

Pecyn Dogfennau



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

DYDD MERCHER, 10 HYDREF 2018

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R PWYLLGOR SAFONAU A GYNHELIR YN SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM 10.00 AM, DYDD GWENER, 19EG HYDREF, 2018 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

Mark James DYB

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Kevin Thomas
Ffôn (llinell uniongyrchol):	01267 224027
E-bost:	kjthomas@sirgar.gov.uk
Cyf:	AD016-001



EICH CYNGOR arleinamdani
www.sirgar.llyw.cymru
YOUR COUNCIL doitonline
www.carmarthenshire.gov.wales

PWYLLGOR SAFONAU

AELODAETH: 9 AELOD

Aelodau Annibynnol (5)

1. Mrs Mary Dodd Is-Cadeirydd y Pwyllgor
2. Mrs Daphne Evans
3. Mrs Julie James
4. Mr M. Andre Morgan Cadeirydd y Pwyllgor
5. Mr Alun Williams

Aelod Pwyllgor Cymunedol (1)

1. Cynghorydd Tref Philip Rogers

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Jeanette Gilasbey
2. Y Cynghorydd Andre McPherson
3. Y Cynghorydd Gareth Thomas

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONOL.
3. LLOFNODI YN COFNOD CYWIR COFNODION Y CYFARFOD A GYNHALIWDYD AR 15FED MEHEFIN, 2018. 5 - 10
4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ANDRE MCPHERSON 11 - 20
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12. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

DYDD GWENER, 15EG MEHEFIN, 2018

YN BRESENNOL: Mr M.A. Morgan [Cadeirydd]

Aelodau Annibynnol:

Mrs D. Evans, Mrs J. James a Mr A. Williams

Aelod Cymunedol:

Y Cynghorydd Tref P. Rogers

Y Cynghorwyr:

J.G. Gilasbey, A.S.J. McPherson a G.B. Thomas

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

Ms L.R. Jones	-	Pennaeth Gwenyddiaeth a'r Gyfraith
R. Edgecombe	-	Rheolwr y Gwasanaethau Cyfreithiol
Mrs M. Evans Thomas	-	Prif Swyddog Gwasanaethau Democraidd

Y Siambr, Neuadd y Sir, Caerfyrddin : 10.00 a.m. - 11.25 a.m.

1. YMDDIHEURIADAU AM ABSENOLDEB

Cafwyd ymddiheuriad am absenoldeb gan Mrs Mary Dodd, Aelod Annibynnol.

Estynnodd y Cadeirydd groeso i'r Cynghorydd Andre McPherson i'w gyfarfod cyntaf fel aelod o'r Pwyllgor, a diolchodd i'w ragflaenydd, y Cynghorydd Louvain Roberts, am ei chyfraniad gwerthfawr i waith y Pwyllgor.

2. DATGAN BUDDIANNAU PERSONOL

Ni ddatganwyd unrhyw fuddiannau personol.

3. LLOFNODI YN GOFNOD CYWIR COFNODION Y CYFARFOD A GYNHALIWYD AR 16 MAWRTH, 2018

Dywedwyd bod cyfeiriad wedi cael ei wneud at bapur Llywodraeth Cymru ynghylch Diwygio Llywodraeth Leol yn rhan o'r trafodaethau am y Flaenraglen Waith (gweler Cofnod 6) pryd y penderfynwyd y dylai'r Pwyllgor gael y wybodaeth ddiweddaraf yn rheolaidd ynghylch hyn.

PENDERFYNWYD llofnodi bod cofnodion cyfarfod y Pwyllgor oedd wedi ei gynnal ar 16 Mawrth, 2017 yn gywir, yn amodol ar gynnwys y newid uchod.

NEWID TREFN Y MATERION

Ar wahoddiad y Cadeirydd ac yn unol â Rheol 2 [3] o Weithdrefn y Cyngor, cytunodd y Pwyllgor i amrywio trefn y materion oedd yn weddill ar yr agenda.

4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD M.G. POORE

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cynghorydd Maria Gabriela Poore o Gyngor Tref Hendy-gwyn ar Daf am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad yn unig mewn perthynas â materion yn ymwneud â Neuadd Goffa Hendy-gwyn ar Daf.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Poore fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei bod yn Ysgrifennydd ac yn Drysorydd y Neuadd.

Roedd buddiant y Cynghorydd Poore yn rhagfarnol hefyd gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau i gyd ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Poore wedi gofyn am ollyngiad o dan Reoliad 2 (d) (e) (f) (g) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol wrth y Pwyllgor y dylai, wrth ystyried y cais, nodi mai paragraffau 2 (d) a (h) oedd y rhai â'r achosion mwyaf priodol pe byddai'r Pwyllgor yn bwriadu cymeradwyo'r cais i siarad yn unig.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliad 2 (d) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Maria Gabriela Poore SIARAD yn unig yng nghyfarfodydd Cyngor Tref Hendy-gwyn ar Daf mewn perthynas â materion yn ymwneud â Neuadd Goffa Hendy-gwyn ar Daf, a bod y gollyngiad mewn grym tan ddiwedd ei chyfnod presennol yn y swydd.

5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD B. CHAPMAN (PWYLLGOR NEUADD TREF HENDY-GWYN AR DAF)

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cynghorydd Barry Chapman o Gyngor Tref Hendy-gwyn ar Daf am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad yn unig mewn perthynas â materion yn ymwneud â Phwyllgor Neuadd Tref Hendy-gwyn ar Daf.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Chapman fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn Gadeirydd y Pwyllgor ac yn aelod ohono.

Roedd buddiant y Cynghorydd Chapman yn rhagfarnol hefyd gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol i gyd ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Chapman wedi gofyn am ollyngiad o dan Reoliad 2 (d) (e) (f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol wrth y Pwyllgor y dylai, wrth ystyried y cais, nodi mai paragraffau 2 (d) a (h) oedd y rhai â'r achosion mwyaf priodol pe byddai'r Pwyllgor yn bwriadu cymeradwyo'r cais i siarad yn unig.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliad 2 (d) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Barry Chapman SIARAD yn unig yng nghyfarfodydd Cyngor Tref Hendy-gwyn ar Daf mewn perthynas â materion yn ymwneud â Phwyllgor Neuadd Tref Hendy-gwyn ar Daf tan ddiwedd ei gyfnod presennol yn y swydd.

6. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD B. CHAPMAN (GRŴP GWEITHREDU CYMUNEDAU SY'N CEFNOGI DEMENTIA)

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cynghorydd Barry Chapman o Gyngor Tref Hendy-gwyn ar Daf am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad a phleidleisio mewn perthynas â materion yn ymwneud â Grŵp Gweithredu Cymunedau Talacharn, Sanclêr, Hendy-gwyn ar Daf ac ardaloedd cyfagos sy'n Cefnogi pobl â Dementia.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Chapman fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn Gadeirydd Pwyllgor y Grŵp ac yn aelod ohono.

Roedd buddiant y Cynghorydd Chapman yn rhagfarnol hefyd gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol i gyd ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Chapman wedi gofyn am ollyngiad o dan Reoliad 2 (d) (e) (f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol wrth y Pwyllgor y dylai, wrth ystyried y cais, nodi mai paragraffau 2 (d) a (h) oedd y rhai oedd yn rhoi'r achosion mwyaf priodol pe byddai'r Pwyllgor yn bwriadu cymeradwyo'r cais i siarad a phleidleisio.

Yn dilyn trafodaeth,

PENDERFYNWYD caniatáu gollyngiad o dan Reoliad 2 (d) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Barry Chapman SIARAD yn unig yng nghyfarfodydd Cyngor Tref Hendy-gwyn ar Daf mewn perthynas â materion yn ymwneud â Grŵp Gweithredu

7. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD B. CHAPMAN (SIAMBR FASNACH)

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cynghorydd Barry Chapman o Gyngor Tref Hendy-gwyn ar Daf am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad a phleidleisio mewn perthynas â materion yn ymwneud â'r Siambr Fasnach.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Chapman fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn aelod ac yn Gadeirydd y Siambr.

Roedd buddiant y Cynghorydd Chapman yn rhagfarnol hefyd gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau i gyd ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Chapman wedi gofyn am ollyngiad o dan Reoliad 2 (b) (d) (e) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001. Yn ogystal, ymddengys y byddai achos pellach dros wneud cais, sef (f).

Yn dilyn trafodaeth fanwl

PENDERFYNWYD bod y cais gan y Cynghorydd Barry Chapman am gael gollyngiad i siarad a phleidleisio yng nghyfarfodydd Cyngor Tref Hendy-gwyn ar Daf mewn perthynas â materion yn ymwneud â'r Siambr Fasnach yn cael ei wrthod.

8. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD B. CHAPMAN (PWYLLGOR WYTHNOS DDINESIG HENDY-GWYN AR DAF)

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cynghorydd Barry Chapman o Gyngor Tref Hendy-gwyn ar Daf am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad yn unig mewn perthynas â materion yn ymwneud â Phwyllgor Wythnos Ddinesig Hendy-gwyn ar Daf.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Chapman fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn aelod o'r Pwyllgor.

Roedd buddiant y Cynghorydd Chapman yn rhagfarnol hefyd gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Chapman wedi gofyn am ollyngiad o dan Reoliad 2 (d) (e) (f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

Yn dilyn trafodaeth fanwl

PENDERFYNWYD caniatáu gollyngiad o dan Reoliad 2 (d) (e) (f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Barry Chapman SIARAD yn unig yng nghyfarfodydd Cyngor Tref Hendy-gwyn ar Daf mewn perthynas â materion yn ymwneud â Phwyllgor Wythnos Ddinesig Hendy-gwyn ar Daf tan 30 Mehefin, 2019.

[NODER: Am 11.00 a.m., yn dilyn ystyried y cais uchod, roedd yn rhaid i Mrs Julie James, yr Aelod Annibynnol, adael y cyfarfod, ac yn unol ag Erthygl 9 o Gyfansoddiad y Cyngor, gadawodd y Cynghorydd Jeanette Gilasbey y cyfarfod.]

9. ADOLYGU'R POLISI DATGELU CAMARFER CORFFORAETHOL

Rhoddodd y Pwyllgor ystyriaeth i'r adroddiad blynyddol ar Bolisi Datgelu Camarfer y Cyngor gyda'r bwriad o gynnwys y wybodaeth berthnasol yn Adroddiad Blynyddol y Cadeirydd i'r Cyngor Llawn a gosod y polisi ar gyfer y flwyddyn i ddod. Roedd y polisi wedi cael ei ddiweddarau i adlewyrchu'r cyfarwyddyd a gyhoeddwyd gan Lywodraeth Cymru ynghylch cyflogaeth foesebol mewn cadwyni cyflenwi.

Nodwyd bod y Cyngor wedi cael wyth o gwynion datgelu camarfer newydd rhwng 1 Ebrill, 2017 a 31 Mawrth, 2018. Roedd hyn yn cymharu â naw cwyn newydd yn 2016/17. Roedd un gŵyn wedi ei chario ymlaen o 2016/17 ac roedd chwe chwyn wedi eu cario ymlaen i 2017/18. Nid oedd unrhyw gamau wedi cael eu cymryd yn dilyn y tair cwyn a wnaethpwyd yn ystod y flwyddyn. Nid oedd unrhyw un o'r achwynwyr wedi darparu unrhyw adborth.

Rhoddwyd sylw i'r cwestiynau/sylwadau canlynol wrth drafod yr adroddiad:-

- Mynegwyd pryder nad yw cwynion ynghylch ysgolion yn cael eu cofnodi. Rhoddwyd gwybod i'r Pwyllgor nad oes gan yr Awdurdod reolaeth dros yr hyn sy'n digwydd o ran cwynion o'r fath gan eu bod yn fater i'r Corff Llywodraethu unigol, ac awgrymodd y swyddogion y gellid cofnodi'r wybodaeth hon ar wahân;
- Roedd yna gamgymeriad rhifo ar y Polisi Datgelu Camarfer Corfforaethol gyda dwy adran wedi'i rhifo 22. Teimlwyd bod yr ail adran 22 yn y sefyllfa anghywir ac y byddai'n fwy priodol i'w symud ar ôl adran 26. Teimlwyd hefyd bod y ddwy frawddeg gyntaf yn yr adran yma (Whistleblowing is where...public interest dimension.) yn ddianghenraid, nid oeddent "mewn cyferbyniad" a dylid eu tynnu. Cytunwyd i awgrymu adran 27 newydd canlynol o'r Polisi Datgelu Camarfer Corfforaethol: "It should be noted that a whistleblowing issue could be entangled within a grievance or standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart)."

- Mynegwyd pryder fod Astudiaeth Achos 3 yn esiampl wael ac yn annerbyniol. Esboniodd y swyddogion nad oedd yr astudiaethau achos yn berthnasol i Sir Gaerfyrddin, ond byddent yn rhoi gwybod i'w cydweithwyr am y sylwadau gyda'r bwriad o gynnwys astudiaeth achos wahanol yn lle hynny;
- Cyfeiriwyd hefyd at nifer o gamgymeriadau teipio yn y ddogfen.

PENDERFYNWYD y dylid diwygio'r polisi i ystyried y sylwadau uchod a chyflwyno'r ddogfen derfynol i'r Pwyllgor er gwybodaeth.

CADEIRYDD

DYDDIAD

Y PWYLLGOR SAFONAU
19/10/18

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ANDRE McPHERSON

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried a phenderfynu ar y cais**

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**APPLICATION FOR DISPENSATION BY COUNCILLOR ANDRE
McPHERSON**

A dispensation application has been received from County Councillor Andre McPherson to speak and vote and make written representations in respect of any council business relating to mental health issues and the provision of mental health services.

Councillor McPherson would have a personal interest in such council business by virtue of paragraph 10(2)(a)(i) of the Members Code of Conduct as he works as a clinical psychologist and paragraph 10(2)(a)(ix)(bb) as he is chairman of the charity Llanelli Mind.

These personal interests would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard those interests as so significant that they would be likely to prejudice the Councillor's judgement of the public interest.

Councillor McPherson has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.
2. That the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.

If the committee is minded to grant Councillor McPherson a dispensation in respect of these interests it has absolute discretion as to the duration of that dispensation.

DETAILED REPORT ATTACHED ?

/NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Councillor Andre McPherson

Name of your Council: Carmarthenshire County Council

Your address and postcode: 1 Heol Y Cloddiau, Dafen, Llanelli, SA14 8QX

Contact telephone number(s): 07583525635

Email address: asjmcpherson@carmarthenshire.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Any matter relating to mental health issues and the provision of mental health services

What is your interest in the above matter?

I am a Clinical Psychologist
I am the Chairman of Llanelli Mind

When will the above matter be considered?

No specific date. Could be at any time during my term of office.

Are you applying for dispensation to:

Speak only:

Speak and vote: x

Make written
Representations x

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	x <input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Mental health issues represent a great challenge to our communities and affect a significant proportion of the population. Unfortunately these issues have not historically received the attention that they deserve, leading to many suffering in silence due to a lack of much needed support.

I believe that my expertise in the Mental health sector means that I am well placed to speak on these issues in meetings of the council and its committees, and to make written representations.

I believe that I should also be able to vote as on a day to day basis I am working with people who suffer either primary or secondary mental health problems, and though this I have a good understanding of their needs. By voting I will be able to more effectively represent the interests of this, often ignored, section of society.

As Chair of the board of Llanelli Mind, I am involved with the day to day running of the charity, which runs day drop in centres, befriending services as well as counselling and coping skills courses. It is also a place for people to get advice and for sign posting to other services.

Part of the funding stream of the charity is from direct and indirect funding through Carmarthenshire County Council. In total this works out to 25% of the overall budget.

I do not believe that this would affect the public's confidence in my ability to act in the wider public interest on these issues.

However I accept that it might undermine the public's confidence when dealing with matters that specifically relate to Llanelli Mind.

As such I do not seek dispensation in respect of any application by Llanelli Mind or any other Mind Charities for funding, or for any regulatory approval.

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

 / /

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU
19/10/18

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD EDWARD THOMAS

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried a phenderfynu ar y cais**

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**APPLICATION FOR DISPENSATION BY COUNCILLOR
EDWARD THOMAS**

A dispensation application has been received from Councillor Edward Thomas of Llandeilo Fawr Town Council to speak only in respect of any council business relating to the annual grant from the Town Council to the Llandeilo and District Sports Association.

Councillor Thomas would have a personal interest in such council business by virtue of paragraph 10(2)(a)(ix)(ee) of the members code of conduct as he is chairman of the Llandeilo and District Sports Association.

This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Thomas has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.
2. That the business in question relates to the finances of a voluntary organisation of whose management committee the councillor is a member AND that he has no other interest.(A dispensation granted under this ground cannot extend to allowing the member to vote)

Committee members should note that paragraph 12(2)(c) of the Code provides that a personal interest is not to be regarded as a prejudicial interest where it relates to a member's role as a community councillor in respect of a grant, loan or other form of financial assistance made by that member's council to a community or voluntary organisation, up to a maximum of £500.

If the committee is minded to grant Councillor Thomas a dispensation in respect of this interest it has absolute discretion as to the duration of that dispensation.

DETAILED REPORT ATTACHED ?

/NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name:	EDWARD GWYNNE THOMAS
Name of your Council:	LLANDEILO FAIR TOWN COUNCIL
Your address and postcode:	AWELFRYN, 8 BRIDGE ST, LLANDEILO SA19 6BN
Contact telephone number(s):	07842 649261
Email address:	esthomas@sirgar.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?	ANNUAL GRANT FROM LLANDEILO FAIR TOWN COUNCIL TO LLANDEILO & DISTRICT SPORTS ASSOCIATION
What is your interest in the above matter?	CHAIRMAN LLANDEILO & DISTRICT SPORTS ASSOCIATION
When will the above matter be considered?	OCT 24 FULL COUNCIL
Are you applying for dispensation to:	
Speak only: <input checked="" type="checkbox"/>	Speak and vote: <input type="checkbox"/>
Make written Representations <input type="checkbox"/>	Exercise Executive Powers <input type="checkbox"/>

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Whilst I will be writing to Llandelo Town Council and enclosing annual accounts, to comply with LTC internal regulations. I would like to speak in support of the continued support by LTC for this cause. The Llandelo & District Sports Association was set up as an initiative of the Town Council as an umbrella organisation for all Sports Club in the area. LTC grant £2000 p.a to the SA which is used to make grants to club & individuals.

Llandelo & District Sports Association receive small grants from neighbouring community council but is dependant on this main grant.

Guidance notes

(1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	✓
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; ✓
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

I do not believe there is a conflict of interest but seek dispensation to speak in support and to answer any questions posed by LHC councillors

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: 

Date: 4/10/18

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or**
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.**

Y PWYLLGOR SAFONAU
19/10/18

ADRODDIAD BLYNYDDOL OMBWDSMON GWASANAETHAU
CYHOEDDUS CYMRU

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried yr adroddiad a nodi unrhyw dueddiadau a phwyntiau i'w dysgu sy'n berthnasol i rôl y pwyllgor

Y rhesymau:

Bydd hyn yn helpu'r pwyllgor i gynllunio ei waith ar gyfer y flwyddyn sydd i ddod.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL
REPORT**

Every year the Public Services Ombudsman for Wales publishes an annual report and statement of accounts giving information about both maladministration and code of conduct cases that his office has dealt with during the preceding 12 months.

During the year the Ombudsman received 270 code complaints, an increase of 14% on the previous year. This was due entirely to a 33% increase in code complaints against Town & Community Councillors.

Of these by far the most common complaint (representing 42% of the total) was that a councillor or co-opted member had failed to promote equality and respect.

Of those complaints (plus those brought forward from the previous year) the Ombudsman closed 247 cases. However of these he only investigated 30 (down 32%) and found evidence of breach in only 13 (down 41%)

Of the 213 code complaints which were closed 'after initial consideration', the Ombudsman does not state what proportion were because of a lack of evidence and what proportion were due to him determining it was not in the public interest to investigate.

There were 6 complaints made against members of Carmarthenshire County Council, all of which were closed after initial consideration.

A total of 16 code complaints were made against the members of 3 different Town and Community Councils in Carmarthenshire during the year.

Council	No.of Complaints	Outcome
Llanddowror & Llanmilo	2	Closed after initial consideration
Llanelli Rural	1	No evidence of breach
Pembrey and Burry Port	14	Closed after initial consideration

DETAILED REPORT ATTACHED ?	YES
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol



Adroddiad Blynyddol a Chyfrifon 2017/18

ARLOESI • GWELLIANT • DYLANWADU Tudalen 35

Adroddiad a Chyfrifon Blynyddol

Ombwdsmon Gwasanaethau Cyhoeddus Cymru
ar gyfer y flwyddyn a ddaeth i ben
31 Mawrth 2018

Cyflwynwyd gerbron Cynulliad Cenedlaethol Cymru
o dan baragraffau 14,16 ac 17 o Atodlen 1
Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005

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**Adroddiad
Perfformiad**

Adolygiad yr Ombwdsmon o'r Flwyddyn



Rwyf yn falch o gyflwyno'r adroddiad a chyfrifon blynyddol cyfun yma i chi ynghylch Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar gyfer y flwyddyn sy'n dod i ben ar 31 Mawrth 2018, sef fy nhrydedd flwyddyn lawn yn y swydd. Yn unol â pharagraff 18 o Atodlen 1 Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (y Deddf), mae gennyf gyfrifoldeb personol dros drefniadaeth, rheolaeth a staffio cyffredinol y swyddfa ac am ei gweithdrefnau yng nghyswllt materion ariannol a materion eraill.

Cynnydd o ran Arloesi, Gwella a Dylanwadu: Adolygiad o 2017/18

Er bod gennym gyd-destun heriol o ran cwynion, rwyf yn falch o allu cyhoeddi bod cynnydd cadarnhaol wedi bod yng ngweithgarwch y swyddfa dros y flwyddyn ddiwethaf, gan gyfeirio'n benodol at ein themâu strategol ar gyfer y tair blynedd, sef arloesi, gwella a dylanwadu, ym mlwyddyn olaf y cynllun corfforaethol hwn.

O ran *arloesi* mae'r swyddfa wedi gwneud cynnydd pellach mewn perthynas â dadansoddi data, diogelu data a seiberddiogelwch, ac y mae wedi buddsoddi adnoddau sylweddol er mwyn adnewyddu ein system rheoli gwaith achos a'i gwneud yn addas ar gyfer y dyfodol, yn ogystal â datblygu gwefan a mewnrwyd newydd.

Mae'r Seinfyrddau rydym wedi'u sefydlu'n ddiweddar wedi cael eu rhoi ar waith eleni, ac wedi darparu gwybodaeth werthfawr o safbwynt darparwyr gofal iechyd a defnyddwyr gwasanaethau. Hefyd, rydym wedi sefydlu seinfwrdd llywodraeth leol a wnaeth gyfarfod am y tro cyntaf.

Mae nifer y cwynion ynghylch iechyd sy'n dod i'r swyddfa yn dal yn destun pryder. Eleni, rydym wedi bod yn falch o weld gostyngiad o 2% nghyfanswm y cwynion, ond mae'r cwynion am fyrddau iechyd wedi cynyddu 11%. Bu gostyngiad o 10% yn nifer y cwynion am lywodraeth leol eto eleni.

Mae perfformiad y rhan fwyaf o gyrff *gwella* wedi rhoi rheswm i mi wenu. O'r pum bwrdd iechyd a'r ddau awdurdod lleol y mae fy Swyddogion Gwella wedi bod yn gweithio gyda nhw, roeddwn yn falch iawn o weld gostyngiad yn groes i'r duedd gyffredinol ym maes iechyd ar gyfer Betsi Cadwaladr, Hywel Dda a Chwm Taf. Fodd bynnag, roedd cynnydd sylweddol yn nifer y cwynion am Fyrddau Iechyd Abertawe Bro Morgannwg ac Aneurin Bevan.

Mae'r pwysau parhaus ar y swyddfa o ganlyniad i'r cynnydd yn nifer y cwynion ynghylch iechyd wedi bod yn straen enfawr, gan arwain at ostyngiad o 11% yn nifer yr achosion a gafodd eu cau yn ystod y flwyddyn ddiwethaf. Mae cwynion am iechyd fel arfer yn fwy cymhleth ac mae angen ceisio cyngor clinigol a chysylltu â nifer o ymgynghorwyr, a all arwain at broses ymchwilio hwy.

Fodd bynnag, roedd yn bleser gweld bod nifer yr achosion o gamweinyddu a methiant y gwasanaeth wedi lleihau yn ystod y flwyddyn, gyda 56% o'r cwynion a gafodd eu hymchwilio yn cael eu cadarnhau, o gymharu â 61% yn 2016/17.

Hefyd, dim ond un corff gwella, Bwrdd Iechyd Hywel Dda, a brofodd gynnydd yn nifer y cwynion a gafodd eu cadarnhau.

Mae datrys cwynion yn gyflym a setliadau gwirfoddol yn dal yn rhan bwysig o ddarparu cyfiawnder gweinyddol, sydd bellach yn gyfrifol am 63% o ganlyniadau cadarnhaol i achwynwyr.

Mae'r amrywiant ym mherfformiad y Bwrdd Iechyd wrth ddelio â chwynion yn parhau i fod yn destun pryder ac felly fe wnaeth fy swyddfa drefnu seminar arbennig ar gyfer arferion gorau a chwynion ynghylch iechyd ym mis Mehefin 2017, a seminar arall ar gyfer yr holl wasanaethau cyhoeddus yn ystod tymor y gwanwyn 2018. Yn yr ail ddigwyddiad o'r ddau, roeddwn yn falch iawn o weld rhagor o gynnydd yng nghyswllt gwasanaethau tu allan i oriau gyda'r prosiect Ymateb Cyflym i Salwch Acíwt i wella gwasanaeth y tu allan i oriau mewn Byrddau Iechyd ledled Cymru, yn rhannol mewn ymateb i adroddiad thematig fy swyddfa ar y pwnc.

Fe gyhoeddais bedwar adroddiad diddordeb cyhoeddus yn ystod y flwyddyn; roedd pob un yn ymwneud ag iechyd, a dau yn ymwneud â Bwrdd Iechyd Prifysgol Betsi Cadwaladr.

Er mwyn diwallu anghenion pobl Cymru, dim ond drwy gael y gorau o'r bobl dalentog mae'n eu cyflogi y mae modd i fy swyddfa weithredu'n effeithiol. Yn ystod 2017/18 cafodd y broses datblygu ac adolygu perfformiad staff newydd ei datblygu ymhellach, drwy fuddsoddi mwy mewn hyfforddiant, gan gynnwys rhagor o gymorth Adnoddau Dynol, anogaeth a hyfforddiant rheoli.

Rwyf yn arbennig o falch o'r gwaith a wnaed i ddatblygu gwerthoedd mewnol Ombwdsmon Gwasanaethau Cyhoeddus Cymru:

- Cyflawni – gwneud ein gorau glas
- Cydweithio – dangos parch a gweithio gyda'n gilydd er mwyn llwyddo
- Bod yn Gadarnhaol – dangos brwdfrydedd a balchder o ran pwy ydyn ni a'r hyn rydyn ni'n ei wneud

- Cefnogi – bod yn gefn i'n gilydd a gwerthfawrogi amrywiaeth
- Perchenogaeth – derbyn cyfrifoldeb am bopeth a wnawn
- Parodrwydd – agwedd gadarnhaol hyblyg ac awyddus

O ran *dylanwadu* a chydweithio â chyrrff eraill yng Nghymru a thu hwnt, roeddwn wrth fy modd yn cynnal ymweliadau â'r swyddfa gan Ombwdsmon Gwlad y Basg ac Ombwdsmon Llywodraeth Leol a Gofal Cymdeithasol Lloegr. Bûm mewn gweithdy ynglŷn ag ymchwiliadau ar fy liwt fy hun a gynhaliwyd gan Ombwdsmon yr Iseldiroedd yn yr Hag, ac fe fûm hefyd yn siarad mewn seminar ar hyrwyddo heddwch a dealltwriaeth rhwng Georgia ac Abkhazia yng Ngwlad y Basg – digwyddiad wedi'i gefnogi gan Gyngor Ewrop.

Bûm yn cwrdd â Phrif Weithredwyr, swyddogion monitro a swyddogion cwynion corfforaethol y GIG a llywodraeth leol. Ym mis Hydref, bûm yn ymweld â Phwyllgor Safonau Sir y Fflint a Chymdeithas y Meddygon ac yn eu hannerch. O ran ymgysylltu'n ehangach â rhanddeiliaid, roeddwn yn falch iawn bod gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru stondin yn Eisteddfod yr Urdd ym Mhen-coed ac yn yr Eisteddfod Genedlaethol ar Ynys Môn, sef fy ardal enedigol.

Yn ystod y flwyddyn, bûm yn cwrdd ag Aelodau Cynulliad ledled y sbectrwm gwleidyddol ac yn cyflwyno tystiolaeth i'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau ac i Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru.

Ar ôl cael fy ethol i Fwrdd Ewrop a Bwrdd Byd-eang Sefydliad Rhyngwladol yr Ombwdsmon, cefais yr anrhydedd o gael fy ethol yn Gadeirydd Cymdeithas yr Ombwdsmon ym mis Mai 2017.

Yn olaf, yn ystod 2017/18, gwelwyd cynnydd yng nghyswllt cam 1 y ddeddfwriaeth newydd arfaethedig sy'n llywodraethu fy ngwaith. Roeddwn yn falch o weld bod Cyfarfod Cyflawn Cynulliad Cymru wedi pleidleisio 47/1 o blaid egwyddorion Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) ac rwyf yn gobeithio y bydd modd gwneud rhagor o gynnydd yn ystod y flwyddyn sydd i ddod. Bydd y cyfuniad o gyd-destun cwynion heriol, profiad o weithgareddau gwella a'r posibilrwydd o bwerau deddfwriaethol ychwanegol yn llywio ein ffocws strategol ar gyfer y flwyddyn i ddod. Mae'r cynllun corfforaethol nesaf yn debygol o arwain at y canlynol:

1. Canolbwyntio adnoddau gwella ar gyrff sy'n wynebu'r heriau mwyaf o ran cwynion
2. Arbenigedd thematig o ymchwiliadau i sicrhau y gall y swyddfa barhau i ddelio â galw mawr o ran iechyd heb golli gallu ac effeithlonrwydd mewn meysydd eraill.
3. Parhau i ganolbwyntio ar arferion da a chydymffurfio



Nick Bennett
Ombwdsmon

CIPOLWG O'R FLWYDDYN 2017/18

Ebrill

Cyfarfuwyd yr Ombwdsmon â Shan Morgan, Ysgrifennydd Parhaol newydd Llywodraeth Cymru.



Llywodraeth Cymru
Welsh Government

Mai

Penodir Ombwdsmon yn Gadeirydd Pwyllgor Gweithredol Cymdeithas yr Ombwdsman.



Mehefin

Cynhaliwyd seminar ar ddelio gyda chwynion am gyrff cyhoeddus yn yr awdurdod.

Cymerwyd rhan yn Eisteddfod yr Urdd ym Mhen-coed.



Urdd

Gorffennaf

Cyhoeddwyd adroddiad budd y cyhoedd cyntaf y flwyddyn am Fwrdd Iechyd Prifysgol Cwm Taf.



Awst

Amlygwyd ein hadroddiad blynyddol cynnydd o 8% yng nghwynion GIG.

Cyhoeddwyd yr ail adroddiad budd y cyhoedd y flwyddyn am Fwrdd Iechyd Prifysgol Betsi Cadwaladr.



Medi

Cynhaliwyd y Seinfwrdd Llywodraeth Leol PSOW cyntaf.



Hydref

Cyflwynir y Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) gan Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru.

Cyhoeddir dau adroddiad budd y cyhoedd yn erbyn dau fwrdd iechyd.



Tachwedd

Ymddengys yr Ombwdsmon o flaen Pwyllgor Cydraddoldeb, Llywodraeth Lleol a Chymunedau y Cynulliad Cenedlaethol Cymru am archwiliad o'r Adroddiad Blyneddol 2016/17.



Rhagfyr

Ymddengys yr Ombwdsmon o flaen y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau i roi tystiolaeth ar y Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru).



Ionawr

Mynychodd y gweithdy Sefydliad yr Ombwdsmon Rhyngwladol ar Hawliau Dynol yn yr Oes Ddigidol.



Chwefror

Cynhaliwyd yr Ombwdsmon seminar gwanwyn ar ymdrin â chwyn yn Llandrindod Wells.



Mawrth

Cytunwyd y Cynulliad Cenedlaethol Cymru egwyddorion cyffredinol y Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru).



Pwy ydym ni, beth rydym yn ei wneud

Rôl Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Fel Ombwdsmon, mae gennyf ddwy rôl benodol. Y rôl gyntaf yw ystyried cwynion am ddarparwyr gwasanaethau cyhoeddus yng Nghymru; yr ail yw ystyried cwynion bod aelodau o awdurdodau lleol wedi torri'r Cod Ymddygiad. Rwyf yn annibynnol ar bob corff llywodraethol ac rwyf yn darparu fy ngwasanaeth yn rhad ac am ddim.

Cwynion am ddarparwyr gwasanaethau cyhoeddus

O dan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2005, rwyf yn ystyried cwynion am gyrff sydd, ar y cyfan, yn rhai sy'n darparu gwasanaethau cyhoeddus lle mae'r cyfrifoldeb dros eu darparu wedi'i ddatganoli i Gymru. Ymhlith y mathau o gyrff y gallaf ymchwilio iddynt y mae:

- llywodraeth leol (cynghorau sir a chynghorau cymuned)
- y Gwasanaeth Iechyd Gwladol (gan gynnwys meddygon teulu a deintyddion)
- landlordiaid cymdeithasol cofrestredig (cymdeithasau tai) a
- Llywodraeth Cymru, ynghyd â'r cyrff y mae'n eu noddi.

Rwyf hefyd yn gallu ystyried cwynion am wasanaethau gofal lliniarol a gofal cymdeithasol sydd wedi'u hariannu neu eu trefnu'n breifat.

Wrth ystyried cwynion, byddaf yn ceisio gweld a yw pobl wedi cael eu trin yn annheg neu'n anystyriol, neu wedi cael gwasanaeth gwael oherwydd diffyg ar ran darparwr y gwasanaeth. Ystyrir hefyd a yw darparwr y gwasanaeth wedi gweithredu'n unol â'r gyfraith a'i bolisiau ei hun. Os caiff cwyn ei chadarnhau, yna byddaf yn argymhell camau priodol i wneud iawn am y diffyg. Y prif lwybr a ddilynir wrth argymhell iawn, os yw'n bosibl, yw rhoi'r achwynydd (neu'r person sydd wedi cael cam) yn ôl yn y sefyllfa y byddai ynddi pe na fyddai'r broblem wedi codi. Yn ogystal â hyn, os gwelaf dystiolaeth o wendid systemig wrth ymchwilio, gwneir argymhellion gyda'r bwriad o'i gwneud yn llai tebygol y gall pobl eraill brofi problem debyg yn y dyfodol.

Cwynion Cod Ymddygiad

O dan ddarpariaethau Rhan III Deddf Llywodraeth Leol 2000, ynghyd â Gorchmynion perthnasol y bydd Cynulliad Cenedlaethol Cymru yn eu gwneud o dan y Ddeddf honno, rwyf yn ystyried cwynion bod aelodau o awdurdodau lleol wedi torri Cod Ymddygiad eu hawdurdod. Rwyf hefyd yn “berson rhagnodedig” o dan y Ddeddf Datgelu er Lles y Cyhoedd yng nghyswllt codi pryderon sy’n ymwneud â chwythu'r chwiban yng nghyd-destun achosion o dorri'r Cod Ymddygiad ar ran aelodau Awdurdodau Lleol. Gallaf ystyried cwynion am ymddygiad aelodau:

- cyngorau sir a chynghorau bwrdeistref sirol
- cyngorau cymuned
- awdurdodau tân
- awdurdodau parciau cenedlaethol
- paneli heddlu a throsedd.

Mae gan bob un o'r awdurdodau hyn god ymddygiad sy'n nodi'n fanwl sut y mae'n rhaid i aelodau ddilyn egwyddorion ymddygiad cydnabyddedig mewn bywyd cyhoeddus.

Os bydd cynghorydd sir am wneud cwyn ynghylch cynghorydd sir arall yn ei awdurdod ei hun, rwyf yn disgwyl iddo gyflwyno ei gŵyn i Swyddog Monitro'r awdurdod hwnnw yn y lle cyntaf, gan efallai fod modd datrys y mater yn lleol, heb fy nghynnwys i.

Y Tîm Rheoli

Mae'r Tîm Rheoli wedi parhau i fy nghefnogi a fy nghynghori o ran cyfeiriad strategol yn ogystal â'r gwaith gweithredol o redeg y swyddfa o ddydd i ddydd.

Rhannu Gwasanaethau a Chydweithredu

Mae fy staff Cyllid, AD a TGCh, sy'n hwyluso'r gwaith o gyflawni ein hamcanion, yn cydweithio pan fo'n briodol gwneud hynny, gan rannu gwybodaeth broffesiynol drwy rwydwaith sy'n cynnwys cyrff a noddir gan Lywodraeth Cymru a Chomisiynwyr, a byddant yn parhau i wneud hyn.

Swyddogion Gwella

Yn 2016, ychwanegais swyddogaeth arall at rôl nifer o staff ymchwilio yn fy swyddfa, sef 'swyddog gwella'. Er mai ymchwilio i gwynion fydd eu prif waith o hyd, bydd eu rôl fel swyddogion gwella yn cynnwys ymgysylltu â rhanddeiliaid mewn rhai cyrff penodol o fewn fy awdurdodaeth a gweithredu fel arweinwyr pwnc yng nghyswllt meysydd sy'n parhau i effeithio ar ansawdd gwasanaethau cyhoeddus.

Yn ystod 2017/18, pennwyd Swyddog Gwella ar gyfer y sefydliadau canlynol:

- Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg
- Bwrdd Iechyd Prifysgol Aneurin Bevan
- Bwrdd Iechyd Prifysgol Betsi Cadwaladr
- Cyngor Sir Ceredigion
- Bwrdd Iechyd Prifysgol Cwm Taf
- Bwrdd Iechyd Prifysgol Hywel Dda
- Cyngor Sir Powys

Rhodddwyd nifer o dasgau penodol i'r arweinwyr pwnc, sef canfod tueddiadau mewn gwaith achos ar draws y swyddfa, arwain ar adroddiadau thematig, a monitro datblygiadau deddfwriaethol a datblygiadau eraill sy'n effeithio ar y meysydd pwnc.

Rhodddwyd arweinwyr pwnc ar waith yng nghyswllt y canlynol:

- iechyd
- tai
- gwasanaethau cynllunio llywodraeth leol
- gwasanaethau cymdeithasol
- apeliadau ysgolion
- cod ymddygiad ar gyfer aelodau awdurdod lleol
- darpariaeth ein gwasanaeth drwy gyfrwng y Gymraeg, ac
- argymhellion a chydymffurfio

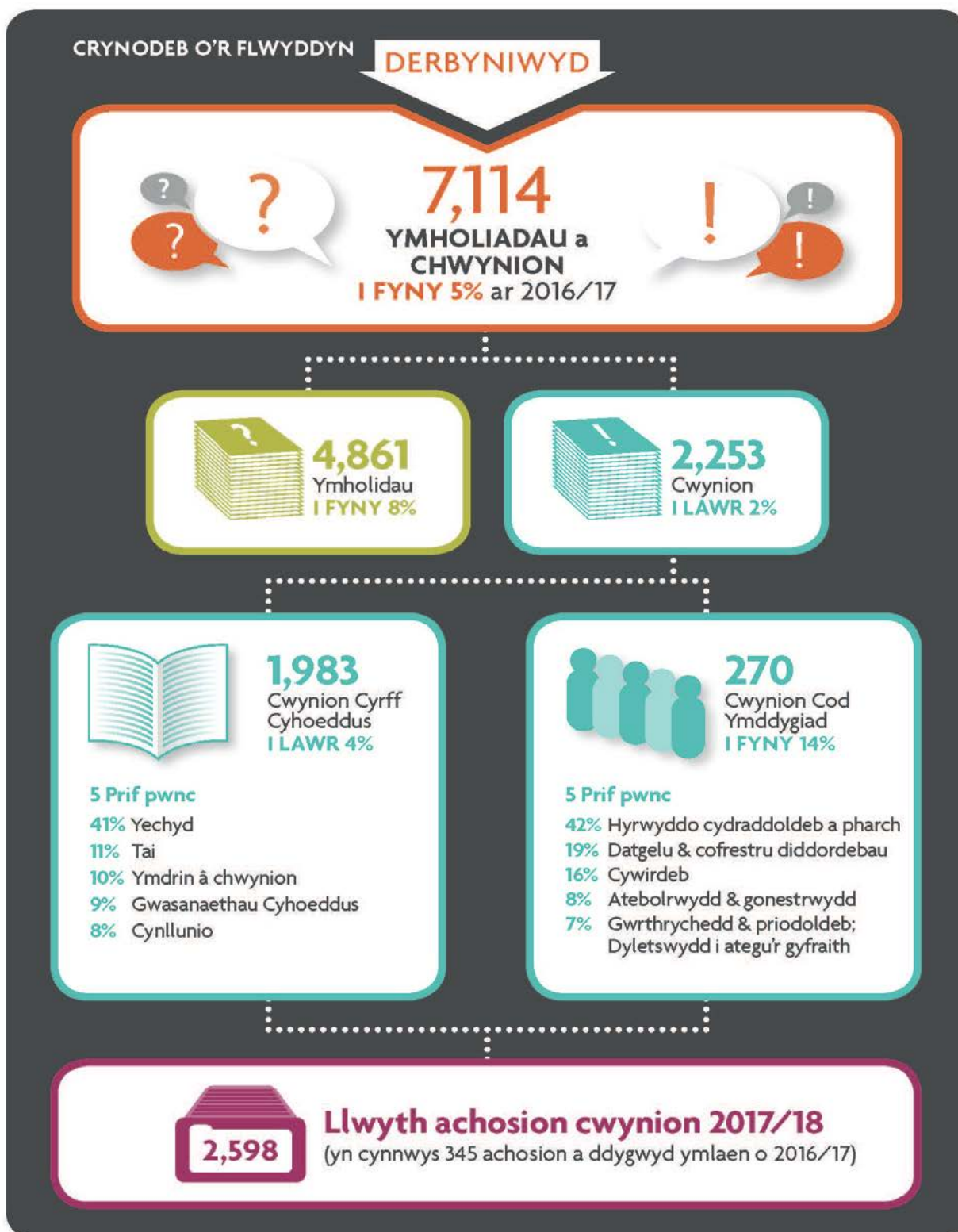
Mae fy swyddogion gwella wedi nodi nifer o newidiadau a gwelliannau ledled y byrddau iechyd yn y flwyddyn ddiwethaf. Mae newid diwylliannol yn dod i'r amlwg o ran y ffordd y mae Bwrdd Iechyd Cwm Taf yn gweld cwynion ac mae awydd i ymgysylltu â'r Ombwdsmon a dysgu o gwynion yn rhan o hyn. Mae'r Bwrdd Iechyd wedi derbyn ymwneud agosach Swyddog Gwella'r Ombwdsmon, gyda staff nyrsio a chlinigwyr uwch yn croesawu cyflwyniad ar berfformiad y Bwrdd a'i berthynas â'r Ombwdsmon yn ei ail seminar blynyddol "Gwranddo a Dysgu o Bryderon". O ran mesur hyn, mae perfformiad y Bwrdd Iechyd yng nghyswllt pa mor brydlon y mae'n ymateb i geisiadau am wybodaeth a chydymffurfio ag argymhellion yr Ombwdsmon, wedi gwella'n sylweddol.

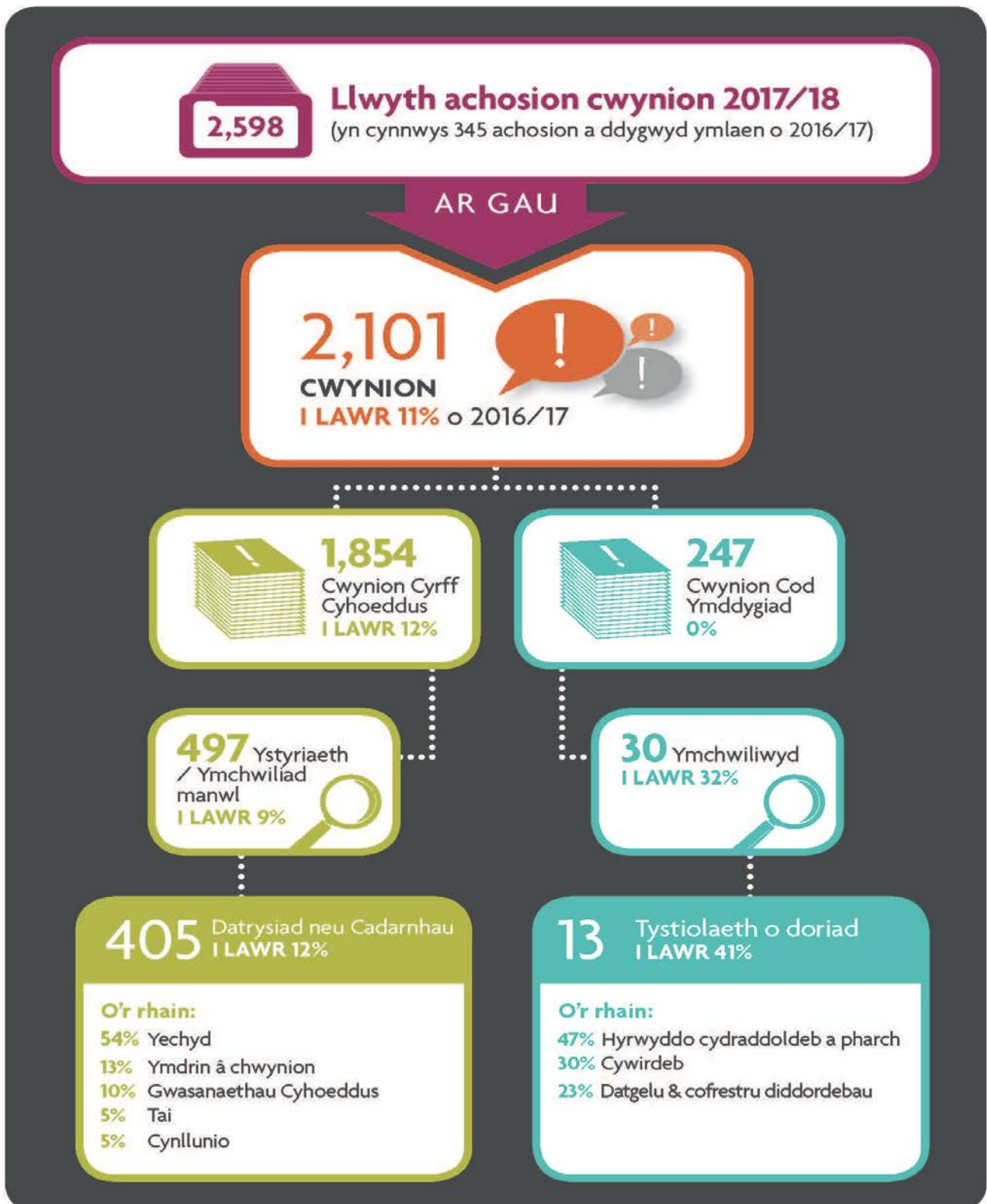
Mae un o fy Swyddogion Gwella wedi bod yn cydweithio â Chyngor Sir Ceredigion ar becyn trin cwynion i'w ddefnyddio'n fewnol yn y Cyngor. Ei nod yw gwella'r ffordd yr ymdrinnir â chwynion yn gyffredinol, ac â'r rhai sy'n cael eu gwneud i fy swyddfa i, drwy hyrwyddo atebolrwydd a diwylliant sy'n barod i dderbyn cwynion. Rwyf yn gobeithio y bydd y pecyn yn profi i fod yn adnodd defnyddiol i'r Cyngor ac i awdurdodau lleol eraill sydd am fabwysiadu dull tebyg.

Drwy ymgysylltu a'r cyrff hyn, ein gobaith yw gweld gwelliannau parhaus yng nghyswllt ymdrin â chwynion, dysgu a chywiro pethau, ynghyd â datblygu'r trefniadau llywodraethu sy'n angenrheidiol i sicrhau gwelliant parhaus.

Ar gyfer 2018/19, rwyf wedi penderfynu y dylai'r swyddogion gwella ganolbwyntio ar nifer o gyrff cyhoeddus llai sydd fwyaf angen cymorth arnynt.

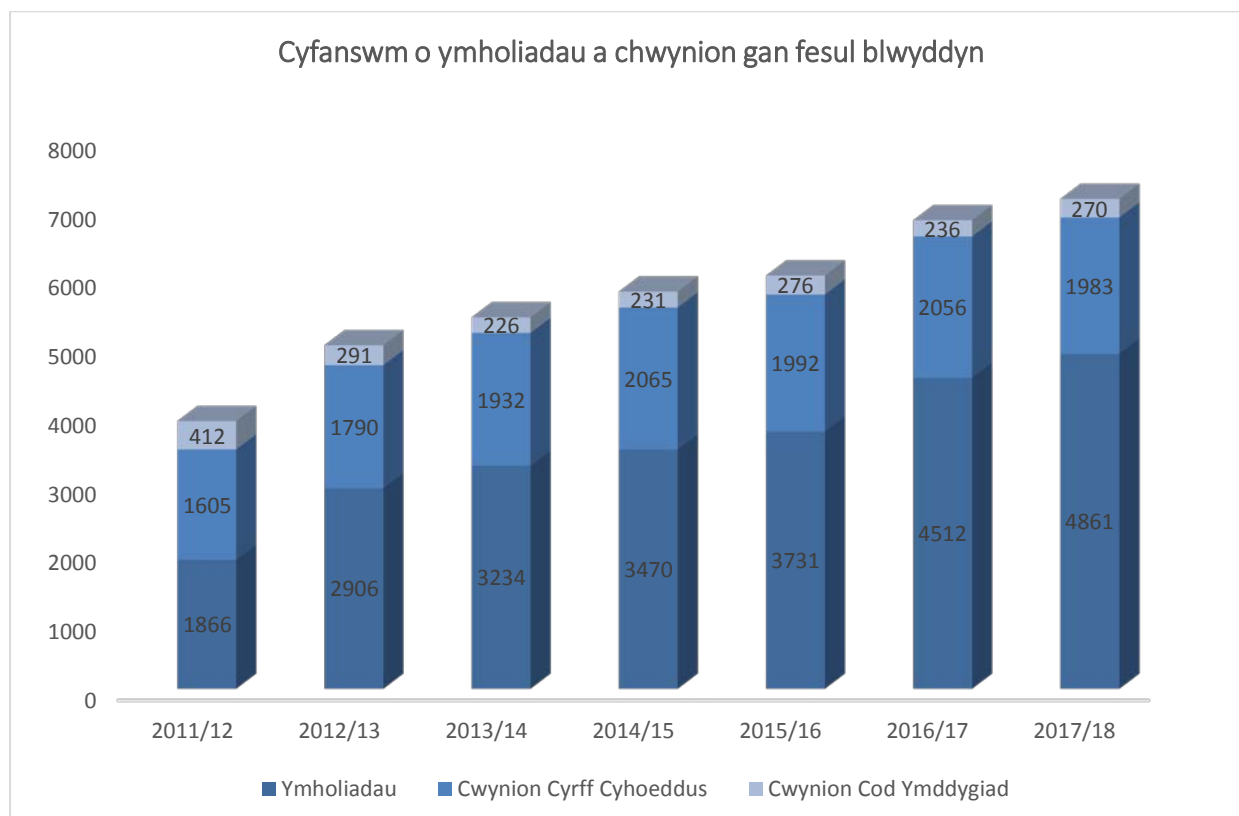
Y Gwasanaeth Cwynion





Ystadegau Gwaith Achos Cyffredinol

Mae nifer yr ymholiadau a'r cwynion (cwynion am gyrrff cyhoeddus, a chwynion am ymddygiad aelodau Awdurdodau Lleol) wedi cynyddu 83% ers 2011/12. Yn 2017/18 cafwyd cyfanswm o 7,114 o gwynion, sy'n gynydd o 5% ers y flwyddyn flaenorol.



Graff 1.1

Ymholiadau

Mae ymholiad yn golygu cyswllt y mae achwynydd posibl yn ei wneud er mwyn holi am y gwasanaeth a ddarparwyd sydd ddim yn arwain at wneud cwyn swyddogol i mi ar y pryd. Yn ystod y cam hwn yn ein gwasanaeth, byddwn yn cynghori pobl ar sut mae cyflwyno cwyn i mi neu, os yw'r mater y tu hwnt i fy awdurdodaeth i, yn cyfeirio'r sawl sy'n holi at y sefydliad priodol sy'n gallu ei helpu. Pan fydd hynny'n briodol, bydd y Tîm Cyngor ar Gwynion hefyd yn ceisio datrys y broblem yn ystod y cam ymholi heb fynd â'r mater ymlaen i'r cam cwyn ffurfiol.

Yn 2017/18, fe wnaeth y swyddfa ddelio â'r nifer mwyaf o ymholiadau ers iddi gael ei sefydlu. Cafwyd cyfanswm o 4,861 o ymholiadau yn 2017/18, o'i gymharu â 4,512 yn 2016/17 – sy'n gynydd o 8%. Efallai mai'r cynnydd a fu yn amlygrwydd y swyddfa dros yr

ychydig flynyddoedd diwethaf, yn y wasg ac o ran gweithgareddau allgymorth, sydd i gyfrif am hyn, gyda mwy o aelodau'r cyhoedd yn ymwybodol o'n gwasanaeth.

Rydym wedi pennu targed i ni ein hunain o ateb galwadau ar ein prif linell ffôn o fewn 30 eiliad mewn 95% o achosion. Mae'r tîm wedi perfformio'n dda, gan ateb 97% o alwadau o fewn yr amser hwn.

Cwynion am Gyrrff Cyhoeddus

Yn ystod 2017/18, fe gawsom 1,983 o gwynion am ddarparwyr gwasanaethau cyhoeddus – gostyngiad o 4% ers y flwyddyn ariannol ddiwethaf. Mae hyn yn golygu bod nifer y cwynion wedi gostwng i'r un lefel â 2015/2016, pan gafodd fy swyddfa 1,992 o gwynion. Er nad yw'n bosibl dangos cyswllt achosol uniongyrchol, rwyf yn hyderus fod y gwaith sylweddol y mae fy swyddfa wedi'i wneud â chyrrff cyhoeddus allweddol ar yr agenda ar gyfer gwella a newid diwylliannol, yn dechrau dwyn ffrwyth erbyn hyn.

Gallwch ddod o hyd i ddadansoddiad manwl o'r nifer o gwynion derbynwyd fesul cyrrff cyhoeddus yn Atodiad C.

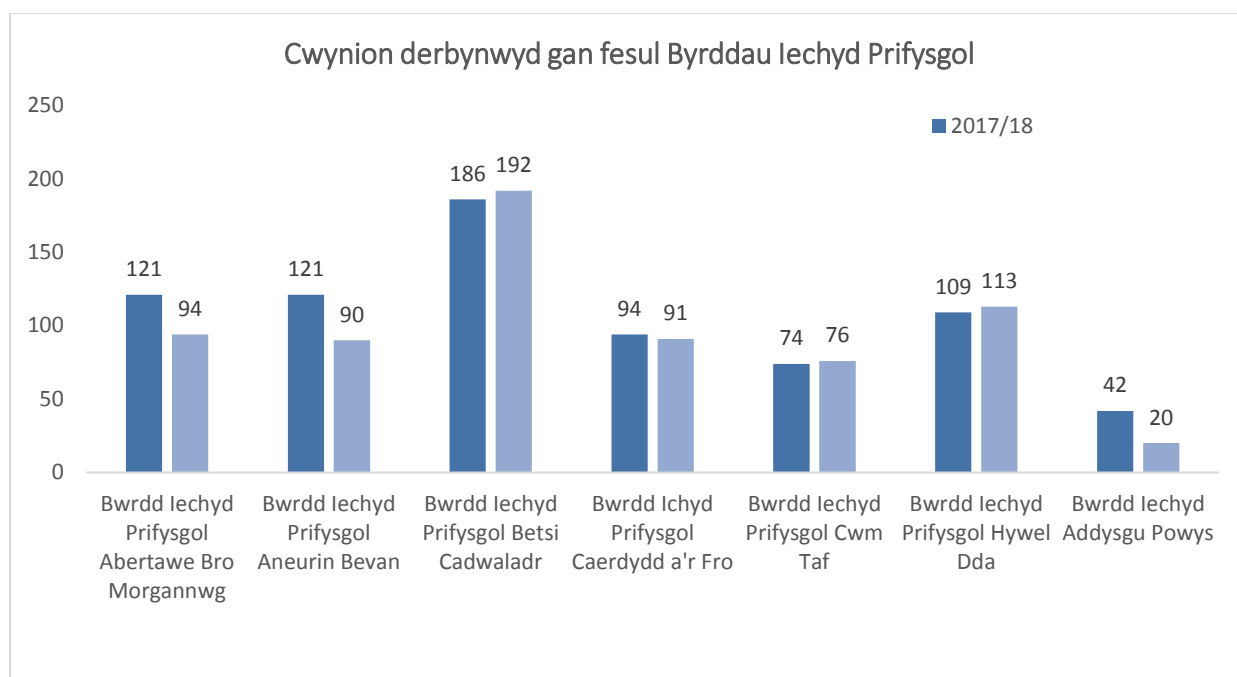
Dadansoddiad o'r cwynion a gafwyd fesul sector

Am yr ail flwyddyn yn olynol, rwyf yn falch o gyhoeddi bod nifer y cwynion yn erbyn cynghorau sir wedi gostwng. Yn ystod 2017/18, cafodd fy swyddfa 791 o gwynion, o'i gymharu ag 881 yn 2016/17 – sy'n ostyngiad o 10%. Mae gostyngiad sylweddol (28%) wedi bod yn nifer y cwynion am dai cymdeithasol eleni hefyd, o gymharu â'r flwyddyn flaenorol.

Fodd bynnag, mae cynnydd wedi bod yng nghyfanswm y cwynion yn erbyn cyrrff y GIG, gyda 927 o gwynion yn 2017/18, o gymharu ag 862 yn 2016/17. Mae hwn yn gynnydd o 7%. Gellir priodoli hyn i gwynion am fyrddau iechyd, sydd wedi codi o 676 yn 2016/17 i 747 yn 2017/18 – cynnydd o 11%.

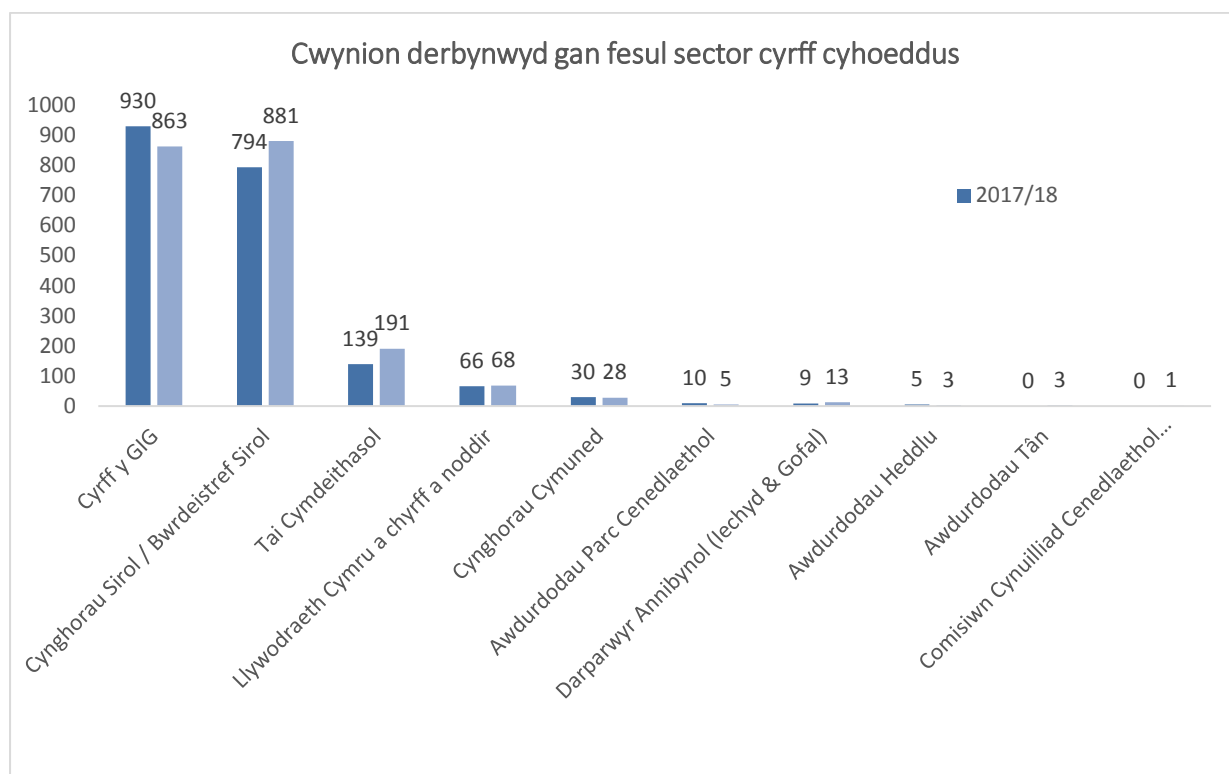
Mae Graff 1.2 yn dangos cynnydd o un flwyddyn i'r llall yn nifer y cwynion am Fyrddau Iechyd Prifysgol Abertawe Bro Morgannwg (29%) ac Aneurin Bevan (34%), yn ogystal â Bwrdd Iechyd Addysgu Powys (110%).

Yr hyn sy'n fwy calonogol yw bod y graff yn dangos, er bod nifer y cwynion a gafwyd am Fwrdd Iechyd Prifysgol Betsi Cadwaladr yn parhau i fod yn uchel, mae'r nifer hwnnw ychydig yn is (3%) na'r flwyddyn flaenorol. Rwyf yn obeithiol y bydd y duedd hon yn parhau y flwyddyn nesaf.



Graff 1.2

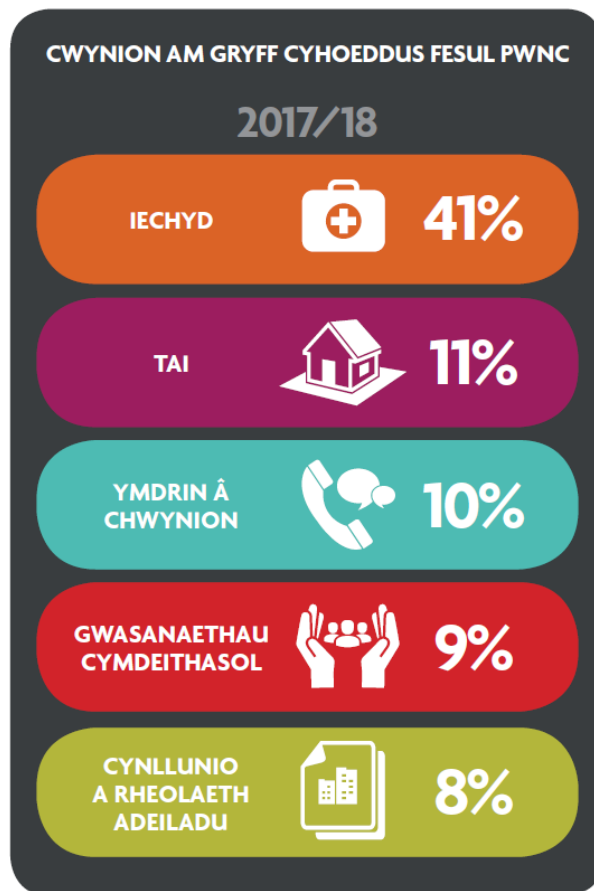
Mae Graff 1.3 (isod) yn dangos dadansoddiad o'r cwynion a gafwyd fesul sector, ynghyd â chymariaethau â'r flwyddyn flaenorol. Mae Cyrff y GIG a Chynghorau Sir/Cynghorau Bwrdeistref Sirol yn parhau i fod â lle blaenllaw yn ein llwyth achosion.



Graff 1.3

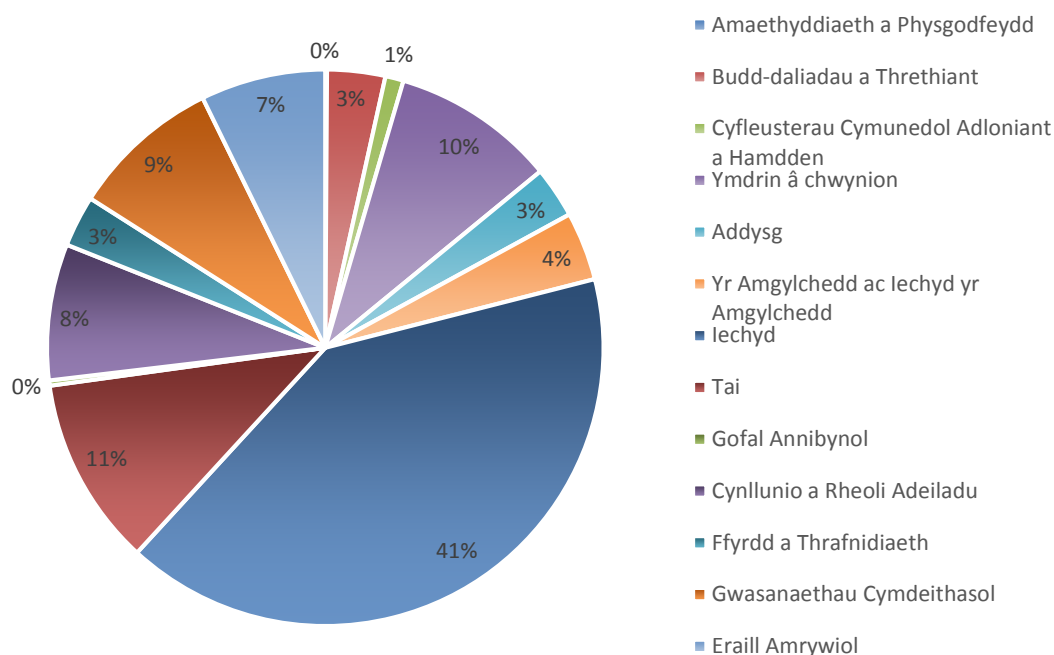
Cwynion am gyrrff cyhoeddus yn ôl pwnc

Drwy droi i ystyried cwynion yn ôl pwnc, yn hytrach na sector, nid yw'n syndod mai cwynion ynglŷn â gofal iechyd oedd y rhan fwyaf o'n llwyth achosion. Mae'r duedd hon wedi parhau ers sawl blwyddyn. Mae cyfran ein llwyth achosion y mae cwynion am ofal iechyd yn gyfrifol amdani wedi cynyddu o 38% yn 2016/18 i 41% yn 2017/18. Ar ôl hyn roedd cwynion am wasanaethau tai a delio â chwynion. Cwynion am y Gwasanaethau Cymdeithasol ac am Gynllunio a Rheoli Adeiladu yw'r ddau fath arall o gŵyn sydd yn y pump uchaf. Mae'r pump pwnc uchaf, ynghyd â chanran y cwynion maent yn gyfrifol amdanynt, i'w gweld isod.



Mae pynciau'r cwynion a gafwyd yn cael eu dangos mewn rhagor o fanylder yn Siart 1.1 isod.

Cwynion derbynwyd am cyrff cyhoeddus fesul pwnc



Siart 1.1

Canlyniadau'r cwynion a gafodd eu hystyried – achosion a gafodd eu cau yn ystod 2017/18

Yn ystod 2017/18 fe wnaethom gau 1,854 o gwynion am ddarparwyr gwasanaethau cyhoeddus, o gymharu â 2,114 yn 2016/17 (gostyngiad o 12%). Mae hyn yn destun pryder i mi.

Mae cwynion am ofal iechyd yn gymhleth, yn cymryd amser ac, fel y nodwyd uchod, yn cynyddu mewn nifer. Mae'r rhain yn cynyddu ein llwyth gwaith yn sylweddol am dri rheswm.

Yn gyntaf, rydym yn llai tebygol o allu datrys cynw neu ddod i benderfyniad am y cwynion hyn heb gael gwybodaeth ychwanegol, gan gynnwys cofnodion meddygol, gan y corff cyhoeddus. I wneud hyn, mae'n rhaid i ni ddechrau ymchwiliad. O ganlyniad i hynny, y mae hi bum gwaith yn fwy tebygol y bydd angen cynnal ymchwiliad mewn perthynas â chwynion am ofal iechyd na chwynion am unrhyw wasanaeth cyhoeddus arall.

Yn ail, mae'r cwynion hyn yn fwy cymhleth ac mae'n cymryd amser i ymchwilio iddynt. Gan fy mod yn gallu ystyried barn broffesiynol yn yr achosion hyn, fel arfer bydd angen i mi geisio cyngor clinigol proffesiynol, gan fwy nag un arbenigwr yn aml. Mae hyn yn cynyddu'r amser mae'n ei gymryd i gwblhau'r ymchwiliad, yn ogystal â chynyddu'r costau cysylltiedig.

Yn drydydd, mae pynciau llawer o gwynion am ofal iechyd yn sensitif ac yn arwyddocaol, ac yn aml yn ymwneud â niwed i aelod o'r teulu, neu ei farwolaeth. Bydd byrddau iechyd a staff clinigol sy'n gysylltiedig â'r materion y cwynir amdanynt yn awyddus i sicrhau bod eu safbwyntiau yn cael eu hadlewyrchu'n llawn ac yn gywir yn ein hadroddiadau a'n penderfyniadau, ac felly y dylai fod. Oherwydd bod y materion sy'n cael eu hystyried yn ein hymchwiliadau gofal iechyd yn bwysig ac yn arwyddocaol a'u bod yn ymwneud â chrebwyll proffesiynol, mae adroddiadau drafft yn fwy tebygol o gael eu herio gan un o'r partïon cysylltiedig, neu'r ddau. Mae'r cam pwysig o wahodd sylwadau ar ein hadroddiadau drafft a'n penderfyniadau arfaethedig yn cymryd mwy o amser yng nghyswllt cwynion am ofal iechyd na chwynion eraill. Mewn rhai achosion, efallai y bydd angen cyngor arbenigol ychwanegol.

Am y rhesymau hyn, mae'r cynnydd yn nifer y cwynion am ofal iechyd wedi cael effaith sylweddol ar fy nhimau ymchwilio, gan leihau nifer yr achosion sy'n cael eu cau a chynyddu nifer yr achosion y maent yn gweithio arnynt.

Mae crynodeb o'r canlyniadau wedi'i nodi yn nhabl 1.1 isod. Mae'r tabl yn dangos bod nifer y cwynion digymhlethdod y gellid eu cau ar ôl rhoi ystyriaeth gychwynnol iddynt gryn dipyn yn is na'r flwyddyn flaenorol. Er bod nifer yr ymchwiliadau sy'n mynd rhagddynt wedi cynyddu, roedd nifer yr ymchwiliadau a gwblhawyd yn y flwyddyn ychydig yn is nag yr oedd yn 2016/17.

Mae crynodeb manwl o'r canlyniadau yn ôl darparwr gwasanaeth cyhoeddus i'w weld yn Atodiad A.

Cwynion am Gorff Cyhoeddus - Canlyniad achosion a gaewyd	2017/18	2016/17
Caewyd ar ôl ystyriaeth gychwynnol	1357	1570
Setlwyd y gŵyn yn wirfoddol	257	287
Rhoddwyd y gorau i'r ymchwiliad	8	16
Ymchwiliad: ni chadarnhawyd y gŵyn	84	66
Ymchwiliad: y gŵyn wedi'i chadarnhau'n gyfan gwbl neu'n rhannol	144	168
Ymchwiliad: y gŵyn wedi'i chadarnhau'n gyfan gwbl neu'n rhannol - adroddiad er lles y cyhoedd	4	6
Adroddiad arbennig o dan Adran 22 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus Cymru - y corff cyhoeddus heb gyflawni'r camau gweithredu yr oedd wedi cytuno arnynt yn flaenorol gyda'r Ombwdsmon	0	1
Cyfanswm y Canlyniadau - Cwynion	1854	2114

Tabl 1.1

Gallwch ddod o hyd i grynodedd o'r achosion a dderbyniwyd gan fy swyddfa lle cafwyd ymyriad (naill ai trwy ddatrysiaid cynnar, setliad gwirfoddol, neu gadarnhad o gŵyn ar ôl ymchwiliad) yn ôl awdurdod lleol a bwrdd iechyd yn Atodiad D.

Amseroedd penderfynu

Yr amser a gymerwyd i ddweud wrth yr achwynydd a oeddwn am ymgymryd â'i gŵyn ai peidio

Rydym wedi pennu amseroedd targed i ni'n hunain ar gyfer penderfynu a dweud wrth achwynwyr a fyddwn yn ymgymryd â'u cwyn ai peidio. Fel y nodwyd yn adroddiad blynyddol 2016/17, rydym wedi newid ein dull er mwyn sicrhau ein bod yn mesur ein perfformiad mewn ffordd sy'n adlewyrchu profiad y defnyddiwr gwasanaeth.

Rydym yn anelu at gyflawni'r amseroedd canlynol:

- Penderfyniad ynghylch a yw'r gŵyn o fewn fy awdurdodaeth/yn gynamserol - cyn pen tair wythnos.
- Penderfyniad ynghylch a ydym am ymchwilio i'r gŵyn ai peidio, ar ôl cynnal asesiad manwl - cyn pen chwe wythnos.
- Datrys y gŵyn, pan fyddwn yn ceisio datrysiad cynnar heb fod angen ymchwilio iddi - cyn pen naw wythnos.
- Dechrau'r ymchwiliad, pan fo angen ymchwiliad - cyn pen chwe wythnos ar ôl y Dyddiad y Derbyniwyd Digon o Wybodaeth

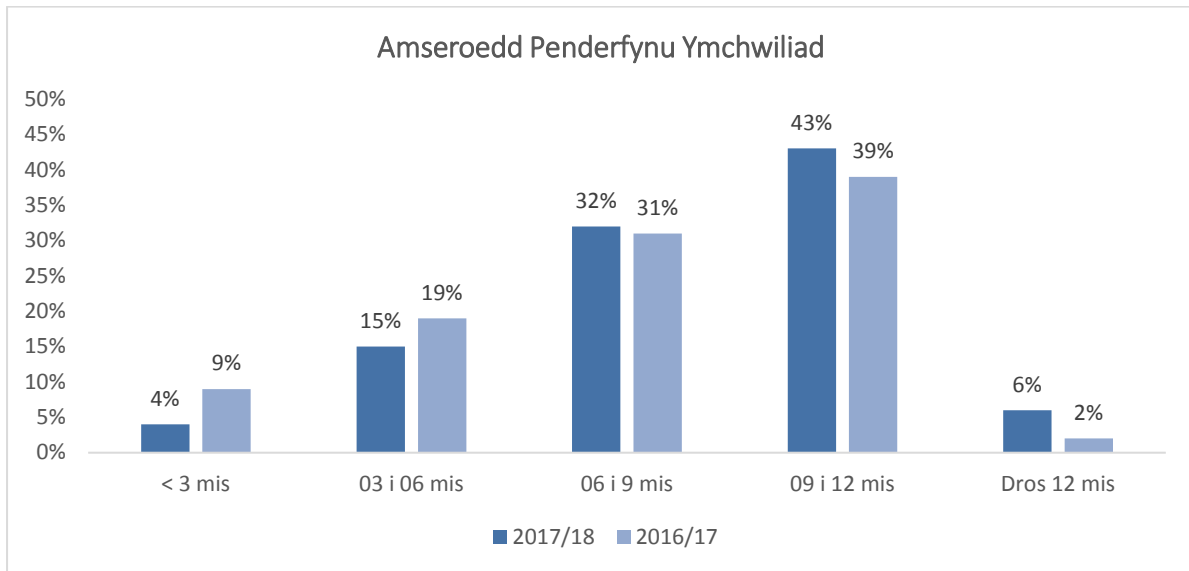
Mae'r tabl isod yn dangos canran yr achosion lle y llwyddom i gyflawni'r targedau hyn.

	Canran 2017/18
Penderfyniad ynghylch a yw'r gŵyn o fewn fy awdurdodaeth/yn gynamserol - cyn pen tair wythnos.	92%
Penderfyniad ynghylch a ydym am ymchwilio i'r gŵyn ai peidio, ar ôl cynnal asesiad manwl - cyn pen chwe wythnos.	89%
Datrys y gŵyn, pan fyddwn yn ceisio datrysiad cynnar heb fod angen ymchwilio iddi - cyn pen naw wythnos.	91%
Dechrau'r ymchwiliad, pan fo angen ymchwiliad - cyn pen chwe wythnos ar ôl y Dyddiad y Derbyniwyd Digon o Wybodaeth	74%

Tabl 1.2

Amseroedd Penderfynu ar Gŵyn

Yn 2017/18 roeddem wedi llwyddo i gwblhau 94% o ymchwiliadau cyn pen 12 mis. Roedd 17 o ymchwiliadau wedi cymryd mwy na 12 mis. Roedd yr achosion hyn yn gymhleth ac yn galw am waith ymchwilio pellach, neu roeddynt yn achosion oedd yn cynnwys heriau sylweddol, gan yr achwynydd neu'r corff cyhoeddus, i'r canfyddiadau drafft. Mae Graff 1.4 yn rhoi rhagor o fanylion ynghylch amserlen yr ymchwiliad.



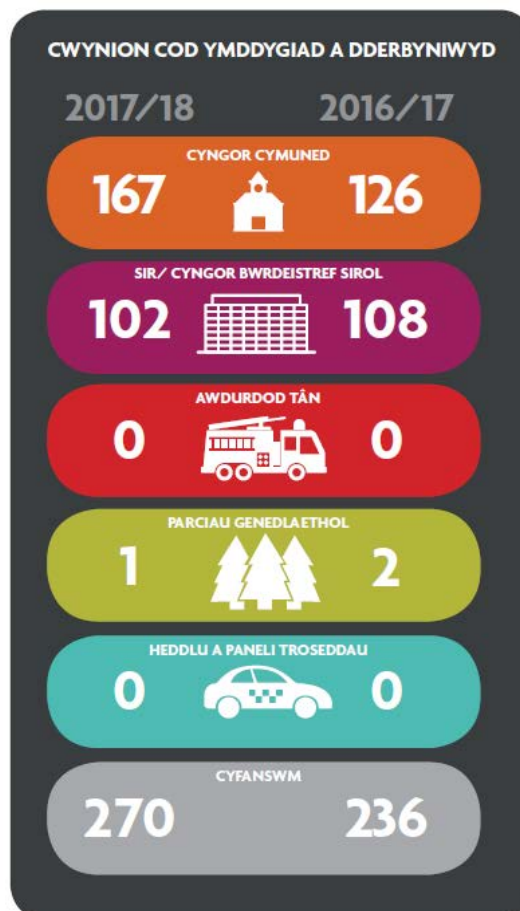
Graff 1.4

Cwynion Cod Ymddygiad

Roedd nifer y cwynion cod ymddygiad a ddaeth i law wedi cynyddu i 270, sef cynnydd o 14% o gymharu â 2016/17.

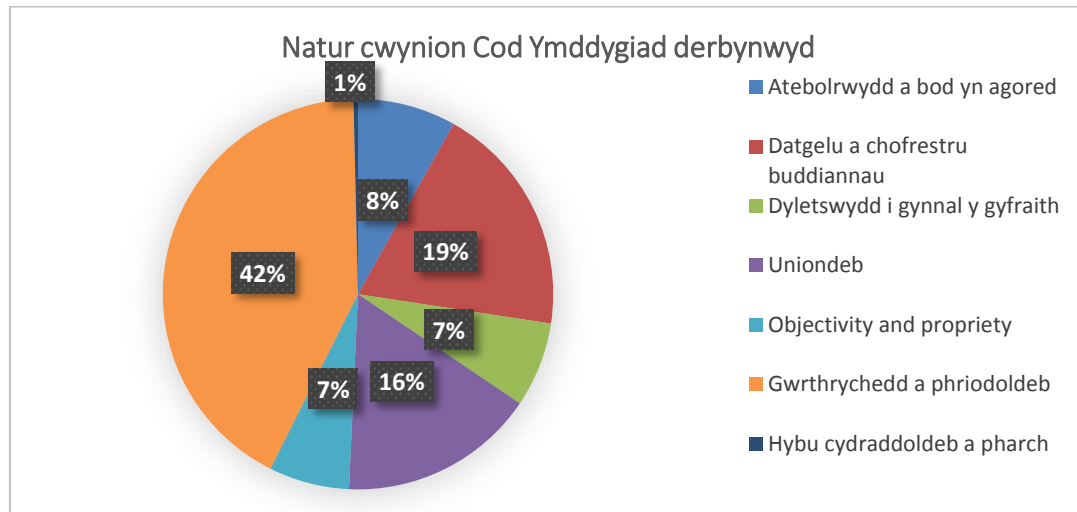
Mae'r cynnydd i'w briodoli'n gyfan gwbl i gwynion Cod Ymddygiad yn ymwneud â Chynghorau Cymuned, sydd wedi cynyddu 33%.

Ar y cam hwn, mae'n anodd dweud yn union pam mae cynnydd sylweddol wedi bod mewn cwynion am aelodau Cynghorau Tref a Chymuned. Mae llawer o'r cwynion wedi codi yn sgil newidiadau i aelodaeth y cynghorau hyn ac mae anawsterau wedi codi rhwng aelodau hirsefydlog ac aelodau newydd. Rwyf yn parhau i hyrwyddo'r cysyniad o ddatrysiad lleol, sydd wedi'i fabwysiadu gan nifer sylweddol o gynghorau tref a chymuned ac mae ymdrechion Un Llais Cymru yn y maes hwn yn galondid mawr i mi. Mewn cydweithrediad â fy swyddfa, mae wedi creu model o broses ar gyfer ei aelodau.



Natur y cwynion Cod Ymddygiad a ddaeth i law

Fel yn y blynyddoedd blaenorol, roedd mwyafrif y cwynion Cod Ymddygiad a ddaeth i law yn ystod 2017/18 yn ymwneud â materion cysylltiedig â hyrwyddo cydraddoldeb a pharch. Roedd y rhain i gyfrif am 42% o gwynion (37% yn 2016/17). Datgelu a chofrestru buddiannau (19%) ac uniondeb (16%) oedd yr ail a'r trydydd math mwyaf cyffredin o gwynion, sy'n gyson â'r flwyddyn flaenorol. Yn Siart 1.2 isod ceir ddadansoddiad llawn o natur y cwynion ynghylch Cod Ymddygiad a ddaeth i law.



Siart 1.2

Crynodeb o ganlyniadau cwynion ynghylch Cod Ymddygiad:

Y canlyniad mwyaf cyffredin yw 'Caewyd ar ôl ystyriaeth gychwynnol'. O'r 247 cwyn yn 2017/18, caewyd y mwyafrif ohonynt (213) o dan y canlyniad hwn. Roedd y rhain yn cynnwys penderfyniadau ar y seiliau canlynol:

- nid oes unrhyw dystiolaeth 'prima facie' fod y Cod wedi'i dorri
- nid yw er lles y cyhoedd i ymchwilio.

Caewyd llai o gwynion ar ôl ymchwiliad llawn yn 2017/18 (26) nag yn 2016/17 (34). Y rheswm am hyn yw fy mod wedi parhau i ddefnyddio prawf lles y cyhoedd wrth benderfynu a ddylid ymchwilio i gwynion ynghylch Cod Ymddygiad. Mae hyn yn golygu nad wyf ond yn ymchwilio i'r cwynion mwy difrifol os oes angen cynnal ymchwiliad er lles y cyhoedd.

Yn 2017/18 derbyniais naw cwyn oedd yn codi pryderon dichonol cysylltiedig â chwythu'r chwiban mewn perthynas â honiadau o dorri'r Cod Ymddygiad. Naill ai nid oedd yr achwynwyr hyn wedi darparu dystiolaeth 'prima facie' o dorri'r cod neu nid oeddynt yn cyfiawnhau ymchwiliad er lles y cyhoedd.

Er hynny, o'r achosion yr oeddwn wedi ymchwilio iddynt a'u cau eleni, cyfeiriwyd tri achos at sylw Panel Dyfarnu Cymru. Panel Dyfarnu Cymru sy'n ystyried y dystiolaeth rwyf yn ei pharatoi, ynghyd ag unrhyw amddiffyniad y mae'r aelod perthnasol yn ei gyflwyno. Yna, mae'r Panel yn penderfynu a oes toriad wedi bod ac os felly, pa gosb, os o gwbl, ddylid ei rhoi. Roedd y Panel wedi ystyried dau o'r achosion hyn ac, yn y naill achos a'r llall, canfuwyd bod achos difrifol o dorri'r Cod wedi bod ar sail fy ymchwiliadau a'm hadroddiadau. Roedd y ddau achos yn ymwneud â Chynghorwyr yn gwneud sylwadau difriol a honiadau di-sail yn erbyn staff a bwlio, aflonyddu, codi ofn ac ymddygiad maleisus. O ganlyniad, cafodd cyn-aelod o [Gyngor Sir y Fflint](#) ei wahardd rhag dal swydd am 14 mis a chyn-aelod o [Gyngor Bwrdeistref Sirol Conwy](#) ei wahardd rhag dal swydd am 18 mis.

Ceir crynodeb o'r canlyniadau isod, ynghyd â dadansoddiad manwl yn dangos canlyniadau cwynion ynghylch Cod Ymddygiad, yn ôl awdurdod, yn Atodiad B:



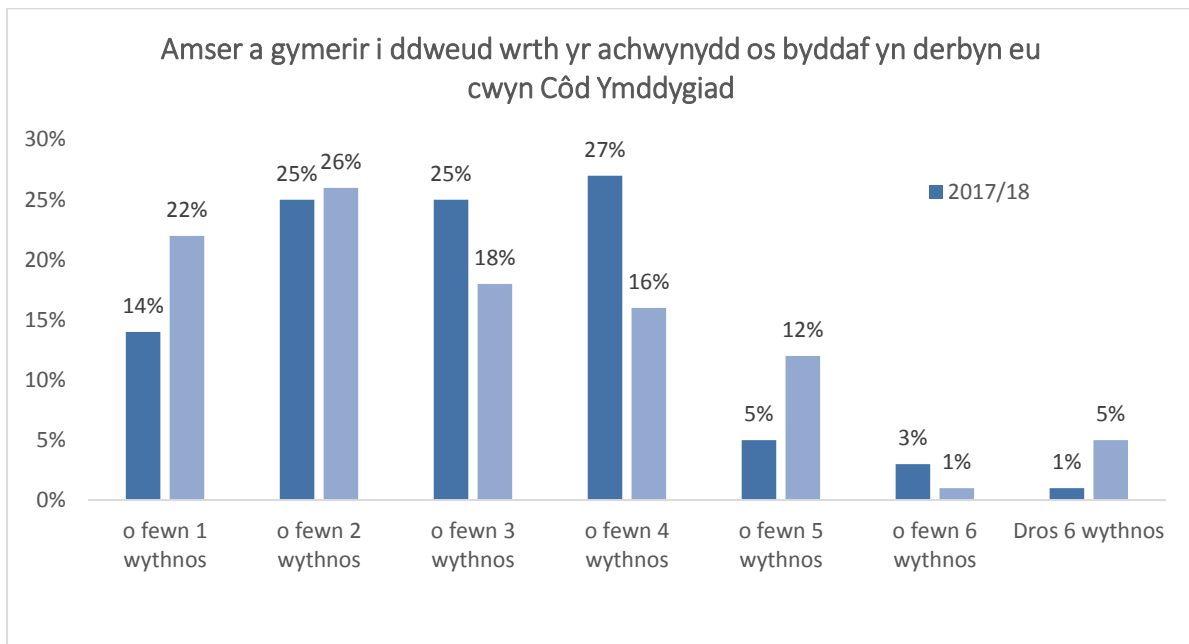
Amseroedd penderfynu

Yr amser a gymerwyd i ddweud wrth yr achwynydd a oeddwn am ymgymryd â'i gŵyn ai peidio

Yng nghyswllt cwynion ynghylch Cod Ymddygiad, rhoddwyd gwybod i 91% o'r achwynwyr cyn pen pedair wythnos ar ôl y dyddiad y derbyniwyd digon o wybodaeth a oeddwn am ymgymryd â'u cwyn. Braf yw cael dweud fod hyn gryn dipyn yn uwch nag yn ystod 2016/17 pan hysbyswyd 82% o achwynwyr cyn pen pedair wythnos.

Mae rhagor o fanylion am amserlen y penderfyniadau hyn isod.

Yr amser a gymerwyd i ddweud wrth yr achwynydd a oeddwn am ymgymryd â'i gŵyn ai peidio



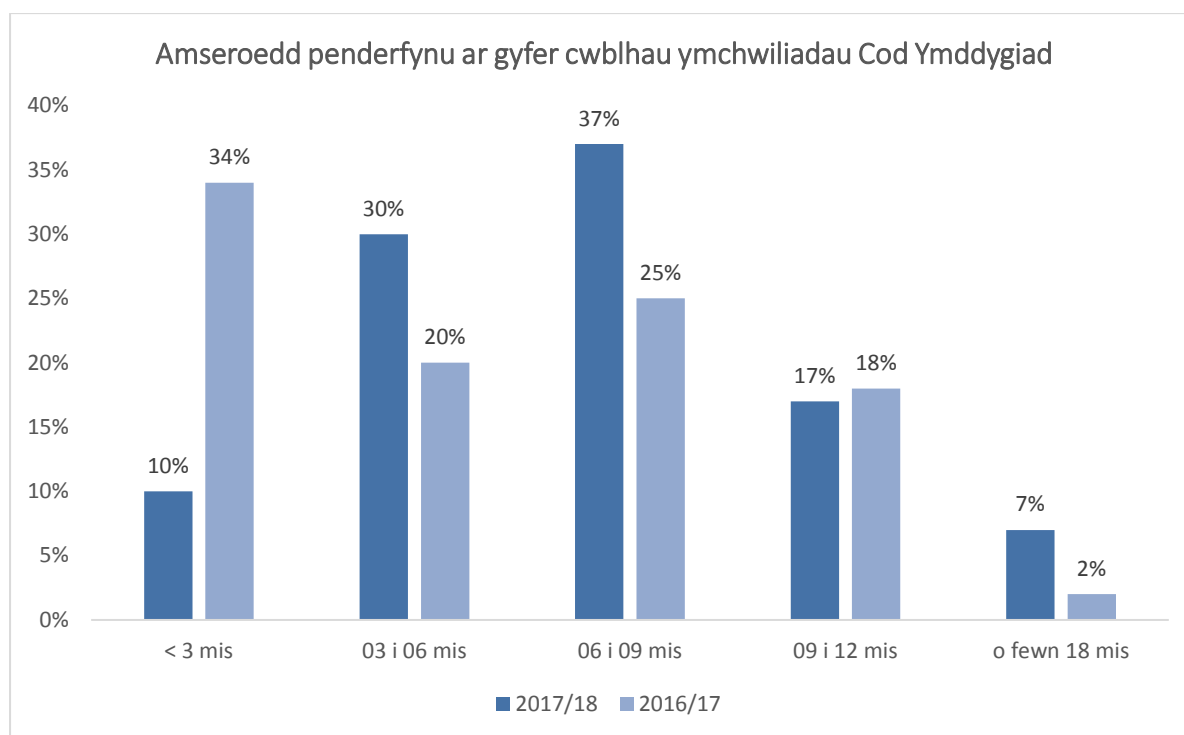
Graff 1.5

Amseroedd penderfynu ar gyfer cwblhau ymchwiliadau Cod Ymddygiad

Roedd nifer cyffredinol y penderfyniadau ar gwynion ynghylch Cod Ymddygiad yn 2017/18 yn debyg i'r flwyddyn flaenorol. Ond, oherwydd mae'r ffaith fod yr achosion sy'n galw am ymchwiliad yn aml yn rhai cymhleth, ynghyd â ffactorau allanol y tu hwnt i'n rheolaeth a phwysau o ran y llwyth achosion ymchwilio "trwm o ran iechyd", mae llai o achosion wedi'u cwblhau cyn pen tri mis - 10% o gymharu â 34% yn 2016/17.

Rwyf yn sylweddoli beth yw goblygiadau amseroedd penderfynu hwy yng nghyswllt yr achosion hyn, o safbwynt yr achwynydd, y cynghorwyr oedd yn destun y cwynion ac o safbwynt lles y cyhoedd ar raddfa ehangach. Byddaf yn parhau i weithio i sicrhau y byddaf yn dod i gasgliadau amserol yn yr achosion hyn yn y flwyddyn i ddod.

Mae Graff 1.6 isod yn dangos yr amseroedd penderfynu ar gyfer cwynion ynghylch Cod Ymddygiad yn 2017/18 o gymharu â 2016/17.



Graff 1.6

Achosion o Bwys

Yn ystod 2017/18, cyhoeddais bedwar adroddiad er lles y cyhoedd a sbardunodd ddiddordeb sylweddol yn genedlaethol. Mae'r rhain i'w gweld ar wefan fy swyddfa [yma](#).

Roedd pob adroddiad lles y cyhoedd yn gysylltiedig ag iechyd. Roedd dau yn ymwneud â gwasanaethau ym Mwrdd Iechyd Prifysgol Betsi Cadwaladr, roedd un am Fwrdd Iechyd Prifysgol Cwm Taf ac un yn gysylltiedig â Bwrdd Iechyd Prifysgol Hywel Dda.

Roedd yr achosion yn cynnwys y canlynol:

- Claf a fu farw ar droli mewn ysbyty oherwydd diffygion yn y ddarpariaeth gofal diwedd oes ac ymdrin â chwynion mewn ffordd wael. Canfu fy ymchwiliwr nad oedd urddas y claf wedi cael ei barchu ac nad oedd wedi cael gofal diwedd oes a oedd yn ddigon ystyriol. Cyhoeddodd fy swyddfa nifer o argymhellion, gan gynnwys bod BIP Betsi Cadwaladr yn ymddiheuro ac yn talu iawndal o £1,500 i'r achwynydd, bod yr adroddiad yn cael ei gyfeirio at sylw tîm Cydraddoldeb a Hawliau Dynol y Bwrdd Iechyd, atgoffa staff meddygol o'u rhwymedigaethau o ran rheolaeth glinigol a moesegol yn ystod gofal diwedd oes, ystyried rhoi mwy o hyfforddiant i staff mewn gofal diwedd oes a chynnal archwiliad clinigol o'r wardiau oedd yn gysylltiedig â'r achos.
- Claf a ddiodefodd ataliad y galon ac a fu farw ar ôl i staff fethu gwneud diagnosis cywir a rheoli'r ffaith bod ei galon yn methu. Canfu fy swyddfa nad oedd meddygon iau wedi cael digon o gefnogaeth, nad oedd teulu'r claf wedi cael cyngor priodol a bod oedi sylweddol wedi bod cyn ymateb i'r gŵyn. Sicrhawyd ymddiheuriad ac iawndal gwerth £2,750 i'r achwynydd. Hefyd, gwnaed nifer o argymhellion, gan gynnwys y dylai'r Bwrdd Iechyd gyhoeddi polisi uwchgyfeirio manwl, atgoffa staff meddygol o weithdrefnau cofnodi adolygiadau dyddiol a'u rhwymedigaethau o ran rhoi goruchwyliaeth a chefnogaeth ddigonol i Feddygon Iau, ac adolygu protocolau asesu cyn llawdriniaeth.
- Bwrdd Iechyd oedd wedi cymryd dros dair blynedd i ddarparu ymateb terfynol i achwynydd. Roeddwn wedi canfod tystiolaeth o gamweinyddu, gan gynnwys cofnodion oedd wedi mynd ar goll a methiannau o ran cyfathrebu, ynghyd â diffyg tryloywder wrth ymchwilio i gŵyn am dor-dyletswydd gofal. Cytunodd y Bwrdd Iechyd i dalu iawndal o £4,000, trefnu cyngor cyfreithiol am ddim a chynghorydd clinigol annibynnol ar gyfer yr achwynydd, ac i atgoffa'r holl staff meddygol o'u dyletswydd i fod yn agored ac yn dryloyw â chleifion a theuluoedd.

- Methiant ar ran staff meddygol i roi triniaeth a gofal rhesymol i glaf. Roedd y staff wedi colli sawl cyfle i weld bod y claf yn dirywio ac i atal hynny. O ganlyniad, roedd wedi cael ataliad y galon angheuol. Ar ben hyn, ymdriniwyd â'r gŵyn mewn modd gwael a chymerwyd amser afresymol o hir i ymateb i'r achwynydd. Cytunodd y Bwrdd Iechyd i nifer o argymhellion, gan gynnwys ymddiheuriad a thaliad o £10,000 i'r achwynydd, fel cydnabyddiaeth o'r gofid a'r ansicrwydd a achoswyd iddo.

Merch y claf oedd wedi gwneud y gŵyn olaf. Roedd Ms C yn gweithio i adran trin cwynion Bwrdd Iechyd Prifysgol Betsi Cadwaladr.

Wrth wneud sylwadau ar yr adroddiad terfynol hwn ar y pryd, dywedais:

“Mae’n destun pryder mawr i mi fod y Bwrdd Iechyd yn gwrthod cyfaddef, pe bai wedi ymdrin â gofal y claf mewn ffordd wahanol, y gellid fod wedi atal ei farwolaeth. Nid yn unig roedd y gofal yn is na'r safon a ddisgwylir yn yr achos hwn, rwyf hefyd yn canfod bod sylwadau'r Bwrdd Iechyd yn annidwyll ac yn dangos amharodrwydd i dderbyn difrifoldeb y sefyllfa.

“Nid yw'r ffaith fod aelod o staff y Bwrdd Iechyd ei hun, oedd yn gyfarwydd â'r broses pryderon, yn teimlo mor rhwystredig ynghylch agwedd y Bwrdd Iechyd tuag at ei chwyn nes iddi deimlo bod yn rhaid iddi ofyn am gymorth eiriolwr, yn rhoi hyder i aelodau'r cyhoedd sy'n defnyddio'r system.”

Yn dilyn ein hymchwiliad, roedd Ms C wedi cysylltu â fy swyddfa.

Meddai:

“Diolch i chi unwaith eto am bopeth rydych wedi'i wneud i geisio dod o hyd i rhyw fath o ateb i fy nheulu, ond, yn anad dim, y gwir.”

Adroddiad Cynaliadwyedd Blynyddol

Mae gwarchod yr amgylchedd yn flaenoriaeth, ac yn ffocws ar lefel genedlaethol ac ar lefel leol. Anogir Ombwdsmon Gwasanaethau Cyhoeddus Cymru a'i staff i wneud newidiadau lle bo modd i leddfu effaith y swyddfa ar yr amgylchedd ac i weithredu mewn ffordd gynaliadwy a chyfrifol.

Ein Hadeilad

Mae gennym un swyddfa ym Mhen-coed, ger Pen-y-bont ar Ogwr. Yn wreiddiol, roeddem wedi ymgymryd â'r les ar gyfer y llawr gwaelod yn 2005. Ers hynny, rydym wedi ehangu i feddiannu rhan o'r llawr cyntaf a'r ail lawr er mwyn cael lle i oddeutu 60 aelod o staff ac ymwelwyr mewn swyddfa agored yn bennaf.

Trydan yw'r unig gyflenwad ynni rydym yn ei ddefnyddio ac mae hwn yn darparu goleuadau a gwres/cyfleusterau oeri yn ogystal â phweru offer swyddfa arferol. Rydym yn rhentu'r adeilad, sy'n cyfyngu ar ein gallu i newid effeithiolrwydd yr adeilad o ran ynni.

Ystadegau'r Adeilad

Mae'r tabl isod yn rhoi gwybodaeth allweddol am ein swyddfeydd ym Mhen-coed, yn ogystal â'r trefniadau gwresogi a'r defnydd ynni am y flwyddyn.

Adeilad	Wedi'i adeiladu	Nifer y Lloriau	Cyfanswm Arwynebedd y Llawr y Gellir ei Ddefnyddio (tr ²)	Math o Wres	Trydan a ddefnyddir (kWh)
1 Ffordd yr Hen Gae	2004	3	16,460	Unedau Trin yr Aer	120,791

Tabl 1.3

Hygyrchedd

Mae gan y swyddfeydd gysylltiadau cludiant rhesymol. Mae'r orsaf rheilffordd ym Mhen-coed (sydd wedi'i lleoli lai na milltir i ffwrdd) ynghyd â'r gwasanaeth bysiau i'r safle ac oddi yno yn darparu dewis o gludiant cyhoeddus i'r staff ac i ymwelwyr. Mae hefyd yn hawdd cyrraedd ein swyddfeydd â char ar hyd traffordd yr M4.

Allyriadau

Caiff staff eu hannog i ddefnyddio cludiant cyhoeddus lle bo hynny'n addas, wrth gymudo ac ar gyfer cyfarfodd busnes. Mae gennym gawodydd a standiau ar gyfer beiciau yn ein swyddfeydd.

Rydym yn defnyddio cyflenwyr lleol pryd bynnag y bo modd i helpu i leihau ein hallyriadau carbon.

Golau ac Ynni

Rhoddwyd rhaglen ar waith yn 2017/18 i ddisodli'r goleuadau oedd yno eisoes â bylbiau LED. Mae 50% wedi cael eu huwchraddio i fylbiau sy'n defnyddio 90% yn llai o ynni na bylbiau safonol sydd ag oes hwy, sy'n golygu llai o waith cynnal a chadw a llai o wastraff.

Mewn gweithdy cynaliadwyedd ar gyfer staff yn ddiweddar, nodwyd nifer o gamau eraill y gellid eu cymryd i reoli ein defnydd o ynni yn well. Roedd y rhain yn amrywio o sicrhau bod goleuadau yn cael eu diffodd pan nad yw ystafelloedd yn cael eu defnyddio i ddisodli tegellau a pheiriannau oeri dŵr sy'n sefyll ar eu traed eu hunain gydag oerwyr/gwresogwyr dŵr a gyflenwir drwy'r gwaith plymio.

Rheoli gwastraff

Rydym yn ailgylchu ein holl bapur gwastraff yn gyfrinachol ac yn ailgylchu gwastraff cyffredinol fel plastig a thuniau, batris a chetris arlliwio. Ychydig o newid a fu yn y gwastraff cyffredinol sy'n cael ei greu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru dros y flwyddyn ddiwethaf, er bod cynnydd wedi bod yn y gwastraff y gellir ei ailgylchu. Rydym nawr yn ailgylchu deunydd pacio danfoniadau, er enghraifft bocsys cardfwrdd mawr, a dylai hyn helpu i leihau ein gwastraff cyffredinol.

Rydym yn parhau i weithio gyda staff i leihau gwastraff gymaint ag y bo modd, ac yn enwedig gwastraff tirlenwi. Yn dilyn awgrymiadau gan staff, byddwn yn cael gwared â phob bin gwastraff unigol ac yn gosod biniau ailgylchu a rennir ar gyfer ailgylchu cymysg yn y brif swyddfa. Bydd unrhyw wastraff cyffredinol yn cael ei roi mewn un o nifer bach o finiau gwastraff cyffredinol.

Ers cyflwyno ffeiliau achos 'ysgafn o ran papur', mae gostyngiad dramatig wedi bod yn y papur sy'n cael ei ddefnyddio yn y swyddfa drwyddi draw. Rydym hefyd wedi gwneud arbedion drwy gyflwyno papur pennawd electronig sy'n golygu ein bod yn gallu argraffu ar bapur plaen ac mae hyn wedi helpu i leihau papur gwastraff. Rydym yn treialu is-ffeiliau electronig ar hyn o bryd sy'n cael eu defnyddio i rannu dogfennau a chofnodion â

chynghorwyr proffesiynol, yn hytrach na chynhyrchu ac anfon dogfennau ar ffurf copi caled. Os bydd y treial yn llwyddiannus, bydd effaith amgylcheddol argraffu ac anfon ffeiliau yn gostwng, ac, yn ei dro, byddwn yn defnyddio llai o bapur yn y swyddfa.

Mae dau gwmni gwahanol yn casglu gwastraff y swyddfa ar hyn o bryd, sef un ar gyfer gwastraff cyffredinol ac un ar gyfer gwastraff cyfrinachol ac ailgylchu cymysg. Bwriad Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn y dyfodol yw dod o hyd i un darparwr a fydd yn gallu cyflenwi'r holl wasanaethau sydd eu hangen. Bydd hyn yn cael effaith gadarnhaol ar yr amgylchedd.

Lleihau faint o blastig sy'n cael ei ddefnyddio yn y swyddfa

Mae Llywodraeth y DU yn anelu i gael gwared â'r holl blastig y mae modd ei osgoi cyn pen 25 mlynedd. Nid ydym yn defnyddio cwpanau untro ar gyfer diodydd poeth. Mae staff ac ymwelwyr yn defnyddio mygiau a chwpanau seramig. Gan nad oes gennym bellach beiriannau oeri dŵr potel, nid ydym yn prynu cwpanau plastig untro erbyn hyn. Byddwn yn gwneud yn siŵr bod cwpan/gwydr y gellir ei aildefnyddio ar gael i staff ac ymwelwyr.

Ffigurau Gwastraff Presennol

Mae tabl 1.4 isod yn dangos faint o wastraff o wahanol fathau rydym yn ei greu'n wythnosol ac yn flynyddol.

	Yr wythnos (ar gyfartaledd)	Y flwyddyn (ar gyfartaledd)
Gwastraff Cyfrinachol	600 litr	31,200 litr
Ailgylchu Cymysg	600 litr	31,200 litr
Gwastraff cyffredinol (gan gynnwys gwastraff bwyd)	1,100 litr	57,200 litr
Cyfanswm y gwastraff blynyddol 2,300 litr		119,600 litr

Tabl 1.4

Byddwn yn dal ati i leihau ein gwastraff yn ystod 2018/19.

Adroddiad Cydraddoldeb Blynyddol

Yn unol â Deddf Cydraddoldeb 2010 a Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011 a bennwyd gan Gynulliad Cenedlaethol Cymru, mae'n ofynnol bod yr Ombwdsmon yn llunio adroddiad blynyddol ynghylch materion cydraddoldeb. Rwyf yn gwneud hynny yma fel rhan o fy Adroddiad a Chyfrifon Blynyddol ar gyfer 2017/18.

Hygyrchedd

Fel rhan o'n proses gwynion, rydym yn gwneud ein gorau glas i ganfod cyn gynted â phosibl unrhyw anghenion sydd gan unigolion y mae angen eu diwallu er mwyn i ddarparwyr gwasanaeth allu defnyddio ein gwasanaethau yn llawn. Yn benodol, rydym yn gofyn i bobl roi gwybod i ni pa dull cyfathrebu sydd orau ganddynt. Rydym yn parhau i ddatblygu cysylltiadau cadarn â mudiadau yn y trydydd sector sy'n cefnogi defnyddwyr ein gwasanaeth, gan ddefnyddio eu harbenigedd i'n cynghori ni ar sut y gallwn wneud ein gwasanaethau yn fwy hygyrch.

Pryd bynnag y gallwn, rydym yn gwneud addasiadau rhesymol i helpu pobl wneud eu cwyn a'i chyflwyno i ni. Eleni rydym wedi diweddarau ein ffurflenni a'n llythyrau er mwyn gwneud ein trefniadau ar gyfer addasiadau rhesymol yn fwy clir.

Byddwn yn ystyried ac yn ymateb i unrhyw gais am addasiad rhesymol ac mae gennym nifer o gyfleusterau sydd ar gael yn rhwydd. Mae'r rhain yn cynnwys y canlynol:

- darparu gohebiaeth Hawdd ei Darllen
- defnyddio Llinell Iaith at ddibenion cyfieithu ar y pryd pan nad yw achwynydd yn teimlo'n gyfforddus i wneud ei gŵyn yn Gymraeg neu'n Saesneg
- cael cymorth arbenigwyr i'n helpu i ddeall gofynion penodol achwynwyr â chyflyrau penodol, er enghraifft, Syndrom Asperger; ac
- ymweld ag achwynwyr yn eu cartrefi.

Rydym hefyd yn mynd ati i ddarparu gwybodaeth ar ein gwefan mewn nifer o fformatau hygyrch, ac yn cyhoeddi dogfennau allweddol mewn fformatau gwahanol, er enghraifft, CD/tâp a Braille, a'u cyfieithu i'r wyth iaith leiafrifol ethnig sy'n cael eu defnyddio yng Nghymru.

Rydym yn diweddarau ein gwefan yn barhaus, a bellach rydym yn cynnig gwasanaeth BrowseAloud mwy datblygedig arni. Yn ogystal, rydym wedi ymgorffori'r gwasanaeth Google Translate. Mae hyn yn golygu y gellir cyfieithu cynnwys gwefan Ombwdsmon

Gwasanaethau Cyhoeddus Cymru i unrhyw un o 100 o ieithoedd yn awtomatig drwy ddethol. Mae fideo Iaith Arwyddion Prydain a gwasanaeth SignVideo hefyd ar gael ar y wefan.

Mae'r Tîm Cyngor ar Gwynion yn parhau i gyfeirio defnyddwyr y gwasanaeth y mae angen cymorth arnynt i wneud eu cwyn at fudiadau cynghori ac eiriolaeth. Mae'r wybodaeth hon ar gael ar ein gwefan. Rydym hefyd wedi sefydlu cysylltiadau â mudiadau eiriolaeth eleni i helpu'r achwynwyr hynny y mae angen gwneud addasiadau rhesymol ar eu cyfer.

Monitro/Casglu Data Cydraddoldeb – Defnyddwyr Gwasanaeth

Drwy gydol y flwyddyn ddiwethaf, fe wnaethom barhau â'n gwaith o fonitro cydraddoldeb mewn perthynas â defnyddwyr gwasanaethau, sy'n darparu gwybodaeth ar gyfer ein strategaeth allgymorth. Rydym yn gwahodd defnyddwyr gwasanaethau i lenwi holiadur ac yn dadansoddi'r ymatebion rydym yn eu cael. Mae canlyniad y monitro yn ystod 2017/18 yng nghyswllt y grwpiau nodweddion gwarchoddedig (yn unol â diffiniad y Ddeddf Cydraddoldeb) wedi'i nodi isod.

O ystyried natur gwaith y swyddfa hon, rydym yn disgwyl i'r gyfran o achwynwyr â nodweddion gwarchoddedig adlewyrchu poblogaeth Cymru yn gyffredinol, o leiaf. Fodd bynnag, oherwydd bod y rheini â nodweddion gwarchoddedig yn fwy tebygol o gael mynediad at wasanaethau cyhoeddus neu fod yn ddibynnol arnynt, mae cyfran yr achwynwyr o grwpiau agored i niwed neu dan anfantais yn debygol o fod yn fwy na'r gyfran briodol o'r boblogaeth.

O'r canlyniadau isod, ac ar ôl cymharu â'r data swyddogol sydd ar gael (yn enwedig Cyfrifiad 2011), rwyf yn fodlon bod cyfran y defnyddwyr gwasanaethau â nodweddion gwarchoddedig yn bodloni cyfran y boblogaeth yn y ffordd ddisgwyliedig, neu'n uwch na hynny.

Rwyf yn awyddus i sicrhau bod y rheini sydd â phryderon ynghylch gwasanaethau cyhoeddus yn gwybod am fy swyddfa ac yn gwybod sut mae cysylltu â mi. Mae'n braf gweld, am yr ail flwyddyn yn olynol, fod 5% o'r rheini a wnaeth ymateb wedi nodi eu bod o gefndir lleiafrif ethnig, sydd ychydig yn uwch na'r gyfran gymharol o boblogaeth Cymru (4%).

Rwyf yn nodi bod 60% o'r cwynion yn cael eu gwneud gan bobl rhwng 35 a 64 oed. Er bod rhai o'r cwynion hyn yn cael eu gwneud **ar ran** plant, pobl ifanc neu bobl hŷn, mae'r ffigur hwn yn awgrymu bod angen gweithio i sicrhau bod pobl ifanc a phobl hŷn – y rhai sydd fwyaf dibynnol ar wasanaethau cymorth addysg ac iechyd a gofal cymdeithasol – yn gwybod am fy ngwasanaeth ac yn gallu cael mynediad ato.

Byddaf yn cynnal dadansoddiad pellach yn ystod y flwyddyn nesaf ac yn defnyddio'r dadansoddiad hwnnw i lywio fy ngweithgarwch allgymorth yn y dyfodol

Grŵp nodweddion gwarchoddedig	Canran Deilliant
Oedran	
Dan 25 oed	3%
25-34	14%
35-44	17%
45-54	23%
55-64	20%
65-74	13%
75 neu hŷn	3%
Mae'n well gen i beidio â dweud / Dim ymateb	7%

Anabledd	
Oes	25%
Nac oes	64%
Mae'n well gen i beidio â dweud / Dim ymateb	11%
Problem iechyd neu anabledd sy'n cyfyngu ar weithgareddau o ddydd i ddydd?	
Ydynt, wedi'u cyfyngu'n fawr	23%
Ydynt, wedi'u cyfyngu ychydig	15%
Nac ydynt	51%
Mae'n well gen i beidio â dweud / Dim ymateb	12%
Ailbennu rhywedd	
Ydw	2%
Nac ydw	86%
Mae'n well gen i beidio â dweud / Dim ymateb	12%
Crefydd neu gred	
Dim crefydd	40%
Cristnogaeth (pob enwad)	48%
Crefyddau eraill	6%
Mae'n well gen i beidio â dweud / Dim ymateb	6%
Wedi priodi neu mewn partneriaeth sifil gofrestredig o'r un rhyw	
Ydw	50%
Nac ydw	38%
Mae'n well gen i beidio â dweud / Dim ymateb	12%
Hil/Ethnigrwydd	
Gwyn	89%
Unrhyw gefndir ethnig arall	5%
Mae'n well gen i beidio â dweud / Dim ymateb	6%
Rhyw	
Gwryw	48%
Benyw	45%
Mae'n well gen i beidio â dweud / Dim ymateb	7%
Cyfeiriadedd rhywiol	
Heterorywiol neu strêr	82%
Hoyw neu Lesbiaidd	2%
Deurywiol	2%
Arall	1%
Mae'n well gen i beidio â dweud / Dim ymateb	13%

Tabl 1.5

Allgymorth

Fe wnaethom barhau i ganolbwyntio ar blant a phobl ifanc yn ein gwaith allgymorth yn ystod 2017/18. Fe wnaethom gynnal ein cysylltiadau â Chomisiynydd Plant Cymru ac, ym mis Mehefin 2017, roedd gennym stondin yn Eisteddfod yr Urdd, a roddodd lwyfan i ni ryngweithio â phlant a phobl ifanc, yn ogystal â chodi ymwybyddiaeth o'n gwaith ymysg eu rhieni a'u gwarcheidwaid.

Rydym wedi parhau i gynnal ein tri Seinfwrdd – Defnyddwyr Gwasanaethau, Iechyd a Llywodraeth Leol – i roi cyfle i ni ddysgu gan ein rhanddeiliaid a defnyddio eu hadborth i wella ein gwasanaethau.

Yn sgil ein Seinfwrdd Defnyddwyr Gwasanaethau, rydym wedi sefydlu cronfa ddata o gysylltiadau y gall staff gysylltu â nhw os oes angen cyngor arnynt ynglŷn â mater neu bwnc penodol. Mae hwn yn adnodd gwerthfawr ac mae'n ehangu ein sylfaen wybodaeth.

Hefyd, rydym wedi mynd ati'n rhagweithiol i ymgysylltu â chyrrff y trydydd sector, gan gynnwys RNIB Cymru, Diverse Cymru, Cyngor ar Bopeth ac amryw o gymdeithasau tai, ac rydym wedi bod â stondinau yng nghynadleddau blynyddol Anabledd Dysgu Cymru a Chyngor Gweithredu Gwirfoddol Cymru.

Monitro/Casglu Data ynghylch Cydraddoldeb Staff

Bob blwyddyn, gofynnir i'n staff lenwi a dychwelyd ffurflen sy'n gofyn am wybodaeth mewn perthynas â phob un o'u nodweddion gwarchoddedig. Wrth gwrs, fe ddatgelir y wybodaeth hon ar sail wirfoddol. Fe wnaeth 44 aelod o staff ymateb i'r arolwg.

Oedran	Dyma gyfansoddiad oedran y staff: O dan 25: 5% 25 - 34: 18% 35 - 44: 32% 45 - 54: 29% 55 - 64: 16%
Rhyw	Nododd 68% o'r staff eu bod yn ferched a nododd 32% eu bod yn ddynion. Pan ofynnwyd i staff a yw'r rhyw maent yn ei arddel yr un fath â'u rhyw pan gawsant eu geni, dywedodd 100% o'r staff a atebodd y cwestiwn ei fod yr un fath, ac ni wnaeth 3 aelod o staff ateb y cwestiwn.
Anabledd	Dywedodd 93% o staff nad oeddent yn anabl, dywedodd 7% o staff eu bod yn anabl (ni wnaeth 2 aelod o staff ateb y cwestiwn). Fodd bynnag, pan ofynnwyd iddynt a oedd eu gweithgareddau o ddydd i ddydd wedi'u cyfyngu oherwydd

	problem iechyd neu anabled a oedd wedi para, neu y disgwylir iddi bara, 12 mis, dywedodd 7% eu bod wedi'u cyfyngu'n fawr, 2% eu bod wedi'u cyfyngu rywfaint, a dywedodd 89% nad oedd eu gweithgareddau o ddydd i ddydd wedi'u cyfyngu (roedd yn well gan 2% beidio â dweud)
Cenedligrwydd	Wrth ddisgrifio eu cenedligrwydd, dywedodd 60% eu bod yn Gymreig, 31% eu bod yn Brydeinig, 7% eu bod yn Seisnig a 2% eu bod yn Wyddelig.
Grŵp Ethnig	Dyma ethnigrwydd y staff: 96% Gwyn (Cymreig, Seisnig, Albanaidd, Gwyddelig Gogledd Iwerddon, Prydeinig); 2% Gwyn (Gwyddelig); 2% Du (Affricanaidd, Caribiaidd neu Ddu Prydeinig/Caribiaidd).
Iaith	Pan ofynnwyd iddynt am brif iaith eu cartref, dywedodd 84% mai Saesneg ydoedd; a dywedodd 16% mai Cymraeg ydoedd.
Crefydd neu Gred	Dyma oedd ymatebion y staff i'r cwestiwn am eu crefydd: Dim crefydd: 55%; Cristnogaeth: 39%; Arall: 2% (roedd yn well gan 4% beidio â dweud)
Priodas/Partneriaeth Sifil	Nododd 60% o'r staff eu bod yn briod; roedd 2% mewn partneriaeth sifil; roedd 20% yn sengl; fe wnaeth 11% nodi 'arall' (roedd yn well gan 7% beidio â dweud)
Cyfeiriadedd Rhywiol	Wrth ymateb i hyn, fe ddywedodd 89% eu bod yn heterorywiol neu'n strê a 2% eu bod yn hoyw neu'n lesbiaidd (roedd yn well gan 9% beidio â dweud)

Tabl 1.6

Hyfforddi Staff

Darperir hyfforddiant i staff er mwyn eu cynorthwyo yn eu swyddi penodol neu at ddibenion eu datblygiad parhaus. Mae'r holl hyfforddiant y gofynnwyd amdano gan aelodau unigol o staff, a'i gefnogi gan y rheolwr llinell, wedi cael ei gymeradwyo. Felly, does dim gwahaniaethau mewn perthynas â chydaddoldeb o ran ceisiadau am hyfforddiant a gafodd eu cymeradwyo neu beidio. Mae Proses Datblygu ac Adolygu Perfformiad newydd wedi cael ei chyflwyno, sy'n canolbwyntio'n gryf ar hyfforddi a datblygu'r holl staff ledled y sefydliad. Mae proses a pholisi hyfforddiant a datblygu newydd wedi cael ei chyflwyno hefyd.

Cyflog a Rhyw – data ar gyfer 31 Mawrth 2018

O dan ddyletswyddau penodol y Ddeddf Cydraddoldeb, mae'n ofynnol ein bod yn pennu amcan cydraddoldeb ar gyfer rhyw a thâl. Os na fyddwn yn gwneud hynny, mae'n rhaid i ni egluro pam. Ar hyn o bryd, nid oes gennyf amcan penodol mewn perthynas â hyn oherwydd mae cynrychiolaeth dda iawn o fenywod yn y graddfeydd cyflog uwch yn fy swyddfa. Rydym yn adolygu'r sefyllfa'n barhaus ac fe fyddaf yn parhau i gynnal a hybu cydraddoldeb yn y gweithle. Bydd amcanion cydraddoldeb yn cael eu datblygu os bydd hynny'n angenrheidiol. Mae'r tabl isod yn dangos y sefyllfa bresennol.

Cyflog (Cyflogaeth Amser Llawn)	Gwryw*	Benyw*
Hyd at £20,000	1	7
£20,001 - £30,000	1	8
£30,001 - £40,000	2	13
£40,001 - £50,000	8	17
£50,001 - £60,000	3	1
£60,001 +	2	2
Is-gyfanswm	17	48
Cyfanswm	65	

*Mae'r niferoedd yn cynnwys staff sydd i ffwrdd ar absenoldeb mamolaeth/mabwysiadu
Tabl 1.7

Mewn perthynas â phatrymau gweithio'r uchod, mae'r holl staff yn gweithio ar sail amser llawn gyda chontractau parhaol, ac eithrio'r canlynol:

Mae 12 aelod o staff yn gweithio'n rhan-amser (10 benyw, 2 wryw).

Recriwtio

Mae pum aelod o staff wedi gadael yn ystod y flwyddyn ddiwethaf. Rydym wedi recriwtio i gael staff yn lle'r rhai sydd wedi gadael, ar gyfer swydd newydd ac i weithio dros dro yn lle'r rheini sydd i ffwrdd ar absenoldeb mamolaeth/mabwysiadu a secondiad. Cafodd deg gweithiwr newydd ei recriwtio, pedwar â chontract parhaol a chwech â chontract tymor penodol.

Mae'r data cydraddoldeb a gasglwyd yn ystod ymgyrchoedd recriwtio'r flwyddyn ddiwethaf i'w gweld isod:

Allwedd

CWS/CO	Swyddog Cefnogi Gwaith Achos/Swyddog Gwaith Achos (ymgyrch recriwtio ar y cyd)
FO	Swyddog Cyllid
IO	Swyddog Ymchwilio
P&RA	Dadansoddwr Ymchwil a Pholisi

		CWS/CO	FO	IO	P&RA
Oedran	Heb ddweud	4%	-	2%	17%
	dan 25	5%	25%	2%	6%
	25-34	24%	-	16%	33%
	35-44	19%	50%	35%	22%
	45-54	24%	25%	33%	22%
	55-64	24%	-	10%	-
	65-74	-	-	2%	-
	75 oed a hŷn	-	-	-	-
		100%	100%	100%	100%
Rhyw	Heb ddweud	14%	-	3%	16%
	Gwryw	43%	100%	42%	17%
	Benyw	43%	-	55%	67%
		100%	100%	100%	100%
Cenedligrwydd	Heb ddweud	4%	-	5%	17%
	Cymreig	62%	75%	47%	44%
	Saesnig	5%	-	3%	-
	Albanaidd	-	-	-	-
	Gogledd Iwerddon	-	-	-	-
	Prydeinig	19%	-	43%	33%
	Gwyddelig	-	-	1%	-
	Arall	10%	25%	1%	6%
		100%	100%	100%	100%
Grŵp Ethnig	Heb ddweud	14%	-	7%	16%
	Gwyn				
	(Cymreig/Albanaidd/Seisnig/Gogledd Iwerddon/Prydeinig)	76%	75%	89%	67%
	Gwyn (Gwyddelig)	-	-	1%	-
	Gwyn (Sipsi/Teithiwr Gwyddelig)	-	-	-	-
	Gwyn (Arall)	-	-	1%	-
	Asiaidd / Asiaidd Prydeinig	-	-	-	6%

		CWS/CO	FO	IO	P&RA
	Du, Affricanaidd, Caribiaidd neu Ddu Prydeinig	5%	25%	1%	-
	Grŵp cymysg neu aml-ethnig	-	-	1%	11%
	Grŵp ethnig arall	5%	-	-	-
		100%	100%	100%	100%
laith	Heb ddweud	5%	-	3%	16%
	Saesneg	90%	75%	93%	67%
	Cymraeg	5%	-	3%	6%
	Dwyieithog (Cymraeg / Saesneg)	-	-	1%	6%
	Arall	-	25%	-	5%
		100%	100%	100%	100%
Anabled	Heb ddweud	4%	-	4%	16%
	Ydw	10%	-	6%	6%
	Nac ydw	86%	100%	90%	78%
		100%	100%	100%	100%
Gweithgareddau cyfyngedig	Heb ddweud	5%	-	5%	22%
	Ydynt, wedi'u cyfyngu ychydig	5%	-	5%	6%
	Ydynt, wedi'u cyfyngu'n fawr	-	-	-	-
	Nac ydynt	90%	100%	90%	72%
		100%	100%	100%	100%
Crefydd	Heb ddweud	19%	-	8%	16%
	Dim	38%	25%	42%	50%
	Cristnogaeth	43%	75%	48%	28%
	Bwdhaeth	-	-	-	-
	Hindŵaeth	-	-	-	6%
	Iddewiaeth	-	-	1%	-
	Islam	-	-	-	-
	Sikhiaeth	-	-	-	-
	arall	-	-	1%	-
		100%	100%	100%	100%
Yn briod neu mewn partneriaeth sifil	Heb ddweud	15%	-	6%	16%
	Ydw	33%	50%	49%	28%
	Nac ydw	52%	50%	45%	56%
		100%	100%	100%	100%
Rhywioldeb	Heb ddweud	10%	25%	11%	27%
	Heterorywiol	90%	75%	84%	67%

	CWS/CO	FO	IO	P&RA
Hoyw neu Lesbiaidd	-	-	4%	6%
Deurywiol	-	-	1%	-
Arall	-	-	-	-
	100%	100%	100%	100%

Tabl 1.8

O ganlyniad i nifer isel y staff a gafodd eu recriwtio, mae'r data cydraddoldeb ar gyfer y staff a benodwyd wedi'i nodi fel rhan o wybodaeth yr holl staff.

Disgyblu/Anghydfod

Oherwydd mai dim ond nifer bach o staff sy'n gweithio yn y swyddfa, a nifer bach iawn yr achosion o ddisgyblu/anghydfod, nid yw'n briodol adrodd ar ddata cydraddoldeb ar gyfer y categori hwn oherwydd y risg o ddatgelu pwy yw rhywun. Rwyf yn dal yn fodlon nad oes problemau y mae modd eu nodi fel testun pryder yn y maes hwn.

Caffael

Mae ein polisi caffael yn cyfeirio at y gofynion cydraddoldeb perthnasol rydym yn disgwyl i'n cyflenwyr eu rhoi ar waith.

Fy ngwasanaethau - boddhad a chwynion

Boddhad Cwsmeriaid

Rydym wedi parhau â'n harfer o gynnal arolwg bodlonrwydd mewn perthynas â boddhad cwsmeriaid â'n gwasanaeth cyswllt cyntaf. Mae'r tabl isod yn rhoi'r manylion ar gyfer 2017/18. Yn ystod 2018/19 rydym yn bwriadu newid ein dull drwy wella ein cyfraddau ymateb a lefel yr adborth rydym yn ei gasglu, er mwyn ein helpu i wella ein gwasanaeth.

	% yr ymatebwyr sydd wedi rhoi'r ateb 'cytuno'n gryf' neu 'cytuno' 2017-18
Roedd yn hawdd canfod sut i gysylltu ag Ombwdsmon Gwasanaethau Cyhoeddus Cymru	90%
Roedd y gwasanaeth a gefais yn ddefnyddiol ac yn sensitif	91%
Roedd staff yn gallu deall fy ymholiad / cwyn	91%
Cefais eglurhad clir ynglŷn â'r hyn fyddai'n digwydd i fy ymholiad / cwyn	92%

Tabl 1.9

Cwynion am wasanaeth Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Rydym yn ceisio darparu gwasanaeth Ombwdsmon o'r radd flaenaf i Gymru. Fel rhan o'r ymrwymiad hwnnw, ein nod yw:

- darparu proses hygyrch, syml, effeithiol a thryloyw ar gyfer ymchwilio i gwynion am y gwasanaeth a roddwn;
- ymateb yn gyflym i gwynion am y gwasanaeth a ddarparwyd gennym; ac,
- os ydym wedi gwneud rhywbeth yn anghywir neu wedi rhoi gwasanaeth gwael, ymddiheuro a dysgu o'n camgymeriadau.

Mae modd defnyddio ein polisi 'Sut mae cwyno amdanom ni' pan mae achwynwyr yn teimlo ein bod wedi:

- eu trin yn annheg neu'n anghwrtais;
- methu egluro pethau'n glir;

- achosi oedi afresymol;
- methu cyflawni'r hyn y gwnaethom ei ddweud y byddem yn ei wneud;
- methu dilyn ein gweithdrefnau'n gywir.

Mae'r tabl isod yn nodi nifer y cwynion a gafwyd yn ystod 2017/18 a'u canlyniadau, yn ogystal â'u cymharu â'r sefyllfa yn 2016/17.

	2017/18	2016/17
Cwynion a ddygwyd ymlaen o'r flwyddyn flaenorol*	2	0
Cwynion a gafwyd amdanom ni	33	62
CYFANSWM Y CWYNIION	35	62
DEILLIANNAU		
Wedi'u Cadarnhau	3	11
Heb eu Cadarnhau	29	51
CYFANSWM A GAWEYD YN YSTOD Y FLWYDDYN	32	62
Parhaus ac yn cael eu dwyn ymlaen at 31 Mawrth 2017	3	2*

*Roedd Adroddiad Blynyddol 2016/17 yn dangos 1 mewn camgymeriad

Tabl 1.10

Cafwyd gostyngiad o 48% yn nifer y cwynion am ein gwasanaeth. Cafodd 9% o'r cwynion hyn eu cadarnhau (yn llawn neu'n rhannol). Mae hwn yn ostyngiad o 8% o'i gymharu â 2016/17 pan gafodd 17% eu cadarnhau (yn llawn neu'n rhannol).

Dyma oedd natur y cwynion a gafodd eu cadarnhau:

Diffyg ymateb neu'r wybodaeth ddiweddaraf	2
Anfodlon â phroses neu bolisi	1
CYFANSWM	3

Tabl 1.11

Cymerwyd y cam gweithredu canlynol mewn perthynas â'r cwynion sydd wedi'u cadarnhau:

- anfonwyd ymddiheuriad at yr achwynydd ym mhob achos a gafodd ei gadarnhau;
- fe wnaethom adolygu'r achos y gwnaed cwyn amdano i sefydlu p'un ai a fyddai penderfyniad wedi gallu cael ei wneud ynghynt ynghylch cydymffurfio ag argymhellion;
- fe wnaethom bennu, cyn pen dau fis, p'un ai a lwyddwyd i gydymffurfio â'r argymhellion i'w bodloni yn yr achos y gwnaed cwyn amdano.

Y Gwasanaeth Datrys Cwynion Annibynnol (ICRS)

Er bod yr Ombwdsmon yn annibynnol ar y llywodraeth ac nad yw'n cael ei oruchwylio gan reoleiddiwr, er mwyn sicrhau ein bod yn agored i graffu ac adolygu'r ffordd rydym yn delio â chwynion amdanom ni, mae'r Ombwdsmon wedi penodi Adolygydd Cwynion Allanol Annibynnol ar gyfer ein gwasanaeth. Bydd yr Adolygydd Annibynnol Allanol yn ystyried y gwasanaeth a ddarparwyd gan yr Ombwdsmon ond ni fydd yn adolygu canlyniad cwynion am gorff cyhoeddus, gwasanaeth cyhoeddus na chynghorydd.

Gofynnodd saith achwynydd i ICRS adolygu eu cwynion am Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn ystod y flwyddyn. Cafodd pedwar adolygiad ei gwblhau ac fe gafodd un gŵyn ei datrys drwy ymddiheuriad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru. Roedd ICRS o'r farn bod dwy gŵyn y tu allan i'w gylch gwaith neu'n achosion nad oedd modd i'r gwasanaeth fod o gymorth yn eu cylch. Mae'r rhain fel arfer yn codi lle bo'r gŵyn yn ymwneud ag anghydweld mewn perthynas â phenderfyniad Ombwdsmon Gwasanaethau Cyhoeddus Cymru ynghylch cwyn am gorff cyhoeddus.

Nododd ICRS na chafodd y rhan fwyaf o gwynion eu cadarnhau eleni oherwydd eu bod yn fodlon â'r ffordd roedd Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi mynd ati i ddelio â materion yn briodol yn unol â safonau'r gwasanaeth a'r gweithdrefnau y mae wedi'u cyhoeddi. Fe wnaeth ICRS gadarnhau tair cwyn yn llawn neu'n rhannol ac fe gyflwynodd nifer o argymhellion i Ombwdsmon Gwasanaethau Cyhoeddus Cymru, naill ai i ymddiheuro'n ffurfiol neu i ystyried gwella prosesau. Roedd yr argymhellion yn cynnwys egluro awdurdod yr Ombwdsmon, a chwmpas ei ddisgresiwn, yn fwy manwl i achwynydd penodol er mwyn rheoli disgwyliadau, gwella'r gwaith o gofnodi addasiadau rhesymol a sicrhau bod y cyfathrebu'n glir a ddim yn rhoi disgwyliadau anghywir ynglŷn â'r hyn y gallai neu y byddai fy swyddfa'n ei wneud.

Rydym wedi rhoi sylw i'r argymhellion a'u rhannu â staff perthnasol.

Gwasanaethau Cymraeg

Rwyf yn llwyr gefnogi hawliau unigolion sy'n defnyddio fy ngwasanaeth i wneud hynny drwy gyfrwng y Gymraeg. Mae gennyf gronfa o staff ymroddedig sy'n siaradwyr Cymraeg. Maent yn delio ag ymholiadau Cymraeg gan y Cyhoedd ac yn ymchwilio i gwynion am wasanaethau cyhoeddus sydd wedi dod i law yn y Gymraeg.

Mae ein dogfennau cyhoeddus ar gael yn y Gymraeg a'r Saesneg ac mae gennyf wefan gwbl ddwyieithog.

Data Ariannol Allweddol

Cyllid Adnoddau Net:	£4,248k
Gwariant Adnoddau Net:	£4,210k
Arian i'w dalu'n ôl:	£32k

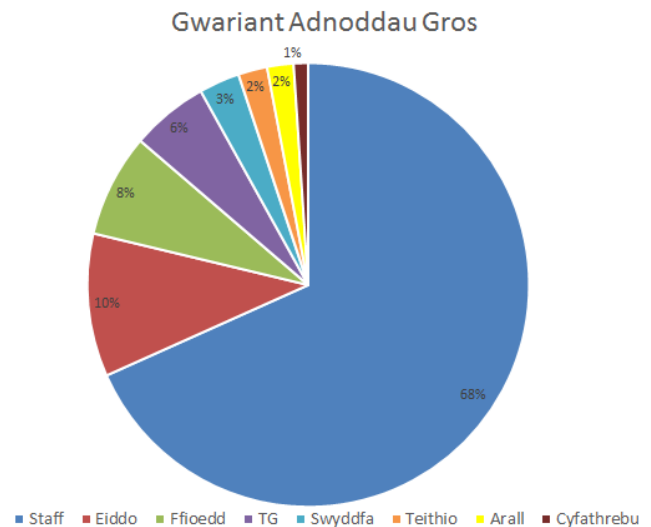
Cyfanswm Asedau:	£386k
Cyfanswm y	£742k
Rhwymedigaethau:	
Rhwymedigaethau Net:	£356k

Gwariant Adnoddau Gros (tudalen 68)

Cronfa Gyfunol Cymru sy'n cyllido Ombwdsmon Gwasanaethau Cyhoeddus Cymru. Bob blwyddyn rhaid cyflwyno amcan o gostau rhedeg y swyddfa i Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru er ystyriaeth. Ar ôl cytuno arnynt, codir cyllid bob mis a bydd unrhyw arian dros ben yn cael ei ddychwelyd i Gronfa Gyfunol Cymru yn ystod y Flwyddyn Ariannol ddilynol.

Roedd y gwariant adnoddau gros yn £4,241k o gymharu â chyllid o £4,280. Roedd modd priodoli'r tanwariant yn bennaf i ostyngiad mewn costau cyfalaf.

Caiff tanwariant arian parod o £32k ei ddychwelyd i Gronfa Gyfunol Cymru yn 2017/ 18.



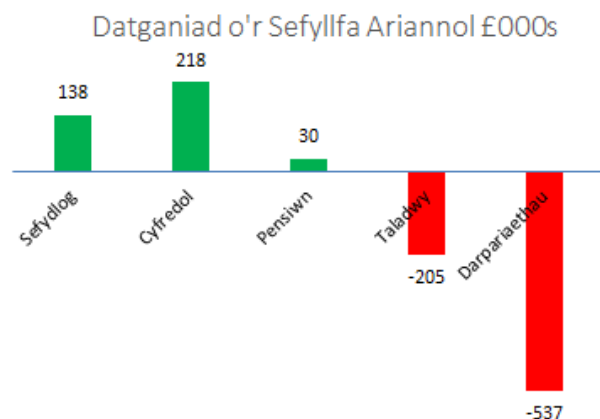
Asedau a Rhwymedigaethau £000 (tudalen 75)

Mae asedau sefydlog yn cynnwys peiriannau a chyfarpar £128k, meddalwedd £7k, symiau derbyniadwy > 1 flwyddyn o £3k.

Mae asedau cyfredol yn cynnwys asedau sydd eto i'w derbyn £186k ac arian parod £32k.

Mae rhwymedigaethau wedi'u diwallu gan symiau taladwy (£250k) a darpariaethau ar gyfer pensiynau a dirywiadau (£537k).

Ceir rhwymedigaeth net o (£356k).



Costau Gweithredu yn ôl Nodau Strategol (tudalen 84)

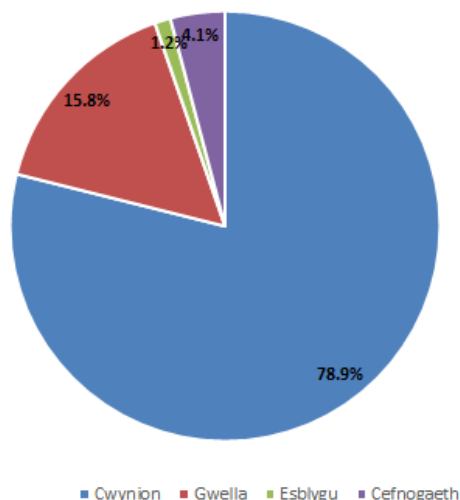
Nod 1: Darparu gwasanaeth cwynion o'r safon uchaf, sy'n gymesur ac yn effeithiol.

Nod 2: Defnyddio'r wybodaeth a'r ddealltwriaeth a gafwyd yn sgil y cwynion a ystyrir gennym i wella'r ffordd mae darparwyr gwasanaethau cyhoeddus yn delio â chwynion a chael effaith ar wella gwasanaethau cyhoeddus a goleuo polisi cyhoeddus.

Nod 3: Parhau i esblygu a thyfu fel swyddfa, yn benodol cynllunio ar gyfer gweithredu pwerau newydd yr Ombwdsmon os bydd Cynulliad Cenedlaethol Cymru yn creu Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) newydd.

Nod 4: Bod yn atebol am y gwasanaeth rydym yn ei ddarparu ac am yr arian cyhoeddus yr ydym yn ei wario.

Dadansoddiad yn ôl Nodau

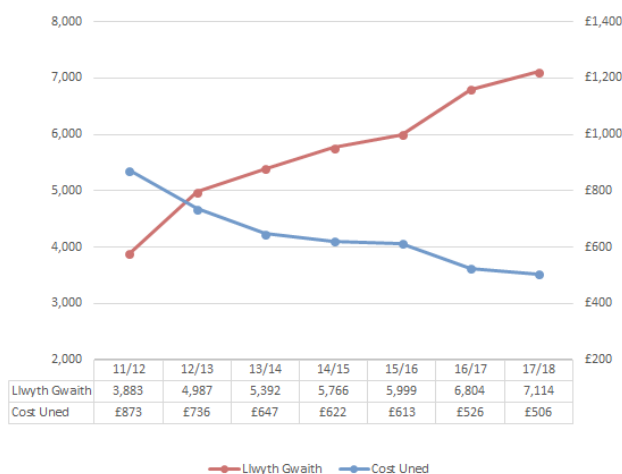


Tuedd (tudalen 48)

Yn ystod y cyfnod 2011/112 i 2017/18, mae'r baich gwaith wedi cynyddu 83%, ac mae costau uned wedi gostwng 42%.

Ymholiadau +160%
Cwynion:
Cod Ymddygiad -35%
Corff Cyhoeddus +24%

LLWYTH GWAITH O'I GYM HARU Â CHOST UNED



Nick Bennett
Swyddog Cyfrifyddu
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

27 Mehefin 2018



**Adroddiad
Atebolrwydd**

Adroddiad Llywodraethu Corfforaethol

Adroddiad yr Ombwdsmon

Cefndir

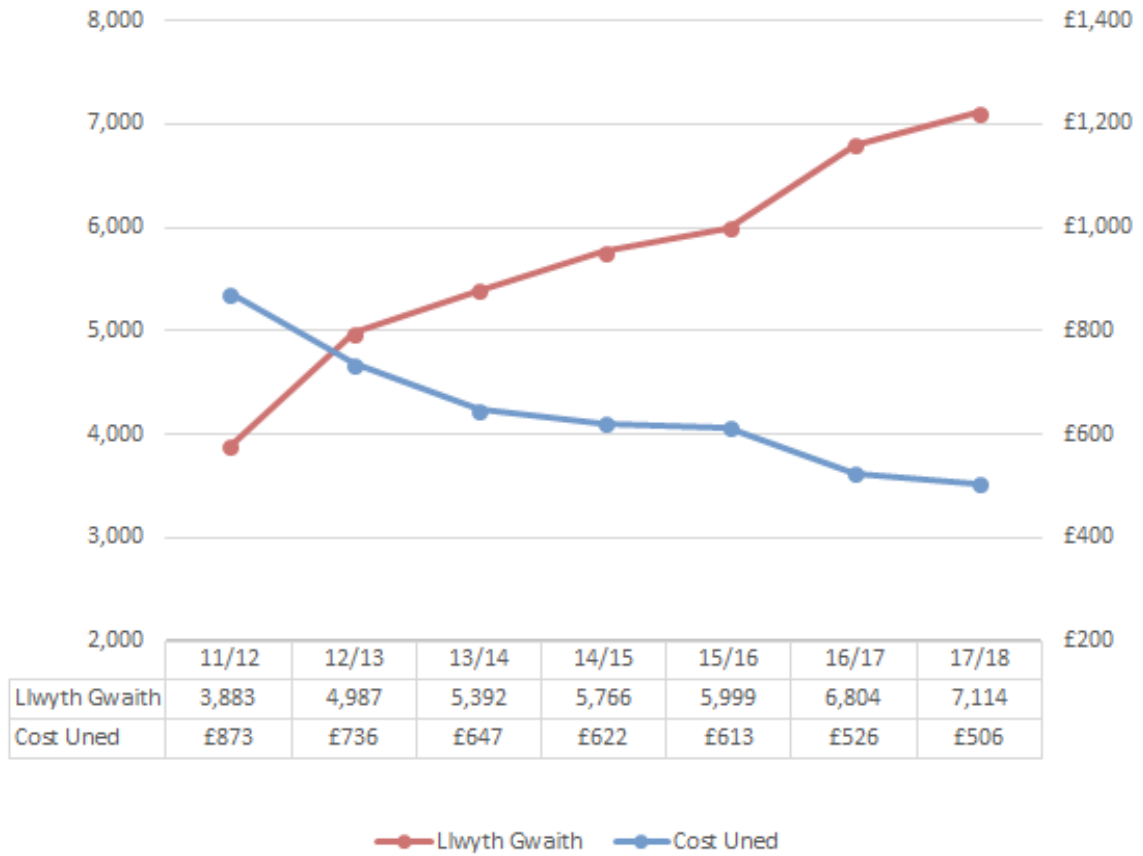
Dan Ddeddf Llywodraeth Cymru 2006, cyllidir y swyddfa drwy Gronfa Gyfunol Cymru. Rhaid ad-dalu unrhyw falansau arian na chawsant eu gwario i'r Gronfa hon bedair wythnos fan bellaf ar ôl i gopi ardystiedig o'r cyfrifon gael ei osod gerbron Cynulliad Cenedlaethol Cymru. Mae hyn yn creu mwy o reolaeth gan fod angen mynd ati'n effeithiol i reoli'r gyllideb ar sail arian ac ar sail adnoddau. Mae cyflog deiliad swydd Ombwdsmon Gwasanaethau Cyhoeddus Cymru, a'r costau cysylltiedig, yn gost uniongyrchol i Gronfa Gyfunol Cymru ac yn cael eu gweinyddu drwy Gynulliad Cenedlaethol Cymru.

Ar 31 Mawrth 2018, roedd gan y Swyddfa 60 o staff wedi'u lleoli ym Mhencoed, Pen-y-bont ar Ogwr, gan gynnwys yr Ombwdsmon, Prif Swyddog Gweithredol, Cyfarwyddwr Polisi, Cyfreithiol a Llywodraethu yn ogystal â staff cefnogi ac ymchwilio.

Roedd Cynulliad Cenedlaethol Cymru wedi darparu £4.2 miliwn tuag at gyllido'r Swyddfa er bod £32k o'r arian hwn i fod i gael ei roi yn ôl i Gronfa Gyfunol Cymru gan ei fod yn arian na chafodd ei ddefnyddio erbyn diwedd y flwyddyn. Mae £32k o fewn y meini prawf derbyniol ar gyfer balansau diwedd blwyddyn yng nghyswllt cyllid o 3%. Mae'r Swyddfa wedi llwyddo i gyrraedd lefel gwariant sy'n cyd-fynd â lefel gyffredinol bloc Cymru, sy'n arbennig o drawiadol a chofio'r galw cynyddol sydd wedi bod am wasanaethau'r Swyddfa.

Cymerwyd camau breision dros y blynyddoedd diwethaf i wella effeithlonrwydd o ran sut rydym yn ystyried cwynion. Mae hyn wedi bod yn hanfodol wrth ystyried y baich achosion sy'n cynyddu drwy'r amser. Mae'r tabl isod yn dangos bod y Swyddfa wedi gweld cynnydd o dros 82% yn nifer yr holl gysylltiadau â'r swyddfa dros y saith mlynedd diwethaf (hynny yw, ymholiadau, cwynion cyrff cyhoeddus a chwynion am ymddygiad aelodau awdurdodau lleol) a bod costau uned wedi gostwng 42% wrth eu haddasu ar gyfer chwyddiant y Mynegai Prisiau Defnyddwyr. Dros y flwyddyn ddiwethaf gwelwyd cynnydd o 4% yn nifer yr ymholiadau a'r cwynion eto. Er gwaethaf hyn, rydym wedi llwyddo o hyd i ragori ar y mwyafrif o'n targedau perfformio. Bu i ni barhau â'n rhaglen diweddarau technoleg gwybodaeth gyda'r bwriad o gael technoleg newydd i gymryd rhywfaint o faich y tasgau gweinyddol sy'n gysylltiedig ag ymdrin â chwynion.

LLWYTH GWAITH O'I GYM HARU Â CHOST UNED



Taliadau

Ceir manylion costau cyflog a chostau cysylltiedig yr Ombwdsmon a'r Swyddfa yn yr Adroddiad Taliadau.

Rhwymedigaethau Pensiwn

Mae'r ymrwymadau pensiwn i staff blaenorol a phresennol yn cael eu cyflawni drwy'r canlynol:

- (a) Prif Gynllun Pensiwn y Gwasanaeth Sifil;
- (b) y Cynllun Pensiwn Llywodraeth Leol a weinyddir trwy Gynllun Pensiwn Caerdydd a Bro Morgannwg (y Gronfa); a
- (c) y pensiynau sy'n cael eu talu'n uniongyrchol i gyn-Gomisiynwyr neu eu dibynyddion.

Mae manylion pellach i'w gweld yn y Datgeliadau Pensiynau ar dudalen 50.

Llywodraethu Corfforaethol

Mae deiliad swydd Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn Gorfforaeth Unigol. Yn ogystal â hynny, wrth ymgymryd â fy rôl fel Ombwdsmon, fe'm penodwyd yn Swyddog Cyfrifyddu'r cronfeydd cyhoeddus gan y Trysorlys, ac yn y cyswllt hwn y mae'r Cynulliad Cenedlaethol yn ymddiried yn of i gyflawni fy swyddogaethau. Sefydlwyd y Panel Ymgynghorol yn ystod 2011/12 ac mae wedi parhau i gwrdd yn rheolaidd dros y flwyddyn a fu. Mewn adolygiad o'i effeithiolrwydd a gynhaliwyd yn ystod 2015/16, daethpwyd i'r casgliad fod y Panel yn cynnig yr elfen graffu a chymorth ychwanegol a geisir gan Ombwdsmon. Mae manylion pellach wedi'u nodi yn y Datganiad Llywodraethu Blynyddol.

Cofrestr Buddiannau

Mae cofrestr buddiannau yn cael ei chadw ar gyfer yr Ombwdsmon, cyfarwyddwyr ac aelodau'r Panel Ymgynghorol, a'r Pwyllgor Archwilio a Sicrhau Risg.

Cyfarwyddyd Cyfrifyddu

Dan y Cyfarwyddyd Cyfrifon a gyhoeddwyd gan Drysorlys EM, dyddiedig 21 Rhagfyr 2006, roedd yn ofynnol i mi ddarparu cyfrifon ar gyfer y flwyddyn ariannol a ddaeth i ben ar 31 Mawrth 2018 yn unol ag egwyddorion cyfrifyddu a gofynion datgelu yn yr argraffiad o Lawlyfr Adroddiadau Ariannol y Llywodraeth (y FReM) a gyhoeddwyd gan Drysorlys EM ac a oedd mewn grym yn 2017/18.

Paratowyd y cyfrifon er mwyn:

- (a) rhoi darlun teg a chywir o'r sefyllfa ar 31 Mawrth 2018, ac o'r alldro adnoddau net, yr adnoddau a ddefnyddiwyd i gyflawni amcanion, enillion a cholledion cydnabyddedig a'r llifoedd arian ar gyfer y flwyddyn ariannol a ddaeth i ben bryd hynny; a
- (b) datgelu gwybodaeth am unrhyw wariant neu incwm o bwys na chafodd ei ddefnyddio at y dibenion y'u bwriadwyd gan Gynulliad Cenedlaethol Cymru neu drafodion o bwys nad oeddynt yn cydymffurfio â'r awdurdodau sy'n eu rheoli.

Archwilwyr

Archwilydd Cyffredinol Cymru yw Archwilydd Allanol cyfrifon Ombwdsmon Gwasanaethau Cyhoeddus Cymru fel y nodwyd ym mharagraff 17 o Atodlen 1 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005. Cost archwiliad 2017/18 oedd £18k, dim newid o 2016/17.

Hyd y gwn, rwyf wedi cymryd pob cam angenrheidiol i sicrhau bod yr archwilwyr yn ymwybodol o unrhyw wybodaeth sy'n berthnasol i archwilio.

Nick Bennett
Swyddog Cyfrifyddu
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

27 Mehefin 2018

Datganiad Cyfrifoldebau'r Swyddog Cyfrifyddu

Dan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005, fel Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mae'n rhaid i mi baratoi cyfrifon adnoddau ar gyfer pob blwyddyn ariannol yn nodi'r adnoddau a brynwyd, a oedd yn cael eu dal neu y cafwyd gwared arnynt yn ystod y flwyddyn, yn ogystal â'r defnydd o adnoddau gan y Swyddfa yn ystod y flwyddyn ar y ffurf a'r sail a nodir yn y Cyfarwyddyd Cyfrifon. Paratwir y cyfrifon adnoddau ar sail cronïadau a rhaid iddynt roi darlun gwir a theg o sefyllfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru a'i alldro adnoddau net, yr adnoddau a wariwyd ar amcanion, newidiadau yn ecwiti trethdalwr, a'r llifoedd arian am y flwyddyn ariannol.

Wrth baratoi'r cyfrifon, fel y Swyddog Cyfrifyddu, rhaid i mi gydymffurfio â gofynion *Llawlyfr Adroddiadau Ariannol y Llywodraeth* ac yn enwedig:

- glynu wrth y Cyfarwyddyd Cyfrifon a gyhoeddir gan Drysorlys EM, gan gynnwys y gofynion cyfrifyddu a datgelu perthnasol, a defnyddio polisiau cyfrifyddu addas yn gyson;
- gwneud penderfyniadau ac amcangyfrifon ar sail resymol;
- dweud a yw'r safonau cyfrifo perthnasol fel y'u nodwyd yn *Llawlyfr Adroddiadau Ariannol y Llywodraeth* wedi cael eu dilyn, a datgelu ac egluro unrhyw wyriadau o bwys yn y datganiadau ariannol; a
- paratoi'r datganiadau ariannol ar sail busnes byw.

Mae fy nghyfrifoldebau perthnasol fel Swyddog Cyfrifyddu yn cynnwys cyfrifoldeb dros briodoldeb a rheoleidd-dra arian cyhoeddus Ombwdsmon Gwasanaethau Cyhoeddus Cymru, dros gadw cofnodion priodol a diogelu asedau'r Swyddfa fel y nodir ym memorandwm y Swyddogion Cyfrifyddu a lunnir gan Drysorlys EM a'i gyhoeddi yn "Rheoli Arian Cyhoeddus", a'u bod yn unol â Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005.

Datganiad Llywodraethu Blynyddol 2017/18

Statws Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Fel y nodwyd yn Atodlen 1, paragraff 2 Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005, mae'r Ombwdsmon yn Gorfforaeth Unigol sy'n dal y swydd dan Ei Mawrhydi ac yn cyflawni ei ddyletswyddau ar ran y Goron. Mae Atodlen 1 paragraff 18 yn datgan mai'r Ombwdsmon yw Swyddog Cyfrifyddu Swyddfa'r Ombwdsmon.

Cwmpas y Cyfrifoldeb

Wrth gyflawni fy swyddogaeth fel Swyddog Cyfrifyddu, rwyf yn sicrhau bod y Swyddfa'n gweithio'n effeithiol ac i safon uchel o ran uniondeb. Yn ogystal, rwyf yn gyfrifol am gynnal system reolaeth fewnol gadarn sy'n cefnogi'r broses o gyflawni polisiâu, nodau ac amcanion Ombwdsmon Gwasanaethau Cyhoeddus Cymru, gan hefyd ddiogelu'r asedau a'r arian cyhoeddus yr wyf i yn bersonol gyfrifol amdanynt, yn unol â'r cyfrifoldebau a roddwyd i mi yn "Rheoli Arian Cyhoeddus".

Rwyf yn annibynnol ar Gynulliad Cenedlaethol Cymru, ond yn atebol i'w Bwyllgor Cyfrifon Cyhoeddus am y defnydd o adnoddau a ddarperir i gefnogi fy swyddogaethau statudol. Wrth bennu lefel yr adnoddau sydd ar gael i'r Swyddfa, ystyrir y cynigion ar gyfer cyllideb Ombwdsmon Gwasanaethau Cyhoeddus Cymru gan Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru yn unol â'r broses a nodir yn y Ddeddf. Byddaf yn llunio Adroddiad a Chyfrifon Blynyddol cyfun i'w rhoi gerbron y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau a'r Pwyllgor Cyllid.

Disgwylir i mi gynnwys y datganiad hwn gyda fy nghyfrifon a'm hadroddiad blynyddol er mwyn egluro sut yr eir ati i lywodraethu fy Swyddfa ac i sicrhau bod hynny yn bodloni gofynion y Cod Llywodraethu Corfforaethol. Er mwyn gallu bodloni'r gofynion hyn, rwyf wedi sefydlu gweithdrefnau, systemau a strwythurau priodol sy'n gynhwysfawr ac sy'n rhoi tystiolaeth i mi fod y trefniadau llywodraethu yn gweithio fel y'u bwriadwyd ar draws y sefydliad a'i weithgareddau. Mae trefniadau o'r fath yn cynnwys fy Fframwaith Llywodraethu, rheolaeth fewnol gynhwysfawr, cwmpas archwiliad mewnol ac allanol effeithiol a gweithdrefnau monitro, cynllunio risg a rheolaeth ariannol gadarn.

Cynllunio Strategol a Monitro Perfformiad

Wrth ystyried y Cynllun Strategol ar gyfer y tair blynedd rhwng 2016/17 a 2018/19, rwyf wedi sefydlu'r canlynol:

Gweledigaeth: Diwylliant gwasanaeth cyhoeddus sy'n rhoi gwerth ar gwynion ac sy'n dysgu yn eu sgil i wella darpariaeth gwasanaeth cyhoeddus

Cenhadaeth: Trwy ystyried cwynion, unioni pethau i ddefnyddwyr gwasanaethau a chyfrannu at ddarparu gwell gwasanaethau cyhoeddus a safonau mewn bywyd cyhoeddus.

Er mai gwaith y timau unigol yn y Swyddfa yw rhoi'r camau a nodwyd ar waith, mae'r Tîm Rheoli a'r Panel Ymgynghorol yn monitro'r cynnydd a wneir yn erbyn targedau a'r canlyniadau a sicrhawyd drwy adroddiadau chwarterol. Roeddwn yn falch iawn bod yr holl weithgareddau allweddol a bennwyd ar gyfer 2017/18 wedi'u cyflawni erbyn diwedd y flwyddyn ariannol.

System Rheolaeth Fewnol

Mae'r system reolaeth fewnol wedi'i llunio i reoli risg ar lefel resymol yn hytrach nag i gael gwared â phob risg o fethu â chyflawni polisiau, nodau ac amcanion; felly dim ond sicrwydd rhesymol, ac nid sicrwydd llwyr o effeithiolrwydd y gall ei gynnig. Mae'n seiliedig ar broses barhaus a luniwyd i ganfod a blaenoriaethu'r risgiau o ran cyflawni fy mholisiau, fy nodau a'm hamcanion, i werthuso'r tebygolrwydd y bydd y risgiau hynny'n cael eu gwireddu, a'u heffaith pe bai hynny'n digwydd, ac i'w rheoli'n effeithiol, yn effeithlon ac yn ddarbodus. Mae'r system wedi bod mewn grym gan Swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru am y flwyddyn a ddaeth i ben ar 31 Mawrth 2018, a hyd at ddyddiad cymeradwyo'r cyfrifon hyn, ac mae'n cydymffurfio â chyfarwyddyd Trysorlys EM. Ni chanfuwyd gwendidau sylweddol o ran rheolaeth fewnol yn sgil gwaith archwilio ac mae camau i wella rheolaeth eto yn cael eu rhoi ar waith yn brydlon ac yn cael eu monitro gan y Pwyllgor Archwilio a Sicrhau Risg.

Trefniadau Llywodraethu Corfforaethol

Mae trefniadau llywodraethu yn cynnwys Panel Ymgynghorol o ymgynghorwyr allanol sy'n cael cymorth Pwyllgor Archwilio a Sicrhau Risg, sy'n is-bwyllgor y Panel. Dyma gyfrifoldebau'r naill a'r llall:

Panel Ymgynghorol

(a) Rôl y Panel

Mae'r Panel Ymgynghorol yn fforwm anstatudol a'i brif rôl yw darparu cefnogaeth a chynngor i'r Ombwdsmon er mwyn iddo allu arwain a llywodraethu swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn dda. Hefyd, mae'r Panel Ymgynghorol yn cynnig persbectif allanol i helpu gyda'r gwaith o ddatblygu polisiau ac arferion.

Mae'r Panel Ymgynghorol yn rhoi cefnogaeth a chymorth penodol i'r Ombwdsmon ar y canlynol:

- gweledigaeth, gwerthoedd a dibenion
- cyfeiriad strategol a chynllunio
- atebolrwydd i ddinasyddion am y cyllid cyhoeddus a gaiff
- trefniadau rheoli risg a rheolaeth fewnol

Cynghori'r Ombwdsmon yn unig yw gwaith y Panel Ymgynghorol, ac nid yw'n gwneud penderfyniadau drwy ei hawl ei hun.

Mae'r Panel hefyd yn cynorthwyo'r Ombwdsmon i sefydlu:

- trefniadau llywodraethu, gan gynnwys Cylch Gorchwyl unrhyw is-bwyllgorau
- cyfeiriad strategol Ombwdsmon Gwasanaethau Cyhoeddus Cymru, ei nodau, ei amcanion a'i dargedau
- polisiau busnes allweddol
- polisiau a strategaethau cyflogaeth pwysig

ynghyd â chraffu a rhoi sicrwydd mewn perthynas â'r canlynol:

- y Cynllun Strategol Tair Blynedd a'r Cynllun Busnes Blynyddol
- dyraniad cyllideb lefel uchel
- cyflwyno'r Amcangyfrifon cyllidebol i Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru
- cyfrifon adnoddau (wedi'u dirprwyo i'r Pwyllgor Archwilio a Sicrhau Risg);
- contractau dros £25k (wedi'u dirprwyo i'r Pwyllgor Archwilio a Sicrhau Risg).

Mae hefyd yn monitro ac yn adolygu'r canlynol:

- rheolaeth fewnol a risg (wedi'i dirprwyo i'r Pwyllgor Archwilio a Sicrhau Risg)
- perfformiad a chyflawni gweithredol
- perfformiad ariannol

- effeithiolrwydd polisiau a strategaethau cyflogaeth
- amrywiaeth a chyfle cyfartal, yn arbennig yng nghyswllt Deddf Cydraddoldeb 2010
- strategaethau cyfathrebu allanol a chysylltiadau â rhanddeiliaid
- iechyd a diogelwch a pharhad busnes.

Cynhaliwyd pedwar cyfarfod a hynny ym mis Gorffennaf, Medi a Rhagfyr 2017 ac ym mis Mawrth 2018.

(b) Aelodaeth

Mae'r aelodaeth yn cynnwys:

- yr Ombwdsmon (Cadeirydd oherwydd ystyriaethau'n ymwneud ag atebolrwydd cyfansoddiadol)
- hyd at chwe aelod allanol (sy'n cynnig y profiad a'r sgiliau penodol y mae'r Ombwdsmon eu heisiau, a gall un ohonynt fod o swyddfa ombwdsmon arall).

Mae'r Cyfarwyddwr Polisi, Cyfraith a Llywodraethu yn gweithredu fel Ysgrifennydd y Panel; gall aelodau eraill o'r Tîm Rheoli fod yn bresennol yng nghyfarfodydd y Panel yn ôl penderfyniad yr Ombwdsmon ond nid ydynt yn aelodau o Bwyllgor Ymgynghorol Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn ffurfiol.

Caiff Aelodau'r Panel eu recriwtio drwy ymarferion recriwtio agored, ac fe gafodd yr un diwethaf o'r rhain ei gynnal yn chwarter cyntaf 2017/18 oherwydd bod cyfnod swyddi nifer o aelodau annibynnol y Panel Ymgynghorol a'r Pwyllgor Archwilio a Sicrhau Risg yn dod i ben yn 2017/18 neu ddechrau 2018/19.

Dyma gofnod o'r presenoldeb yn ystod 2017/18:

Aelodau:

Nick Bennett – Ombwdsmon a Chadeirydd	4
Jonathan Morgan	4
Margaret Griffiths	3
Anne Jones (o fis Medi ymlaen)	3
Tom Frawley (o fis Rhagfyr ymlaen)	2
Jim Martin (o fis Rhagfyr ymlaen)	2
Bill Richardson (Gorffennaf - Medi)	2
Sharon Warnes (Gorffennaf - Medi)	2
Beverley Peatling (mis Rhagfyr yn unig)	1
Jan Williams (hyd at fis Gorffennaf)	1
John Williams (hyd at fis Gorffennaf)	1

Y Pwyllgor Archwilio a Sicrhau Risg

(a) Cylch Gorchwyl

Y Panel Ymgynghorol sy'n gyfrifol am gytuno ar Gylch Gorchwyl y Pwyllgor Archwilio a Sicrhau Risg. Mae'r Pwyllgor Archwilio a Sicrhau Risg yn cefnogi'r Ombwdsmon drwy adolygu pa mor gynhwysfawr a dibynnol yw'r sicrwydd ynghylch llywodraethu, rheoli risg, amgylchedd rheoli a didwylledd datganiadau ariannol a'r adroddiad blynyddol.

(b) Aelodaeth

Oherwydd bod cyfnod swyddi nifer o Aelodau Annibynnol yn dod i ben yn 2017/18, fe gynhaliwyd ymarfer recriwtio ym mis Mehefin 2017. Cafodd tri Aelod Annibynnol newydd eu recriwtio ac aethant i'w cyfarfodydd cyntaf ym mis Rhagfyr 2017. Yr aelodau newydd yw Dr Tom Frawley CBE, cyn-Ombwdsmon y Cynulliad a Chomisiynydd Cwynion Gogledd Iwerddon; Jim Martin, cyn-Ombwdsmon Gwasanaethau Cyhoeddus yr Alban; a Beverley Peatling, Rheolwr Prosiect/Dadansoddwr Busnes y Gwasanaeth Heddlu Metropolitan (yr Uned Gwrth-derfysg) (Dim ond i'r cyfarfod ym mis Rhagfyr ddaeth Beverley oherwydd ei bod wedi ymddiswyddo yn fuan ym mis Ionawr o ganlyniad i newid yn ei hamgylchiadau a oedd yn arwain at wrthdaro rhwng buddiannau). Daeth cyfnod William Richardson yn ei swydd i ben ym mis Medi 2017 ac fe benodwyd Jonathan Morgan yn Gadeirydd; daeth hynny i rym yng nghyfarfod mis Rhagfyr 2017. Fel y nodwyd eisoes, mae profiad blaenorol Mr Morgan fel Aelod Cynulliad a chyn-gadeirydd Pwyllgor Cyfrifon Cyhoeddus y Cynulliad Cenedlaethol wedi ychwanegu gwerth at yr ARAC ac at rôl y Cadeirydd. Camodd Sharon Warnes i lawr o'i rôl fel Aelod Annibynnol ym mis Medi 2017

(c) Hyfforddiant

Gwahoddir Aelodau'r Pwyllgor i asesu eu hanghenion hyfforddi yn flynyddol. Darperir rhaglen gynefino ar gyfer holl aelodau'r Panel Ymgynghorol, sy'n cynnwys cynefino'r Pwyllgor Archwilio a Sicrhau Risg fel y bo'n briodol. Cynhaliwyd diwrnod cynefino ym mis Rhagfyr 2017 ac fe ddaeth yr holl aelodau newydd iddo. Ym mis Hydref 2017, aeth y Cyfrifydd Ariannol i weithdy Seiberddiogelwch ar gyfer cadeiryddion Pwyllgorau Archwilio a Sicrhau Risg, a oedd yn cael ei hwyluso gan Swyddfa Archwilio Cymru ar ran y Cadeirydd. Roedd hyn yn ddefnyddiol ar gyfer rhwydweithio a rhannu arferion da a gwybodaeth.

(d) Cyfarfodydd

Mae'r Pwyllgor yn llunio ei raglen waith flynyddol ei hun. Cynhaliwyd pedwar cyfarfod o'r Pwyllgor yn ystod y flwyddyn. Ymhob cyfarfod, mae'r Pwyllgor wedi cael nifer o eitemau sefydlog ar yr agenda. Roedd un o'r rhain yn ymwneud â Rheoli Risg - cafodd dull newydd ar

gyfer y gofrestr risg ei gynnig yn 2016/17 ac, ar ôl i Bwyllgor a Thîm Rheoli Ombwdsmon Gwasanaethau Cyhoeddus Cymru ei ystyried, cafodd y fformat newydd ei gymeradwyo a'i fabwysiadu yn 2017. Prif egwyddor fformat presennol yr adroddiad rheoli risg yw bod pum gorwel risg allweddol a bod pob tîm, wedyn Tîm Rheoli Ombwdsmon Gwasanaethau Cyhoeddus Cymru, yn cynnal asesiad rheolaidd o bob un o'r gorwelion risg hyn:

- Swyddogaethau Craidd
- Preifatrwydd Data / Diogelwch Gwybodaeth
- Cyllid
- Gweithredu a Chymorth
- Llywodraethu

Mae hyn wedi disodli'r dull blaenorol o nodi risgiau a'u dyrannu i gategorïau risg. Cyflwynir tabl i'r Pwyllgor sy'n crynhoi'r risgiau ac asesiad o'r pum gorwel risg er mwyn sicrhau eu bod yn ymwybodol o'r prif risgiau. Mae lefel gyffredinol y risg sy'n wynebu'r Swyddfa wedi aros yn isel ac, at ei gilydd, yn ddisymud. Dyma gofnod o'r presenoldeb:

Aelodau:

Jonathan Morgan (Cadeirydd Rhagfyr - Mawrth)	4
William Richardson (Cadeirydd Gorffennaf -	2
John Williams	4
Tom Frawley (o fis Rhagfyr ymlaen)	2
Jim Martin (o fis Rhagfyr ymlaen)	2
Sharon Warnes (Gorffennaf - Medi)	2
Beverley Peatling (mis Rhagfyr yn unig)	1

Roedd adroddiadau sefydlog eraill a gyflwynwyd i'r Pwyllgor yn gysylltiedig â datganiadau ynghylch a oes unrhyw dwyll neu golledion, gan gynnwys colli data, wedi dod i'r amlwg.

Hefyd, yn ystod y flwyddyn, derbyniodd y Pwyllgor adroddiadau ar unrhyw faterion priodol a oedd o fewn ei Gylch Gorchwyl. Roedd y rhain yn cynnwys: cyfrifon 9 a 12 - mis, cynlluniau archwilio mewnol, y newyddion diweddaraf am y cynllun parhad busnes, a materion llywodraethu corfforaethol ac ariannol perthnasol a gyhoeddwyd gan Drysorlys EM.

Ym mhob cyfarfod, cafodd y Pwyllgor gopi, er gwybodaeth, o'r adroddiad Monitro Cyllideb diweddaraf sy'n cael ei ystyried gan y Tîm Rheoli. Bwriad hwn yw rhoi sicrwydd i'r Pwyllgor bod y Swyddfa yn cadw llygad cyson ar y sefyllfa ariannol.

Rhoddodd y Pwyllgor gyngor i'r Ombwdsmon er mwyn sicrhau bod Datganiad Llywodraethu Blynyddol 2017/18 yn cynnwys gwybodaeth briodol ac yn cydymffurfio ag arferion gorau.

(e) Archwilio Mewnol ac Allanol

Cafodd y Pwyllgor adroddiadau rheolaidd gan yr archwilwyr mewnol a'r archwilwyr allanol. Cynlluniwyd gwaith Deloitte, yr Archwilwyr Mewnol, yn ystod y flwyddyn ar sail asesiad cyffredinol o'u hanghenion a'i gyflawni drwy eu trydedd raglen flynyddol. Roedd ei adroddiadau yn nodi'r fframwaith boddhaol ar gyfer rheolaeth fewnol yn y sefydliad a gwnaed argymhellion ar gyfer gwella lle'r oedd angen.

Roedd y rhaglen archwilio dreiglol a oedd yn cynnwys elfennau eraill gwaith a mesurau rheoli'r Swyddfa hefyd yn cyfeirio at y fframwaith rheoli mewnol boddhaol yn y Swyddfa, ac roeddent yn cynnwys argymhellion ar gyfer gwella lle roedd angen. Roedd yr asesiadau cyffredinol fel a ganlyn:

Rheolaeth TG Gyffredinol	sicrwydd CYMEDROL
Data Cod Agored	sicrwydd SYLWEDDOL
Ymgynghorwyr Proffesiynol	sicrwydd SYLWEDDOL
Systemau Ariannol:	
Rheoli'r Gyllideb	sicrwydd SYLWEDDOL
Prynu a Thaliadau	sicrwydd CYMEDROL
Rheoli Arian Parod a Bancio	sicrwydd SYLWEDDOL
Rheoli Risg	sicrwydd SYLWEDDOL

Yn y rhan fwyaf o archwiliadau, roedd lefel y sicrwydd yn cael ei hystyried yn "Sylweddol". Fodd bynnag, roedd dau faes lle roedd lefel y sicrwydd yn "Gymedrol". Roedd un yn ymwneud â Rheolaeth TG Gyffredinol a'r gwaith ffurfiol o gofnodi a dogfennu'r profion hacio TG sydd wedi'u cynnal. Rydym wedi mynd i'r afael â hyn ac fe gafodd adroddiad llawn ar y gwaith profi ei ddarparu a'i rannu â darparwyr cymorth TG. Y maes arall â lefel sicrwydd "Gymedrol" oedd Prynu a Thaliadau, lle y daethpwyd o hyd i archeb brynu ar gyfer gwasanaethau cyfieithu nad oedd wedi cael ei cydlofnodi. Nododd yr archwiliad hefyd nad oes angen archebion prynu ar gyfer rhent, cyfraddau busnes, cyfleustodau ac ati, ac na aethpwyd i'r afael â hyn yn y gweithdrefnau sydd wedi'u nodi. Byddwn yn mynd i'r afael â hyn yn yr adolygiad nesaf o brosesau wedi'u dogfennu yn Chwarter 3 2018/19 (h.y. erbyn mis Rhagfyr 2018).

Nodwyd yn Adroddiad Blynyddol yr archwilwyr mewnol ar gyfer 2017/18: 'Yn seiliedig ar y gwaith rydym wedi'i wneud yn ystod y flwyddyn, rydym yn gallu dod i'r casgliad fod gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru system rheolaeth fewnol gadarn, a ddylai roi **sicrwydd sylweddol** o ran cyflawni amcanion Ombwdsmon Gwasanaethau Cyhoeddus Cymru'.

Mae'r canfyddiadau hyn yn rhoi sicrwydd bod y trefniadau ar waith yn lleihau pa mor agored yw'r Swyddfa i risg. Nododd y Pwyllgor drylwyredd y gwaith archwilio, ymarferoldeb yr argymhellion ac ymateb agored a chadarnhaol y rheolwyr i'r argymhellion a wnaed.

Caiff y rôl archwilio allanol ei chyflawni gan Swyddfa Archwilio Cymru. Ystyriodd y Pwyllgor y Cyfrifon Blynyddol a oedd yn cynnwys Datganiad Llywodraethu'r Swyddfa ar gyfer 2016/17 ynghyd ag Adroddiad Archwiliad Allanol o Ddatganiadau Ariannol a Llythyr Rheoli. Cafodd casgliadau archwilio ar gyfer blwyddyn ariannol 2016/17 eu hadolygu yng nghyfarfod y Pwyllgor ym mis Medi 2017.

Rhodddwyd barn ddiamod ar Gyfrifon 2016/17 ar 21 Gorffennaf 2017 gyda'r ddau argymhelliad a oedd eisoes wedi'u derbyn yn llwyr gan y tîm rheoli. Mae'r rhain wedi cael gweithredu yn yr adolygiad blynyddol o gyfrifon 2017/18.

Mae gan yr Archwilwyr Mewnol ac Allanol yr hawl, os ystyrir hynny'n briodol, i godi unrhyw fater drwy bolisi mynediad agored gyda'r Cadeirydd a thrwy'r hawl honno i ddwyn unrhyw fater i sylw'r Pwyllgor. Sicrhaodd y Pwyllgor, drwy adolygu rhaglenni'r Archwilwyr Mewnol ac Allanol, eu bod yn cydweithredu'n effeithiol â'i gilydd. Mae ansawdd y gwaith archwilio a safon gwaith y Pwyllgor wedi cael ei werthuso yn ystod y flwyddyn drwy ystyried yr adroddiadau archwilio a'r argymhellion a'r ddeialog mewn cyfarfodydd rhwng Aelodau'r Pwyllgor a'r Archwilwyr.

I sicrhau y gellir codi materion priodol yn gyfrinachol mae Cadeirydd y Pwyllgor yn cynnal cyfarfod bob blwyddyn â chynrychiolwyr yr Archwilwyr Allanol a Mewnol. Cynhaliwyd cyfarfod o'r fath ar 28 Mawrth 2018.

(f) Prosesau monitro

Ym mhob cyfarfod yn ystod 2017/18, cafodd y Pwyllgor adroddiad ar y cynnydd sydd wedi'i wneud o ran gweithredu ar argymhellion yr Archwilwyr Mewnol ac Allanol. Roedd aelodau'r Pwyllgor yn fodlon bod yr holl argymhellion a wnaed wedi cael neu am gael eu rhoi ar waith erbyn chwarter cyntaf 2018/19.

(g) Asesiad ac Adolygiad Blynyddol

Cynhelir yr adolygiad blynyddol hwn er mwyn sicrhau bod gwaith y Pwyllgor Archwilio a Sicrhau Risg yn parhau i gydymffurfio â'r Egwyddorion Arfer Da sydd wedi'u nodi yn Llawlyfr Pwyllgorau Archwilio Trysorlys EM. I helpu'r Pwyllgor benderfynu a oedd yn cydymffurfio ag arferion da, gwahoddwyd, pob aelod i lenwi 'Rhestr Wirio Hunanasesiad Pwyllgorau Archwilio' y Swyddfa Archwilio Genedlaethol.

Cafodd sylwadau gan aelodau o'r Pwyllgor eu hystyried wrth baratoi'r Adroddiad Blynyddol ar gyfer 2017/18.

Casgliad yr adroddiad oedd ei fod wedi cael gwybodaeth a sicrwydd cynhwysfawr a oedd yn ddibynadwy ac yn ddigon iddo gyflawni ei gyfrifoldebau. Roedd y sicrwydd hwn yn dangos bod yr amgylchedd rheolaeth fewnol cyffredinol, adroddiadau ariannol, rheoli risg ac ansawdd y gwaith Archwilio Allanol a Mewnol yn foddhaol.

Felly, roedd y Pwyllgor yn gallu rhoi sicrwydd y byddai'n fy nghynorthwyo i fel Ombwdsmon Gwasanaethau Cyhoeddus Cymru i gydymffurfio â fy nyletswyddau fel Swyddog Cyfrifyddu yng nghyswllt rhoi tystiolaeth a fyddai'n helpu gyda'r gwaith o baratoi y Datganiad Llywodraethu Blynyddol hwn.

Rhoi Gwybod am Ddigwyddiadau sy'n ymwneud â Data Personol

Mae pob digwyddiad sy'n ymwneud â data personol yn cael ei adrodd i'r Pwyllgor Archwilio a Sicrhau Risg, pa un ai bod Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar fai neu beidio. Os bydd Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar fai, bydd canllawiau a gyhoeddwyd gan Swyddfa'r Comisiynydd Gwybodaeth yn cael eu defnyddio i ystyried a yw'n angenrheidiol rhoi gwybod i'r swyddfa honno am y digwyddiad.

Y Fframwaith Risg a Rheoli

Yn unol â "Rheoli Arian Cyhoeddus Cymru" rwyf yn cael fy nghefnogi gan Gyfrifydd Ariannol proffesiynol a chymwys sy'n ymgymryd â chyfrifoldebau'r cyfarwyddwr cyllid fel sy'n cael ei nodi yn y ddogfen honno.

Mae rheoli risg a'r gofrestr risgiau yn eitemau sefydlog ar Agenda'r Pwyllgor Archwilio a Sicrhau Risg.

Rwyf yn parhau i wella'r trefniadau ar gyfer rheolaeth fewnol gadarn er mwyn sicrhau bod y Swyddfa'n gallu canfod, asesu a rheoli risg yn effeithiol. Wrth ymgymryd â'r cyfrifoldeb hwn yn ystod y flwyddyn a ddaeth i ben ar 31 Mawrth 2018, cefais gefnogaeth gan y Prif Swyddog Gweithredol y mae rhai o gyfrifoldebau'r Ombwdsmon wedi cael eu dirprwyo iddo. Yn ogystal, y Tîm Rheoli a gadeirir gennyf fi sydd â'r cyfrifoldeb dros oruchwylio'r broses rheoli risg. Rwyf yn fodlon bod y systemau sydd ar waith yn canfod risgiau posibl yn gynnar ac yn caniatáu, trwy reolaeth weithredol, i gamau priodol gael eu cymryd er mwyn lleihau i'r eithaf unrhyw effaith andwyol ar y swyddfa. Fel yr wyf wedi'i nodi eisoes, mae'r Pwyllgor Archwilio a Sicrhau Risg yn cael adroddiadau rheolaidd am Risgiau'r Swyddfa hon.

Caiff risgiau eu hystyried ledled nifer o feysydd allweddol neu orwelion risg. Mae'r rhain yn cynnwys:

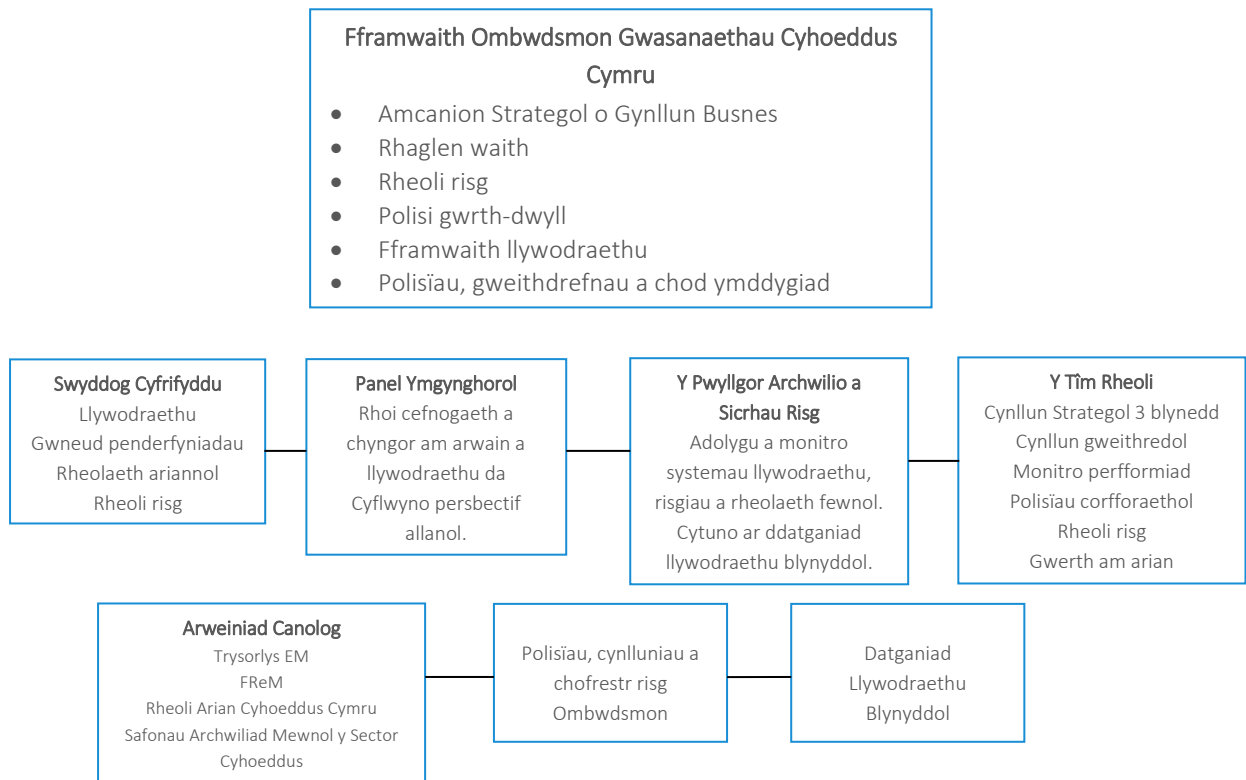
- risgiau a allai effeithio ar fy ngallu i gyflawni fy swyddogaethau craidd;
- risgiau sy'n effeithio ar ddiogelwch data;
- risgiau ariannol;
- risgiau o ran llywodraethu;
- risgiau sy'n effeithio ar drefniadau cymorth a chyfleusterau (fel eiddo a gwasanaethau TG).

Dyma'r prif risgiau a nodwyd ar ddiwedd y flwyddyn:

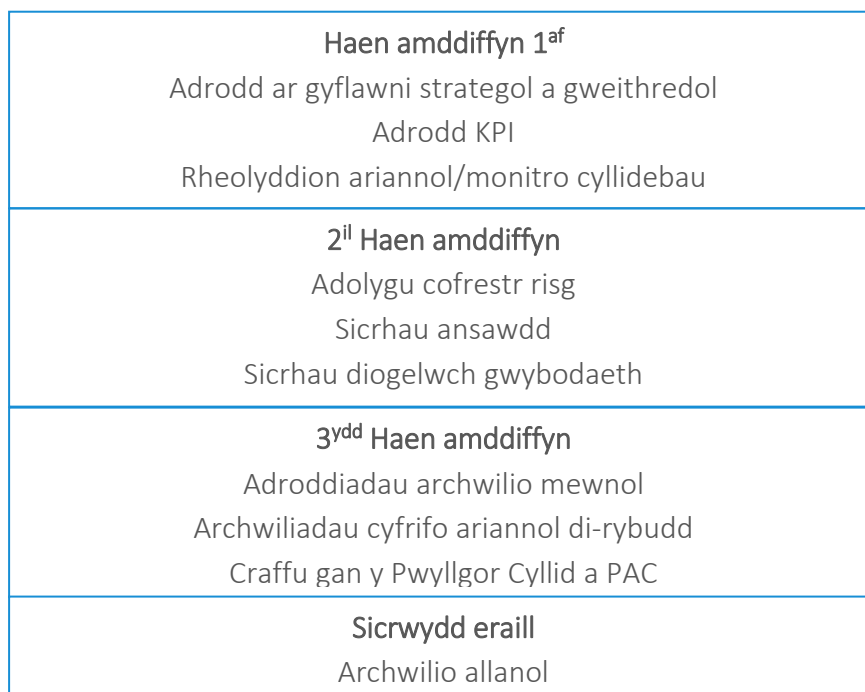
Gorwel risg	Risg yn effeithio ar:	Rheoli risg a lliniaru:	Risgiau anodd cael gwared arnyn nhw:
Swyddogaethau craidd	Gallu rheoli llwyth achosion mawr a chymhleth yn effeithiol	Recruiwio staff i gynnal sefydliad staff llawn. Adolygu a gwella prosesau mewnol Rheoli perfformiad a llwyth achosion yn ofalus. Hyfforddiant a chymorth i staff.	O ystyried y twf yn nifer y cwynion am iechyd, achosion mwy cymhleth, a'r her gynyddol gan gyrff y gwneir cwyn amdanynt, caiff y risgiau anodd cael gwared arnyn nhw eu hystyried yn rhai COCH (difrifol)
Diogelu Data	Diogelwch data personol	Polisi diogelu gwybodaeth a hyfforddiant at gyfer staff. Cyfyngu mynediad i ddogfennau â chyfrinair ac amgryptio data. Negeseuon atgoffa a rhannu gwersi o ganlyniad i golli data.	Mae nifer y llythyrau, y negeseuon e-bost a'r dogfennau y mae fy swyddfa yn delio â nhw yn gwneud hon yn risg sylweddol. Gall gwallau dynol ddigwydd hyd yn oed pan fo mesurau rheoli cadarn ar waith. Caiff y risgiau anodd cael gwared arnyn nhw eu hystyried yn rhai COCH (difrifol)
Diogelu Data	Diogelwch y system – diogelwch ffisegol a seiberddiogelwch	Rheolaethau TG cadarn wedi'u dogfennu a'u harchwilio, rheoli gyda chyfrineiriau, trefniadau gwneud copi wrth gefn, cymorth TG allanol, profion hacio, diweddariadau meddalwedd rheolaidd.	Mae diogelwch TG yn flaenoriaeth uchel ac mae rheolaethau ar waith, ond mae'r risg o ymosodiadau seiberddiogelwch yn dal yn risg real i bawb ac i bob sefydliad. Caiff y risgiau anodd cael gwared arnyn nhw eu hystyried yn rhai COCH (difrifol)

Byddaf i a fy Nhîm Rheoli yn dal ati i reoli a lleihau'r risgiau i'r graddau mwyaf posibl yn y meysydd allweddol hyn yn ystod y flwyddyn nesaf, ac fe fydd y risgiau yn cael eu hystyried ym mhob un o gyfarfodydd y Pwyllgor Archwilio a Sicrhau Risg.

Trefniadau Fframwaith Sicrhau Risg



Cydrannau Map Sicrwydd



Y Broses Gyllidebu

Yn rhinwedd fy swydd fel Swyddog Cyfrifyddu, rwyf yn sicrhau bod gennyf drefniadau ar waith sy'n cadw rheolaeth dynn ar yr arian cyhoeddus sydd yn fy ngofal. Mae'r Tîm Rheoli yn cael adroddiad monitro cyllideb bob mis sy'n nodi gwir wariant o'i gymharu â'r gwariant a glustnodwyd yn y gyllideb. Mae unrhyw faterion annisgwyl yn ymwneud â gwariant sy'n codi yn ystod y flwyddyn yn cael eu trafod a phennir camau i'w cymryd i sicrhau bod y swyddfa yn cadw o fewn y gyllideb y cytunwyd arni. Ni chododd dim materion yng nghyswllt cyllideb Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar gyfer 2017/18.

O ran y broses llunio amcangyfrif ariannol Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar gyfer 2018/19, cafodd papur yn nodi meini prawf cychwynnol ar gyfer y gyllideb ei drafod gan y Panel Ymgynghorol ym mis Gorffennaf 2017. Yn dilyn hyn trafodwyd papur amcangyfrif drafft o'r gyllideb yn y cyfarfod ym mis Medi 2017. Roedd y papur hwn yn nodi'n llawn yr adnoddau ariannol yr oedd Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn eu hystyried yn angenrheidiol er mwyn i'r Ombwdsmon allu cyflawni ei ddyletswyddau. Cyflwynwyd y papur Amcangyfrifon terfynol i Bwyllgor Cyllid Cynulliad Cenedlaethol Cymru. Ystyriodd y Pwyllgor Cyllid y papur ym mis Hydref 2017 ac roeddwn yn falch o allu bod yn bresennol yn y cyfarfod i ateb cwestiynau penodol Aelodau'r Cynulliad ar yr hyn a gyflwynwyd.

Ar ôl hynny, cymeradwyodd Cynulliad Cenedlaethol Cymru yr amcangyfrif ariannol llawn ar gyfer 2018/19.

Casgliad

Gallaf ddatgan nad oedd gwendidau o bwys yn system rheolaeth fewnol y Swyddfa yn 2017/18 a fyddai wedi effeithio ar allu'r Swyddfa i gyflawni ei pholisïau, ei nodau a'i hamcanion a bod trefn Lywodraethu Gorfforaethol gadarn ar waith heb unrhyw enghreifftiau o dorri'r Cod Llywodraethu Corfforaethol.

Nick Bennett
Swyddog Cyfrifyddu
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

27 Mehefin 2018

Adroddiad Taliadau

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Mae Deddf Llywodraeth Cymru 2006 yn darparu bod fy nhaliadau a chostau pensiwn ac yswiriant gwladol cysylltiedig yn cael eu talu o Gronfa Gymunedol Cymru, yn hytrach na chael eu talu'n uniongyrchol. Mae'r costau hyn wedi'u cynnwys yn yr adroddiad taliadau er mwyn sicrhau tryloywder.

Taliadau

Mae'r adrannau canlynol yn nodi tâl a buddiannau pensiwn uwch reolwyr y Swyddfa: Nick Bennett - Ombwdsmon, Chris Vinestock - Prif Swyddog Gweithredol a Chyfarwyddwr Ymchwiliadau a Katrin Shaw - Cyfarwyddwr Polisi, Cyfraith a Llywodraethu.

Un Cyfanswm Tâl										
Swyddogion	Cyflog (£'000)		Taliadau bonws (£'000)		Buddion mewn ffyrdd eraill (i'r £100 agosaf)		Buddion Pensiwn (i'r £1,000 agosaf)		Cyfanswm (£'000)	
	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17
Nick Bennett	145-150	140-145	-	-	-	-	56,000	57,000	200-205	200-205
Chris Vinestock	90-95	90-95	-	-	-	-	27,000	79,000	120-125	170-175
Katrin Shaw	75-80	70-75	-	-	-	-	30,000	74,000	105-110	145-150

Cyflog

Mae'r cyflog yn cynnwys cyflog gros, taliadau goramser ac unrhyw lwfansau eraill i'r graddau bod trethiant y DU yn berthnasol iddynt.

Buddion o fath arall

Mae gwerth ariannol unrhyw fuddion o fath arall yn cynnwys unrhyw wariant a dalwyd gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac sy'n cael ei drin gan Gyllid a Thollau EM fel enillion trethadwy. Ni chafwyd gwariant o'r fath.

Taliadau bonws

Ni thalwyd bonws yn ystod y flwyddyn i mi nac i unrhyw aelod o staff yn fy swyddfa gan nad oes cynllun bonws ar waith.

Cymarebau tâl

Roedd tâl band y cyfarwyddwr sy'n cael y cyflog mwyaf yn y flwyddyn ariannol 2017/18 yn £145-£150,000 (2016/17, £140-£145,000). Roedd hyn 3.6 gwaith (2016/17, 3.5) yn fwy na thâl canolrifol y gweithlu, a oedd yn £41,025 (2016/17, £40,623). Yn 2017/18, ni chafodd dim cyflogai daliad a oedd yn fwy na thâl y cyfarwyddwr sy'n cael y cyflog mwyaf (2016/17, dim un).

Roedd ystod y taliadau rhwng £17,000 a £150,000 (2016/17 £14,000 i £145,000). Mae'r cyfanswm tâl yn cynnwys cyflog, tâl seiliedig ar berfformiad heb ei gyfuno, a buddion o fath arall. Nid yw'n cynnwys taliadau diswyddo, cyfraniadau pensiwn y cyflogwr na gwerth trosglwyddo cyfwerth ag arian pensiynau.

Dyfarniadau cyflog

Mae cyflogau'r staff yn gysylltiedig â dyfarniadau cyflog a roddir i weithwyr sy'n gweithio ym maes Llywodraeth Leol yng Nghymru a Lloegr. Yn unol â'r drefn honno, cafodd staff godiad cyflog o 2% a oedd yn cwmpasu'r flwyddyn rhwng Ebrill 2017 a Mawrth 2018.

Pensiynau

Isod, dangosir hawliau pensiwn yr unigolion a enwir uchod:

Enw	Pensiwn cronodig ar oed pensiwn ar 31/03/2018 a'r cyfandaliad cysylltiedig	Gwir gynnydd mewn pensiwn a chyfandaliad cysylltiedig ar oed pensiwn	CETV ar 31/03/2018	CETV ar 31/03/2017	Gwir gynnydd yn y CETV	Cyfraniad y cyflogwr at gyfrifon pensiwn partneriaeth
	£000	£000	£000	£000	£000	£100 agosaf
Nick Bennett	35-40	2.5-5	395	347	25	-
Chris Vinestock	55-60	0-2.5	706	651	12	-
Katrin Shaw	25-30	0-2.5	403	364	13	-

Rhwymedigaethau Pensiwn

Mae'r ymrwymiadau pensiwn i staff blaenorol a phresennol yn cael eu cyflawni drwy'r canlynol:

- (a) Prif Gynllun Pensiwn y Gwasanaeth Sifil
- (b) y Cynllun Pensiwn Llywodraeth Leol a weinyddir trwy Gynllun Pensiwn Caerdydd a Bro Morgannwg (y Gronfa)
- (c) y pensiynau sy'n cael eu talu'n uniongyrchol i gyn Gomisiynwyr neu eu dibynyddion.

Mae manylion pellach i'w gweld yn y Datgeliadau Pensiynau ar dudalen 50.

Salwch

Yn ystod y flwyddyn, collwyd 5.6 diwrnod fesul cyflogai ar gyfartaledd oherwydd salwch o'i gymharu â 4.0 diwrnod yn 2016 / 17. Mae hyn gyfwerth â 2.1% (1.5% yn 2016/17) o gyfanswm y diwrnodau gwaith posibl.

Roedd modd priodoli'r cynnydd i dri aelod staff a oedd i ffwrdd gyda salwch tymor hir, a oedd yn gyfrifol am 61% neu 3.4 o ddiwrnodau a gollwyd oherwydd salwch.

Adrodd am gynlluniau Gwasanaeth Sifil a chynlluniau iawndal eraill – pecynnau ymadael

Gwnaed tri thaliad â chyfanswm o £94 mil i staff a adawodd eu swyddi ag Ombwdsmon Gwasanaethau Cyhoeddus Cymru eleni. Ni thalwyd pecynnau ymadael yn 2016/17.

Panel Ymgynghorol a'r Pwyllgor Archwilio a Sicrhau Risg

Gwnaed y taliadau amhensiynadwy canlynol, sy'n seiliedig ar gyfradd ddyddiol, i aelodau o'r Pwyllgor Archwilio a Sicrhau Risg a'r Panel Ymgynghorol:

	2017/18	2016/17
	£	£
Jonathan Morgan	1,565	1,244
William Richardson	1,263	2,737
John Williams	904	1,711
Jan Williams	-	-
Margaret Griffiths	564	1,269
Sharon Warnes	622	1,711
Jim Martin	622	-
Tom Frawley	622	-
Anne Jones	846	-
Beverley Peatling	622	-

O ganlyniad i amseru hwyr cyfarfodydd mis Mawrth 2018, dim ond 3 thaliad a wnaed i aelodau'r pwyllgor yn ystod 2017/18.

At ddibenion adrodd ynghylch staff, gweler yr Adroddiad Blynyddol ar Gydraddoldeb.

Nick Bennett
Swyddog Cyfrifyddu
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

27 Mehefin 2017

Adroddiad Archwiliad ac Atebolrwydd Cynulliad Cenedlaethol Cymru

Yn ogystal â'r prif ddatganiadau a baratowyd yn unol â'r **Safonau Adrodd Ariannol Rhyngwladol (IFRS)**, mae Llawlyfr Adroddiadau Ariannol y Llywodraeth (FReM) yn ei gwneud yn ofynnol i'r Ombwdsmon baratoi datganiad a nodiadau cefnogi i ddangos alldro adnoddau yn erbyn yr Amcangyfrifon o'r Cyflenwad a gyflwynir i'r Cynulliad, yng nghyswllt pob cais am adnodd.

Crynodeb Alldro Adnoddau Net

Ar gyfer y flwyddyn a ddaeth i ben ar 31 Mawrth 2018

	Amcangyfrif Diwygiedig			Alldro			Cyfanswm alldro net o'i gymharu â'r amcangyfrif	2016/17 Cyfansw m Net
	Gwariant Gros	Incwm	Cyfans wm Net	Gwariant Gros	Incwm	Cyfansw m Net		
	£000	£000	£000	£000	£000	£000		
Refeniw	4,255	(32)	4,223	4,221	(31)	4,190	33	4,025
Cyfalaf	25	-	25	20	-	20	5	27
Adnoddau Net	4,280	(32)	4,248	4,241	(31)	4,210	38	4,052
Gofynion Arian Parod Net	4,242	(32)	4,210	4,209	(31)	4,178	32	4,240

Caiff yr Ombwdsmon ei dalu'n uniongyrchol o Gronfa Gyfunol Cymru, nid gan y swyddfa, felly nid yw hyn wedi'i gynnwys yng nghyfrifon Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

I sicrhau tryloywder, mae taliad yr Ombwdsmon yn parhau i gael ei ddatgelu yn yr Adroddiad Taliadau.

Cysoni Adnoddau Net â'r Gofynion Arian Parod Net

Ar gyfer y flwyddyn a ddaeth i ben ar 31 Mawrth 2018

	Nodyn	2017/18	2017/18	Cyfanswm alldro net	2016/17
		Amcangyfrif diwygiedig	Cyfanswm yr Alldro Net	o'i gymharu â'r amcangyfrif diwygiedig	Alldro
		£000	£000	£000	£000
Refeniw Net	2-4	4,223	4,190	33	4,025
Cyfalaf Net	6	25	20	5	27
Adnoddau Net		4,248	4,210	38	4,052
Incwm dros ben i Gronfa Gyfunol Cymru	4	-	-	-	(5)
Symudiadau mewn darpariaethau	10	22	7	15	(21)
Taliadau Cyfalaf	6	(80)	(43)	(37)	(82)
Symudiadau mewn cyfalaf gwaith	7-9	20	24	(4)	16
Taliadau pensiwn (Cynllun Pensiwn Llywodraeth Leol)	Pensiynau Datgelu	-	(20)	20	280
Gofyniad arian parod net		4,210	4,178	32	4,240

Does dim taliadau diffyg pensiwn yn daladwy o 2017/18 ymlaen oherwydd mae gwarged gan y Cynllun Pensiwn Llywodraeth Leol. Gwnaed taliad diffyg terfynol o £279,000 yn 2016/17.

Nick Bennett
Swyddog Cyfrifyddu
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

27 Mehefin 2018

Tystysgrif ac Adroddiad Archwilwyr Annibynol y Archwilydd Cyffredinol Cymru i Cynulliad Cenedlaethol Cymru

Adroddiad ar y archwiliad o datganiadau ariannol

Barn

Ar dystiaf fy mod wedi archwilio datganiadau ariannol Ombwdsmon Gwasanaethau Cyhoeddus Cymru am y flwyddyn a ddaeth i ben 31 Mawrth 2018 o dan paragraph 17 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. Mae'r rhain yn cynnwys y Crynodeb neu Alldro Adnoddau Net, Datganiad o Wariant Net Cynhwysfawr, Datganiad o'r Sefyllfa Ariannol, Datganiad Cyfunol o Lifau Arian, Datganiad o Newidiadau mewn Trethdalwyr a'r nodiadau cysylltiedig, gan gynnwys crynodeb o bolisiau cyfrifyddu pwysig. Paratowyd y datganiadau ariannol hyn o dan y polisiau cyfrifyddu a nodir ynddynt. Y fframwaith adrodd ariannol a gymhwyswyd wrth eu paratoi yw'r gyfraith berthnasol a Llawlyfr Adroddiadau Ariannol Trysorlys EM yn seiliedig ar y Safonau Adrodd Ariannol Rhyngwladol (IFRS) fel y'u mabwysiadwyd gan Safonau Cyfrifyddu'r Undeb Ewropeaidd. Rwyf hefyd wedi archwilio'r wybodaeth yn yr Adroddiad Cydnabyddiaeth a ddisgrifir yn yr adroddiad hwnnw fel y'i harchwiliwyd.

Yn fy marn i, mae'r datganiadau ariannol:

- yn rhoi darlun gwir a theg o sefyllfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar 31 Mawrth 2018 a'i ofyniad arian parod net, ei alldro adnoddau net a'i gost gweithredu net am y flwyddyn a ddaeth i ben bryd hynny; ac
- wedi'u paratoi'n briodol yn unol â chyfarwyddiadau Trysorlys EM a gyhoeddwyd o dan Public Services Ombudsman (Wales) Act (2005).

Sail y farn

Cynhaliais fy archwiliad yn unol â'r gyfraith berthnasol a'r Safonau Archwilio Rhyngwladol yn y DU (ISAs (DU)). Caiff fy nghyfrifoldebau o dan y safonau hyn eu disgrifio ymhellach yn adran cyfrifoldebau'r archwilydd am archwilio'r adran datganiadau ariannol yn fy adroddiad. Rwy'n annibynol o'r corff yn unol â'r gofynion moesegol sy'n berthnasol i'm harchwiliad o'r datganiadau ariannol yn y DU, yn cynnwys Safon Foesebol y Cyngor Adrodd Ariannol, ac rwyf wedi cyflawni fy nghyfrifoldebau moesegol eraill yn unol â'r gofynion hyn. Credaf fod y dystiolaeth archwilio rwyf wedi'i chael yn ddigonol ac yn briodol i ddarparu sail i'm barn.

Casgliadau yn ymwneud â busnes gweithredol

Nid oes gennyf unrhyw beth i'w nodi o ran y materion canlynol y mae Safonau Archwilio Rhyngwladol y DU yn ei gwneud yn ofynnol i mi gyflwyno adroddiad i chi arnynt os bydd yr amgylchiadau canlynol yn berthnasol:

- nid yw'r defnydd o sail gyfrifyddu busnes gweithredol wrth baratoi'r datganiadau ariannol yn briodol; neu
- nid yw'r Swyddog Cyfrifyddu wedi datgelu yn y datganiadau ariannol unrhyw ansicrwydd perthnasol a nodwyd a all fwrw amheuaeth sylweddol dros allu'r corff i barhau i fabwysiadu sail gyfrifyddu busnes gweithredol am gyfnod o ddeuddeg mis o leiaf o'r dyddiad pan awdurdodir cyhoeddi'r datganiadau ariannol.

Gwybodaeth arall

Mae'r Swyddog Cyfrifyddu yn gyfrifol am y wybodaeth arall yn yr adroddiad blynyddol a chyfrifon. Mae'r wybodaeth arall yn cynnwys y wybodaeth yn yr adroddiad blynyddol, heblaw am y datganiadau ariannol a'm hadroddiad fel archwilydd arnynt. Nid yw fy marn am y datganiadau ariannol yn cwmpasu'r wybodaeth arall ac, ar wahân i'r graddau a nodir yn benodol yn ddiweddarach yn fy adroddiad, nid wyf yn mynegi unrhyw fath o gasgliad sicrwydd ar hyn.

Mewn cysylltiad â'm harchwiliad o'r datganiadau ariannol, fy nghyfrifoldeb yw darllen y wybodaeth arall er mwyn nodi anghysondebau perthnasol â'r datganiadau ariannol archwiledig a nodi unrhyw wybodaeth sy'n ymddangos fel petai'n berthnasol anghywir ar sail y wybodaeth a ddaeth i law wrth i mi gyflawni'r archwiliad neu sy'n berthnasol anghyson â'r wybodaeth honno. Os dof yn ymwybodol o unrhyw gamddatganiadau neu anghysondebau perthnasol amlwg, ystyriaf y goblygiadau i'm hadroddiad.

Barn ar reoleidd-dra

Yn fy marn i, mae'r gwariant a'r incwm a nodir yn y datganiadau ariannol wedi eu defnyddio at y dibenion a fwriadwyd gan Gynulliad Cenedlaethol Cymru ymhob ffordd berthnasol ac mae'r trafodion ariannol a gofnodir yn y datganiadau ariannol yn cydymffurfio â'r awdurdodau sy'n eu llywodraethu.

Adrodd ar ofynion eraill

Barn ar faterion eraill

Yn fy marn i, mae'r rhan o'r Adroddiad ar Gynabyddiaeth i'w harchwilio wedi'i pharatoi'n briodol yn unol â chyfarwyddiadau Trysorlys EM a wnaed o dan Public Services Ombudsman (Wales) Act (2005).

Yn fy marn i, yn seiliedig ar y gwaith a wnaed yn ystod fy archwiliad:

- mae'r wybodaeth a roddwyd yn y Datganiad Llywodraethu ar gyfer y flwyddyn ariannol y paratowyd y datganiadau ariannol ar ei chyfer yn gyson â'r datganiadau ariannol ac mae'r Datganiad Llywodraethu wedi'i baratoi yn unol â chanllawiau Trysorlys EM;
- mae'r wybodaeth a roddwyd yn yr Adroddiad Blynyddol ar gyfer y flwyddyn ariannol y paratowyd y datganiadau ariannol ar ei chyfer yn gyson â'r datganiadau ariannol ac wedi'i baratoi yn unol â Public Services Ombudsman (Wales) Act (2005).

Materion y cyflwynaf adroddiad arnynt drwy eithriad

Yn sgil gwybodaeth a dealltwriaeth y corff a'i amgylchedd a gafwyd yn ystod yr archwiliad. Nid oes gennyf unrhyw beth i'w nodi o ran y materion canlynol, y cyflwynaf adroddiad i chi arnynt os bydd yr amgylchiadau canlynol yn berthnasol, yn fy marn i:

- ni chadwyd cofnodion cyfrifyddu priodol;
- nid yw'r datganiadau ariannol na'r rhan o'r Adroddiad ar Gydabyddiaeth sydd i'w harchwilio yn cyd-fynd â'r cofnodion a'r ffurflenni cyfrifyddu;
- ni ddatgelwyd gwybodaeth a bennwyd gan Drysorlys EM o ran cydnabyddiaeth a thrafodion eraill; neu
- nid wyf wedi derbyn yr holl wybodaeth ac esboniadau sydd eu hangen arnaf ar gyfer fy archwiliad.

Adroddiad

Nid oes gennyf sylwadau i'w gwneud ar y datganiadau ariannol hyn.

Cyfrifoldebau

Cyfrifoldebau'r Swyddog Cyfrifyddu am y datganiadau ariannol

Fel yr eglurir yn fanylach yn y Datganiad o Gyfrifoldebau'r Swyddog Cyfrifyddu, mae'r Swyddog Cyfrifyddu yn gyfrifol am baratoi'r datganiadau ariannol yn unol â Public Services Ombudsman (Wales) Act 2005 a chyfarwyddiadau a wnaed gan Drysorlys EM o dan y Ddeddf honno, ac am fod yn fodlon eu bod yn rhoi darlun gwir a theg ac am y fath reolaeth fewnol ag sy'n angenrheidiol ym marn y Swyddog Cyfrifyddu i allu paratoi datganiadau ariannol sy'n rhydd o gamddatganiadau perthnasol, boed hynny drwy dwyll neu wall. Wrth baratoi'r datganiadau ariannol, mae'r Swyddog Cyfrifyddu yn gyfrifol am asesu gallu'r corff i barhau fel busnes gweithredol, gan ddatgelu fel sy'n gymwys, faterion yn ymwneud â busnes gweithredol a defnyddio sail gyfrifyddu busnes gweithredol oni thybir nad yw hynny'n briodol.

Cyfrifoldebau'r archwilydd am archwilio'r datganiadau ariannol

Fy amcanion yw cael sicrwydd rhesymol ynghylch p'un a yw'r datganiadau ariannol gyda'i gilydd yn rhydd o gamddatganiad perthnasol, boed hynny drwy dwyll neu wall, a chyhoeddi

adroddiad yr archwilydwr sy'n cynnwys fy marn. Mae sicrwydd rhesymol yn lefel uchel o sicrwydd, ond nid yw'n gwarantu y bydd archwiliad a gynhelir yn unol â Safonau Archwilio Rhyngwladol y DU bob amser yn canfod camddatganiad perthnasol pan fo'n bodoli. Gall camddatganiadau ddeillio o dwyll neu wall ac fe'u hystyrir yn berthnasol os, yn unigol neu gyda'i gilydd, y gellid disgwyl iddynt yn rhesymol ddylanwadu ar benderfyniadau economaidd defnyddwyr a wneir ar sail y datganiadau ariannol hyn.

Ceir disgrifiad pellach o gyfrifoldebau'r archwilydd am archwilio'r datganiadau ariannol ar wefan y Cyngor Adrodd Ariannol yn www.frc.org.uk/auditorsresponsibilities. Mae'r disgrifiad hwn yn rhan o'm hadroddiad archwilio.

Cyfrifoldebau am reoleidd-dra

Mae'r Swyddog Cyfrifyddu yn gyfrifol am sicrhau rheoleidd-dra trafodion ariannol. Rwy'n cael digon o dystiolaeth i roi sicrwydd rhesymol bod y gwariant a'r incwm wedi'u cymhwysio at y dibenion a fwriadwyd gan Gynulliad Cenedlaethol Cymru a bod y trafodion ariannol yn cydymffurfio â'r awdurdodau sy'n eu llywodraethu.

Huw Vaughan Thomas
Archwilydd Cyffredinol Cymru
17 Gorffennaf 2018

24 Heol y Gadeirlan
Caerdydd
CF11 9LJ

Mae Archwilydd Cyffredinol Cymru wedi ardystio ac adrodd ar y cyfrifon hyn yn y ffurf y cawsant eu drafftio'n wreiddiol. Cyfieithiad o'r fersiwn Saesneg gwreiddiol yw'r fersiwn hwn. Ombwdsmon Gwasanaethau Cyhoeddus Cymru sydd yn gyfrifol am gywirdeb y cyfieithiad, nid yr Archwilydd Cyffredinol.



**Datganiadau
Ariannol**

Datganiad o Wariant Net Cynhwysfawr

am y flwyddyn a ddaeth i ben ar 31 Mawrth 2018

	Nodyn	2017/18	2016/17
		£000	£000
Costau gweinyddu			
Costau staff	2	2,898	2,827
Costau gweinyddu eraill nad ydynt yn gostau staff	3	1,323	1,198
Costau gweinyddu gros		4,221	4,025
Incwm gweithredu	4	(31)	(5)
Costau gweinyddu net		4,190	4,020
Alldro referniw net		4,190	4,020

Mae'r holl weithgareddau sydd wedi cychwyn yn y cyfnod yn parhau.

Mae nodiadau 1 i 19 a'r Datgeliadau Pensiwn yn rhan o'r datganiadau hyn.

Datganiad Sefyllfa Ariannol

ar 31 Mawrth 2018

	Nodyn	2017/18 £000	2016/17 £000
Asedau anghyfredol			
Eiddo, Peiriannau a Chyfarpar	6a	128	140
Asedau anniriaethol	6b	7	18
Symiau derbyniadwy sy'n ddyledus ar ôl mwy na blwyddyn	7	3	-
Gwarged y gronfa bensiw	Datgeliadau Pensiynau	30	40
		168	198
Asedau Cyfredol			
Symiau masnach derbyniadwy a symiau derbyniadwy eraill	7	186	163
Arian parod a'r hyn sy'n gyferth ag arian parod	8	32	34
		218	197
		386	395
Rhwymedigaethau cyfredol			
Symiau masnach taladwy a symiau taladwy eraill	9	(177)	(172)
Darpariaethau llai na blwyddyn	10	(43)	(83)
		(220)	(255)
		166	140
Rhwymedigaethau anghyfredol			
Symiau masnach taladwy a symiau taladwy eraill sy'n ddyledus ar ôl blwyddyn	9	(28)	(33)
Darpariaethau mwy na blwyddyn	10	(494)	(461)
		(522)	(494)
		(356)	(354)
Cyfanswm yr asedau llai rhwymedigaethau			
		(356)	(354)
Ecwiti trethdalwyr:			
Cronfa Gyffredinol		(356)	(354)

Mae nodiadau 1 i 19 a'r Datgeliadau Pensiwn yn rhan o'r datganiadau hyn. Cymeradwywyd y datganiadau ariannol y Swyddog Cyfrifyddu a'u hawdurdodi i'w cyhoeddi ar 27 Mehefin 2018 gan:

Nick Bennett
Swyddog Cyfrifyddu

27 Mehefin 2018

Datganiad Llif Arian

am y flwyddyn a ddaeth i ben ar 31 Mawrth 2018

	Nodyn	2017/18	2016/17
		£000	£000
Mewnlif arian net drwy weithgareddau gweithredol	11	(4,158)	(4,218)
Llif arian net o weithgareddau buddsoddi	12	(20)	(27)
Cyllid gan Gynulliad Cenedlaethol Cymru	13	4,210	4,279
Balans arian parod y flwyddyn flaenorol wedi'i ad-dalu		(34)	(36)
Cynnydd (gostyngiad) net mewn symiau cyfwerth ag arian parod ar ôl addasu ar gyfer taliadau i Gronfa Gyfunol Cymru		(2)	(2)
Arian parod a'r hyn sy'n gyfwerth ag arian parod ar ddechrau'r cyfnod		34	36
Arian parod a'r hyn sy'n gyfwerth ag arian parod ar ddiwedd y cyfnod		32	34

Mae Nodiadau 1 i 19 a'r Datgeliadau Pensiwn yn rhan o'r datganiadau hyn.

Diwygiwyd ffigurau 2016/17 i adlewyrchu newid yn y cyflwyniad.

Datganiad Newidiadau yn Ecwiti Trethdalwyr

am y flwyddyn a ddaeth i ben ar 31 Mawrth 2018

	Cronfa Gyffredinol 2017/18 £000	Cronfa Gyffredinol 2016/17 £000
Balans ar 1 Ebrill	(354)	(564)
Costau gweithredu net	(4,190)	(4,020)
Cyllid gan Gynulliad Cenedlaethol Cymru	4,210	4,279
Yn ddyledus i Gronfa Gyfunol Cymru		
- Arian parod	(32)	(34)
- Incwm mwy na'r gyllideb a gymeradwywyd	-	(5)
(Diffyg) gwarged actwaraidd	10	(10)
Cyfanswm yr incwm a'r costau cydnabyddedig am y flwyddyn	(2)	210
Balans ar 31 Mawrth	(356)	(354)

Mae nodiadau 1 i 19 a'r Datgeliadau Pensiwn yn rhan o'r datganiadau hyn.

Nodiadau ar y Datganiadau Ariannol

1. Datganiad Polisiâu Cyfrifyddu

Mae'r datganiadau ariannol hyn wedi cael eu paratoi yn unol â Llawlyfr Adroddiadau Ariannol y Llywodraeth (y Llawlyfr) a gyhoeddir gan Drysorlys EM sydd mewn grym ar gyfer 2017/18. Mae'r polisiâu cyfrifyddu yn y Llawlyfr yn defnyddio Safonau Adroddiadau Ariannol Rhyngwladol fel y maent wedi cael eu mabwysiadu neu eu dehongli ar gyfer y sector cyhoeddus. Os yw'r Llawlyfr yn caniatáu dewis polisi cyfrifyddu, dewiswyd y polisi cyfrifyddu y tybiwyd iddo fod yr un mwyaf priodol i amgylchiadau arbennig Ombwdsmon Gwasanaethau Cyhoeddus Cymru, at ddibenion rhoi darlun gwir a theg. Disgrifir y polisiâu cyfrifyddu arbennig sydd wedi cael eu mabwysiadu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru isod. Defnyddiwyd hwy'n gyson wrth ymdrin ag eitemau yr ystyrir eu bod yn berthnasol i'r cyfrifon.

1.1 Confensiwn Cyfrifyddu

Paratowyd y cyfrifon hyn dan y confensiwn cost hanesyddol wedi'i addasu i ystyried ailbriso asedau sefydlog, os yw'n berthnasol i'w gwerth i'r busnes, drwy gyfeirio at eu costau cyfredol.

1.2 Eiddo, Peiriannau a Chyfarpar

Mae gwariant ar eiddo, peiriannau a chyfarpar yn cael ei gyfalafu lle disgwylir i'r hyn a brynir fod ag oes ddefnyddiol o fwy na blwyddyn a lle mae'r gost yn fwy na £1k. Gall asedau sy'n costio llai na £1k gael eu cyfalafu gyhyd â'u bod yn asedau cyfalaf a'u bod yn rhan o gynllun mwy sydd â chyfanswm dros £1k. Dangosir asedau ar sail eu cost, llai lwfans am ddibrisiant. Adeg eu cydnabod ar y cychwyn mesurir asedau, sefydlog ar sail eu cost, gan gynnwys costau megis costau gosod, y gellir eu priodoli'n uniongyrchol i fod yn rhai a ddefnyddiwyd i'w cael i weithio ar gyfer y defnydd y bwriadwyd hwynt. Wrth adolygu costau'r asedau sefydlog a gafwyd yn flaenorol a'r prisiau a dalwyd ar gyfer caffael eitemau newydd yn ystod y flwyddyn, nid oes gwahaniaeth mawr rhwng gwerth net hanesyddol ar bapur yr asedau a'u cost adnewyddu llai dibrisiant.

1.3 Dibrisiant

Caiff asedau eu dibrisio yn ôl cyfraddau a fydd yn eu gostwng i sero neu, os yw'n berthnasol, i amcangyfrif o'u gwerth gweddillol ar sail llinell syth dros eu hoes ddefnyddiol dybiedig yn dilyn taliad dibrisiant blwyddyn lawn cychwynnol ym mlwyddyn eu prynu. Caiff asedau sy'n cael eu datblygu eu dibrisio o'r flwyddyn y defnyddir yr asedau hynny gyntaf. Ac eithrio pan nodir fel arall y tybir bod asedau byw fel a ganlyn:

Peiriannau	10 mlynedd neu gyfnod y brydles os yw'n llai
Dodrefn a ffitiau eraill	10 mlynedd neu gyfnod brydles ar gyfer ffitiau
Cyfrifiaduron a chyfarpar arall	rhwng 3 a 10 mlynedd

1.4 Asedau anniriaethol

Mae trwyddedau meddalwedd cyfrifiadurol a brynir a meddalwedd a ddatblygir yn cael eu cyfalafu os ydynt yn costio £1k neu ragor ac os yw eu hoes ddefnyddiol yn fwy na blwyddyn. Gall asedau anniriaethol sy'n costio llai na £1k gael eu cyfalafu gyhyd â'u bod yn asedau cyfalaf a'u bod yn rhan o gynllun mwy sydd â chyfanswm dros £1k. Caiff asedau anniriaethol eu hadolygu'n flynyddol er mwyn canfod lleihad yn eu gwerth a chânt eu datgan ar sail cost hanesyddol wedi'i hamorteiddio. Caiff trwyddedau meddalwedd eu hamorteiddio dros gyfnod y drwydded neu dros oes economaidd ddefnyddiol yr offer cyfrifiadurol y maent wedi'u gosod arno, pa un bynnag yw'r byrraf. Fel arfer, byddai hyn rhwng 3 a 5 mlynedd. Caiff meddalwedd a ddatblygir ei hamorteiddio dros ei hoes ddefnyddiol amcangyfrifedig. Yn y flwyddyn y cânt eu prynu, gwneir taliad amorteiddio blwyddyn lawn gyda'r gweddill yn cael ei amorteiddio ar sail llinell syth dros weddill yr oes amcangyfrifedig.

1.5 Treth ar Werth

Nid yw Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi'i gofrestru ar gyfer TAW. Felly datgelir gwariant yn cynnwys TAW.

1.6 Pensiynau

Mae'r ymrwymadau pensiwn i staff blaenorol a phresennol yn cael eu cyflawni drwy ddarpariaethau Prif Gynllun Pensiwn y Gwasanaeth Sifil (PCSPS), drwy'r Cynllun Pensiwn Llywodraeth Leol a weinyddir drwy Gynllun Pensiwn Caerdydd a Bro Morgannwg (y Gronfa), a thrwy daliadau uniongyrchol i ddau Gomisiynydd blaenorol dros Weinyddu Lleol yng Nghymru ac unrhyw fuddiolwr sy'n dal yn fyw. Datgelir y manylion llawn yn y Datgeliadau Pensiynau ar ddiwedd y Datganiadau Ariannol. Caiff costau darparu'r pensiynau hyn eu cynnwys yn y Datganiad Gwariant Net Cynhwysfawr gyda'r enillion a'r colledion actwaraidd

sy'n gysylltiedig â Chynllun Pensiwn Caerdydd a Bro Morgannwg yn cael eu cynnwys yn y flwyddyn y maent yn codi.

1.7 Costau gadael yn fuan

Lle mae'n ofynnol i Ombwdsmon Gwasanaethau Cyhoeddus Cymru dalu costau ychwanegol buddion sy'n fwy na'r buddion arferol a delir dan y cynllun pensiwn priodol i weithwyr sy'n ymddeol yn gynnar, caiff y costau hyn eu cynnwys yn llawn yn y Datganiad Gwariant Net Cynhwysfawr pan fydd y rhwymedigaeth yn codi.

1.8 Prydlesi gweithredol

Codir tâl am y gwariant ar eiddo a brydlesir yn ystod y cyfnod y mae'n berthnasol iddo. Mae taliadau ar gyfer cyfarpar yng nghyswllt prydlesi gweithredol yn cael eu rhannu'n gyfartal dros oes y brydles.

1.9 Costau Staff

Yn unol ag IAS 19, caiff buddion tymor byr cyflogeion, megis cyflogau a chyfraniadau nawdd cymdeithasol, gwyliau blynyddol â thâl ac absenoldeb salwch â thâl, yn ogystal â buddion anariannol ar gyfer cyflogeion cyfredol, eu cydnabod pan fydd cyflogai wedi darparu gwasanaethau yn gyfnewid am y buddion hynny.

1.10 Darpariaethau

Symiau yw'r rhain y mae'r swm neu'r amseru sy'n berthnasol iddynt yn ansicr ar ddyddiad y fantolen ac maent yn cynrychioli'r amcangyfrif gorau o'r gwariant sydd ei angen i setlo'r ymrwymadau. Pan fydd effaith gwerth arian o ran amser yn sylweddol, caiff y llifoedd arian amcangyfrifedig yr addaswyd yn ôl risg eu disgowntio gan ddefnyddio'r gyfradd ddisgownt a argymhellir gan Drysorlys EM.

1.11 Incwm

Caiff yr holl incwm ei gydnabod yn y Datganiad o Wariant Net Cynhwysfawr yn unol â Gwasanaethau Archwilio Mewnol 18.

1.12 Effaith Safonau heb fod ar waith eto

Safon	Dyddiad dod i rym	Rhagor o fanylion
Offerynnau Ariannol IFRS 9	2018/19	Bydd Offerynnau Ariannol IFRS 9 yn disodli IAS 39 ac yn cynnwys dull newydd sy'n seiliedig ar egwyddorion ar gyfer dosbarthu a mesur asedau ariannol. Mae hefyd yn cynnwys methodoleg diffyg newydd ar gyfer asedau ariannol yn seiliedig ar y colledion disgwylidig yn hytrach na'r colledion sydd wedi digwydd. Bydd hyn yn arwain at gydnabod colledion credyd disgwylidig yn gynt ac yn fwy amserol. Mae bron y cyfan o'r gofynion cyfrifyddu ar gyfer rhwymedigaethau ariannol yn cael eu dwyn ymlaen heb eu newid o IAS 39.
Refeniw IFRS 15 o Gontractau gyda Chwsmeriaid	2018/19	Mae Refeniw IFRS 15 o Gontractau gyda Chwsmeriaid yn cyflwyno model pum-cam sy'n seiliedig ar egwyddorion ar gyfer cydnabod refeniw sy'n codi o gontractau gyda chwsmeriaid. Mae'n seiliedig ar egwyddor craidd lle mae angen cydnabod refeniw er mwyn rhoi darlun o'r broses trosglwyddo nwyddau neu wasanaethau sydd wedi'u haddo i'r cwsmer ar ffurf swm sy'n adlewyrchu'r ystyriaeth y mae'r corff yn disgwyl bod ganddo hawl i'w gael yn gyfnewid am y nwyddau neu'r gwasanaethau hynny. Bydd hyn yn gofyn hefyd am ddatgeliadau ar raddfa fwy na'r hyn y gofynnir amdano ar hyn o bryd.
Prydlesi IFRS 16	2019/20	Bydd IFRS 16 yn disodli'r safon IAS 17 bresennol ar brydlesi. Y newid mwyaf yw ei fod, i raddau helaeth, yn diddymu'r gwahaniaeth rhwng lesioedd cyllid a gweithredu ar gyfer lesdeiliaid drwy gyflwyno un model cyfrifyddu i lesdeiliaid lle mae angen i lesdeiliad gydnabod asedau a rhwymedigaethau ar gyfer pob les sydd â thymor hwy na 12 mis, oni bai fod gwerth yr ased sylfaenol yn isel. Bydd hyn yn golygu y bydd pob prydles yn cael ei chydabod ar y fantolen fel ased yn seiliedig ar yr hawl i ddefnyddio egwyddor sydd â rhwymedigaeth gyfatebol ar gyfer rhentu yn y dyfodol. Mae hwn yn newid sylweddol o ran cyfrifyddu ar gyfer lesdeiliaid.

2. Niferoedd a Chostau Staff

Roedd y costau cyflogaeth gyda'i gilydd fel a ganlyn:

	2017/18 £000	2016/17 £000
Staff parhaol:		
Cyflogau	2,194	2,130
Costau Nawdd Cymdeithasol	210	221
Costau pensiwn	439	448
Ffioedd cronfa bensiwn	55	28
Cyfanswm	2,898	2,827

Mae costau staff dros dro yn cynnwys staff asiantaeth ynghyd ag unrhyw unigolion a gyflogwyd ar gontract dros dro.

Roedd cyfartaledd nifer yr unigolion cyfwerth â llawn-amser a gyflogwyd (gan gynnwys uwch reolwyr a cyflogaeth cyfnod penodol) yn ystod y flwyddyn fel a ganlyn:

	2017/18 Nifer	2016/17 Nifer
Cyfarwyddwyr	2	2
Ymchwiliadau	45	42
Gwasanaethau Corfforaethol ac ITC	7	7
Cyfathrebu a Chynorthwyo Personol	3	4
Cyfanswm	57	55

3. Costau Gweinyddu nad ydynt yn gostau staff

	2017/18	2016/17
	£000	£000
Rhentu o dan brydlesi gweithredol	265	261
Ffi Archwilio Allanol	18	18
Cynghorwyr Proffesiynol	319	230
Costau eiddo eraill	205	174
Gwasanaethau cyfrifiadurol	239	177
Costau swyddfa	98	115
Teithio a chynhaliaeth	36	39
Recriwtio a Hyfforddi	55	45
Cyfathrebu	45	57
Is-gyfanswm	1,280	1,116
Dibrisiant	32	33
Tâl Amorteiddio	11	49
Colled wrth waredu	-	-
Is-gyfanswm	43	82
Cyfanswm costau gweinyddu eraill	1,323	1,198

4. Incwm gweithredu

	2017/18	2016/17
	£000	£000
Staff ar secondiad	(30)	(4)
Llog sydd i'w dderbyn	-	-
Arall – Comisiynydd Cenedlaethau'r Dyfodol	(1)	(1)
Cyfanswm	(31)	(5)

5. Costau Gweithredu yn ôl Nodau Strategol

Mae costau darparu gwasanaeth Ombwdsmon o'r radd flaenaf i Gymru wedi'u nodi isod. Rydym wedi nodi pedwar nod strategol newydd ar gyfer cyflawni ein cenhadaeth ac mae dyraniad pob un o'r nodau yn seiliedig ar y canlynol:

- (a) Amcangyfrif o amser y staff a dreuliwyd ar y nod
- (b) Dyraniad uniongyrchol y gwariant lle y bo hynny'n berthnasol
- (c) Dosraniad costau eraill pro rata i amcangyfrif amser y staff

	2017/18		2016/17	
	£000	%	£000	%
Nod Strategol 1:				
Darparu gwasanaeth cwynion o'r safon uchaf, sy'n gymesur ac yn effeithiol.	3,307	78.9	3,097	77.0
Nod Strategol 2:				
Defnyddio'r wybodaeth a'r ddealltwriaeth a gafwyd yn sgil y cwynion a ystyrir gennym i wella'r ffordd mae darparwyr gwasanaethau cyhoeddus yn delio â chwynion a chael effaith ar wella gwasanaethau cyhoeddus a goleuo polisi cyhoeddus.	661	15.8	677	16.8
Nod Strategol 3:				
Parhau i esblygu a thyfu fel swyddfa, yn benodol cynllunio ar gyfer gweithredu pwerau newydd yr Ombwdsmon os bydd Cynulliad Cenedlaethol Cymru yn creu Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) newydd.	52	1.2	59	1.5
Nod Strategol 4:				
Bod yn atebol am y gwasanaeth rydym yn ei ddarparu ac am yr arian cyhoeddus yr ydym yn ei wario.	170	4.1	187	4.7
Costau gweithredu net	4,190	100.0	4,020	100.0

6a. Eiddo, Peiriannau a Chyfarpar

	Peiriannau	Cyfrifiaduron a chyfarpar arall	Dodrefn a ffitiadau eraill	Cyfanswm
	£000	£000	£000	£000
2017/18				
Cost neu werth ar 1 Ebrill 2017	156	182	415	753
Ychwanegiadau	-	5	15	20
Gwarediadau	-	(37)	-	(37)
Ar 31 Mawrth 2018	156	150	430	736
Dibrisiant				
Ar 1 Ebrill 2017	(156)	(152)	(305)	(613)
A godwyd yn ystod y flwyddyn	-	(16)	(16)	(32)
Gwarediadau	-	37	-	37
Ar 31 Mawrth 2018	(156)	(131)	(321)	(608)
Swm ar bapur ar 31 Mawrth 2018	-	19	109	128
Swm ar bapur ar 31 Mawrth 2017	-	30	110	140
	Peiriannau	Cyfrifiaduron a chyfarpar arall	Dodrefn a ffitiadau eraill	Cyfanswm
	£000	£000	£000	£000
2016/17				
Cost neu werth ar 1 Ebrill 2016	156	222	406	784
Ychwanegiadau	-	8	19	27
Gwarediadau	-	(48)	(10)	(58)
Ar 31 Mawrth 2017	156	182	415	753
Dibrisiant				
Ar 1 Ebrill 2016	(156)	(183)	(299)	(638)
A godwyd yn ystod y flwyddyn	-	(17)	(16)	(33)
Gwarediadau	-	48	10	58
Ar 31 Mawrth 2017	(156)	(152)	(305)	(613)
Swm ar bapur ar 31 Mawrth 2017	-	30	110	140
Swm ar bapur ar 31 Mawrth 2016	-	39	107	146

6b. Asedau Anniriaethol

	Technoleg Gwybodaeth	Meddalwedd Trwyddedau	Cyfanswm
	£000	£000	£000
2017/18			
Cost neu werth ar 1 Ebrill 2017	328	71	399
Ychwanegiadau	-	-	-
Gwarediadau	-	(19)	(19)
Ar 31 Mawrth 2018	328	52	380
Amortiddio ar 1 Ebrill 2017	(310)	(71)	(381)
Amortiddio a godwyd yn y flwyddyn	(11)	-	(11)
Gwarediadau	-	19	19
Ar 31 Mawrth 2018	(321)	(52)	(373)
Swm ar bapur ar 31 Mawrth 2018	7	-	7
Swm ar bapur ar 31 Mawrth 2017	18	-	18
	Technoleg Gwybodaeth	Meddalwedd Trwyddedau	Cyfanswm
	£000	£000	£000
2016/17			
Cost neu werth ar 1 Ebrill 2016	502	71	573
Ychwanegiadau	-	-	-
Gwarediadau	(174)	-	(174)
Ar 31 Mawrth 2017	328	71	399
Amortiddio ar 1 Ebrill 2016	(435)	(71)	(506)
Amortiddio a godwyd yn y flwyddyn	(49)	-	(49)
Gwarediadau	174	-	174
Ar 31 Mawrth 2017	(310)	(71)	(381)
Gwerth ar bapur ar 31 Mawrth 2017	18	-	18
Gwerth ar bapur ar 31 Mawrth 2016	67	-	67

Ym marn Ombwdsmon Gwasanaethau Cyhoeddus Cymru nid oes gwahaniaeth o bwys rhwng gwerth llyfr net yr asedau yn ôl eu gwerthoedd heddiw a'u cost hanesyddol. Cynhaliwyd dilysiad llawn o asedau TG yn ystod y flwyddyn ac fe gafodd nifer o eitemau nad oeddent yn cael eu defnyddio mwyach eu tynnu o'r gofrestr asedau.

7. Symiau Masnach derbyniadwy a symiau Derbyniadwy eraill

	2017/18 £000	2016/17 £000
Symiau a ddaw'n ddyledus o fewn blwyddyn		
Rhagdaliadau	186	163
Dyledwyr masnach	-	-
Symiau a ddaw'n ddyledus ar ôl mwy na blwyddyn		
Rhagdaliadau	3	-
Cyfanswm	189	163

8. Arian parod a'r hyn sy'n gyfwerth ag Arian Parod

Rhaid dychwelyd unrhyw falansau banc a ddelir ar ddiwedd y flwyddyn i Gronfa Gyfunol Cymru. Mae ffigur o £32k (£34k yn 2016/17) wedi'i gynnwys yn y cyfrifon, fel balans net diwedd blwyddyn yr holl gyfrifon banc a weithredir gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, ni waeth a yw'r cyfrif unigol mewn dyled neu gredyd. Bydd y balans hwn yn cael ei ad-dalu i Gronfa Gyfunol Cymru yn 2018/19 yn unol â Deddf Llywodraeth Cymru 2006.

9. Symiau Masnach taladwy a Rhwymedigaethau Cyfredol eraill

	2017/18 £000	2016/17 £000
Symiau a ddaw'n ddyledus o fewn blwyddyn		
Gwyliau blynyddol heb eu cymryd	70	72
Gostyngiad rhent gohiriedig	5	5
Cronfa Gyfunol Cymru – balansau heb eu gwario	32	34
Cronfa Gyfunol Cymru – incwm dros ben	-	5
Symiau masnach taladwy	24	22
Croniadau	46	34
	177	172
Symiau sy'n dod yn ddyledus mewn mwy na blwyddyn		
Gostyngiad rhent gohiriedig	28	33
Cyfanswm	205	205

10. Darpariaethau ar gyfer Rhwymedigaethau a Thaliadau

	2017/18			2016/17	
	Pensiynau ar gyfer Cyn- gomisiynwyr	Costau Dirywiad	Costau Cyfreithiol	Cyfanswm	Cyfanswm
	£000	£000	£000	£000	£000
Balans ar 1 Ebrill	266	236	42	544	523
Ychwanegol					
Darpariaeth ychwanegol sy'n ofynnol	34	41	-	75	59
Symudiad yn y gyfradd ddisgownt	1	-	-	1	11
Darpariaethau a ddefnyddiwyd yn y flwyddyn	(41)	-	(42)	(83)	(49)
Balans ar 31 Mawrth	260	277	-	537	544

Dadansoddiad o bryd y disgwylir i'r darpariaethau gael eu talu:

	2017/18	2016/17
	£000	£000
Taladwy o fewn blwyddyn	43	83
Taladwy o fewn 2 i 5 mlynedd	172	166
Taladwy ar ôl 5 mlynedd	322	295
Balans ar 31 Mawrth	537	544

Mae darpariaethau pensiwn yn cael eu cyfrifo ar sail Tablau Bywyd Cenedlaethol ar gyfer Cymru a Lloegr a gyhoeddir gan y Swyddfa Ystadegau Gwladol. Mae'r cynnydd mewn pensiynau yn hwyrach ymlaen yn y flwyddyn yn unol â'r wybodaeth am ddadchwyddydd CMC a gyhoeddwyd gan Drysorlys EM. Mae'r ffactor disgownt wedi'i newid i 0.10% ar gyfer y flwyddyn ariannol (0.24% yn 2016/17) yn unol â'r arweiniad a gyhoeddwyd gan y Trysorlys. Mae priod dau o'r cyn-Gomisiynwyr sy'n dal yn fyw yn parhau i fod yn rhwymedigaethau pensiwn.

Mae dirywiadau wedi cael ei cynyddu yn unol â mynegeion adeiladu BICS ar gyfer y costau adeiladu cyffredinol a ddarparwyd gan ymgynghorwyr adeiladu Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Darparwyd ffioedd cyfreithiol i amddiffyn achos cyfreithiol, setlwyd yr achos yn y flwyddyn a defnyddiwyd y ddarpariaeth.

11. Cysoni'r Costau Gweithredol â'r Llifoedd Arian Gweithredol

	Nodiadau	2017/18 £000	2016/17 £000
Cost gweithredu net		(4,190)	(4,020)
Addasiadau ar gyfer eitemau anariannol	3	63	92
Gostyngiad/(Cynnydd) mewn symiau masnach derbyniadwy a symiau derbyniadwy eraill	7	(26)	(12)
Cynnydd/(Gostyngiad) mewn symiau masnach taladwy a symiau taladwy eraill	9	-	(6)
Taliad i ddiwallu diffyg yn y gronfa bensiwn	Pensiynau Datgelu	-	(290)
Symudiadau mewn darpariaethau	10	(7)	21
Symudiad mewn arian a ad-dalwyd i Gronfa Gyfunol Cymru	8	2	(3)
Mewnlif arian net drwy weithgareddau gweithredol		(4,158)	(4,218)

Does dim taliadau diffyg pensiwn yn daladwy o 2017/18 ymlaen oherwydd mae gwarged gan y Cynllun Pensiwn Llywodraeth Leol.

12. Buddsoddiad Ariannol a Gwariant Asedau Anghyfredol

	2017/18 £000	2016/17 £000
Prynu eiddo, peiriannau a chyfarpar	(20)	(27)
Yr elw o werthu eiddo, peiriannau a chyfarpar	-	-
Prynu asedau anniriaethol	-	-
Mewnlif arian net drwy weithgareddau buddsoddi	(20)	(27)

13. Cysoni'r Gofyniad Arian Parod Net â'r Cynnydd/(Gostyngiad) mewn Arian Parod

	2017/18 £000	2016/17 £000
Gofynion Arian Parod Net:		
Gweithgareddau gweithredol	(4,158)	(4,218)
Gwariant Cyfalaf	(20)	(27)
	(4,178)	(4,245)
Cyllid gan Gynulliad Cenedlaethol Cymru	4,210	4,279
Ad-daliadau i Gronfa Gyfunol Cymru	(34)	(36)
Cynnydd/(Gostyngiad) mewn arian parod a'r hyn sy'n gyfwerth ag arian parod	(2)	(2)

14. Ymrwymadau o dan Brydlesi Gweithredol

	2017/18	2016/17
	£000	£000
Cyfanswm taliadau prydles sylfaenol yn y dyfodol ar gyfer yr Adeilad:		
Taladwy o fewn blwyddyn	183	183
Rhwng dwy a phum mlynedd	732	732
Mwy na phum mlynedd	473	656
	1,388	1,571
Arall:		
Taladwy o fewn blwyddyn	20	20
Rhwng dwy a phum mlynedd	12	32
Mwy na phum mlynedd	-	-
	32	52
Cyfanswm – pob prydles weithredol	1,420	1,623

15. Rhwymedigaethau amodol

Dim.

16. Ymrwymadau Cyfalaf

Nid oedd dim ymrwymadau cyfalaf ar 31 Mawrth 2018 (2016/17 Dim).

17. Trafodion Partion Cysylltiedig

Pennaeth Swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru yw Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac fe'i sefydlwyd o dan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005. Mae'r Ombwdsmon yn annibynnol ar y Llywodraeth ac mae trefniadau cyllido'r Swyddfa wedi'u trefnu i sicrhau y diogelir annibyniaeth y Swyddfa. Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi cael nifer o drafodion o bwys gyda Chynulliad Cenedlaethol Cymru, Swyddfa'r Ombwdsmon Seneddol, Cyllid a Thollau EM (taliadau Treth ac Yswiriant Gwladol) a Swyddfa'r Cabinet (taliadau yng nghyswllt Prif Gynllun Pensiwn y Gwasanaeth Sifil).

Yn ystod y flwyddyn, nid oes dim cyfarwyddwyr, aelodau allweddol o staff na'u partion cysylltiedig wedi ymwneud ag unrhyw drafodion o bwys.

18. Digwyddiadau ar ôl y Cyfnod Adrodd

Dim.

19. Taliadau Arbennig

Gwnaed tri thaliad â chyfanswm o £94 mil i staff a adawodd eu swyddi ag Ombwdsmon Gwasanaethau Cyhoeddus Cymru eleni.

Datgeliadau Pensiynau

Mae dau gynllun pensiwn yn cael eu gweithredu ar ran y staff presennol – Prif Gynllun Pensiwn y Gwasanaeth Sifil (PCSPS) a Chronfa Bensiwn Caerdydd a Bro Morgannwg (y Gronfa). Hefyd, mae rhwymedigaeth barhaus i fodloni pensiynau di-gyllid dau o berthnasau cyn-Gomisiynwyr Llywodraeth Leol sy'n ddibynyddion.

Pensiynau'r Gwasanaeth Sifil

Darperir buddion pensiwn drwy drefniadau pensiwn y Gwasanaeth Sifil. O 1 Ebrill 2015 cyflwynwyd cynllun pensiwn newydd ar gyfer gweision sifil – Cynllun Pensiwn Gweision Sifil ac Eraill neu **alffa**, sy'n rhoi buddion ar sail gyrfa gyfartalog gydag oed pensiwn arferol sy'n cyfateb i Oed Pensiwn y Wladwriaeth yr aelod (neu 65 os yw'n uwch). O'r dyddiad hwnnw ymlaen, ymunodd pob gwas sifil a oedd newydd ei benodi â chynllun **alffa** ynghyd â'r rhan fwyaf o'r rheini eisoes yn y gwasanaeth. Cyn y dyddiad hwnnw, roedd gweision sifil yn rhan o gynllun Prif Gynllun Pensiwn y Gwasanaeth Sifil. Mae gan gynllun PCSPS bedair adran: 3 sy'n rhoi buddion ar sail cyflog terfynol (**clasurol**, **premiwm** neu **clasurol a mwy**) gydag oed pensiwn arferol o 60; ac un sy'n rhoi buddion ar sail gyrfa gyfan (**nuvos**) gydag oed pensiwn arferol o 65.

Nid yw'r trefniadau statudol hyn wedi'u cyllido ac mae cost y buddion yn cael eu thalu gan swm a benderfynir drwy bleidlais gan y Senedd bob blwyddyn. Mae pensiynau sy'n daladwy dan y cynlluniau **clasurol**, **premiwm**, **clasurol a mwy**, **nuvos** ac **alffa** yn cael eu cynyddu'n flynyddol yn unol â deddfwriaeth Cynyddu Pensiynau. Arhosodd aelodau sy'n rhan o'r cynllun PCSPS a oedd o fewn 10 mlynedd o'u hoed pensiwn arferol ar 1 Ebrill 2012 yn y cynllun PCSPS ar ôl 1 Ebrill 2015. Bydd y rheini a oedd rhwng 10 mlynedd a 13 blynedd a 5 mis o'u hoed pensiwn arferol ar 1 Ebrill 2012 yn newid i gynllun **alffa** ryw dro rhwng 1 Mehefin 2015 a 1 Chwefror 2022. Bydd buddion PCSPS pob aelod sy'n newid i gynllun **alffa** yn cael eu 'bancio', gyda'r rheini sydd â buddion cynt yn un o adrannau cyflog terfynol y PCSPS yn cael y buddion hynny ar sail eu cyflog terfynol pan fyddant yn gadael cynllun **alffa**. (Mae'r ffigurau pensiwn a ddyfynnwyd ar gyfer swyddogion yn dangos y pensiwn a enillwyd yn PCSPS neu **alffa** – fel sy'n briodol. Os oes gan y swyddog fuddion yng nghynllun PCSPS a chynllun **alffa**, mae'r ffigur a ddyfynnwyd yn cynnwys gwerth cyfun eu buddion yn y ddau gynllun.) Gall aelodau sy'n ymuno o fis Hydref 2002 ymlaen ddewis naill ai'r trefniant buddion diffiniedig priodol neu bensiwn cyfranddeiliaid 'prynu arian' gyda chyfraniad cyflogwr (cyfrif pensiwn **partneriaeth**).

Mae cyfraniadau'r gweithwyr yn gysylltiedig â chyflogau ac maent yn amrywio o 4.6% i 8.05% ar gyfer aelodau **clasurol**, **premiwm**, **clasurol a mwy**, **nuvos** ac **alffa**. Mae'r buddion yn y cynllun **clasurol** yn cronni ar gyfradd o 1/80fed o enillion pensiynadwy terfynol am bob blwyddyn o wasanaeth. Yn ogystal, telir cyfandaliad sydd gyfwerth â thair blynedd o bensiwn cychwynnol pan fydd cyflogai'n ymddeol. Gyda'r cynllun **premiwm**, mae'r buddion yn cronni ar gyfradd o 1/60fed o enillion pensiynadwy terfynol am bob blwyddyn o wasanaeth. Yn wahanol i'r cynllun **clasurol**, nid oes dim cyfandaliad awtomatig. Mae **clasurol a mwy** yn ei hanfod yn gynllun hybrid gyda buddion yng nghyswllt gwasanaeth cyn 1 Hydref 2002 yn cael eu cyfrifo'n fras fel y cynllun **clasurol**, a buddion am wasanaeth ar ôl mis Hydref 2002 yn cael eu cyfrifo fel yn y cynllun **premiwm**. Gyda **nuvos**, mae'r aelod yn cronni pensiwn ar sail ei enillion pensiynadwy tra bo'n aelod o'r cynllun. Ar ddiwedd blwyddyn y cynllun (31 Mawrth) mae cyfrif pensiwn a enillwyd yr aelod yn cael ei gredu gyda 2.3% o'i enillion pensiynadwy ym mlwyddyn honno'r cynllun ac mae'r pensiwn cronedig yn cael ei gynyddu yn ôl deddfwriaeth Cynyddu Pensiynau. Mae buddion yn y cynllun **alffa** yn cronni yn yr un modd ag y maent yng nghynllun **nuvos**, ac eithrio mai 2.32% yw'r gyfradd cronni. Ym mhob achos, gall aelodau ddewis rhoi rhan o'u pensiwn heibio (cyfnewid) i gael cyfandaliad hyd at y terfynau a bennir gan Ddeddf Cyllid 2004.

Mae'r cyfrif pensiwn **partneriaeth** yn drefniant pensiwn cyfranddeiliaid. Mae'r cyflogwr yn gwneud cyfraniad sylfaenol rhwng 8% a 14.75% (yn dibynnu ar oed yr aelod) i gynnyrch pensiwn cyfranddeiliaid a ddewisir gan y cyflogai o blith panel o ddarparwyr. Nid oes raid i'r cyflogai gyfrannu, ond os bydd yn gwneud cyfraniadau, bydd y cyflogwr yn talu swm cyfatebol hyd at derfyn o 3% o gyflog pensiynadwy (yn ogystal â chyfraniad sylfaenol y cyflogwr). Mae cyflogwyr hefyd yn cyfrannu 0.5% o gyflog pensiynadwy i dalu cost yswiriant buddion risg a ddarperir yn ganolog (marw yn y swydd ac ymddeol yn sgil salwch).

Y pensiwn cronedig a ddyfynnir yw'r pensiwn y mae gan yr aelod hawl i'w gael pan fydd yn cyrraedd oed pensiwn, neu'n syth ar ôl peidio â bod yn aelod gweithredol o'r cynllun os yw wedi cyrraedd oed pensiwn neu dros yr oedran hwnnw. 60 yw'r oedran pensiwn ar gyfer aelodau cynlluniau **clasurol**, **premiwm** a **chlasurol a mwy**, a 65 ar gyfer aelodau **nuvos**, a 65 oed neu Oed Pensiwn y Wladwriaeth, pa bynnag yw'r uchaf, ar gyfer aelodau cynllun **alffa**. (Mae'r ffigurau pensiwn a ddyfynnwyd ar gyfer swyddogion yn dangos y pensiwn a enillwyd yn PCSPS neu alffa – fel sy'n briodol. Os oes gan y swyddog fuddion yng nghynllun PCSPS a chynllun alffa, mae'r ffigur a ddyfynnwyd yn cynnwys gwerth cyfun ei fuddion yn y ddau gynllun, ond mae'n bosib y bydd rhan o'r pensiwn hwnnw yn daladwy ar wahanol oedrannau.)

Mae manylion pellach ar drefniadau pensiwn y Gwasanaeth Sifil ar gael ar y wefan www.civilservicepensionscheme.org.uk

Gwerthoedd Trosglwyddo sydd Gyfwerth ag Arian Parod

Gwerth Trosglwyddo sydd Gyfwerth ag Arian Parod (CETV) yw gwerth buddion y cynllun pensiwn wedi'i gyfalafu a gronwyd gan aelod ar unrhyw adeg, wedi'i asesu gan actwari, ar gyfnod penodol. Buddion a gronwyd gan yr aelod yw'r buddion a brisir ynghyd ag unrhyw bensiwn wrth gefn i briod sy'n daladwy o'r cynllun. CETV yw taliad a wneir gan gynllun neu drefniant pensiwn i sicrhau buddiannau pensiwn mewn cynllun pensiwn neu drefniant arall pan fydd yr aelod yn gadael cynllun ac yn dewis trosglwyddo'r buddiannau y mae wedi eu cronni yn ei gynllun blaenorol. Mae'r ffigurau pensiwn a nodir yn ymwneud â buddion y mae'r unigolyn wedi eu cronni o ganlyniad i gyfanswm ei aelodaeth yn y cynllun pensiwn, nid dim ond ei wasanaeth mewn swydd uwch y mae'r datgeliad yn berthnasol iddo.

Mae'r ffigurau'n cynnwys gwerth unrhyw fuddion pensiwn mewn cynllun neu drefniant arall y mae'r aelod wedi ei drosglwyddo i drefniadau pensiwn y Gwasanaeth Sifil. Maent hefyd yn cynnwys unrhyw fuddion pensiwn ychwanegol a gronwyd i'r aelod o ganlyniad iddo brynu buddion pensiwn ychwanegol ar ei gost ei hun. Cyfrifir CETV yn unol â Rheoliadau'r Cynlluniau Pensiwn Galwedigaethol (Gwerthoedd Trosglwyddo) (Diwygiad) 2008 ac nid yw'n ystyried unrhyw ostyngiad gwirioneddol neu bosibl i fuddion o ganlyniad i Dreth Lwfans Oes a allai fod yn daladwy pan gymerir buddion pensiwn.

Gwir gynnydd yn y CETV

Mae hyn yn adlewyrchu'r cynnydd yn y CETV sy'n cael ei ariannu gan y cyflogwr. Nid yw'n cynnwys y cynnydd mewn pensiwn a gronwyd oherwydd chwyddiant, cyfraniadau'r cyflogai (gan gynnwys gwerth unrhyw fuddion a drosglwyddwyd o gynllun neu drefniant pensiwn arall) ac mae'n defnyddio ffactorau prisiau cyffredin y farchnad ar gyfer dechrau a diwedd y cyfnod.

lawndal am golli swydd

Ni wnaeth unrhyw aelod o staff adael ar delerau Gadael yn Wirfoddol neu Diswyddo Gwirfoddol yn ystod y flwyddyn ariannol.

Cronfa Bensiwn Caerdydd a Bro Morgannwg – Cynllun Pensiwn Llywodraeth Leol

Mae'r datgeliadau isod yn gysylltiedig â rhwymedigaethau Cronfa Bensiwn Caerdydd a Bro Morgannwg (y Gronfa) sydd wedi'u cyllido, sy'n rhan o'r Cynllun Pensiwn Llywodraeth Leol. Oherwydd bod y Cynllun Pensiwn Llywodraeth Leol yn un a gyllidir, rhaid i Ombwdsmon Gwasanaethau Cyhoeddus Cymru a'i staff sy'n aelodau o'r cynllun dalu cyfraniadau i'r Gronfa, wedi'u cyfrifo ar lefel sydd â'r bwriad o gydbwysu rhwymedigaethau'r pensiwn ag asedau buddsoddi.

Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cydnabod enillion a cholledion yn llawn, yn uniongyrchol drwy'r Datganiad Gwariant Net Cynhwysfawr. Yn unol â Safonau Adroddiadau Ariannol Rhyngwladol, mae'n ofynnol i ddatgelu gwybodaeth benodol sy'n ymwneud ag asedau, rhwymedigaethau, incwm a gwariant sy'n ymwneud â chynlluniau pensiwn.

Does dim angen i Ombwdsmon Gwasanaethau Cyhoeddus Cymru dalu rhagor o gyfraniadau cyflogwr i'r Gronfa.

Datgelu o dan IAS19 (buddion a ariennir gan y Cynllun Pensiwn Llywodraeth Leol)

Cyflwyniad

Mae'r datgeliadau isod yn gysylltiedig â rhwymedigaethau'r Gronfa sydd wedi'u cyllido, sy'n rhan o'r Cynllun Pensiwn Llywodraeth Leol.

Canlyniadau o dan IAS 19 (buddion a ariennir gan y Cynllun Pensiwn Llywodraeth Leol)

Dyddiad y prisiad actiwari llawn diwethaf	31 Mawrth 2016	
Cyfraniadau cyflogwyr disgwylidig yn ystod y flwyddyn nesaf (£M)	-	
Hyd y rhwymedigaethau		12.8 mlynedd

Prif dybiaethau (% y flwyddyn)

	31 Mawrth 2018	31 Mawrth 2017	31 Mawrth 2016
	%	%	%
Cyfradd disgownt	2.60	2.50	3.30
Chwyddiant y Mynegai Prisiau Manwerthu	3.20	3.10	2.80
Chwyddiant y Mynegai Prisiau Defnyddwyr	2.10	2.00	1.70
Cynnydd mewn pensiynau	2.10	2.00	1.70
Cyfradd ailbriso cyfrifon pensiwn	2.10	2.00	1.70
Cynnydd mewn cyflog	3.10	3.00	2.70

Tybiaethau ynghylch cyfradd marwolaethau

Mae'r tybiaethau ynghylch y gyfradd marwolaethau'n seiliedig ar y marwolaethau a brofwyd yn ddiweddar ymysg aelodau'r Gronfa ac yn caniatáu ar gyfer gwelliannau a ddisgwylir yn y dyfodol yn y gyfradd marwolaethau. Isod, gwelir y disgwyliadau oes enghreifftiol ar 65 oed sy'n deillio o'r tybiaethau hyn ynghylch cyfradd marwolaethau:

Disgwyliad oes rhagdybiedig ar 65 oed	31 Mawrth 2018	31 Mawrth 2017
Dynion		
Aelod 65 oed ar y dyddiad cyfrifo	23.1	23.0
Aelod 45 oed ar y dyddiad cyfrifo	24.2	24.0
Menywod		
Aelod 65 oed ar y dyddiad cyfrifo	25.8	25.7
Aelod 45 oed ar y dyddiad cyfrifo	27.2	27.1

Dyrannu asedau

	Gwerth ar 31 Mawrth 2018		Gwerth ar 31 Mawrth 2017	
	Wedi ei restru %	Heb ei restru %	Cyfanswm %	Cyfanswm %
Ecwitiâu	0.0	0.0	0.0	0.0
Eiddo	0.0	0.0	0.0	0.0
Bondiau'r Llywodraeth	100.0	0.0	100.0	100.0
Bondiau corfforaethol	0.0	0.0	0.0	0.0
Arian parod	0.0	0.0	0.0	0.0
Arall	0.0	0.0	0.0	0.0
Cyfanswm	100.0	0.0	100.0	100.0

Cysoni'r statws noddedig â'r Datganiad Sefyllfa Ariannol

	Gwerth ar 31 Mawrth 2018 £M	Gwerth ar 31 Mawrth 2017 £M
Gwerth teg yr asedau	6.84	7.00
Gwerth presennol yr ymrwymiad o ran y buddion diffiniedig a ariennir	5.32	5.35
Statws 'a ariennir'	1.52	1.65
Ased heb ei chydabod	(1.49)	(1.61)
Ased/(Rhwymedigaeth) a gydnabyddir yn y fantolen	0.03	0.04

Dyma'r rhaniad yn y rhwymedigaethau yn y prisiad diwethaf rhwng yr amrywiol categorïau o aelodau:

Aelodau Gweithredol	6%
Pensiynwyr Gohiriedig	12%
Pensiynwyr	82%

Symiau a gydnabyddir yn y Datganiad am y Gwariant Net Cynhwysfawr

	Cyfnod yn dod i ben 31 Mawrth 2018 £M	Cyfnod yn dod i ben 31 Mawrth 2017 £M
Cost gweithredu		
Cost gwasanaeth cyfredol	0.02	0.01
Cost y gwasanaeth yn y gorffennol (yn cynnwys cwtogiadau)	0.00	0.00
Cost Setliad	0.00	0.00
Cost Cyllido		
Llog ar y rhwymedigaeth buddion net diffiniedig (ased)	0.00	0.00
Costau pensiwn a welir mewn elw a cholled	0.02	0.01
Symiau wedi'u hail-gyfrifo mewn incwm cynhwysfawr arall		
Enillion ar asedau cynllun (yn fwy na)/yn is na'r hyn a welwyd yn y llog net	0.12	(0.59)
Colledion/(enillion) yr actwari oherwydd newid mewn tybiaethau ariannol	(0.01)	0.88
Colledion/(enillion) yr actwari oherwydd newidiadau mewn tybiaethau demograffig	0.00	(0.30)
Colledion/(enillion) yr actwari oherwydd rhwymedigaethau - profiad	0.04	(0.19)
Addasiadau o ganlyniad i'r cyfyngiad ym mharagraff 64	(0.16)	0.21
Cyfanswm a welwyd mewn incwm cynhwysfawr arall (OCI)	(0.01)	0.01
Cyfanswm a welwyd yn OCI elw a cholled	0.01	0.02
Lwfans ar gyfer treuliau gweinyddu wedi'u cynnwys yng nghost gwasanaeth cyfredol (£M)	0.00	0.00

Newidiadau i werth presennol yr ymrwymiad buddion diffiniedig yn ystod y cyfnod cyfrifyddu

	Cyfnod yn dod i ben 31 Mawrth 2018 £M	Cyfnod yn dod i ben 31 Mawrth 2017 £M
Ymrwymiad buddion diffiniedig agoriadol	5.35	5.00
Cost gwasanaeth cyfredol	0.02	0.01
Cost llog ar yr ymrwymiad buddion diffiniedig	0.13	0.16
Cyfraniadau gan gyfranogwyr	0.00	0.00
Colledion/(enillion) yr actwari ar rwymedigaethau – tybiaethau ariannol	(0.01)	0.88
Colledion/(enillion) yr actwari ar rwymedigaethau – tybiaethau demograffig	0.00	(0.30)
Colledion/(enillion) yr actwari ar rwymedigaethau – profiad	0.04	(0.19)
Buddion net a dalwyd	(0.21)	(0.21)
Cost y gwasanaeth yn y gorffennol (yn cynnwys cwtogiadau)	0.00	0.00
Cynnydd net yn y rhwymedigaethau o safbwynt caffael/gwaredu	0.00	0.00
Aneddiadau	0.00	0.00
Ymrwymiad buddion diffiniedig ar y diwedd	5.32	5.35

Newidiadau i werth teg yr asedau yn ystod y cyfnod cyfrifyddu

	Cyfnod yn dod i ben 31 Mawrth 2018 £M	Cyfnod yn dod i ben 31 Mawrth 2017 £M
Gwerth teg agoriadol yr asedau	7.00	6.12
Incwm llog ar asedau	0.17	0.21
Ail-gyfrifo enillion/(colledion) ar asedau	(0.12)	0.59
Cyfraniadau gan y cyflogwr	0.00	0.29
Cyfraniadau gan gyfranogwyr	0.00	0.00
Buddion net a dalwyd	(0.21)	(0.21)
Cynnydd net yn yr asedau o safbwynt caffael / gwaredu	0.00	0.00
Aneddiadau	0.00	0.00
Gwerth teg yr asedau ar y diwedd	6.84	7.00

Enillion gwirioneddol ar asedau

	Cyfnod yn dod i ben 31 Mawrth 2018 £M	Cyfnod yn dod i ben 31 Mawrth 2017 £M
Incwm llog ar asedau	0.17	0.21
Ail-gyfrifo enillion/(colledion) ar asedau	(0.12)	0.59
Enillion gwirioneddol ar asedau	0.05	0.80

Buddion wedi'u hariannu

Darparwyd y data canlynol gan Awdurdod Gweinyddu'r Gronfa a/neu'r Cyflogwr ac mae wedi'i ddefnyddio i gynhyrchu'r canlyniadau IAS 19 yn yr adroddiad hwn. Rhoddwyd manylion o raniad yr asedau rhwng yr amrywiol ddsbarthiadau asedau gan Awdurdod Gweinyddu'r Gronfa hefyd ac maent i'w gweld yn Adran 1. Hefyd, rydym wedi dangos rhai o'r cyfrifiadau canolradd a ddefnyddiwyd i werthuso'r ffigurau yn yr adroddiad hwn.

Aelodau Gweithredol ar 31 Mawrth 2016

	Nifer	Cyfanswm y tâl £(M)
Cyfanswm	1	0.05

Aelodau sy'n bensiynwyr ac neu'n bensiynwyr gohiriedig ar 31 Mawrth 2016

Math	Nifer	Cyfanswm y pensiwn £(M)
Aelodau gohiriedig	5	0.02
Pensiynwyr a dibynyddion	11	0.23

Data llif arian parod a ariennir wedi'i roi

	Misoedd - wedi rhoi	Swm - wedi rhoi (£M)	Swm - wedi defnyddio (£M)
Cyflogwr – Cyfraniadau normal	12	0.00	
Cyflogwr – Cyfraniadau cyfalaf ychwanegol	12	0.00	
Cyflogwr – straen ymddeoliad cynnar ar daliadau'r gronfa	12	0.00	
Cyfanswm cyfraniadau gan y Cyflogwr			0.00
Cyflogai – Cyfraniadau normal	12	0.00	
Cyflogai – Cyfraniadau blynyddoedd a ychwanegwyd	12	0.00	
Cyfanswm cyfraniadau gan gyfranogwyr			0.00
Trosglwyddiadau i mewn	12	0.00	
Incwm arall	12	0.00	
Trosglwyddiadau allan	12	0.00	
Cyfundaliadau ymddeoliad	12	0.00	
Alldaliadau eraill	12	0.00	
Cyfundaliad marwolaeth yn y swydd*	12	0.00	
Buddion a dalwyd (h.y. pensiwn a dalwyd)	12	0.21	
Buddion net a dalwyd **			0.21

* Rydym wedi cyfrifo y bydd y cyfundaliadau disgwylidig ar gyfer marwolaeth yn y swydd dros y flwyddyn yn (£M) 0.00

** Mae'r ffigur ar gyfer 'buddion net a dalwyd' yn cynnwys lwfans ar gyfer treuliau o (£M) 0.00

Cyflogres bensiyndwy flynyddol dros y cyfnod cyfrifyddu

Math	(£M) *
Cyfnod yn dod i ben 31 Mawrth 2018	0.05
Cyfnod yn dod i ben 31 Mawrth 2017	0.05

* Mae'r gyflogres bensiyndwy flynyddol yn deillio o'r cyfraniadau a dalwyd dros y cyfnod cyfrifyddu perthnasol

Enillion y gronfa

Cyfrifwyd bod enillion cyffredinol y Gronfa dros y cyfnod cyfrifyddu yn 0.7%. Mae hyn yn cynnwys unrhyw addasiadau i adlewyrchu'r gwahaniaeth rhwng enillion y Gronfa ac enillion amcangyfrifedig y mynegai a ddefnyddiwyd yn ystod y cyfnod cyfrifyddu diwethaf, lle y bo yn briodol.

Mae'r enillion o ran asedau yn ystod y cyfnod cyfrifyddu ar gyfer y cyflogwr wedi cael eu hystyried fel enillion mynegai sydd wedi'u cyhoeddi ar Giltiau sy'n Gysylltiedig â Mynegai FTSE y DU dros fynegai enillion 5 mlynedd i gyd, er mwyn adlewyrchu'r strategaeth buddsoddi risg isel dybiannol sydd wedi'i rhoi ar waith o 1 Rhagfyr 2016 ymlaen mewn perthynas â'r Cyflogwr.

Pensiynau cyn-Ombwdsmyrn

Gyda chytundeb Ysgrifennydd Gwladol Cymru ym 1991 a chadarnhad wedyn gan Offeryn Statudol 1993 Rhif 1367, daeth Comisiynwyr Llywodraeth Leol yn gymwys i ymuno â'r Cynllun Pensiwn Llywodraeth Leol. Fodd bynnag, roedd pensiynau'r tri Chomisiynydd Llywodraeth Leol blaenorol yn parhau'n gyfrifoldeb Ombwdsmon Gwasanaethau Cyhoeddus Cymru, ac yn cael eu talu drwy'r Datganiad am y Gwariant Net Cynhwysfawr. Ar 31 Mawrth 2018, roedd priod dau gyn-gomisiynydd sy'n dal yn fyw yn parhau i dderbyn pensiwn.

Mae pensiynau'n cael eu cynyddu'n flynyddol yn unol â chynlluniau pensiwn eraill yn y Sector Cyhoeddus. Mae sail y cyfrifiadau ar gyfer y Cynnydd Blynyddol mewn Pensiynau wedi cael ei newid o ddefnyddio'r symudiad blynyddol seiliedig ar y Mynegai Prisiau Manwerth i'r Mynegai Prisiau Defnyddwyr. Mae maint y cynnydd fel arfer wedi'i nodi yn Offeryn Statudol Rhif 671 Gorchymyn Cynyddu Pensiynau (Adolygu). 1% oedd y cynnydd hwn ar gyfer 2017/18.

Cyfanswm y taliadau yn ystod 2017/18 oedd £41k (£49k yn 2016/17). Mae'r rhwymedigaethau sy'n deillio o'r ymrwymiad i gyllido'r pensiynau hyn, ynghyd ag unrhyw bensiynau dibynyddion, wedi eu cyfrifo i fod yn £260k (£266k yn 2016/17). Cyfrifwyd y rhwymedigaeth gyffredinol yn fewnol gan ddefnyddio tablau disgwyliad oes ar gyfer dynion a menywod yng Nghymru a gafwyd oddi ar wefan Adran Actiwari'r Llywodraeth. Mae cyfradd ddisgownt, o PES (2017), o 0.10% (0.24% yn 2016/17) wedi'i defnyddio yn unol ag arweiniad gan y Trysorlys y dylid rhoi disgownt ar gyfer yr holl rwymedigaethau pensiwn.



Atodiad A: Cwynion am Gyrff Cyhoeddus wedi'u cau – Dadansoddiad o'r ystadegau yn ôl canlyniad fesul corff cyhoeddus

Cyngor Sir/Cyngor Bwrdeistref Sirol

Cyngor Sir/Cyngor Bwrdeistref Sirol	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm yr achosion sydd wedi'u cau
Blaenau Gwent	2	3	3	1			2		11
Sir Pen-y-bont ar Ogwr	8	10	16	5					39
Caerffili	6	7	22	2		1	1		39
Caerdydd	22	21	41	36	1	1	1		123
Sir Gaerfyrddin	5	11	4	1	1	2			24
Ceredigion	11	11	8	2		1	2		35
Abertawe	15	16	19	10		1	1		62
Conwy	5	13	10	3			1		32
Sir Ddinbych	3	5	6	1					15
Sir y Fflint	4	20	12	7			4		47
Gwynedd	7	4	13	1		1			26
Ynys Môn	4	9	11	1			1		26
Merthyr Tudful		5	5	1			2		13
Sir Fynwy	4	3	6	1					14
Castell-nedd Port Talbot	4	15	8	4					31
Dinas Casnewydd	6	11	9	6			2		34
Sir Benfro	4	11	13	3		1			32
Sir Powys	5	12	13	6		2			38
Rhondda Cynon Taf	6	12	12	6					36
Sir Torfaen	1	5	9	1					16
Bro Morgannwg	9	7	12	3		1			32
Wrecsam	6	6	20	6	1		2		41
CYFANSWM	137	217	272	107	3	11	19	0	766

Allwedd

OJ	Tu hwnt i Awdurdodaeth	D	Wedi rhoi'r gorau iddi
P	Cynamserol	NPINU	Adroddiad Arall - Heb ei Gadarnhau
OC	Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol	NPIU	Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol
R	Datrys yn Gynnar / Setliad Gwirfoddol	PIU	Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Awdurdod Lleol Arall

Paneli Apeliadau Ysgolion	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Panel Apeliadau Derbyn - Ysgol Gynradd Parc y Rhath			1						1
Panel Apeliadau Derbyn - Ysgol Gynradd St Joseph's Cathedral			1						1
Panel Apeliadau Derbyn - Ysgol Uwchradd Caerdydd			1						1
Panel Apeliadau Derbyn - Esgob Llandaf	1								1
Panel Apeliadau Derbyn - Mary Immaculate Catholic High School			1						1
Panel Apeliadau Derbyn - Ysgol Gynradd Parc Penlle'r-gaer			1						1
Panel Apeliadau Derbyn - Ysgol Gynradd Rhydypennau			1						1
Panel Apeliadau Derbyn - Ysgol Gynradd St Joseph			1						1
Panel Apeliadau Derbyn - Ysgol Treganna			1						1
Panel Apeliadau Derbyn - Ysgol y Pant			1						1
Panel Apeliadau Derbyn - Ysgol Gyfun Llandeilo Ferwallt			2						2
Panel Apeliadau Derbyn - Ysgol Rhostyllen			1						1
CYFANSWM	1	0	12	0	0	0	0	0	13

Allwedd

OJ Tu hwnt i Awdurdodaeth

P Cynamserol

OC Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol

R Datrys yn Gynnar / Setliad Gwirfoddol

D Wedi rhoi'r gorau iddi

NPINU Adroddiad Arall - Heb ei Gadarnhau

NPIU Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol

PIU Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Awdurdodau Parciau Cenedlaethol

Awdurdod Parc Cenedlaethol	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Awdurdod Parc Cenedlaethol Bannau Brycheiniog	2	1	2						5
Awdurdod Parc Cenedlaethol Eryri	2		3						5
CYFANSWM	4	1	5	0	0	0	0	0	10

Comisiynwyr Heddlu a Throseddu a Phaneli Heddlu a Throseddu

Comisiynwyr Heddlu a Throseddu/Paneli Heddlu a Throseddu	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Comisiynydd Heddlu a Throseddu Dyfed-Powys		1		1					2
Comisiynydd Heddlu a Throseddu De Cymru		1							1
Panel Heddlu a Throseddu De Cymru	1		1						2
CYFANSWM	1	2	1	1	0	0	0	0	5

Allwedd

OJ	Tu hwnt i Awdurdodaeth	D	Wedi rhoi'r gorau iddi
P	Cynamserol	NPINU	Adroddiad Arall - Heb ei Gadarnhau
OC	Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol	NPIU	Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol
R	Datrys yn Gynnar / Setliad Gwirfoddol	PIU	Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Cyngorau Tref/Cymuned

Cyngorau Cymuned	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Cyngor Cymuned Llanhilledd ac Abertyleri			1						1
Cyngor Tref Rhydaman	1								1
Cyngor Tref Y Barri		1							1
Cyngor Tref Bodelwyddan			1						1
Cyngor Cymuned Cilcain		1	1						2
Cyngor Cymuned Cosheston			1						1
Cyngor Cymuned Dolwyddelan			1						1
Cyngor Cymuned Cegidfa	1	1	1						3
Cyngor Cymuned Johnston			1						1
Cyngor Cymuned Llanddowror a Llanmiloe	1								1
Cyngor Cymuned Llanfrynach	1	1	3						5
Cyngor Cymuned Llansannan	1	1							2
Cyngor Cymuned Llanwinio				1					1
Cyngor Cymuned Magwyr gyda Gwndy	2								2
Cyngor Cymuned Mawr		1							1
Cyngor Cymuned Nercwys		1							1
Cyngor Tref Penarth		2							2
Cyngor Cymuned Pentyrch			1						1
Cyngor Cymuned Rhaglan							1		1
Cyngor Cymuned Trefeglwys	1								1
CYFANSWM	8	9	11	1	0	0	1	0	30

Allwedd

OJ	Tu hwnt i Awdurdodaeth	D	Wedi rhoi'r gorau iddi
P	Cynamserol	NPINU	Adroddiad Arall - Heb ei Gadarnhau
OC	Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol	NPIU	Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol
R	Datrys yn Gyfnar / Setliad Gwirfoddol	PIU	Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Lanlordiaid Cymdeithasol Cofrestredig

Cymdeithas dai	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Grŵp Ateb		1		1					2
Cymdeithas Dai Bro Myrddin		1							1
Tai Cymunedol Bron Afon	3	1	5				1		10
Cymdeithas Tai Cadwyn		3							3
Cymdeithas Tai Cymuned Caerdydd		5	3	1					9
Cartrefi Conwy		1							1
Cartrefi Cymunedol Gwynedd	1	1	6	2					10
Cymdeithas Tai Charter			2	1			1		4
Cymdeithas Tai Clwyd Alyn	2	1	2	1					6
Coastal Housing Group Ltd	1		1						2
Cymdeithas Tai Cantref (Tai Wales & West erbyn hyn)		1							1
Tai Cymunedol Cynon Taf	1								1
Cymdeithas Tai i Deuluoedd (Cymru)				1					1
Grŵp Cynefin		3	2	1					6
Gwalia Cyf		4							4
Cymdeithas Tai Hafod			1						1
Cymdeithas Tai Linc-Cymru	1	4	2						7
Melin Homes Ltd	3	2	1						6
Cymdeithas Tai Merthyr Tudful			1						1
Merthyr Valleys Homes	2	1	3						6
Cymdeithas Tai Canolbarth Cymru				1					1
Cymdeithas Tai Sir Fynwy			4	1					5
Gofal a Thrwsio Casnewydd	1								1
Cartrefi Dinas Casnewydd	1	1		1					3
Cymdeithas Tai Casnewydd			2						2
Tai Gogledd Cymru	1	1	3	1					6
Pobl		1							1
Cymdeithas Tai Taf		1	1						2
Tai Calon		2							2
Tai Ceredigion Cyf		1		1					2
Tai Tarian		3	3						6

Cymdeithas dai	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Trivallis	1	4		3		1			9
Cymdeithas Tai Unedig Cymru		3	1						4
Valleys To Coast		1	4						5
Cymdeithas Tai Wales & West		3	5						8
Gofal a Thrwsio Wrecsam		1							1
CYFANSWM	18	51	52	16	0	1	2	0	140

Allwedd

OJ	Tu hwnt i Awdurdodaeth	D	Wedi rhoi'r gorau iddi
P	Cynamserol	NPINU	Adroddiad Arall - Heb ei Gadarnhau
OC	Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol	NPIU	Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol
R	Datrys yn Gynnar / Setliad Gwirfoddol	PIU	Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Byrddau Iechyd Lleol ac Ymddiriedolaethau'r GIG

Bwrdd Iechyd Lleol/Ymddiriedolaeth y GIG	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Abertawe Bro Morgannwg	20	14	33	12		7	15		101
Aneurin Bevan	19	10	26	14	2	6	17		94
Betsi Cadwaladr	27	18	44	34		16	34	2	175
Caerdydd a'r Fro	13	12	17	19		7	13		81
Cwm Taf	11	5	16	10		9	13	1	65
Hywel Dda	24	10	22	23	2	6	16	1	104
Addysgu Powys	1	7	19	4					31
Iechyd Cyhoeddus Cymru		1							1
Felindre			1			1			2
Gwasanaeth Ambiwlans Cymru	3	1	8	2		3	4		21
CYFANSWM	118	78	186	119	4	55	112	4	675

Cyngorau Iechyd Cymuned

Cyngorau Iechyd Cymuned	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Abertawe Bro Morgannwg		1							1
CYFANSWM	0	1	0	0	0	0	0	0	1

Allwedd

OJ Tu hwnt i Awdurdodaeth

P Cynamserol

OC Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol

R Datrys yn Gynnar / Setliad Gwirfoddol

D Wedi rhoi'r gorau iddi

NPINU Adroddiad Arall - Heb ei Gadarnhau

NPIU Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol

PIU Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Cyrff Iechyd Eraill

Cyrff Iechyd Eraill	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Deintydd	4	5	6	1	1	2	3		22
Meddyg Teulu	9	26	41	8		11	5		100
Optegydd	1	1							2
Fferyllydd	1	1	1	1					4
CYFANSWM	15	33	48	10	1	13	8	0	128

Arall

Awdurdodau Iechyd Arbennig	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Awdurdod Gwasanaethau Busnes y GIG		2		1					3
Partneriaeth Gwasanaethau a Rennir GIG Cymru			1						1
Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru		1	2						3
CYFANSWM	0	3	3	1	0	0	0	0	7

Allwedd

OJ Tu hwnt i Awdurdodaeth

P Cynamserol

OC Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol

R Datrys yn Gynnar / Setliad Gwirfoddol

D Wedi rhoi'r gorau iddi

NPINU Adroddiad Arall - Heb ei Gadarnhau

NPIU Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol

PIU Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Llywodraeth Cymru a Chyrff a Noddir gan Lywodraeth Cymru

Llywodraeth Cymru a chyrff a noddir ganddi	OJ	P	OC	R	D	NPIN U	NPIU	PIU	Cyfanswm
Llywodraeth Cymru									
Tribiwnlys Priso Dwyrain Cymru			1						1
Llywodraeth Cymru	4		6						10
CADW	1	1							2
CAFCASS Cymru		1	1	1					3
Arolygiaeth Gofal Cymru	2		5						7
Arolygiaeth Gofal Iechyd Cymru			1						1
Yr Arolygiaeth Gynllunio	2	1	3						6
Cyfanswm Llywodraeth Cymru	9	3	17	1	0	0	0	0	30

Corff a Noddir gan Lywodraeth Cymru	OJ	P	OC	R	D	NPIN U	NPIU	PIU	Cyfanswm
ESTYN			1						1
Cyfoeth Naturiol Cymru	5	8	5	1		1			20
Gofal Cymdeithasol Cymru	1		1						2
Y Cwmni Benthyciadau i Fyfrwyr	1	10							11
Llywodraeth Cymru - Taliadau Gwledig Cymru			1						1
Cyfanswm Cyrff a Noddir gan Lywodraeth Cymru	7	18	8	1		1			35

CYFANSWM	16	21	25	2	0	1	0	0	65
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Allwedd

OJ Tu hwnt i Awdurdodaeth

P Cynamserol

OC Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol

R Datrys yn Gynnar / Setliad Gwirfoddol

D Wedi rhoi'r gorau iddi

NPIN Adroddiad Arall - Heb ei Gadarnhau

NPIU Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol

PIU Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Darparwyr Gofal Annibynnol

Darparwyr Annibynnol sy'n Hunan-gyllido	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Allied Healthcare						1			1
HC One Ltd						1			1
Cartref Gofal Llys Hengoed							1		1
Cartrefi Preswyl Parkside	1								1
Cartref Nyrsio Plas y Bryn			1						1
Right At Home	1								1
CYFANSWM	2	0	1	0	0	2	1	0	6

Gofal Annibynnol y GIG	OJ	P	OC	R	D	NPINU	NPIU	PIU	Cyfanswm
Active Assistance			1						1
Icare Dom Care Ltd			1						1
Integra Community Living Options Ltd		1							1
Partnerships In Care						1			1
St John's Cymru - Wales			2				1		3
Cyfanswm	0	1	4	0	0	1	1	0	7

Allwedd

OJ Tu hwnt i Awdurdodaeth

P Cynamserol

OC Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol

R Datrys yn Gynnar / Setliad Gwirfoddol

D Wedi rhoi'r gorau iddi

NPINU Adroddiad Arall - Heb ei Gadarnhau

NPIU Adroddiad Arall wedi'i Gadarnhau - yn gyfan gwbl neu'n rhannol

PIU Adroddiad Budd y Cyhoedd wedi'i gadarnhau – yn gyfan gwbl neu'n rhannol

Atodiad B: Cwynion yn ymwneud â'r Cod Ymddygiad wedi'u cau – Dadansoddiad ystadegol yn ôl canlyniad fesul awdurdod lleol

Cyngor Sir/Cyngor Bwrdeistref Sirol

Cyngor Sir/Cyngor Bwrdeistref Sirol	C	D	NE	Amh	SC	AP	W	Cyfanswm
Blaenau Gwent	3	1						4
Pen-y-bont ar Ogwr	3			1				4
Caerffili	4							4
Caerdydd	2		1					3
Sir Gaerfyrddin	6							6
Ceredigion	1							1
Abertawe	6							6
Conwy	4			1		1		6
Sir Ddinbych	2							2
Sir y Fflint	3					1		4
Gwynedd	6		1					7
Ynys Môn	3							3
Merthyr Tudful	6		1					7
Sir Fynwy	3					1		4
Castell-nedd Port Talbot	1							1
Casnewydd	3							3
Sir Benfro	9							9
Powys	13		5	1				19
Rhondda Cynon Taf	1							1
Torfaen	4			2				6
Bro Morgannwg	1		1					2
Wrecsam	1							1
Cyfanswm	85	1	9	5	0	3	0	103

Allwedd

C Caewyd ar ôl ystyriaeth gychwynnol
D Wedi rhoi'r gorau iddi
NE Dim tystiolaeth o esgeulustod
Amh Dim angen gweithredu

SC Cyfeirio at y Pwyllgor Safonau
AP Cyfeirio at y Panel Dyfarnu
W Tynnwyd yn ôl

Cyngorau Tref/Cymuned

Cyngorau Tref/Cymuned	C	D	NE	Amh	SC	AP	W	Cyfanswm
Cyngor Cymuned Llanhilledd ac Abertyleri				1				1
Cyngor Tref Abermo	1							1
Cyngor Tref Y Barri	3							3
Cyngor Tref Biwmares	1							1
Cyngor Cymuned Bedlinog	2							2
Cyngor Cymuned Trefesgob	1							1
Cyngor Cymuned Bracla	3							3
Cyngor Cymuned Breudeth	3							3
Cyngor Tref Pen-y-bont ar Ogwr	1							1
Cyngor Tref Caerffili	1							1
Cyngor Tref Cas-gwent	5							5
Cyngor Cymuned Cleiro	10							10
Cyngor Tref Conwy	1							1
Cyngor Cymuned Cosheston	2							2
Cyngor Cymuned Cwmbrân	1							1
Cyngor Cymuned Dinas Powys	1							1
Cyngor Cymuned Cwm Garw	2	1						3
Cyngor Cymuned Glyn-nedd	6	1					1	8
Cyngor Tref Gorseinon	2							2
Cyngor Cymuned Cegidfa	4							4
Cyngor Cymuned Hirwaun a Phenderyn	1						3	4
Cyngor Cymuned Johnston	9							9
Cyngor Tref Trefyclo	3							3
Cyngor Cymuned Langstone	2							2
Cyngor Cymuned Llanbedrog	3			2				5
Cyngor Cymuned Llanddowror a Llanmiloe	2							2
Cyngor Gwlad Llanelli			1					1
Cyngor Cymuned Llanfechain	1							1
Cyngor Cymuned Llanfrynach	2							2
Cyngor Tref Llangefni	1							1
Cyngor Cymuned Llangristiolus	1							1
Cyngor Cymuned Llanybi (Sir Fynwy)	2							2
Cyngor Cymuned Llanofer	1							1
Cyngor Cymuned Llansannan	1		1					2
Cyngor Cymuned Llai	4			1				5
Cyngor Cymuned Magwyr gyda Gwndy	1							1

Cyngorau Tref/Cymuned	C	D	NE	Amh	SC	AP	W	Cyfanswm
Cyngor Tref Aberdaugleddau	1							1
Cyngor Tref yr Wyddgrug	2							2
Cyngor Cymuned y Mwmbwls	3	1						4
Cyngor Tref Blaenau a Nant-y-Glo	1							1
Cyngor Tref Castell-nedd	1							1
Cyngor Cymuned Ceinewydd	1							1
Cyngor Cymuned Northop Hall	4							4
Cyngor Cymuned Cwm Ogwr	1							1
Cyngor Tref Porth Tywyn a Phen-bre	14							14
Cyngor Tref Doc Penfro	1							1
Cyngor Tref Pencoed	1							1
Cyngor Tref Penmaenmawr	1							1
Cyngor Cymuned Pentyrch	1							1
Cyngor Tref Porthmadog	1							1
Cyngor Tref Prestatyn	2							2
Cyngor Tref Saltney				1				1
Cyngor Cymuned Sili a Larnog	1							1
Cyngor Cymuned Ffynnon Taf	2							2
Cyngor Cymuned Trawsgoed	1							1
Cyngor Tref Tywyn	1		2					3
Cyngor Tref y Trallwng	1							1
Cyngor Cymuned Ynysawdre	3							3
Cyfanswm	128	3	4	5	0	0	4	144

Allwedd**C** Caewyd ar ôl ystyriaeth gychwynnol**D** Wedi rhoi'r gorau iddi**NE** Dim tystiolaeth o esgeulustod**Amh** Dim angen gweithredu**SC** Cyfeirio at y Pwyllgor Safonau**AP** Cyfeirio at y Panel Dyfarnu**W** Tynnwyd yn ôl

Atodiad C: Cwynion am Gyrff Cyhoeddus fesul corff cyhoeddus

Math o Gorff Perthnasol	Corff Perthnasol	Cyfanswm
Cyngor Cymuned	Cyngor Cymuned Llanhilledd ac Abertyleri	1
	Cyngor Tref Rhydaman	2
	Cyngor Tref Y Barri	1
	Cyngor Cymuned Betws	1
	Cyngor Tref Bodelwyddan	1
	Cyngor Cymuned Bracla	1
	Cyngor Cymuned Cilcain	1
	Cyngor Cymuned Cosheston	1
	Cyngor Cymuned Dolwyddelan	1
	Cyngor Cymuned Cegidfa	3
	Cyngor Cymuned Johnston	1
	Cyngor Cymuned Llanddowror a Llanmiloe	1
	Cyngor Cymuned Llanfrynach	5
	Cyngor Cymuned Llansannan	2
	Cyngor Cymuned Llanwinio	1
	Cyngor Cymuned Magwyr gyda Gwndy	2
	Cyngor Cymuned Mawr	1
	Cyngor Cymuned Nercwys	1
	Cyngor Tref Penarth	1
	Cyngor Cymuned Pentyrch	1
Cyngor Cymuned Trefeglwys	1	
Cyfanswm Cyngorau Cymuned		30
Cyngor Iechyd Cymuned	Bwrdd Iechyd Cymuned Abertawe Bro Morgannwg	1
Cyfanswm Cyngorau Iechyd Cymuned		1
Deintydd	Deintydd	1
Cyfanswm Deintyddion		23
Meddyg Teulu	Meddyg Teulu	118
Cyfanswm Meddygon Teulu		118

Math o Gorff Perthnasol	Corff Perthnasol	Cyfanswm
Cymdeithas dai	Grŵp Ateb	3
	Cymdeithas Dai Bro Myrddin	1
	Tai Cymunedol Bron Afon	11
	Cymdeithas Tai Cadwyn	3
	Cymdeithas Tai Cymuned Caerdydd	8
	Cartrefi Conwy	2
	Cartrefi Cymunedol Gwynedd	8
	Cymdeithas Tai Charter	3
	Cymdeithas Tai Clwyd Alyn	7
	Coastal Housing Group Ltd	1
	Cymdeithas Tai Cantref (Tai Wales & West erbyn hyn)	1
	Tai Cymunedol Cynon Taf	1
	Grŵp Cynefin	6
	Gwalia Cyf	4
	Cymdeithas Tai Hafod	2
	Cymdeithas Tai Linc-Cymru	7
	Melin Homes Ltd	6
	Cymdeithas Tai Merthyr Tudful	1
	Merthyr Valleys Homes	6
	Cymdeithas Tai Canolbarth Cymru	1
	Cymdeithas Tai Sir Fynwy	4
	Gofal a Thrwsio Casnewydd	1
	Cartrefi Dinas Casnewydd	4
	Cymdeithas Tai Newydd	2
	Tai Gogledd Cymru	6
	Pobl	1
	Cymdeithas Tai Taf	2
	Tai Calon	2
	Tai Ceredigion Cyf	3
	Tai Tarian	8
	Trivallis	7
	Cymdeithas Tai Unedig Cymru	4
Valleys To Coast Housing	5	
Cymdeithas Tai Wales & West	7	
Gofal a Thrwsio Wrecsam	1	
Cyfanswm Cymdeithasau Tai		139

Math o Gorff Perthnasol	Corff Perthnasol	Cyfanswm
Awdurdod Lleol	Panel Apeliadau Derbyn - Ysgol Gynradd Parc y Rhath	1
	Panel Apeliadau Derbyn - Ysgol Gynradd St Joseph's Cathedral	1
	Panel Apeliadau Derbyn - Ysgol Uwchradd Caerdydd	1
	Panel Apeliadau Derbyn - Esgob Llandaf	1
	Panel Apeliadau Derbyn - Mary Immaculate Catholic High School	1
	Panel Apeliadau Derbyn - Ysgol Gynradd Parc Penlle'r-gaer	1
	Panel Apeliadau Derbyn - Ysgol Gynradd Rhydypennau	1
	Panel Apeliadau Derbyn - Ysgol Gynradd St Joseph	1
	Panel Apeliadau Derbyn - Ysgol Treganna	1
	Panel Apeliadau Derbyn - Ysgol y Pant	1
	Panel Apeliadau Derbyn - Ysgol Gyfun Llandeilo Ferwallt	2
	Panel Apeliadau Derbyn - Ysgol Rhostyllen	1
	Cyngor Bwrdeistref Sirol Blaenau Gwent	10
	Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	40
	Cyngor Bwrdeistref Sirol Caerffili	40
	Cyngor Caerdydd	109
	Cyngor Sir Caerfyrddin	25
	Cyngor Sir Ceredigion	35
	Dinas a Sir Abertawe	62
	Cyngor Bwrdeistref Sirol Conwy	36
	Cyngor Sir Ddinbych	20
	Cyngor Sir y Fflint	50
	Cyngor Gwynedd	29
	Cyngor Sir Ynys Môn	29
	Cyngor Bwrdeistref Sirol Merthyr Tudful	13
	Cyngor Sir Fynwy	16
	Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot	35
	Cyngor Dinas Casnewydd	37
	Cyngor Sir Penfro	34
	Cyngor Sir Powys	39
	Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	36
	Cyngor Bwrdeistref Sirol Torfaen	15
	Cyngor Bro Morgannwg	30
	Cyngor Bwrdeistref Sirol Wrecsam	41
Cyfanswm Awdurdodau Lleol		794

Math o Gorff Perthnasol	Corff Perthnasol	Cyfanswm
Bwrdd Iechyd Lleol/Ymddiriedolaeth y GIG	Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg	121
	Bwrdd Iechyd Prifysgol Aneurin Bevan	121
	Bwrdd Iechyd Prifysgol Betsi Cadwaladr	186
	Bwrdd Iechyd Prifysgol Caerdydd a'r Fro	95
	Bwrdd Iechyd Prifysgol Cwm Taf	74
	Bwrdd Iechyd Prifysgol Hywel Dda	109
	Awdurdod Gwasanaethau Busnes y GIG	4
	Partneriaeth Gwasanaethau a Rennir GIG Cymru	1
	Bwrdd Iechyd Addysgu Powys	42
	Iechyd Cyhoeddus Cymru	2
	Ymddiriedolaeth GIG Felindre	2
	Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru	21
	Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru	3
	Cyfanswm Byrddau Iechyd Lleol/Ymddiriedolaethau'r GIG	
Parc Cenedlaethol	Awdurdod Parc Cenedlaethol Bannau Brycheiniog	4
	Awdurdod Parc Cenedlaethol Eryri	6
Cyfanswm Parciau Cenedlaethol		10
Darparwr Annibynnol y GIG	Active Assistance	1
	Icare Dom Care Ltd	1
	Integra Community Living Options Ltd	1
	St John's Cymru - Wales	3
Cyfanswm Darparwyr Annibynnol y GIG		6
Optegydd	Optegydd	2
Cyfanswm Optegwyr		2
Fferyllydd	Fferyllydd	4
Cyfanswm Fferyllwyr		4

Math o Gorff Perthnasol	Corff Perthnasol	Cyfanswm
Comisiynwyr Heddlu a Throseddu a Phaneli Heddlu a Throseddu	Comisiynydd Heddlu a Throseddu Dyfed-Powys	2
	Comisiynydd Heddlu a Throseddu De Cymru	1
	Panel Heddlu a Throseddu De Cymru	2
Cyfanswm Awdurdodau'r Heddlu		5
Darparwr Gofal sy'n Hunan-gyllido	Cartrefi Preswyl Parkside	1
	Cartref Nyrsio Plas y Bryn	1
	Right At Home	1
Cyfanswm Darparwyr Gofal sy'n Hunan-gyllido		3
Llywodraeth Cymru	Tribiwnlys Prisio Dwyrain Cymru	1
	Llywodraeth Cymru	11
	Llywodraeth Cymru - CADW	1
	Llywodraeth Cymru - CAFCASS Cymru	3
	Llywodraeth Cymru - Arolygiaeth Gofal Cymru	7
	Llywodraeth Cymru - Arolygiaeth Gofal Cymru	1
	Llywodraeth Cymru - Y Gyfarwyddiaeth Gynllunio	6
Cyfanswm Llywodraeth Cymru		30
Corff Cyhoeddus a Noddir gan Lywodraeth Cymru	ESTYN	1
	Cyfoeth Naturiol Cymru	21
	Gofal Cymdeithasol Cymru	2
	Y Cwmni Benthyciadau i Fyfirwyr	11
	Llywodraeth Cymru - Taliadau Gwledig Cymru	1
Cyfanswm Cyrff a Noddir gan Lywodraeth Cymru		36
Cyfanswm		1983

Atodiad D: Data Ymyriad – Dadansoddiad o'r ystadegau yn ôl awdurdod lleol, ymddiriedolaeth a bwrdd iechyd

Mae'r tablau isod yn darparu niferoedd a chanrannau achosion a dderbyniwyd gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, lle cafwyd ymyriad. Mae hyn yn cynnwys yr holl gwynion a gadarnhawyd, datrysiadau cynnar a setliadau gwirfoddol.

Corff Perthnasol	Nifer yr achosion lle cafwyd ymyriad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru (OGCC)	Cyfanswm yr achosion a gaewyd	% yr achosion lle cafwyd ymyriad gan OGCC
Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg	27	101	27
Bwrdd Iechyd Prifysgol Aneurin Bevan	31	94	33
Bwrdd Iechyd Prifysgol Betsi Cadwaladr	70	175	40
Bwrdd Iechyd Prifysgol Caerdydd a'r Fro	32	81	40
Bwrdd Iechyd Prifysgol Cwm Taf	24	65	37
Bwrdd Iechyd Prifysgol Hywel Dda	40	104	38
Bwrdd Iechyd Addysgu Powys	4	31	13
Iechyd Cyhoeddus Cymru	0	1	0
Ymddiriedolaeth GIG Felindre	0	2	0
Ymddiriedolaeth GIG Gwasanaethau Ambiwllans Cymru	6	21	29

Corff Perthnasol	Nifer yr achosion lle cafwyd ymyriad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru (OGCC)	Cyfanswm yr achosion a gaewyd	% yr achosion lle cafwyd ymyriad gan OGCC
Cyngor Bwrdeistref Sirol Blaenau Gwent	3	11	27
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	5	39	13
Cyngor Bwrdeistref Sirol Caerffili	3	39	8
Cyngor Caerdydd	37	123	30
Cyngor Sir Caerfyrddin	1	24	4
Cyngor Sir Ceredigion	4	35	11
Dinas a Sir Abertawe	11	62	18
Cyngor Bwrdeistref Sirol Conwy	4	32	13
Cyngor Sir Ddinbych	1	15	7
Cyngor Sir y Fflint	11	47	23
Cyngor Gwynedd	1	26	4
Cyngor Sir Ynys Môn	2	26	8
Cyngor Bwrdeistref Sirol Merthyr Tudful	3	13	23
Cyngor Sir Fynwy	1	14	7
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot	4	31	13
Cyngor Dinas Casnewydd	8	34	24
Cyngor Sir Penfro	3	32	9
Cyngor Sir Powys	6	38	16
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	6	36	17
Cyngor Bwrdeistref Sirol Torfaen	1	16	6
Cyngor Bro Morgannwg	3	32	9
Cyngor Bwrdeistref Sirol Wrecsam	8	41	20

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Ffôn 01656 641150

Ffacs: 01656 641199

E-bost: ask@ombwdsmon-cymru.org.uk

Dilynwch ni ar Twitter: @OmbudsmanWales

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU
19/10/18

PENDERFYNIAD PANEL DYFARNU CYMRU

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi penderfyniad y Panel a nodi unrhyw bwyntiau i'w dysgu**

Y rhesymau:

Bydd hyn yn galluogi'r Pwyllgor i ymglyfarwyddo â sut y mae'r Panel yn ymdrin ag achosion o dorri'r Côd.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

ADJUDICATION PANEL FOR WALES DECISION

The Adjudication Panel for Wales is an independent body which deals with the more serious breaches of the Code of Conduct referred to it by the Ombudsman and also appeals against decisions of standards committees.

On the 10th August 2018 the Panel issued its decision in the case of former County Councillor (now community councillor) Graham Down from Monmouthshire.

This was a case referred to the Panel by the Ombudsman who alleged that Councillor Down had breached the Code by failing to show respect and consideration for others by making a series of homophobic statements in emails to the Chief Executive of the County Council.

The Panel considered the content of Five emails sent by Councillor Down between the 12th February 2016 and 13th October 2016 and found that in the case of 3 of the emails although his comments were 'disrespectful' they did not amount to a breach of the Code due to the enhanced protection that exists for political expression under the European Convention on Human Rights (ECHR) and therefore the Human Rights Act.

However in the other 2 cases the Panel found that the comments were so offensive that despite the protections afforded to Councillor Downs under Articles 9 (Freedom of thought, conscience and religion) and 10 (freedom of expression) of the ECHR it was still necessary to take action for the protection of the rights and interests of others.

The Panel took into account a variety of factors when considering what sanction to impose, identifying in Councillor Down's conduct a number of mitigating and aggravating factors (the latter including his failure to attend code training).

Taking into account these factors and decisions made in other similar cases the Panel decided to impose a 2 month period of suspension upon Councillor Downs

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/003/2017-018/CT

REFERENCE ABOUT ALLEGED BREACH OF THE CODE OF CONDUCT

RESPONDENT: Former County Councillor (currently Community Councillor) Graham Down.

RELEVANT AUTHORITIES: Monmouthshire County Council (currently Mathern Community Council).

1. INTRODUCTION

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 A hearing was held by the Case Tribunal at 10.00am on 19th July 2018 at Cwmbran Magistrates Court, Tudor Road, Cwmbran, NP44 3YA. The hearing was open to the public.

1.3 Cllr Down attended and represented himself.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 20th December 2017, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against Cllr Down. The allegations were that Cllr Down had breached the code of conduct of Monmouthshire County Council (MCC) by failing to show respect and consideration for others by sending e-mails to the Chief Executive of MCC, Mr Paul Mathews, containing homophobic statements in alleged breach of Paragraph 4(b) of the code.

2.1.2 The Ombudsman’s investigation related to two sets of e-mails forwarded by the Respondent to the Chief Executive of MCC, the first set sent in February 2016 and the second in October 2016.

2.2 The Councillor's Written Response to the Ombudsman's Report and Reference

2.2.1 Cllr Down forwarded a letter to the Ombudsman's Investigation Officer on 27th November 2017 in response to the Ombudsman's draft report. It was highly critical of that report and the delay in concluding it.

2.2.2 Cllr Down stated that there had been three conferences or events organised by MCC which had caused him concern in a period of little over six months and he said that he was "concerned at the direction of travel in these matters, and found arrangement of the events to be offensive and demonstrating a lack of respect to those [sic] faith or who object to these issues for any other reason."

2.2.3 He also made the points that the e-mails which formed the subject of the complaint were e-mails passing between two individuals which were not intended for a wider audience and that any distribution to others was none of his doing, being entirely the choice of the Chief Executive. He stated that he made no secret of his views about homosexuality and stated that he did not feel any embarrassment about the fact that: "I believe homosexuality to be unnatural, perverted, immoral and wrong." He stated that this was not only his view as it was also the traditional, mainstream teaching; "of virtually every major world religion."

2.2.4 In his letter, Cllr Down addressed various paragraphs of the Ombudsman's report in detail and the Case Tribunal had regard to these further views. He repeated that in his view; "both homosexual and paedophile acts are unnatural, perverted and immoral. In that sense both are, therefore, I contend, comparable in substance." He further stated; "I therefore stand by my comment without qualification."

2.2.5 Finally, Cllr Down stated that he would not use the language he used for addressing a wider audience or, specifically, someone of "homosexual persuasion" and that the language used must be seen in the context of the recipient of the message. He felt that it was not at all inappropriate that he should express himself in terms which reflected his strength of feeling.

2.2.6 On 26th January 2018, Cllr Down forwarded his reply to the Notice of Reference and again referred to his letter dated 27th November 2017. He contended that the Ombudsman had made a number of uncorroborated and speculative assumptions and that the investigation was; "based on a desire to reach a pre-determined conclusion." He also referred to freedom of expression, freedom of religious expression and also the public interest.

2.3 The Ombudsman's Written Representations

No further representations were made by the Ombudsman.

3. APPLICATIONS MADE PRIOR TO HEARING/LISTING DIRECTION

No applications were made further to the issue of standard Listing Directions on 10th May 2018.

4. APPLICATIONS MADE AND DIRECTIONS GIVEN DURING THE HEARING

4.1 No formal applications were made during the hearing, although the Chairman acceded to Cllr Down's request to put relevant questions, through the Chairman, to the Ombudsman's representative regarding various aspects of the Ombudsman's report.

4.2 The Chairman explained that as there were no disputed material facts in this case, the first two stages of the proceedings would be conflated, namely resolution of facts and determination of whether there has been a failure to comply with the code of conduct. There were no objections from either party to this proposed course of action.

5. THE HEARING

5.1. The Case Tribunal went on to hear oral evidence and submissions as follows:-

Public Services Ombudsman for Wales – presentation of the investigation report

5.1.1 In presenting the investigation report, the Ombudsman provided an overview of events, explaining that Cllr Down had not stood for re-election as a County Councillor in 2017, however had become a Community Councillor for Mathern Community Council. The complaint related to two sets of e-mail exchanges, one in February 2016 and the other in October 2016, comprising of a number of comments which were each considered by the Ombudsman's Investigator.

5.1.2 The Ombudsman's representative made it clear that the right to challenge Council spending was not being questioned. The Ombudsman was mindful of the European Convention on Human Rights, Article 10 being the right to freedom of expression; however, it was asserted that in this case, the level of inflammatory, offensive and abusive language crossed the line. In response to points of clarification, the Ombudsman's representative provided an explanation for the length of time taken to investigate this matter. The reasons for not pursuing investigation in relation to Paragraphs 4(a) and 6(1)(a) were also clarified.

5.2 Witness: Mr Paul Mathews, Chief Executive of Monmouthshire County Council gave evidence further to his statement dated 16th January 2017.

5.2.1 Mr Mathews stated that he had worked in public service for thirty years and had been Deputy Chief Executive or Chief Executive for fifteen years and had seen a lot in that time, however when he received the February e-mails from Cllr Down, he thought that they were totally at odds with what MCC was all about, albeit that he was not personally offended.

5.2.2 With regard to Cllr Down's comparison between homosexuality and paedophilia, he felt that this was an outrageous and abhorrent statement. He had pondered the matter; however he did not make a referral at that time and the matter was not handled internally at the time.

5.2.3 Due to the ethos of the Council, giving rights and opportunities to fulfil potential regardless of how people chose to live their lives and his duty of care as the Head of Paid Service, he considered it reasonable to set an appropriate tone and rhythm to the Council's work and he struggled to validate that with some of the comments made by Cllr Down.

5.2.4 It was Mr Mathews' view that Councillors can strongly challenge the Council's actions, however that there are rules within which they must operate. As a councillor, it is a privilege and an honour to represent all constituents and it is part of the role to promote the well-being of all. He did not make the referral lightly and had never previously made a referral, however following the second set of e-mails, he felt that Cllr Down's comments showed a pattern of behaviour, were unacceptable and needed to be addressed.

5.2.5 Mr Mathews said in evidence that he could receive several hundred e-mails in a day and these usually needed to be routed to another part of the organisation and he would have expected Cllr Down to have understood that. Cllr Down did not revert to him to object to the matter being referred. Mr Mathews accepted the need for humour on occasions, however in this instance a line had been crossed. He did not accept that the correspondence was private as it was addressed to the Chief Executive as representative of the organisation. In this case, the question raised by Cllr Down was forwarded, as was normal and routine, to the appropriate Cabinet Member with responsibility for equalities, who also happened to be openly gay.

5.2.6 Following questions from Cllr Down, Mr Mathews confirmed that Usk was Mr Mathews' 'normal' place of work as he spent the greatest proportion of his time, about 35%, in that locality. He also acknowledged that certain tragic events in Orlando, associated with homosexual community had been marked by the flying of the 'rainbow' flag at County Hall, whereas other atrocities had not been marked by the flying of the relevant national flags.

5.2.7 Mr Mathews confirmed that he had never previously had occasion to consider that Cllr Down had placed employees in a vulnerable position or dealt with them disrespectfully. He said in evidence that a person with certain religious beliefs would, as would any other candidate standing for election, need to reconcile themselves with undertaking to abide by the Councillors' code of conduct and if they could not do so, they should not stand for election.

5.2.8 Mr Mathews did not accept that referral was a ploy to get rid of Cllr Down and he stated that Cllr Down was not in a particular position of power and had a marginal role and the complaint was instigated purely by Cllr Down's use of language.

5.3 The Respondent, Cllr Down gave evidence as follows. The Case Tribunal had also read the relevant e-mails, the transcript of Cllr Down's interview of 24th August 2017 and Cllr Down's response to the Ombudsman's report dated 27th November 2017.

5.3.1 Cllr Down accepted that the exchange of e-mails was about Council business. He contended that the e-mails were private e-mails to the Chief Executive however and that it was the Chief Executive who had further circulated the e-mail. He also stressed that the Chief Executive was not personally offended by the comments. Cllr Down felt that Mr Mathews could have 'cut and pasted' e-mails so as not to send any part of them which the Chief Executive thought could cause offence.

5.3.2 He referred to a recent report of the Office for National Statistics. In terms of the sexual orientation of the population, 93.4% of the population described themselves as heterosexual. He said that if it is fair to describe a location where one spends only 35% of one's time as a 'normal' place of work, then it must be fairer to describe 93.4% of the population as 'normal.' He said that it was Mr Mathews who had read something into the term and nevertheless forwarded it on to the Cabinet Member.

5.3.3 Cllr Down was offended that the Council was promoting homosexuality and he argued that the Council had no duty to do so. Cllr Down asserted that he was not against individuals who are gay but that he disagreed with their lifestyle. By way of example, he explained that he had employed an openly gay person, who had been a valued member of his team, this was not to say that he approved of her lifestyle. Cllr Down found it wrong and deeply offensive as a tax-payer, that the Council should be seen to be promoting homosexuality. There had been three events within just over six months and he felt that 'his nose was being rubbed in it' and he said that he was not alone in believing this.

5.3.4 He said that his views had not changed and that it would be against his conscience to recant. Despite agreeing that people can do what they like in the privacy of their own homes, he did not expect it to be demonstrated in public and celebrated. He appreciated that paedophilia is unlawful, whereas homosexuality is lawful. Also children are not able to give consent whereas adults can do so. He believed that both were perverted and unnatural however.

5.3.5 Cllr Down explained that he was very angry at the time, however if he had been writing to a stranger or making a speech in Council, he might have used different terminology, although he would have said substantially the same thing. Following questions, he said that as an employer, he was aware of the provisions of the Equality Act 2010 and was aware of protected characteristics under the Act and the duty to treat people fairly and without discrimination. He continued to believe that he had done nothing wrong and, when pressed, was

not sure whether he would have made the 'paedophilia' comparison with the benefit of hindsight and would probably have chosen different words.

5.3.6 Cllr Downs agreed that he had not attended the training sessions referred to in the Ombudsman's report, however he noted that attendance generally at those training sessions had been low and that he had read and understood the code in any event.

Submissions

5.4 Submissions by the representative of the Public Services Ombudsman for Wales.

5.4.1. The Ombudsman's representative referred to relevant case-law with regard to Article 10 of the European Convention on Human Rights namely *Sanders v Kingston (No 1)* [2005] EWHC 1145 (Admin) and *R (Calver) v Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) and in particular the three-stage approach as promulgated in the *Sanders* case. Reference was also made to an earlier decision of the Adjudication Panel for Wales in 2009 in relation to Cllr William A Pritchard of Barmouth Town Council where it was decided that there had been a breach of the Code when the Respondent made a comment, amongst others, that homosexuality was a 'notorious disability'. The Ombudsman's representative acknowledged that there were differences between the two cases. In the 'Barmouth' case, the comment was directed at an employee and had been disseminated widely by the Councillor and personal offence had been caused to an individual, unlike in the present case. The Ombudsman submitted however that the wording of Paragraph 4(b) was wide and it was not necessary to show that personal offence had been caused.

5.4.2 The Ombudsman was not questioning the right to personal or religious beliefs. It was the manner in which the views were expressed to the Chief Executive that was an issue as he had a duty of care towards a large workforce. The Ombudsman acknowledged that each case must be considered on its own merits, that a finding of breach would be an interference with Cllr Down's Article 10 rights, however in this case, it was submitted that the interference would be justified

5.4.3 The Ombudsman's representative submitted that within his e-mails, Cllr Down was conducting Council business as he had written in his capacity as a Councillor about public funding and public administration and the Ombudsman was of the view that the Code provisions were fully engaged.

5.4.4 There was no issue with Cllr Down's initial questions to the Chief Executive, which were entirely appropriate. It was submitted however that the e-mails became more egregious and, even bearing in mind the enhanced protection held as an elected member, the Ombudsman considered that the relevant e-mails were inflammatory and abusive. Reference to a "ridiculous rag" to describe the rainbow flag would cause offence to the homosexual community and others. Comparison between homosexuality and paedophilia was plainly offensive.

5.4.5 In the October e-mails it was clear from the context of the e-mails that Cllr Down was suggesting that anyone who was not 'normal' in the sense of being heterosexual, was abnormal. The Ombudsman's representative submitted that in conducting Council business, it could not be expected that the Chief Executive would redact Councillor e-mails and remove offensive material.

5.4.6 The Ombudsman's representative referred to the Ombudsman's Guidance as mentioned in Cllr Down's evidence in relation to senior officers requiring a thicker skin, however this was not the issue and was to do with the Chief Executive doing the right thing and standing up for his duties and the equalities legislation. If a person did not feel that they could sign up to the code of conduct then they shouldn't become a Member.

5.4.7 The Ombudsman considered that this was an unusual, but serious case. The Chief Executive had made the complaint via the Monitoring Officer and it was felt in the circumstances that it was neither practical nor easy for a Standards Committee to hear this case and that it would also be useful for Standards Committees generally to receive guidance from the Case Tribunal in view of the complex Convention issues in this case.

5.5 Submissions made by Cllr Down

5.5.1 Cllr Down submitted that the Ombudsman had adduced no evidence to show that he had prevented officers from carrying out their functions in any way. He felt that the Ombudsman had tried to put words into his mouth and that they had carried out no work to find out the probability or otherwise of anyone being offended.

5.5.2 With regard to the February e-mails, the Ombudsman had accepted that there was nothing offensive in the e-mail sent on the 12th February 2016 at 11.22am and he had received no reply or objection to his e-mail sent at 15.01pm on the same date. It was only in relation to an e-mail in October that Mr Mathews used the word 'inappropriate'. In his further e-mail on 3rd October 2016 at 13.15pm, Cllr Down said that this was simply explaining the position and that it was more measured than his e-mail of 12th February 2016. If an e-mail was so offensive, then he queried why the Chief Executive would send it to someone who was openly gay.

5.5.3 Cllr Down referred to the Local Government Act 1988 Act and the repeal of the prohibition on promoting homosexuality and he said that MCC's Equality Policy referred to ensuring that there was no discrimination but did not refer to promotion of homosexuality and no resolution of the Cabinet had changed that. He felt that the conferences which had been organised were going further than treating people fairly, they were promoting homosexuality.

5.5.4 With regard to the ability to redact Members' e-mails, Cllr Down said that Chief Executives regularly received politically sensitive e-mails and needed to cut and paste information from time to time.

5.5.5 Cllr Down stated that the code of conduct refers to all Members, whether they are for or against homosexuality and he said that it was abundantly clear

that the Council, through its Cabinet Member with responsibility for equalities issues, was not treating those with religious views with any sort of consideration whatsoever and was blind to the fact that people may hold different views to them.

5.5.6 With regard to the reference to a 'ridiculous rag', he said that it was not unknown for Union Jack towels to be taken on holiday and for sun-tan lotion to be dropped onto them. To suggest that there is something magical about a flag which does not represent the Council and that you cannot 'take the mick out of it' is absurd. He did not consider that this reference was a breach of the code.

5.5.7 Cllr Down also referred to the Barmouth Town Council case which he said was very, very different. In that case, the Councillor's comments were contained in a letter to a third party, external to the Council and the onward transmission was an action of the Councillor, not an action of the Council. The only similarity was that it happened to deal with homosexuality.

5.5.8 Finally Cllr Down referred to the right to freedom of expression and the ability to impart ideas. He said that the only way in which the right could be removed was where just and where morality and the well-being of society required it and this was not the case here.

5.6 The Case Tribunal's assessment of the Witnesses

5.6.1 The Tribunal found Mr Paul Mathews to be a considered and straightforward witness. He readily accepted that he had not had any cause for concern for Cllr Down's behaviour towards officers over many years previously. He readily accepted that Cllr Down had not referred his e-mails to any third party. He was less clear however as to why Cllr Downs had not been challenged or warned by Mr Mathews following the February exchange of e-mails.

5.6.2 Likewise the Tribunal found Cllr Downs to be a considered and straightforward witness. He did not waiver from his strongly held views whilst giving evidence. His evidence in relation to his use of the word 'normal' to denote 'the majority of people' however, was at odds with the context of the use of the word in his e-mail to the Chief Executive dated 1st October 2017.

6. FINDINGS OF FACT

6.1 The facts were agreed and the Case Tribunal therefore found the following **undisputed** material facts;

6.1.1 At the relevant time, Councillor Down was a Member of MCC

6.1.2 Cllr Down is currently a Member of Mathern Community Council

6.1.3 Cllr Down signed an undertaking to observe the code of conduct of MCC on 8th May 2012.

6.1.4 Cllr Down forwarded e-mails to the Chief Executive of MCC on the 12th February 2016 and on the 1st to 13th October 2016, the contents of which are not in dispute.

7. FINDINGS OF WHETHER MATERIAL FACTS AND EVIDENCE DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

7.1 Case Tribunal's Decision

7.1.1 On the basis of the findings of fact and the evidence, the Case Tribunal found by a unanimous decision that Cllr Down had failed to comply with the code of conduct for Monmouthshire County Council as follows.

7.1.2 As well as looking at the e-mails as a whole, the Case Tribunal considered each of Cllr Down's e-mail comments which were alleged to contain homophobic statements in the light of the following.

7.1.3 Paragraph 4(b) of the code of conduct states;

"You must show respect and consideration for others".

The code is underpinned by certain principles. Paragraph 2(2) of the code of conduct states that; "You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales" (the Welsh Principles). The relevant principle states;

"Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others."

Paragraph 4(b) of the code must also be carefully considered in the light of the Articles of the European Convention on Human Rights however.

7.1.4 Article 8(1) of the Convention as embodied in the Human Rights Act 1998 states as follows:-

"Everyone has the right to respect for his private and family life,..."

7.1.4 Article 9 of the Convention states as follows:-

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

7.1.5 Article 10 of the Convention states as follows:-

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...”

7.1.6 In this context, the Case Tribunal referred to the cases of Calver, Sanders (No1) as well as Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin) which was within the knowledge of the Case Tribunal and followed the three-stage approach in Sanders (No 1) as follows:-

“1. Was the Case Tribunal entitled as a matter of fact to conclude that [Cllr Down’s] conduct was in breach of Paragraph [4(b)] of the code of conduct?

2. If so, was the finding in itself or the imposition of a sanction prima facie a breach of Article 10?

3. If so, was the restriction involved one which was justified by reason of the requirements of Article 10(2)?”

7.1.7 The Case Tribunal also noted the references to the Equality Act 2010 duties from the evidence and submissions. Under the Act, protected characteristics include sexual orientation. Section 149(5) states as follows:-

“Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) Tackle prejudice, and

(b) Promote understanding.”

7.1.8 The Tribunal was mindful that Cllr Down’s comments had not been directed at any particular individual, however it considered that Paragraph 4(b) of the Code required respect and consideration to be shown by Councillors to others, whether this be an individual, a group or the electorate as a whole. It considered that Cllr Down’s e-mails had been directed to the Chief Executive who represented the Authority and the community as a whole and who, as Head of Paid Service, had a duty towards all staff.

7.1.9 The Tribunal was satisfied that the e-mails were sent to the organisation by Cllr Down in his official capacity as a representative of his community, as confirmed in his interview with the Ombudsman’s Investigating Officer. Moreover, the e-mails had not been sent as private and confidential documents,

Cllr Down was aware that they were, in some instances, being circulated more widely, yet he did not object at the time and it is also a fact that he had been willing to repeat these comments more widely and ultimately publicly in his letter to the Ombudsman dated 27th November 2017. Paragraph 4(b) was therefore engaged.

7.1.10 The Case Tribunal gave careful consideration to the right of freedom of thought, conscience and religion under Article 9 of the Convention. Within his e-mails, Cllr Down referred to being a Christian. In his letter dated 27th November 2017, Cllr Down had quoted from the Old Testament and referred to other religious teachings to justify his comments. The Tribunal accepted that on a wide reading, Article 9(1) was engaged, as some of Cllr Down's comments directly expressed one narrow element of his belief and could therefore be interpreted to be a manifestation of his religion or belief, such manifestation not being limited simply to acts of worship or devotion.

7.1.11 The Case Tribunal was satisfied in relation to Article 10(1) of the Convention that all relevant e-mail comments attracted full and enhanced protection afforded to politicians expressing their political views as they were all made in the context of public administration, including the use of Council property namely the flag-pole on Council premises, the organisation of Council conferences/events and the cost of such conferences/ events and Cllr Down's comments in connection with them were considered to be political expression in its widest sense.

7.2 Case Tribunal's Decision.

The Case Tribunal therefore considered each relevant e-mail comment in the light of all of the above.

7.2.1 E-mail dated 12th February 2016 11:28 headed; "Monmouthshire Youth LBGXYZ Conference". Comments as follows:-

"There seems to be some ridiculous multi-coloured rag flying from the flagpoles outside County Hall".

The Case Tribunal considered that Cllr Down's comment was disrespectful, however it accepted that, in the light of the enhanced protection for political expression, this flippant and impatient comment, despite being likely to be offensive to some, was not so egregious as to justify the restriction of Cllr Down's right to freedom of expression justifying a finding of a breach of the code. The Panel considered that this would have been the case even without enhanced protection.

7.2.2 E-mail dated 12th February 2016 15.01 Comments as follows:-

"I am, and have been, always quite open that I agree with the teachings of just about every major world religion in that homosexuality is an immoral perversion to be condemned, not promoted".

The Case Tribunal was clear that these comments did not show respect and consideration for a section of society with protected characteristics under the Equality Act 2010.

The Tribunal carefully considered Cllr Down's rights under Articles 9(1) and 10(1) of the European Convention on Human Rights. Although the comments attracted enhanced protection as they comprised of political expression, the Tribunal considered that the comments were so unnecessary, offensive and egregious that they amounted to a blatant disregard for equality principles and legislation, the public interest in good administration and the duty of trust and confidence between all councillors and their Council's workforce. It was a deliberate challenge to the inclusive ethos of the Council and although not directed at a particular individual, the comments were an affront to the private life of a whole section of the community with protected characteristics, including staff and Members of MCC who also had the right to respect for their private and family lives by virtue of Article 8.

It concluded that, even having given a narrow construction to Articles 9(2) and 10(2) of the Convention, a finding of a breach of Paragraph 4(b) of the Code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others." The comments were gratuitous and homophobic and in clear breach of Paragraph 4(b) of MCC's code of conduct.

7.2.3 Comments as follows:-

"Indeed as a matter of straightforward logic I do not understand why a homosexual act is apparently acceptable but not a paedophile act. Both are unnatural and I struggle to see a difference of substance".

The Case Tribunal considered that this comment demonstrated an extreme homophobic view which was wholly incompatible with the code and its underpinning Welsh Principles.

Although the comments attracted protection under Article 9(1) and full, enhanced protection under Article 10(1) of the European Convention on Human Rights, they demonstrated complete failure to show respect and consideration for others, including staff and Members of Monmouthshire County Council as well as the wider community with protected characteristics. It was the Tribunal's view that the comment which made a comparison between lawful relations and child abuse was outrageous, inflammatory, gratuitous and abhorrent. It consisted of a flagrant disregard for equality principles and the Equality Act 2010, the public interest in good administration and the duty of trust and confidence between all councillors and their Council's workforce. It deliberately challenged the inclusive ethos of the Council.

The Tribunal concluded that, even having given a narrow reading of Articles 9(2) and 10(2) of the Convention, a finding of a breach of Paragraph 4(b) of the Code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others", and to uphold standards in public life.

7.2.4 E-mail dated 1st October 2016 20:24 headed 'LBGTQIYGVGI Conference. Comment as follows:-

"I see that MCC apparently had yet another LBGTQIYGVGI conference yesterday, although there's still no sign of a similar conference for normal people".

The Case Tribunal considered that Cllr Down's comment was pejorative and disrespectful, however it accepted that in the light of the enhanced protection for political expression that this provocative comment, despite being likely to be offensive to some, did not justify the restriction of Cllr Down's rights to freedom of expression so as to justify a finding of a breach of the code. Indeed the Panel considered that this would have been the case even without enhanced protection.

7.2.5 E-mail dated 1st October 2016 20:24 Comments as follows:-

"I believe homosexuality, transgenderism, etc are immoral perversions. I do not accept the activities as being "normal" in any way".

The Case Tribunal were clear that this comment did not show respect and consideration for a section of society with protected characteristics under the Equality Act 2010.

The Tribunal carefully considered Cllr Down's Convention rights and concluded that the comments attracted protection under Article 9(1) and full, enhanced protection under Article 10(1).

Despite having been challenged by Mr Matthews at the relevant time in this instance, Cllr Down repeated his view that 'the activities' were not normal, however on this occasion he linked the pejorative use of the word 'normal' to his view of the activities being 'immoral perversions' as opposed to being activities conducted by a minority of the population as Cllr Down argued in his submissions. In the circumstances, the Case Tribunal decided that, although the comments attracted full enhanced protection, they were wholly unnecessary, abusive and egregious and demonstrated complete failure to show respect and consideration for others, including staff and Members of Monmouthshire County Council as well as the wider community with protected characteristics. It was a deliberate and gratuitous challenge to the inclusive ethos of the Council, taking no account of equality principles, let alone the public sector equality duty.

It concluded that, even having given a narrow reading of Articles 9(1) and 10(2), a finding of a breach of Paragraph 4(b) of the code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others."

7.2.6 E-mail dated 13th October 2016 8:28:55 headed 'Our recent exchanges' Comment as follows:-

“Perhaps you would also be kind enough to let me know the difference in principle between flying the striped flag outside County Hall, even though that may offend some, and erecting a banner saying something like “homosexuality is perverted,” which may offend others”.

The Case Tribunal considered that Cllr Down’s comment was disrespectful, however it accepted that in the light of the enhanced protection for political expression that this provocative yet rhetorical question, despite being likely to be offensive to some, did not justify the restriction of Cllr Down’s rights to freedom of expression justifying a finding of a breach of the code. Indeed the Panel considered that this would have been the case even without enhanced protection.

8. SUBMISSIONS ON ACTION TO BE TAKEN

8.1 Evidence of previous conduct

No evidence was produced of any previous breaches of the code of conduct by Cllr Down.

8.2 The Ombudsman’s submissions

8.2.1 The Ombudsman contended that although Cllr Down was no longer a member of MCC, by virtue of Sections 79 (4) (a) and 79 (13) (b) of the Local Government Act 2000, the legislation allowed the Case Tribunal to suspend the Councillor from a different Authority to that in which the conduct occurred, in this case, Mathern Community Council. Cllr Down had become a Member of Mathern Community Council in May 2017.

8.2.2 The Ombudsman’s representative acknowledged that there may be mitigating factors, in that the code provisions to do with bringing the office or the Council into disrepute had not been invoked, that Cllr Down had co-operated with the investigation and that some of the comments had been made in the ‘heat of the moment’.

8.2.3 With regard to aggravating factors, the comments escalated following challenge by Mr Mathews. Although Cllr Down said that he had read and understood the code of conduct, his non-attendance of training on the code over the years showed a poor attitude to code matters and that there was a failure to look at a councillor’s role from a distance.

8.3 Cllr Down’s Submissions

8.3.1 Cllr Down contended that he could not and would not recant and quoted Martin Luther on this point. He felt that the whole episode was bizarre and a breach of natural justice and he felt that there was a tacit understanding between chief executives and the Ombudsman’s office that investigations would be long and drawn-out. He felt that the delay was a sanction in itself.

8.3.2 He also stated that no-one had been offended by the e-mails and the Chief Executive had not been offended personally. The only person who had been offended was himself. He felt that blind assumptions had been made by MCC. As to the Chief Executive's duty to protect staff, it had been acknowledged that there was not a single example or incident of poor treatment of anyone by Cllr Down. He felt that the nub of this was that he was being expected to give up his faith and he would not do so.

8.3 Case Tribunal's Decision

8.3.1 The Case Tribunal considered the nature of the three e-mails which were found to breach the code of conduct and in particular the comment which compared homosexuality to paedophilia. Cllr Down had reluctantly indicated that, in retrospect, he would 'probably' have used different words. They were not words used in the 'heat of the moment' however as having had ample time to reflect, he used similar wording and went on to justify the comments in his letter to the Ombudsman dated 27th November 2017.

8.3.2 In accordance with the Adjudication Panel for Wales' current Sanctions Guidance, the Case Tribunal also had regard to the following mitigating factors: that the breaches arose from a genuinely and strongly held view and that Cllr Down had a previous record of good service. It also had regard to the following aggravating factors: non-attendance of training with the October e-mail showing a repeat pattern of behaviour and a lack of remorse or insight. The Case Tribunal recognised that in other circumstances, this may have been a matter which would have been appropriate for Standards Committee hearing and therefore also took into account the upper limit of sanction for Standards Committees.

8.3.3 The Case Tribunal gave very careful consideration to all submissions on sanction and once again considered sanction in the light of Articles 9 and 10 and the principles of proportionality and although it found that the imposition of a sanction was a prima facie interference with the right to manifest one's religion or belief under Article 9 and freedom of expression under Article 10, it was proportionate and justified under Articles 9(2) and 10(2), as the breaches of the code had been gratuitous and egregious and was necessary to reinforce the fact that the code of conduct and Welsh Principles are key to the proper operation of and public confidence in local democracy. The Case Tribunal considered the least intrusive measure possible, without unacceptably compromising the achievement of the objective.

8.3.4 It has also considered Sections 79 (4) (a) and 79 (13) (b) of the Local Government Act 2000 in relation to sanction and it accepted the Ombudsman's submissions that suspension as well as disqualification were within the powers of the Case Tribunal.

8.3.5 The Case Tribunal had regard to sanctions in other cases. The 'Barmouth' case had led to disqualification for one year, however the Case Tribunal recognised that Cllr Down had not directed his behaviour towards a particular individual and wrote solely to the Chief Executive. In *Sanders v Kingston (No 2)* [2005] EWHC 2132 (Admin), Sullivan J considered that a

suspension of six months would have been appropriate in place of the disqualification for 18 months originally imposed by the relevant Tribunal. The Sanders (No 2) case involved a one-off incident of poor behaviour towards an officer.

8.3.6 Due to the mitigating factors described in Paragraph 8.3.2 above, the Case Tribunal considered that a short period of suspension would be proportionate and two months was considered to be the minimum sanction necessary, bearing in mind that many Town and Community Councils do not hold any formal Council meetings during August, whilst aiming to discourage the Respondent and any other Councillor from conducting himself/herself in a similar manner in future.


8.3.7 The Case Tribunal concluded by unanimous decision that Cllr Down should be suspended from acting as a member of Mathern Community Council for a period of two months or, if shorter, the remainder of his term of office.

8.3.8 MCC and Mathern Community Councils and their Standards Committee are notified accordingly.

8.2.9 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

9. CASE TRIBUNAL RECOMMENDATIONS

9.1 Although this does not form part of the Case Tribunal's formal findings, the Case Tribunal would recommend that Cllr Down uses the two months' suspension to seek code of conduct and equalities training through MCC and Mathern Community Council and their Monitoring Officer.

Signed: 

Date: 10 August 2018

Claire N Jones
Chairman of the Case Tribunal

Susan Hurds
Panel Member

Glenda Jones
Panel Member

Y PWYLLGOR SAFONAU
19/10/18

**PANEL DYFARNU CYMRU – CANLLAWIAU YNGHYLCH
SANCSIYNAU**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi'r canllawiau**

Y Rhesymau:

Bydd y canllawiau yn helpu'r Pwyllgor i ymdrin ag achosion o dorri
Côd Ymddygiad yr Aelodau

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE

The Adjudication Panel for Wales is the body created by the Local Government Act 2000 with responsibility for hearing appeals against the decisions of Standards Committees relating to breaches of the members code of conduct. The Panel also deals with more serious cases which are referred directly to it by the Ombudsman.

The President of the Panel has issued guidance to Standards Committees regarding the imposition of sanctions following a finding that a councillor has breached the Code. The guidance identifies;

1. The underlying principles to be applied when imposing a sanction in such cases
2. The relevance of human rights laws, particularly Article 10 of the European Convention on Human Rights (freedom of expression)
3. The correct process for determining an appropriate sanction namely;
 - (a) Assessing the seriousness of the breach
 - (b) Identifying the most appropriate type of sanction
 - (c) Considering relevant mitigating and aggravating sanctions
 - (d) Considering if any further adjustment is necessary to ensure the sanction is appropriate
 - (e) Confirming the sanction and the reasons for choosing it.
4. The range of sanctions available to Standards Committees
5. Examples of mitigating and aggravating factors that may be taken into account

The guidance also gives advice on the power of the Panel to make recommendations to a local authority and its Standards Committee regarding their functions and the authority's code of conduct.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

Sanctions Guidance

Issued by the President of the Adjudication Panel for Wales under Section 75(10) of the Local Government Act 2000.

Foreword by the President

I am pleased to introduce our new *Sanctions Guidance* which sets out the approach to be taken by case, appeal and interim case tribunals of the Adjudication Panel for Wales in order to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to an individual's breach of the local Code of Conduct.

The Guidance has been developed by members of the Adjudication Panel for Wales in consultation with the Public Services Ombudsman for Wales, Monitoring Officers and other interested parties. I would like to thank everyone for their contributions. In publishing this Guidance, I hope it will help all those with whom we share an interest in the Code - most importantly members of county and community councils, fire and rescue authorities, and national park authorities in Wales. I hope it reflects the importance we attach to the role of local members, the value of local democracy and the Adjudication Panel's commitment to promoting the highest standards in public life in Wales.

Claire Sharp
President, Adjudication Panel for Wales

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- the status, purpose and intended use of the Guidance, and its relevance to the public, individual members, Monitoring Officers and Standards Committees of councils, fire and rescue authorities, and national park authorities in Wales, the Public Services Ombudsman for Wales and the Adjudication Panel for Wales.

Standards in Public Life

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- the Code of Conduct, expectations for local members and the process to be followed when a breach of the Code is alleged.

The Adjudication Panel for Wales

page 5

- the role of the Adjudication Panel for Wales, the purpose of the sanctions regime and sanction powers available to case, appeal and interim tribunals of the Adjudication Panel for Wales.

The Tribunals' Approach: underlying principles

page 7

- an overview of the general principles that underpin the broad approach of case, appeal and interim case tribunals, specifically fairness, public interest, proportionality, consistency, equality and impartiality, and Article 10 of the European Convention on Human Rights.

Case and Appeal Tribunals: determining sanction

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- the specific sanctions available to case and appeal tribunals and the five stage process to be used to assess the seriousness of a breach, relevant mitigating and aggravating circumstances and any wider factors, and guidance on how to determine the specific sanction and duration; it also addresses the tribunal's power to make recommendations.

Interim Case Tribunals: determining sanction

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- the distinct aims of interim case tribunals to facilitate an ongoing investigation and the specific powers available in response to a report, and any recommendation, from the Ombudsman.

Annex: other relevant documents and guidance

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Introduction

1. This Guidance is issued by the President of the Adjudication Panel for Wales (APW) using powers available to her under the Local Government Act 2000¹. Its primary purpose is to assist the APW's case, appeal and interim case tribunals when considering the appropriate sanction to impose on a member, or former member, who is found to have breached their authority's Code of Conduct.
2. This Guidance describes:
 - i. the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of councils, fire and rescue authorities, and national park authorities in Wales;
 - ii. the role of the Adjudication Panel for Wales (APW) and the purpose of the sanctions regime;
 - iii. the approach to be taken by its tribunals in determining sanction following a finding that the Code has been breached.
3. The purpose of sanctions and this Guidance are built on the values that underpin the Code of Conduct, in particular the fundamental importance of promoting the highest standards in local public life. The Guidance aims to assist tribunals in determining sanctions that are, in all cases, fair, proportionate and consistent.
4. The Guidance is not prescriptive and recognises that the sanction decided by an individual tribunal will depend on the particular facts and circumstances of the case. Any examples should be considered to be by way of illustration and not exhaustive. Tribunals have ultimate discretion when imposing sanctions and can consider in addition to this Guidance other factors that they consider necessary and appropriate. Nor does the Guidance affect the responsibility of the legal member of a tribunal to advise on questions of law, including the specific applicability of relevant sections of this Guidance.
5. In setting out the factors to be considered by a tribunal in its determination of an appropriate sanction, the Guidance offers a transparent approach for the benefit of all parties involved tribunal proceedings. It aims to ensure that everyone is aware, from the outset, of the way in which the tribunal is likely to arrive at its decision on sanction.
6. The Guidance seeks to fulfil a wider role and support all those with an interest in maintaining, promoting and adjudicating on the Code of Conduct. It aims to complement the statutory Guidance published by the Public Services Ombudsman for Wales², confirming the expectations on local members in

¹ Section 75(10) of the Local Government Act 2000 ("the 2000 Act") provides a power for the President of the Adjudication Panel for Wales to issue guidance on how its tribunals are to reach decisions

² The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils:

terms of their conduct and emphasising the central importance of public confidence in local democracy. It should be of value to individual members, Monitoring Officers and Standards Committees of county and county borough councils, fire and rescue authorities, and national park authorities in Wales, and the Public Services Ombudsman for Wales.

7. This Guidance comes into effect on 1 September 2018. It is a living document that will be updated and revised as the need arises, following consultation.

Standards in Public Life

The Code of Conduct

8. The Local Government Act 2000 introduced an ethical framework to promote high standards of conduct in public life in Wales. The framework's central mechanism is the Code of Conduct. All local authorities, community councils, fire and rescue authorities and national park authorities in Wales must have in place a Code of Conduct. All elected members and co-opted members (with voting rights) must, on taking office, sign an undertaking to abide by their authority's Code for the duration of their term of office.
9. The Welsh Government has issued a model Code of Conduct³ in order to ensure consistency across Wales and to give certainty to members and the public as to the minimum standards expected. The model Code is consistent with ten core principles of conduct⁴ prescribed by the National Assembly for Wales in 2001, which are themselves derived from the Nolan Committee's Principles for Public Life⁵:
 - i. Selflessness
 - ii. Honesty
 - iii. Integrity and Propriety
 - iv. Duty to Uphold the Law
 - v. Stewardship
 - vi. Objectivity in Decision-making
 - vii. Equality and Respect
 - viii. Openness
 - ix. Accountability
 - x. Leadership

Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

³ The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008, as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016
www.legislation.gov.uk/wsi/2016/84/pdfs/wsi_20160084_mi.pdf and
www.legislation.gov.uk/wsi/2016/85/pdfs/wsi_20160085_mi.pdf

⁴ The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)
http://www.legislation.gov.uk/wsi/2001/2276/pdfs/wsi_20012276_mi.pdf

⁵ Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales"

Local codes must incorporate any mandatory provisions of the model Code and may incorporate any optional provisions of the model Code. At this time, all provisions of the model Code are mandatory.

Expectations on local members

10. Members of county councils, county borough councils, community councils, fire and rescue authorities and national park authorities in Wales must abide by their authority's Code:
 - whenever they are acting or present at a meeting of their authority, claiming to act or giving the impression of acting in an official capacity in the role of member to which they were elected or appointed or as a representative of their authority;
 - at any time, if they are conducting themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, or if using or attempting to use their position to gain an advantage or avoid a disadvantage for anyone or if they misuse the authority's resources.
11. Members are expected to engage in any training and access ongoing advice, as the need arises, from their local Monitoring Officer and Standards Committee. Members are also expected to be familiar with and have regard to the Public Services Ombudsman's statutory guidance on the Code⁶. It addresses each of the Code's requirements in order to help members understand their obligations in practical terms. It offers advice on the fundamental ethical principles that many members need to consider on a regular basis – for example, declarations of interest, confidentiality and whether their actions constitute bullying or harassment– in addition to those less frequently encountered.
12. Ultimately, members must use their judgment in applying the Code and the Principles to their own situation. They cannot delegate responsibility for their conduct under the Code.

Allegations of breach

13. There are non-statutory local protocols in place for low-level member-on-member complaints which do not result in case or appeal tribunals. Allegations that a member's conduct is in breach of the Code can be made to the Ombudsman, who will decide whether to investigate a complaint. If, following an investigation, the Ombudsman finds that there is evidence of a breach of the Code, he can refer his report to the relevant local Standards Committee or to the President of the Adjudication Panel for Wales. The Ombudsman may also refer reports from an ongoing investigation to the President for consideration by an interim case tribunal.

⁶ The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

The Adjudication Panel for Wales

14. The introduction of the ethical framework included the establishment of the Adjudication Panel for Wales⁷ as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Code. The Panel's operation is subject to regulation by the Welsh Government.

Case tribunals

15. Case tribunals are appointed by the President of the Adjudication Panel for Wales in order to consider a report from the Ombudsman following an investigation into an allegation of a member's misconduct. Case tribunals are responsible for deciding whether a local member has breached the Code of Conduct of their authority and, if so, for determining an appropriate sanction (if any).

Appeal tribunals

16. Appeals tribunals are appointed by the President to consider appeals from members against a decision of a local Standards Committee. Appeal tribunals are responsible for reviewing the decision that a local member has breached the Code of Conduct and any sanction imposed. They may uphold and endorse any sanction imposed or refer the matter back to the Standards Committee with a recommendation as to a different sanction or overturn the determination of the Committee that there has been a breach of the Code. An appeal tribunal cannot recommend a sanction which was not available to the Standards Committee.

Interim case tribunals

17. Interim case tribunals are appointed by the President to consider a report, and any recommendation to suspend a member, from the Ombudsman during an ongoing investigation into alleged misconduct. The tribunal is responsible for determining the need to suspend, or partially suspend, the member or co-opted member from the authority or a role within the authority. The maximum duration of the suspension or partial suspension is 6 months. Unlike case and appeal tribunals, suspension by an interim case tribunal is a neutral act, given the ongoing nature of the Ombudsman's investigation.

The sanctions regime

18. The Committee on Standards in Public Life⁸ had a key role in developing the ethical framework and identified the need for mechanisms to enforce and punish public office holders who breached the standards expected of them, if the ethical framework was to command public credibility. The purpose of the sanctions available to Adjudication Panel for Wales case and appeal tribunals are to:

⁷ Part III, Local Government Act 2000

⁸ Reference to the report on enforcement

- provide a disciplinary response to an individual member's breach of the Code;
- place the misconduct and appropriate sanction on public record;
- deter future misconduct on the part of the individual and others;
- promote a culture of compliance across the relevant authorities;
- foster public confidence in local democracy.

19. The sanctions available to a case tribunal that has found a breach of the Code are⁹:

- a. to take no action in respect of the breach;
- b. to suspend or partially suspend the member from the authority concerned for up to 12 months;
- c. to disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.

The sanctions available to an appeal tribunal that has found a breach of the Code are:

- d. censure;
- e. to suspend or partially suspend the member from the authority concerned for up to 6 months.

20. The different types and scope of duration of sanction are designed to provide tribunals with the flexibility to apply sanctions of considerable difference in impact and enable a proportionate response to the particular circumstances of an individual case. This Guidance does not propose a firm tariff from which to calculate the length of suspension or disqualification that should be applied to specific breaches of the Code. Instead, it offers broad principles for consideration by all tribunals whilst respecting the details that make each and every case different.

⁹ Section 79, Local Government Act 2000

The Tribunal approach – underlying principles

21. Tribunals must always have in mind that every case is different and requires deciding on its own particular facts and circumstances. Following a finding that the Code of Conduct has been breached, tribunals must exercise their own judgment as to the relevant sanction in line with the nature and impact of the breach, and any other relevant factors. They must also ensure that the sanctions take account of the following underlying principles in order to ensure that their decisions support the overall ambitions of the ethical framework, fulfilling the purpose of the sanctions, and are in line with the tribunal's wider judicial obligations.

Fairness

22. The tribunal should take account and seek to find an appropriate balance between the various interests of the Respondent/Appellant, the Complainant, other interested parties to a case, the Ombudsman, the authority, the electorate and the wider public.

Public interest

23. Whilst seeking to ensure that the sanction imposed is appropriate, fair and proportionate to the circumstances of the case, the tribunal should consider the reputation of and public confidence in local democracy as more important than the interests of any one individual.

Proportionate

24. Tribunals will take account of the good practice identified in the Ombudsman's Guidance and Code of Conduct Casebook¹⁰ in order to assist their sense of proportionality when determining the sanction appropriate to the scale and/or nature of the breach.

Consistent

25. Tribunals will aim to achieve consistency in their sanctions in order to maintain the credibility of the ethical framework. They will take account of the good practice identified by the Ombudsman (para.24) in addition to this Guidance and its own previous decisions. Where a tribunal panel has reason to depart from the Guidance, it should clearly explain why it has done so.

Equality and impartiality

26. Fair treatment is a fundamental principle for the Adjudication Panel for Wales and is embedded within individual members' judicial oath. Tribunals must ensure that their processes and practices safeguard their capacity for objective, independent and impartial decision-making, free from prejudice and partiality, in order to uphold their judicial responsibilities.

¹⁰ <http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

Human Rights (Articles 6 and 10)

27. Tribunals must ensure that their processes and practices respect human rights. This Guidance aims to support those principles. In particular, tribunals must ensure that they consider the relevance of Articles 6 and 10 of the European Convention on Human Rights in their deliberations. These articles enshrine the right to a fair hearing and freedom of expression.

28. Article 10 is a key provision when considering possible breaches of the Code. It provides that:

“10(1) Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority regardless of frontiers...”

10(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

29. Enhanced protection of freedom of expression applies to political debate, including at local government level. Article 10(2) has the effect of permitting language and debate on questions of public interest that might, in non-political contexts, be regarded as inappropriate or unacceptable. This protection does not extend to gratuitous or offensive personal comment, nor to ‘*hate speech*’ directed at denigrating colour, race, disability, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation.

30. In their consideration of Article 10, tribunals should apply the three-stage approach established by Mr Justice Wilkie¹¹ in the case of *Sanders v Kingston (No1)* and which applies to both decision about breach and sanction, as follows:

- i. Can the Panel as a matter of fact conclude that the Respondent’s conduct amounted to a relevant breach of the Code of Conduct?
- ii. If so, was the finding of a breach and imposition of a sanction *prima facie* a breach of Article 10?
- iii. If so, is the restriction involved one which is justified by reason of the requirement of Article 10(2)?

¹¹ Wilkie J in the case of *Sanders v Kingston No (1)* [2005] EWHC 1145

Case and Appeal Tribunals – determining sanction

31. A tribunal will decide whether or not a sanction is appropriate after considering the facts of a case and finding that an individual has breached the Code of Conduct. In determining any appropriate sanction, the tribunal's approach should be sufficiently broad so as to accommodate its consideration of the various interests of those involved in the case, any specific circumstances of the individual respondent/appellant, the intended purpose of the sanctions available (in particular, the wider public interest) and the tribunal's wider judicial responsibilities.
32. Case tribunals will decide on the appropriate sanction to impose, if any, and the duration of any such sanction; appeal tribunals will consider the appropriateness of the sanction imposed by the Standards Committee.

The five-stage process

33. Case and appeal tribunals will follow a five step process in determining sanction:
- 33.1 assess the seriousness of the breach and any consequences for individuals and/or the council (para.34 - 38)
 - 33.2 identify the broad type of sanction that the Tribunal considers most likely to be appropriate having regard to the breach; (para.39)
 - 33.3 consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration; (para.40 to 42)
 - 33.4 consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms of fulfilling the purposes of the sanctions; (para.43)
 - 33.5 confirm the decision on sanction and include, within the written decision, an explanation of the tribunal's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. (para.53)

Assessing the seriousness of the breach

34. The relative seriousness of the breach will have a direct bearing on the tribunal's decision as to the need for a sanction and, if so, whether a suspension or partial suspension (of up to 12 months) or disqualification (up to 5 years) is likely to be most appropriate. It is important to bear in mind though that appeal tribunals can only recommend a suspension (partial or full) for up to 6 months and cannot recommend disqualification due to the constraints upon its powers.
35. The tribunal will assess seriousness with particular reference to:
- the nature and extent of the breach, and number of breaches;

- the member's culpability, their intentions in breaching the Code, and any previous breaches of the Code;
- the actual and potential consequences of the breach – for any individual(s), the wider public and/or the council as a whole;
- the extent to which the member's actions have, or are likely to have the potential to, bring his/her office or the relevant authority into disrepute.

36. Examples of the way in which tribunals might weight seriousness include:

- a breach involving deliberate deception for personal gain or discrimination is likely to be regarded as more serious than that involving the careless use of a council email address on a personal social media profile;
- a breach involving the systematic harassment or bullying of a junior officer is likely to be regarded as more serious than instances of disrespectful language in the course of a council debate;
- a breach of confidentiality that results in the disclosure of the address of a looked after child is likely to be regarded as more serious than the disclosure of a planning officer's confidential advice;
- a breach resulting in significant negative reputational damage to the office or authority is likely to be regarded as more serious than an inappropriately worded email to a member of the public.

37. Breaches involving the blatant disregard of specific, authoritative advice given as to a course of conduct and/or the Code (particularly by the relevant authority's monitoring officer), the deliberate abuse of confidential, privileged or sensitive information for personal gain or that of a close personal associate, and sexual misconduct, criminal, discriminatory, predatory, bullying and/or harassing behaviour are all likely to be regarded as very serious breaches.

38. A member who is subject to a term of imprisonment for three months or more without the option of paying a fine in the previous five years before their election or since their election is automatically subject to disqualification¹².

Choosing the potential sanction

39. Having assessed the relative seriousness of the member's breach of the Code, the tribunal will consider which of the courses of action available to it is most appropriate¹³. In line with the principles of fairness and proportionality, the tribunal should start its considerations of possible sanctions with that of least impact.

No action

39.1 The tribunal may decide that, despite the member having failed to follow the Code of Conduct, there is no need to take any further action in terms of sanction. Circumstances in which a tribunal may decide that no action is required may include:

¹² Section 80(1)(d), Local Government Act 1972

¹³ Section 79, Local Government Act 2000

- an inadvertent failure to follow the Code;
 - an isolated incident with extremely limited potential for consequential harm;
 - an acceptance that a further failure to comply with the Code on the part of the member is unlikely, nor are there any wider reasons for a deterrent sanction;
 - specific personal circumstances, including resignation or ill health, which render a sanction unnecessary and/or disproportionate.
- 39.2 A tribunal that finds a breach of the Code but decides that no action is necessary in terms of sanction, should consider whether there is a need to warn the member as to their conduct and/or seek assurances as to future behaviour. This provides an effective means of placing the member's behaviour on record, reflected in the tribunal's written decision, so that the warning and/or reassurance may be taken into account in the event of the same member being found to have breached the Code in the future. A failure to comply with any assurances given to the tribunal may be brought to the attention of the tribunal in any future hearings.

Suspension for up to 12 months

- 39.3 A case tribunal may suspend the member for up to 12 months from the authority(ies) whose Code/s has/have been breached.
- 39.4 Suspension is appropriate where the seriousness of the breach is such that a time-limited form of disciplinary response is appropriate in order to deter such future action, temporarily remove the member from the authority/a role within the authority, safeguard the standards set by the Code and to reassure the public that standards are being upheld.
- 39.5 A suspension of less than a month is unlikely to meet the objectives of the sanctions regime and risks undermining its overall ambitions. Tribunals are also reminded that the highest sanction available to local Standards Committees is 6 months' suspension. They should bear this in mind when considering an Ombudsman's referral to the Adjudication Panel, in preference to the local Standards Committee, and when considering an appeal against a local Standards Committee sanction. It is possible for appeal tribunals to recommend an increase in the sanction originally imposed by the Standards Committee.
- 39.6 Circumstances in which a tribunal may decide that a suspension is appropriate may include:
- the member's action has brought the member's office or authority into disrepute but they have not been found in breach of any other paragraph of the Code (though the most appropriate sanction will depend on the specific facts of each case);

- the breach merits a disciplinary response but, in view of the circumstances of the case, it is highly unlikely that there will be a further breach of the Code;
- the member has recognised their culpability, shown insight into their misconduct, and apologised to those involved.

Partial Suspension for up to 12 months

- 39.7 The tribunal may impose a partial suspension, preventing the member from exercising a particular function or role (such as being a member of a particular committee or subcommittee or the holder of a particular office) for up to 12 months.
- 39.8 Partial suspension is appropriate where the seriousness of the breach merits a suspension (see above) but the circumstances of the case are such that the member is permitted to continue in public office except for the role/function/activity specifically limited by the suspension.
- 39.9 In the case of a partial suspension, the tribunal will need to decide from what role/function/activity the member is to be suspended and, in the case of membership of more than one authority, the impact of the partial suspension in each relevant authority.
- 39.10 Circumstances in which a partial suspension may be appropriate include:
- the member is capable of complying with the Code in general but has difficulty understanding or accepting the restrictions placed by the Code on their behaviour in a specific area of council/authority activity;
 - the misconduct is directly relevant to and inconsistent with a specific function or area of responsibility held;
 - the member should be temporarily removed or prevented from exercising executive functions for the body to which the Code applies.

Disqualification for a maximum of 5 years

- 39.11 A case tribunal may disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.
- 39.12 Disqualification is the most severe of the sanctions available to a tribunal. It is likely to be appropriate where the seriousness of the breach is such that a significant disciplinary response is appropriate in order to deter repetition, make clear the unacceptable nature of such conduct in public office, underscore the importance of the Code and to safeguard the public's confidence in local democracy. A disqualification of less than 12 months is unlikely to be meaningful (except in circumstances when the term of office of the member is due to expire during that period or is no longer a member).

39.13 Circumstances in which a tribunal may decide that a disqualification is appropriate may include:

- deliberately seeking personal gain (for her/himself, a family member or personal associate) by exploiting membership of the authority and/or the authority's resources;
- deliberately seeking to disadvantage another by exploiting membership of the authority and/or the authority's resources;
- deliberately disregarding or failing to comply with the provisions of the Code and continuing to assert the right so to do;
- repeatedly failing to comply with the provisions of the Code and demonstrating the likelihood of continuing the pattern of behaviour;
- deliberately seeking political gain by misusing public resources or power within the authority;
- a second or subsequent breach, despite a warning and/or having given an assurance as to future conduct in a previous case before an Adjudication Panel for Wales tribunal;
- conduct that calls into question the Respondent's fitness for public office;
- bringing the relevant authority into serious disrepute.

Mitigating and aggravating circumstances

40. The tribunal will go on to consider how any particular circumstances of the member may mitigate and/or aggravate the level of sanction under consideration. This stage is designed to take account of any personal circumstances affecting the member's conduct including inexperience, capacity, insight, responsibility (for the breach), remorse, reparation and any previous findings. This process is likely to have significant bearing on the duration of the sanction, varying the term down or up in line with the mitigating or aggravating factors. Such factors may at times be sufficient to persuade a tribunal that a suspension (if any) may be more appropriate than a disqualification, and vice versa.

41. Tribunals are encouraged to work through the examples set out below but are reminded that these are not exhaustive. Where any mitigating/aggravating factor relates directly to the nature or seriousness of the breach and the tribunal has already considered that factor in its choice of appropriate sanction, care should be taken as to the extent to which that factor is included in mitigation/aggravation. For example:

- if the sanction under consideration is a suspension because the conduct is regarded as a 'one off', this factor should not also be regarded as mitigating unless the 'one off' nature of the breach is so exceptional that it should have a direct bearing on the length of the suspension;

- if the breach is regarded as serious because it includes ‘bringing the authority into disrepute’, this factor should not also be regarded as aggravating unless the disrepute is so exceptional as to have a direct bearing on the length of the disqualification.

42. Tribunals should also take care to respect a member’s legitimate right to appeal and to distinguish protestations or assertions made in the course of exercising that right from those actions that might be regarded as aggravating factors designed to obstruct the processes of the Ombudsman or Adjudication Panel.

Mitigating circumstances

- i. substantiated evidence that the misconduct was affected by personal circumstances, including health and stress;
- ii. a short length of service or inexperience in a particular role;
- iii. a previous record of good service (especially if over a long period of time);
- iv. the misconduct was a one-off or isolated incident;
- v. that the member was acting in good faith, albeit in breach of the Code;
- vi. the misconduct arose from provocation or manipulation on the part of others;
- vii. the breach arose from an honestly held, albeit mistaken, view that the conduct involved did not constitute a failure to follow the Code, especially having taken appropriate advice;
- viii. the misconduct, whilst in breach of the Code, had some beneficial effect for the public interest;
- ix. political expression of an honestly held opinion, albeit intemperately expressed, or a political argument (see paragraphs 27-30 above and Aggravating factor xii below);
- x. self-reporting the breach;
- xi. recognition and regret as to the misconduct and any consequences;
- xii. an apology, especially an early apology, to any affected persons;
- xiii. co-operation in efforts to rectify the impact of the failure;
- xiv. co-operation with the investigation officer and the standards committee/APW;
- xv. acceptance of the need to modify behaviour in the future;
- xvi. preparedness to attend further training;
- xvii. commitment to seeking appropriate advice on the Code in the future;
- xviii. compliance with the Code since the events giving rise to the adjudication.

Aggravating factors

- i. long experience, seniority and/or position of responsibility;
- ii. seeking to unfairly blame others for the member's own actions;
- iii. deliberate conduct designed to achieve or resulting in personal (for her/himself, a family member or close personal associate) benefit or disadvantage for another;
- iv. deliberate exploitation of public office and/or resources for personal (for her/himself, a family member or close personal associate) or political gain;
- v. abuse or exploitation of a position of trust;
- vi. repeated and/or numerous breaches of the Code, including persisting with a pattern of behaviour that involves repeatedly failing to abide by the Code;
- vii. dishonesty and/or deception, especially in the course of the Ombudsman's investigation;
- viii. lack of understanding or acceptance of the misconduct and any consequences;
- ix. refusal and/or failure to attend available training on the Code;
- x. deliberate or reckless conduct with little or no concern for the Code;
- xi. deliberately or recklessly ignoring advice, training and/or warnings as to conduct;
- xii. the expression of views which are not worthy of respect in a democratic society, are incompatible with human dignity and conflict with the fundamental rights of others (see paragraphs 27 – 30 above);
- xiii. obstructing and/or failing to co-operate with any Ombudsman's investigation, Standards Committee, and/or the Adjudication Panel for Wales's processes;
- xiv. refusal to accept the facts despite clear evidence to the contrary;
- xv. action(s) that has/have brought the relevant authority and/or public service into disrepute;
- xvi. failure to heed previous advice and/or warnings and to adhere to any previous assurances given as to conduct relevant to the Code.
- xvii. Previous findings of failure to follow the provisions of the Code.
- xviii. Continuing to deny the facts, despite clear evidence to the contrary.

Fulfilling the purpose of the sanctions regime

43. The tribunal may need to consider further adjustments to the chosen sanction or length of sanction in order to achieve an appropriate deterrent effect, for the

individual and/or the wider council membership, or to maintain public confidence. Tribunals will also need to have regard to external factors that may exacerbate or diminish the impact of the chosen sanction.

Public interest

44. The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.

Eligibility for public office in other relevant authorities

45. Disqualification will automatically apply to a Respondent's current membership of all authorities to which the Local Government Act 2000 applies, irrespective of whether the other authorities' Codes have been breached. Disqualification will also prevent the Respondent from taking up public office, through election or co-option, on any other authorities to which the Act applies until the expiration of the disqualification period.

46. A suspension will preclude the member from participating as a member of the authority whose Code s/he has been found to have breached but not necessarily any other authorities of which the Respondent/Appellant is a member. Where the facts of a case call into question the member's overall suitability to public office, a disqualification may be more suitable than a suspension.

Former members

47. In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate (this can only apply in case tribunals). This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected. For appeal tribunals, a censure remains an option.

Financial impact

48. Tribunals should take into account the financial impact on members of a sanction: during suspension and disqualification, a member will be denied payment of their salary and allowances. The financial impact varies from an annual expenses reimbursement for community councillors to a basic salary

plus expenses for county councillors to the higher salaries paid to leaders of larger councils¹⁴.

Impact on the electorate

49. The High Court has recognised that Parliament has expressly provided case tribunals with a power to interfere with the will of the electorate and that such ‘interference’ may be necessary to maintain public trust and confidence in the local democratic process. Tribunals should be confident in their right to disqualify members whose conduct has shown them to be unequal to fulfilling the responsibilities vested in them by the electorate.
50. Suspension has the effect of temporarily depriving the electorate of local representation whereas disqualification triggers a process, either by-election or co-option, to replace the disqualified member.

Timing of local elections

51. In general, the length of a disqualification should be determined in relation to the nature of the breach and circumstances of the case, and be applied irrespective of the imminence or otherwise of local elections. There may be exceptional times when the duration of a disqualification might have a particularly disproportionate effect on the member. For example: a disqualification of 18 months, imposed in December 2020, would prevent a member from standing for local government election until May 2027, as the period of disqualification would overlap the May 2022 elections by one month. Tribunals should be willing to hear submissions as to why the length of disqualification should be varied, whilst bearing in mind the overriding public interest principle.

Automatic disqualifications

52. The law imposes an automatic disqualification for five years on any member who is subject to a term of imprisonment for three months or more (whether suspended or not). That a Court has imposed a lesser sanction does not mean that a five-year disqualification is inappropriate. If the case tribunal is of the view that the member concerned is unfit to hold public office and is unlikely to become fit over the next five years, then it may well be appropriate to impose such a disqualification.

Confirming the sanction

53. Tribunals should confirm their final determination on sanction, notifying the hearing and recording it in the decision notice. Tribunals will make sure that the reasons for their determination, including any significant mitigating and aggravating factors, are included in the full written record of proceedings in order to ensure that the parties and the public are able to understand its conclusions on sanction.

¹⁴ <http://gov.wales/irpwsb/home/?lang=en>

Recommendations

54. Case tribunals also have the power to make recommendations¹⁵ to the relevant authority whose Code it has considered about any matters relating to:

- the exercise of the authority's functions
- the authority's Code of Conduct;
- the authority's Standards Committee.

55. The authority to whom the recommendations are made is under a duty to consider them within three months and then prepare a report for the Ombudsman outlining what the action it, or its Standards Committee, has taken or proposes to take. If the Ombudsman is not satisfied with the action taken or proposed, he/she has the power to require the authority to publish a statement giving details of the recommendations made by the case tribunal and of the authority's reasons for not fully implementing them. As such, tribunals are advised to consider their use of this power with care.

Interim case tribunals – determining sanction

56. Interim case tribunals will decide, after considering a report (including any recommendation) from the Ombudsman on an ongoing investigation into alleged misconduct, whether to suspend or partially suspend, the member or co-opted member from the authority or a role within the authority.

57. Unlike case and appeal tribunals, interim case tribunals are not disciplinary. Interim case tribunals aim to:

- facilitate the Ombudsman's effective and expeditious investigation of the respondent's conduct;
- minimise any disruption to the business of the authority concerned during the investigation;
- maintain the reputation of the authority concerned;
- protect the authority concerned from legal challenge.

58. The powers available to an interim case tribunal¹⁶ are to suspend the Respondent, wholly or partially from being a member or co-opted member of the authority concerned, for not more than six months (or, if shorter, the remainder of the member's term of office). In the case of a partial suspension, the interim case tribunal will need to decide from what activity the respondent is to be suspended.

Purpose and process

59. Interim case tribunals recognise that no definitive finding has yet been made on the validity of the allegations about the Respondent and that any form of suspension can have a significant impact on a member's role, credibility and finances.

¹⁵ Section 80, <http://www.legislation.gov.uk/ukpga/2000/22/section/80>

¹⁶ Section 78(1), Local Government Act 2000

60. Interim case tribunals will therefore seek to take the minimum action necessary to ensure the effective completion of the investigation, the proper functioning of the authority concerned and the maintenance of public confidence. The tribunal will only decide on full suspension if its aims cannot be met otherwise.

The nature of the allegation(s)

61. Interim case tribunals will start by considering the nature of the allegations against the Respondent in order to decide whether, if the allegation were substantiated, a suspension or partial suspension would be an appropriate sanction.

No action

62. If the tribunal concludes that neither suspension nor partial suspension would follow a finding of breach, it is highly unlikely to make such an order without compelling reasons as to why the Ombudsman's investigation cannot effectively proceed without such action.

63. If the tribunal concludes that a finding on breach would result in a suspension or partial suspension, it will still require a compelling argument that it is in the public interest for a suspension or partial suspension of the Respondent in advance of the Ombudsman completing his investigation and referring a final report to the Adjudication Panel for Wales.

Partial Suspension

64. Partial suspension offers the possibility of safeguarding public confidence in an authority and enabling it to function effectively without depriving the member's constituents of ward representation. Interim case tribunals may wish to draw on the principles that apply to case and appeal tribunals' approach to partial suspension.

65. Partial suspension may be appropriate in circumstances where the allegations are directly relevant to and inconsistent with a specific function or area of responsibility held or the Respondent exercises executive functions for the authority whose Code s/he is alleged to have breached or – the Respondent may be excluded from their specific or executive responsibilities in order to reassure the public whilst not undermining the authority's ability to function effectively or depriving the electorate of their division/ward representation.

Suspension

66. Suspension is likely to be appropriate if there is a legitimate concern as to any of the following:

- the Respondent may interfere with evidence or with witnesses relevant to the matter under investigation;
- the business of the authority concerned cannot carry on effectively if the Respondent were to continue in office whilst the allegation against him or her

remained unresolved – the tribunal will have particular regard to any breakdown or potential breakdown in relations between the Respondent, other members and/or key staff of the authority;

- the allegations raise issues of such gravity that they jeopardise public confidence in the authority concerned if the Respondent were to continue in office whilst the allegations remained unresolved.

Annex: other documents and guidance relevant to tribunals

Adjudication Panel for Wales : Members Handbook (2017)

Public Services Ombudsman for Wales –The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016)

Equal Treatment Bench Book, Judicial College (as amended)

The Adjudications by Case Tribunals and Interim Case Tribunals (Wales Regulations 2001 No. 2288 (W.176), as amended by the Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 2578 (W. 209)

The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001 No. 2281 (W171), as amended by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 No. 85 (W.39)

Y PWYLLGOR SAFONAU
19/10/18

COFLYFR CÔD YMDDYGIAD YR OMBWDSMON

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried yr achosion a nodwyd yn y Coflyfr a nodi unrhyw
bwyntiau i'w dysgu.**

Y rhesymau:

Bydd hyn yn galluogi'r Pwyllgor i ymglyfarwyddo â'r dulliau diweddaraf a gymerwyd gan yr Ombwdsmon o ran mathau gwahanol o gwynion o dan y Côd.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

OMBUDSMAN'S CODE OF CONDUCT CASEBOOK

The Public Services Ombudsman for Wales publishes a Code of Conduct Case Book several times a year in which he gives information regarding Code of Conduct complaints that his office has investigated and the outcomes reached.

This can provide the Committee with useful points of learning not only for how it should approach a code breaches that it determines but also when preparing training sessions.

The latest casebook (published in July 2018) contains details of the following cases:

Council	Relevant Part of Code	Outcome
Merthyr Tydfil CBC	Promotion of equality and respect	No evidence of breach
Chepstow Town Council	Disclosure and Registration of Interests	No action necessary
Trellech United Community Council	Objectivity and propriety	No action necessary

None of these cases relate to councillors from Carmarthenshire.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

The Code of Conduct Casebook

Issue 17 July 2018

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Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers April to June 2018.

Case summaries

No evidence of breach

Merthyr Tydfil County Borough Council – Promotion of equality and respect

Case Number: 201704719 – Report issued in April 2018

An employee (“the Complainant”) of Merthyr Tydfil County Borough Council (“the Council”) complained that, at a staff meeting, an elected member of the Council (“the Councillor”) had made reference to some members of staff being “dead men walking”. The Complainant said that the Councillor made further comments which led some members of staff to conclude that this phrase referred to him. The Complainant said that this put him in fear for his job.

The Ombudsman investigated the complaint on the basis that the Councillor may have breached the paragraphs 4(b), 4(c), 6(1)(a) and 7(a) of the Code of Conduct for Members (“the Code”), relating to showing respect, bullying behaviour, disrepute and creating a disadvantage for others.

In the absence of any formal record of the meeting, the Ombudsman interviewed a selection of those present, as well as the Councillor, the Complainant and his manager. The Ombudsman considered what the Councillor said, his explanation of what he had meant and how his comments had been received.

The Ombudsman found that although the Councillor had used the phrase “dead men walking” there was no evidence to support the complaint that the comment was specifically directed at the Complainant or that it was intended to be seen as a threat to anybody’s job. The Ombudsman concluded that there was no evidence that the Councillor had breached the Code.

No action necessary

Chepstow Town Council – Disclosure and registration of interests

Case Number: 201703539 – Report issued in May 2018

A complaint was received that a member of Chepstow Town Council (“Councillor A”) had participated in discussions about the future ownership and management arrangements for a local public facility at a meeting of the Town Council, despite having declared a prejudicial interest in the matter.

The Ombudsman’s investigation found that it was likely that Councillor A had spoken at the meeting, despite having a prejudicial interest in the item, contrary to the requirements of paragraphs 14(1)(a), (c) and (e) of the Code of Conduct.

The Ombudsman decided that despite the fact the evidence suggested that there had been a breach of the Code, no further action should be taken. This was because Councillor A did not stand to gain personally from any decision made, the evidence suggested that he had withdrawn from the room for the vote, his preferred option was not agreed by the Council, and the Chair of the Council had indicated that he could speak. The Ombudsman did, however, remind Councillor A of his responsibilities in relation to prejudicial interests.

Trellech United Community Council – Objectivity and propriety

Case number 201700946 – Report issued in April 2018

The Ombudsman received a complaint that a Councillor (“the Councillor”) of Trellech United Community Council (“the Council”) had breached the Code of Conduct for members. It was alleged that the Councillor had breached the Code when he wrote to an adjudicator of a competition, giving the impression that he was acting as a representative of the Council, in an attempt to negatively influence the chance of a specific entry winning the competition and thereby creating disadvantage for a member of the public who would benefit if that entry was successful.

The Ombudsman investigated whether the Councillor’s actions amounted to a breach of paragraph 7(a) of the Code of Conduct which states that members must not, in their official capacity or otherwise, use or attempt to use their position improperly to create a disadvantage for another person.

The Ombudsman found that the Councillor, by writing to the adjudicator with information intended to lessen the likelihood of that specific entry winning the competition and by signing off that correspondence as a Councillor, may have breached paragraph 7(a).

The Ombudsman noted, however, that the entry subsequently won the competition, so the Councillor’s intervention did not actually cause a disadvantage to the person in question. The Ombudsman concluded that, on balance, it was not in the public interest to refer the matter to a Standards Committee or Adjudication Panel for Wales and, therefore, no further action should be taken.

Tudalen 218

Referred to Standards Committee

There are no summaries in relation to this finding

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203

Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU
19/10/18

**CANLLAW CYMDEITHAS LLYWODRAETH LEOL CYMRU I
GYNGHORWYR YNGHYLCH Y CYFRYNGAU CYMDEITHASOL**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi'r canllawiau**

Y Rhesymau:

Mae'r defnydd o'r cyfryngau cymdeithasol yn ffactor mewn nifer o achosion lle canfyddir bod cynghorydd wedi torri côd ymddygiad yr aelodau.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

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Rhifau ffôn:

01267 224018

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RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
18/09/18**

WLGA SOCIAL MEDIA GUIDE FOR COUNCILLORS

The Welsh Local Government Association (WLGA) recognises that social media is playing an increasingly important role in local politics and has prepared a guide for councillors in relation to its use.

The guide explains some of the more common types of social media that are available and sets out both the advantages and disadvantages of social media use.

The guide also sets out some 'Golden rules' for social media use and specifically addresses the relationship between social media and the members code of conduct.

Finally the guide also references the various criminal and civil liabilities that could arise from misuse of social media.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees- Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees- Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol



CLILC • WLGA

Social Media

A Guide for Councillors



Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

Welsh Local Government Association

Local Government House

Drake Walk

Cardiff

CF10 4LG

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www.wlga.wales

We are indebted to the officers and members who have contributed to this guide, particularly in Denbighshire, Flintshire County Council on behalf of North Wales Local Authority Emergency Information Team Chairs. Lawyers in Local Government, the Heads of Democratic Services, Chairs of Democratic Services Committees, the MSO and Lead Members Network, guidance from the LGA and Scottish Improvement Service and The Office of the Welsh Language Commissioner. Also, to Kevin O'Keefe, then of Excela Interim Management & Consultancy Ltd, who contributed to the 2013 first edition of this guide.

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Introduction

Social media is changing the world.

It is changing the way we communicate, the way we receive our news and, increasingly, the way we think about ourselves and others. Social media is transforming politics too; it makes politicians and public institutions more accessible, allows individuals to have their voices heard and helps share ideas or promote campaigns, potentially to millions, in an instant.

It is a powerful tool that can do much good but, in the wrong hands, can cause harm too. The growth of online abuse or trolling is a concern, as is the mounting evidence that organisations or even foreign agencies can exploit social media or use 'fake news' to influence public opinion or even affect democratic contests¹.

Social media's influence is growing, not only are the number of active users increasing but it is also being used more effectively as a medium to communicate, engage and mobilise.

Social media has therefore become a vital tool for councils and councillors to inform and engage with the communities they serve.

Many councillors already use social media and many more are thinking about using it. As a councillor, there are additional things to consider when using it, including the Code of Conduct and managing expectations and workload.

This guidance offers advice for those councillors who are new to social media and some tips for those already using it. Social media is rapidly evolving, so this guidance offers a general overview, some key pointers and principles and references to step-by-step resources online.

¹ <https://www.bbc.co.uk/news/uk-39830727> and <https://www.bbc.co.uk/news/world-us-canada-41355903>

1. What is social media?

Social media is a vast blanket term applied to a range of online multimedia tools; in short, social media allows you to communicate, broadcast or publish to millions in an instant, usually for free and all from a small device in the palm of your hand.

Social media can be set up and accessed via your smartphone, PC, laptop, tablet or smart TV. Social media applications (apps) or platforms allow you to communicate (either with individuals, specific groups or everyone), share information, share photos, create, edit and share audio or videos and play games with others.

Councils now use social media as a matter of course to communicate and consult with their residents who now expect this to be another communication channel, especially for urgent information. Council Twitter feeds include information on community events, school and road closures, job vacancies, sporting events and consultations, as well as details and, occasionally, detailed accounts of council meetings, including links to webcasts. Council scrutiny committees may also be using social media to promote and consult on their activities and undertake service reviews, such as in [Monmouthshire](#) and [Swansea](#).

Although there are some risks to using social media, which will be covered later in this guide, social media can be fun and innovative and can be used as an alternative method of communication and engagement, it can also break down barriers and stereotypes. Councils and other public bodies have used it for positive public relations, for example, it is worth looking at Swansea's [Faces of Swansea](#) social media campaign or the Twitter account [Love the Lagoon](#), or Torfaen's '[In the Depot](#)' video.

Some councils [have asked the public to name snow ploughs](#).

We have social media to thank for [Boaty McBoatface](#)!

Social media has a massive reach and some individuals (typically celebrities or national politicians) have many millions of followers. Social media is growing in usage too, an Office of National Statistics survey in 2017² showed that 66% of people in the UK had used social media in the last 3 months. It's not just younger people who use social media, further research by the ONS showed that that there is significant use across all age groups:

²<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediusage/adhocs/007401socialnetworkingbyagegroup2011to2017>

Age	16-24	25-34	35-44	45-54	55-64	65+	All
%	96	88	83	68	51	27	66

According to Ofcom³, in 2017:



84%
OF WELSH HOUSEHOLDS
HAD ACCESS TO THE
INTERNET



74%
OF ADULTS USED
A SMARTPHONE



21 Hours
ON AVERAGE SPENT
ONLINE EVERY WEEK BY
WELSH INTERNET USERS

Facebook and Twitter are the most widely used social media platforms and therefore the most relevant to councillors. According to Twitter⁴, and Facebook⁵ there are:



AN ESTIMATED
17.1m
TWITTER USERS
IN UK



30m
FACEBOOK USERS IN THE UK
ON MOBILES ALONE...
AND OVER 2.20bn MONTHLY
ACTIVE USERS WORLDWIDE

This guide will therefore focus on Facebook and Twitter for councillors, and will touch on other platforms too.

³ https://www.ofcom.org.uk/data/assets/pdf_file/0027/104985/cmr-2017-wales.pdf

⁴ <https://www.statista.com/statistics/271350/twitter-users-in-the-united-kingdom-uk/>

⁵ <https://zephoria.com/top-15-valuable-facebook-statistics/>

Blogs

A blog (an abbreviation of “web-log”) is essentially an online journal with your latest posts appearing first. It can be a journal of diary entries, thoughts or ideas or somewhere to publish more detailed articles on particular issues. Anyone can add comments to your blog and you can use the site to link or draw attention to other online comments or sources of information. Blogs are most effective when they are regularly maintained and updated.

Blogs tend to be included as part of an existing website or via Facebook, which means it’s easier to promote and encourage broader feedback.

Some leaders or chairs produce blogs via their council websites, for example in [Caerphilly](#), [Rhondda Cynon Taf](#), and [Chairman of Denbighshire County Council](#).

Other councillors publish their own, for example:

- [Cllr Peter Black](#)
- [Deputy Lord Mayor of Swansea 2018-2019](#)
- [Cllr Neil Prior](#)

Keep at it!

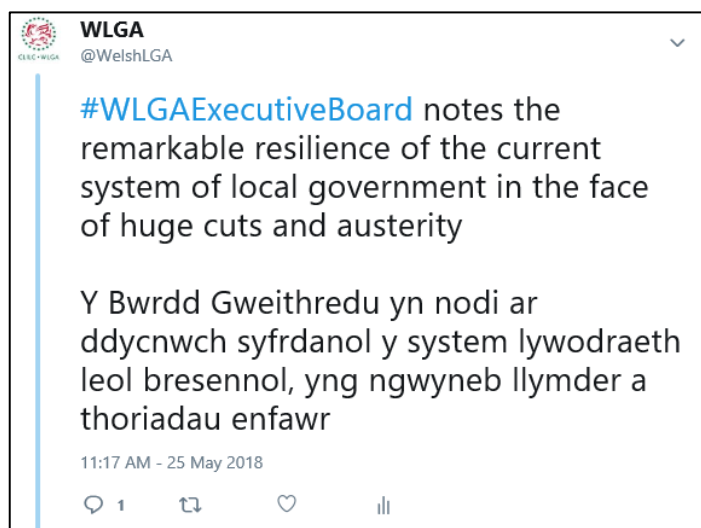
As with all social media, if you start blogging, it’s best to keep it up and keep it up-to-date; all it takes is for someone to find your last blog entry of some years ago and they can criticise you by saying ‘you have nothing else to say’ or ‘you have no new ideas’. If you do stop blogging, think about archiving the material or moving it over to a new social media platform.



Twitter is technically a micro-blog. Twitter allows you to post information, news, photos or videos in messages that are known as **tweets**. Twitter enables you to **follow** people, organisations, news or information that you are interested in and post information and messages of your own. People or organisations in turn can follow you, so they can see all of your tweets; you can even adjust the settings to allow you to be alerted when someone you’re particularly interested in tweets.

Tweets are each limited to 280 characters (characters include letters, numbers, punctuation and spaces). Tweets are not a private means of communication and can be seen by anyone who is following you.

For example:



You can **like** or **retweet** information and someone else's tweets that you would like to pass on to others. For example:



Conversations on the same theme on Twitter are called **threads**. You can search for tweets on a subject that you are interested in by typing your subject into the search box.

Tweets on the same theme are drawn together using **hashtags**. People use the hashtag symbol (#) before a relevant keyword or phrase in their tweet to categorise those tweets and help them show more easily in a Twitter search. Clicking on a hash tagged word in any message shows you other Tweets that include that hashtag.

You can have a private conversation or create a group conversation with anyone who follows you by using the **Direct Message** option. Anyone you do not follow can also send you a Direct

Warning

As a politician, others may consider your tweets 'fair game'. A good rule of thumb is not to commit anything to social media that could at some point be used against you. Even your retweets can be perceived as something you endorse or support.

As with emails, although Direct Messages are private and you may trust the recipients, they can become public if leaked!

Here are some examples of councillors' Twitter accounts:

[@LeaderNewport](#)

[@CllrRobJames](#)

[@PeterFox61](#)

[@Cllrjuliefallon](#)

[@CllrSaif](#)

[@CllrFionaCross](#)

[@elinmwj](#)

[@DebbieWallice](#)

[@Alun_Williams](#)

[@CllrJoshuaPlaid](#)

[@CllrLisaMytton](#)

[@PriorNeil](#)

And some useful organisations:

[@WelshLGA](#)

[@LGAComms](#)

[@WelshGovernment](#)

[@WG_localgov](#)

[@AssemblyWales](#)

[@BBCWalesNews](#)

Message, if you have opted to receive Direct Messages from anyone or you have previously sent that person a Direct Message.

You can **block** or **mute** accounts on Twitter. Once an account has been blocked, those accounts cannot follow you and you cannot follow them. However, even those you have blocked can still access your account through a third party who follows you.

All the details about how twitter works and how you can set up an account can be found [here](#).



Facebook is the most extensively used social network in the world. Essentially, it allows you to easily create your own webpage or group, or an interactive newsletter about you, your life, your interests and friends.

Have a look at these councillors' pages

- [Councillor Neil Prior](#)
- [Councillor Dhanisha Patel](#)
- [Councillor Matthew Dorrance](#)
- [Councillor Steve Churchman](#)

And these authority pages:

- [Wrexham Council](#)
- [Isle of Anglesey County Council](#)
- [Blaenau Gwent County Borough Council](#)
- [Snowdonia National Park](#)
- [Flintshire County Council](#)
- [Vale of Glamorgan Council](#)

To use Facebook, you'll need to create a profile - a **Timeline** where you might add a photo, describe yourself, what you do and your interests. You can also describe your **Status** which would inform your friends about how you are feeling or what you are doing at any given time. You can update this as often as you like.

On Facebook, you can invite people to be your **Friends** and set different levels of access to your account. Some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can **Like** you or your latest post, which encourages further use, and is a useful way of taking a straw poll of your ideas. People can also add a **Comment** on your post or **Share** your post on their own timelines.

You may wish to set up a Facebook page about your community, to promote events, announcements or your council activities; many councils and councillors do this and it can be a very effective method to engage and seek views from the community. You should be prepared to receive challenge and criticism however, as it is an open forum and not everyone will agree with your ideas or views; you can however set rules, moderate and edit other people's posts if their language or content is offensive or inappropriate.

You can also set up a Facebook group. When you [create a group](#), you can decide whether to make it publicly available for anyone to join, require administrator approval for members to join or keep it private and by invitation only.

You can send private notes to any "friend" you're connected with on Facebook; they can only be seen by the person to whom they're sent; Facebook's **Messenger** app is increasingly popular. You can also 'Live Chat' on Facebook. This is a real-time conversation with any of your Facebook friends who happen to be online and signed in at the same time as you are.

Crucially, Facebook lets each user control who can see their personal information and what they post on the network. You can set the level of privacy for different categories of your information and posts and extend different levels of permission to different people who view your site. As a member you might want to differentiate between what you show your close friends and family and members of the public. Find out more and join Facebook [here](#).



WhatsApp is a free messaging app which also allows you to have traditional 'phone conversations'. It is very popular as it allows you to set up groups of friends or colleagues to keep them updated on a particular theme. It may be a quick and easy way, for example, of keeping your political group up to date on key issues. You can download the app from various app stores or visit [the website](#).



YouTube is a video sharing platform. Videos are easy to record via a smartphone and are more easily distributed via Twitter or Facebook, however, some people prefer to use YouTube and it is increasingly being used by councils to post information. Here are some examples:

[Cardiff](#)

[Conwy](#)

[Gwynedd](#)

[Monmouthshire](#)

[Powys](#)

2. Why you may find social media useful

Social media will allow you to open new conversations with the people you represent, and the potential for councillors using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

Don't ignore social media – it's there and won't go away! People are already online and it's growing, and people increasingly expect their councillors to be contactable via social media. If you're not involved people may bypass you or may even 'talk about you' and you'll be missing out on a useful source of intelligence.

- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.
- It's a good way of making the electorate more aware of the work you do personally.
- It can help make you appear more human and down-to-earth! People often don't understand what councillors do and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are just like them, with similar interests – you do need to consider balance though and how much of your personal life you want in the public domain: for example - do you want strangers to be able to identify your family and friends?
- It's an effective way of coordinating campaigns, for example, mobilising support and interest and gathering followers, you can also allow campaign workers access to your Facebook account to post on your, or your campaign's, behalf to share the workload.
- It allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- It allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. "Going Viral" refers to a mass spreading of a piece of information around the world – but be careful, only share information you are confident is correct, Fake News is damaging and there is the risk of defamation if you spread falsehoods.

- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release. Journalists will know what you are talking about the minute you talk about it.
- Social media is mobile. You can take it around your community, on the train, or to a coffee shop. You can upload pictures and videos, showing for example your role in local events, pictures of potential sites for development, new buildings, local eyesores - a picture tells a thousand words.
- It's free and you probably already have the equipment you need. All you need is time.
- You can receive immediate feedback on your ideas and manifesto to allow you to modify your proposals in line with local thinking.
- Above all, it can be a lot of fun!

What are the drawbacks?

- Having a social media presence means that people can contact you 24/7. This is great in terms of accessibility but means that they may expect you to reply immediately. Technology and social media has raised expectations, people often expect a speedy response and resolution to their query; this expectation, coupled with the fact that social media shows everyone how responsive you are, can create more pressure.
- Using social media can become addictive, many people find themselves answering messages late into the night because they just can't put it down.
- Similarly, too much weight can be given to what goes on in the 'Twittersphere'; sections of Twitter are often described as 'echo chambers' – it may only be a couple of people with a limited number of followers with strong views on a subject who are 'bouncing' off each other – they may be in the minority and not be representative - the rest of the community or the rest of society may be blissfully unaware or may not think in the same way!
- People can post false information, insults or messages that you would not want to be associated with on your social media platforms. These can be spread rapidly via social media.

- Some people say things via social media that they would not say to your face, it's an easy way of taking personal pot shots at councillors. People making these comments are often called 'Trolls' and may not be interested in facts, just in attacking you.
- Councillors, and in particular women councillors, are increasingly the subject of online abuse, bullying and harassment on social media.
- The WLGA has produced a [separate guide](#) on how to deal with online abuse.

It's easier said than done, but try not to get too concerned about what's said online...

You are likely to receive criticism at some point and trolls may try to rile you, but often they will have few followers and their comments may not be seen by many people. Keep calm and the best advice is to ignore, often trolls will crawl back under their bridge...if it does get serious, you can report it

Are you controlling your social media use or is it controlling you?

Recent research has recognised that some people feel out of control in their use of social media⁶.

Ask yourself how comfortable you feel if you cannot access your social media accounts. It is important for councillors to bear in mind that even if the rest of the world seems to be online 24/7, you don't have to be. Being a councillor is a professional role and you can decide how available you want to make yourself. There are some common recommendations for managing your time in front of a screen and you may want to consider some of these:

Top tips to manage social media use

- Establish a routine, check your messages at the same time every day rather than responding to the 'ping' of every new message arriving
- Looking at a screen can disrupt your sleep patterns, consider turning off all screens two hours before going to bed and make the bedroom a screen free zone
- When you are with your residents face to face, give them your undivided attention to help you focus on what's happening where you are and not appear rude.

⁶ <http://www.bbc.com/future/story/20180118-how-much-is-too-much-time-on-social-media>

3. Getting started

A good place to start is to contact your Democratic Services officers and find out what support and training is available.

Choose your medium and sign up. Signing up is very straightforward and will take you less than five minutes! Facebook and Twitter are good places to start.

If you don't already have an account, ask a colleague, friend or family member for advice, ask them to show you how they use social media. You might want to begin with a trial personal account (rather than calling yourself "Councillor Jones") and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your "friends" see.

On Twitter the whole world can see everything you tweet. You can '**Protect my Tweets**', which essentially makes your tweets private to only your current followers, but that defeats the object of using Twitter to engage more widely.

When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates that the Code of Conduct will apply.

Consider:

- Different councillors have different views, but you might want to consider setting up a separate personal and "councillor" account, at least at first - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for the new bypass to your friends and followers on your councillor account.

Separate accounts can help you manage some of the online trolling that is likely to come your way as a councillor – it can be a way of keeping your home life and councillor life separate.

However, many councillors think that some of their personal comments about food, places they've visited, football matches or TV helps break down perceptions of councillors and proves that they are normal like everyone else!

- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- Increase your social media following by following other people, retweeting other people's tweets, liking tweets or posts or commenting on people's Facebook posts. Find people on Twitter with links to your community, county or region or with similar interests by searching using the 'hashtag' (#) symbol to prefix your search term for example #llandrindod, #powys #midwales.
- Reach more people on Twitter by timing your tweets when the audience you want to reach are online. Ask your friends for a retweet, use hashtags and include photos for a larger and more noticeable post.
- Be disciplined about making time available to write new content and answer your "friends" and "followers" at a regular time each week to update your Facebook status and throughout the day to check Twitter. If you use your mobile phone, you can set notifications to alert you each time you are mentioned in a tweet.
- If you do not want to be available every hour of the day or night, tell people when your account will be checked, for example you might add "available 9.00-7.00 weekdays" on your profile.
- Decide on what you are going to talk about and how. This could be
 - Weekly updates of your own activities as a councillor - don't forget your pictures! This works better on Facebook as you can include more detail. Remember a tweet is only 280 characters and tends to be more instant and timely.
 - Regular updates on council policies and actions of interest to your community.
 - Links and re-tweets of other relevant national activities.
 - Issues on which you would like feedback.
 - Notice of events and public meetings.

- Using social media is all about two-way communication, it's good for providing information to your community or flagging up press statements, but it's better as a tool to get useful feedback. You will get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.
- Keep your communications clear, positive, polite and professional. Plain language helps. Many people use abbreviations on Twitter – you'll pick these up as you go along!
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your page; or group and delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language could be attributed to the publisher (that's you!) as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If appropriate, consider setting up an account for your ward with your fellow ward members – this way you can share the administrative tasks.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

Monitoring social media

It can be difficult to keep on top of what's happening online; people are posting and tweeting all the time and if you are following many people or organisations, social media can become 'noisy' and you could miss things of interest or significance.

A quick way to check up on things on Twitter is to visit the Twitter page of some of your favourite people, organisations or news outlets to see what they've been saying. You could also search for a particular theme or issue with a hashtag#.

If you're keen to find out what people are saying about you, your local area or local council for example, there are social media management applications that you can use such as [Hootsuite](#) or [Buffer](#). These are simple to set up and use and can allow you to see how often people read or retweet your tweets. It also allows you to schedule tweets, for example, to send a pre-prepared tweet at a certain time of day.

The Welsh Language

As a councillor you will want to use and promote the Welsh language and culture as much as possible. There are also legal requirements which apply to the use of the Welsh language on social media. How these rules apply, depends on the type of work you are doing and which of the Welsh Language Standards apply to your local authority.

When you are representing your local authority, the same standards will apply to you as they do to officers. So, if you are, for example, a cabinet member tweeting about a new policy decision, a mayor blogging about your recent activities on behalf of the council, the chair of a scrutiny committee undertaking a formal consultation on behalf of the committee or letting people know about the forward work programme of the committee, then you may be subject to the standards which apply to the officers in your authority.

This may mean that your communication, including responses to messages, must be translated and the content and format of the message must treat the Welsh language no less favourably than the English language. Your authority will provide you with guidelines for how your local Welsh language standards apply when you are representing the authority – if you are in any doubt, it's best to contact the council for guidance.

If you are acting in the capacity of a ward member, acting on behalf of individuals or communities then the same rules apply as if you were a member of the public. So, regardless of your role on the council, if you are tweeting about a local fete, commenting on a council decision in, for example, your role on a local pressure group, or retweeting a complaint about pot holes then you may communicate in the language of your choice.

The exception to this is when you are communicating in relation to an activity for which you are using council resources (beyond the standard remuneration and equipment provided to you as a member) for example council buildings for a community meeting.

Some of the [practical guidance](#) in the Welsh Language Commissioner's guide for businesses and charities about using Welsh on social media may be useful.

4. Staying safe and dealing with trolls

Some form of online disagreement and criticism is inevitable and, if you're not online, you or your policies may already be subject to debate without you. Disagreement and challenge is a key feature of democratic debate, however, online it can easily spill over into abuse or harassment.

You will therefore need to prepare yourself for some uncomfortable reading, which may cause some upset. You cannot prevent online abuse, but you can take control of how and whether you respond and, if it becomes serious, you can report it.

The WLGA has produced separate guidance on dealing with online abuse which you may find useful. You can read it [here](#).

Some advice

- **Take Control**

Decide for yourself and make it clear on your homepage what you expect from people who are engaging with you on social media. You might say, for example, that whilst you welcome an open and frank exchange of views, any inappropriate comments will be removed and that any comment which is libellous or threatening or becomes harassment will be reported.

- **Remember that you don't have to put up with abuse or harassment just because you are a political figure**

Be prepared to 'Mute', 'Block' or 'Unfriend' abusive users from your account or ask them to remove comments. If a comment crosses the line into abuse or harassment you can report this to Facebook or Twitter or even the police.

- **Respond or ignore?**

When faced with an abusive comment give yourself some time to decide whether to respond or ignore it. Trolls often have few followers or few followers of significance – if you reply it can lead to a tit for tat argument fuelling further confrontation and provides the troll with the "oxygen of publicity" or the satisfaction of seeing you riled. Chances are you'll have far more followers than the troll, so if you reply, all of your followers will be aware of the troll's original tweet. Ignoring the comment can lead to short term allegations of dodging an issue but may succeed in the long term.

Don't feed the troll!

- **Stay calm and polite**

Not every criticism is from a troll – sometimes a frustrated member of the public may be critical or angry with you initially on social media, particularly if they are trying to resolve a council service issue. If you respond constructively, their tone will change and they may even apologise or show you appreciation online.

Bear in mind that for every troll there will be many more legitimate and sensible followers. Think of them when you respond. One approach is to respond with facts only or to refer the troll to a longer factual statement about the situation or a set of “frequently asked questions” that you can post to pre-empt queries. You might want to invite the troll to a public meeting. They may find it harder to be abusive in public. You may also want to remind the troll that you are more than happy to have a political debate in your role as a councillor but that personal comments about you or your family are unacceptable.

The [Facebook](#) and [Twitter Help Pages](#) have full details about how to block users and how to report abuse

A Criminal Offence?

If someone sends threatening, abusive or offensive messages they may be committing an offence. If you receive a message which you consider falls into this category, do not respond to it, check out the guidance provided by the [police](#) and [CPS](#) and if appropriate report it.

5. Support from the council

A good place to start is to contact your Democratic Services officers and find out what support and training is available

Councillors are generally provided with the ICT equipment that they need to do their job. The Independent Remuneration Panel expects that this will include equipment, support and training.

It is also reasonable to expect that you should have access to social media sites via council ICT equipment to enable you to carry out your councillor role more effectively. You do not need the council to set you up with a personal social media account, but you should take advantage of any training or guidance provided to help you use it properly.

Most councils have a social media policy. You will need to abide by this and any social media protocols that may have been agreed when using your "councillor" account.

It's worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. **You** are personally responsible for the material that you broadcast via your own social media accounts or websites – but more of this later.

Advice will be available to you from a number of council officers. The Monitoring Officer, Head of Democratic Services, the Communications Team and the ICT Manager are likely to have useful advice.

Using social media in an emergency

During emergencies (such as severe weather events, pollution incidents or major fires) partner agencies such as local authorities, police, health, Natural Resources Wales and fire and rescue services will use social media to provide information to help people prepare, keep them informed and to signpost where they can get help.

It's important during these situations that the most up to date and correct information is communicated to the public and the partner agencies will coordinate the content and timing of the information to be provided.

In an emergency situation, the council will also identify an official spokesperson - an officer or a senior member - who will use the approved information to speak on behalf of the council.

It's always best in these circumstances to restrict your own social media activity to sharing official communications from the partner agencies responding to the situation.

For more information about how your council operates in these circumstances please contact your council's civil contingencies team so that you know what to do in an emergency.

6. Social media and council meetings

Your council's social media policy and/or council constitution will provide you with guidance about if and when you can use social media during council meetings. Other than what your constitution or social media policy says, there is no legal reason why you shouldn't use social media during meetings. However, some common sense does need to apply.

Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in your constitution.

Many politicians tweet their contributions or questions to meetings or debates to keep their followers informed of how they're representing their communities' interests. Remember, you may not need to tweet about the detail of a meeting if the meeting is being webcast. Your council may have official" twitter feeds for live on-line conversations to run alongside the meeting webcast.

Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with by local authorities in closed session such as when making formal appointments.

7. Golden rules

- Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
 - Discuss face to face with the person you are speaking about.
 - Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
 - Be prepared to have minuted in a public meeting – remember, Twitter or Facebook effectively publicly minutes everything for you as you go along!
- Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.
- Keep your messages professional, polite and positive.
- Remember to try to keep tweets and texts separate – many people tweet comments that they would have texted to someone privately before the advent of social media; this may be about meeting up later (do you want all your followers knowing your plans and gate-crashing your lunch!?) through to 'in' jokes or banter that could be misinterpreted.
- Exercise discretion when choosing who to follow on Twitter or 'befriend' on Facebook, for example, some council employees might find it a bit uncomfortable or inappropriate to have a councillor hanging on their every word. If you follow or are Facebook "friends" with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.

Warning

Don't discuss casework on social media or encourage people to contact you about issues that might be personal to them.

Encourage them to use more secure channels.

- If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.
- Don't tweet or post on Facebook when you are "tired or emotional"! It's probably sensible to turn off your phone at any time when you think your judgement may be impaired. Even if you exercise social media control, other people will still have their smart phones, so may post a photo or video of you 'enjoying yourself'; you need to let your hair down, but it's just one extra thing to consider as a councillor in the age of social media.
- As with your own leaflets or newsletters, ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for. Your council will have a policy on taking pictures of children, take advice on this before taking or using pictures.
- Do not allow anyone else access to your social media accounts. Protect your passwords and use robust, unique passwords and change them regularly especially if you use a public or shared computer.
- Just like email, you can be hacked on social media! Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following. Do not open videos or links on, for example, Facebook Messenger if you are not expecting them. It could be a hack.

THINK before you post; even if you later delete your post, someone may have already taken a screen shot.

CHECK before you share or retweet information.

Is it true?

Who said it and why?

Do you trust the source?

8. Keep on the right side of the law...

Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine!

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.

Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the **Code of Conduct** and to various **laws**.

Code of Conduct

If you conduct yourself on Twitter or Facebook as you would in person on the street or in your leaflets, then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority" Also the Code applies if you "Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute"⁷

If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. If you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman's guidance states that "Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute"

⁷ <https://www.ombudsman.wales/guidance-policies/>

In the same way that you are required to act in council meetings or in your communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful
- Not disclose confidential information about people or the council
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation
- Not try to secure a benefit for yourself or a disadvantage for others
- **Abide by the laws of equality** - do not publish anything that might be seen as racist, sexist, ageist, homophobic, anti-faith or offensive to any of the groups with protected characteristics defined in the Equality Act 2010. Even as a joke or "tongue in cheek"

Predetermination

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you had heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.

It is important to remember therefore, that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Don't become a troll yourself!

Social media is a great tool for councillors to challenge and scrutinise, but always think about what you are saying, how you are saying it, how often and about whom. If you are perceived to be too aggressive or too confrontational or too frequent, it could begin to damage your reputation, undermine your relationship with colleagues or you could risk breaching the Code of Conduct in terms of bullying, intimidation or lack of respect for others.

It's therefore not appropriate for you to use social media to criticise your council's officers, who often will not be in a position to defend or respond publicly.

Many councils have apps or member referral services; it is often best to use these mechanisms to request council services or report local concerns as you are likely to receive a resolution to your request.

Criminal Offences

Don't panic! These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

Data Protection and the General Data Protection Regulation. - It is illegal to publish personal data about individuals unless they have given you their consent. This might apply to your constituents or service users. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish. Make sure you understand the requirements of the GDPR and Data Protection Act. There is more information about this [here](#).

Contact the Data Protection Officer in your council for more information.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act 2010 (such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

Remember

If you receive a message or someone posts something on your page that you consider to be unsuitable remove it as soon as possible. If you "like" or appear to endorse or retweet a message or image you are regarded as having published it, and will face any legal consequences. It is therefore important to regularly check and moderate any site on which others can post. If you are in any doubt about how to deal with a message you receive, consult your Monitoring Officer.

Civil Law

This is where things get riskier for anyone who uses Twitter or Facebook, whether they are councillors, members of the public or celebrities:

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. **Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator.** This can also apply to publishing images. If found liable to another person, you could be ordered to pay large sums of money as damages.

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written consent before you use someone else's material.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

Beware of Fake News!

Social media is breeding ground for fake news or 'click bait' (where a deliberately salacious headline with a link tries to draw you in, often to a very mundane news item accompanied by lots of pop-up adverts); view all news or gossip with a discerning eye – it could be embarrassing if you retweet or promote fake news and, worse, you could be breaking the law if you circulate false statements about someone, even if you are just retweeting something someone else has posted.

9. Further information, interesting sites and sources of help

Bear in mind that information, sites and terminology change quickly. The next big social media platform will soon be on its way. Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Social Media websites

[Sign up to Twitter here](#)

[Sign up to Facebook here](#)

[Social Media Checklist for Councillors](#) (Local Government Association)

[#FollowMe - A guide to social media for elected members in Scotland](#)
(Scottish Improvement Service)

[Nextdoor](#) is a social network for neighbourhoods where people who live within the same or neighbouring communities can share information, organise events and take opinion polls. It's a useful platform for members to raise awareness and tap into what is interesting or concerning local residents.

10. Links

Here is a list of the links that were used in this guide:

Monmouthshire County Council - https://twitter.com/Mon_CC_Scrutiny

Swansea Council - <https://twitter.com/SwanseaScrutiny>

'Faces of Swansea Council 2018' Twitter campaign - <https://twitter.com/hashtag/facesofswansecouncil2018>

Love the Lagoon - <https://twitter.com/lovethelagoon?lang=en>

'In the Depot' campaign, Torfaen County Borough Council - <https://www.youtube.com/watch?v=G6UerjFCLdI>

Naming gritting lorries, BBC News - <https://www.bbc.co.uk/news/uk-england-south-yorkshire-42026485>

Public using social media to choose the name 'Boaty McBoatface', BBC News - <https://www.bbc.co.uk/news/uk-england-36064659>

Blogs

Caerphilly County Borough Council Leader's blog - <http://www.caerphilly.gov.uk/My-Council/Councillors-and-committees/Leader-s-blog>

Rhondda Cynon Taff County Borough Council Leader's blog - <https://www.rctcbc.gov.uk/EN/Council/TheLeadersBlog/RhonddaCynonTafCouncilLeadersBlog.aspx>

Denbighshire County Council Chairman blog - <https://denbighshirecouncilchairman.wordpress.com/>

Cllr Peter Black - <http://peterblack.blogspot.com/>

Deputy Lord Mayor of Swansea 2018-19 - <http://swanseamayoralmusing.blogspot.com/>

Cllr Neil Prior - <https://www.linkedin.com/pulse/year-county-councillor-surviving-thriving-elected-life-neil-prior/?published=t>

Councillor Twitter accounts

Cllr Debbie Wilcox - <https://www.twitter.com/LeaderNewport>

Cllr Rob James - <https://twitter.com/CllrRobJames>

Cllr Peter Fox - <https://twitter.com/PeterFox61>

Cllr Julie Fallon - <https://twitter.com/Cllrjuliefallon>

Cllr Saifur Rahaman - <https://twitter.com/CllrSaif>

CLlr Fiona Cross - <https://twitter.com/CLlrFionaCross>
CLlr Elin Walker Jones - <https://twitter.com/elinmwj>
CLlr Debbie Wallice - <https://twitter.com/DebbieWallice>
CLlr Alun Williams - https://twitter.com/Alun_Williams
CLlr Joshua Davies - <https://twitter.com/CLlrJoshuaPlaid>
CLlr Lisa Mytton - <https://twitter.com/CLlrLisaMytton>

Useful organisations' Twitter accounts

Welsh Local Government Association - <https://www.twitter.com/WelshLGA>
Local Government Association - <https://www.twitter.com/LGAComms>
Welsh Government - <https://www.twitter.com/WelshGovernment>
Local Government Section, Welsh Government - https://www.twitter.com/WG_localgov
National Assembly for Wales - <https://www.twitter.com/AssemblyWales>
BBC Wales News - <https://www.twitter.com/BBCWalesNews>

Councillor Facebook pages

CLlr Neil Prior - <https://www.facebook.com/cllrneilprior/>
CLlr Dhanisha Patel - <http://www.facebook.com/dhanisha4ogmore/>
CLlr Matthew Dorrance - <https://www.facebook.com/CLlrMatthewDorrance/>
CLlr Steve Churchman - <https://www.facebook.com/councillorstevechurchman/>

Local Authority Facebook pages

Wrexham Council - <http://www.facebook.com/wrexhamcouncil/>
Isle of Anglesey County Council - <http://www.facebook.com/IOACC/>
Snowdonia National Park - <https://en-gb.facebook.com/visitsnowdonia>
Flintshire County Council - <https://www.facebook.com/Flintshire-County-Council-124912774260207/>
Vale of Glamorgan Council - <https://www.facebook.com/valeofglamorgancouncil/>

Council YouTube pages

Cardiff Council - <https://www.youtube.com/user/cardiffcouncil/featured>

Conwy County Borough Council - <https://www.youtube.com/user/ConwyWeb>

Gwynedd Council - <https://www.youtube.com/user/CyngorGwynedd>

Monmouthshire County Council -

https://www.youtube.com/channel/UCZHCKKCI7DqtxDabOkj_Esg/featured

Powys County Council - https://www.youtube.com/channel/UCop_U-YVW7OB0jRIt3b8f1Q

Social media support pages

Facebook support pages - <https://en-gb.facebook.com/help/tools>

Twitter support pages - <https://help.twitter.com/en/safety-and-security/cyber-bullying-and-online-abuse>

Welsh Language

Welsh Language Commissioner guidelines on using the Welsh language on social media -

<http://www.comisiynyddygybraeg.cymru/hybu/SiteCollectionDocuments/Using%20Welsh%20on%20Social%20Media%20SA.pdf>

Guidelines

WLGA Councillors' Guide to Handling Online Abuse -

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>

Police social media guidelines - <https://www.askthe.police.uk/content/Q770.htm>

Crown Prosecution Service guidelines on social media communications -

http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

The General Data Protection Regulation - Information for Councillors, WLGA -

<https://www.wlga.wales/gdpr-information-for-councillors>

Local Government Association (LGA) social media guidelines -

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Scottish Improvement Service Social Media guide for elected members -

http://www.improvementservice.org.uk/documents/elected_members/follow-me-guide-to-social-media-for-elected-members.pdf

Useful links for social media websites

Twitter - <https://twitter.com/>

Facebook - <https://en-gb.facebook.com/>

Nextdoor - https://nextdoor.co.uk/about_us/

WhatsApp - <http://www.whatsapp.com/>

Hootsuite - <https://hootsuite.com/>

Buffer - <https://buffer.com/>

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
19/10/18**

**HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER
CYNGHORWYR TREF A CHYMUNED 2018**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried yr adroddiad**

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY
COUNCILLORS 2018**

In accordance with previous decisions of the committee correspondence was sent to all Town and Community Councils in the County inviting them to send representatives to two training sessions on the members code of conduct which were held in County Hall Carmarthen on the evenings of the 14th and 26th June.

The training was provided by Mr Robert Edgecombe (Legal Services Manager/Deputy Monitoring Officer) and Mrs Ann Evans (Senior Solicitor), with assistance from Miss Catrin Rees (Trainee Solicitor). Mrs Linda Rees-Jones (Monitoring Officer) also attended the session on the 14th June and contributed significantly to the discussions.

33 delegates attended the session on the 14th June and 47 the session on the 26th June. This represents a slight reduction in overall attendance compared to previous years. These 80 delegates between them represented 30 different Town and Community councils.

All delegates were asked to complete feedback forms and the responses were overwhelmingly positive. Some delegates have asked that the welsh language element of the presentation be extended further in future sessions.

Copies of the presentation, case studies and the 'easy use' guide on personal interests have also been sent to all Town and Community Councils since the training sessions were held.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal files	DPSC-163 & 164	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol