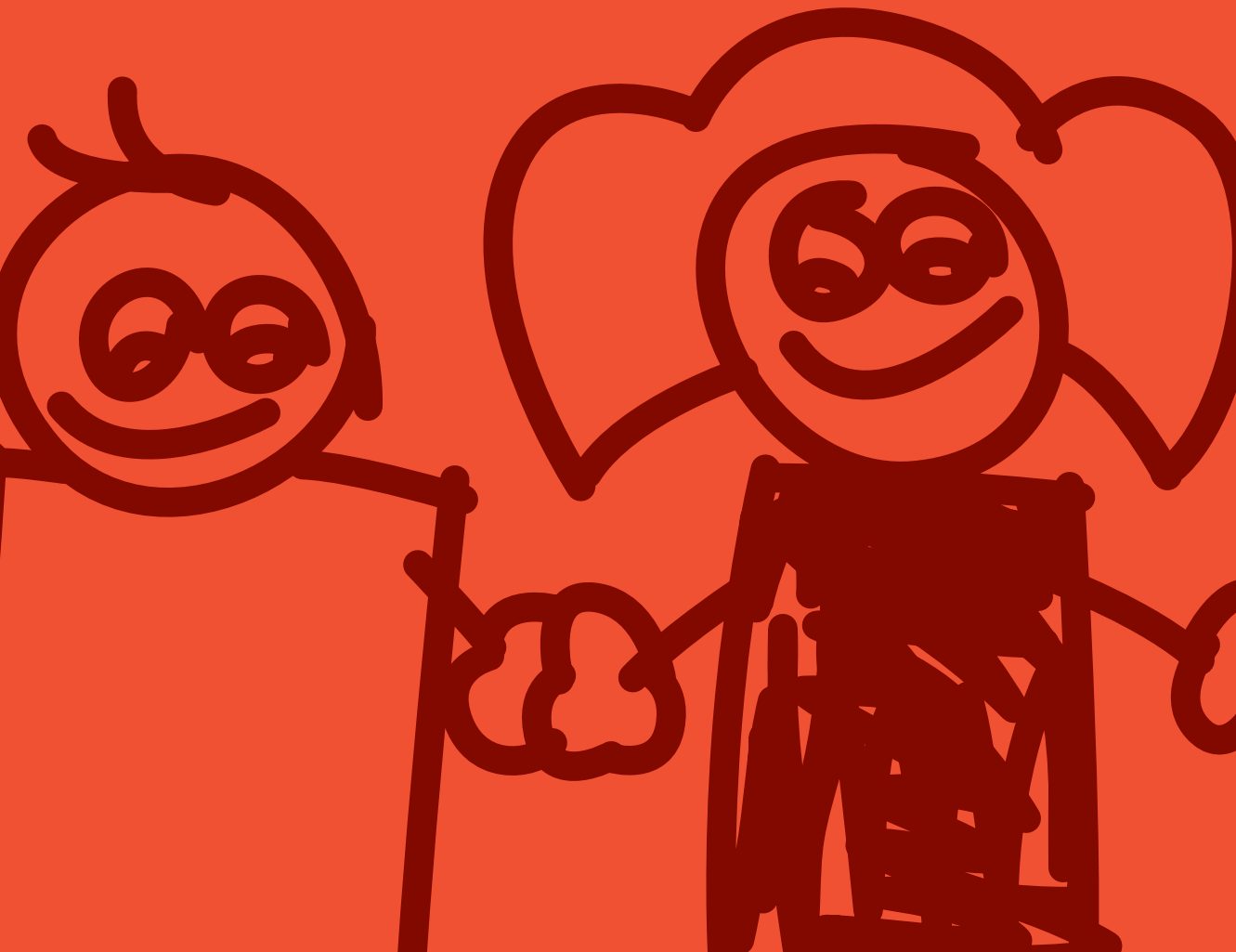
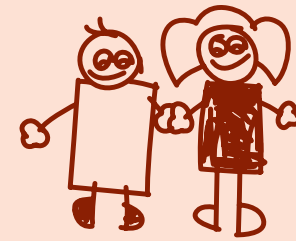




Cyngor a Chymorth

Advice and Support





Mae pedwar Swyddog Ymchwilio a Chyngor yn rhedeg ein gwasanaeth cyngor a chymorth sydd am ddim. Ein Pennaeth Gweithrediadau sy'n eu rheoli ac mae holl aelodau'r tîm yn dilyn y cyngor a geir yng Ngweithdrefnau Amddiffyn Plant Cymru Gyfan 2008. Mae'r gwasanaeth hwn ar gyfer plant a phobl ifanc, a'r bobl sy'n gofalu amdany'n nhw, er mwyn bod ganddyn nhw rywun i droi ato pan fydd pob opsiwn arall wedi dod i ben wrth ymdrin â phroblem maen nhw'n ei brofi. Yn aml caiff ei ddisgrifio fel rhwyd diogelwch. Mae'r tîm hefyd yn darparu gwybodaeth a chyngor i weithwyr proffesiynol sy'n gweithio gyda phlant a phobl ifanc.

Er mai'r prif amcan yw cynnig cyngor a chymorth i unigolion, mae rhai achosion hefyd yn canfod problemau ehangach ynghyd â chyfleoedd dysgu i weithwyr proffesiynol yn ogystal â llywodraethau lleol a chanolog.

Four Investigation and Advice Officers run our free and independent advice and support service. They are all managed by our Head of Operations and all members of the team follow the advice given in the All Wales Child Protection Procedures 2008. This service is there for children and young people, and the people who care for them, to have someone to turn to when they run out of all other options when dealing with a problem they're experiencing. It is often described as a safety net. The team also provides information and advice to professionals working with children and young people.

Whilst the primary aim is to offer advice and support to individuals, some cases also identify wider issues and learning opportunities for professionals as well as local and central governments.

Dyma sut caiff achos ei drin pan fydd yn cyrraedd y swyddfa:

Cam 1. Galwad ffôn, ebost neu lythyr yn cyrraedd y swyddfa

Mae'r Swyddog Dyletswydd (un o'r Swyddogion Ymchwilio a Chyngor) yn ymdrin â'r holl ymholiadau yn ymwneud â chyngor a chymorth ar y diwrnod pan fydd yn gyfrifol ac ar ddyletswydd. Bydd yn penderfynu a ddylai'r fîm ymdrin â'r achos ynteu a yw y tu hwnt i gylch gorchwyl Comisiynydd Plant Cymru ac felly y dylid ei gyfeirio at asiantaeth arall.

Dyma'r meini prawf sy'n cynorthwyo'r Swyddog Dyletswydd i wneud y penderfyniad hwnnw:

C.1 Ydy'r mater o fewn ein cylch gorchwyl ni?

Mae cylch gorchwyl Comisiynydd Plant Cymru yn cwmpasu:

— Pob plentyn a pherson ifanc hyd at 18 oed sydd fel arfer yn byw yng Nghymru. Os yw'r plentyn yn gadael gofal gallai hyn estyn hyd at 25 oed. Mae ein cylch gorchwyl hefyd yn ôl-weithredol; mae'n cwmpasu oedolion os ydyn nhw'n codi pryderon am wasanaeth a gawson nhw fel plentyn neu berson ifanc, neu berson yn gadael gofal hyd at 25 oed. Hyd yn oed os pennir fod yr achos y tu hwnt i'n cylch gorchwyl a bod y materion a godir o bosibl yn effeithio ar hawliau a llesiant plant a phobl ifanc eraill yng Nghymru, gall y Comisiynydd wneud sylwadau amdano.

— Yr holl wasanaethau sydd wedi'u datganoli i Gynulliad Cenedlaethol Cymru, gan gynnwys gwasanaethau cymdeithasol, iechyd ac addysg. Fodd bynnag gall rhai achosion sy'n ymwneud â phlant sydd wedi'u heffeithio gan faterion nad ydyn nhw wedi'u datganoli, megis cyfiawnder ieuencid a mewnfudo, effeithio ar hawliau a llesiant plentyn i'r graddau y gallai'r swyddfa benderfynu cyflwyno sylwadau i adrannau perthnasol Llywodraeth y DU.

Caiff Comisiynydd Plant Cymru ei atal rhag:

— Ymholi neu adrodd ar unrhyw fater sy'n destun, neu sydd wedi bod yn destun, achos llys, er enghraifft ymholiadau am gymorth mewn achosion teuluol, lle mae'r rhieni wedi gwahanu a lle mae'r llysoedd yn penderfynu ar faterion preswyllo a chyswllt y plant.

— Ymarfer unrhyw swyddogaeth y gall CAF/CASS Cymru ei ymarfer mewn perthynas ag achosion llys. I unigolion a allai ddymuno datgelu camarfer am

gamweithredu neu beryglon neu risgiau yn eu man gwaith, neu fan gwaith blaenorol, gallwn wneud y canlynol:

— Trafod pryderon y sawl sy'n dymuno datgelu camarfer; ac

— Ystyried a all y Comisiynydd weithredu gan ddefnyddio ei swyddogaethau statudol.

Mae'r swyddogaethau statudol hyn yn caniatáu i'r Comisiynydd:

— Adolygu swyddogaethau a threfniadau gweithredol cyrff cyhoeddus penodol,

— Adolygu trefniadau cyrff cyhoeddus penodol mewn perthynas â chwynion, eiriolaeth, datgelu camarfer ac adolygu effeithiolrwydd y cyfryw drefniadau;

— Cyflwyno sylwadau i Lywodraeth Cymru.

C2. A ddylid cyfeirio'r achos hwn at asiantaeth fwy addas?

Os yw'r Swyddog Dyletswydd yn credu bod corff arall mewn gwell sefyllfa i symud yr achos yn ei flaen, bydd yn cyfeirio'r achos at gorff perthnasol. Er enghraifft, os oes rhywun yn cael trafferth wrth geisio sicrhau cymorth priodol gydag Anghenion Addysgol Arbennig, byddai'r Swyddog Dyletswydd yn cyfeirio at SNAP Cymru, neu os yw plentyn ifanc yn ceisio cymorth eiriolwr, byddai'n cael ei gyfeirio at Meic. Os nad yw gwasanaeth penodol wedi'i ddatganoli i Gymru ac felly'n eistedd y tu hwnt i gylch gorchwyl y Comisiynydd, gellir cyfeirio'r achos o hyd at asiantaeth arall. Er enghraifft, gellid cyfeirio ymholiad am ddiwygiadau lles at swyddfa leol Cyngor ar Bopeth.



Cam 2. Ymateb dros dro a dyrannu gwaith

Os yw'r Swyddog Dyletswydd yn methu â datrys y mater ar unwaith, caiff llythyr neu ebost ei anfon at y person sy'n cysylltu â'r swyddfa, yn ei hysbysu y caiff swyddog ei neilltuo i'w achos.

Os yw'r Swyddog Dyletswydd yn credu bod angen sylw brys ar y mater, fel achos o ddatgelu camarfer neu bryder am amddiffyn plentyn, bydd yn trafod gyda'r Pennaeth Gweithrediadau neu uwch swyddog arall, fydd yn neilltuo'r achos ac yn sicrhau ei fod yn cael sylw ar unwaith.

Caiff holl fanylion achosion eu cofnodi ar y gronfa ddata Cyngor a Chymorth electronig.

Here's how a case is handled when it arrives in the office:

Step 1. Call, email or letter arrives at the office

The Duty Officer (one of the Investigation and Advice Officers) actions all advice and support enquiries the day they're allocated responsibility to be on duty. They will decide whether a case should be taken forward by the team or whether it is outside the remit of the Children's Commissioner for Wales and therefore be referred to another agency.

Here's the following criteria which assists the Duty Officer in making that decision:

Q.1 Is the issue within our remit?

The Children's Commissioner for Wales' remit covers:

— All children and young people up to the age of 18 who are ordinarily resident in Wales. If a child is a care leaver this may extend to 25 years of age. Our remit is also retrospective in that it covers adults if they raise concerns about a service they accessed as a child or young person, or care leaver up to the age of 25 years. Even if the case is deemed out of remit and the issues raised potentially impact on the rights and welfare of other children and young people in Wales, the Commissioner can speak out about it.

— All services devolved to the National Assembly for Wales, including social services, health and education. However some cases that involve children affected by non-devolved issues, such as youth justice and immigration, may impact on a child's rights and welfare to such a degree that the office may decide to make representations to the relevant UK Government departments.

The Children's Commissioner for Wales is prevented from:

— Enquiring into or reporting on any matter which is subject to, or has been subject to, court proceedings, for example, enquiries for assistance in family cases, where parents have separated and the courts are deciding on residence and contact for children.

— Exercising any function exercisable by CAF/CASS Cymru in relation to court proceedings.

For individuals who may wish to whistleblow about wrongdoing or dangers or risks at their place of work, or previous place of work, we can:

— Discuss the concerns the whistleblower may have; and

— Consider whether the Commissioner can take action by using his statutory functions.

These statutory functions allows the Commissioner to:

— Review the functions and discharge of functions of certain public bodies,

— Review the arrangements certain public bodies have in relation to complaints, advocacy, whistleblowing and review the effectiveness of such arrangements; and

— Make representations to Welsh Government.

Q2. Should this case be signposted to a more appropriate agency?

Where the Duty Officer believes that another organisation is better placed to take forward a case, they will signpost the case to a relevant body. For example, if someone is experiencing difficulties accessing appropriate support with Special Educational Needs, the Duty Officer would signpost to SNAP Cymru, or if a child or young person is seeking the support of an advocate, they would be signposted to Meic. Where a service is not devolved to Wales and therefore sits outside the Commissioner's remit, the case may still be signposted to another agency. For example, an enquiry around welfare reform could be referred to the local Citizens Advice Bureau.



Step 2. Holding response and allocation of work

If the Duty Officer is unable to resolve the matter immediately, a letter or email is sent to the person contacting the office, informing them that an officer will be allocated to their case.

If the Duty Officer believes the matter needs urgent attention, such as a whistleblowing case or child protection concern, they will discuss with the Head of Operations or another senior officer, who will allocate and ensure the case is addressed immediately.

All case details are logged on the electronic Advice and Support database.

Ein gwaith eleni Our work this year

230

Cafodd 230 o'r rhain eu trin drwy gynnig cyngor ar unwaith, oedd yn galluogi'r galwr i ddatrys y broblem ei hun. Roedd y cyngor hwn yn ymwneud yn bennaf â gweithdrefnau cwyno cyfredol amrywiol gyrrff cyhoeddus. / issues were handled by providing immediate advice, which enabled the caller to resolve the issue themselves. This immediate advice mainly related to existing complaints procedures of various public bodies.



526
Codwyd 526 o faterion gyda'r swyddfa
issues raised with the office

296

Cafodd 296 o faterion eu cymryd fel achosion i'w trin gan ein Swyddogion Ymchwilio a Chyngor / issues were then taken on as cases by our Investigation and Advice Officers

33%

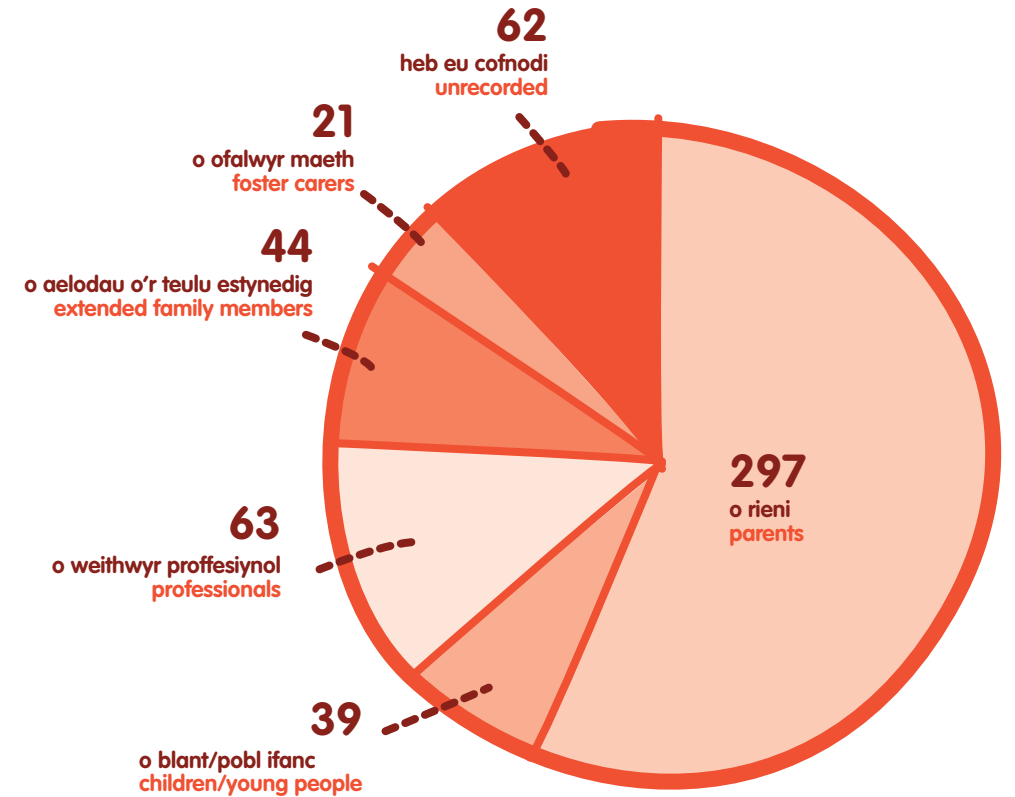
Roedd 33% o'r achosion yn ymwneud â gwasanaethau cymdeithasol / of cases related to social services

28%

Roedd 28% o'r achosion yn ymwneud ag addysg / of cases to education

9.5%

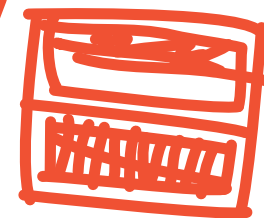
Roedd 9.5% o'r achosion yn ymwneud ag iechyd / of cases related to health



Pwy gysylltodd â'r gwasanaeth? Who contacted the service?



302
ar y ffôn
by phone



161
drwy ebost
by email



46
drwy lythyr
by letter



12
yn bersonol
in person



5
drwy neges destun
via text message

Sut roedd pobl yn cysylltu â'r gwasanaeth? How people contacted the service?

Enghreifftiau o waith

Y peth mwyaf nodedig eleni fu'r nifer o alwadau a gafwyd mewn perthynas â thoriadau i wasanaethau, yn bennaf gan awdurdodau lleol, a'r effaith mae'r rhain yn debygol o'i gael ar blant a phobl ifanc.

Mewn ymateb i'r nifer cynyddol o alwadau, ysgrifennodd y Comisiynydd at bob un o'r 22 awdurdod lleol yn gofyn am eglurhad o'r ffordd roedden nhw'n gwneud penderfyniadau am doriadau i wasanaethau plant, a sut roedden nhw'n bwriadu lliniaru effaith toriadau o'r fath.

Datgelu camarfer

Mae gan y Comisiynydd y pŵer i adolygu gweithgareddau cyrff cyhoeddus penodol sy'n cynnwys y pŵer i adolygu a monitro trefniadau sydd gan gyrff cyhoeddus penodol ar gyfer diogelu a hyrwyddo hawliau plant. Mae hyn yn cynnwys sicrhau bod camau priodol yn cael eu cymryd mewn perthynas â datgelu camarfer.

Cysylltodd cyn-gyflogai awdurdod lleol â'r swyddfa yn honni bod yr awdurdod lleol wedi methu ag ymchwilio'n briodol i bryderon yn ymwneud â diogelu oedd wedi'u trosglwyddo i'r cyflogai, ac roedd yn awyddus i ddatgelu diwylliant o gamarfer yn yr awdurdod lleol, oedd yn cuddio problemau diogelu a gwarchod plant. Roedd yr achwynydd yn honni bod staff ar amrywiol lefelau, gan gynnwys lefel cyfarwyddwr corfforaethol, wedi methu ag ymateb yn briodol i bryderon am ddiogelu, gan ddarparu tystiolaeth i gefnogi ei gwyn.

Nid oedd y galwr yn hyderus y byddai ei bryderon yn cael eu hateb gan yr awdurdod lleol ac felly roedd yn ein hysbysu ni am ei bryderon fel person a ragnodir dan Ddeddf Datgelu er Lles y Cyhoeddus 1998. Hysbyswyd y galwr sut y gallai godi ei bryderon gyda'r awdurdod lleol ac enwyd cysylltiadau y gallai ddechrau cwyn gyda nhw gan ei sicrhau y gallai ddod yn ôl at y swyddfa i gael cymorth pellach ar unrhyw adeg. Cymerodd yr awdurdod lleol y gŵyn o ddifrif, cysylltodd uwch swyddog yn y Gwasanaethau Cymdeithasol â'r swyddfa i gadarnhau y byddai ymchwiliad yn cael ei gynnal ond gofynnodd am ein cymorth ni i ymgysylltu â'r achwynydd oedd yn gwrthod cyfarfod â nhw.

Aethom ni ati i hwyluso cyfarfod rhwng yr awdurdod lleol a'r achwynydd ac aethom ni i'r cyfarfod i gefnogi ac eiriol ar ran yr achwynydd. Arweiniodd hyn at ymchwiliad tymor hir gan yr awdurdod lleol sydd wedi cymryd dros flwyddyn i'w gwblhau. Rydym ni wedi bod yn rhagweithiol yn rhoi gwybod i'r achwynydd am gynnydd mewn perthynas â'r ymchwiliad ac wedi cytuno i gyfarfod â swyddogion yr awdurdod lleol i drafod eu canfyddiadau. Caiff gwybodaeth briodol ei rhannu gyda'r achwynydd.

Byddwn yn ceisio sicrhau bod y cwynion oedd yn datgelu camarfer wedi cael eu hymchwilio'n briodol gan yr awdurdod lleol a byddwn yn ceisio sicrhwydd bod mesurau wedi'u sefydlu a fydd yn sicrhau bod y pryderon am ddiogelu a godwyd gan yr achwynydd yn annhebygol o godi eto.

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Examples of work

Most notable this year has been the number of calls received in relation to cuts to services, mostly by local authorities, and the impact these are likely to have on children and young people.

In response to the growing number of calls, the Commissioner wrote to all 22 local authority chief executives seeking clarification about how they were making decisions in respect of making cuts to children services, and how they intended to mitigate the effect of such cuts.

Whistleblowing

The Commissioner has the power to review the activities of certain public bodies which includes the power to review and monitor the arrangements that certain public bodies have in place to safeguard and promote the rights of children. This includes ensuring that proper action is taken in response to whistleblowing.

An ex-employee of a local authority contacted the office alleging that the local authority had failed to properly investigate safeguarding concerns that had been passed on to them, and wanted to expose a culture of local authority malpractice which covered up child protection and safeguarding issues. The complainant claimed staff at various levels, including corporate director level, failed to respond appropriately to safeguarding concerns and provided evidence to support his complaints.

The caller to the office was not confident that their concerns would be addressed by the local authority and was reporting their concerns to us as a prescribed person under the Public Interest Disclosure Act 1998.

The caller was advised about how he could raise his concerns with the local authority and was given named contacts to initiate a complaint with the proviso that they could come back to the office for further support at any time. The local authority took the complaint seriously, a senior officer in Social Services contacted the office to confirm that an investigation would be undertaken but sought our support in engaging with the complainant who was refusing to meet with them.

We facilitated a meeting between local authority officers and the complainant and attended the meeting to support and advocate on behalf of the complainant. This resulted in the local authority undertaking a long term investigation which has taken over a year to complete. We have been proactive in keeping the complainant informed about progress in relation to the investigation and have agreed to meet with local authority officials to discuss their findings. Appropriate information will be shared with the complainant.

We will be seeking to ensure that the whistleblowing complaints were appropriately investigated by the local authority and will be seeking assurances that measures have been put into place that will ensure that the safeguarding concerns raised by the complainant are unlikely to occur again.

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Enghreifftiau o waith

Eiriolaeth

Cysylltodd person ifanc mewn gofal â'r swyddfa, ac roedd yn dymuno siarad gyda rhywun am gael ei hatal rhag cael perthynas gyda pherson arall mewn gofal. Dywedodd nad oedd neb yn gwrandio arni. Rhoddod ni gyngor iddi am eiriolaeth gan gynnwys manylion cyswllt Meic – llinell eiriolaeth, gwybodaeth a chymorth Llywodraeth Cymru i blant a phobl ifanc.

Esboniodd y person ifanc mai'r hyn roedd am ei gael oedd cyswllt wyneb yn wyneb gydag eiriolwr felly gofynnodd ni am ragor o wybodaeth am ei sefyllfa bersonol. Roedd yn byw mewn uned breswyl yng Nghymru, ar ôl cael ei gosod yn go gan awdurdod yn Lloegr.

Cysylltom ni â'r darparwr eiriolaeth lleol yng Nghymru a esboniodd nad oedd contract ganddyn nhw i ddarparu eiriolaeth i'r awdurdod penodol hwn ond rhoddodd fanylion am y gwasanaeth eiriolaeth ar gyfer gwasanaeth yr awdurdod lleol yn Lloegr. Cysylltom ni â'r gwasanaeth hwnnw ond fe'n hysbyswyd mai dim ond gwasanaeth eiriolaeth i blant ag anabledd neu angen arbennig arall roedd yn ei ddarparu. Cawsom rif cyswllt person arall i ddatrys y mater hwn. Yn dilyn nifer o gysylltiadau gyda'r awdurdod lleol i ddilyn yr addewid yr oedd wedi'i wneud i ddarparu eiriolaeth i'r person ifanc, yn y pen draw, neilltuwyd eiriolwr iddi a aeth i ymweld â'r person ifanc yn y cartref preswyl.

Eiriolaeth

Cysylltodd gweithiwr allweddol mewn cartref plant â'r swyddfa ar ran un o'r preswylwyr oedd wedi cael gwybod ei bod yn symud lleoliad ar y diwrnod hwnnw. Nid oedd neb wedi ymgynghori â hi am hyn ac nid oedd yn dymuno symud. Fe'n hysbyswyd fod y plentyn i fod i gyfarfod ag eiriolwr, ond nid tan yr wythnos ganlynol.

Ar ôl siarad gyda'r plentyn fe'n hysbyswyd ei bod yn hapus ac yn gartrefol yn y cartref, ac nad oedd am symud. Honnodd fod y Gwasanaethau Cymdeithasol wedi dweud wrthi pe na bai'n symud i'r lleoliad newydd, y byddai adroddiad yn cael ei anfon at yr heddlu ei bod ar goll a byddai'r heddlu'n ei symud o'r lleoliad.

Ar ôl siarad gyda rheolwr y cartref plant, cadarnhawyd fod yr hyn roedd y plentyn wedi'i adrodd yn wir. Ymhellach, roedd yn ymddangos mai fîm comisiynu'r awdurdod lleol oedd wedi gwneud y penderfyniad i derfynu'r lleoliad gan fod y Gweithiwr Cymdeithasol a'i rheolwr yn fodlon gyda'r lleoliad cyfredol. Hysbysodd y rheolwr y swyddfa fod dau Weithiwr Cymdeithasol newydd gyrraedd y cartref i fynd â'r plentyn i ffwrdd. Gofynnodd y Swyddog Ymchwilio a Chyngor i'r rheolwr hysbysu'r Gweithwyr Cymdeithasol fod cyswllt wedi bod gyda'r swyddfa ac y byddai'r swyddfa'n siarad gyda rheolwyr yr awdurdod lleol am yr wybodaeth oedd wedi'i derbyn, a gofynnodd iddyn nhw beidio â symud y plentyn hyd nes bod hynny wedi digwydd.

Yn wyneb yr angen brys i ddatrys y mater ar unwaith ymgwymerodd y Swyddog Ymchwilio a Chyngor â rôl eiriolwr ar ran y plentyn a chysylltodd â'r Gwasanaethau Cymdeithasol. Cyflëwyd barn a dymuniadau'r person ifanc i uwch reolwr yn yr awdurdod. Esboniodd y rheolwr yn yr awdurdod lleol bod y symud yn digwydd 'er budd gorau' y plentyn gan fod pryderon am safonau gofal yn y cartref ac nad oedd staff yn y cartref yn gweithio i gefnogi cynllun gofal y plentyn. Roedd yn ymwybodol nad oedd y plentyn yn dymuno symud cartref ac esboniodd fod nifer o gyfarfodydd wedi'u cynnal gyda'r plentyn yn ystod yr wythnosau blaenorol i drafod ac esbonio'r rhesymau dros y symud. Nid oedd y Gwasanaethau Cymdeithasol am ddefnyddio grym corfforol i symud y plentyn o'r lleoliad ond roedd yn benderfynol fod rhaid i'r lleoliad ddod i ben. Wrth drafod gyda'r Swyddog Ymchwilio a Chyngor cytunwyd na fyddai'r plentyn yn cael ei symud ar unwaith os oedd yn anffodlon symud ac y byddai'r Gwasanaethau Cymdeithasol yn gorfod gweithio gyda'r plentyn dros y dyddiau nesaf i roi'r symud ar waith.

Siaradodd y Swyddog Ymchwilio a Chyngor gyda'r plentyn yn dilyn y cyswllt gyda'r Gwasanaethau Cymdeithasol gan esbonio pam ei bod yn cael ei symud ac esbonio nad hi oedd yr unig blentyn oedd yn cael ei symud o'r cartref. Esboniwyd os oedd yn dymuno cael mwy o amser i baratoi ar gyfer y symud y byddai hynny'n foddhaol ond pwysleiswyd y byddai'r symud yn digwydd. Esboniwyd i'r plentyn sut y gallai gwyno os oedd yn anhapus ynglŷn â'r modd roedd penderfyniadau wedi'u gwneud a sut y gallai ddefnyddio ei heiriolwr i'w chynorthwyo i wneud cwyn.

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Examples of work

Advocacy

A young person in care contacted the office wanting to talk to someone about being stopped from pursuing a relationship with another person in care. She said that no one was listening to her. We provided advice about advocacy including contact details for Meic – the Welsh Government's advocacy, information and advice helpline for children and young people.

The young person explained that what she wanted to have was a face-to-face contact with an advocate so we sought further information about her personal situation. She was living in a residential unit in Wales where she had been placed by an English authority.

We contacted the Welsh local advocacy provider who explained they were not contracted to provide advocacy for this particular local authority but provided details of the advocacy service for the English local authority service. We contacted that service but were informed that they only provided advocacy for children with a disability or other special need. We were provided with the contact number of an alternative person to contact to resolve this issue. Following a number of contacts with the local authority to chase up the promise they had made to provide advocacy to the young person they were eventually allocated an advocate who went to visit the young person at their residential home.

Advocacy

A key worker from a children's home contacted the office on behalf of one of their residents who had been told they were moving placement that day but had not been consulted about this and did not want to move. We were informed the child was due to meet with an advocate but they were not due to meet with them until the following week.

Upon speaking to the child we were informed that they felt happy and settled in the home and did not want to move, and were alleging that Social Services had told them that if they did not move to their new placement they would be reported missing and the police would remove them from their placement.

Upon speaking to the manager of the children's home it was confirmed that what the child had reported was true. Furthermore it seemed that the decision to end the placement had been taken by the local authorities commissioning team as the Social Worker and her manager were content with the existing placement. The manager informed the office that two Social Workers had just arrived at the home to take the child away. The Investigation and Advice Officer asked the manager to let the Social Workers know that the office had been contacted, that the office would be speaking to local authority managers about the information that had been received, and requested that the child not be moved until that had taken place.

In view of the urgent need to resolve issues immediately the Investigation and Advice Officer took on the role of advocating for the child and contacted Social Services. The views and wishes of the young person were conveyed to a senior manager within the authority. The local authority manager explained that the move was taking place in the "best interests" of the child as there were concerns about the standards of care at the home and the staff in the home not working to support the child's care plan. They were aware that the child did not want to move home and explained that there had been a number of meetings with the child over the preceding weeks to explore and explain the reasons for the move. Social Services were not going to invoke physical force to remove the child from the placement but were adamant that the placement would have to end. In discussion with the Investigation and Advice Officer it was agreed that the child would not be moved immediately if resistant to being moved and Social Services would have to work with the child over the next few days to effect the move.

The Investigation and Advice Officer spoke with the child following the contact with Social Services explaining why they were being moved and explaining that they were not the only child being moved from the home. Explained that if they wanted more time to prepare for the move that that would be allowed but reinforced that the move would happen. Explained to the child how they could make a complaint if they were unhappy about how decisions had been made and how they could use their advocate to support them in making a complaint.

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Enghreifftiau o waith

Hefyd siaradodd y Swyddog Ymchwilio a Chyngor gyda rheolwr y cartref gofal oedd yn anhapus â'r modd roedd yr awdurdod lleol wedi gweithredu ac â'r AGGCC mewn perthynas â chofrestriad y cartref gofal. Hysbysom ni reolwr y cartref gofal am y gweithdrefnau cwyno ond nad oedd modd i ni ymwneud â hyn gan ei fod y tu hwnt i'n cylch gorchwyl.

Mewn galwad ffôn ddiweddarach gyda rheolwr y cartref gofal fe'n hysbyswyd fod y plentyn wedi penderfynu mynd gyda'r Gweithwyr Cymdeithasol i'w lleoliad newydd. Bythefnos yn ddiweddarach cysylltodd y Swyddog Ymchwilio a Chyngor ag eiriolwr y plentyn i wybod a oedd wedi siarad â hi am gyflwyno cwyn. Dywedodd yr eiriolwr fod y plentyn wedi ymgartrefu yn y lleoliad newydd ac nad oedd am gyflwyno cwyn.

Cwynion

Cysylltodd person ifanc â'r swyddfa i gwyno bod awdurdod lleol yn anwybyddu cwynion yr oedd wedi'u cyflwyno iddyn nhw. Cysylltodd y swyddfa â'r awdurdod lleol, a honnodd nad oedd ganddyn nhw gofnod o'r gwyn er bod y person ifanc yn adrodd bod y gwyn wedi'i chyflwyno â llaw i'r awdurdod lleol ar ddau achlysur. Anfonodd y swyddfa'r wybodaeth am y cwynion at yr awdurdod lleol ar ran y person ifanc gyda chais am wybodaeth am gymorth ychwanegol i'r person ifanc.

Ni chafwyd ymateb gan yr awdurdod lleol ar ôl pum diwrnod gwaith felly ffoniodd y swyddfa'r awdurdod lleol i wneud yn siŵr fod y gwyn wedi'i derbyn. Cydnabu'r awdurdod lleol y gwyn a threfnu i'r swyddog cwynion a'r fîm dyletswydd weld y person ifanc i wneud asesiad. Cwblhawyd yr asesiad ac addawyd cymorth i'r person ifanc ond ni symudwyd ymlaen â'r gwyn oherwydd absenoldeb salwch y person oedd yn destun y gwyn.

Cynhaliwyd ymweliad â'r person ifanc i wneud asesiad ond fis yn ddiweddarach nid oedd wedi clywed dim gan y Gwasanaethau Cymdeithasol am y camau a'r cymorth a addawyd. Cysylltodd y swyddfa â'r Gwasanaethau Cymdeithasol a honnodd fod gwybodaeth wedi'i hanfon at y person ifanc ond canfuwyd fod yr wybodaeth wedi'i hanfon at y cyfeiriad anghywir ac felly nad oedd y cynigion o gymorth wedi'u cyfleu i'r person ifanc. Oherwydd y tramgwydd difrifol o ran diogelwch data hysbysodd y swyddfa'r awdurdod lleol y byddai'n gorfod hysbysu Swyddfa'r Comisiynydd Gwybodaeth am y tramgwydd a chynghorodd yr awdurdod y byddai angen iddo wneud yr un peth.

Oherwydd y gyfres o gamgymeriadau mewn perthynas â gofal y person ifanc hwn, gyda chytundeb y person ifanc, ysgrifennodd y swyddfa at Bennaeth y Gwasanaeth Plant a Theuluoedd yn amlinellu'r amrywiol bryderon oedd gan y swyddfa a'r person ifanc ynglŷn â'r problemau roedd y person ifanc wedi'u profi wrth ymdrin â'r Gwasanaethau Cymdeithasol, gan ofyn am weithredu i unioni pethau. Dirprwywyd yr ymateb i reolwr gwasanaeth yn y gwasanaethau plant a theuluoedd. Fodd bynnag nid oedd yr ymateb yn mynd i'r afael yn ddigonol gyda'r holl faterion a godwyd ac aeth y swyddfa'n ôl at Bennaeth y Gwasanaethau Plant a Theuluoedd i holi am ymateb mwy cynhwysfawr.

Mae Pennaeth y Gwasanaethau Plant a Theuluoedd wedi cytuno i ymateb i'r pryderon a godwyd ac mae'r mater yn parhau. Mae'r achos hwn wedi rhedeg ers 16 mis. Heb yr her a gyflwynodd y swyddfa i'r awdurdod lleol a'r cymorth a roddwyd gennym i'r person ifanc yn yr achos hwn mae'n annhebygol y byddai pryderon a chwynion y person ifanc wedi derbyn unrhyw sylw.

Examples of work

The Investigation and Advice Officer also spoke to the care home manager who was unhappy about the actions of the local authority and of CSSIW in relation to the care homes registration. We advised the home's manager about complaints procedures and that we could not become involved in this issue as it was outside of our remit.

In a later phone call with the care home manager we were informed that the child had decided to go with the Social Workers to her new placement. Two weeks later the Investigation and Advice Officer contacted the child's advocate to find out if they had spoken to them about making a complaint. The advocate informed us that the child had settled in the new placement and did not want to make a complaint.

Complaints

A young person contacted the office complaining that a local authority was ignoring complaints that she had made to them. The office contacted the local authority, who claimed they had no record of the complaint despite the young person reporting that the complaint had been hand delivered to the local authority on two occasions. The office forwarded the complaints information to the local authority on behalf of the young person with a request for information about additional support for the young person.

There was no response from the local authority after five working days so the office telephoned the local authority to check the complaint had been received. The local authority acknowledged the complaint and arranged for the young person to be seen by the complaints officer and by the duty team for assessment. Assessment was completed and support for the young person was promised but the complaint was not progressed due to the sickness absence of the person to whom the complaint related.

A visit to the young person for assessment took place but one month later they had not heard anything from Social Services about promised actions and support. The office contacted Social Services who claimed information had been sent out to the young person but subsequently discovered the information had been sent to the

wrong address and therefore the offers of support had not been communicated to the young person. Due to the serious data protection breach the office notified the local authority that it would have to inform the Information Commissioner's Office about the breach and advised the authority that they would need to do the same.

Due to the catalogue of errors in relation to the care of this young person the office, in agreement with the young person, wrote to the Head of Children and Family Services outlining the various concerns that both the office and the young person had about the problems the young person had encountered in their dealings with Social Services and requested some actions to put things right. The response was delegated to a service manager within children and family services. However their response did not adequately address all the issues that had been raised and the office went back to the Head of Children and Family Services to request a more comprehensive response.

The Head of Children and Family Services has agreed to respond to the concerns raised and the matter is still ongoing. This case has run for 16 months. Without the challenge that the office provided to the local authority and the support we gave to the young person in this case it is unlikely that the young person's concerns and complaints would have been addressed.

Enghreifftiau o waith

Canolfan Llety Cychwynnol i blant a'u teuluoedd sy'n ceisio lloches

Ddiwedd 2013 cododd gweithiwr proffesiynol bryderon gyda ni am y Ganolfan Llety Cychwynnol yng Nghaerdydd lle mae plant, pobl ifanc a'u teuluoedd sy'n ceisio lloches yn cael eu lletya cyn cael eu gwasgaru. Roedd y pryderon hyn yn ymwneud nid yn unig ag ansawdd y llety ond hefyd y gwasanaethau iechyd ac addysg oedd y plant yn eu derbyn yn ystod eu cyfnod yn y ganolfan.

Ar 8 Ionawr 2014 ymwelodd y Comisiynydd â'r Ganolfan. Roedd ganddo yntau bryderon am yr hyn a welodd yn y ganolfan, oedd yn cynnwys diffyg tegnanau, llyfrau a deunyddiau darlunio i'r plant a'r bobl ifanc oedd yn byw yno a dim gofod chwarae i'r plant. Siaradodd y Comisiynydd hefyd yn uniongyrchol gyda'r rhieni a'r plant oedd yn byw yn y ganolfan a chodwyd pryderon am ansawdd y bywyd yn y ganolfan, oedi wrth aros am asesiadau iechyd a thrafferthion cael gwasanaethau iechyd pan oedd angen. Yn ogystal roedd rhai teuluoedd yn aros yn y ganolfan breswyl gychwynnol am gyfnod hirach nag a fwriadwyd ac roedd eu plant yn colli addysg yn ystod eu cyfnod yn y ganolfan.

Yn dilyn yr ymweliad hwn ysgrifennodd y Comisiynydd at y Swyddfa Gartref, darparwr y Ganolfan, y Gweinidog Cymunedau a Threchu Tlodi, Cyfarwyddwr Addysg Caerdydd a Phencampwr Plant yn y Swyddfa Gartref. Cafwyd ymatebion cadarnhaol gan bob un yn amlinellu'r newidiadau oedd i'w cyflwyno; roedd y rhain yn cynnwys cyflwyno fforwm preswylwyr yn y Ganolfan, newidiadau i'r bywyd, darparu ardal chwarae awyr agored, gwell cysylltiadau â darparwyr iechyd a gweithdrefnau ar gyfer cysylltu â'r gwasanaeth addysg yng Nghaerdydd. Er bod y Comisiynydd yn croesawu'r camau cadarnhaol hyn mae gwaith ar ôl i'w wneud i sicrhau bod y plant a phobl ifanc sy'n preswyllo yn y Ganolfan yn gallu manteisio ar eu hawliau dan y CCUHP. Mae'r Comisiynydd wedi ymrwymo i ymweld â'r Ganolfan unwaith eto yn y dyfodol agos i fonitro cynnydd.

Cynllun 'Pan fydda i'n barod'

Cafwyd neges ebost gan berson ifanc oedd yn derbyn gofal yn ceisio gwybodaeth am ei hawliau, yn dilyn cyhoeddiad gan Lywodraeth y DU fod pobl ifanc yn Lloegr yn cael aros mewn gofal hyd nes eu bod yn 21 oed. Roedd y cyswllt hwn ym mis Tachwedd 2013 yn un o nifer o gysylltiadau a gafodd y swyddfa gan bobl ifanc oedd yn cael eu gofodi i adael gofal cyn iddyn nhw deimlo'n hyderus ac yn barod i wneud hynny. Rhoddwyd yr wybodaeth ganlynol i'r person ifanc. Yn dilyn 'Ar Goll Ar Ôl Gofal', adroddiad a gyhoeddwyd gan y Comisiynydd ym mis Gorffennaf 2011, oedd yn cynnwys yr argymhelliad y dylai Llywodraeth Cymru ddiwygio deddfwriaeth i godi'r uchafswm oed y mae'n rhaid i berson ifanc adael lleoliad maeth / preswyl o 18 i 21, mae'r swyddfa wedi parhau i roi pwysau ar Lywodraeth Cymru i gyflwyno'r newid hwn. Mae Llywodraeth Cymru ar hyn o bryd yn peilota cynllun o'r enw "Pan fydda i'n barod" lle mae tri awdurdod lleol yn bwriadu cyflwyno cynlluniau fydd yn galluogi pobl ifanc mewn gofal i gadw eu lleoliadau gofal y tu hwnt i 18 oed. Mae gan y swyddfa gynrychiolaeth ar grŵp monitro 'Pan fydda i'n barod' Llywodraeth Cymru sy'n cynnig trosolwg annibynnol o'r fenter hon.

Ym mis Ionawr 2014 cyhoeddodd y swyddfa 'Bywyd ar ôl Gofal - o Ar Goll ar ôl Gofal i Pan fydda i'n Barod', adroddiad yn atgyfnerthu galwadau'r Comisiynydd ar i Lywodraeth Cymru gryfhau trefniadau i blant sy'n derbyn gofal drwy ddarparu sylfaen ddeddfwriaethol i estyn lleoliadau gofal hyd at 21 oed.

Examples of work

Initial Accommodation Centre for asylum seeking children and their families

In late 2013 a professional raised concerns with us about the Initial Accommodation Centre (IAC) in Cardiff where asylum seeking children, young people and their families are accommodated prior to dispersal. These concerns related not only to the quality of the accommodation but also to the health and education services being received by the children while in the centre.

In January 2014 the Commissioner visited the IAC. He too had a number of concerns over what he witnessed at the centre, which included a lack of toys, books and drawing materials for children and young people resident there and no space for children to play. The Commissioner also spoke directly with the parents and children resident in the centre and they raised issues over the quality of the food at the centre, delays in access to health assessments and difficulties accessing health services when required. Additionally some families remained at the initial accommodation centre for longer than intended and their children missed out on education while at the centre.

Following on from this visit the Commissioner wrote to the Home Office, the provider of the IAC, the Minister for Communities & Tackling Poverty, the Director of Education for Cardiff and the Children's Champion in the Home Office. Positive responses were received from all parties outlining changes to be implemented; these included the introduction of a resident's forum at the IAC, changes to the food, provision of an outside play area, better links with health providers and improving the procedures for liaising with the education service in Cardiff. While the Commissioner welcomes these positive steps there is still more to be done to ensure that the children and young people residing in the IAC can access their rights under the UNCRC. The Commissioner has committed to revisit the IAC in the near future to monitor progress.

'When I'm Ready' scheme

An email was received from a looked after young person seeking information on their entitlements, following an announcement by the UK Government that young people in care in England can stay in care until they're 21 years old. This contact in November 2013 was one of a number of contacts that the office received from young people being forced to leave care before they are confident and ready to do so. The young person was provided with the following information. Following on from 'Lost After Care', a report published by the Commissioner in July 2011, which included the recommendation that Welsh Government amend legislation extending the maximum age at which a young person has to leave a foster / residential placement from 18-21, the office has continued to press Welsh Government to make this change. The Welsh Government are currently piloting a scheme called "When I'm Ready" in which three local authorities are looking to implement schemes that will enable young people in care to maintain care placements beyond the age of 18. The office is currently represented on Welsh Government's 'When I'm Ready' monitoring group, which is providing an independent oversight of this initiative.

In January 2014 the office published 'Life After Care - From Lost After Care to When I'm ready', a report reaffirming the Commissioner's calls on Welsh Government to strengthen arrangements for looked after children through providing a clear legislative basis for care placements to be extended until the age of 21.

Enghreifftiau o waith

Diogelu ac Amddiffyn Plant

Cysylltodd mam â'r swyddfa gyda phryderon am ddiogelwch ei phlant ar ôl terfynu perthynas dreisiol. Hysbysodd y wraig y swyddfa fod adran tai'r awdurdod lleol wedi gosod ei chyn bartner mewn eiddo cymdeithas dai nid nepell o'i chartref a'i fod yn aflonyddu arni hi a'i phlant. Yn ôl pob tebyg nid oedd y gymdeithas dai wedi cael ei hysbysu am orchymyn atal oedd yn weithredol mewn perthynas a'i chyn bartner pan gynigiwyd y llety iddo, a dywedon nhw wrthi hi nad oedd dim y gallen nhw ei wneud. Roedd plant y wraig ar y gofrestr diogelu plant o ganlyniad i drais yn y cartref.

Yn dilyn cyngor a roddwyd iddi mewn cynhadledd achos, roedd y galwr wedi cwyno i'r heddlu a'r gwasanaeth prawf ond nid oedd hyn wedi newid dim byd. Roedd adran tai'r awdurdod lleol wedi dweud wrth y galwr mai'r unig ddatrysiad oedd ei hadleoli hi a'r plant, oedd yn ei barn hi'n annheg arni hi a'r plant gan eu bod wedi ymgartrefu yn eu cartref presennol. Roedd y galwr wedi cysylltu ag Asiantaeth Cymorth Tai Shelter.

Ein cyngor ni i'r galwr oedd cyflwyno cynwys ysgrifenedig i adran tai'r awdurdod lleol, ac anfon copi o'r gwyn i Bennaeth y Gwasanaeth Plant ac i'n swyddfa ni. Cynigion ni gyngor am yr wybodaeth briodol i'w chynnwys mewn llythyr o gwyn gan gynnig cymorth i'r galwr drwy'r broses hon. Roedd hi'n hapus i wneud hyn ei hun ac anfonodd gopi o'i chwyn i'r swyddfa. Cytunom ni hefyd i siarad â Gweithiwr Cymdeithasol y plant i ofyn am gyfarfod amlasiantaethol i drafod y sefyllfa hon yn benodol ynghyd â'r methiant hyd yma i ddod o hyd i ffordd effeithiol i ddatrys y sefyllfa.

Cysylltodd y Swyddog Ymchwilio a Chyngor â'r Gweithiwr Cymdeithasol ac yn sgil y cwestiynau diogelwch oedd wedi'u codi mewn perthynas â'r plant awgrymwyd fod y Gweithiwr Cymdeithasol yn cydlynu cyfarfod amlasiantaethol i drafod cynllun rheoli risg amgen. Roedd y Gweithiwr Cymdeithasol yn anffodlon gwneud hyn gan awgrymu mai cyfrifoldeb yr adran tai oedd trefnu cyfarfod o'r fath gan mai yn erbyn yr adran honno oedd y gwyn. Heriodd y Swyddog Ymchwilio a Chyngor y Gweithiwr Cymdeithasol mewn perthynas â'r farn hon gan bwysleisio'r pryderon ynghylch diogelu, a gofynnodd am fanylion rheolwr y Gweithiwr Cymdeithasol pan ddaeth yn glir nad oedd yn

fodlon trefnu'r cyfarfod. Cysylltodd y swyddog â'r rheolwr a gytunodd fod angen cyfarfod amlddisgyblaethol a dywedodd y byddai'n sicrhau bod hyn yn cael ei drefnu, gyda'r asiantaethau priodol yn cael eu gwahodd. Cododd y Swyddog bryderon hefyd am anffodlonrwydd ymddangosiadol y Gweithiwr Cymdeithasol i fynd ati i ymdrin â phryderon am ddiogelu a chytunodd y rheolwr y byddai'n siarad gyda'r Gweithiwr Cymdeithasol am hyn.

Cysylltodd y Swyddog Ymchwilio a Chyngor â'r galwr ac esbonio'r hyn a gytunwyd. Roedd y galwr yn hapus â'r canlyniad hwn a chytunodd y byddai'n cysylltu'n ôl â'r swyddfa os nad oedd y cyfarfod yn digwydd, neu os nad oedd ei chwyn yn cael ei thrin yn briodol.

Examples of work

Safeguarding and Child Protection

The office was contacted by a mother who was concerned about the safety of her children following the breakup of a violent relationship. The caller informed the office that the local authority housing department had placed her ex-partner in a housing association property a short distance from her home and he was harassing her and the children. Apparently the housing association had not been told about a restraining order that was in place in relation to her ex-partner when they offered him accommodation, and they were telling the caller there was nothing they could do. The caller's children were on the child protection register as a result of the domestic violence.

The caller had complained to the police and the probation service following advice that had been given to her at a case conference but this had not changed anything. The local authority housing department had told the caller the only solution was to rehouse her and the children which she felt was unfair to both her and the children as they were settled in their home. The caller was in contact with Shelter the Housing Support Agency.

We advised the caller to make a written complaint to the local authority housing department, and to copy the complaint to the Head of Children's Services and to our office. We offered advice about the appropriate information to include in a letter of complaint and offered support to the caller through this process. The caller was happy to follow this up on her own and subsequently copied the office into the complaint that she made. We also agreed to speak to the children's Social Worker to request that they convene a multi-agency meeting to specifically discuss this situation and the failure to date of effective remedies to resolve the situation.

The Investigation and Advice Officer contacted the Social Worker and in view of the safeguarding issues that had been raised in relation to the children suggested they co-ordinate a multi-agency meeting to discuss an alternative risk management plan. The Social Worker was unwilling to do this suggesting that as the complaint was against housing it was their responsibility to arrange such a meeting. The Investigation and Advice Officer challenged the Social Worker about this view stressing the safeguarding concerns they had and asking for their managers

contact details when it became clear that the Social Worker would not arrange such a meeting. The officer contacted the manager who agreed that a multi-disciplinary meeting was needed and he would see that this was organised and that appropriate agencies would be invited. The Officer also raised concerns about the apparent unwillingness of the Social Worker to proactively manage safeguarding concerns and the manager agreed that they would be discussing this with the Social Worker.

The Investigation and Advice Officer contacted the caller and explained what had been agreed. The caller was happy with this outcome and agreed she would come back to the office if the meeting did not happen, or her complaint was not dealt with appropriately.

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