



Welsh Government Consultation – summary of responses

Consultation on the Legislative Proposal to Remove the Defence of Reasonable Punishment

August 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Audience

Local authorities and other public bodies, Third Sector, faith groups, parents/carers and other interested parties.

Overview

This document summarises the responses received to our consultation published on 9 January 2017 on the Welsh Government proposal to remove the defence of reasonable punishment in Wales.

Action required

No action - for information only

Further information

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Introduction

Policy context

Since the enactment of the Rights of Children and Young Persons (Wales) Measure 2011¹, all Welsh Ministers have been obliged to have due regard to the United Nations Convention on the Rights of the Child when making decisions. Successive recommendations from the United Nations Committee on the Rights of the Child have stated that the United Kingdom should prohibit all forms of physical punishment in the family, including through the repeal of all legal defences². These recommendations relate to Article 19 (paragraph 1)³ of the UNCRC, which states that:

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

The Welsh Government’s commitment to remove the defence of reasonable punishment was set out in “Taking Wales Forward”, the Programme for Government for 2016-2021.⁴ The overarching objective of the proposed legislation is to support children’s rights by prohibiting the use of physical punishment in the family. This objective would be achieved through legislation to remove the defence of reasonable punishment. Parents and adults acting in loco parentis are currently able to rely on the defence of reasonable punishment against a charge of common assault.

Welsh Government has developed this proposal as part of a much wider package of measures it is taking to support children and their parents. This wider package of measures includes:

- the “Parenting. Give it time” campaign, which aims to equip parents with the tools to help them do the best job they can, by providing positive parenting tips and information;
- access to a range of services to promote positive parenting delivered by partners in local government, health, education, social services, social justice and the third sector; and
- more targeted interventions such as Flying Start and Families First, which offer support and advice to parents.

¹ <http://www.legislation.gov.uk/mwa/2011/2/contents> [Accessed: 18 May 2018]

² Committee on the Rights of the Child, Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 03/06/16, available at: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC_C_GBR_CO_5_24195_E.docx

General [Accessed: 18 May 2018]

³ <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed: 18 May 2018]

⁴ <https://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf> [Accessed: 18 May 2017]

In addition, the Welsh Government reports that “our understanding of what is needed to protect and support individuals, children and their families has changed considerably over the years and societal norms have changed as a result.” An example of one such change is prohibiting the use of physical punishment in schools. Within this context, the Welsh Government reports that removing the defence of reasonable punishment will be “a natural and logical progression and will ensure that all children in Wales are given the chance to thrive and fulfil their potential.”⁵

Prior to the formal consultation the TalkParenting hashtag was adopted to raise awareness and generate an online conversation around the topic. As part of this, an online engagement survey was used between 2 October and 24 November 2017 to gather the views of those taking part in the online #TalkParenting conversation, including specific questions about the proposed legislation. Further information about the feedback from the #TalkParenting conversation is available on the Welsh Government website .

<https://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/talk-parenting/?lang=en>.

About the consultation

The consultation on legislative proposals to remove the defence of reasonable punishment was launched on 9 January 2018 and closed on 2 April 2018. The full text of the consultation is available at:

<https://beta.gov.wales/sites/default/files/consultations/2018-02/180109-legislation-consultation-en.pdf>

The consultation was intended to gain views from a range of stakeholders to inform further development of the legislative proposal and help the Welsh Government try to address any concerns as the legislation develops.

The consultation was widely distributed electronically and via social media and was also published on the Welsh Government website.

In addition, external engagement events were held with stakeholders, the general public and children and young people during the consultation period. A summary of views from this activity can be found in the final section of this report on page 35. The full report is published as an Annex to this report on the Welsh Government website and is available at:

<https://beta.gov.wales/legislative-proposal-remove-defence-reasonable-punishment>

⁵ <https://beta.gov.wales/sites/default/files/consultations/2018-02/180109-legislation-consultation-en.pdf> [Accessed: 18 May 2018]

About this summary of consultation responses

Arad Research was commissioned by Welsh Government to analyse the responses received during the consultation and to draw out key messages associated with specific themes and to present key findings. This document provides a summary of the consultation responses received through:

- the online consultation;
- paper copies or alternative electronic copies of the consultation; and
- through additional correspondence received in the form of e-mails or letters.

Consultation responses

In total, **1741 responses** which followed the structure of the seven consultation questions, were received (though not all responses provided answers to each question):

- 1335 of these were received as online consultation responses, while the other 406 were received as hand-written or typed consultation forms.
- 1008 respondents had selected to remain anonymous.
- 80 responses were identified as being from an organisation rather than an individual.
- 27 responses were identified as being from respondents outside Wales.

A further 151 written responses which did not follow the structure of the consultation questions were received. These were received in the form of e-mails and letters. Five of these responses were identified as being from respondents outside Wales.

In addition, **two respondents** who had provided responses following the structure of the seven consultation questions also provided additional comments in the form of e-mails or letters.

Methodology

Phase 1

An analysis of the quantitative data (i.e. data based on closed questions) in the 1741 responses which followed the structure of the consultation questions was undertaken. These quantitative responses comprised of 'yes', 'no' or 'don't know' answers to some of the consultation questions. The data gathered for this consultation are not intended to be representative of, or generalizable to the wider population.

Phase 2

A thematic analysis of the qualitative data (data based on open-ended questions) in the 1741 consultation responses was undertaken. The thematic analysis categorises the opinions, comments, statements and issues raised by respondents into overarching themes. The analysis aimed to identify the themes into which the

consultation responses most frequently fall. The process for undertaking this analysis was as follows.

1. A random sample of responses for each question was reviewed by two researchers (each reviewing a different half of the sample). The size of the sample was determined by the number of total responses to each question and comprised at least 50% of the total responses to each question.
2. The responses in the sample were coded thematically, to identify the themes arising most frequently. Qualitative data analysis software was used to facilitate the analysis of larger amounts of text.
3. One of the researchers then reviewed all remaining responses to each question to ensure that the identified themes remained constant. This included comparing the comments of those who had answered 'yes', 'no' or 'don't know' to relevant questions (while acknowledging that whether or not respondents were invited to provide additional comments depended on their response to the 'yes/no/don't' know question).
4. This process ensured that all consultation responses were reviewed during the analysis.

Phase 3

A thematic analysis of the 151 qualitative responses which did not follow the structure of the consultation questions was undertaken. The process for undertaking this analysis was as follows.

1. Each response was reviewed by one of two researchers. The responses were coded thematically, to identify the most frequent themes. Qualitative data analysis software was used to facilitate the analysis of larger amounts of text.
2. The themes raised in these consultation responses have been presented as a separate section within this summary of responses document.

Further analysis

The analysis of consultation responses considered the differences in responses between those identified as being from within Wales and those identified as being from outside Wales. Due to the low number of responses identified as being from outside Wales (a total of 27), no pattern was clearly discernible.

The analysis of consultation responses considered the differences in responses between those identified as being from organisations and all other responses. There was a low number of responses identified as being from organisations (a total of 80 out of the total 1741) and many responses were anonymous, meaning that it wasn't possible to identify all the views of organisations. As such, Arad's analysis did not identify patterns in the views of organisations which could be definitely distinguished from the views of individuals.

A note on terminology

In most cases, the term physical punishment is used in this summary. However it should be noted that the terms physical punishment and corporal punishment were used in the consultation documentation, which may have influenced how respondents have worded their submissions and comments. When referring

specifically to the legislative proposal, we have used the term reasonable punishment.

In addition, Question 3 of the consultation questionnaire asked specifically about the types of actions/behaviours that were considered to be “corporal punishment”. Therefore we have mostly used corporal punishment when discussing responses to this question.

Where quotations and excerpts from consultation responses are used, we have kept the original wording used.

Summary of consultation responses

The analysis provided in this section under each consultation question (question 1 to 7) is based on the 1741 responses that followed the structure of the seven consultation questions. The analysis provided under 'other consultation responses' is based on the further 151 responses that did not follow the structure of the consultation questions.

Question 1

Do you think our legislative proposal to remove the defence of reasonable punishment and prevent the use of corporal punishment will help achieve our stated aim of protecting children's rights? If no, why not?

Response	Number	Percentage
Yes	870	50.3%
No	832	48.1%
Don't know	26	1.5%
Total	1728	100%

NB: There were 13 blank responses to this question

Those who responded 'no' to the initial question were asked to note why they did not think the legislative proposal will help achieve Welsh Government's stated aim of protecting children's rights. Individuals who responded 'Yes' were not prompted to provide reasons for their answers. A consequence of the format of this question is that the evidence collected through this consultation question and summarised below principally represents the views of respondents who do not feel that the legislative proposal will help achieve Welsh Government's stated aim of protecting children's rights. In total, 765 qualitative responses were received from those who responded 'No' to this question.

Summary of the themes raised most frequently in consultation responses.

- **Rather than protecting children's rights, the proposal will have an adverse effect on children by:**
 - undermining children's rights to learn boundaries and discipline;
 - not protecting children from child abuse; and
 - creating a legislative framework that sets children against their parents.
- **The proposal will have an adverse effect on parents, guardians and carers by:**
 - criminalising parents; and
 - removing parents' rights to choose how to raise their children.
- **Reasonable and moderate physical punishment helps children learn and can prevent harm.**
- **Existing legislation adequately protects children's rights and as such**

the proposal is unnecessary.

- **The proposal represents too much intrusion and interference by the government in the private lives and rights of families.**
- **Respondents questioned how the proposal would be enforced and regulated:**
 - challenges in implementing and policing the proposal; and
 - public authorities do not have the resources to enforce the proposal.

Summary of comments from individuals who answered 'No' to Question 1

Respondents frequently commented on the possible negative effects that the proposal to remove the defence of reasonable punishment could have on children and families. Rather than protecting children's rights, **respondents cited potential adverse effects on what were perceived to be the rights of children.**

A significant number of comments highlighted the right of children to be taught about boundaries through measured and reasonable physical punishment. Respondents proposed that children have a right to effective discipline, which includes "reasonable physical punishment".

"Children have a right to learn boundaries and discipline - for their own good - reasonable physical discipline is a valid and time-tested means of doing this by loving parents."

Respondents noted that the proposal would not serve to protect children from child abuse. It was suggested that those who abuse children will not be targeted or affected by the proposal.

"The genuine abuse will still exist, as it does at present, hidden away. Abuse is very rarely ever witnessed in public. The removal of this defence will do absolutely nothing to protect those who are being abused. Therefore, there will be no meaningful benefit to protecting children's rights as there will be no tangible increase in protection."

Other respondents voiced concern that legislation to remove the defence of reasonable punishment would create conflict within families and disruption to family relationships and family life, thereby adversely impacting children. Those who contributed to the consultation frequently noted that, rather than achieving the aim of protecting children's rights, the proposal would undermine parents' ability to provide guidance and discipline to their children and lead to instability within families and a range of unforeseen and unintended negative consequences.

"Surely our children have a right to be guided? ...This proposal has the potential to set child against parent and neighbour against neighbour, resulting in a further fragmentation of our already fragmented society."

There were widespread references within the consultation evidence to the potential adverse effects on parents, guardians and carers as a consequence of this proposal. Respondents noted that implementing the proposal would serve to stigmatise and criminalise parents, including “law abiding and caring parents” who use “moderate and reasonable” methods to discipline their children.

“Your proposal will have the effect of treating ordinary loving parents like real abusers and cause unnecessary anxiety for their children who will be required to give evidence against their own father and/or mother.”

Respondents frequently noted that the proposal appeared to be excessive and disproportionate, punishing those parents who are employing what were deemed by many to be responsible and measured approaches to teaching discipline to their children.

“This proposal is simply going to criminalise responsible parents who smack their children on the hand or backside to correct bad behaviour, when it causes them no long-term harm.”

Respondents also approached the question of rights from the perspective of parents and families, expressing the view that the proposal **infringes on the rights of parents to choose how to raise and support their children.** Respondents regularly expressed the view that parents have a right to discipline their children in the home “as they see fit”.

“By preventing parents making their own decisions on how to raise their children you will demoralise parents, make their lives more difficult and make it harder for them to be good parents.”

Respondents noted that it should be a parent’s right to use “reasonable chastisement” to punish a child who is misbehaving and refuses to accept other disciplinary methods and techniques. The proposal, it was suggested, would disempower parents, as opposed to protecting children’s rights.

“Parents have a right to decide how best to bring up their children. They should be allowed to chastise their children but within reasonable limits.”

Respondents also frequently expressed the view that **reasonable and moderate physical punishment helps children learn and can prevent injury.** It was suggested that gentle chastisement can be necessary for a child’s own protection or safety.

“Young children are unable to reason about things/situations that will harm them. Physical chastisement provides a reasonable way to teach a young child without causing lasting harm, that can prevent serious injury – e.g. interactions with dangers in the home, running into roads, etc.”

Respondents noted that physical punishment can be justified as a means of teaching right from wrong to younger children who are unable to understand the “potentially

dangerous effects of their actions in some circumstances". Many of those who provided comments in response to Question 1 noted that light or gentle physical punishment is often used as a method for preventing harm or danger or teaching lessons about safety. In some cases, respondents made the link back to children's rights:

"It is child's right to be safe. For example, it is better to have light smack on the hand than be allowed to touch a hot surface."

A significant proportion of respondents expressed the view that **existing legislation adequately protects children's rights and that, as such, they felt that the proposal is unnecessary**. Consultation responses noted that current legislation prohibits excessive and unacceptable physical punishment.

"Children are protected against abuse in British law - by criminalising light smacking you are opening an unnecessary can of worms. If the aim is not to criminalise good parents why the change in the law? It already differentiates between physical abuse and one-time mistakes with no lasting damage."

Respondents also referred to protections afforded to children and the rights of families under the wider legislative frameworks, notably the European Convention on Human Rights.

"Present laws are strong [in protecting] children from harm, e.g. Article 8 of the European Convention on Human Rights. This holds a measured balance of parental and children's rights in the family. The proposed change is disproportionate and interferes with the present balance. The UK supreme court noted regarding article 8 that within limits families must be left to bring up their children in their own way."

Linked to the point above, respondents also expressed the view **that the legislative proposal represents excessive intrusion by the government in the private lives and rights of families**. The proposal was viewed variously as an example of "unhelpful interference by the state in family life", "unjust interfering", and "unjustifiable intrusion by the state" in the home. It was argued that the proposal fails to respect the privacy of family life.

"Children and parents are all protected by Article 8 of the European Convention on Human Rights. The UK Supreme Court recently ruled on Article 8 that 'Within limits, families must be left to bring up their children in their own way'."

Respondents questioned how effectively the proposal would be enforced and regulated. It was suggested that attempting to enforce and "police" the proposal would be difficult in practice ("How is it to be policed? No one knows what goes on behind closed doors") and would further stretch limited resources across public agencies. Respondents also expressed concern that channelling resources towards implementing the proposal could divert focus and support away from those children who "really need it" and are subject to actual child abuse.

“The proposal is a measure that will do more harm than good if enacted, as it will stretch resources thinner and remove a degree of support from those children who really are at risk of abuse.”

Summary of comments from individuals who answered ‘Yes’ to Question 1

Although those who replied ‘Yes’ to Question 1 were not asked to provide reasons for their answer, 265 did so. Several themes arose frequently in these responses.

Firstly – and most frequently – respondents noted that the proposal will ensure **children’s rights are safeguarded and that children are provided with the same legal protection as adults**. Respondents expressed support for the proposal, noting that it will help ensure children’s rights to protection from violence, including rights as set out in the UN Convention on the Rights of the Child.

“I am fully supportive of the Welsh Government taking the step to legislate to remove the ‘reasonable punishment’ defence. Children should be entitled, at the very least, to same legal protection from assault as we enjoy as adults. This is a fundamental children’s rights issue and the Welsh Government is absolutely right to use this reform as a means of improving how we raise our children in Wales.”

Respondents also noted that the proposal would **safeguard children and keep them from harm**. This included comments emphasising that all necessary steps should be taken to protect children from harm. Furthermore respondents noted that the use of physical punishment on children can lead to those children themselves being more likely to be violent and aggressive towards others. Respondents suggested that it is **never necessary or acceptable to use physical punishment** with a child. Some respondents stated that all physical punishment should be prohibited in line with the proposal.

“Every child has the ‘right’ to feel safe and secure. Adults should not be allowed to infringe on this right by inflicting physical harm on a child. Children see, children do. By allowing a child to experience physical harm by their care giver will give the message to the child that it is ok to hurt others. This could then lead them to hurt other children, or other adults as they grow older.”

Others argued that the legislative proposal will **remove any confusion or lack of clarity around what constitutes physical punishment**. Respondents noted that the distinction between physical punishment and excessive violence is unclear and confusing, so removing the defence of reasonable punishment will ensure that all physical punishment is clearly prohibited.

“Removing the defence of reasonable punishment will promote the UNCRC rights of the child and they will be protected by a law; punishment towards defenceless children should be treated the same as adults. Times and attitudes to understanding what is needed to protect and support children and individuals have changed, and prohibiting the use of physical punishment on children will address an out of date law. By removing this anomaly in the law it will send a clearer message to all individuals that physical punishment of children is not acceptable.”

“Children should not be subjected to violence in any circumstance. They have a right to live free from fear of violence and from actual violence.”

Question 2

In addition to our existing parenting support and information campaign are there any other support mechanisms you think we should put in place to support parents, carers and guardians? If yes, what are they?

Response	Number	Percentage
Yes	921	55.5%
No	342	20.6%
Don't know	395	23.8%
Total	1658	100%

NB: There were 83 blank responses to this question

Those who responded 'yes' to the initial question were asked to note the other support mechanisms that should be put in place. In total, 863 qualitative responses were received to this additional question from those who answered 'yes' to Question 2.

Summary of themes which arose most frequently in consultation responses.

- **Supporting parents, carers and guardians to develop parenting skills.** Respondents noted that additional parenting support arrangements should be put in place, focusing particularly on:
 - effective behaviour management strategies;
 - non-physical discipline; and
 - child development.
- **Ensuring access to services.** Respondents felt there was a need to increase access to family support services, including public and third sector services.
- **Raising awareness of proposed legislative changes.** Comments underlined the importance of ensuring that the range of organisations that currently provide support to parents, carers and guardians deliver consistent messages about:
 - parenting support in general; and
 - the implications of implementing the proposed legislative changes.
- **Support for children and young people.** Respondents emphasised the need to educate children and young people about good behaviour and future parenting skills.
- **Schools to provide parents, carers and guardians with support and guidance.** Respondents suggested strengthening home-school links to ensure continuity of behaviour management strategies between home and school environments.
- **Addressing wider circumstances of families.** Respondents noted that families can face a wider range of social, economic or health-related

challenges which may negatively impact parenting skills.

Summary of comments from individuals who answered 'Yes' to Question 2

The theme which arose most frequently in consultation responses was that **mechanisms to support parents, carers and guardians to develop parenting skills** should be put in place. Respondents noted that there is often insufficient support available to help parents to develop good parenting skills. The type of parenting skills raised by respondents include behaviour management, discipline and child development. Other respondents commented that parenting support in general is required, without specifying key parenting skills. The type of support noted by respondents include access to formal parenting training or courses (on a voluntary or non-voluntary basis), information and guidance and access to informal community parenting support groups. Respondents also emphasised that positive parenting approaches should be taught and encouraged.

“Detailed guidance and training/support on positive alternative methods of discipline for all parents now, and in the future especially for all new parents, so that they feel confident and empowered to make real change in how they interact with their children”.

The next most frequently-arising theme was that **parents, carers and guardians should have sufficient or increased access to services** that will support them during the legislative changes. This was sometimes linked to the first theme of parenting support, with respondents suggesting that access to services (particularly public services) is an effective mechanism for supporting parents, carers and guardians to develop parenting skills. Family services such as Families First and Flying Start were provided as examples of public services which can provide parenting support. However, respondents also emphasised that access to wider family support services in general are an important support mechanism; this included access to suitable health visiting, mental and physical health services, social services and third sector and community organisations.

“Key health professionals - including midwives, health visitors, children’s nurses, General Practitioners and paediatricians – have an important role to play in delivering a clear and consistent message to parents and should be supported to do so, in tandem with parenting support, education and information services in the statutory and voluntary sectors.”

Another frequent theme in consultation responses was that **parents, carers and guardians should be supported to make their own decisions regarding the use of physical punishment** and, as such, the defence of reasonable punishment should not be removed. These respondents noted that parents, carers and guardians do not need specific additional support following legislative changes, but rather that the legal system should support them to manage their family life in a reasonable manner, without external influences.

Another common theme was that **raising the awareness of parents, carers and guardians of the proposed legislative changes** is important. This included raising awareness of the proposed legislative change and what its implementation would

mean for parents, carers and guardians; respondents emphasised that clear campaigns and messages are needed. This theme also included raising public awareness of the rationale behind the proposed legislative changes, including the alternative methods of behaviour management available to parents, carers and guardians.

The importance of **educating children and young people to support good behaviour** also arose on multiple occasions. This theme included educating children and young people effectively to ensure good behaviour in school, at home and in society. It also included educating children and young people on the necessary skills to build their own families as adults, in particular parenting skills.

“We need to educate children from young the right & wrong so when they grow to become parents themselves, they can then make the right decision on methods/approach to teach their children”.

Similarly, respondents’ comments occasionally referenced the need for **schools to provide parents, carers and guardians with support and guidance**. Respondents suggested that there is scope for schools to ensure continuity of behaviour management between the home environment and the school environment, as well as providing parents, carers and guardians with guidance and support relating to parenting skills and behaviour management.

The final theme arising on occasion in consultation responses was the need to **address the wider social, economic and personal circumstances of families**, which relate to the behaviour of children and the actions of parents. Respondents noted that families can face a wide range of social, economic or health-related challenges which may negatively impact the parents, carers or guardians’ parenting skills.

“Better face-to-face support for parents, especially first timers, who are self-identifying as struggling with mental health difficulties, that are either long-standing or short-term; especially post-natal depression”.

Summary of comments from individuals who answered ‘No’ to Question 2

Of those who responded ‘No’ to the initial question (a total of 342), 36 provided additional comments despite the fact that they were not specifically invited to do so by the question. The theme which arose frequently in these comments was that no additional support mechanisms are needed as the government should not intervene further in family life.

Of those who responded ‘don’t know’ to the initial question (a total of 395), 78 provided additional comments although they were not specifically invited to do so by the question. Again, the theme which arose most frequently in these comments was that no additional support mechanisms are needed as the government should not intervene further in family life. Respondents noted that support mechanisms should empower parents to continue parenting according to their own knowledge and judgement.

Of those who did not respond to the initial question (a total of 83), 25 provided additional comments although they were not specifically invited to do so by the question. The themes which arose most frequently in these comments were that additional support to develop parenting skills (particularly positive parenting skills) should be provided, as well as increased access to community and public-sector services.

Question 3

What types of actions/behaviours would you consider to be “corporal punishment”?

There were 1,263 responses to this question, the highest number of written responses to consultation questions. The written comments varied significantly: many respondents opted to provide short lists of actions (examples of punishment) that they deem to be ‘corporal punishment’. Others provided further detail, distinguishing between specific actions that they consider constitute ‘corporal punishment’. In some cases, respondents referenced specific definitions set out in legislation and in other sources. Significantly, consultation responses reveal differences in understandings and interpretations of ‘corporal punishment’.

Summary of themes which arose most frequently in consultation responses.

- **Any form of physical punishment at all** constitutes corporal punishment.
- **Corporal punishment involves striking a child, usually with a hand.** A wide range of terminology is used to indicate striking a child, such as hitting, smacking or slapping. Respondents also specify that corporal punishment involves striking with an open hand rather than a closed fist.
- **Corporal punishment involves striking a child on specific parts of their body.** Respondents specify parts of the body on which a child might be struck during corporal punishment, such as thighs or hands.
- **Corporal punishment involves using an instrument or an object to strike a child.** Respondents often specify the type of instruments or objects used to strike children during corporal punishment, or state that the use of any type of instrument or object comprises corporal punishment.
- Distinctions between **measured, considered discipline which constitutes corporal punishment**, and aggressive or out-of-control striking which does not constitute corporal punishment.
- Corporal punishment is likely to leave some **short-term physical impression** on the child, such as hand mark. It should not leave longer-term impressions.
- Corporal punishment is seen as **short-term and rapid**; sustained violence or a prolonged attack is not seen as corporal punishment.
- Respondents refer to **standardised or legal definitions** of corporal punishment. Such responses refer in general terms to definitions that are likely to exist in legislation or refer to specific definitions from dictionaries or legal documents.
- **Non-physical punishments are also raised**, such as emotional or mental

punishment. Examples include holding children in isolation or shouting.

Respondents frequently defined ‘corporal punishment’ as physical punishment of any kind, including ‘light smacking’.

“Any form of physical contact which is carried out to correct behaviour.”

“Any physical chastisement on a child, including smacking.”

“Any deliberate punitive action or instruction which has as its object or effect the infliction of physical pain or discomfort to a child.”

This was interpreted to include ‘forceful physical restraint’ by some respondents. However other respondents drew a clear distinction between physical punishment and the act of restraining children for their own safety and protection.

“I would not consider actions that are reasonable restraints on children to keep them from danger to be corporal punishment.”

Respondents frequently specified that physical punishment involves striking a child, usually with a hand. A wide range of actions were used to indicate physical punishment, most commonly smacking, hitting, slapping, shoving/pushing and shaking. Respondents also frequently specified that corporal punishment involves striking with an open hand rather than a closed fist.

“Smacking is done with an open hand and should not cause bruises. Hitting a child or anyone with an object or closed fist is obviously much more than smacking - [it is] abuse.”

“[Corporal punishment is] hitting with anything other than an open hand (slipper, belt etc).”

Many respondents noted that smacking with an open hand constitutes ‘reasonable’ physical punishment.

“Infrequent, mild smacking is not ‘corporal punishment’. Reasonable chastisement has been in the Law a very long time.”

Other respondents noted that physical punishment involves striking a child on specific parts of their body. Respondents specified parts of the body on which a child might be struck during physical punishment, such as thighs or hands.

“Smacking on the hand or the legs would be reasonable ‘corporal punishment’.”

“A smack on the back of the legs or bum is not corporal punishment. Hitting a child with a cane/belt/hard object is. There is a clear distinction between beating a child and a small smack.”

Respondents frequently noted that they interpreted ‘corporal punishment’ to involve the use of an instrument or an object to strike a child. Respondents often specified the type of instruments or objects used to strike children as part of

physical punishment. The use of a cane, belt, ruler or shoe was deemed to constitute physical punishment for many respondents.

Respondents also drew a distinction between measured, considered discipline which constitutes physical punishment, and aggressive, impulsive or uncontrolled striking which goes beyond ‘corporal punishment’ and is abuse.

“Constructive physical discipline is defined as an open-handed smack to an extremity or seat, and moderate open-handed spanking of the seat which effect is "no more than a temporary reddening of the skin". Anything else should be considered abuse, including smacking the child's face or head, using an implement (belt or ruler), any force that leaves marks and bruises or worse, force applied in anger with intent to cause harm and damage.”

“Not lashing out in temper but a controlled smack after a warning and explanation.”

“Beating, thrashing, flogging, ‘lashing-out’, punching, pulling hair, pinching, etc are unacceptable forms of corporal punishment. Smacking without excessive force and in a calm, loving parental context is definitely NOT corporal punishment.”

Other respondents noted that actions and behaviours which constitute ‘corporal punishment’ depend on the effects or marks left on a child. Some noted that any form of physical punishment that leaves a mark is excessive and goes beyond what is acceptable. Others noted that ‘corporal punishment’ is a ‘slap which does not leave a long-term mark’.

Consultation evidence revealed differences of opinion and interpretation on this matter.

“Physical punishment that leaves the child with marks/bruises that last more than a few minutes.”

“The current legislation allows only punishment that leaves no mark and could in no way be interpreted as corporal punishment.”

For others, leaving a mark was not an important factor in determining what constitutes ‘corporal punishment’.

“[Corporal punishment is] any striking of a child, whether it leaves a mark or not.”

Respondents also noted that the duration of an act of punishment was another factor that defined ‘corporal punishment’ and distinguished it from more violent child abuse: **‘corporal punishment’ is seen as short-term and rapid; sustained violence or a prolonged attack is not seen as corporal punishment.**

Respondents refer to standardised or legal definitions of physical punishment already in use. Such responses refer in general terms to definitions that are likely to exist in legislation or refer to specific definitions from dictionaries or legal documents.

Respondents cited the United Nations Convention on the Rights of the Child definition of physical punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”.

“I consider corporal punishment to be the use of harmful physical punishment. This is something which is already adequately outlawed within existing legislation.”

"The UNCRC definition is very clear and useful here: any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. The UN Convention on the Rights of the Child is unequivocal – all forms of corporal punishment of children are unacceptable."

Respondents also expressed the view that corporal punishment can include the use of non-physical punishments on children. These include punishments that aim to cause emotional or psychological effects, including holding children in isolation or excessive verbal punishment.

“Any use of physical force or emotional humiliation applied with the intention to discipline a child or change her behaviour.”

“Sending a child into isolation i.e. go to your room (for long periods). Demeaning verbal abuse designed to reduce a child’s self-esteem.”

“Any act that is intended to cause hurt or harm whether physically or mentally, including verbal assaults that degrade and humiliate children.”

Question 4

Do you agree with our understanding of potential impacts on public bodies in Wales arising from the legislative proposal? If not, why not?

Response	Number	Percentage
Yes	611	43.4%
No	459	32.6%
Don't know	339	24.1%
Total	1409	100%

NB: There were 332 blank responses to this question

Only 26 responses were identified as being from organisations and of these, only 6 were identified as public bodies. Therefore, no separate analysis of the views of these 6 public bodies has been undertaken (though the views of all 26 organisations were included in the overall analysis presented below).

Those who responded 'No' to the initial question were asked to note why they did not agree with Welsh Government's understanding of the potential impacts on public bodies in Wales. In total, 395 qualitative responses were received from respondents who answered 'No' to this question.

Summary of themes which arose most frequently in consultation responses.

- **Implementation of the legislative proposal would significantly overburden public bodies.** Respondents emphasised the public bodies are already under-resourced and would struggle to deal with the additional workload.
- **Implementation of the legislative proposal would divert public service resources away from crimes or issues deemed more serious.** Respondents noted that public bodies' limited resources would be diverted away from issues the respondents deem more serious, such as child abuse.
- **Implementation of the legislative proposal would damage the existing relationship and trust between public bodies and families.** In particular, respondents noted that the duty of schools and health and social services professionals to report suspected use of physical punishment will lead to a distrusting relationship between those professionals and families.
- **The impact of the legislative proposal on public bodies is likely to have been underestimated or cannot be accurately estimated.** Respondents expressed concern that the impact on public bodies had not been estimated accurately and that it could be difficult to do so.
- **Concern that the legislative proposal would be implemented inconsistently or misused.** On occasion, respondents expressed concern that the legislation could be misused during familial or community disputes or reported inconsistently by the public and public service professionals.

Summary of comments from individuals who answered 'No' to Question 4

The theme which arose most frequently in consultation responses was that implementation of the legislative proposal would **significantly overburden public bodies**. Respondents emphasised that the public bodies in question – such as law enforcement and social services – already lack sufficient resources (financial or staff resources) to deal with their current workloads. They noted that implementation of the legislative proposal would create an additional workload for public services, which they would struggle to complete within their current resources. In some cases, responses specifically noted that this additional workload is an unnecessary burden to place on overburdened public services as the legislative proposal itself is unnecessary.

“This will cause problems for law enforcement, social services, school and other agencies. All agencies already struggle under workloads and you would be creating more unnecessary work”.

The next theme which arose most frequently in consultation responses was that the implementation of the legislative proposal would **divert public service resources away from crimes or issues deemed more serious** by respondents. This theme was often linked to the theme of overburdening public services, as respondents noted that the limited resources of public services would be diverted towards focusing on the implementation of the legislative proposal, rather than focusing on crimes or public issues respondents deem more serious. Respondents provided examples of crimes or public issues from which resources would be diverted, including child abuse, supporting very vulnerable children, other general crime and addressing national issues such as poverty.

“Both social Services and the Police are, we are told, overstretched, adding to the workload of these agencies if the defence of reasonable chastisement is removed must inevitably result in truly vulnerable children who are in very real danger from abuse or neglect being neglected by the very agencies who are meant to protect them”.

Another theme which arose frequently in the consultation responses was **general criticism of the legislative proposal as a whole**. These responses did not refer directly to the impact on public bodies, but provided general comments disagreeing with the legislative proposal and noting that they felt the legislative proposal should not go ahead.

The next theme which arose frequently in consultation responses was that implementation of the legislative proposal would **damage the existing relationship and trust between public bodies and families**. In particular, respondents emphasised that the duty on public bodies such as schools, health services and social services to report suspected use of physical punishment would damage the trusting relationships that exist between such public bodies and the families which they regularly support. On occasion, respondents emphasised that implementing the

legislative proposal could cause increased alienation between the public and the authorities implementing the proposal.

“Under your proposals, anyone working in a public organisation, such as a school, doctor's surgery, social services, etc, would be bound to report a parent if they heard of a child being smacked at home. This would immediately create distrust between these bodies and the families they serve”.

Another theme which arose fairly frequently in consultation responses was that **the impact of the legislative proposal on public bodies is likely to have been underestimated or cannot be accurately estimated**. Respondents commented that it is likely that the scale of the impact on public bodies has been generally underestimated, including the number of cases of suspected corporate punishment that are likely to arise. On occasion, respondents also emphasised that it is very difficult or impossible to estimate the impact on public bodies with any degree of accuracy.

The final theme which arose fairly frequently in consultation responses was **concern that the legislative proposal would be implemented inconsistently or misused**. Respondents expressed concern that the legislative changes would be misused by families or communities during disputes or used accidentally or inappropriately by children themselves. On occasion, respondents also expressed concern that the legislation could be applied inconsistently, depending on how proactively members of the public and public services professionals report any suspected use of physical punishment.

Comments from individuals who answered ‘Yes’ or ‘Don’t know’ to Question 4

Of those who responded ‘yes’ to the initial question (a total of 611), 56 provided additional comments although they were not specifically invited to do so by the question. The two themes which arose frequently in these comments were the respondent’s general agreement with Welsh Government’s understanding of potential impacts on public bodies and an emphasis on the additional burden the legislative proposal could place on public bodies.

Of those who responded ‘don’t know’ to the initial question (a total of 339), 42 provided additional comments, although they were not specifically invited to do so by the question. The theme which arose most frequently in these comments was that respondents didn’t have enough knowledge or information to respond to the question.

Of those who did not respond to the initial question (a total of 332), 9 provided additional comments, although they were not specifically invited to do so by the question. The theme which arose most frequently in these responses was that the proposed legislative changes would lead to an increased burden on public services.

Question 5

Is there additional guidance or training required to support frontline professionals? If yes please provide further details.

Response	Number	Percentage
Yes	786	56.5%
No	244	17.5%
Don't know	361	26.0%
Total	1391	100%

NB: There were 350 blank responses to this question

Summary of themes which arose most frequently in consultation responses.

- **Additional training or guidance specifically on the processes involved in reporting and investigating.** Respondents emphasised that frontline professionals must understand the requirements placed upon them in terms of reporting and investigating suspected use of physical punishment.
- **Additional training or guidance on engaging with and supporting parents, carers and guardians.** This includes supporting frontline professionals to communicate the rationale for legislative changes clearly to families and provide support with alternative behaviour management approaches.
- **Clear, unambiguous definitions of behaviour covered by the legislative proposal.** Responses noted that it would be vital for all frontline professionals to have a consistent and unambiguous understanding of the exact nature of the physical punishment which is no longer defended in legislation.
- **Trained and supported to recognise the difference between child abuse and physical punishment.** These responses emphasised that frontline professionals should judge whether the use of physical punishment within a family is an acceptable form of discipline or whether there are signs of child abuse.
- **Guidance and training on how to support families' wellbeing during investigations.** Respondents noted that frontline professionals must be able to support and care for children whose parents, carers or guardians are under investigation, including minimising any potential distress for the children.
- **Unspecified guidance or training for frontline professionals.** These responses do not specify the nature of the support needed for frontline professionals but emphasise that it is certain that guidance or training will be needed.
- **Additional resources** to support the implementation of the legislative proposal. Respondents noted that frontline professionals do not currently

have sufficient resources.

- **Raise frontline professionals' general awareness of the legislative changes.** These responses provided general views on the need for frontline professionals to have a good understanding of the nature of the legislative changes and awareness of how and when changes will come into force.

Summary of comments from individuals who answered 'Yes' to Question 5

Those who responded 'Yes' to the initial question were asked to provide further details on the guidance or training required to support frontline professionals. In total, 690 qualitative responses were received to this additional question.

The theme which arose most frequently in consultation responses was that frontline professionals would need **additional training or guidance specifically on the processes involved in reporting and investigating** suspected use of physical punishment. Respondents emphasised that frontline professionals must fully understand the requirements placed upon them in terms of reporting and investigating suspected use of physical punishment. This included full understanding of the legal processes for reporting and investigating parents, carers and guardians and how the reporting and investigating processes would work in practice.

"Teachers, police, social services, health workers and organisations working with children will all need clear guidance and training about how to report and investigate parents who use reasonable chastisement".

The next most frequently-arising theme in consultation responses was that frontline professionals would need **additional training or guidance on engaging with and supporting parents, carers and guardians** following the implementation of the legislative proposal. This includes ensuring that frontline professionals have an excellent understanding of the legislative changes, allowing them to clearly communicate to parents, carers and guardians how the changes will affect their use of physical punishment. It also includes ensuring that frontline professionals are equipped to explain and defend the rationale for the legislative proposal to parents, carers or guardians under investigation. Finally, respondents also emphasised that following the legislative changes, frontline professionals must be trained to provide additional parenting guidance to parents, carers and guardians; for instance, guidance on alternative behaviour management approaches, child development and changing parenting cultures within families.

"To support the principle of making the right choice the easy choice, there should be training provided to frontline staff in the statutory sector and the third sector who work with families to enable them to provide appropriate support to parents and carers towards more positive parenting options".

Another frequently-arising theme in consultation responses was that frontline professionals will need to be provided with **clear, unambiguous definitions of behaviour covered by the legislative proposal**. Responses noted that it would be vital for all frontline professionals to have a consistent and unambiguous

understanding of the exact nature of the physical punishment which is no longer defended in legislation. This includes providing clear guidance to ensure the legislative proposal is implemented consistently across Wales and across different frontline professionals, as well as making it clear when – and if – frontline professionals are expected to exercise their own judgement.

“It is vital that all frontline professionals involved have the same understanding of what might be considered assault by parents and what action is considered appropriate and in best interests of the children”.

Similarly, a theme often arising in consultation responses was that frontline professionals must be **trained and supported to recognise the difference between child abuse and physical punishment**. These responses frequently emphasised that frontline professionals should be able judge whether the use of physical punishment within a family is an acceptable form of discipline or whether there are signs of child abuse in the family; these responses often emphasised this theme in order to express disagreement with the legislative proposal. This includes the need for frontline professionals to use their discretion to identify cases where physical punishment is used but only under acceptable circumstances and to clearly identify cases where the use of corporate punishment amounts to child abuse. This also includes using discretion in the reporting and investigating of physical punishment (rather than child abuse) to avoid criminalising parents, carers and guardians.

“I think professionals should be able to distinguish between parents who lovingly discipline and those who, through circumstances or lack of knowledge, abuse and hurt innocent children. There is a huge difference between the two and professionals should be able to see those two things as separate and take appropriate action to safeguard those at risk of abuse”.

Another theme frequently arising in consultation responses was that frontline professionals must be provided with **guidance and training on how to support families’ wellbeing during investigations**. Respondents emphasised that the processes of reporting and investigating the suspected use of physical punishment within families would have a negative impact on the wellbeing of both children and their parents, carers or guardians. In particular, respondents noted that frontline professionals must be able to support and care for children whose parents, carers or guardians are under investigation, including minimising any potential distress for the children. This includes ensuring frontline professionals have clarity regarding how children should be cared for, and by whom, while an investigation is underway.

Consultation responses also fairly frequently address the need for **unspecified guidance or training for frontline professionals**. These responses do not specify the nature or scale of the guidance or support needed for frontline professionals but emphasise that it is certain that guidance or training will be needed if the legislative proposals are implemented. This includes responses noting that frontline professionals themselves should be consulted to decide on appropriate guidance and training.

Another theme arising fairly frequently in consultation responses, is that frontline professionals will need **additional resources to support the implementation of the legislative proposal**. These responses emphasise that frontline professions (such as police and social services) often do not have sufficient resources to deal with current workloads and would need additional resources to respond to a potentially increased workload while investigating parents, carers and guardians who are reported for using physical punishment.

The final theme which arose occasionally in consultation responses was the **need to raise frontline professionals' general awareness of the legislative changes** if the legislative proposal goes ahead. These responses provided general views on the need for frontline professionals to have a good understanding of the nature of the legislative changes and awareness of how and when changes will come into force. The responses emphasised that frontline professionals must be well-informed to be able to interpret the new legislation in their day-to-day work.

Summary of comments from individuals who answered 'No' or 'Don't know' to Question 5

Of those who responded 'No' to the initial question (a total of 244), 36 provided additional comments, although they were not specifically invited to do so by the question. The themes which arose most frequently in these responses were: That frontline professionals would not have sufficient resources to implement the legislative proposal; that no additional training is needed; expression of general views against the proposal.

Of those who responded 'Don't know' to the initial question (a total of 361), 27 provided additional comments, although they were not specifically invited to do so by the question. The themes which arose most frequently in these responses were: That respondents did not know whether more training or guidance was needed; expression of general views against the proposal; that unspecified additional training or guidance was likely to be needed and that frontline professionals themselves should be consulted.

Of those who did not respond to the initial question (a total of 350), 20 provided additional comments, although they were not specifically invited to do so by the question. The theme which arose most frequently in these responses was that if the legislative proposal is implemented, it would be important to raise the awareness of all frontline professionals to the legislative changes and how they will be implemented.

Question 6

Please explain how you believe the proposed policy could be formulated or changed so as to have:

- I. positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language; and
- II. no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Summary of themes which arose most frequently in consultation responses.

- **Welsh language considerations are deemed irrelevant to the legislative proposal.** Respondents stated that the legislative proposal does not have any relation to the Welsh language.
- **All information concerning the proposal and its implementation should be communicated bilingually.** Respondents emphasised that all communication and dissemination materials should be made equally accessible in both Welsh and English.
- **No changes to the legislative proposal are necessary.** Respondents noted that there are existing requirements to ensure that the Welsh language is treated no less favourably than the English language.

In total, there were 717 responses to this question. The theme which arose most frequently in responses was that respondents **deem Welsh language considerations irrelevant to the proposal** to remove the defence of reasonable punishment. This included responses questioning the relevance of the question within the consultation; stating that they do not feel the Welsh language has any relation to the proposal; or, less frequently, stating that the proposal will have no impact (positive or negative) on the Welsh language as the issues are unrelated.

The next most frequently-arising theme in the responses was that **all information concerning the proposal and its implementation should be communicated bilingually**. In particular, this included responses emphasising that all communication and dissemination materials should be made equally accessible in both Welsh and English. Examples of forms of communication which should be bilingual include policy documents, posters, forms and social media platforms. These responses also emphasised that all support and training relating to the proposal and its implementation should be provided bilingually.

“To make materials relating the change in legislation available bilingually, and to ensure that members of the public are able to

make enquiries relating to the change through the medium of Welsh”.

“Any training offered to parents on the use of physical discipline ought to be advertised and available in Welsh”.

Respondents also noted that **no changes are necessary** to ensure that the Welsh language is treated no less favourably than the English language. These respondents noted that there are existing requirements to communicate and provide support to the public bilingually, and these requirements will also apply to the proposal. As such, these respondents noted that sufficient support already exists to ensure the Welsh language is treated no less favourably than the English language within this proposal.

Less frequently, respondents provided general comments in support of the Welsh language or general comments criticising policy approaches to the Welsh language (comments unrelated to the proposal). On occasion, respondents also provided general comments supporting or criticising the proposal (unrelated to the Welsh language).

Question 7

We have asked a number of specific questions. If you have any issues related to this consultation which we have not specifically addressed, please use this space to report them.

In total there were 522 responses to this question. Around two-thirds of these responses were from individuals or organisations writing to provide views or evidence expressing opposition to the removal of the defence of reasonable punishment. The other responses were from individuals or organisations writing to provide views or evidence in favour of the removal of the defence of reasonable punishment or more neutral view or evidence. Some of the themes which arose most frequently in the responses to this question reflect and emphasise themes which also arose in the first six consultation questions.

Summary of themes which arose most frequently in consultation responses which provided views or evidence expressing opposition to the proposal (the majority of responses).

- The proposal would **stigmatise and criminalise parents** for using what are deemed to be reasonable methods to discipline their children.
- The proposal **would infringe on the rights of parents to choose how to raise and support their children.**
- The proposal represents **an unwarranted level of state intrusion into family life.**
- **Public services do not have sufficient resources** to implement the proposal.
- **The use of reasonable and moderate physical punishment can help children learn and prevent injury.**
- **There is a clear distinction between child abuse and physical punishment.**
- **Existing legislation is sufficient to protect children**, as child abuse is already illegal.
- The proposal is **based on flawed or weak supporting evidence.**
- That the proposal would have **a negative impact on wider society** in the future.
- **The use of reasonable physical punishment does not cause harm** to the child.

Summary of themes which arose most frequently in consultation responses which provided views or evidence in favour of the proposal or neutral responses (which when combined are the minority of responses).

- **The legislative proposal will protect children's rights by giving them equal protection within the law.**
- **The use of violence such as physical punishment is always unacceptable and unnecessary.**
- **The importance of focusing on changing parenting behaviours.** Campaigns and support mechanisms should focus on encouraging parents to adopt more positive parenting approaches.
- **The importance of ensuring clear and unambiguous definitions of behaviour covered by the legislative proposal.**

The three themes which arose most frequently in consultation responses from individuals or organisations writing to provide views or evidence expressing opposition to the proposal were as follows.

- That the proposal would **stigmatise and criminalise parents** for using what are deemed to be "moderate and reasonable" methods to discipline their children. Respondents expressed concern that parents, carers and guardians would face criminal charges for the use of methods previously deemed as reasonable.

"All this law will do is to criminalize parents who are showing care and appropriate discipline to their children".

- That the proposal **would infringe on the rights of parents to choose how to raise and support their children**. Respondents commented that the proposal would remove existing parental rights to discipline their children in the most suitable, effective and reasonable way.

"As a parent I have rights. I have a right to decide what is best for the child that I have been entrusted with, to bring up into maturity and to send out into the world as a successful individual. The changing of the law as proposed in this consultation is in effect tying the hands of parents".

- That the proposal represents **an unwarranted level of state intrusion into family life**. Respondents commented that the government should not interfere with private family matters such as parenting approaches.

"This proposal is very concerning as it is calling for an unprecedented level of State intervention in family life. Ultimately, this proposal suggests that the government is best placed to determine how a child should be parented".

Other themes which arose fairly frequently in consultation responses from individuals or organisations writing to provide views or evidence expressing opposition to the proposal were as follows.

- That **public services do not have sufficient resources to implement the legislative proposal**. In addition, respondents commented that enforcing the legislative proposal would mean that these limited resources would be diverted away from cases of child abuse and other serious crime.
- That **the use of reasonable and moderate physical punishment can help children learn and prevent injury**. Respondents commented that the use of physical punishment is a valuable option in certain circumstances, particularly if a child is in danger or other discipline methods have failed.
- That **there is a clear distinction between child abuse and physical punishment**. These respondents emphasised that there is a clear difference between child abuse and physical punishment, which is deemed an appropriate form of physical punishment undertaken by parents. This includes respondents expressing the view that the legislative proposal will not help in protecting children from child abuse.
- That **existing legislation is sufficient to protect children**, as child abuse is already illegal.
- That the proposal to remove the defence of reasonable punishment is **based on flawed or weak supporting evidence**. Respondents also commented that the proposal does not provide sufficient detail on how the proposal could be implemented in practice.
- That the proposal would have **a negative impact on wider society** in the future. Respondents commented that the legislative proposal would lead to a decline in discipline amongst children and young people, which would lead to a general decline in safety and good civic behaviour.
- That **the use of reasonable physical punishment does not cause harm** to the child. Respondents emphasised that the use of reasonable physical punishment does not lead to any damage or harm to the child.

The two themes which arose most frequently in consultation responses from individuals or organisations writing to provide views or evidence in favour of the proposal were as follows.

- That **the legislative proposal will protect children's rights by giving them equal protection within the law**. Respondents emphasised that the proposal would ensure that children are accorded the same legal protection and human rights as adults, which they note is not currently the case.

“[Our organisation] strongly supports this legislative change to remove the defence of reasonable punishment. We believe this will protect children's rights, act as a safeguarding measure and demonstrate we believe children have the same entitlements to be protected and free from harm”.

- That **the use of violence such as physical punishment is always unacceptable and unnecessary**. Respondents commented that the use of physical punishment on children is always inappropriate, even when it is

considered physical punishment under the current legislation. They noted that the proposed legislative changes would ensure that physical punishment is unequivocally unacceptable.

Another theme which arose frequently in all responses (those in favour, those against and those expressing more neutral views) was **the importance of focusing on changing parenting behaviours**. Respondents noted that in addition to – or instead of – the legislative proposal, campaigns and support mechanisms should focus on encouraging parents to adopt more positive parenting approaches. They note that removing the defence of reasonable punishment is insufficient, without campaigns and support to change parental attitudes.

“It is vital for parents who have smacked their children to learn that there are other ways of communicating with their children, and to help and encourage parents towards changing their behaviour”.

A final theme which arose fairly frequently in all responses (those in favour, those against and those expressing more neutral views) was **the importance of ensuring clear and unambiguous definitions** of behaviour covered by the legislative proposal. Respondents emphasised that the exact nature of legal and illegal use of physical punishment would have to be clearly specified, leaving limited room for interpretation and inconsistency.

Other consultation responses

A further 151 responses which did not follow the structure of the consultation questions were received. These were received in the form of e-mails and letters. Five of these responses were identified as being from respondents outside Wales.

The majority of these responses were from individuals or organisations writing to provide views or evidence in favour of the removal of the defence of reasonable punishment. Of these responses, the majority followed an almost identical structure and provided almost identical content.

A small minority of these responses were from individuals or organisations writing to provide views or evidence expressing opposition to the removal of the defence of reasonable punishment. A small minority were more neutral responses from individuals or organisations, asking questions about the proposal or providing suggestions of further evidence to consider.

Summary of themes which arose most frequently in consultation responses which provided views or evidence in favour of the proposal (the majority of all responses).

- **The legislative proposal will protect children's rights.** Respondents commented that using physical punishment is contrary to children's rights.
- **The use of physical punishment has an adverse effect on children's wellbeing.** Respondents commented that physical punishment has a negative impact on the social, mental, behavioural and emotional wellbeing of children.
- **Expressions of general support for the proposal,** where respondents express general agreement with the proposal.
- The **use of physical punishment with children is ineffective** as a mechanism to support child development or behaviour.

Summary of themes which arose most frequently in consultation responses which provided views or evidence expressing opposition to the proposal (the minority of all responses).

- The proposal represents **an unwarranted intrusion into family life.**
- There is a **distinction between child abuse and physical punishment.**
- The proposal would **criminalise parents.**
- **Existing legislation is sufficient** to protect children.
- The **proposal removes parental choice or rights** in how their children are raised.
- The **proposed legislation could be misused**, such as inappropriate reporting.

- The proposal could **lead to wider negative effects on families and society**, creating potential conflict within families and between families and public agencies.
- That relevant **public bodies do not have sufficient resources** to implement the legislative changes.

The two themes which arose most frequently in consultation responses providing views or evidence in favour of the proposal were as follows.

- That the legislative proposal to remove the defence of reasonable punishment **will protect children's rights**. These respondents expressed the view that using physical punishment with children is contrary to the children's rights and fails to protect children sufficiently. They state that accordingly, the legislative proposal should go ahead.
- That **the use of physical punishment has an adverse effect on children's wellbeing**. These respondents commented that evidence suggests that the use of physical punishment has a negative impact on the social, mental, behavioural and emotional wellbeing of children and in later life.

"The evidence is overwhelming in indicating that such punishment has a detrimental effect on children, and risks causing a range of emotional, mental, and behavioural problems both in childhood and later life. If the Welsh Government has the better interests of children at the heart of its policy, and if it is to be guided first and foremost by the evidence, the physical punishment of children cannot be allowed to continue".

One additional consultation response was received from an organisation representing the views of children and young people. As with other consultation responses, this response did not follow the structure of the seven consultation questions but represented the views of 1,157 children and young people on whether or not the law should change or stay the same; 72% of primary school pupils and 56% of secondary school pupils thought the law should change.

Other themes arising less frequently in consultation responses in favour of the proposal include:

- **expressions of general support for the proposal**, which comprised statements from respondents indicating that they support the proposal to remove the defence of reasonable punishment; and
- the **use of physical punishment with children is ineffective** as a mechanism to support child development or behaviour. Respondents commented that the use of physical punishment has no long-term benefit on child development and is unnecessary or counter-productive.

The themes which arose most frequently in the minority of consultation responses which provided views or evidence expressing opposition to the proposal were:

- that the proposal represents an **unwarranted intrusion into family life**. These respondents expressed the view that the proposal represents an inappropriate level of government intrusion into private family life;
- that there is **a clear distinction between child abuse and physical punishment**. These respondents emphasised that there is a clear difference between child abuse and physical punishment, which is deemed an appropriate form of physical punishment undertaken by parents;
- that the proposal would **criminalise parents**. These respondents express concern that under the proposed legislative changes, parents could be criminalised for disciplining children;
- that **existing legislation is sufficient** to protect children, as child abuse is already illegal;
- that the proposal **removes parental choice or rights** in how their children are raised. Respondents note that parents should be able to judge reasonable and appropriate punishment;
- that **the proposed legislation could be misused**, for instance through inappropriate reporting by children or wider members of the public.
- Linked to this, there were also concerns raised about the **wider negative effects on families and society** – potentially creating an adversarial situation within families and between families and authorities. Respondents referred to a culture of accusation and counter accusation that could spread from families to other agencies.
- that relevant **public bodies do not have sufficient resources** to implement the legislative changes.

A minority of other consultations were responses from individuals or organisations providing suggestions of further evidence to consider. These included responses from outside Wales providing evidence relating to the experiences of other countries implementing similar legislation.

Summary of external engagement event findings

In addition to the consultation (which forms the basis for this report), external engagement events were held with stakeholders, the general public and children and young people during the consultation period. This section provides a summary of key findings from this activity. The full report is published as an Annex to this report on the Welsh Government website and is available at:

<https://beta.gov.wales/legislative-proposal-remove-defence-reasonable-punishment>

The engagement activity included had four discrete elements:

- Three 'Table Talk' workshops for representatives from stakeholder organisations
- Four focus groups with parents
- Two workshops with young people aged 11-19
- Questionnaires for members of the public completed at two 'drop-by' sessions

Fieldwork took place in March 2018, and 274 people provided feedback, specifically:

- 61 representatives from stakeholder organisations⁶
- 55 parents
- 54 young people
- 104 members of the public who completed questionnaires, of which 61 individuals were parents of children under 18.

Key findings

Strongly held, well-articulated views were expressed both in favour and against the legislative proposal in relation to its stated purpose and potential impact. The findings are based on collated responses from participants at the targeted consultation activities and are therefore not representative of the wider population.

1. Protecting Children's Rights

- Overall 58% of participants agreed that removing the defence of reasonable punishment will help to protect children's rights, 24% disagreed and the remaining 19% did not express an opinion⁷.
- Participants felt that children have a right to a safe childhood and the same rights should be awarded to a child as any adult.
- Those in favour of removing the defence argued that it is unacceptable for anyone to use physical force against a child and that children should have the same protection under the law as adults. They felt that the current legally accepted definition of reasonable punishment is open to misinterpretation.

⁶ See Appendix 1 of the full report for details

⁷ Due to rounding, percentages do not add up to 100%

- They argued that the legislative proposal to remove the defence of reasonable punishment will clarify both the rights of the child under the UNCRC and parental responsibilities.
- Whereas those who felt the proposal will not help to protect the rights of the child argued that children's rights are adequately protected by existing laws
- They also felt that in seeking to protect children's rights, the Welsh Government is undermining parents' rights and that the State has no right to interfere in the way parents raise and discipline their children.

2. Understanding of Key Definitions

- If the legislation is passed the defence of reasonable punishment would no longer be available in Wales to parents and those acting in loco parentis facing a charge of assault or battery against a child in their care.
- When questioned, participants' knowledge and understanding of the terms 'physical and corporal punishment' varied considerably. Many felt that the inter-changeable use of both terms in the Welsh Government consultation document leaves their meaning open to misinterpretation by both professionals and the wider public.
- Feedback identified the need for a high profile, public education campaign to help parents understand the legislative proposal and its potential consequences.

3. Potential Impacts

- No clear consensus emerged when stakeholders, parents and members of the public were asked if they agreed with the Welsh Government's understanding of the potential impact on public bodies in Wales, if the law is changed.
- Although agreeing that core impacts on public bodies had been identified, the general view was that the impacts had been underestimated and that other potential impacts had been missed, for example, safeguarding teams may receive an increase in referrals which in turn may divert resources from more serious cases of child abuse.
- Many participants felt that the Welsh Government should provide greater clarity about the legislative proposal, explain the mandatory steps expected of public bodies and offer advice on resource implications to ensure an appropriately trained workforce is in place to meet any increased workload.

4. Additional support

When asked about support needs should the legislative proposal be enacted, most participants agreed that the Welsh Government should:

- Put in place additional support for parents, carers and guardians. For example, the number of evidence-based, open access parenting programmes should be increased, plus a high profile public awareness raising campaign to engage parents and so develop their understanding of the proposed change.
- Provide more guidance and training to support frontline professionals such as the Police, social workers and teachers, as developing consistent practice is

essential. Workforce development was the most commonly identified support need to ensure the successful implementation of the proposed legislation.

Annex A - Consultation List

Abertawe Bro Morgannwg University Health Board
Action for Children
Adfa & Cefn Coch Women's Institute
Applied Psychologist's in Health National Specialist Advisory Group
Association of Educational Psychologists
Barnardo's Cymru
Be Reasonable
Bishopston Play Association
Bridgend Flying Start
Buttle UK
Campfire Cymru
Cardiff and Vale University Health Board
Cardiff Flying Start
Cardiff Social Services
Cardiff Third Sector Council
Cardiff University
CARE
Ceredigion County Council
Ceredigion Youth Council
Children in Wales
Children of Hope
Children's Commissioner for Wales
Children's Commissioner for Wales Young People's Advisory panel
Clybiau Plant Cymru Kids' Clubs
Conwy Social Care Department
Conwy Voluntary Services Charity
Council for Wales of Voluntary Youth Services
County Councillor Swansea
Crown Prosecution Service
Dinas Powys and Wenvoe Branch Labour Party
Early Help Team, Support4families
Emma Street Chip Shop
Equality and Human Rights Commission
Families First Gwynedd
Family Education Trust
Family First New Zealand
Family Fund
Flying Start
Future Harvard International School
Global Initiative to End All Corporal Punishment of Children
Golley Slater
GwE
Hope Church - CAP Money
Hywel Dda University Health Board

Immanuel Presbyterian Church
 Keep 43 Committee of Canada
 Koinonia John the Baptist Church
 Lleisiau Bach/Little Voices
 Meeting of Friends in Wales (Quakers in Wales)
 Meic/Promo Cymru
 Monmouthshire Children's Services
 Mudiad Meithrin
 National Day Nurseries Association Cymru
 National Health Service
 National Independent Safeguarding Board Wales
 National Society for the Prevention of Cruelty to Children Cymru
 National Youth Advocacy Service
 NPT children & young peoples services NPT
 Panel Ymgynghorol Pobl Ifanc Comisiynydd Plant Cymru / Children's Commissioner
 for Young People's Advisory Panel
 Pembrokeshire County Council
 Play Wales
 Professional Association for Childcare and Early Years Cymru
 Public Health Wales
 Quakers
 Royal College of Nursing Wales
 Royal College of Paediatrics and Child Health
 Society for the Protection of Unborn Children
 Struthers Church Neath
 Swansea University
 The Centre for Children and Young People's Participation
 The Christian Institute
 The National Association of Schoolmasters Union of Women Teachers
 The Parent Network, Caerphilly and Merthyr Tydfil
 The Royal College of Psychiatrists in Wales
 Tros Gynnal Plant
 Ty Hafan Hospice
 Unified Reformed Church
 United Nations International Children's Emergency Fund
 University College London
 University of Michigan
 University of South Wales
 University of Stirling
 University of Wales Trinity Saint David
 Uppsala University Children's Hospital, Uppsala, Sweden
 Vale People First
 Wales Humanists
 Wales Observatory On Human Rights Of Children And Young People
 Wales Pre School Providers Association
 Wales Restorative Approaches Partnership

Wales UNCRC Monitoring Group
Welsh Local Government Association
Welsh Women's Aid
Ynystawe Primary School
Youth Justice Board for England and Wales

Ymddiriedolaeth Addysg Teuluoedd
Yr Eglwys Ddiwygiwedig Unedig
Ysbyty Plant Prifysgol Uppsala, Uppsala, Sweden
Ysgol Gynradd Ynystawe

Eglwys Bresbyteraidd Emaniwei
 Eglwys Struthers Castell-nedd
 Elusen Gwasanaethau Gwirfoddol Conwy
 Family First New Zealand
 Future Harvard International School
 Global Initiative to End All Corporal Punishment of Children
 Golley Slater
 Grŵp Monitro CCUHP Cymru
 Gwasanaeth Eiriolaeth Ieuencid Cenedlaethol
 Gwasanaeth Eriyn y Goron
 Gwasanaethau Cymdeithasol Caerdydd
 Gwasanaethau plant a phobl ifanc Castell-nedd Port Talbot
 Gwasanaethau Plant Sir Fynwy
 GWE
 Gweithredu dros Blant
 Hope Church – Arian CAP
 Hosbis Ty Hafan
 Iechyd Cyhoeddus Cymru
 Keep 43 Committee of Canada
 Koinonia John the Baptist Church
 Lleisiau Bach
 Meic/Promo Cymru
 Mudiad Meithrin
 Panel Cynghori Pobl Ifanc Comisiynydd Plant Cymru
 Panel Ymgynghorol Pobl Ifanc Comisiynydd Plant Cymru
 Partneriaeth Darparwyr Adferol Cymru
 Plaid Lafur, Cangen Dinas Powys a Gwentô
 Plant yng Nghymru
 Prifysgol Abertawe
 Prifysgol Caerdydd
 Prifysgol Cymru y Drindod Dewi Sant
 Prifysgol De Cymru
 Prifysgol Michigan
 Prifysgol Stirling
 Rhwydwaith Rhieni, Caerffili a Merthyr Tudful
 Sefydliad y Menywod Adfa a Chetn Coch
 Seicolegydd Cymwysedig, Grŵp Cynghori Arbenigwyr Cenedlaethol Iechyd
 Sioep Sglodion Emma Street
 Teuluoedd yn Gyntaf Gwynedd
 Tim Cymorth Cynnar, Support4families
 Tros Gynnal Plant
 Vale People First
 Wales Humanists
 Y Gwasanaeth Iechyd Gwladol
 Y Gymdeithas Genedlaethol er Atal Creulondeb i Blant
 Y Sefydliad Cristnogol

Atodiad A - Rhestr Ymgynghori

Adran Gofal Cymdeithasol Conwy
Arsyllfa Hawliau Dynol Plant a Phobl Ifanc Cymru
Barnardos Cymru
Be Reasonable
Buttle UK
Bwrdd Cyfiawnder Ieuenctid Cymru a Lloegr
Bwrdd Diogelu Annibynnol Cenedlaethol Cymru
Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg
Bwrdd Iechyd Prifysgol Caerdydd a'r Fro
Bwrdd Iechyd Prifysgol Hywel Dda
Campfire Cymru
Canolfan Cyfranogiad Plant a Phobl Ifanc
CARE
Children of Hope
Chwarae Cymru
Clybiau Plant Cymru
Coleg Brenhinol Pediatryddon ac Iechyd Plant
Coleg Brenhinol Seiciatryddion Cymru
Coleg Nyrso Brenhinol Cymru
Coleg Prifysgol Lundain
Comisiwn Cydraddoldeb a Hawliau Dynol
Comisiynydd Plant Cymru
Cronfa Argyfwng Plant Rhyngrwladol y Cenhedloedd Unedig
Cronfa'r Teulu
Crynwyr
Crynwyr yng Nghymru
Cymdeithas Chwarae Llandellio Fferallt
Cymdeithas Darparwyr Cyn Ysgol Cymru
Cymdeithas Diogelu Plant Heb eu Geni
Cymdeithas Genedlaethol yr Ysgolfeistri ac Undeb yr Athrawesau
Cymdeithas Gofal Plant a Blynyddoedd Cynnar Proffesiynol Cymru
Cymdeithas Llywodraeth Leol Cymru
Cymdeithas Meithrinfeidd Dydd Cenedlaethol Cymru
Cymdeithas y Seicolegwyr Addysg
Cymorth i Ferched Cymru
Cynghorudd Sir Abertawe
Cyngor Gwasanaethau Ieuenctid Gwirfoddol Cymru
Cyngor Ieuenctid Ceredigion
Cyngor Sir Penfro
Cyngor Trydydd Sector Caerdydd
Dechrau'n Deg
Dechrau'n Deg Caerdydd
Dechrau'n Deg Pen-y-bont ar Ogwr

hanfodol datlygu arferion cyson. O ran yr angen am fwy o gefnogaeth, datlygu'r gweithlu a enwyd amlaf a hynny i sicrhau gweithredur ddeddfwriaeth.

- Darparu mwy o arweiniad a hyfforddiant i gefnogi gweithwyr proffesiynol rheng flaen fel yr Heddlu, gweithwyr cymdeithasol ac athrawon, gan ei bod yn artaethedig.
- Sefydlu cefnogaeth ychwanegol i rieni, gofaliwyr a gwarcheidwaid. Er enghraifft, dylid cynyddu nifer y rhaglenni rhianta mynediad agored, seiliedig ar dystiolaeth, ynghyd ag ymgyrch proffil uchel i godi ymwybyddiaeth y cyhoedd at sylw rhieni a fydd felly'n datblygu eu dealltwriaeth o'r newid

O'u holl am yr anghenion am gefnogaeth pe bai'r cynnig deddfwriaethol yn cael ei ddeddfu, cytunodd y mwyafrif o gyfranogwyr y dylai Llywodraeth Cymru:

4. Cefnogaeth ychwanegol

- Teimlai llawer o gyfranogwyr y dylai Llywodraeth Cymru ddarparu mwy o egurdeb am y cynnig deddfwriaethol, esbonio'r camau gortodol a ddisgwyliid oddi wrth gyrrff cyhoeddus a chynnyg cynngor am y goblygiadau o ran adnoddau i sicrhau bod gweithlu sydd wedi ei hyfforddi'n briodol yn ei le i ymdopi ag unrhyw gynnydd yn y baich gwaith.
- Ni ddadeth consensws clir i'r amlwg wrth holl rhanddeiliaid, rhieni ac aelodau'r cyhoedd a oeddent yn cytuno â dealltwriaeth Llywodraeth Cymru o'r effaith posibl ar gyrrff cyhoeddus yng Nghymru, petai'r gyfraith yn cael ei newid.
- Er eu bod yn cytuno bod effeithiau craidd ar gyrrff cyhoeddus wedi cael eu nodi, y farn gyffredinol oedd bod yr effeithiau heb eu hamcangyfrif yn ddigonol a bod effeithiau posibl eraill wedi eu colli, er enghraifft, gallai timau diogelu dderbyn mwy o atgyfeiriadau a allai yn eu tro wro adnoddau o achosion mwy difficol o gamdriniaeth plant.
- Teimlai llawer o gyfranogwyr y dylai Llywodraeth Cymru ddarparu mwy o egurdeb am y cynnig deddfwriaethol, esbonio'r camau gortodol a ddisgwyliid oddi wrth gyrrff cyhoeddus a chynnyg cynngor am y goblygiadau o ran adnoddau i sicrhau bod gweithlu sydd wedi ei hyfforddi'n briodol yn ei le i ymdopi ag unrhyw gynnydd yn y baich gwaith.

3. Effeithiau Posibl

- O'u holl, roedd gwybodfaeth a dealltwriaeth cyfranogwyr o'r term 'cosb gortorol' yn amrywio'n sylweddol. Teimlai llawer fod defnydd y ddau derm "cosb 'corporal'" a "chosb gortorol" yn ymgyfnwidiol yn nogaen ymgyngori Llywodraeth Cymru yn gadael eu hystyr yn agored i'w gamddehongli gan weithwyr proffesiynol a chan y cyhoedd ehangach fel ei gilydd.
- Nododd adborth yr angen am ymgyrch addysg gyhoeddus, uchel ei phroffil i helpu rhieni i ddeall y cynnig deddfwriaethol a'i ganlyniadau posibl.
- Petai'r ddeddfwriaeth yn cael ei phasio, ni fyddai amddiffyniad cosb resymol ar gael i rieni yng Nghymru bellach a byddai'r sawl sy'n gweithredu in loco parentis yn wnebu cyhuddiad o ymosod neu guro yn erbyn plentyn sydd yn eu gofal.
- O'u holl, roedd gwybodfaeth a dealltwriaeth cyfranogwyr o'r term 'cosb gortorol' yn amrywio'n sylweddol. Teimlai llawer fod defnydd y ddau derm "cosb 'corporal'" a "chosb gortorol" yn ymgyfnwidiol yn nogaen ymgyngori Llywodraeth Cymru yn gadael eu hystyr yn agored i'w gamddehongli gan weithwyr proffesiynol a chan y cyhoedd ehangach fel ei gilydd.
- Nododd adborth yr angen am ymgyrch addysg gyhoeddus, uchel ei phroffil i helpu rhieni i ddeall y cynnig deddfwriaethol a'i ganlyniadau posibl.

2. Deall y Diffiniadau Allweddol

- Dadleuodd y sawl a deimlai na fydd y cynnig yn helpu i amddiffyn hawliau plant, ar y llaw arall, fod hawliau plant yn cael eu hamddiffyn yn ddigonol gan gyfreithiau presennol.
- Teimlent hefyd fod Llywodraeth Cymru, wrth geisio amddiffyn hawliau plant, yn tanseilio hawliau rhieni ac nad oes gan y Wladwriaeth unrhyw hawl i ymyrryd yn y ffordd mae rhieni yn magu ac yn disgyblu eu plant.

Crynodeb o Adborth o Weithgareddau Ymgynghori a'r Cyhoedd

Fel rhan o'r ymgynghori ffurfiol ar gyfer y Bil Dileu Amdiffyniad Cosb Resymol, comisiynodd Llywodraeth Cymru weithgareddau i ymgysylltu â phedair cynulleidfia allweddol:

- Gweithdai 'trafodaeth bord gron' i gynrychiolwyr cyrff rhanddeiliaid
- Grwpiau ffocws gyda rhieni
- Gweithdai gyda phobl ifanc 11-19 oed
- Holiaduron i aelodau'r cyhoedd a gwblhawyd yn ystod sesiynau 'galw heibio'

Cynhaliwyd y gwaith maes ym Mawrth 2018, a rhoddodd 274 o bobl adborth, yn benodol:

- 61 o gynrychiolwyr cyrff rhanddeiliaid⁷
- 55 o rieni
- 54 o bobl ifanc
- 104 o aelodau'r cyhoedd a gwblhaodd holiaduron. O'r rheiny roedd 61 o unigolion yn rhieni i blant dan 18 oed.

Canfyddiadau Allweddol

Mynegwyd safbwyntiau cryf, croyw o blaid ac yn erbyn y cynnig deddfwriaethol o ran ei ddiben a'i effaith bosibl. Mae'r canfyddiadau yn seiliedig ar ymatebion wedi'u coladu gan gyfranogwyr yn y gweithgareddau ymgynghori ac nid ydynt felly yn gynrychioladwy o'r boblogaeth ehangach.

1. Amdiffyn Hawliau Plant

- At ei gilydd, cytunodd 58% o gyfranogwyr y bydd dileu amddiffyniad cosb resymol yn helpu i amddiffyn hawliau plant, anghytunodd 24% ac ni mynegodd y 19% sy'n weddill unrhyw farn.
- Teimlai'r gyfranogwyr fod gan blant hawl i bentyndod diogel ac y dylai'r un hawliau gael eu hestyn i blentyn ag i unrhyw oedolyn.
- Dadleuodd o sawl a oedd o blaid dileu'r amddiffyniad ei bod yn annerbyniol i unrhyw un ddefnyddio grym corfforol yn erbyn plentyn ac y dylai fod gan blant yr un amddiffyniad o dan y gyfraith ag oedolion. Roeddent yn teimlo bod y diffiniad cyfreithiol a dderbynir ar hyn o bryd o gosb resymol yn agored i'w gamddehongli.
- Roeddent yn dadlau y bydd y cynnig deddfwriaethol i ddileu amddiffyniad cosb resymol yn egluro hawliau plentyn o dan UNCRC a chyfrifoldebau rhieni.

⁷ Gweler Atodiad 1 am fanylion

Roedd y themâu a gododd amlaf yn lleiafrif yr ymatebion i'r ymgynghoriad yr oeddent yn mynegi safbwyntiau neu'n cynnig tystiolaeth yn erbyn y cynnig fel a ganlyn:

- bod y cynnig yn cynrychioli **ymyrraeth di-aiw-amdano mewn bywyd teuluol**. Mynegwyd y farn gan yr ymatebwyr hyn bod y cynnig yn cynrychioli lefel amhriodol o ymyrraeth gan y llywodraeth mewn bywyd teuluol preifat;
- bod **gwahaniaeth cilir rhwng cam-drin plant a chosb gorfforol**. Pwysleisiodd yr ymatebwyr hyn bod gwahaniaeth cilir rhwng cam-drin plant a chosb gorfforol, a ystyritr yn ffurf priodol o gosb gorfforol gan rieni;
- y byddai'r cynnig yn **troseiddoli rhieni**. Mynegwyd pryder gan yr ymatebwyr hyn y byddai rhieni yn cael eu troseiddoli am ddisgyblu plant dan y newidiadau deddfwriaethol arfaethedig;
- bod **deddfwriaeth sy'n bodoli eisoes yn ddigonol** er mwyn diogelu plant, gan bod cam-drin plant eisoes yn anghyfreithlon;
- bod y cynnig yn **dlieu dewis neu hawliau rhieni** mewn perthynas â sut y caiff eu plant eu magu. Mae ymatebwyr yn nodi y dylai rhieni fod yn gallu barnu beth yw cosb resymol a phriodol;
- y gallai'r **deddfwriaeth arfaethedig gael ei chamddeffnyddio**, er enghraifft wrth i blant neu aelodau ehangach y cyhoedd adrodd am achosion mewn ffordd amhriodol.
- Yn gysylltiedig â hyn, mynegwyd pryderon hefyd ynghylch yr **effeithiau negyddol ehangach ar deuluoedd a chymdeithas** – gyda'r potensial o greu sefyllfa wrthwnebol o fewn teuluoedd a rhwng teuluoedd ac awdurdodau. Cyfeiriodd ymatebwyr at ddiwylliant o gyhuddo pobl a gwrth-gyhuddo, a allai ledaenu o deuluoedd i asiantaethau eraill.
- **nad oes gan gyrrff cyhoeddus perthnasol adnoddau digonol** i weithredu'r newidiadau deddfwriaethol.

Roedd lleiafrif o'r ymgynghorwyr eraill yn ymatebion gan unigolion neu sefydliadau a oedd yn cynnig awgrymiadau ynghylch tystiolaeth bellach i'w hystyried. Roedd y rhain yn cynnwys ymatebion o'r tu allan i Gymru, yr oeddent yn darparu tystiolaeth a oedd yn ymwneud â phrofiadau gwledydd eraill wrth iddynt weithredu deddfwriaeth debyg.

- **mynegi cefnogaeth gyffredinol ar gyfer y cynnig**, a oedd yn cynnwys datganiadau gan ymatebwyr yn dynodi eu bod yn cefnogi'r cynnig i ddileu amddiffyniad cosb resymol; a
- **bod defnyddio cosb gorfforol ar blant yn aneffeithiol** fel mecanwaith er mwyn cynorthwyo datblygiad neu ymddgyiad plant. Nododd ymatebwyr nad yw defnyddio cosb gorfforol yn cynnig unrhyw fudd i ddatblygiad plant yn y tymor hir a'i fod yn ddianghenraid neu'n wrthgyhyrchiol.

Mae themâu eraill a gododd yn llai amli mewn ymatebion i'r ymgynghoriad o blaid y cynnig yn cynnwys:

Cafwyd un ymateb ychwanegol i'r ymgynghoriad gan sefydliad sy'n cynrychioli safbwyntiau plant a phobl ifanc. Yn yr un modd ag ymatebion eraill i'r ymgynghoriad, nid oedd yr ymateb hwn wedi dilyn strwythur saith cwestiwn yr ymgynghoriad, ond roedd yn cynrychioli safbwyntiau 1, 157 o blant a phobl ifanc ynghyd a ddylid newid y gyfraith neu a ddylid ei chadw fel ag y mae; roedd 72% o ddisgyblion cynradd a 56% o ddisgyblion uwchradd o'r farn y dylai'r gyfraith newid.

- Cafwyd un ymateb ychwanegol i'r ymgynghoriad gan sefydliad sy'n cynrychioli safbwyntiau plant a phobl ifanc. Yn yr un modd ag ymatebion eraill i'r ymgynghoriad, nid oedd yr ymateb hwn wedi dilyn strwythur saith cwestiwn yr ymgynghoriad, ond roedd yn cynrychioli safbwyntiau 1, 157 o blant a phobl ifanc ynghyd a ddylid newid y gyfraith neu a ddylid ei chadw fel ag y mae; roedd 72% o ddisgyblion cynradd a 56% o ddisgyblion uwchradd o'r farn y dylai'r gyfraith newid.
- **Bod defnyddio cosb gorfforol yn cael effaith niweidiol ar les plant.** Nododd yr ymatebwyr hyn bod tystiolaeth yn awgrymu bod defnyddio cosb gorfforol yn cael effaith negyddol ar les cymdeithasol, meddyliol, ymddygiadol ac emosïynol plant ac yn nes ymlaen yn eu bywydau.
 - **Y bydd y cynnig deddfwriaethol i ddileu amddiffyniad cosb resymol yn diogelu hawliau plant.** Mynegwyd y farn gan yr ymatebwyr hyn bod defnyddio cosb gorfforol yn mynd yn groes i hawliau plant ac nad yw'n llwyddo i ddiogelu plant mewn ffordd ddigonol. Maent yn nodi y dylai'r cynnig deddfwriaethol fynd yn ei flaen felly.
 - **Yn mynegi safbwyntiau neu'n cynnig tystiolaeth o blaid y cynnig fel a ganlyn.** Roedd y ddwy thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad yr oeddent yn mynegi safbwyntiau neu'n cynnig tystiolaeth o blaid y cynnig fel a ganlyn.

- **Gallai'r cynnig arwain at effeithiau negyddol ehangach ar deuluoedd a chymdeithas**, gan greu gwrthdaro posibl o fewn teuluoedd a rhwng teuluoedd ac asiantaethau cyhoeddus.
- **Nad oes gan gyrrff cyhoeddus perthnasol adnoddau digonol i weithredu'r newidiadau deddfwriaethol.**

amhriodol.

Ymatebion eraill i'r ymgynghoriad

Catwyd 151 o ymatebion pellach na wnaethant ddilyn strwythur y cwestiynau yn yr ymgynghoriad. Catwyd y rhain ar ffurf negeseuon e-bost a llythyrau. Nodwyd bod pump o'r ymatebion hyn gan ymatebwyr o'r tu allan i Gymru.

Roedd mwyafrif yr ymatebion hyn gan unigolion neu sefydliadau yr oeddent yn dymuno mynegi safbwyntiau neu dystiolaeth o blaid dileu amddiffyniad cosb resymol. O blith yr ymatebion hyn, roedd y mwyafrif wedi dilyn strwythur a oedd bron yn union yr un fath ac wedi darparu cynnwys a oedd bron yn union yr un fath.

Roedd lleiafrif bach o'r ymatebion hyn gan unigolion neu sefydliadau yr oeddent yn ysgrifennu er mwyn cynnig safbwyntiau neu dystiolaeth yn erbyn dileu'r amddiffyniad cosb resymol. Roedd lleiafrif bach yn ymatebion mwy niwtral gan unigolion neu sefydliadau, yn gofyn cwestiynau ynghylch y cynnig neu'n cynnig awgrymiadau ynghylch tystiolaeth bellach i'w hystyried.

- Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad, yr oeddent yn cynnig safbwyntiau neu dystiolaeth o blaid y cynnig (mwyafrif yr holl ymatebion).**
- **Bydd y cynnig deddfwriaethol yn diogelu hawliau plant.** Nododd ymatebwyr bod defnyddio cosb gorfforol yn mynd yn groes i hawliau plant.
 - **Mae defnyddio cosb gorfforol yn cael effaith niweidiol ar les plant.** Nododd ymatebwyr bod cosb gorfforol yn cael effaith negyddol ar les cymdeithasol, meddyliol, ymddygiadol ac emosïynol plant.
 - **Mynegi cefnogaeth gyffredinol ar gyfer y cynnig,** lle y mae ymatebwyr yn mynegi cytundeb cyffredinol â'r cynnig.
 - **Mae defnyddio cosb gorfforol gyda phlant yn aneffeithiol** fel mecanwaith er mwyn cynorthwyo datblygiad neu ymddygiad plant.
 - **Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad, yr oeddent yn cynnig safbwyntiau neu dystiolaeth yn erbyn y cynnig (lleiafrif yr holl ymatebion).**
 - Mae'r cynnig yn cynrychioli ymyrraeth di-aliw-amdano mewn bywyd teuluol.
 - Ceir gwahanïaeth rhwng cam-drin plant a chosb gorfforol.
 - Byddai'r cynnig yn troseddoli rhieni.
 - Mae deddfwriaeth sy'n bodoli eisoes yn ddigonol er mwyn diogelu plant.
 - Mae'r cynnig yn gwaredu dewis neu hawliau rhieni ynghylch sut y caiff eu plant eu magu.
 - Gallai'r ddeddfwriaeth arfaethedig gael ei chamdddefnyddio, megis adrodd

cynning deddfwriaethol, nododd ymatebwyr y dylai ymgyrchioedd a mecanweithiau cymorth ganolbwyntio ar annog rhieni i fabwysiadu dulliau rhianta mwy cadarnhaol. Maent yn nodi bod dilieu amddiffyniad cosb resymol yn annigonol heb ymgyrchioedd a chymorth i newid agweddau rhieni.

“Mae'n hantodol bod rhieni sydd wedi smacio eu plant yn dysgu bod ffyrdd eraill o gyfathrebu gyda'u plant, gan helpu ac annog rhieni i newid eu hymddwygiad”.

Thema olaf a gododd yn eithaf ami yn yr holl ymatebion (y rhai o blaid, y rhai yn erbyn a'r rhai yr oeddent yn mynegi safbwyntiau mwy niwtral) oedd **pwysigrwydd sicrhau diffiniadau clir a diamwys** o ymddwygiad sy'n cael ei gynnwys yn y cynnig deddfwriaethol. Pwysleisiodd ymatebwyr y byddai'n rhaid nodi union natur defnydd cyfreithlon ac anghyfreithlon cosb gorfforol yn glir, heb adael fawr iawn o gyfle i ddehongli ac anghysondeb.

Thema arall a gododd yn aml yn yr holl ymatebion (y rhai o blaid, y rhai yn erbyn a'r rhai yr oeddent yn mynegi safbwyntiau mwy niwtral) oedd **dwysigrwydd canolbwytio ar newid ymddygiad rhianta**. Yn ychwanegol i – neu yn lle – y

- **Bod defnyddio trais megis cosb gorfforol wastad yn annerbyniol ac yn ddianghenraid.** Nododd ymatebwyr bod defnyddio cosb gorfforol ar blant wastad yn amhrifodol, hyd yn oed pan fo'n gosb gorfforol ystyriol dan y ddeddfwriaeth gyffredol. Maent yn nodi y byddai'r newidiadau deddfwriaethol arfaethedig yn sicrhau bod cosb gorfforol yn hollol annerbyniol.

- **Y bydd y cynnig deddfwriaethol yn diogelu hawliau plant trwy roi un diogelwch iddynt o fewn y gyfraith.** Pwysleisiodd ymatebwyr y byddai'r cynnig yn sicrhau bod plant yn cael yr un diogelwch cyfreithiol a'r un hawliau dynol ag oedolion, gan nodi nad yw hyn yn digwydd ar hyn o bryd.
- **Yn gyffwrdd ym 2019, roedd y ddwy thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad gan uniogolion neu sefydliadau yr oeddent yn ysgrifennu er mwyn cynnig safbwyntiau neu dystiolaeth o blaid y cynnig fel a ganlyn.**

- **Nad yw defnyddio cosb gorfforol resymol yn peri niwed i'r plentyn.** Pwysleisiodd ymatebwyr nad yw defnyddio cosb gorfforol resymol yn arwain at unrhyw niwed i'r plentyn.
- **Y byddai'r cynnig yn cael effaith negyddol ar gymdeithas yn ehangach yn y dyfodol.** Nododd ymatebwyr y byddai'r cynnig deddfwriaethol yn arwain at ostyngiad mewn disgrybiaeth ymhlith plant a phobl ifanc, a fyddai'n arwain at ostyngiad cyffredinol mewn diogelwch ac ymddygiad dinesig da.
- **Yn gyffwrdd ym 2019, roedd y ddwy thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad gan uniogolion neu sefydliadau yr oeddent yn ysgrifennu er mwyn cynnig safbwyntiau neu dystiolaeth o blaid y cynnig fel a ganlyn.**
- **Bod y cynnig i ddileu amddiffyniad cosb resymol yn seiliedig ar dystiolaeth ategol ddifffygol neu wan.** Nododd ymatebwyr hefyd nad yw'r cynnig yn cynnwys digon o fanylion ynghylch sut y byddai modd gweithredu'r cynnig mewn sefyllfa oedd go iawn.
- **Bod y cynnig i ddileu amddiffyniad cosb resymol yn anghyfreithlon.** gan bod cam-drin plant eisoes yn anghyfreithlon.
- **Bod deddfwriaeth sy'n bodoli eisoes yn ddigonol er mwyn diogelu plant,** deddfwriaethol yn helpu i ddiolegu plant rhag cael eu cam-drin.
- **Bod gwahaniaeth cilir rhwng cam-drin plant a chosb gorfforol.** Pwysleisiodd yr ymatebwyr hyn bod gwahaniaeth cilir rhwng cam-drin plant a chosb gorfforol, y berrir ei bod yn ffurfio brifodol o gosbi a gyflawnir gan rieni. Mae hyn yn cynnwys ymatebwyr yn mynegi'r farn na fydd y cynnig deddfwriaethol yn helpu i ddiolegu plant rhag cael eu cam-drin.
- **Yn gyffwrdd ym 2019, roedd y ddwy thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad gan uniogolion neu sefydliadau yr oeddent yn ysgrifennu er mwyn cynnig safbwyntiau neu dystiolaeth o blaid y cynnig fel a ganlyn.**

byddai gorfodi'r cynnig deddfwriaethol yn golygu y byddai'r adnoddau cyfyngedig hyn yn cael eu dargyfeirio o achosion cam-drin plant a throseddau difrifol eraill.

• **Nad oes gan wasanaethau cyhoeddus adnoddau digonol er mwyn gallu gweithredu'r cynnig deddfwriaethol.** Yn ogystal, nododd ymatebwyr y dystiolaeth yn erbyn y cynnig fel a ganlyn.

Roedd themâu eraill a gododd yn eithaf aml mewn ymatebion i'r ymgynghoriad gan unigolion neu sefydliadau yr oeddent yn ysgrifennu i fynegi safbwyntiau neu

“Mae'r cynnig hwn yn peri cryn bryder gan ei fod yn galw am lefel o ymyrraeth gan y Wladwriaeth mewn bywyd teuluoel nas gweirwyd ei thebyg o'r blaen. Yn y bôn, mae'r cynnig hwn yn awgrymu mai'r llywodraeth sydd yn y sefyllfa orau i benderfynu sut y dylid rhianta plenty'n”.

• **Bodd y cynnig yn cynrychioli lefel o ymyrraeth di-aliw-amdano gan y wladwriaeth mewn bywyd teuluoel.** Nododd ymatebwyr na ddylai'r llywodraeth ymyrryd mewn materion teuluoel preifat megis dulliau rhianta.

“Fel rhiant, mae gennyf hawliau. Mae gennyf hawl i benderfynu ar yr hyn sydd orau i'r plenty'n a roddwyd i'm gofai, i'w fagu i aeddfedrwdd ac i'w anfon allan i'r byd fel unigolyn llwyddiannus. I bob pwrpas, mae newid y gyfraith fel y cynigir yn yr ymgynghoriad hwn yn clymu dwylo rhieni”.

rhysmol.

• **Y byddai'r cynnig yn tresmasu ar hawliau rhieni i ddewis sut i fagu eu plant a'u cynorthwyo.** Nododd ymatebwyr y byddai'r cynnig yn dileu hawliau presennol rhieni i ddisgyblu eu plant yn y ffordd fwyaf addas, effeithiol a

“Yr unig beth y bydd y gyfraith hon yn ei wneud yw troseddoli rhieni sy'n dangos gofai a disgyblaeth briodol i'w plant”.

rhysmol yn flaenorol.

• **Y byddai'r cynnig yn gwarthnodi ac yn troseddoli rhieni** am ddefnyddio'r hyn a ystyrir yn ddulliau “cymedrol a rhysmol” er mwyn disgyblu eu plant. Mynegwyd pryder gan ymatebwyr y byddai rhieni, gofaiwyr a gwarcheidwaid yn wynebu cyhuaddiadau troseddol am ddefnyddio dulliau a ystyriwyd yn rhai

Roedd y dair thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad gan unigolion neu sefydliadau yr oeddent yn ysgrifennu er mwyn mynegi safbwyntiau neu dystiolaeth yn erbyn y cynnig fel a ganlyn.

- **Pwysigrwydd sicrhau diffiniadau clir a diamwys** o ymddygiad a gaff ei gynnwys yn y cynnig deddfwriaethol.
- **Pwysigrwydd canolbwytio ar newid ymddygiad rhianta.** Dylai ymgychodod a mecanweithiau cymorth ganolbwytio ar annog rhieni i fabwysiadu dulliau rhianta mwy cadarnhaol.
- **Mae defnyddio trais megis cosb gorfforol wastad yn annerbyniol ac yn ddianghenraid.**
- **Bydd y cynnig deddfwriaethol yn diogelu hawliau plant trwy gynig yr un diogelwch iddynt o fewn y gyfraith.**

Cwestiwn 7

Rydyn ni wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi unrhyw faterion sy'n gysylltiedig â'r ymgyngghoriad hwn nad ydych chi ei nodi, atafael â nhw'n benodol, defnyddiwch y lle hwn i'w nodi.

At ei gilydd, cafwyd 522 o ymatebion i'r cwestiwn hwn. Roedd tua dau o bob tri o'r ymatebion hyn gan unigolion neu sefydliadau yr oeddent yn ysgrifennu i gynig safbwyntiau neu dystiolaeth yn erbyn dileu amddiffyniad cosb resymol. Roedd yr ymatebion eraill gan unigolion neu sefydliadau yr oeddent yn ysgrifennu i fynegi safbwyntiau neu gyflwyno dystiolaeth o blaid dileu amddiffyniad cosb resymol neu safbwynt neu dystiolaeth mwy niwtral. Mae rhai o'r themâu a gododd amlaf yn yr ymatebion i'r cwestiwn hwn yn adlewyrchu ac yn pwysleisio themâu a gododd yn chwe chwestiwn cynatf yr ymgyngghoriad hefyd.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgyngghoriad yr oeddent yn cynig safbwyntiau neu dystiolaeth yn erbyn y cynig (mwyatf yr ymatebion).

- Byddat'r cynig yn tarfu ar hawliau rhieni i ddewis sut i fagu a chynorthwyo eu plant.
- Mae'r cynig yn cynrychioli lefel o ymyrraeth di-aliw-amdano gan y wladwriaeth mewn bywyd teuluo.
- Nid oes gan wasanaethau cyhoeddus adnoddau digonol i weithredu'r cynig.
- Gall defnyddio cosb gorfforol rhesymol a chymedrol helpu plant i ddysgu ac atal anat.
- Ceir gwahaniaeth clir rhwng cam-drin plant a chosb gorfforol.
- Mae deddfwriaeth sy'n bodoli eisoes yn ddigonol er mwyn diogelu plant, gan bod cam-drin plant eisoes yn anghyfreithlon.
- Seilwyd y cynig ar dystiolaeth ategol ddifftgiol neu wan.
- Y byddat'r cynig yn cael effaith negyddol ar gymdeithas ehangach yn y dyfodol.
- Nad yw defnyddio cosb gorfforol resymol yn peri niwed i'r plentyn.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgyngghoriad yr oeddent yn cynig safbwyntiau neu dystiolaeth o blaid y cynig neu ymatebion niwtral (sef lleiatf yr ymatebion, o'u cyfuno).

“Bod deunyddiau sy'n ymwneud â'r newid mewn deddfwriaeth ar gael yn ddwyieithog, gan sicrhau y gall aelodau'r cyhoedd wneud ymholiadau ynghylch y newid trwy gyfrwng y Gymraeg”.

“Dylid hysbysu unrhyw hyfforddiant a gynigir i rieni ynghylch defnyddio disgyblaeth gorfforol yn Gymraeg, a dylai fod ar gael yn Gymraeg”.

Nododd ymatebwyr hefyd **nad oes angen gwneud unrhyw newidiadau** er mwyn sicrhau na chaiff y Gymraeg ei thrin mewn ffordd lai ffatriol na'r Saesneg. Nododd yr ymatebwyr hyn bod gofynion yn bodoli eisoes ynghylch cyfathrebu a darparu cymorth i'r cyhoedd yn ddwyieithog, ac y bydd y gofynion hyn yn berthnasol i'r cynnig hefyd. O'r herwydd, nododd yr ymatebwyr hyn bod cymorth digonol yn bodoli eisoes er mwyn sicrhau na chaiff y Gymraeg ei thrin mewn ffordd lai ffatriol na'r Saesneg o fewn y cynnig hwn.

Yn llai amli, mynegwyd sylwadau cyffredinol gan ymatebwyr a oedd yn cefnogi'r iaith Gymraeg neu sylwadau cyffredinol yn beirniadu dulliau polisi tuag at yr iaith Gymraeg (sylwadau nad ydynt yn ymwneud â'r cynnig). Weithiau, roedd ymatebwyr wedi mynegi sylwadau cyffredinol yn cefnogi neu'n beirniadu'r cynnig hefyd (nad oeddent yn gysylltiedig â'r iaith Gymraeg).

Cwestiwn 6

Egliurwch sut y gellid llunio neu newid y polisi arfaethedig er mwyn:

- I. cael effaith gadarnhaol neu gynyddu'r effaith gadarnhaol ar gyfleoedd i bobl ddefnyddio'r iaith Gymraeg ac ar beidio â thrin y Gymraeg yn llai bobl ddefnyddio'r iaith Gymraeg ac ar sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffatriol na'r Saesneg; a
- II. osgoi unrhyw effaith niweidiol ar gyfleoedd i bobl ddefnyddio'r iaith Gymraeg ac ar sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffatriol na'r Saesneg.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad.

- Ystyri'r bod ystyriaethau sy'n ymwneud â'r iaith Gymraeg yn amherthnasol i'r cynnig deddfwriaethol. Nododd ymatebwyr nad yw'r cynnig deddfwriaethol yn berthnasol i'r iaith Gymraeg mewn unrhyw ffordd.
- Dylid cyfleu'r holl wybodaeth sy'n ymwneud â'r cynnig a'i weithrediad yn ddwyieithog. Pwysleisiodd ymatebwyr y dylai'r holl ddeunydd cyfathrebu a'r holl ddeunyddiau a ddosbarthir fod ar gael yn Gymraeg ac yn Saesneg.
- Nid oes angen gwneud unrhyw newidiadau i'r cynnig deddfwriaethol. Nododd ymarferwyr bod gofynion yn bodoli eisoes er mwyn sicrhau na chaff y Gymraeg ei thrin mewn ffordd lai ffatriol na'r Saesneg.

At ei gilydd, cafwyd 717 o ymatebion i'r cwestiwn hwn. Y thema a gododd amlaf mewn ymatebion oedd y ffai'n bod ymatebwyr yn barnu bod ystyriaethau sy'n ymwneud â'r iaith Gymraeg yn amherthnasol i'r cynnig i ddileu amddiffyniad cosb resymol. Roedd hyn yn cynnwys ymatebion yr oeddent yn cwestiynu pa mor berthnasol yw'r cwestiwn o fewn yr ymgynghoriad; gan nodi nad ydynt yn teimlo bod unrhyw gyswilt rhwng yr iaith Gymraeg a'r cynnig; neu'n llai aml, gan nodi na fydd y cynnig yn cael unrhyw effaith (cadarnhaol na negyddol) ar yr iaith Gymraeg gan nad yw'r materion yn rhai cysylltiedig.

Y thema nesaf a gododd amlaf yn yr ymatebion oedd y dylid cyfleu'r holl wybodaeth ynghylch y cynnig a'i weithrediad yn ddwyieithog. Yn arbennig, roedd hyn yn cynnwys ymatebion a oedd yn pwysleisio y dylai'r holl ddeunydd cyfathrebu a'r deunyddiau i'w dosbarthu fod ar gael yn Gymraeg ac yn Saesneg. Mae enghreifftiau o ddulliau cyfathrebu y dylent fod yn ddwyieithog yn cynnwys dogfennau polisi, poster, ffurflen i a llwyfannau cyfryngau cymdeithasol. Roedd yr ymatebion hyn yn pwysleisio hefyd y dylid darparu'r holl gymorth a hyfforddiant sy'n ymwneud â'r cynnig a'i weithrediad yn ddwyieithog.

O blith y rhai na wnaethant ateb y cwestiwn cychwynnol (cyfanswm o 350), roedd 20 wedi mynegi sylwadau ychwanegol, er nad oedd y cwestiwn wedi gofyn yn benodol iddynt wneud hynny. Y thema a gododd amlaf yn yr ymatebion hyn oedd y ffaiñ, os gweithredir y cynnig deddfwriaethol, y byddai'n bwysig codi ymwybyddiaeth yr holl weithwyr proffesiynol rheng flaen o'r newidiadau deddfwriaethol a sut y cânt eu gweithredu.

gweithwyr proffesiynol rheng flaen yn glir ynghylch sut y dylid gofalu am blant, a chan bwy, tra bod ymchwil iad yn cael ei gynnal.

Yn ogystal, mae ymatebion i'r ymgynghoriad yn rhoi sylw yn weddol am i'r angen am ganllawiau neu hyfforddiant amhenodol ar gyfer gweithwyr proffesiynol rheng flaen. Nid yw'r ymatebion hyn yn nodi natur neu graddfa'r canllawiau neu'r cymorth y mae ei angen ar weithwyr proffesiynol rheng flaen, ond maent yn pwysleisio ei bod yn bendant y bydd angen canllawiau neu hyfforddiant os gweithredir y cynigion deddfwriaethol. Mae hyn yn cynnwys ymatebion sy'n nodi y dylid ymgynghori â gweithwyr rheng flaen eu hunain er mwyn penderfynu ar ganllawiau a hyfforddiant priodol.

Thema arall sy'n codi'n eithaf cyson mewn ymatebion i'r ymgynghoriad, yw y bydd angen adnoddau ychwanegol ar weithwyr proffesiynol rheng flaen er mwyn cynorthwyo gweithrediad y cynnig deddfwriaethol. Mae'r ymatebion hyn yn pwysleisio nad oes gan broffesiynau rheng flaen (megis yr heddlu a gwasanaethau cymdeithasol) adnoddau digonol yn aml er mwyn delio â'r llwythi gwaith presennol ac y byddai angen iddynt gael adnoddau ychwanegol er mwyn ymateb i lwyth gwaith a allai fod yn fwy o faint wrth ymchwilio i rieni, gofaliwyr a gwarcheidwaid yr adroddir eu bod yn defnyddio cosb gorfforol.

Y thema olaf a gododd o bryd i'w gilydd mewn ymatebion i'r ymgynghoriad oedd yr **angen i godi ymwybyddiaeth gyffredinol gweithwyr proffesiynol rheng flaen o'r newidiadau deddfwriaethol** os bydd y cynnig yn mynd yn ei flaen. Roedd yr ymatebion hyn yn cynnig safbwyntiau cyffredinol am yr angen i weithwyr proffesiynol rheng flaen fod yn meddu ar ddealltwriaeth dda o natur y newidiadau deddfwriaethol ac ymwybyddiaeth o sut a phryd y bydd newidiadau yn dod i rym. Roedd yr ymatebion yn pwysleisio bod yn rhaid bod gweithwyr proffesiynol rheng flaen yn wybodus er mwyn iddynt allu dehongli'r ddeddfwriaeth newydd yn eu gwaith o ddwydd.

Crynodeb o'r sylwadau gan unigolion a atebodd 'Nac oes' neu 'Dim syniad' i Gwestiwn 5

O blith y rhai a atebodd 'Nac oes' i'r cwestiwn cychwynnol (cyfanswm o 244), roedd 36 wedi mynegi sylwadau ychwanegol, er nad oedd y cwestiwn wedi gofyn yn benodol iddynt wneud hynny. Roedd y themâu a gododd amlat yn yr ymatebion hyn fel a ganlyn: Na fyddai gan weithwyr proffesiynol rheng flaen adnoddau digonol er mwyn gweithredu'r cynnig deddfwriaethol; nad oes angen unrhyw hyfforddiant ychwanegol; mynegi safbwyntiau cyffredinol yn erbyn y cynnig.

O blith y rhai a atebodd 'Dim syniad' i'r cwestiwn cychwynnol (cyfanswm o 361), roedd 27 wedi mynegi sylwadau ychwanegol, er nad oedd y cwestiwn wedi gofyn yn benodol iddynt wneud hynny. Roedd y themâu a gododd amlat yn yr ymatebion hyn fel a ganlyn: Nad oedd yr ymatebwyr yn gwybod a oes angen mwy o ganllawiau neu hyfforddiant; mynegi safbwyntiau cyffredinol yn erbyn y cynnig; ei bod yn debygol y byddai angen canllawiau neu hyfforddiant ychwanegol amhenodol ac y dylid ymgynghori â gweithwyr proffesiynol rheng flaen eu hunain.

Thema arall a gododd yn aml yn yr ymatebion i'r ymgynghoriad oedd bod yn rhaid i weithwyr proffesiynol rheng flaen gael **canllawiau a hyfforddiant ynghylch sut i gynorthwyo lles teuluoedd yn ystod ymchwiladau**. Fwysleisiodd ymatebwyr y byddai'r prosesau o adrodd am ac ymchwilio i ddefnydd amheus o gosb gorfforol o fewn teuluoedd yn cael effaith negyddol ar les plant a'u rhieni, eu gofaliwyr neu eu gwarcheidwaid. Yn arbennig, nododd ymatebwyr bod yn rhaid bod gweithwyr proffesiynol rheng flaen yn gallu cynorthwyo a gofalu am blant y mae eu rhieni, eu gofaliwyr neu eu gwarcheidwaid yn destun ymchwilad, gan gynnwys lleihau unrhyw offid posibl i'r plant gymaint ag y bo modd. Mae hyn yn cynnwys sicrhau bod

“Credaf y dylai gweithwyr proffesiynol fod yn gallu gwahaniaethu rhwng rhieni sy'n disgyblu mewn ffordd gariadus a'r rhai sy'n cam-drin ac yn gwneud dolur i blant diniwed oherwydd eu hamgylchiadau neu oherwydd diffyg gwybodadaeth. Ceir gwahaniaeth enfawr rhwng y ddau a dylai gweithwyr proffesiynol fod yn gallu gweld bod y ddau yn berthau ar wahân, gan gymryd camau priodol er mwyn diogelu'r rhai sydd mewn perygl o gael eu cam-drin.”

Yn yr un modd, un thema a gododd yn aml yn yr ymatebion i'r ymgynghoriad oedd bod yn rhaid bod gweithwyr proffesiynol rheng flaen yn cael eu cam-drin yn y disgyblu derbynol neu a oes arwyddion o'r ffath bod plant yn cael eu cam-drin yn y teulu; roedd yr ymatebion hyn yn aml yn pwysleisio'r thema hon er mwyn mynegi anghytnudeb â'r cynnig deddfwriaethol. Mae hyn yn cynnwys yr angen i weithwyr proffesiynol rheng flaen ddefnyddio eu disgresiwn er mwyn nodi achosion lle y defnyddir cosb gorfforol ond dim ond dan amgylchiadau derbyniol, gan nodi achosion lle y mae'r defnydd a wneir o gosb gorfforol yn cyfateb â cham-drin plant mewn ffordd glir. Mae hyn hefyd yn cynnwys defnyddio disgresiwn wrth adrodd am ac ymchwilio i gosb gorfforol (yn hytrach na cham-drin plant) er mwyn osgoi troseddoli rhieni, gofaliwyr a gwarcheidwaid.

“Mae'n hantodol bod yr holl weithwyr proffesiynol rheng flaen dan sylw yn meddu ar yr un ddealltwriaeth o'r hyn y byddai modd ei ystyried fel ymosod gan rieni a'r camau a ystyritir yn rhai priodol ac y maent er budd pennaf y plant”.

Thema arall a gododd yn aml yn yr ymatebion i'r ymgynghoriad oedd y bydd angen i weithwyr proffesiynol rheng flaen gael **diffiniadau clir a diamwys o ymddygiad sy'n cael ei gynnwys yn y cynnig deddfwriaethol**. Nododd yr ymatebion y byddai'n hantodol bod yr holl weithwyr proffesiynol rheng flaen yn meddu ar ddealltwriaeth gyson a diamwys o union natur y gosb gorfforol na chaff ei hamddiffyn gan ddeddfwriaeth mwyach. Mae hyn yn cynnwys darparu canllawiau clir er mwyn sicrhau y caiff y cynnig deddfwriaethol ei weithredu mewn ffordd gyson ar draws Cymru ac ar draws gwahanol weithwyr proffesiynol rheng flaen, yn ogystal â nodi'n glir pan fydd disgwyl – ac os bydd disgwyl – i weithwyr proffesiynol rheng flaen arfer eu barn eu hunain.

mwyn eu galluogi i gynnig cymorth priodol i rieni a gofaliwyr tuag at ddeuwisiadau rhianta mwy cadarnhaol”.

"Er mwyn cynorthwyo'r egwyddor o sicrhau mai'r dewis cywir yw'r dewis hawdd, dylid darparu hyfforddiant i staff rheng flaen yn y sector statudol a'r trydydd sector sy'n gweithio gyda theuluoedd er

rhianta sy'n newid o fewn teuluoedd.

canllawiau ynghylch dulliau rheoli ymddygiad amgen, datblygiad plant a diwyllianau gwarcheidiad ar ôl i'r newidiadau deddfwriaethol ddod i rym; er enghraifft, gael hyfforddiant er mwyn cynnig canllawiau rhianta ychwanegol i rieni, gofalwyr a pwysleisiodd ymatebwyr hefyd y bydd yn rhaid i weithwyr proffesiynol rheng flaen deddfwriaethol i rieni, gofalwyr neu warcheidiad sy'n destun ymchwilad. Yn olaf, proffesiynol rheng flaen yn gallu esbonio ac amddiffyn y rhesymeg dros y cynnig defnydd o gosb gorfforol. Yn ogystal, mae'n cynnwys sicrhau bod gweithwyr rhieni, gofalwyr a gwarcheidiad ynghylch sut y bydd y newidiadau yn effeithio ar eu newidiadau deddfwriaethol, sy'n caniatáu iddynt gyfathrebu mewn ffordd glir gyda sicrhau bod gan weithwyr proffesiynol rheng flaen ddealltwriaeth wych o'r **gwarcheidiad** ar ôl gweithredu'r cynnig deddfwriaethol. Mae hyn yn cynnwys **ychwanegol ynghylch ymgysylltu gyda a chynorthwyo rhieni, gofalwyr a canllawiau neu hyfforddiant** angen i weithwyr proffesiynol rheng flaen gael **canllawiau neu hyfforddiant** Y thema nesaf a gododd amlaf yn yr ymatebion i'r ymgynghoriad oedd y byddai angen i rieni sy'n defnyddio cosbedigaeth resymol".

"Bydd angen i athrawon, yr heddlu, gwasanaethau cymdeithasol, gweithwyr iechyd a sefydliadau sy'n gweithio gyda phlant, gael canllawiau clir a hyfforddiant ynghylch sut i adrodd am ac ymchwilio

gwirionedd.

gwarcheidiad a sut y byddai'r prosesau adrodd ac ymchwilio yn gweithio mewn lawn o'r prosesau cyfreithiol er mwyn adrodd am ac ymchwilio i rieni, gofalwyr a ymchwilio i ddefnydd amheus o gosb gorfforol. Roedd hyn yn cynnwys dealltwriaeth rheng flaen proffesiynol ddeall y gofynion sydd arnynt yn llawn, o ran adrodd am ac ddefnydd amheus o gosb gorfforol. Pwysleisiodd ymatebwyr bod yn rhaid i weithwyr **yn benodol am y prosesau sy'n gysylltiedig ag adrodd am ac ymchwilio i weithwyr proffesiynol rheng flaen gael canllawiau neu hyfforddiant ychwanegol** Y thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad oedd y byddai angen i

ychwanegol hwn.

proffesiynol rheng flaen. At ei gilydd, cafwyd 690 o ymatebion ansodol i'r cwestiwn Gofynnwyd i'r rhai a atebodd 'Oes' i'r cwestiwn cychwynnol gynnig manylion pellach ynghylch y canllawiau neu'r hyfforddiant sy'n ofynnol er mwyn cynorthwyo gweithwyr

Crynodeb o'r sylwadau gan unigolion a atebodd 'Oes' i Gwestiwn 5

- **Adnoddau ychwanegol** er mwyn cynorthwyo gweithrediad y cynnig deddfwriaethol. Nododd ymatebwyr nad oes gan weithwyr proffesiynol rheng flaen adnoddau digonol ar hyn o bryd.
- **Codi ymwybyddiaeth gyffredinol gweithwyr proffesiynol rheng flaen o'r newidiadau deddfwriaethol.** Roedd yr ymatebion hyn wedi mynegi safbwyntiau cyffredinol am yr angen i weithwyr proffesiynol rheng flaen fod yn meddu ar ddealltwriaeth dda o natur y newidiadau deddfwriaethol, ynghyd ag ymwybyddiaeth o sut a phryd y bydd newidiadau yn dod i rym.

Cwestiwn 5

A oes angen canllawiau neu hyfforddiant ychwanegol i gefnogi gweithwyr profesiynol rheng flaen? Os 'oes', rhwch ragor o fanylion.

Ymateb	Nifer	Canran
Oes	786	56.5%
Nac oes	244	17.5%
Ddim yn gwybod	361	26.0%
Cyfanswm	1391	100%

Sylwer: Cafwyd 350 ymateb gwag i'r cwestiwn hwn

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad.

- **Canllawiau neu hyfforddiant ychwanegol am y prosesau sy'n ymwneud ag adrodd ac ymchwilio yn benodol.** Pwysleisiodd ymatebwyr bod yn rhaid i weithwyr profesiynol rheng flaen ddeall y gofynion ar eu cyfer o ran adrodd am ac ymchwilio i ddefnydd amheus o gosb gorfforol.
- **Canllawiau neu hyfforddiant ychwanegol ynghylch ymgysylltu gyda a chynorthwyo rhieni, gofawyr a gwarcheidwaid.** Mae hyn yn cynnwys cynorthwyo gweithwyr profesiynol rheng flaen i gyfluo'r rhesymeg dros y newidiadau deddfwriaethol mewn ffordd glir i deuluoedd a chynniig cymorth gyda dulliau rheoli ymddygiad amgen.
- **Diffiniadau clir a diamwys o ymddygiad yn cael eu cynnwys yn y cynniig deddfwriaethol.** Nododd ymatebion y byddai hi'n hantodol bod gan holl weithwyr profesiynol rheng flaen ddealltwriaeth gyson a diamwys o union natur y gosb gorfforol nad yw'n cael ei hamddiffyn mwych gan ddeddfwriaeth.
- **Wedi cael hyfforddiant a chymorth er mwyn adnabod y gwahaniaeth rhwng cam-drin plant a chosb gorfforol.** Roedd yr ymatebion hyn yn pwysleisio y dylai gweithwyr profesiynol rheng flaen farnu a yw defnyddio cosb gorfforol o fewn teulu yn ddull disgyblu derbynol neu a oes arwyddion o'r ffaiith bod plant yn cael eu cam-drin.
- **Canllawiau a hyfforddiant ynghylch sut i gynorthwyo lles teuluoedd yn ystod ymchwiliadau.** Nododd ymatebwyr bod yn rhaid bod gweithwyr profesiynol rheng flaen yn gallu cynorthwyo a gofalu am blant y mae eu rhieni, eu gofawyr neu eu gwarcheidwaid yn destun ymchwillad, gan gynnwys lleihau unrhyw offid i'r plant gymaint ag y bo modd.
- **Canllawiau neu hyfforddiant amhenodol i weithwyr profesiynol rheng flaen.** Nid yw'r ymatebion hyn yn nodi natur y cymorth y mae ei angen ar weithwyr profesiynol rheng flaen, ond maent yn pwysleisio ei bod yn bendant y bydd angen canllawiau neu hyfforddiant.

iddynt yn benodol i wneud hynny. Y thema a gododd amlaf yn y sylwadau hyn oedd nad oedd gan ymatebwyr ddigon o wybodaeth na gwybodaeth i ymateb i'r cwestiwn. O blith y rhai na wnaethant ymateb i'r cwestiwn cychwynnol (cyfanswm o 332), roedd 9 wedi mynegi sylwadau ychwanegol, er nad oedd y cwestiwn yn gofyn iddynt yn benodol i wneud hynny. Y thema a gododd amlaf yn yr ymatebion hyn oedd y byddai'r newidiadau deddfwriaethol arfaethedig yn arwain at fwy o faich ar wasanaethau cyhoeddus.

O blith y rhai a atebodd 'dim syniad' i'r cwestiwn cychwynnol (cyfanswm o 339), roedd 42 wedi mynegi sylwadau ychwanegol, er nad oedd y cwestiwn yn gofyn

O blith y rhai a atebodd 'ydw' i'r cwestiwn cychwynnol (cyfanswm o 611), roedd 56 wedi mynegi sylwadau ychwanegol er nad oedd y cwestiwn yn gofyn iddynt yn benodol i wneud hynny. Y ddwy thema a gododd amlaf yn y sylwadau hyn oedd cytundeb cyffredinol yr ymatebwyd gyda dealltwriaeth Llywodraeth Cymru o'r effeithiau posibl ar gyffwrdd cyhoeddus a phwyslais ar y ffaith ychwanegol y gallai'r cynnig deddfwriaethol ei rhoi ar gyffwrdd cyhoeddus.

Sylwadau gan unigolion a atebodd 'Ydw' neu 'Dim syniad' i Gwestiwn 4

Y thema olaf a gododd yn weddol aml yn yr ymatebion i'r ymgynghoriad oedd **pryder y byddai'r cynnig deddfwriaethol yn cael ei weithredu mewn ffordd angysgon neu y byddai'n cael ei gamddefyddio**. Mlynegwyd pryder gan yr ymatebwyr y byddai'r newidadau deddfwriaethol yn cael eu camddefyddio gan deuluoedd neu gan gymunedau yn ystod anghydfodau neu y byddent yn cael eu defnyddio trwy ddamwain neu mewn ffordd amhriodol gan blant eu hunain. Weithiau, mynegwyd pryder gan ymatebwyr hefyd ynghylch y ffaith y gallai'r deddfwriaeth gael ei gweithredu mewn ffordd angysgon, gan ddibynnu ar ba mor rhagweithiol y byddai'r cyhoeddus a gweithiwyr proffesiynol gwasanaethau cyhoeddus wrth adrodd am unrhyw ddefnydd amheus o gosb gorfforol.

Thema arall a gododd yn weddol aml yn yr ymatebion i'r ymgynghoriad oedd y ffaith **nad yw hi'n debygol bod effaith y cynnig deddfwriaethol ar gyffwrdd cyhoeddus wedi cael ei sylweddoli yn llawn neu na ellir ei hamcangyfrif yn fanwl**. Soniodd ymatebwyr ei bod yn annhebygol bod graddfa'r effaith ar gyffwrdd cyhoeddus wedi cael ei sylweddoli'n llawn yn gyffredinol, gan gynnwys nifer yr achosion sy'n debygol o godi, lle y caiff cosb gorfforol ei amau. Weithiau, pwysleisiodd yr ymatebwyr hefyd ei bod yn anodd iawn neu'n amhosibl amcangyfrif yr effaith ar gyffwrdd cyhoeddus mewn unrhyw fanylder.

"Dan eich cynigion chi, byddai rheidrwdd ar unrhyw un sy'n gweithio mewn sefydliad cyhoeddus, megis ysgol, meddygfa, gwasanaethau cymdeithasol ac ati, adrodd am riant pe byddent yn clywed bod plentyn yn cael eu smacio yn y cartref. Byddai hyn yn creu diffyg ymddiriedaeth yn syth rhwng y cyfrif hyn a'r teuluoedd y maent yn eu gwasanaethu".

Y thema nesaf a gododd yn aml yn yr ymatebion i'r ymgynghoriad oedd y byddai gweithredu'r cynnig deddfwriaethol yn **niweidio'r ymddiriedaeth a'r berthynas sy'n bodoli eisoes rhwng cyffwrdd cyhoeddus a theuluoedd**. Yn arbennig, pwysleisiodd ymatebwyr y byddai'r ddyletswydd ar gyffwrdd cyhoeddus megis ysgolion, gwasanaethau iechyd a gwasanaethau cymdeithasol i adrodd am achosion pan geir amheuaeth bod cosb gorfforol yn cael ei defnyddio, yn niweidio'r perthnasoedd llawn ymddiriedaeth sy'n bodoli rhwng cyffwrdd cyhoeddus o'r fath a'r teuluoedd y maent yn eu cynorthwyo yn rheolaidd. Weithiau, pwysleisiodd ymatebwyr y gallai gweithredu'r cynnig deddfwriaethol gynyddu dieithrwch rhwng y cyhoeddus a'r awdurdodau sy'n gweithredu'r cynnig.

- Pryder y byddai'r cynnig deddfwriaethol yn cael ei weithredu mewn ffordd anghyson neu'n cael ei gamddefnyddio. Weithiau, mynegwyd pryder gan ymatebwyr y gallai'r deddfwriaeth gael ei chamddefnyddio yn ystod anghydfodau teuluo neu gymunedol, neu ei hadrodd mewn ffordd anghyson gan y cyhoedd a chan weithwyr proffesiynol gwasanaethau cyhoeddus.

Crynodeb o'r sylwadau a wnaethpwyd gan unigolion a atebodd 'Nac ydw' i Gwestiwn 4

Y thema a gododd amlat yn yr ymatebion i'r ymgynghoriad oedd y ffaiith y byddai gweithredu'r cynnig deddfwriaethol yn **creu baich ormodol sylweddol ar gyrrff cyhoeddus**. Pwysleisiodd ymatebwyr bod y cyrrff cyhoeddus dan sylw – megis gwasanaethau cymdeithasol a sefydliadau gorfodi'r gyffraith – eisoes heb fod yn medu ar adnoddau digonol (ariannol nac adnoddau staff) er mwyn delio â'u llwyth gwaith presennol. Nodwyd y byddai gweithredu'r cynnig deddfwriaethol yn creu llwyth gwaith ychwanegol ar wasanaethau cyhoeddus, ac y byddent yn cael anhawster ei gwblhau o fewn eu hadnoddau presennol. Mewn rhai achosion, nododd yr ymatebion yn benodol bod y llwyth gwaith ychwanegol hwn yn faich dianghenraid i'w rhai ar wasanaethau cyhoeddus y maent eisoes dan ormod o faich, gan bod y cynnig deddfwriaethol ei hun yn ddianghenraid.

"Bydd hyn yn peri problemau i setydliadau sy'n gorfodi'r gyffraith, gwasanaethau cymdeithasol, ysgolion ac asiantaethau eraill. Mae'r holl asiantaethau eisoes yn ei chael hi'n anodd ymdopi â'u llwyth gwaith a bydddech chi'n creu mwy o waith dianghenraid".

Y thema nesaf a gododd amlat yn yr ymatebion i'r ymgynghoriad oedd y byddai gweithredu'r cynnig deddfwriaethol yn **dargyfeirio adnoddau gwasanaethau cyhoeddus i ffwrdd o droseddau neu faterion a ystyri'r yn rhai mwy diffriol** gan ymatebwyr. Yn aml, roedd y thema hon yn gysylltiedig â thema rhoi gormod o faich ar wasanaethau cymdeithasol, wrth i'r ymatebwyr nodi y byddai adnoddau cyfyngedig gwasanaethau cyhoeddus yn cael eu dargyfeirio tuag at ganolbwyntio ar weithredu'r cynnig deddfwriaethol, yn hytrach na chanolbwyntio ar droseddau neu faterion cyhoeddus sy'n fwy diffriol ym marn yr ymatebwyr. Cafwyd enghreifftiau gan ymatebwyr o droseddau neu faterion cyhoeddus y byddai adnoddau yn cael eu dargyfeirio oddi wrthynt, gan gynnwys cam-drin plant, cynorthwyo plant agored iawn i niwed, troseddau cyffredinol eraill a rhoi sylw i faterion cenedlaethol megis tlodi.

"Dwyedir wrthym bod gormod o waith gan y Gwasanaethau cymdeithasol a'r Heddlu, ac mae'n anochel y byddai ychwanegu i'w lwyth gwaith yr asiantaethau hyn pe byddai amddiffyniad cosb resymol yn cael ei ddileu yn arwain at blant sy'n wirioneddol agored i niwed ac y maent mewn perygl go iawn o gael eu cam-drin neu eu hesguluso, yn cael eu hesguluso gan yr asiantaethau y maent i fod eu diogelu".

Thema arall a gododd yn aml yn yr ymatebion i'r ymgynghoriad oedd **beirniadaeth gyffredinol o'r cynnig deddfwriaethol cyfan**. Nid oedd yr ymatebion hyn yn cyfeirio'n uniongyrchol at yr effaiith ar gyrrff cyhoeddus, ond roeddent yn mynegi sylwadau cyffredinol yn anghytuno â'r cynnig deddfwriaethol, gan nodi na ddylid bwrw ymlaen â'r cynnig deddfwriaethol yn eu barn nhw.

Cwestiwn 4

A ydych chi'n cytuno â'n dealltwriaeth o'r effeithiau posibl ar gyrrff cyhoeddus yng Nghymru yn sgîl y cynnig deddfwriaethol? Os 'nac ydych chi, pam ddim?

Ymateb	Nifer	Canran
Ydw	611	43.4%
Nac ydw	459	32.6%
Ddim yn gwybod	339	24.1%
Cyfanswm	1409	100%

Sylwer: Cafwyd 332 ymateb gwag i'r cwestiwn hwn

Dim ond 26 ymateb a nodwyd fel rhai a wnaethpwyd gan setydliadau, ac o bllith y rhain, dim ond 6 a nododd eu bod yn gyrrff cyhoeddus. Felly, ni chynhaliwyd dadansoddiad ar wahân o safbwyntiau'r 6 chorff cyhoeddus hwn (er bod safbwyntiau'r 26 setydliad wedi cael eu cynnwys yn y dadansoddiad cyffredinol a gyflwynir isod).

Gofynnwyd i'r rhai a atebodd 'Nac ydw' i'r cwestiwn cychwynnol i nodi pam nad oeddent yn cytuno â dealltwriaeth Llywodraeth Cymru o'r effeithiau posibl ar gyrrff cyhoeddus yng Nghymru. At ei gilydd, cafwyd 395 o ymatebion anoddol gan ymatebwyr a atebodd 'Nac ydw' i'r cwestiwn hwn.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad.

- **Byddai gweithredur cynnig deddfwriaethol yn rhoi llawer gormod o faich ar gyrrff cyhoeddus.** Fwysleisiodd ymatebwyr nad yw'r cyrrff cyhoeddus yn cael digon o adnoddau yn barod, ac y byddent yn ei chael hi'n anodd delio â'r llwyth gwaith ychwanegol.
- **Byddai gweithredur cynnig deddfwriaethol yn dargyfeirio adnoddau gwasanaethau cyhoeddus i ffordd o droseddau neu faterion y berrir eu bod yn rhai mwy difrifol.** Nododd ymatebwyr y byddai adnoddau cyfyngedig cyrrff cyhoeddus yn cael eu dargyfeirio o faterion sy'n fwy difrifol ym marn yr ymatebwyr, megis cam-drin plant.
- **Byddai gweithredur cynnig deddfwriaethol yn niweidio'r ymddiriedaeth a'r berthynas sy'n bodoli eisoes rhwng cyrrff cyhoeddus a theuluoedd.** Yn arbennig, nododd ymatebwyr y bydd dyletswydd ysgolion a gweithwyr proffesiynol iechyd a gwasanaethau cymdeithasol i adrodd pan fyddant yn amau bod cosb gorfforol yn cael ei defnyddio, yn arwain at berthynas o ddifffyg ymddiriedaeth rhwng y gweithwyr proffesiynol hynny a theuluoedd.
- **Mae'n debygol na sylweddolir effaith lawn y cynnig deddfwriaethol ar gyrrff cyhoeddus neu nad oes modd ei amcangyfrif yn fanwl.** Mynegwyd pryder gan ymatebwyr nad yw'r effaith ar gyrrff cyhoeddus wedi cael ei hamcangyfrif yn fanwl ac y gallai fod yn anodd gwneud hynny.

“[Cosb gorfforol yw] unrhyw achos o daro plentyn, os yw'n gadael ôl
 yn ogystal, nododd ymatebwyr bod hyd y cyfnod y mae'r weithred o gosbi yn para yn
 ffactor arall a oedd yn diffinio 'cosb gorfforol' ac a oedd yn ei wahaniaethu rhwng
 achosion mwy treisgar o gam-drin plant: ystyri'r 'cosb gorfforol' fel rhywbeth
 tymor byr a chyllym; ni ystyri'r trais parhaus neu ymosodiad estynedig fel
 cosb gorfforol.

**Mae ymatebwyr yn cyfeirio at ddiffiniadau safonol neu gyfreithiol o gosb
 gorfforol a ddefnyddir eisoes.** Mae ymatebion o'r fath yn cyfeirio mewn ffordd
 gyffredinol at ddiffiniadau y mae'n debygol eu bod yn bodoli mewn deddfwriaeth
 neu'n cyfeirio at ddiffiniadau penodol o eiriaduron neu ddogfennau cyfreithiol.
 Cyfeiriodd ymatebwyr at ddiffiniad Consensiwn y Cenhedloedd Unedig ar Hawliau'r
 Plentyn o gosb gorfforol fel “unrhyw gosb lle y defnyddir nerth corfforol ac y bwriedir
 iddo achosi rhywfaint o boen neu anesmwythdra, waeth pa mor ysgafn ydyw”.

“Ystyriat mai cosb gorfforol yw defnyddio cosb gorfforol niweidiol.
 Mae hwn yn rhywbeth a gaiff ei wahardd eisoes mewn ffordd
 ddigonol mewn deddfwriaeth sy'n bodoli eisoes.”

“Mae diffiniad CCUHP yn glir iawn ac yn ddefnyddiol yma: unrhyw
 gosb lle y defnyddir nerth corfforol ac y bwriedir iddo achosi
 rhywfaint o boen neu anesmwythdra, waeth pa mor ysgafn ydyw.
 Mae Consensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn
 ddiamwys – mae pob math o gosb gorfforol ar blant yn annerbyniol.”

**Yn ogystal, mynegodd ymatebwyr y farn y gall cosb gorfforol gynnwys
 defnyddio cosbau anghorfforol ar blant.** Mae'r rhain yn cynnwys cosbau sy'n
 ceisio cael effeithiau emosiynol neu seicolegol, gan gynnwys dal plant mewn man ar
 eu pen eu hunain neu gosbi gormodol ar lafar.

“Unrhyw ddefnydd o nerth corfforol neu fychanu emosiynol gyda'r
 nod o ddissgyblu plentyn neu o newid eu hymddygiad.”

“Anton plentyn i rywle i fod ar eu pen eu hunain h.y. dos i dy ystafell
 (am gyfnodau hir). Cam-drin diraddiol ar lafar a gynlluniwyd i leihau
 hunan-barch plentyn.”

“Unrhyw weithred y bwriedir iddi achosi dolur neu niwed, boed
 hynny'n gorfforol neu'n feddyliol, gan gynnwys ymosodiadau ar lafar
 sy'n diraddio ac yn sarhau plant.”

"Nid cosb gorfforol yw smacio plentyn ar gefn eu coesau neu ar eu pen-ol. Mae taro plentyn gyda chanssen/gwregys/gwrthrych caled yn gosb gorfforol. Ceir gwahaniaeth cilr rhwng curo plentyn a rhoi smac fach iddynt."

Nododd ymatebwyr yn aml eu bod yn dehongli 'cosb gorfforol' fel rhywbeth sy'n cynnwys defnyddio offeryn neu wrthrych er mwyn taro plentyn. Yn aml, nododd ymatebwyr y math o offerynnau neu wrthrychau a ddefnyddiwyd er mwyn taro plant fel rhan o gosb gorfforol. Barnwyd bod defnyddio cansen, gwregys, pren mesur neu esgid yn cyfateb â chosb gorfforol i nifer o ymatebwyr.

Yn ogystal, cyfeiriodd ymatebwyr at wahaniaeth rhwng disgyblaeth bwyllog ac ystyriol, sy'n cynnwys cosb gorfforol, a tharo ymosodol, mympwyl neu afreolus sy'n mynd y tu hwnt i 'gosb gorfforol' ac sy'n enghraifft o gam-drin.

"Caiff disgyblaeth gorfforol adeiladol ei diffinio fel smac gyda llaw agored ar y traed a'r dwyllo neu'r pen-ol, a rhoi chip din cymedrol i blentyn, gan ddefnyddio llaw agored, nad yw ei effaith "yn fwy na choch'r croen dros dro". Dylid ystyried unrhyw beth arall fel cam-drin, gan gynnwys smacio wneud neu ben y plentyn, defnyddio offeryn (gwregys neu bren mesur), unrhyw weithred sy'n gadael ol a chleisiau neu'n waeth, nerth a ddefnyddir pan fo rhywun yn ddig gyda'r nod o beri niwed."

"Dim estyn ergyd ar ol gwylltio, ond smac dan reolaeth ar ol rhoi rhybudd ac esboniad."

"Mae curo, dyrnu, chwipio, estyn ergyd, taro, tynnu gwallt, pinsio, ac ati yn fathau annerbnyiol o gosb gorfforol. Yn bendant, NID cosb gorfforol yw smacio heb ddefnyddio grym gormodol ac mewn cyd-destun diglyffro a chariadus fel rhiant."

Nododd ymatebwyr eraill bod gweithredoedd ac ymddygiad sy'n cyfateb â 'chosb gorfforol' yn dibynnu ar yr effeithiau neu'r ol sy'n cael eu gadael ar blentyn. Nododd rhai bod unrhyw fath o gosb gorfforol sy'n gadael ol yn ormodol ac yn mynd y tu hwnt i'r hyn sy'n dderbyniol. Nododd eraill mai 'cosb gorfforol' yw 'slap nad yw'n gadael ol am gyfnod hir'.

Roedd tystiolaeth o'r ymgynghoriad wedi datgelu gwahaniaeth barn a gwahaniaethau o ran dehongliad ynghylch y mater hwn.

"Cosb gorfforol sy'n gadael ol/cleisiau ar y plentyn, y maent yn para mwyl nag ychydig funudau."

"Dim ond cosb nad yw'n gadael unrhyw ol ac na fyddai modd ei ddehongli fel cosb gorfforol mewn unrhyw ffordd y mae'r ddeddfwriaeth gyfrisedol yn ei ganiatáu."

I eraill, nid oedd gadael ol yn ffactor pwysig wrth bennu'r hyn sy'n cyfateb â 'chosb gorfforol'.

- Mae ymatebwyr yn cyfeirio at **ddiffiniadau safonol neu gyfreithiol** o gosb gorrforol. Mae ymatebion o'r fath yn cyfeirio mewn ffordd gyffredinol at ddiffiniadau y mae'n debygol eu bod yn bodoli mewn deddfwriaeth neu y maent yn cyfeirio at ddiffiniadau penodol o eiriaduron neu ddogfennau cyfreithiol.
- **Codir cosbau anghorrforol hefyd**, megis cosb emosiynol neu feddyliol. Mae enghreifftiau yn cynnwys cadw plant mewn man ar eu pen eu hunain neu weiddi.

Mae ymatebwyr yn aml yn diffinio 'cosb gorrforol' ['corporal punishment'] **fel cosb gorrforol** [physical punishment] **o unrhyw fath**, gan gynnwys 'smacio ysgafn'.

“Unrhyw fath o gyswilt corfforol a gyflawnir er mwyn cywiro ymddygiad.”

“Unrhyw gosbedigaeth gorrforol i blentyn, gan gynnwys smacio.”

“Unrhyw weithredu neu gyfarwyddyd cosbol bwriadol y mae ei ddiben neu ei effaith yn cyfateb â pheri poen corfforol neu annffyrddwch i blentyn.”

Dehongliwyd hyn i gynnwys 'ataliaeth gorrforol nerthol' gan rai ymatebwyr. Fodd bynnag, roedd ymatebwyr eraill wedi nodi bod gwahaniaeth cilir rhwng cosb gorrforol a'r weithred o atal plant er mwyn sicrhau eu diogelwch.

“Ni fyddwn yn ystyried bod gweithredoedd sy'n ataliaethau rhesymol o blant er mwyn eu cadw rhag perygl, yn cyfateb â chosb gorrforol.”

Nododd ymatebwyr yn gyson bod cosb gorrforol yn cynnwys taro plentyn, gyda llaw fel arfer. Defnyddiwyd ystod eang o weithredoedd er mwyn dynodi cosb gorrforol, a'r rhai mwyaf cyffredin oedd smacio, taro, slapio, gwrthio ac ysgwyd. Yn ogystal, nododd ymatebwyr yn aml bod cosb gorrforol yn cynnwys taro gyda llaw agored yn hytrach na dwrn caeedig.

“Mae smacio yn cael ei gyflawni gyda llaw agored ac ni ddylai achosi cleisiau. Mae'n amlwg bod taro plentyn neu unrhyw un gyda gwrthrych neu ddwrn caeedig yn llawer mwy na smacio – cam-drin [ydyw].”

“[Cosb gorrforol yw] taro gan ddefnyddio unrhyw beth ac eithrio llaw agored (sliper, gwregys ac ati).”

Nododd nifer o ymatebwyr bod smacio gan ddefnyddio llaw agored yn cyfateb â chosb gorrforol 'resymol'.

“Nid 'cosb gorrforol' yw smacio ysgafn nad yw'n digwydd yn aml. Mae cosbedigaeth resymol wedi bod yn y Gyfraith ers cryn amser.”

Nododd ymatebwyr eraill bod cosb gorrforol yn cynnwys taro plentyn ar rannau penodol o'u corff. Nododd ymatebwyr rannau o'r corff lle y gallai plentyn gael eu taro yn ystod cosb gorrforol, megis eu cluniau neu eu dwylo.

“Byddai smacio ar y llaw neu'r coesau yn 'gosb gorrforol' resymol.”

Cwestiwn 3

Pa fath o weithrediadau/ymddygiadau fydddech chi'n ystyried eu bod yn enghreifftiau o 'gosh gorfforol'?⁶

Cafwyd 1,263 o ymatebion i'r cwestiwn hwn, set nifer uchaf yr ymatebion ysgrifenedig i'r cwestiynau yn yr ymgynghoriad. Roedd y sylwadau ysgrifenedig yn amrywio'n fawr: dewisodd nifer o ymatebwyr gynig rhesrau byr o weithredodedd (enghreifftiau o gosbau) sy'n cyfateb â 'chosh gorfforol' yn eu barn nhw. Roedd eraill wedi cynnig manylion pellach, gan wahaniaethu rhwng gweithredodedd penodol sy'n cyfateb â 'chosh gorfforol' yn eu barn nhw. Mewn rhai achosion, cyfeiriodd ymatebwyr at ddiffiniadau penodol a nodir mewn deddfwriaeth ac mewn ffinonellau eraill. Mae'n arwyddocaol bod ymatebion i'r ymgynghoriad yn datgelu gwahaniaethau rhwng dealltwriaethau a dehongliadau o 'gosh gorfforol'.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad.

- **Mae unrhyw fath o gosh gorfforol** [physical punishment] o gwbl yn cyfateb â chosh gorfforol [corporal punishment].
- **Mae cosb gorfforol yn cynnwys taro plentyn, gyda llaw fel arfer.** Defnyddir ystod eang o derminoleg er mwyn dynodi taro plentyn, megis bwrw, smacio neu siapio. Mae ymatebwyr yn nodi hefyd bod cosb gorfforol yn cynnwys taro gyda llaw agored yn hytrach na dwrn caeedig.
- **Mae cosb gorfforol yn cynnwys taro plentyn ar rannau penodol o'u corff.** Mae ymatebwyr yn nodi rhannau o'r corff lle y gallai plant gael eu taro wrth gael cosb gorfforol, megis y cluniau neu'r dwylo.
- **Mae cosb gorfforol yn cynnwys defnyddio offeryn neu wrthrych er mwyn taro plentyn.** Yn aml, mae ymatebwyr yn nodi'r math o offerynnau neu wrthrychau a ddefnyddir er mwyn taro plant yn ystod cosb gorfforol, neu maent yn nodi bod unrhyw fath o offeryn neu wrthrych yn cyfateb â chosh gorfforol.
- **Gwahaniaethau rhwng disgyblaeth bwyllog ac ystyriol, sy'n cyfateb â chosh gorfforol, a tharo ymosodol a heb fod dan reolaeth, nad yw'n cyfateb â chosh gorfforol.**
- **Mae cosb gorfforol yn debygol o adael rhyw ôl corfforol yn y tymor byr ar y plentyn, megis marc llaw.** Ni ddylai adael ôl dros y tymor hwy.
- **Ystyrrir bod cosb gorfforol yn rhywbeth cyflym a dros y tymor byr;** ni ystyrrir bod trais parhaus neu ymosodiad estynedig yn gosh gorfforol.

⁶ Noder: geiriad y cwestiwn hwn yn Saesneg oedd: *What types of actions/behaviours would you consider to be 'corporal punishment'?*

sylwadau hyn oedd nad oes angen unrhyw fecanweithiau cymorth ychwanegol gan na ddylai'r llywodraeth ymyrryd ymhellach mewn bywyd teuluo.

O blith y rhai a atebodd 'dim syniad' i'r cwestiwn cychwynnol (cyfanswm o 395), roedd 78 wedi mynegi sylwadau ychwanegol er gwaethaf y ffai'n nad oedd y cwestiwn wedi cynnwys gwahoddiad penodol iddynt wneud hynny. Unwaith eto, y thema a gododd amiaf yn y sylwadau hyn oedd nad oes angen unrhyw fecanweithiau cymorth ychwanegol gan na ddylai'r llywodraeth ymyrryd ymhellach mewn bywyd teuluo. Nododd ymatebwyr y dylai mecanweithiau cymorth rymuso rhieni i barhau i rianta yn unol â'u gwybodaeth a'u barn nhw.

O blith y rhai na atebodd y cwestiwn cychwynnol (cyfanswm o 83), roedd 25 wedi darparu sylwadau ychwanegol er gwaethaf y ffai'n nad oedd y cwestiwn wedi cynnwys gwahoddiad penodol iddynt wneud hynny. Y themâu a gododd amiaf yn y sylwadau hyn oedd y dylid darparu cymorth ychwanegol er mwyn meithrin sgiliau rianta (sgiliau rhianta cadarnhaol yn arbennig), yn ogystal â mwy o fynediad i wasanaethau cymunedol a gwasanaethau'r sector cyhoeddus.

deddfwriaethol, ond yn hytrach, y dyli'r system eu cynorthwyo i reoli eu bywyd teuluo! mewn ffordd resymol, heb ddylanwadau allanol.

Thema gyffredin arall oedd bod **codi ymwybyddiaeth rhieni, gofaliwr a gwarcheidwaid o'r newidiadau deddfwriaethol arfaethedig** yn bwysig. Roedd hyn yn cynnwys codi ymwybyddiaeth o'r newid deddfwriaethol arfaethedig a'r hyn y byddai ei weithrediad yn ei olygu i rieni, gofaliwr a gwarcheidwaid; pwysleisiodd ymatebwyr bod angen cael ymgyrchoedd a negeseuon clir. Roedd y thema hon yn cynnwys codi ymwybyddiaeth y cyhoedd o'r rhesymeg y tu ôl i'r newidiadau deddfwriaethol arfaethedig, gan gynnwys y dulliau rheoli ymddygiad amgen sydd ar gael i rieni, gofaliwr a gwarcheidwaid.

Roedd pwysigrwydd **addysgu plant a phobl ifanc i gynorthwyo ymddygiad da** wedi codi sawl gwaith hefyd. Roedd y thema hon yn cynnwys addysgu plant a phobl ifanc mewn ffordd effeithiol er mwyn sicrhau ymddygiad da yn yr ysgol, yn y cartref ac mewn cymdeithas. Yn ogystal, roedd yn cynnwys addysgu plant a phobl ifanc am y sgiliau sy'n angenrheidiol er mwyn datblygu eu teuluoedd nhw fel oedolion, a sgiliau rhianta yn arbennig.

“Mae angen i ni addysgu plant yr hyn sy'n dda ac yn ddrg, felly pan fyddant yn dod yn rhieni eu hunain, gallant wneud y penderfyniad cywir ynghylch dulliau/dulliau gweithredu er mwyn addysgu eu plant”.

Yn yr un modd, o bryd i'w gilydd, cyfeiriodd sylwadau ymatebwyr at yr angen i **ysgolon ddarparu cymorth ac arweiniad i rieni, gofaliwr a gwarcheidwaid**. Awgrymodd ymatebwyr bod cwmpas i ysgolion sicrhau dilyniant o ran rheoli ymddygiad rhwng amgylchedd y cartref ac amgylchedd yr ysgol, yn ogystal â darparu cymorth ac arweiniad i rieni, gofaliwr a gwarcheidwaid ynghylch sgiliau rhianta a rheoli ymddygiad.

Y thema olaf a gododd o bryd i'w gilydd mewn ymatebion i'r ymgynghoriad oedd yr **angen i roi sylw i amgylchiadau cymdeithasol, economaidd a phersonol ehangach teuluoedd**, sy'n ymwneud ag ymddygiad plant a gweithrededd rhieni. Nododd ymatebwyr y gall teuluoedd wnebu ystod eang o siatensiau cymdeithasol, economaidd neu sy'n gysylltiedig ag iechyd, y gallent gael effaith negyddol ar sgiliau rhianta rhieni, gofaliwr neu warcheidwaid.

“Cymorth wneub-yn-wneub gwell i rieni, yn enwedig y rhai sy'n rhieni am y tro cyntaf, ac y maent yn nodi eu bod yn cael anawsterau gyda'u hiechyd meddwl, y maent yn anawsterau tymor byr neu sydd wedi bodoli ers tro; yn enwedig iselder ôl-enedigol”.

Crynodeb o'r sylwadau gan unigolion a atebodd 'Nac oes' i Gwestiwn 2

O blith y rhai a atebodd 'Nac oes' i'r cwestiwn cychwynnol (cyfanswm o 342), roedd 36 wedi mynegi sylwadau ychwanegol er gwaethaf y ffait'h nad oedd y cwestiwn wedi cynnwys gwahoddiad penodol iddynt wneud hynny. Un thema a gododd yn aml yn y

Crynodeb o'r sylwadau a wnaethpwyd gan unigolion a atebodd 'Oes' i Gwestiwn 2

Y thema a gododd amlaf yn yr ymatebion i'r ymgynghoriad oedd y dylid gweithredu **sgiliau rhianta**. Nododd ymatebwyr bod cymorth annigonol ar gael yn aml i helpu rhieni i feithrin sgiliau rhianta da. Mae'r math o sgiliau rhianta a godwyd gan ymatebwyr yn cynnwys rheoli ymddygiad, disgyblaeth a datblygiad plant. Nododd ymatebwyr eraill bod angen cymorth rhianta yn gyffredinol, heb nodi prif sgiliau rhianta. Mae'r math o gymorth a nodwyd gan ymatebwyr yn cynnwys mynediad i hyfforddiant neu gyrsiau rhianta ffurfiol (dan drefniant gwirfoddol neu anwfrfoddol), gwyboddeith ac arweiniad a mynediad i grwpiau cymorth rhianta cymunedol anffurfiol. Yn ogystal, pwysleisiodd ymatebwyr y dylid addysgu ac annog dulliau rhianta cadarnhaol.

"Arweiniad manwl a hyfforddiant/cymorth ynghylch dulliau disgyblu amgen cadarnhaol i bob rhiant nawr, ac yn y dyfodol, ac i'r holl rieni newydd yn enwedig, fel eu bod yn teimlo'n hyderus a'u bod wedi cael eu grymuso i wneud newid go iawn o ran y ffordd y maent yn rhyngweithio gyda'u plant".

Y thema nesaf a gododd amlaf oedd y ffath y dylai **rhieni, gofaiwyr a gwarcheidwaid gael mynediad digonol neu fwy o fynediad i wasanaethau** y byddant yn eu cynorthwyo yn ystod y newidiadau deddfwriaethol. Weithiau, cysylltwyd hyn gyda'r thema gyntaf ynghylch cymorth rhianta, wrth i ymatebwyr awgrymu bod mynediad i wasanaethau (gwasanaethau cyhoeddus yn arbennig), yn fecanwaith effeithiol er mwyn cynorthwyo rhieni, gofaiwyr a gwarcheidwaid i feithrin sgiliau rhianta. Cyfeiriwyd at wasanaethau teuluol megis Teuluoedd yn Gyntaf a Dechrau'n Deg fel enghreifftiau o wasanaethau cyhoeddus sy'n gallu cynnig cymorth rhianta. Fodd bynnag, pwysleisiodd ymatebwyr hefyd bod mynediad i wasanaethau cymnwys mynediad i wasanaethau ymweliadau iechyd addas, gwasanaethau iechyd corfforol a meddyliol, gwasanaethau cymdeithasol a sefydliadau cymunedol a chan y trydd sector.

"Mae gan weithwyr iechyd profesiynol – gan gynnwys bydrwagedd, ymweiliwyr iechyd, nyrsys plant, Meddygon Teulu a phaediatregwyr – rôl pwysig i'w gyflawni wrth gyflueu neges glir a chyson i rieni, a dylid eu cynorthwyo i wneud hynny, ar y cyd â chymorth rhianta, addysg a gwasanaethau gwyboddeith yn y sectorau statudol a gwirfoddol."

Thema gyson arall yn yr ymatebion i'r ymgynghoriad oedd **y dylid cynorthwyo rhieni, gofaiwyr a gwarcheidwaid i wneud eu penderfyniadau eu hunain ynghylch defnyddio cosb gofforol**, ac o'r herwydd, na ddylid dileu amddiffyniad cosb resymol. Nododd yr ymatebwyr hyn nad oes angen i rieni, gofaiwyr a gwarcheidwaid gael cymorth ychwanegol penodol yn dilyn newidiadau

Cwestiwn 2

Yn ychwanegol at y gefnogaeth a'r wybodaeth sydd eisoes ar gael gennym drwy ein hymgyrch ar fagu plant, a oes unrhyw ffyrdd eraill yr ydych chi'n meddwl y dylem ni eu rhoi ar waitn er mwyn cefnogi rhieni, gofaliwr a gwarcheidwaid? Os 'oes', beth yw'r rheini?

Ymateb	Nifer	Canran
Oes	921	55.5%
Nac oes	342	20.6%
Ddim yn gwybod	395	23.8%
Cyfanswm	1658	100%

Sylwer: Cafwyd 83 ymateb gwag i'r cwestiwn hwn

Gofynnwyd i'r rhai a atebodd 'oes' i'r cwestiwn cychwynnol nodi'r mecanweithiau cymorth eraill y dylid eu rhoi ar waitn. At ei gilydd, cafwyd 863 o ymatebion ansodol i'r cwestiwn ychwanegol hwn gan y rhai a atebodd 'oes' i Gwestiwn 2.

Crynodeb o'r themâu a gododd amlaf yn yr ymatebion i'r ymgynghoriad.

- **Cynorthwyo rhieni, gofaliwr a gwarcheidwaid i feithrin sgiliau rhianta.** Nododd ymatebwyr y dylid gwneud trefniadau ychwanegol i gynniig cymorth rhianta, gan ganoibwytio'n arbennig ar:
 - strategaethau rheoli ymddygiad effeithiol;
 - disgyblaeth anghorfforol; a
 - datblygiad plant.
- **Sicrhau mynediad i wasanaethau.** Roedd ymatebwyr yn teimlo bod angen cynyddu mynediad i wasanaethau cymorth i deuluoedd, gan gynnwys gwasanaethau cyhoeddus a'r trydydd sector.
- **Codi ymwybyddiaeth o newidiadau deddfwriaethol arfaethedig.** Roedd sylwadau yn tanlinellu pwysigrwydd sicrhau bod amrediad y sefydliadau sy'n darparu cymorth i rieni, gofaliwr a gwarcheidwaid ar hyn o bryd, yn cyfluo negeseuon cyson ynghylch:
 - cymorth rhianta yn gyffredinol; a
 - goblygiadau gweithredur newidiadau deddfwriaethol arfaethedig.
- **Cymorth ar gyfer plant a phobl ifanc.** Pwysleisiodd ymatebwyr yr angen i addysgu plant a phobl ifanc am ymddygiad da a sgiliau rhianta yn y dyfodol.
- **Ysgolion i gynniig cymorth ac arweiniad i rieni, gofaliwr a gwarcheidwaid.** Awgrymodd ymatebwyr y dylid cryfhau'r cysylltiadau rhwng yr ysgol a'r cartref er mwyn sicrhau parhad strategaethau rheoli ymddygiad rhwng amgylchedd yr ysgol a'r cartref.
- **Rhoi sylw i amgylchiadau ehangach teuluoedd.** Nododd ymatebwyr bod teuluoedd yn gallu wynebu ystod ehangach o siatensiau cymdeithasol, siatensiau

“Bydd dilleu amddiffyniad cosb resymol yn hyrwyddo hawliau'r plentyn CCUHP a byddant yn cael eu diogelu gan y gyfraith; dylid trin cosb ar gyfer plant diamddiffyn yn yr un modd ag y caiff ei thrin ar gyfer oedolion. Mae'r oes wedi newid ac mae agweddau tuag at ddealltwriaeth o'r hyn sy'n angenrheidiol er mwyn diogelu a chynorthwyo plant ac unigolion wedi newid, a bydd gwahardd defnyddio cosb gorfforol ar blant yn rhoi sylw i gyfraith sydd wedi dyddio. Trwy waredu'r anghysondeb hwn yn y gyfraith, bydd yn atfon neges fwy clir at bob unigolyn nad yw cosbi plant yn gorfforol yn dderbyniol.”

“Ni ddylai plant ddoddef trais mewn unrhyw sefyllfa. Mae ganddynnt yr hawl i fyw eu bywyd yn rhydd rhag ofn trais a rhag trais go iawn.”

pryder gan ymatebwyr y gallai sianelu adnoddau at weithredu'r cynnig ddargyfeirio ffocws a chymorth oddi ar y plant hynny "y mae ei wir angen arnynt" ac y maent yn dioddef camdriniaeth mewn gwirionedd.

"Mae'r cynnig yn fesur a fydd yn gwneud mwy o ddrwg na lles os y caiff ei weithredu, oherwydd y bydd yn ymestyn adnoddau yn fwy, gan dynnu rhywfaint o gymorth oddi ar y plant hynny y maent mewn perygl go iawn o ddioddef camdriniaeth."

Crynodeb o'r sylwadau a wnaethpwyd gan unigolion a atebodd 'Ydw' i Gwestiwn 1

Er na ofynnwyd i'r rhai a atebodd 'Ydw' i Gwestiwn 1 nodi rhesymau dros eu hateb, roedd 265 wedi gwneud hynny. Gwelwyd sawl thema yn codi'n aml yn yr ymatebion hyn.

Yn gyntaf – a'r hyn a welwyd amlaf – oedd bod ymatebwyr yn nodi y bydd y cynnig yn sicrhau bod **hawliau plant yn cael eu diogelu a bod plant yn cael yr un diogelwch cyfreithiol ag oedolion**. Mynegwyd cefnogaeth ar gyfer y cynnig gan ymatebwyr, a nododd y bydd yn helpu i sicrhau hawliau plant i gael eu diogelu rhag trais, gan gynnwys hawliau a nodir yng Nghonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn.

"Rydw i'n llwyr gefnogi o fwrriad Llywodraeth Cymru i ddeddfu er mwyn dileu amddiffyniad 'cosb resymol'. Dylai fod gan blant yr hawl i fanteisio ar yr un diogelwch cyfreithiol rhag ymosodiad ag yr ydym ni'n ei fwynhau fel oedolion a dweud y lleiat. Mae hwn yn fater sylfaenol sy'n ymwneud â hawliau plant ac mae Llywodraeth Cymru yn gweithredu mewn ffordd hollol gywir wrth ddefnyddio'r diwygiad hwn fel ffordd o wella'r ffordd yr ydym yn magu ein plant yng Nghymru."

Yn ogystal, nododd ymatebwyr y byddai'r cynnig yn **diogelu plant ac yn eu diogelu rhag niwed**. Roedd hyn yn cynnwys sylwadau a oedd yn pwysleisio y dylid cymryd pob cam rhesymol i ddiogelu plant rhag niwed. Ymhellach, nododd ymatebwyr bod cosbi plant mewn ffordd gorfforol yn gallu arwain at sefyllfa lle y mae'r plant hynny yn fwy tebygol o fod yn dreisgar ac yn ymosodol tuag at eraill. Awgrymodd ymatebwyr **nad yw hi fyth yn angenrheidiol nac yn dderbyniol defnyddio cosb gorfforol** ar blentyn. Nododd rhai ymatebwyr y dylid gwahardd pob math o gosb gorfforol yn unol â'r cynnig.

"Mae gan bob plentyn yr 'hawl' i deimlo'n ddiogel. Ni ddylid caniatáu i oedolion dorri'r hawl hon trwy achosi niwed corfforol i blentyn. Mae plant yn dynwared ymddygiad eraill. Trwy ganiatáu i blentyn brofi niwed corfforol gan y sawl sy'n gofalu amdanynt, byddant yn cael y neges ei bod yn iawn gwneud dolur i eraill. Gallai hyn beri iddynt wneud dolur i blant eraill, neu i oedolion eraill, wrth iddynt dyfu'n hyn."

Roedd eraill yn dadlau y bydd y cynnig deddfwriaethol yn **gwaredu unrhyw ddrysych neu ddifffyg eglurder ynghylch yr hyn y mae cosb gorfforol yn ei olygu**. Nododd ymatebwyr bod y gwahaniaeth rhwng cosb gorfforol a thrais gormodol yn aneglur ac yn ddryslyd, felly bydd dileu amddiffyniad cosb resymol yn sicrhau ei bod yn amlwg y gwaharddir pob math o gosb gorfforol.

Nododd ymatebwyr y gellir cyfiawrhau cosb gorfforol fel ffordd o addysgu am bethau da a drwg i blant iau nad ydynt yn gallu deall "effeithiau peryglus posibl eu gweithrededd mewn rhai amgylchiadau". Nododd nifer o'r rhai a fynegodd sylwadau wrth ateb Cwestiwn 1 bod cosb gorfforol ysgafn yn aml yn cael ei defnyddio fel dull er mwyn atal niwed neu berygl neu wrth addysgu gwersi am ddiogelwch. Mewn rhai achosion, roedd ymatebwyr wedi cyfeirio'n ôl at y cyswllt gyda hawliau plant:

"Mae gan blentyn yr hawl i fod yn ddiogel. Er enghraifft, mae'n well cael smacen ysgafn ar y llaw na chaniatáu i rywun gyffwrdd arwyneb poeth."

Mynegodd cyfran sylweddol o ymatebwyr y farn bod **deddfwriaeth sy'n bodoli eisoes yn diogelu hawliau plant mewn ffordd ddigonol, ac o'r herwydd, roeddent yn teimlo bod y cynnig yn ddianghenraid**. Nododd ymatebion i'r ymgynghoriad bod deddfwriaeth gyffredol yn atal cosb gorfforol annerbyniol a gormodol.

"Mae cyfrath Prydain yn diogelu plant rhag camdrianeaeth – trwy droseddoli smacio ysgafn, rydych chi'n creu trafferthion dianghenraid. Os mair nod yw peidio troseddoli rhieni da, pam newid y gyfrath? Mae eisoes yn gwahaniaethu rhwng cam-drin corfforol a chamgymeriadau sy'n digwydd unwaith yn unig heb beri unrhyw niwed parhaus."

Yn ogystal, cyfeiriodd ymatebwyr at y diogelwch y mae'r fframweithiau deddfwriaethol ehangach yn eu cynnig i blant a hawliau teuluoedd, a'r Confensiwn Ewropeaidd ar Hawliau Dynol yn arbennig.

"Mae'r cyfreithiau presennol yn rhai cadarn [wrth ddiogelu] plant rhag niwed, e.e. Erthygl 8 y Confensiwn Ewropeaidd ar Hawliau Dynol. Mae hwn yn dal cydbwysedd cyson rhwng hawliau rhieni a phlant yn y teulu. Mae'r newid arfaethedig yn anghymesur ac mae'n tartu ar y cydbwysedd presennol. Nododd gorchaflys y DU, o ran erthygl 8, bod yn rhaid gadael i deuluoedd fagu eu plant yn eu ffordd eu hunain, o fewn terfynau."

Mewn perthynas â'r pwynt uchod, mynegwyd y farn gan ymatebwyr hefyd **bod y cynnig deddfwriaethol yn cynrychioli ymyriad gormodol gan y llywodraeth ym mywydau preifat a hawliau teuluoedd**. Ystyriwyd y cynnig mewn sawl ffordd fel enghraifft o "amhariad di-fudd gan y wladwriaeth mewn bywyd teuluo", "ymyrraeth anghyfiawn", ac "ymyrraeth anghyfiawndwy gan y wladwriaeth" yn y cartref. Dadleuwyd nad yw'r cynnig yn parchu preifatwydd bywyd teuluo.

"Caiff plant a rhieni eu diogelu gan Erthygl 8 y Confensiwn Ewropeaidd ar Hawliau Dynol. Yn ddiweddar, dyfarnodd Gorchaflys y DU mewn perthynas ag Erthygl 8 'O fewn terfynau, bod yn rhaid gadael i deuluoedd fagu eu plant yn eu ffordd eu hunain'."

Cwestiynodd ymatebwyr pa mor effeithiol y byddai'r cynnig yn cael ei orfodi a'i reoleiddio. Awgrymwyd y byddai ceisio gorfodi a "phlisma" y cynnig yn anodd mewn gwirionedd ("Sut fydd yn cael ei blisma? Nid oes unrhyw un yn gwychod beth sy'n digwydd y tu ôl i ddrysau caeedig") ac y byddai'n rhoi baich bellach ar adnoddau cyfyngedig ar draws asiantaethau cyhoeddus. Yn ogystal, mynegwyd

“Does bosib bod gan ein plant yr hawl i gael eu rhoi ar ben y ffordd? ...Gallai'r cynnig hwn droi plant yn erbyn eu rhieni a chymdogaion yn erbyn cymdogaion, gan arwain at chwalfa bellach yn ein cymdeithas, y mae eisoes yn chwahu.”

Gwelwyd cyfeiriadau helaeth yn nystioleath yr ymgynghoriaid at yr effeithiau niweidiol posibl ar rieni, gwarcheidiwald a gofalwyr, o ganlyniad i'r cynnig hwn. Nododd ymatebwyr y byddai gweithredur cynnig yn gwarthnodi ac yn troseddoli rhieni, gan gynnwys “rhieni gofalgar ac sy'n parchu'r gyfraith”, sy'n defnyddio dulliau “rhesymol a chymedrol” er mwyn disgyblu eu plant.

“Bydd eich cynnig chi yn golygu y caiff rhieni cyffredin a chariadus eu trin fel pobl sy'n cam-drin, gan beri gofid dianghenraid i'w plant, y bydd gofyn iddynt roi tystiolaeth yn erbyn eu tad a/neu eu mam eu hunain.”

Nodwyd yn aml gan yr ymatebwyr ei bod yn ymdangos bod y cynnig yn un gormodol ac anghymesur, a'i fod yn cosbi'r rhieni hynny sy'n manteisio ar dulliau cyffriol a phwylllog er mwyn dysgu disgyblaeth i'w plant ym marn nifer o bobl. “Yn aml, bydd y cynnig hwn yn troseddoli rhieni cyffriol sy'n smacio eu plant ar eu llaw neu ar eu pen-ol er mwyn cywiro ymddygiad gwael, nad yw'n peri unrhyw niwed hirdymor iddynt.”

Yn ogystal, ystyriodd ymatebwyr y cwestiwn ynghylch hawliau o bersbectif rhieni a theuluoedd, gan fynegi'r farn bod y cynnig yn **tresmasu ar hawliau rhieni i ddewis sut i fagu a chynorthwyo eu plant.** Mynegwyd y farn yn aml gan ymatebwyr bod gan rieni yr hawl i ddisgyblu eu plant yn y cartref “mewn ffordd sy'n addas yn eu barn nhw”.

“Trwy atal rhieni rhag gwneud eu penderfyniadau eu hunain ynghylch sut i fagu eu plant, byddwch yn lladd ysbryd rhieni, byddwch yn gwneud eu bywydau'n anos ac yn ei gwneud hi'n anos iddynt fod yn rhieni da.”

Nododd ymatebwyr y dylai fod gan riant yr hawl i ddefnyddio “cosb resymol” er mwyn cosbi plentyn sy'n camymddwyn ac sy'n gwrthod derbyn unrhyw ddulliau a thechnegau disgyblu eraill. Awgrymwyd y byddai'r cynnig yn dadrymuso rhieni, yn hytrach na diogeu hawliau plant.

“Mae gan rieni yr hawl i benderfynu ar y ffordd orau o fagu eu plant. Dylid caniatáu iddynt gosbi eu plant, ond o fewn terfynau rhesymol.”

Yn ogystal, mynegwyd y farn yn aml ymhlith ymatebwyr bod **cosb gorfforol resymol a chymedrol yn helpu plant i ddysgu a'i fod yn gallu atal anat.** Awgrymwyd y gallai cosb ysgafn fod yn angenrheidiol ar gyfer diogeu plentyn.

“Ni all plant ifanc resymu ynghylch pethau/sefyllfaoedd y byddant yn peri niwed iwed parhaus, sy'n gallu atal anat diffriol – e.e. cyswllt gyda pheryglon yn y cartref, rhedeg allan ar ffyrdd, ac ati.”

Mynegwyd pryder gan ymatebwyr eraill ynghylch y ffath y byddai deddfwriaeth i ddileu amddiffyniad cosb resymol yn creu gwrthdaro o fewn teuluoedd, gan amharu ar berthnasoedd teuluoel a bywyd teuluoel, gan gael effaith niweidiol ar blant. Nodwyd yn aml gan y rhai a gyfranodd i'r ymgynghoriad y byddai'r cynnig, yn hytrach na chyflawni'r nod o ddiogelu hawliau plant, yn tanseilio gallu rhieni i gynnig arweiniad a disgyblaeth i'w plant, gan arwain at ansefydlogrwydd o fewn teuluoedd ac amrediad o ganlyniadau negyddol anfwriadol ac annisgwyl.

“Bydd y cam-drin go iawn yn bodoli o hyd, fel y mae ar hyn o bryd, o olwg pawb. Anaml iawn y gwelir cam-drin yn digwydd yn gyhoeddus. Ni fydd dileu'r amddiffyniad hwn yn gwneud unrhyw beth i ddiogelu'r rhai sy'n cael eu cam-drin. Felly, ni chynigi'r unrhyw fudd ystyrlon o ran diogelu hawliau plant, gan na fydd unrhyw gynnydd gwirioneddol mewn diogelwch.”

Nododd ymatebwyr na fyddai'r cynnig yn diogelu plant rhag cael eu cam-drin. Awgrymwyd na fyddai'r rhai sy'n cam-drin plant yn cael eu targedu nac yn cael eu heffeithio gan y cynnig. “Mae gan blant yr hawl i ddysgu am derynau a disgyblaeth – er eu lles eu hunain – mae disgyblaeth gorfforol resymol yn ffordd ddilys i rieni cariadus wneud hyn, ac yn ffordd a brofwyd ers cryn amser.”

Roedd nifer sylweddol o sylwadau wedi amlygu hawl plant i gael eu hadysgu ynghylch terynau trwy gyfrwng cosb gorfforol resymol a phwyllog. Cynigiodd ymatebwyr bod gan blant yr hawl i gael disgyblaeth effeithiol, sy'n cynnwys “cosb gorfforol resymol”.

Roedd ymatebwyr wedi sôn yn aml am effeithiau negyddol posibl y cynnig i ddileu amddiffyniad cosb resymol ar blant a theuluoedd. Yn hytrach na diogelu hawliau plant, **soniodd ymatebwyr am effeithiau niweidiol posibl ar yr hyn a ystyri'r yn hawliau plant.**

Crynodeb o'r sylwadau a wnaethpwyd gan unigolion a atebodd 'Nac ydw' i Gwestiwn¹

- Mae'r ddeddfwriaeth sy'n bodoli eisoes yn diogelu hawliau plant mewn ffordd ddigonol, ac o'r herwydd, nid oes angen y cynnig hwn.
- Mae'r cynnig yn cynrychioli gormod o ymyrraeth gan y llywodraeth ym mywydau preifat a hawliau teuluoedd.
- Cwestiynodd yr ymatebwyr sut y byddai'r cynnig yn cael ei ortodi a'i reoleiddio:
 - siawnsiau wrth weithredu a phlismona'r cynnig; ac
 - nid oes gan awdurdodau cyhoeddus yr adnoddau i ortodi'r cynnig.

Crynodeb o'r ymatebion i'r ymgynghoriad

Seiliwyd y dadansoddiad a ddarparir yn yr adran hon dan bob cwestiwn i'r ymgynghoriad (cwestiwn 1 i 7) ar y 1741 o ymatebion a oedd yn dilyn strwythur y saith cwestiwn yn yr ymgynghoriad. Seiliwyd y dadansoddiad a ddarparir dan ymatebion eraill i'r ymgynghoriad ar y 151 o ymatebion pellach na wnaethant ddilyn strwythur y cwestiynau yn yr ymgynghoriad.

Cwestiwn 1

A ydych chi o'r farn y bydd ein cynnig deddfwriaethol i ddileu amddiffyniad cosb resymol ac atal cosbi plant yn gorrforol yn helpu i gyflawni ein bwriad penodol o ddiogelu hawliau plant? Os 'nac ydw', pam ddim?

Ymateb	Nifer	Canran
Ydw	870	50.3%
Nac ydw	832	48.1%
Ddim yn gwybod	26	1.5%
Cyfanswm	1728	100%

Sylwer: Cafwyd 13 ymateb gwag i'r cwestiwn hwn

Gofynnwyd i'r rhai a oedd wedi ateb 'nac ydw' i'r cwestiwn cychwynnol i nodi pam nad ydynt o'r farn y bydd y cynnig deddfwriaethol yn helpu i gyflawni nod Llywodraeth Cymru, sef diogelu hawliau plant. Ni ofynnwyd i unigolion a atebodd 'Ydw' i gynnig rhesymau dros eu hatebion. O ganlyniad i ffurf y cwestiwn hwn, mae'r dystiolaeth a gasglwyd trwy'r cwestiwn hwn yn yr ymgynghoriad ac y rhoddir crynodeb ohoni isod, yn cynrychioli safbwyntiau ymatebwyr nad ydynt yn teimlo y bydd y cynnig deddfwriaethol yn helpu i gyflawni nod Llywodraeth Cymru o ddiogelu hawliau plant yn bennaf. At ei gilydd, cafwyd 765 o ymatebion ansoddol gan y rhai a atebodd 'Nac ydw' i'r cwestiwn hwn.

Crynodeb o'r themâu a godwyd amlaf yn yr ymatebion i'r ymgynghoriad.

- Yn hytrach na diogelu hawliau plant, bydd y cynnig yn cael effaith niweidiol ar blant trwy:
 - dansellio hawliau plant i ddysgu am derfynau a disgyblaeth;
 - peidio diogelu plant rhag cael eu cam-drin; ac
 - yn creu fframwaith deddfwriaethol sy'n gosod plant yn erbyn eu rhieni.
- Bydd y cynnig yn cael effaith niweidiol ar rieni, gwarcheidwaid a gofaluwr trwy:
 - droseddoli rhieni; a
 - gwaredu hawliau rhieni i ddewis sut i fagu eu plant.
- Mae cosb gorrforol resymol a chymedrol yn helpu plant i ddysgu ac mae'n gallu atal niwed.

Yn ogystal, mae Cwestiwn 3 o'r holiadur ymgynghorol yn gofyn yn benodol am y 'mathau o o weithrediau/ymddygiadau fydddech chi'n ystyried eu bod yn enghreifftiau o 'gosh gorfforol'? ('corporal punishment' yn y Saesneg) Noder bod fersiwn Saesneg yr adroddiad hwn yn cyfeirio, gan amlaf, at corporal punishment wrth ymdrin ag ymatebion i'r cwestiwn hwn.

Wrth gyfeirio at y cynnig deddfwriaethol yn benodol, rydym wedi defnyddio'r term cosb resymol.

Pan ddefnyddir dyfyniadau o ymatebion i'r ymgynghoriad, rydym wedi cadw'r geiriau gwreiddiol a ddefnyddiwyd.

Yn y fersiwn Saesneg o'r ddogfen ymgynghori, defnyddir y termau corporal punishment a physical punishment. Nid yw'r gwahaniaethu hwn yn bodoli yn y Gymraeg, lle y defnyddir cosb gofforol am y ddau derm Saesneg uchod.

Nodyn ynghylch terminoleg

Roedd y dadansoddiad o'r ymatebion i'r ymgynghoriad yn ystyried y gwahaniaethau o ran yr ymatebion, rhwng y rhai y nodwyd eu bod gan sefydliadau a'r holl ymatebion eraill. Nodwyd bod nifer yr ymatebion a gafwyd gan sefydliadau yn isel (cyfanswm o 80 o bllith y cyfanswm o 1741) ac roedd nifer o ymatebion yn rhai dienw, sy'n golgu nad oedd modd nodi holl safbwyntiau sefydliadau. O'r herwydd, ni nododd dadansoddiad Arad batrymau o ran safbwyntiau sefydliadau, y byddai modd eu gwahaniaethu o safbwyntiau unigolion mewn ffordd bendant.

Roedd y dadansoddiad o'r ymatebion i'r ymgynghoriad yn ystyried y gwahaniaethau o ran yr ymatebion, rhwng y rhai y nodwyd eu bod yn dod o Gymru a'r rhai y nodwyd eu bod yn dod o'r tu allan i Gymru. O ganlyniad i nifer isel yr ymatebion y nodwyd eu bod yn dod o'r tu allan i Gymru (cyfanswm o 27), ni fu modd canfod patrwm amlwg.

Dadansoddiad pellach

Cynhaliwyd dadansoddiad thematig o'r 151 o ymatebion ansodol nad oeddent yn dilyn strwythur y cwestiynau yn yr ymgynghoriad. Roedd y broses er mwyn cynnal y dadansoddiad hwn fel a ganlyn.

1. Adolygwyd pob ymateb gan un o bllith dau ymchwilydd. Rhoddwyd cod i'r ymatebion mewn ffordd thematig, er mwyn nodi'r themâu a oedd wedi codi amlat. Defnyddiwyd meddalwedd dadansoddi data ansodol er mwyn hwylio'r gwaith o ddadansoddi darnau mwy o destun.
2. Cyflwynwyd y themâu a godwyd yn yr ymatebion hyn i'r ymgynghoriad fel adran ar wahân o fewn y ddogfen hon sy'n cynnig crynodeb o'r ymatebion.

Cam 3

Roedd nodi'r themâu y mae'r ymatebion i'r ymgynghoriad yn perthyn iddynt amlat. Roedd y broses er mwyn gwneud y gwaith dadansoddi hwn fel a ganlyn.

1. Adolygwyd sampl ar hap o'r ymatebion ar gyfer pob cwestiwn dan ddau ymchwilydd (pob un yn adolygu gwahanol hanner o'r sampl). Fennwyd maint y sampl gan gyfanswm yr ymatebion i bob cwestiwn, gan gynnwys o leiaf 50% o gyfanswm yr ymatebion i bob cwestiwn.
2. Rhoddwyd cod i'r ymatebion yn y sampl mewn ffordd thematig, er mwyn nodi'r themâu sy'n codi amlat. Defnyddiwyd meddalwedd dadansoddi data ansodol er mwyn hwylio'r gwaith o ddadansoddi darnau mwy o destun.
3. Yna, bu un o'r ymchwilydd yn adolygu'r holl ymatebion a oedd yn weddill i bob cwestiwn, er mwyn sicrhau bod y themâu a nodwyd yn parhau i fod yn gyson. Roedd hyn yn cynnwys cymharu sylwadau'r rhai yr oeddent wedi ateb 'ydw', 'nac ydw' neu 'dim syniad' i gwestiynau perthnasol (gan gydhabod bod y gwahoddiad i ymatebwyr gynnig sylwadau ychwanegol yn dibynnu ar eu hmateb i'r cwestiwn 'ydw/nac ydw/dim syniad').
4. Roedd y broses hon yn sicrhau yr adolygwyd yr holl ymatebion i'r ymgynghoriad yn ystod y gwaith dadansoddi.

Cynhaliwyd dadansoddiad thematig o'r data ansodol (data sy'n seiliedig ar gwestiynau penagored) yn y 1741 o ymatebion i'r ymgynghoriad. Mae'r dadansoddiad thematig yn categorio'r safbwyntiau, y sylwadau, y datganiadau a'r materion a godir gan ymatebwyr yn themâu cyffredinol. Nod y dadansoddiad

Cam 2

Cynhaliwyd dadansoddiad o'r data meiniol (h.y. data a oedd yn seiliedig ar gwestiynau caeedig) yn y 1741 o ymatebion yr oeddent wedi dilyn strwythur y cwestiynau yn yr ymgynghoriad. Roedd yr ymatebion meiniol hyn yn cynnwys atebion megis 'ydw', 'nac ydw' neu 'dim syniad' i rai o'r cwestiynau yn yr ymgynghoriad. Ni fwrriedir i'r data a gesgir ar gyfer yr ymgynghoriad hwn fod yn gyntychiolidol o'r boblogaeth ehangach na bod modd ei gyffredinol i'r boblogaeth ehangach.

Cam 1

Methodoleg

Yn ogystal, roedd **dau ymatebydd**, yr oeddent wedi darparu ymatebion a oedd yn dilyn strwythur y saith cwestiwn yn yr ymgynghoriad, wedi mynegi sylwadau ychwanegol hefyd ar ffurf negeseuon e-bost neu lythyrau.

Cafwyd **151 o ymatebion ysgrienedig pellach**, nad oeddent yn dilyn strwythur y cwestiynau yn yr ymgynghoriad. Cafwyd y rhain ar ffurf negeseuon e-bost a llythyrau. Nodwyd bod pump o'r ymatebion hyn gan ymatebwyr o'r tu allan i Gymru.

- Nodwyd bod 27 o ymatebion gan ymatebwyr y tu allan i Gymru. nag unigolyn.
- Nodwyd bod 80 o ymatebion wedi cael eu gwneud gan setydliad yn hytrach
- Roedd 1008 o ymatebwyr wedi dewis bod yn ddienw.
- Cafwyd 1335 o'r rhain ar ffurf ymatebion ar-lein i'r ymgynghoriad, a chatwyd y 406 arall ar ffurf ffurfiennol wedi'u hysgrifennu â llaw neu eu teipio.
- Nodwyd bod 27 o ymatebion gan ymatebwyr y tu allan i Gymru.

At ei gilydd, cafwyd **1741 o ymatebion** yr oeddent yn dilyn strwythur y saith cwestiwn yn yr ymgynghoriad (er nad oedd pob ymateb wedi cynnig atebion i bob cwestiwn):

Ymatebion i'r ymgynghoriad

- thrwy gyfrwng gohebiaeth ychwanegol a gafwyd ar ffurf negeseuon e-bost neu lythyrau.
- copiau papur neu gopiau electronig amgen o'r ymgynghoriad; a
- yr ymgynghoriad ar-lein;
- crynodeb o'r ymatebion a gafwyd i'r ymgynghoriad trwy gyfrwng:
- Comisiynwyd Ymchwil Arad gan Lywodraeth Cymru i ddadansoddi'r ymatebion a gafwyd yn ystod yr ymgynghoriad, ac i dynnu allan y prif negeseuon sy'n ymwneud â themâu penodol a chyflwyno prif ganfyddiadau. Mae'r ddogfen hon yn cynnig

Am y crynodeb hwn o'r ymatebion i'r ymgynghoriad

Yn ogystal, mae Llywodraeth Cymru yn adrodd bod "ein dealltwriaeth o'r hyn sy'n ofynnol er mwyn diogelu a chynorthwyo unigolion, plant a'u teuluoedd wedi newid yn sylweddol dros y blynyddoedd ac mae normau cymdeithasol wedi newid o ganlyniad." Mae gwahardd defnyddio cosb gofforol mewn ysgolion yn enghraifft o un newid o'r fath. O fewn y cyd-destun hwn, mae Llywodraeth Cymru yn adrodd y bydd dilieu amddiffyniad cosb resymol yn "ddilyniant naturiol a rhesymegol, gan sicrhau bod pob plentyn yng Nghymru yn cael y cyfle i ffynnu ac i wireddu eu potensial."⁵

Cyn cynnal yr ymgynghoriad ffurfiol, mabwysiadwyd yr hashnod TrafodMaguPlant i godi ymwybyddiaeth a chreu sgwrs ar-lein ar y pwnc. Fel rhan o hyn, defnyddiwyd arolwg ymgysylltu ar-lein rhwng 2 Hydref a 24 Tachwedd 2017 i gasglu barn y rhai oedd yn cymryd rhan yn y sgwrs #TrafodMaguPlant ar-lein, gan gynnwys cwestiynau penodol ar y ddeddfwriaeth arfaethedig. Mae gwybodaeth bellach ynghylch yr adrodd o'r sgwrs #TrafodMaguPlant ar gael ar wefan Llywodraeth Cymru.

<https://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/talk-parenting/?skip=1&lang=cy>

Am yr ymgynghoriad

Lansiwyd yr ymgynghoriad ynghylch cynigion deddfwriaethol i ddileu amddiffyniad cosb resymol ar 9 Ionawr 2018, a daeth i ben ar 2 Ebrill 2018. Gellir gweld testun llawn yr ymgynghoriad trwy droi at:

<https://beta.llyw.cymru/sites/default/files/consultations/2018-02/180109-legislation-consultation-cy.pdf>

Diben yr ymgynghoriad oedd casglu safbwyntiau amrediad o randdeiliaid er mwyn cyfrannu at ddatblygiad pellach y cynnig deddfwriaethol a helpu Llywodraeth Cymru i roi sylw i unrhyw bryderon wrth i'r ddeddfwriaeth ddatblygu.

Dosbarthwyd yr ymgynghoriad yn eang mewn ffurf electronig a thrwy gyfryngau cymdeithasol, ac fe'i cyhoeddwyd ar wefan Llywodraeth Cymru hefyd.

Yn ogystal, cynhaliwyd digwyddiadau ymgysylltu allanol gyda rhanddeiliaid, y cyhoedd a phobl ifanc yn ystod y cyfnod ymgynghori. Gellir gweld crynodeb o'r safbwyntiau a fynegwyd yn ystod y gweithgarwch hwn yn adran derfynol yr adroddiad hwn ar dudalen 34. Cyhoeddwyd yr adroddiad llawn fel Atodiad i'r adroddiad hwn.

<https://beta.llyw.cymru/cynniig-deddfwriaethol-i-ddileu-amddiffyniad-cosb-resymol>

⁵ <https://beta.gov.wales/sites/default/files/consultations/2018-02/180109-legislation-consultation-en.pdf> [Cyrchwyd: 18 Mai 2018]

Cyflwyniad

Cyd-destun polisi

Ers pasio Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011¹, bu rhaid i bob un o Weinidogion Cymru roi sylw dyledus i Gontensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn (CCUHP) wrth wneud penderfyniadau. Mae argymhellion dilynol Pwyllgor y Cenhedloedd Unedig ar Hawliau'r Plentyn wedi datgan y dylai'r Deyrnas Unedig (fel Aelod-wladwriaeth) wahardd pob math o gosb gorfforol yn y teulu, gan gynnwys diddymu pob amddiffyniad cyfreithiol.² Mae'r argymhellion hyn yn berthnasol i Erthygl 19 (paragraff 1)³ CCUHP, sy'n datgan:

“Bydd Partion yn cyflawni'r holl fesurau deddfwriaethol, gweinyddol, cymdeithasol ac addysgol priodol er mwyn diogelu'r plentyn rhag pob math o drais corfforol neu feddyliol, anat neu gam-drin, esgeulustod neu driniaeth esgeulus, camarfer neu gamfanteisio, gan gynnwys cam-drin rhywiol, pan fyddant yng ngofal rhiant(rhieni), gwarcheidwad(gwarcheidwaid) cyfreithiol neu unrhyw unigolyn arall sy'n gofalu am y plentyn.”

Roedd ymrwymiad Llywodraeth Cymru i ddileu amddiffyniad cosb resymol wedi'i nodi yn "Symud Cymru Ymlaen", Rhaglen Lywodraethu 2016-2021.⁴ Amcan cyffredinol y ddeddfwriaeth arfaethedig yw cefnogi hawliau plant drwy wahardd cosbi plant yn gorfforol o fewn y teulu. Bwrriedir cyflawni'r amcan hwn drwy ddeddfwriaeth i ddileu amddiffyniad cosb resymol. Mae rhieni ac oedolion sy'n gweithredu in loco parentis ar hyn o bryd yn medru dibynnu ar yr amddiffyniad cosb resymol yn erbyn cyhuddiad o ymosod cyffredin.

Mae Llywodraeth Cymru wedi datblygu'r cynnig hwn fel rhan o becyn llawer ehangach o fesurau a weithredir ganddi er mwyn cynorthwyo plant a'u rhieni. Mae'r becyn ehangach hwn o fesurau yn cynnwys:

- ymgrych "Magu plant. Rhowch amser iddo", sy'n ceisio cynnig dulliau i rieni y byddant yn eu helpu i wneud eu gorau, trwy gynnig gwybodaeth a chynngor cadarnhaol ynghylch magu plant;
- mynediad i ystod o wasanaethau er mwyn hyrwyddo rhianta cadarnhaol a ddarparir gan bartneriaid o lywodraeth leol, iechyd, addysg, gwasanaethau cymdeithasol, cyflawnder cymdeithasol a'r trydydd sector; a
- mwy o ymriadau wedi'u targedu megis Dechrau'n Deg a Theuluoedd yn Gyntaf, sy'n cynnig cymorth a chynngor i rieni.

¹ <http://www.legislation.gov.uk/mwa/2011/2/contents> [Cyrchwyd: 18 Mai 2018]
² Pwyllgor ar Hawliau'r Plentyn, Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, 03/06/16, ar gael trwy droi at: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC_C_GBR_CO_5_24195_E.docx [Cyrchwyd: 18 Mai 2018]
³ <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Cyrchwyd: 18 Mai 2018]
⁴ <https://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf> [Cyrchwyd: 18 Mai 2017]

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Cynulleida
Awdurdodau lleol a chyrtff cyhoeddus eraill, y Trydydd Sector, grwpiau ffydd, rhieni/ gofaiwyr a phartion eraill â diddordeb.

Trosolwg
Mae'r ddogfen hon yn crynhoi'r ymatebion a dderbyniwyd i'n hymgyngghoriad a gyhoeddwyd ar 9 Ionawr 2017 ar gynig Llywodraeth Cymru i ddileu amddiffyniad cosb resymol yng Nghymru.

Camau Angenrheidiol
Dim – er gwybodaeth yn unig

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Llywodraeth Cymru Ymgynghoriad – crynodeb o'r ymatebion

Ymgynghoriad ar y Cynnyg Deddfwriaethol i Ddlieu Amdiffyniad Cosb
Resymol

Awst 2018