce related issues; the Quality Mark for Youth Work in Wales; buildings and infrastructure; youth work in schools; transport issues; access to digital technology; Welsh Government’s consultation on proposals to register and inspect some out of school education settings).

33. As mentioned previously in this response, recent cuts to services have seen a big impact on Youth Service assets. Given this scenario, it would seem prudent to consider some kind of national audit of all community based buildings and assets belonging to the sector and to consider their level of use – e.g. a number of services are now sharing buildings with other providers, as part of a collaborative



effort.

34. Whilst its sustainability has yet to be determined, the Welsh Government Quality Mark is seen as a positive piece of work which has exercised the sector to learn and be involved. It is seen as a useful self-assessment tool and opportunity for shared learning, as well as an opportunity to obtain external verification of excellence.

35. *National Youth Service Strategy for Wales: Young People; Youth work; Youth Service* (2007) made reference to the Youth Service considering the role of new technologies when engaging with young people. This aspect has not been taken forward on a national basis. Whilst services are developed at local level to ensure that young people's needs are met via these new methods of social interaction, a national debate is necessary.

36. We have made reference to transport issues (particularly in rural areas but not exclusive to), youth work in schools (which has a place in the range of provision on offer but community provision being as important), buildings and infrastructure (which received a boost via the Youth Service Capital grant, which accompanied the first national Youth Service strategy but which was nearly 10 years ago) and workforce. The PYOG is aware of the recent consultation on inspection of some out-of-school settings but, apart from alternative curriculum programmes delivered by the Youth Service (which currently fall under inspection remit anyway), does not anticipate the proposals affecting youth work and the sector has not received any information to indicate this to be the case. Youth work is a non-formal/informal education activity, is not delivered via a formal education approach and does not fall under the definition of supplementary or complimentary school/s, tuition, training or learning centre (unless determined as an alternative education provision as previously stated).

**Question 5** – If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be?

The principles and purpose of youth work are predicated on its relationship with young people – via a voluntary relationship and a commitment to association. It has a strong history in working with and empowering young people; indeed, the central pillars of youth work in Wales have been recognised for some time as *Educative, Empowering, Expressive, Participative* and *Inclusive*. It is essential therefore that young people are fully involved in shaping services going forward. Whilst their engagement in national discussions and policy development so far has been very limited, the PYOG makes a plea for young people to be offered a view and be fully involved at every step, both in this inquiry and with any developments on behalf of Welsh Government.

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<sup>i</sup> <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/744/74402.htm>

Llywodraeth Cymru  
Welsh GovernmentLynne Neagle AM  
Chair  
Children, Young People & Education Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

9 September 2016

Dear Lynne,

I agreed to write to you about the research on the Pupil Deprivation Grant (PDG) undertaken at Cardiff University. The investment made through the PDG since 2012 is having a measureable impact on raising the attainment of children from deprived backgrounds, and those that are looked after. All the evidence supports the view that the grant is helping to increase their life chances. Within the last few months research by Ipsos MORI/WISERD, our own Raising Attainment Advocate – Sir Alasdair MacDonald and the Public Policy Institute for Wales has demonstrated the excellent impact that the PDG has had.

The evaluation of the PDG was commissioned by Welsh Government in April 2013 with the aim of conducting a process and impact evaluation of the PDG. The Ipsos MORI and WISERD team at Cardiff University were awarded the initial contract for a period of two years. Following the announcement of the increase in PDG funding the contract was extended by a further year in April 2015.

The evaluation incorporates a number of elements. In year one (2013/14 academic year) evaluation activity included: a survey of 201 schools; in-depth case studies among 22 schools, of which 12 were complete at the time of reporting; and in-depth analysis of pupil attainment and absence data from the National Pupil Database (NPD). The first year report was published in October 2014:

<http://gov.wales/docs/caecd/research/2014/141022-evaluation-pupil-deprivation-grant-year-1-en.pdf>

Key findings in year one highlighted that the introduction of the PDG led to schools funding a significant amount of new activity aimed at supporting pupils they identify as disadvantaged. Although the PDG represents a relatively small proportion of the total school budget (less than 4% on average), it amounted to significant sums of money that schools spend on activities to tackle disadvantage. Over half the

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NACanolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

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

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

interventions funded using the PDG were not run in schools prior to the PDG's introduction. Even where activity pre-dated the PDG, it has usually been scaled-up as a result of the additional funding available to schools.

Year two (2014/15 academic year) evaluation activity included the remaining 10 case studies and further analysis of the NPD data. This report was published in December 2015:

<http://gov.wales/docs/caecd/research/2015/151203-evaluation-pupil-deprivation-grant-year-2-en.pdf> .

In year two key findings noted that the way the PDG is spent by schools appears to have evolved over the grant's lifetime. Several case study schools explained they had initially invested in resources and establishing data monitoring systems to track pupils' progress using the funds, but that funds are now concentrated on the delivery of interventions, and specifically on funding staff time to deliver them

For this third year (2015/2016 academic year) of evaluation the contractors have undertaken a refresh of the NPD impact analysis. The first draft of the final report is due to be received from the contractor shortly with a view to being published by the end of the year.

Yours sincerely



**Kirsty Williams AM/AC**  
**Ysgrifennydd y Cabinet dros Addysg**  
**Cabinet Secretary for Education**

**Eitem 5.2**

Vaughan Gething AC/AM

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport

Rebecca Evans AC/AM

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol  
Minister for Social Services and Public HealthLlywodraeth Cymru  
Welsh Government

Ein cyf/Our ref : MA-P-VG-6575-16

Rt Hon Jeremy Hunt MP  
Secretary of State for Health  
Richmond house  
79 Whitehall  
London  
SW1A 2NS

healthsofs@dh.gsi.gov.uk

13 September 2016

Dear Jeremy,

We are writing in response to the UK Childhood Obesity Strategy which impacts across our portfolios in terms of the potential impact on NHS services and the contribution to our approach to reduce levels of preventable obesity in Wales.

We are pleased to see commitment to strong UK action to reduce sugar in those foods contributing the most to our children's diets, and welcome the approach extending to all food sectors. We urge that strong leadership is taken, to emulate the approach taken for salt reduction.

We are disappointed with the lack of action in the strategy to further restrict the advertising of food and drink to children that are high in fat, sugar and salt. Whilst the Welsh Government recognises and supports the necessary review of the nutrient profile model as a first step, more action is needed to restrict high fat, salt and sugar foods to our children. We therefore continue to urge you support a ban on all advertising of high in fat, sugar and salt foods and drinks before the 9pm watershed.

The Welsh Government also recognises there is a shift in children's screen time away from television, and that digital marketing strategies are rapidly growing and are a potentially influential area.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)  
[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)

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

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

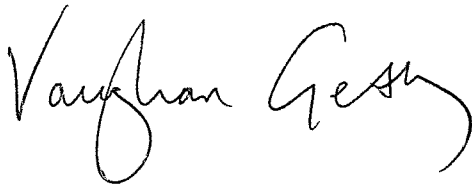
**Tudalen y pecyn 52**

In our response to the Committee of Advertising Practice consultation on the introduction of restrictions on non-broadcast advertising of food and soft drinks this summer, we have called for the toughest possible measures to be introduced. Whilst we recognise that evidence could be stronger, we consider that the stakes are high enough to justify strong regulation across all forms of promotion of high fat, salt and sugar food and drink to children.

I hope such a stance will be emulated across the UK.

I am copying this letter to the Secretary of State for Wales and Ministers in Scotland and Northern Ireland.

Yours sincerely,



**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport



**Rebecca Evans AC/AM**

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol  
Minister for Social Services and Public Health

## Item 5.3

Huw Irranca-Davies AC  
Cadeirydd y Pwyllgor Materion Cyfansoddiadol a  
Deddfwriaethol

29 Medi 2016

Annwyl Huw

### Bil Cymru

Diolch am eich llythyr dyddiedig 18 Gorffennaf 2016, yn glŷn â'r gwaith craffu y mae'r Pwyllgor Materion Cyfansoddiadol yn ymgymryd ag ef ar hyn o bryd mewn perthynas â Bil Cymru. Rydym yn ddiolchgar iawn am y cyfle i gyfrannu at y broses honno.

Fel y gwyddoch, bu'r Pwyllgor â'n rhagflaenodd yn trafod Bil Cymru drafft gan ganolbwyntio ar dri maes penodol:

- A oedd Bil Cymru drafft yn glir?
- A oedd yn effeithio ar gymhwysedd y Cynulliad mewn perthynas â phlant, pobl ifanc ac addysg?
- Beth oedd goblygiadau'r Bil drafft o ran gallu'r Cynulliad i ddeddfu yn y dyfodol?

Wrth ystyried Bil Cymru yn awr, mae'r Pwyllgor yn credu bod y tri maes hyn yn berthnasol iawn o hyd, ac mae wedi ystyried effaith Bil Cymru drwy ganolbwyntio ar yr un meysydd i raddau helaeth. Yn gyffredinol, nid yw safbwyntiau'r Pwyllgor Plant, Pobl Ifanc ac Addysg wedi newid ers iddo ysgrifennu at yr Ysgrifennydd Gwladol ym mis Tachwedd 2015. Yr agweddau sy'n peri pryder penodol yw (a) y modd y mae'r Bil yn lleihau cymhwysedd mewn meysydd penodol, a (b) pa mor eglur yw'r materion a gedwir yn ôl.

Mae'r ddwy agwedd hon yn debygol o beri pryder i holl bwyllgorau'r Cynulliad. Mae'r ymateb hwn yn nodi pryderon penodol y Pwyllgor Plant, Pobl Ifanc ac Addysg yn glŷn ag effaith y Bil ar faterion sy'n rhan o gylch gwaith, ynghyd â sylwadau cyffredinol gan aelodau'r Pwyllgor.



## **A yw Bil Cymru yn glir ac a allai fod yn gliriach?**

Mae'r Bil yn cynnwys dros 200 o faterion penodol a gedwir yn ôl, materion amrywiol a gedwir yn ôl, profion "angenrheidrwydd" newydd a gofynion ehangach o ran cydsyniad. Mae'r holl brofion a'r materion a gedwir yn ôl yn ei gwneud yn anodd asesu'n hyderus effaith y Bil ar y meysydd hynny sy'n rhan o gylch gwaith y Pwyllgor.

Yn anffodus, nid yw'r Nodiadau Esboniadol sy'n cyd-fynd â'r Bil yn egluro na'n rhesymoli pam mae rhai materion a gedwir yn ôl wedi'u cynnwys neu wedi'u mynegi fel y maent. Hefyd, nid oes yr un egwyddor gwmpasog sy'n rhoi dealltwriaeth glir o'r rheswm dros gynnwys rhai materion i'w cadw'n ôl nac o ba mor bellgyrhaeddol y byddant. Mae hyn wedi gwneud y gwaith craffu'n anoddach, ac, mewn perthynas â llawer o'r materion isod a gedwir yn ôl, mae angen eglurhad pellach o hyd a lled eu heffaith.

## **A yw Bil Cymru yn effeithio ar gymhwysedd presennol y Cynulliad mewn perthynas â phlant, pobl ifanc ac addysg?**

Yn ystod ein trafodaethau (ar y Bil drafft a Bil Cymru) nododd y Pwyllgor amheuan penodol am y modd yr ymddengys bod rhai materion penodol a gedwir yn ôl yn lleihau cymhwysedd y Cynulliad mewn perthynas â phlant, pobl ifanc ac addysg a'r materion sy'n effeithio arnynt.

## **Mater a gedwir yn ôl 37 - Atal, darganfod ac ymchwilio i droseddau**

Gallai'r mater hwn a gedwir yn ôl fod yn eang iawn a gallai fod â goblygiadau sylweddol pe bai'r Cynulliad yn dymuno deddfu mewn meysydd sy'n ymwneud ag amddiffyn plant, er enghraifft.

Byddai eithriad i'r mater hwn a gedwir yn ôl (meysydd y bydd gan y Cynulliad gymhwysedd ynddynt) yn caniatáu i'r Cynulliad ddeddfu mewn perthynas â "phwerau i fynd i mewn i eiddo, i chwilio a chadw eitemau'n ymwneud ag ymchwiliad i drosedd os yw'r ddarpariaeth i greu trosedd o'r fath o fewn cymhwysedd deddfwriaethol y Cynulliad." Fodd bynnag, er bod yr eithriad hwn wedi'i gynnwys, mae'n bosibl y byddai'r mater hwn a gedwir yn ôl yn cael effaith eang iawn a, heb eglurhad pellach, nid yw'n glir beth y byddai'r cyfyngiad penodol hwn yn ei gynnwys. Mae'r Pwyllgor yn pryderu y gallai'r mater hwn a gedwir yn ôl gyfyngu ar bŵer y Cynulliad i ddeddfu, ac mae'n credu bod angen eglurhad pellach o ddibenion mater a gedwir yn ôl 37.





## Mater a gedwir yn ôl 61 – Elusennau

Fel y'i drafftiwyd, gallai'r mater hwn a gedwir yn ôl effeithio ar allu'r Cynulliad i ddeddfu mewn perthynas ag ysgolion preifat sydd â statws elusennol yn ogystal â sefydliadau yn y sectorau addysg uwch ac addysg bellach, er enghraifft.

Mae'r nodiadau esboniadol yn datgan "na fydd y mater a gedwir yn ôl yn effeithio ar allu'r Cynulliad neu Lywodraeth Cymru i roi, gosod, neu addasu swyddogaethau cyrff cyhoeddus sy'n gweithredu o fewn meysydd datganoledig sydd hefyd yn digwydd bod yn elusennau". Er y gall nodiadau esboniadol fod yn ddefnyddiol i'r llysoedd wrth iddynt dehongli'r gyfraith, nid oes iddynt unrhyw effaith gyfreithiol a gellid eu newid cyn cael Cydsyniad Brenhinol. Felly, er mwyn eglurder, mae'r Pwyllgor yn credu y dylid gosod yr esboniad a roddwyd yn y Nodiadau Esboniadol ar wyneb y Bil.

## Materion a gedwir yn ôl 174 i 177 – perthynas teuluol a phlant

O dan Ddeddf Llywodraeth Cymru, roedd elfennau penodol o gyfraith teulu wedi'u datganoli. Dyma sut y cânt eu rhestru o dan Ddeddf Llywodraeth Cymru yn:-

*"(a) cyngor i'r Llysoedd ynghylch lles, cynrychiolaeth a darparu gwybodaeth, cyngor a chymorth arall i blant sy'n preswyllo fel arfer yng Nghymru a'u teuluoedd, a*

*(b) swyddogion achosion teuluol Cymru. "*

Fodd bynnag, nid yw'r meysydd hyn wedi'u rhestru fel eithriadau yn y Bil mwyach ac nid yw'n glir a fyddai'r materion a gedwir yn ôl, fel y'u drafftiwyd, yn dileu'r cymhwysedd cyfyngedig hwn sydd gan y Cynulliad ar hyn o bryd. Mae'r Pwyllgor yn credu bod angen egluro'r sefyllfa.

Mae mater a gedwir yn ôl 175 yn cynnwys "bod yn rhiant, cyfrifoldeb rhiant, trefniadau ar gyfer plant a mabwysiadu."

Yn y dehongliad, mae'r diffiniad o'r adran "trefniadau plant" yn cynnwys y pynciau yn Rhan 2 o Ddeddf Plant 1989. Mae Rhan 2 yn ymdrin â gorchmynion llys mewn perthynas â phlant mewn achosion teulu a byddent wedi'u cynnwys beth bynnag yn yr eithriad ar gyfer "cyfraith ac achosion teuluol" ym mhennawd 15 o Atodlen 7 i Ddeddf Llywodraeth Cymru. Nid yw cynnwys Rhan 2 yn y mater a gedwir yn ôl yn newid cymhwysedd deddfwriaethol y Cynulliad o gwbl. Fodd bynnag, nid yw'r mater hwn a gedwir yn ôl yn gyfyngedig i Ran 2 o'r Ddeddf Plant yn unig gan mai dim ond ei "gynnwys" o dan "trefniadau plant" y mae. Nid yw'r nodiadau esboniadol o fawr o gymorth ac nid ydynt yn cynnwys rhagor o fanylion. Mae'r Pwyllgor yn credu bod angen eglurhad pellach cyn y gellir dod i gasgliad clir nad yw hyn yn newid cymhwysedd deddfwriaethol y Cynulliad.

Mater pwysicach, ac sy'n peri mwy o bryder i'r Pwyllgor, yw bod mater a gedwir yn ôl 175 yn cynnwys mabwysiadu. Ar wahân i fabwysiadu plentyn o wlad arall, mae'r gwasanaethau mabwysiadu yn eu cyfanrwydd (fel recriwtio rhieni i fabwysiadu



plant, hyfforddiant, paru a darparu cymorth ar ôl mabwysiadu) wedi'u datganoli ar hyn o bryd. Byddai'r newid hwn yn golygu mai dim ond cymhwysedd mewn perthynas ag asiantaethau mabwysiadu a'u swyddogaethau fyddai gan y Cynulliad. Mae hyn yn amlwg yn lleihau cymhwysedd deddfwriaethol presennol y Cynulliad, ac ni all y Pwyllgor gefnogi hyn.

Mae mater a gedwir yn ôl 176 yn cynnwys pynciau Rhannau 4 a 5 o Ddeddf Plant 1989 ac achosion eraill sy'n ymwneud â gofalu am blant, eu goruchwyllo neu eu hamddiffyn. Fodd bynnag, nid yw'n glir a yw ystyr "pynciau Rhannau 4 a 5" yn golygu cynnwys Rhannau 4 a 5. Os felly, er mwyn eglurder, mae'r Pwyllgor yn credu y dylai Llywodraeth y DU gadarnhau hyn, a gwell fyth fyddai mewnosod diffiniad yn adran dehongli'r Bil.

Pennawd Rhan 5 o Ddeddf Plant 1989 er enghraifft yw "amddiffyn plant." Er nad oes gan deitl deddfwriaeth unrhyw effaith gyfreithiol yn dechnegol, mae'r Pwyllgor yn credu bod angen sicrwydd nad yw "amddiffyn plant" yn fater a gedwir yn ôl, yn enwedig gan fod gan y Cynulliad gymhwysedd deddfwriaethol llawn ar hyn o bryd mewn perthynas ag "amddiffyn a lles plant."

### **Mater a gedwir yn ôl 187 – Cyfle cyfartal**

O dan y trefniadau presennol, gall y Cynulliad ddiwygio deddfwriaeth cydraddoldeb i'r graddau y mae ei ddeddfwriaeth yn ymwneud â chyfle cyfartal ar gyfer awdurdodau cyhoeddus. Er y byddai rhywfaint o gymhwysedd cyfyngedig yn parhau drwy gyfrwng rhai eithriadau yn y Bil, mae'r Pwyllgor yn hynod bryderus bod y mater hwn a gedwir yn ôl yn cynnwys pynciau Deddf Cydraddoldeb 2006 a Deddf Cydraddoldeb 2010 ac felly byddai'n lleihau cymhwysedd deddfwriaethol y Cynulliad yn sylweddol.

Ni all y Pwyllgor gefnogi'r gostyngiad hwn mewn cymhwysedd deddfwriaethol, ac mae'n gofyn am eglurhad ar fyrder ynghylch pam mae cymhwysedd deddfwriaethol yn cael ei leihau yn y cyswllt hwn.

### **Mater a gedwir yn ôl 194 – Tâl ac amodau athrawon ysgol**

Mae tâl ac amodau athrawon ysgol yn bendant yn fater a gedwir yn ôl yn y Bil. Nid oedd tâl ac amodau athrawon yn faes a oedd wedi'i ddatganoli o dan y setliad presennol ac roedd wedi'i ddiogelu o dan y darpariaethau presennol ar gyfer cydsyniad Gweinidogion y Goron.

Mae Llywodraeth Cymru wedi gofyn i hyn beidio â bod yn fater a gedwir yn ôl a dylid ailystyried y mater, yn enwedig o ystyried bod Llywodraeth y DU ei hun wedi gofyn i Gomisiwn Silk ystyried datganoli tâl ac amodau athrawon. Yn ei lythyr dyddiedig 3 Medi 2015 at Brif Weinidog Cymru, ymrwymodd Ysgrifennydd Gwladol Cymru i roi ystyriaeth bellach i ddatganoli tâl athrawon ac amodau. Mae'r Pwyllgor felly yn gofyn am eglurhad ar fyrder ynghylch pam mae tâl ac amodau athrawon wedi'i restru fel eithriad.



## Cyfyngiadau ar y gyfraith droseddol

Mae'r Pwyllgor yn nodi mai un o'r cyfyngiadau newydd o dan y Bil yw na all Deddf Cynulliad addasu na chreu trosedd mewn "categori a restrir." Mae troseddau rhywiol (gan gynnwys troseddau'n ymwneud â delweddau anwedus neu bornograffig) wedi'u cynnwys yn y categori o droseddau a restrir. Mae'r enghraifft isod yn dangos sut y byddai'r setliad arfaethedig yn lleihau cymhwysedd y Cynulliad mewn perthynas â'r gyfraith droseddol ac yn effeithio'n benodol ar gylch gwaith y Pwyllgor hwn.

### Enghraifft: cam-fanteisio'n rhywiol ar blant

Yng nghyd-destun cam-fanteisio'n rhywiol ar blant, mae'r diffiniad o "gam-fanteisio'n rhywiol" yn Neddf Troseddau Rhywiol 2003 yn cynnwys "recordio" delweddau anwedus o blentyn. Mae'r Bil Plismona a Throseddu yn diwygio'r diffiniad hwnnw gan egluro bod "ffrydio" a "throsoglwyddo" delweddau anwedus o blentyn yn cael eu cynnwys yn y diffiniad.

Mae hyn o fewn cymhwysedd deddfwriaethol presennol y Cynulliad oherwydd ei fod yn ymwneud â'r pwnc a ganlyn yn Atodlen 7:

- amddiffyn a lles plant.

Nid oes dim eithriadau perthnasol (er enghraifft, nid yw troseddau rhywiol yn eithriad). Felly, mae'r rhan hon o'r Mesur Plismona a Throseddu o fewn cymhwysedd deddfwriaethol y Cynulliad ar hyn o bryd ac mae angen cydsyniad y Cynulliad cyn y gall Senedd y DU ddeddfu yn y maes hwn.

O dan Fil Cymru, ni all deddfwriaeth y Cynulliad addasu na chreu trosedd rywiol. Drwy ddiwygio'r diffiniad yn y Bil Plismona a Throseddu, mae trosedd rywiol yn cael ei haddasu (neu ei chreu o bosibl). Felly, o dan Fil Cymru byddai'r tu allan i gymhwysedd y Cynulliad ac ni fyddai angen Memorandwm Cydsyniad Deddfwriaethol.

## **Sut y bydd y Bil drafft yn effeithio ar allu'r Cynulliad i ddeddfu'n effeithiol yn y dyfodol?**

Mae'r Pwyllgor yn parhau i bryderu y bydd y materion a gedwir yn ôl, y profion angenrheidrwydd a'r cyfyngiadau eraill yn y Bil yn cyfyngu'n ddiangen ar allu'r Cynulliad i ddeddfu'n effeithiol yn y meysydd lle mae ganddo swyddogaethau neu bwerau eisoes. Cyfeiriaf y Pwyllgor at yr enghraifft a nodwyd yn ein llythyr at Ysgrifennydd Gwladol Cymru ynghylch dynodi prif swyddog yr heddlu fel partner ar fyrddau diogelu.

Roedd y Pwyllgor, fodd bynnag, yn croesawu'r cynnig i gael gwared ar y mater a gedwir yn ôl sy'n ymwneud â Chomisiynydd Plant Lloegr. Mae hyn yn golygu y bydd Comisiynydd Plant y DU yn parhau'n awdurdod a gedwir yn ôl, ond y gallai'r



Cynulliad ddeddfu yn y dyfodol i ymestyn cylch gorchwyl Swyddfa Comisiynydd Plant Cymru yn amodol ar gydsyniad yr Ysgrifennydd Gwladol perthnasol.

Mae hyn yn gam ymlaen. Fodd bynnag, mae'r Pwyllgor yn nodi y bydd Gweinidogion y DU yn dal yn medru gwrthod unrhyw gynigion yn y dyfodol i ymestyn pwerau'r Comisiynydd.

O ystyried mor aneglur yw'r materion a gedwir yn ôl a'r cyfyngiadau cyffredinol, rhaid sicrhau y bydd modd diwygio'r rhain yn y dyfodol. Mae'r Pwyllgor yn cydnabod bod Gorchmynion Adran 109 o Ddeddf Llywodraeth Cymru yn debygol o barhau, ond gall hyn fod yn broses hir a chymhleth. Er mwyn symleiddio'r broses, dylid creu system fwy hyblyg sy'n caniatáu i faterion a gedwir yn ôl neu gyfyngiad cyffredinol gael eu diwygio, a hynny gyda chaniatâd Gweinidog y Goron, o bosibl.

## Casgliad

Mae'r Pwyllgor yn pryderu'n arw am y ffaith y bydd y Bil yn lleihau cymhwysedd y Cynulliad mewn meysydd sy'n rhan o gylch gwaith y Pwyllgor.


Mae'r Pwyllgor yn hynod bryderus am y ffaith bod y Bil mor aneglur, ac yn credu:

- y dylid seilio'r materion a gedwir yn ôl ar egwyddorion y gellir eu hesbonio'n glir ac yn syml; ac
- y dylid esbonio hyd a lled y materion penodol a gedwir yn ôl yn y Nodiadau Esboniadol sy'n cyd-fynd â'r Bil drafft.

Ym marn y Pwyllgor, dylid creu system fwy hyblyg sy'n caniatáu i faterion a gedwir yn ôl neu gyfyngiad cyffredinol gael eu diwygio, a hynny gyda chaniatâd Gweinidog y Goron, o bosibl.

Mae'r Pwyllgor yn cydnabod bod yr amserlen ddeddfwriaethol ar gyfer y Bil yn ei gwneud yn anodd ystyried y materion hyn, ond mae'n credu bod rhaid ymdrin â nhw cyn cwblhau hynt y Bil drwy'r Senedd.

Yn gywir



**Lynne Neagle AC / AM**  
Cadeirydd / Chair

