



A legislative proposal to protect and strengthen the rights of babies, children and young people in Wales.

Cynnig deddfwriaethol i amddiffyn a chryfhau hawliau babanod, plant a phobl ifanc yng Nghymru.

Developed by the Senedd Cross Party Group on Children and Families and the Senedd Cross Party Group on Children in Our Care.

Datblygwyd gan Grŵp Trawsbleidiol y Senedd ar Blant a Theuluoedd a Grŵp Trawsbleidiol y Senedd ar Blant yn Ein Gofal.

Bil Pob Plentyn A law for every child

Contents

1. Introduction	3
2. Legislative Proposals	4
I. Rights to Voice	4
II. Rights to Services	4
III. Ending Poverty	6
3. Matters Not Currently Devolved	6
4. Conclusion	6
5. Organisations	11

Cynnwys

1. Cyflwyniad	7
2. Cynigion Deddfwriaethol	8
I. Hawliau i Lais	8
II. Hawliau i Wasanaethau	8
III. Dod â Thlodi i Ben	10
3. Materion Nad Ydynt Wedi eu Datganoli Ar Hyn o Bryd	10
4. Casgliad	10
5. Sefydliadau	11



Introduction

Since the advent of devolution in 1999 Wales has had, in theory, a proud tradition of taking a children's rights based approach to support for children and families. However, the actual experiences of babies, children, young people and families, particularly those in need of additional support, often falls far short of what this national commitment to children's rights should entitle them to expect. Too often public services still struggle with understanding what a rights based approach means for them in practise. Support available varies widely from one part of the nation to another, and services that are not encompassed in a statutory framework are vulnerable to being withdrawn when funding for Local Authorities and other public bodies is reduced.

Action is needed at many levels and in many ways to address these disparities. Action must be consistent and co-ordinated, and we believe that the Cabinet of the next Welsh Government should include a Cabinet Secretary for Babies, Children and Young People with cross cutting authority to ensure this. We also believe that a strengthened legislative framework is vital.

Working together, stakeholders and Senedd Members in the two Cross Party Groups have identified key areas where strengthened or new legislation will enable us as a nation to more fully realise the rights of babies, children and young people set out in the United Nations Convention on the Rights of the Child.

Below we outline the main areas that new legislation needs to address. We have taken care to ensure that the areas covered by this legislative proposal are within the current legislative competence of the Senedd. There are other areas that we wish to see addressed, for example in the fields of equality and youth justice and we set these out in a separate section below.

Rights and Voice

1. Full incorporation of the United Nations Convention on the Rights of the Child into Welsh law and policy, based on the Scottish model.
2. Increased powers for the Children's Commissioner, and the transfer of the Commissioner's accountability from the Welsh Government to the Senedd.
3. Statutory duty on the Welsh Government to respond to reports and proposals from the Welsh Youth Parliament.

Rights to Services

1. **Statutory right for babies, children, young people and families to have access to early intervention and prevention services**, in line with the agreed national definition currently being developed under the government's Transformation Delivery Group, and the Trauma-informed Wales Framework.
2. **Statutory footing for a strengthened Corporate Parenting Charter** including a statutory right for care experienced children and young people to have priority access to mental health services, acknowledging the inevitable trauma caused by their care experience, and the raising of the age at which Local Authorities have statutory responsibilities for care experienced children, regardless of their educational status, to 25 in the first instance. This should also include an entitlement to services and support for adopted children and their families, on an equal basis with any other children who are care experienced.
3. **Legislation to strengthen the right of access to services disabled babies, children and young people and for learners with Additional Learning Needs.** Including a maximum time of waiting of 6 weeks for a statement of additional learning needs, a statutory access to respite care and accessible childcare, and a statutory right to appropriate education for disabled young people between 17 and 21 years old.
4. **Legislation to strengthen advocacy provision for babies, children and young people and families:** including:

- I. Statutory visiting advocacy in children's homes;
 - II. Strengthening of the Active Offer and its extension to cover all children and young people subject to Deprivation of Liberty Orders;
 - III. The amendment of the Llais legislation to ensure social care advocacy is available to all young people under the age of 18;
 - IV. A statutory right to advocacy for families whose children are at risk of being taken into care;
 - V. Right to advocacy for care experienced parents up to 30 years old.
- 5. Statutory right for all children and young people reported missing to the authorities to be offered independent Return to Home Interviews** - including a statutory duty on public authorities to respond to concerns raised by children and young people in these interviews. A statutory duty on Welsh Government to publish annual national date on the themes and issues relating to Missing Children.
- 6. Guardianship for Separated Asylum Seeking Children as in Scotland**
- 7. Statutory right to a good quality home** including all young people leaving care having a priority right to housing based on their needs and an end to young people being placed in unregulated or unregistered accommodation.
- 8. Right to early childhood education and care** including being able to access a affordable, highly quality childcare that covers children 9 months to 4 years and provides for 30 years a week for 50 weeks a year.
- 9. Statutory right for young people aged 11 to 25 to receive youth work services** through a statutory duty on public authorities to provide these services in the context of a clear national framework.
- 10. Strengthened statutory right to play** with a statutory duty on public authorities to secure these services, in line with national best practice.

Ending Child Poverty

1. **Statutory duty on Welsh Government to set and publish anti child poverty targets, including specific targets aiming to end child poverty, with a statutory duty to report to the Senedd.**
2. **Statutory codification of the Welsh Benefit System including consistent entitlements and single point of access** including placing the current practise of extending these benefits to persons living in Wales whose UK right to residency status is conditional on their having No Recourse to Public Funds.

Matters Not Currently Devolved

We believe that there is a need for additional legislation not currently within the legislative competence of the Senedd. We would urge the next Welsh Government to seek devolution to enable legislation in the policy areas below:

1. Devolution on the administration of welfare benefits on the Scottish model to enable, for example, the introduction of a Welsh Child Payment and the removal of the two child cap.
2. Devolution of policing, criminal justice and the Family Courts to facilitate a rights based approach, including prohibiting the strip searching of children.
3. Devolution of equality legislation to enable, for example, care experience to be made a protected characteristic.
4. Full devolution of all legislative competence relating to children's services, ensuring the primacy of Welsh legislation.

Conclusion

It is our intention in publishing this legislative proposal to spark debate and to challenge political parties to respond to the need to ensure that we, as a nation, not only pay lip service to the concept of children's rights, but also take practical action to ensure that these rights are realised.

We are sure that this debate will identify further areas of policy affecting babies, children, young people, and families that might benefit from being placed within a statutory framework, and we look forward to those discussions.

Cyflwyniad

Ers dyfodiad datganoli ym 1999 mae gan Gymru, mewn theori, draddodiad balch o fabwysiadu dull sy'n seiliedig ar hawliau plant i gefnogi plant a theuluoedd. Fodd bynnag, mae profiadau go iawn babanod, plant, pobl ifanc a theuluoedd, yn enwedig y rhai sydd angen cymorth ychwanegol, yn aml yn llawer is na'r hyn y dylai'r ymrwymiad cenedlaethol hwn i hawliau plant ei roi iddynt. Yn rhy aml, mae gwasanaethau cyhoeddus yn dal i gael trafferth deall beth mae dull sy'n seiliedig ar hawliau yn ei olygu iddyn nhw yn ymarferol. Mae'r cymorth sydd ar gael yn amrywio'n fawr o un rhan o'r genedl i'r llall, ac mae gwasanaethau nad ydynt wedi'u cynnwys mewn fframwaith statudol yn agored i gael eu tynnu'n ôl pan fydd cyllid ar gyfer Awdurdodau Lleol a chyrrff cyhoeddus eraill yn cael ei leihau.

Mae angen gweithredu ar sawl lefel ac mewn sawl ffordd i fynd i'r afael â'r anghydraddoldebau hyn. Rhaid i gamau gweithredu fod yn gyson ac yn gydlynol, ac rydym yn credu y dylai Cabinet Llywodraeth nesaf Cymru gynnwys Ysgrifennydd Cabinet dros Fabanod, Plant a Phobl Ifanc sydd ag awdurdod trawsbynciol i sicrhau hyn. Rydym hefyd yn credu bod fframwaith deddfwriaethol cryfach yn hanfodol.

Drwy gydweithio, mae'r rhanddeiliaid ac Aelodau'r Senedd yn y ddau Grŵp Trawsbleidiol wedi nodi meysydd allweddol lle bydd deddfwriaeth cryfach neu newydd yn ein galluogi fel cenedl i wireddu hawliau babanod, plant a phobl ifanc a nodir yng Nghonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn llawn.

Isod rydym yn amlinellu'r prif feysydd y mae angen i ddeddfwriaeth newydd fynd i'r afael â nhw. Rydym wedi cymryd gofal i sicrhau bod y meysydd a gwmpesir gan y cynnig deddfwriaethol hwn o fewn cymhwysedd deddfwriaethol presennol y Senedd. Mae meysydd eraill yr hoffem eu gweld yn cael sylw, er enghraifft ym meysydd cydraddoldeb a chyfiawnder ieuenctid ac rydym yn nodi'r rhain mewn adran ar wahân isod.

Cynnig Deddfwriaethol

Hawliau a Llais

1. Ymgorffori Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn llawn yng nghyfraith a pholisi Cymru, yn seiliedig ar y model Albanaid
2. Mwy o bwerau i'r Comisiynydd Plant, a throsglwyddo atebolrwydd y Comisiynydd o Lywodraeth Cymru i'r Senedd.
3. Dyletswydd statudol ar Lywodraeth Cymru i ymateb i adroddiadau a chynigion Senedd leuenctid Cymru.

Hawliau i Wasanaethau

1. **Hawl statudol i fabanod, plant, pobl ifanc a theuluoedd i gael mynediad at wasanaethau atal ac ymyrryd cynnar**, yn unol â'r diffiniad cenedlaethol y cytunwyd arno sy'n cael ei ddatblygu ar hyn o bryd fel rhan o waith Grŵp Cyflawni Trawsnewid y llywodraeth, a Fframwaith Cymru sy'n Ystyriol o Drawma.
2. **Sylfaen statudol ar gyfer Siarter Rhianta Corfforaethol cryfach** gan gynnwys hawl statudol i blant a phobl ifanc sydd wedi bod mewn gofal gael mynediad â blaenoriaeth i wasanaethau iechyd meddwl, gan gydnabod y trauma anochel a achosir gan eu profiad gofal, a chodi'r oedran y mae gan Awdurdodau Lleol gyfrifoldebau statudol dros blant sydd â phrofiad o ofal, waeth beth fo'u statws addysgol, i 25 yn y lle cyntaf. Dylai hyn hefyd gynnwys hawl i wasanaethau a chymorth i blant mabwysiedig a'u teuluoedd, ar sail cyfartal ag unrhyw blant eraill sydd â phrofiad o ofal.
3. **Deddfwriaeth i gryfhau hawl mynediad at wasanaethau i fabanod, plant a phobl ifanc anabl ac i ddysgwyr ag Anghenion Dysgu Ychwanegol.** Gan gynnwys uchafswm amser aros o 6 wythnos am ddatganiad o anghenion dysgu ychwanegol, mynediad statudol at ofal seibiant a gofal plant hygrych, a hawl statudol i addysg briodol ar gyfer pobl ifanc anabl rhwng 17 a 21 oed.
4. **Deddfwriaeth i gryfhau darpariaeth eiriolaeth ar gyfer babanod, plant a phobl ifanc a theuluoedd:** gan gynnwys:



- I. Eiriolaeth ymweliadol statudol mewn cartrefi plant;
- II. Cryfhau'r Cynnig Gweithredol a'i ymestyn i gwmpasu pob plentyn a pherson ifanc sy'n destun Gorchmynion Amddifadu o Ryddid;
- III. Diwygio deddfwriaeth Llais i sicrhau bod eiriolaeth gofal cymdeithasol ar gael i bob person ifanc o dan 18 oed;
- IV. Hawl statudol i eiriolaeth i deuluoedd lle mae eu plant mewn perygl o gael eu rhoi mewn gofal;
- V. Hawl i eiriolaeth i rieni sydd â phrofiad o ofal hyd at 30 oed.

- 5. Hawl statudol i bob plentyn a pherson ifanc sy'n cael ei adrodd ar goll i'r awdurdodau gael cynnig Cyfweliadau Dychwelyd Adref annibynnol** - gan gynnwys dyletswydd statudol ar awdurdodau cyhoeddus i ymateb i bryderon a godir gan blant a phobl ifanc yn y cyfweliadau hyn. Dyletswydd statudol ar Lywodraeth Cymru i gyhoeddi data cenedlaethol blynyddol ar y themâu a'r materion sy'n ymwneud â Phlant Coll.
- 6. Gwarcheidiaeth ar gyfer Plant sy'n Ceisio Lloches sydd wedi'u Gwahanu fel yn yr Alban**
- 7. Hawl statudol i gartref o ansawdd da** gan gynnwys rhoi blaenoriaeth i bob person ifanc sy'n gadael gofal i dai yn seiliedig ar eu hanghenion a rhoi diwedd ar yr arferiad o leoli pobl ifanc mewn llety nad yw wedi ei reoleiddio neu heb ei gofrestru.
- 8. Hawl i addysg a gofal plentyndod cynnar** gan gynnwys y gallu i gael mynediad at ofal plant fforddiadwy o ansawdd uchel sy'n cwmpasu plant 9 mis i 4 oed ac yn darparu ar gyfer 30 awr yr wythnos am 50 wythnos y flwyddyn.
- 9. Hawl statudol i bobl ifanc 11 i 25 oed i dderbyn gwasanaethau gwaith ieuenctid** drwy ddyletswydd statudol ar awdurdodau cyhoeddus i ddarparu'r gwasanaethau hyn yng nghyd-destun fframwaith cenedlaethol clir.
- 10. Hawl statudol cryfach i chwarae** gyda dyletswydd statudol ar awdurdodau cyhoeddus i sicrhau'r gwasanaethau hyn, yn unol a'r arfer cenedlaethol gorau.

Dod â Thlodi i Ben

1. **Dyletswydd statudol ar Lywodraeth Cymru i osod a chyhoeddi targedau gwrth-dlodi plant, gan gynnwys targedau penodol sy'n anelu at ddileu tlodi plant, gyda dyletswydd statudol i adrodd i'r Senedd.**
2. **Codio statudol System Budd-daliadau Cymru gan gynnwys hawliau cyson ac un pwynt mynediad** gan gynnwys gosod yr arfer presennol o ymestyn y budd-daliadau hyn i bersonau sy'n byw yng Nghymru y mae eu hawl i statws preswyllo yn y DU yn amodol ar beidio â chael hawl i Arian Cyhoeddus.

Materion Nad Ydynt Wedi eu Datganoli Ar Hyn o Bryd

Credwn fod angen deddfwriaeth ychwanegol nad yw o fewn cymhwysedd deddfwriaethol y Senedd ar hyn o bryd. Byddem yn annog Llywodraeth nesaf Cymru i geisio datganoli pwerau er mwyn galluogi deddfwriaeth yn y meysydd polisi isod:

1. Datganoli gweinyddiaeth budd-daliadau lles ar fodel yr Alban i alluogi, er enghraifft, cyflwyno Taliad Plant Cymru a dileu'r cap dau blentyn.
2. Datganoli plismona, cyfiawnder troseddol a'r Llysoedd Teulu i hwyluso dull sy'n seiliedig ar hawliau, gan gynnwys gwahardd noeth-chwilio plant.
3. Datganoli deddfwriaeth cydraddoldeb i alluogi, er enghraifft, i brofiad o ofal gael ei wneud yn nodwedd warchodedig.
4. Datganoli llawn yr holl gymhwysedd deddfwriaethol sy'n ymwneud â gwasanaethau plant, gan sicrhau blaenoriaeth deddfwriaeth Cymru.

Casgliad

Ein bwriad wrth gyhoeddi'r cynnig deddfwriaethol hwn yw sbarduno dadl a herio pleidiau gwleidyddol i ymateb i'r angen i sicrhau ein bod ni, fel cenedl, nid yn unig yn sôn am y cysyniad o hawliau plant, ond yn cymryd camau ymarferol i sicrhau bod yr hawliau hyn yn cael eu gwireddu.

Rydym yn siŵr y bydd y ddadl hon yn nodi meysydd polisi pellach sy'n effeithio ar fabanod, plant, pobl ifanc a theuluoedd a allai elwa o gael eu rhoi o fewn fframwaith statudol, ac edrychwn ymlaen at y trafodaethau hynny.

This proposal has been developed collaboratively by the organisations supporting the Cross-Party Group on Children and Families and the Cross-Party Group on Children in Our Care, both chaired by Jane Dodds MS.

These proposals have been informed by input from organisations listed below, whose insights and feedback have contributed to their development. We recognise that views may differ on specific elements, and their involvement does not imply endorsement of the full set of proposals.

Mae'r cynnig hwn wedi'i ddatblygu ar y cyd gan y sefydliadau sy'n cefnogi'r Grŵp Trawsbleidiol ar Blant a Theuluoedd a'r Grŵp Trawsbleidiol ar Blant yn Ein Gofal, y ddau dan gadeiryddiaeth Jane Dodds AS.

Mae'r cynigion hyn wedi'u llywio gan fewnbwn gan y sefydliadau a restrir isod, y mae eu mewnwelediadau a'u hadborth wedi cyfrannu at eu datblygiad. Rydym yn cydnabod y gall barn amrywio ar elfennau penodol, ac nid yw eu cyfranogiad yn awgrymu eu bod yn cymeradwyo pob un o'r cynigion.

Contributors / Cyfranwyr

- *Action for Children*
- *Adferiad*
- *Adoption UK Cymru*
- *Barnardo's Cymru*
- *BASW Cymru (British Association of Social Workers Cymru)*
- *BPS (British Psychological Society)*
- *Children's Society / Cymdeithas y Plant*
- *Children in Wales / Plant yng Nghymru*
- *Children's Commissioner for Wales / Comisiynydd Plant Cymru*
- *Children's Legal Centre / Canolfan Gyfreithiol y Plant Cymru*
- *Cystic Fibrosis Foundation*
- *Diabetes UK Cymru*
- *Early Intervention Foundation*
- *Early Years Wales / Blynyddoedd Cynnar Cymru*
- *Faith in Families Wales / Ffydd Mewn Teuluoedd Cymru*
- *Family Fund*
- *Food Sense Wales / Synnwyr Bwyd Cymru*
- *The Fostering Network*
- *Guide Dogs Cymru*
- *Home for Good*
- *Home Start Cymru*
- *Kinship*
- *Llamau*

- *National Adoption Service for Wales / Gwasanaeth Mabwysiadu Cenedlaethol Cymru*
- *National Youth Advocacy Services Cymru*
- *NHS / GIG (Gwasanaeth Iechyd Gwladol)*
- *NHS ABUHB / GIG ABUHB (Gwasanaeth Iechyd Gwladol Bwrdd Iechyd Prifysgol Aneurin Bevan)*
- *NSPCC*
- *NYAS Cymru*
- *Parent Infant Foundation / Sefydliad Rhieni a Babanod*
- *Play Wales / Chwarae Cymru*
- *Royal College of Paediatrics and Child Health / Coleg Brenhinol Pediatreg a Iechyd Plant*
- *Royal College of Speech and Language Therapists / Coleg Brenhinol Therapyddion Lleferydd a Iaith*
- *Safe Families*
- *Save The Children / Achub y Plant*
- *Scouts Cymru*
- *Social Care Wales / Gofal Cymdeithasol Cymru*
- *Starfish*
- *TGP Cymru*
- *Voices from Care Cymru*
- *Virtual School Headteacher, Rhondda Cynon Taf / Pennaeth Ysgol Rhithwir, Rhondda Cynon Taf*
- *Women's Equality Network / Rhwydwaith Cydraddoldeb Menywod Cymru*