

Llyfrgell Genedlaethol Cymru

Adolygiad allanol annibynnol

Gorffennaf 2015

TERFYNOL



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Crynodeb gweithredol

Cefndir

Yn ei gyfarfod ar 13 Mawrth 2015 cytunodd Bwrdd Ymddiriedolwyr Llyfrgell Genedlaethol Cymru (y Llyfrgell) i gomisiynu adolygiad allanol annibynnol mewn perthynas â gweithredu polisi disgyblu'r Llyfrgell a arweiniodd at wrandawriad gerbron Tribiwnlys Cyflogaeth a diswyddo dau aelod o staff yn annheg.

Diben yr adolygiad oedd asesu'n feirniadol y prosesau a'r penderfyniadau a wnaed gan staff a chynrychiolwyr y Llyfrgell a arweiniodd at ddyfarniad y tribiwnlys o blaid y ddau hawliwr. Yn benodol, amcanion yr adolygiad oedd:

- Gwerthuso dyfarniad a barn y Tribiwnlys gan roi sylw penodol i (1) gweithdrefnau'r Llyfrgell a (2) ymddygiad ei swyddogion cyflogedig.
- Asesu ymchwiliadau'r Llyfrgell a'r ffordd y cafodd ei pholisi disgyblu ei gymhwyso a'i ddehongli gan y swyddogaeth Adnoddau Dynol a'r Prif Weithredwr a Llyfrgellydd.
- Ystyried y cyngor a gafodd y Llyfrgell gan ei chynghorwyr cyfreithiol yng ngoleuni sylwadau a barn y Barnwr Cyflogaeth.
- Gwneud argymhelliad/argymhellion ynglŷn ag unrhyw fater(ion) lle mae angen i'r Llyfrgell, fel cyflogwr, adolygu ei pholisi disgyblu a/neu ei gweithdrefnau cyfredol.
- Asesu digonolrwydd perfformiad a threfniadau archwilio mewnol y Llyfrgell.
- Asesu digonolrwydd sgiliau a galluoedd rheolwyr o ran ymdrin â materion o'r fath.
- Asesu gweithdrefnau rheoli perfformiad ac arfarnu staff y Llyfrgell yn feirniadol.

Penodwyd PricewaterhouseCoopers i gynnal yr adolygiad ac mae'r adroddiad hwn yn nodi ein canfyddiadau. Penododd Bwrdd yr Ymddiriedolwyr weithgor hefyd i gydgyssylltu a hwyluso'r adolygiad arfaethedig. Disgrifir ein methodoleg yn Atodiad 3.

Canfyddiadau allweddol

Mae ein hadolygiad wedi nodi y gellid bod wedi ymdrin â'r broses ddisgyblu a'r hawliadau canlynol a'r Tribiwnlys Cyflogaeth yn fwy effeithiol. Nodir materion yn yr adolygiad sy'n ymwneud â threfniadau llywodraethu a diwylliant y Llyfrgell a all atal y Llyfrgell rhag symud ymlaen os na fydd yn ymdrin â hwy.

Ni lwyddodd polisiâu na gweithdrefnau'r Llyfrgell i hwyluso proses o ymdrin â'r materion a nodwyd yn effeithiol

Roedd diffyg polisiâu a gweithdrefnau cyfredol a chlir yn ffactor a gyfrannodd at y ffordd yr ymdriniwyd â'r materion a nodwyd mewn perthynas â'r ddau gyflogai gan y Llyfrgell.

Mae polisi a gweithdrefn ddisgyblu'r Llyfrgell yn aneglur mewn sawl ffordd. Nid yw'n gwahaniaethu'n glir rhwng y prosesau ar gyfer rheoli materion disgyblu sy'n ymwneud ag aelodau o'r uwch dîm rheoli a'r rhai sy'n ymwneud ag aelodau eraill o staff. O ganlyniad, yn achos y ddau gyflogai, cafodd elfennau o'r polisi disgyblu sy'n ymwneud ag uwch reolwyr eu cyfuno ag elfennau sy'n ymwneud ag aelodau eraill o staff. Arweiniodd y dull gweithredu cymysg hwn at amryfusedd, yn enwedig i'r ddau gyflogai a chafodd y Llyfrgell ei hamlygu i her. Byddai wedi bod yn well pe bai'r diffyg eglurder hwn wedi cael ei gydnabod a phe bai'r dull gweithredu a fabwysiadwyd a'r rhesymeg drosto wedi cael eu hesbonio'n glir i'r cyflogaion. Ni ddigwyddodd hyn bob amser.

Mae angen diffinio rôl y panel disgyblu. Arweiniodd y diffyg eglurder at anawsterau a thensiynau sylweddol yn y broses.

Nid yw'r Polisi Disgyblu yn nodi'n benodol y meysydd lle mae Cod Ymarfer ACAS - Gweithdrefnau Disgyblu a Chwyno a chanllawiau ACAS ar Ddisgyblu a Chwynion yn y gweithle yn gymwys a sut y dylai'r rhain gael eu hystyried yn ystod y broses.

Nid oes gan y Llyfrgell Bolisi Twyll cyfredol. Mae gan y Llyfrgell bolisi Gwrth-Lwgrwobrwyo ac mae Rheoliadau Ariannol y Llyfrgell yn amlinellu'r broses i'w dilyn pan fydd achos o afreoleidd-dra sy'n ymwneud ag arian parod, storfeydd neu eiddo arall i'r Llyfrgell wedi digwydd neu y credir ei fod wedi digwydd. Fodd bynnag, nid oes proses glir i'w dilyn pan amheuir achos posibl o dwyll.

Lle roedd gan aelodau o'r staff a'r rheolwyr bryderon ynglŷn â'r prosesau a ddilynwyd a'r camau a gymerwyd, ni ddefnyddiwyd polisi chwythu'r chwiban y Llyfrgell ganddynt i fynegi eu pryderon. Yn wir, ni fu unrhyw weithgarwch chwythu'r chwiban yn y Llyfrgell yn ystod y pum mlynedd diwethaf. Gall y defnydd o bolisi chwythu'r chwiban i fynegi pryderon fod wedi arwain at her arall i'r camau a oedd yn cael eu cymryd.

Cafodd polisi'r Llyfrgell ei ddatblygu ym mis Tachwedd 2010 ac roedd disgwyl iddo gael ei ddiweddarau ym mis Tachwedd 2013. Ni ddigwyddodd hyn. Nid yw'r polisi cyfredol wedi cael ei ddiweddarau i adlewyrchu newidiadau deddfwriaethol. Rydym ar ddeall bod polisi chwythu'r chwiban y Llyfrgell wrthi'n cael ei ddiwygio.

Mae angen datblygu sgiliau a galluoedd rheolwyr ymhellach

Nid yw'r Llyfrgell eto wedi'i llywodraethu na'i rheoli mewn ffordd sy'n gyson â chymhwyso arfer gorau. Mae'r Llyfrgell yn sefydliad balch a diwylliannol, y mae angen iddi symud yn ei blaen bellach er mwyn ateb yr heriau a wynebir ganddi. Mae cydnabyddiaeth ymhlith y Tîm Gweithredol a Bwrdd yr Ymddiriedolwyr o'r cyfeiriad y mae angen ei ddilyn fel y'i nodwyd yn y cynllun strategol ar gyfer 2014-17, '*Gwybodaeth i Bawb*', ond canfu ein hadolygiad fod angen i'r Llyfrgell ddatblygu sgiliau a galluoedd rheoli ei staff er mwyn sicrhau y gall gyflawni ei chynlluniau ar gyfer y dyfodol.

Canfu ein hadolygiad na chafodd opsiynau amgen a oedd ar gael ar bob cam na'r risgiau cysylltiedig eu hystyried na'u hasesu bob amser. Nid ymgynghorwyd â'r uwch dîm rheoli ar y cyd bob amser ac ni chafodd ei gynnwys yn y drafodaeth hon.

Ni ddilynwyd proses adrodd ac ôl-drafod Archwilio Mewnol arferol. Gellid bod wedi ymdrin â'r adroddiad Archwilio Mewnol drafft mewn ffordd a fyddai wedi'i gwneud yn bosibl i argymhellion gael eu gweithredu'n gynt.

O ystyried bod canfyddiadau'r adolygiad Archwilio Mewnol yn cael eu hystyried yn rhai mor arwyddocaol fel eu bod yn cyfiawnhau ymchwiliad a phroses ddisgyblu, mae'n achos pryder nad aethpwyd i'r afael â'r argymhellion risg uchel eu trin yn ddi-oed er budd y Llyfrgell.

Ceisiwyd cyngor drwy gydol y broses gan Geldards, cynghorwyr cyfreithiol y Llyfrgell. Fodd bynnag, nid ymgynghorodd y Prif Weithredwr â'i dim rheoli na Bwrdd yr Ymddiriedolwyr ac ni cheisiodd gyngor ganddynt cyn gwneud penderfyniadau allweddol.

Gwnaeth y Prif Weithredwr nifer o benderfyniadau a chymerodd nifer o gamau a oedd yn golygu bod y Llyfrgell yn agored i her. Roedd y rhain yn cynnwys:

- Atal y ddau gyflogai dros dro ychydig cyn y panel disgyblu a'r ffordd y cawsant eu hysbysu am y penderfyniad i'w hatal dros dro. Er mai'r rheswm dros atal y ddau unigolyn dros dro ar ôl y gwrandawriad disgyblu oedd er mwyn rhoi amser iddynt baratoi ar gyfer y panel disgyblu yn ôl pob golwg, ni chafodd hyn ei gyfleu yn y llythyr at yr unigolion. Hefyd, roedd un o'r cyflogeion eisoes yn absennol o'r Llyfrgell oherwydd salwch. O edrych yn ôl, mae'r Prif Weithredwr yn cydnabod y gallai cyfnod o absenoldeb fod wedi bod yn fwy priodol.
- Nid oedd unrhyw asesiad ysgrifenedig cadarn o'r gwahanol gosbau y gellid bod wedi'u rhoi, na'u risgiau cysylltiedig, ar ôl penderfyniad y panel disgyblu i beidio â dyfarnu o blaid achos o gamymddwyn difrifol.
- Er bod y Prif Weithredwr yn hyderus bod gan y Llyfrgell achos cadarn, bu diffyg ystyriaeth ddifrifol ac ymgynghori ynglŷn â'r opsiynau posibl i setlo'r hawliad a gwneud gwrthgynigion i'r unigolion cyn y Tribiwnlys Cyflogaeth.

- Bu diffyg asesiad cadarn o risgiau a buddiannau penderfyniadau ac opsiynau er budd y Llyfrgell. Er i'r Prif Weithredwr roi rhai diweddariadau ar lafar, ni fu unrhyw adroddiadau ffurfiol yn breifat i'r Bwrdd rhwng yr hawliad i'r Tribiwnlys Cyflogaeth a dyfarniad y Tribiwnlys Cyflogaeth.
- Yr unig gyngor cyfreithiol a roddwyd i'r Llyfrgell oedd drwy Geldards ac, ar ôl i'r ymchwiliad disgyblu gael ei gwblhau, yn bennaf gan un cynrychiolydd o Geldards. Nid ymgynghorwyd ag unrhyw gynghorydd cyfreithiol ar wahân ac ni phenodwyd cynghorydd cyfreithiol ar wahân i gynrychioli'r Llyfrgell yn y Tribiwnlys Cyflogaeth.

Ni chaiff prosesau rheoli perfformiad ac arfarnu staff eu cymhwyso'n gadarn nac yn gyson er mwyn sicrhau gwelliant

Anghyson fu ansawdd a thryloywder y broses o arfarnu perfformiad. Er bod y system rheoli perfformiad yn dda, nid yw'n cael ei defnyddio'n effeithiol drwy'r sefydliad cyfan i fynd i'r afael â pherfformiad gwael ac anghenion datblygu. Mae angen i'r asesiadau ansawdd gan Adnoddau Dynol o arfarniadau perfformiad fod yn fwy cadarn.

Mae'n amlwg trwy ein adolygiad na chafodd pryderon ynglŷn â pherfformiad unigolion penodol eu cofnodi ar system rheoli perfformiad y Llyfrgell nac ar gofnodion personél. Nid oes camau wedi cael eu cymryd i fynd i'r afael â'r pryderon hyn.

Nid yw gweithdrefn safonau perfformiad y Llyfrgell yn adlewyrchu'r newidiadau sylweddol y mae'r Llyfrgell wedi'u gwneud i'w threfniadau rheoli perfformiad ac arfarnu staff. Nid yw'r weithdrefn hon yn cael ei defnyddio'n effeithiol i ymdrin â phryderon ynglŷn â pherfformiad.

Mae angen i'r diwylliant newid er mwyn i'r Llyfrgell symud ymlaen

Mae'r Llyfrgell yn sefydliad clos. Er y gall diwylliant clos fod yn fanteisiol, mae'n effeithio ar ei gallu i weithredu diwylliant rheoli perfformiad cadarn. Rydym ar ddeall bod nifer o bryderon wedi cael eu mynegi am rai materion yn ymwneud ag ymddygiad ond ni allem weld unrhyw dystiolaeth bod y rhain wedi cael eu cofnodi gan Adnoddau Dynol na bod unrhyw gamau gweithredu dilynol priodol wedi cael eu cymryd.

Dylai'r diwylliant presennol yn y Llyfrgell gael ei ystyried yn ofalus i weld a yw'n cefnogi cynaliadwyedd parhaus y Llyfrgell. Mae'r diwylliant yn cael ei greu gan haen uchaf y sefydliad ac mae ein hadolygiad o'r broses ddisgyblu wedi canfod bod diffyg ymgynghori â'r Tîm Gweithredol, sef yr Uwch Dîm Rheoli gynt. Ni chafodd y tîm ei annog i ddod ynghyd ac ystyried y materion mewn ffordd gyfunol.

Y ffordd ymlaen

Mae penderfyniad ymhlith Ymddiriedolwyr y Bwrdd a'r Tîm Gweithredol i sicrhau bod y Llyfrgell yn dysgu gwersi o'r broses ddisgyblu a arweiniodd at ddyfarniad o ddiswyddo dau aelod o staff yn annheg. Maent yn awyddus i sicrhau bod y trefniadau llywodraethu yn cael eu gwella. Mewn ymateb i'r adroddiad hwn mae'r Llyfrgell yn datblygu cynllun gweithredu er mwyn mynd i'r afael â'r argymhellion. Mae'n beth cadarnhaol bod y Llyfrgell yn mynd ati'n rhagweithiol i wneud hyn. Mae'n rhaid iddi sicrhau bod systemau ac adnoddau effeithiol yn cael eu rhoi ar waith er mwyn hwyluso'r gwaith o fonitro'r cynllun gweithredu hwn a'i roi ar waith. Er mwyn datblygu'r gwelliannau yn unol â'r argymhellion bydd angen ymdrech ac ymrwymiad o du'r holl Ymddiriedolwyr a'r staff.

Canfyddiadau

Ni lwyddodd polisiâu na gweithdrefnau'r Llyfrgell i hwyluso proses o ymdrin â'r materion a nodwyd yn effeithiol

Mae'r Polisi a'r Weithdrefn Ddisgyblu yn aneglur ac nid yw'n adlewyrchu egwyddorion Cod Ymarfer na chanllawiau ACAS yn ddigonol

Mae polisi a gweithdrefn ddisgyblu'r Llyfrgell yn aneglur mewn sawl ffordd. Nid yw'n gwahaniaethu'n glir rhwng y prosesau ar gyfer rheoli materion disgyblu sy'n ymwneud ag aelodau o'r uwch dîm rheoli a'r rhai sy'n ymwneud ag aelodau eraill o staff. O ganlyniad, yn achos y ddau gyflogai, cafodd elfennau o'r polisi disgyblu sy'n ymwneud ag uwch reolwyr eu cyfuno ag elfennau sy'n ymwneud ag aelodau eraill o staff. Er enghraifft, cynhaliwyd gwrandawriad disgyblu. Ni nodir hyn yn benodol fel opsiwn o ran uwch reolwyr ond fe'i nodir yn y polisi disgyblu fel rhan o'r broses ar gyfer aelodau eraill o staff.

Mae geiriad y polisi yn agored i ddehongliad. Mae hyn yn amlwg iawn ym mhenderfyniad y Prif Weithredwr i gynnal gwrandawriad disgyblu yn hytrach na gwneud penderfyniad yn seiliedig ar asesiad o ganfyddiadau adroddiad yr ymchwiliad, ac yna hefyd gynnwys panel disgyblu. Er ein bod yn deall i'r Prif Weithredwr gynnal gwrandawriad disgyblu er mwyn rhoi cyfle arall i'r cyflogaion ddadlau eu hachos, achosodd y dull gweithredu cymysg hwn amryfusedd, yn enwedig i'r ddau gyflogai a chafodd y Llyfrgell ei hamlygu i her. Gellid dadlau iddo hefyd ddyblygu proses yr ymchwiliad disgyblu, a oedd eisoes wedi rhoi cyfle i'r cyflogaion gyflwyno eu hachos. Byddai wedi bod yn well pe bai'r diffyg eglurder yn y polisi disgyblu wedi cael ei gydnabod a phe bai'r dull gweithredu a fabwysiadwyd a'r rhesymeg drosto wedi cael eu hesbonio'n glir i'r cyflogaion. Ni ddigwyddodd hyn bob amser.

Nid yw'r paragraffau (paragraff 5.5) sy'n ymwneud ag aelodau'r Uwch Dîm Rheoli yn sôn am wrandawriad disgyblu, ond mae'r polisi disgyblu yn cynnwys adran ar wahân (paragraff 5.2) sy'n sôn yn benodol am wrandawriad disgyblu. Nid yw'n amlwg a all paragraff 5.2 gael ei gymhwyso at uwch reolwyr ac aelodau eraill o staff. Mae angen i'r opsiynau a'r broses i'w dilyn gan y Swyddog Dynodedig, sef y Llyfrgellydd/Prif Weithredwr yn achos materion disgyblu sy'n ymwneud ag aelod o'r uwch dîm rheoli, gael eu nodi'n glir. Byddai'n ddefnyddiol pe bai'r Polisi Disgyblu yn cynnwys diagramau llif ar wahân sy'n dangos y broses ar gyfer uwch reolwyr ac aelodau eraill o staff.

Mae'r Polisi Disgyblu yn nodi, pan fydd mater disgyblu posibl yn codi o ran aelod o'r Uwch Dîm Rheoli, y bydd aelod arall o'r Uwch Dîm Rheoli yn gweithredu fel Swyddog Ymchwilio. O ystyried maint bach yr Uwch Dîm Rheoli a'r ymdeimlad o gymuned o fewn y sefydliad, mae hyn yn eithaf cyfyngol ac yn codi materion o ran cymhwysedd ac annibyniaeth. Bu hyn yn fater penodol o ran yr ymchwiliadau disgyblu i'r ddau aelod o staff. Cynhaliwyd yr ymchwiliadau disgyblu gan y Cyfarwyddwraig Casgliadau, sy'n gyfrifol am yr adran fwyaf yn y Llyfrgell ac a oedd wedi gweithio gyda'r Cyfarwyddwr Adnoddau Cyhoeddus am amser maith.

Awgrymodd y cyngor a roddwyd gan Geldards opsiynau amgen ynghylch pwy a allai fod yn swyddog ymchwilio yn yr achos hwn. Cwestiynodd p'un a ddylai aelod arall o'r Uwch Dîm Rheoli gynnal yr ymchwiliad. Bu trafodaethau hefyd rhwng y Prif Weithredwr a Geldards ynglŷn â gallu a sgiliau'r Cyfarwyddwraig Casgliadau i gynnal yr ymchwiliad. Byddai unrhyw wyriad oddi wrth y Polisi Disgyblu i ddefnyddio rhywun o'r tu allan i'r Uwch Dîm Rheoli i gynnal yr ymchwiliad wedi gofyn am drafodaeth gyda'r ddau gyflogai a'u cytundeb o bosibl. Nid oedd y Cyfarwyddwraig Casgliadau na'r Ysgrifennydd a Phennaeth Llywodraethiant yn ymwybodol o'r cyngor cyfreithiol a roddwyd i'r Llyfrgell a oedd yn cynnwys materion a oedd yn ymwneud â phenodi swyddog ymchwilio nes bod yr ymchwiliadau wedi hen ddechrau.

Roedd yr ymchwiliadau disgyblu a gynhaliwyd gan y Cyfarwyddwraig Casgliadau yn gynhwysfawr ac yn drylwyr. Fodd bynnag, cymerwyd deufis i'w cwblhau. Cynhaliodd y Cyfarwyddwraig Casgliadau yr ymchwiliadau yn ychwanegol at ei swyddogaethau a'i chyfrifoldebau arferol. Dylai ymchwiliad disgyblu gael ei gynnal mor fuan ac mor effeithiol â phosibl. Felly, rydym yn awgrymu y dylid diwygio'r Polisi Disgyblu i ganiatáu i bobl eraill gynnal yr ymchwiliad lle mae'n ymwneud ag aelodau o'r uwch dîm rheoli. Byddai hyn hefyd yn lleihau'r risg o herio annibyniaeth ac yn hwyluso'r broses o gynnal ymchwiliad heb oedi afresymol.

At hynny, nid yw'r broses ddisgyblu yn nodi cylch gorchwyl y panel disgyblu na'r ffordd y dylai gael ei gynnal. Arweiniodd y diffyg eglurder ynglŷn â rôl a phwerau'r panel disgyblu at anawsterau a thensiynau sylweddol yn y broses.

Prif ddiben y panel disgyblu, i bob diben, yw penderfynu a yw diswyddo'n briodol. Mae hyn yn unol â rôl y panel diswyddo a amlinellir ym mharagraff 5.3.4 o'r polisi disgyblu, sy'n ymwneud ag aelodau eraill o staff. Felly, mae teitl y panel disgyblu yn gamarweiniol (ac yn achos aelodau eraill o staff, cyfeirir at y panel fel y panel diswyddo). Er bod y polisi disgyblu yn nodi nifer o gamau gweithredu neu gosbau posibl y gellir eu hystyried mewn achos disgyblu, nid yw'n amlwg pwy na pha gorff sydd â'r pŵer i wneud y penderfyniad ynglŷn â chosbau. Dylai rôl a chylech gwaith y panel disgyblu a'r ffordd y caiff ei gynnal gael eu nodi'n glir yn y Polisi Disgyblu.

Mae'r Polisi Disgyblu'n cyfeirio'n gwbl briodol at ddeddfwriaeth Cyflogaeth a'r disgwyliad y bydd cyflogwyr yn cydymffurfio â Chod Ymarfer Statudol ACAS ar faterion disgyblu a chwynion. Fodd bynnag, nid yw'r polisi yn nodi'n benodol y meysydd lle mae Cod Ymarfer a chanllawiau ACAS yn gymwys a sut y dylai'r rhain gael eu hystyried yn ystod y broses. Er enghraifft, mae'r polisi disgyblu yn nodi diraddio fel cosb bosibl. Fodd bynnag, nid yw'n esbonio nad oes gan y Llyfrgell bŵer unochrog i ddiraddio ac yn unol â chyfraith achosion, ymarfer cwsmeriaid a chanllawiau ACAS ar ddisgyblu a chwynion yn y gwaith gall cosbau, megis diraddio ond gael eu rhoi os caniateir hynny yng nghontract y cyflogai neu gyda chytundeb y cyflogai. Mae angen i'r polisi disgyblu gael ei adolygu a'i ddiweddarau er mwyn adlewyrchu cyfraith achosion a'r egwyddorion a nodir yng nghod a chanllawiau ACAS, yn enwedig o ran priodoldeb cosbau a'r ffactorau y mae angen eu hystyried wrth roi'r cosbau hyn.

Mae'n galonogol bod y Llyfrgell eisoes wedi dechrau adolygu ei pholisi disgyblu.

Nid oes gan y Llyfrgell Bolisi Twyll cyfredol y cytunwyd arno

Nid oes gan y Llyfrgell Bolisi Twyll cyfredol. Mae gan y Llyfrgell bolisi Gwrth-Lwgrwobrwyo ac mae Rheoliadau Ariannol y Llyfrgell yn amlinellu'r broses i'w dilyn pan fydd achos o afreoleidd-dra sy'n ymwneud ag arian parod, storfeydd neu eiddo arall i'r Llyfrgell wedi digwydd neu y credir ei fod wedi digwydd. Fodd bynnag, mae'n arfer da bod gan sefydliad Bolisi a Gweithdrefn benodol ynglŷn â Thwyll.

Byddai polisi twyll penodol yn hwyluso'r broses o ddatblygu rheolaethau a fydd yn helpu i ganfod ac atal twyll yn erbyn y Llyfrgell. Byddai hefyd yn rhoi canllawiau clir ac yn neilltuo cyfrifoldeb am ddatblygu rheolaethau a chynnal ymchwiliadau, gan gynnwys cyfrifoldebau ymchwilio, cyfrinachedd, awdurdodi ymchwiliadau i achosion o dwyll a amheuir, trefniadau adrodd a therfynu.

Nid yw polisi chwythu'r chwiban cyfredol y Llyfrgell yn adlewyrchu'r newidiadau deddfwriaethol mwyaf diweddar ac ni chaiff ei ddefnyddio gan staff

Nid yw polisi chwythu'r chwiban cyfredol y Llyfrgell yn mynd i'r afael â newidiadau diweddar mewn deddfwriaeth. Mae Deddf Datgelu er Budd y Cyhoedd 1998 yn ddarn allweddol o ddeddfwriaeth ynglŷn â chwythu'r chwiban. Mae hon wedi cael ei diwygio gan ddeddfwriaeth arall, gan gynnwys Deddf Menter a Diwygio Rheoleiddio 2013. Fel enghraifft, mae polisi'r Llyfrgell yn dal i gyfeirio at ddatgeliadau yn ddiwyll yn hytrach na datgeliadau er budd y cyhoedd. Cafodd polisi'r Llyfrgell ei ddatblygu ym mis Tachwedd 2010 ac roedd disgwyl iddo gael ei ddiweddarau ym mis Tachwedd 2013. Ni ddigwyddodd hyn. Rydym ar ddeall bod polisi chwythu'r chwiban y Llyfrgell wrthi'n cael ei ddiwygio.

Mae pwysigrwydd trefniadau chwythu'r chwiban effeithiol wedi cael ei danlinellu gan nifer o ddiwyddiadau nodedig yn ystod yr ychydig flynyddoedd diwethaf, gan gynnwys ymchwiliad NHS Mid Staffordshire.

Ni fu unrhyw weithgarwch chwythu'r chwiban yn y Llyfrgell yn ystod y pum mlynedd diwethaf. Rydym yn ymwybodol bod pryderon ynglŷn â'r ffordd yr ymdriniwyd â'r achos disgyblu ond ni chafodd y pryderon hyn eu mynegi drwy ddefnyddio gweithdrefnau chwythu'r chwiban.

Mae polisi chwythu'r chwiban y Llyfrgell ar gael ar fewnwyd y Llyfrgell. Caiff aelodau newydd o staff eu hysbysu am fodolaeth y polisi fel rhan o'r broses sefydlu. Nid oes dim wedi cael ei wneud i godi ymwybyddiaeth o fodolaeth y polisi ymhlith aelodau eraill o staff.

Mae angen i weithdrefn safonau perfformiad y Llyfrgell gael ei diwygio ac mae angen mwy o wahaniaethu rhwng y weithdrefn hon a'r polisi disgyblu

Mae gan y Llyfrgell weithdrefn safonau perfformiad a ddatblygwyd ym mis Hydref 2008. Mae'r Llyfrgell wedi gwneud newidiadau sylweddol i'r trefniadau rheoli perfformiad ers i'r weithdrefn hon gael ei llunio, gan gynnwys gweithredu system rheoli perfformiad ar-lein sy'n seiliedig ar gymhwysedd. Nid yw'r weithdrefn yn adlewyrchu'r trefniadau hyn. Cawsom ein hysbysu y caiff y weithdrefn ei hadolygu yn ystod 2015/16.

Mae'n beth cadarnhaol bod gan y Llyfrgell weithdrefn safonau perfformiad lle mae'n nodi ymrwymiad a chyfrifoldebau staff i gyrraedd safonau perfformiad uchel. Fodd bynnag, mae'r adolygiad wedi tynnu sylw at y ffaith nad yw'r weithdrefn hon yn cael ei defnyddio'n effeithiol i ymdrin â phryderon ynglŷn â pherfformiad. Mae'r adolygiad hefyd wedi tynnu sylw at yr angen i atgyfnerthu rôl a phwysigrwydd y weithdrefn hon a'r cysylltiad rhyngddi a pholisi disgyblu'r Llyfrgell ac, yn wir, y gwahaniaeth rhwng y ddau.

Mae angen datblygu sgiliau a gymwyseddau rheolwyr ymhellach

Mae brwdfrydedd ac ymrwymiad y staff yn y Llyfrgell wedi cael eu nodi gan lawer o'r bobl a gyfwelwyd fel rhan o'r adolygiad. Fodd bynnag, mynegwyd y farn hefyd bod angen datblygu sgiliau rheoli ehangach staff er mwyn helpu i hyrwyddo dyfodol y Llyfrgell. Mae ein hadolygiad o'r broses a'r digwyddiadau a arweiniodd at ddiswyddo dau aelod o staff yn annheg yn cefnogi'r farn hon. Rydym ar ddeall bod y Llyfrgell yn rhoi cynlluniau ar waith i wella sgiliau rheoli ei staff a rhoi cyfleoedd i aelodau iau o staff gael profiad sy'n berthnasol i rôl rheoli. Byddai'n fuddiol i'r Llyfrgell pe bai'n nodi'r meysydd mwyaf arwyddocaol a gwneud yr hyfforddiant hwn yn orfodol. Byddai hyn yn helpu i nodi'r hyn a ddisgwylir gan reolwyr yn unol â'r cymwyseddau sydd wedi'u datblygu eisoes. Dylid monitro'r ffordd y caiff yr hyfforddiant hwn ei gwblhau a'i effaith fel rhan o weithdrefn rheoli perfformiad y Llyfrgell. Mae ein hadolygiad hefyd wedi nodi'r angen i ddatblygu sgiliau a gymwyseddau rheoli rhai aelodau o'r Tîm Gweithredol.

Mae'n amlwg nad yw'r Llyfrgell eto wedi'i llywodraethu na'i rheoli mewn ffordd sy'n gyson â chymhwyso arfer gorau. Mae'r Llyfrgell yn sefydliad balch a diwylliannol, y mae angen iddi symud yn ei blaen bellach er mwyn ateb yr heriau a wynebir ganddi. Ceir cydnabyddiaeth ymhlith y Tîm Gweithredol a Bwrdd yr Ymddiriedolwyr o'r cyfeiriad y mae angen ei ddilyn, ond mae ein hadolygiad wedi canfod bod angen i'r Llyfrgell ddatblygu sgiliau a gymwyseddau rheoli ei staff er mwyn sicrhau y gall gyflawni ei chynlluniau ar gyfer y dyfodol. Canfu'r adolygiad na chafodd opsiynau amgen a oedd ar gael ar bob cam na'r risgiau cysylltiedig eu hystyried na'u hasesu bob amser. Nid ymgynghorwyd â'r uwch dîm rheoli ar y cyd bob amser ac ni chafodd ei gynnwys yn y drafodaeth hon. Ni chafodd y cyngor a gynigiwyd ei ystyried yn briodol bob amser neu ni weithredwyd arno. Canfu'r adolygiad nifer o enghreifftiau lle nad ymgynghorodd yr arweinyddiaeth ag uwch reolwyr eraill cyn gwneud penderfyniadau. Er enghraifft, o ran penderfyniadau i gynnal gwrandawriad disgyblu a phanel disgyblu. Ni chafodd y risgiau i'r sefydliad eu hasesu'n gadarn bob amser.

Awgryma ein hadolygiad y gellid bod wedi ymdrin â'r holl fater yn wahanol ar ôl i'r adroddiad Archwilio Mewnol drafft ddod i law er mwyn osgoi amryfusedd a'i gwneud yn bosibl i'r argymhellion gael eu gweithredu'n gynt ac i adroddiad ffurfiol gael ei gyflwyno i'r Pwyllgor Archwilio. Yn sgil pryderon ynglŷn â diffyg rheolaethau wrth awdurdodi anfoneb a oedd yn ymwneud â chylchgrawn yr heddlu Blue Line, y canfuwyd ei bod yn gysylltiedig â thwyll ar ôl ymchwiliad, gofynnodd y Swyddog Cyfrifyddu Dros Dro i'r Archwilwyr Mewnol gynnal adolygiad o gaffael yn yr adran farchnata. Gofynnwyd am yr adolygiad fel rhan o Gynllun Archwilio Mewnol 2013-14. Fodd bynnag, roedd y contract â'r Archwilwyr Mewnol wedi gorffen ar ddiwedd 2012-13 ac nid oedd yr

archwilwyr mewnol ar gyfer y cyfnod 2013-14 wedi'u penodi. Er i archwiliad safonol yn seiliedig ar systemau yn canolbwyntio ar reolaethau a chydymffurfiaeth â'r rheolaethau hyn gael ei gynnal gan yr Archwilwyr Mewnol, mae amseriad ac amgylchiadau comisiynu'r adolygiad yn awgrymu bod ymdeimlad bod angen ei gynnal ar fyrder.

Yn sgil y pryderon a nodwyd gan yr Archwilwyr Mewnol yn eu hadroddiad drafft cyntaf, roedd y Swyddog Cyfrifyddu Dros Dro yn pryderu y gallai gweithgarwch twyllodrus fod wedi digwydd. Gofynnodd i'r Archwilwyr Mewnol gynnal gwiriadau ychwanegol, a hynny'n gwbl briodol. Mae hyn yn gyson â Rheoliadau Ariannol y Llyfrgell sy'n nodi pryd bynnag y bydd unrhyw fater yn codi sy'n ymwneud ag achos o afreoleidd-dra ynglŷn ag arian parod, storfeydd neu eiddo arall i'r Llyfrgell neu y credir ei fod yn ymwneud â hynny bydd y Cyfarwyddwr Adnoddau Corfforaethol yn cymryd y cyfryw gamau ag sy'n angenrheidiol yn ei farn ef i ymchwilio i'r mater a chyflwyno adroddiad arno, a'r tebyg yw y bydd yn galw ar wasanaethau'r Archwilwyr Mewnol.

Roedd gweithredoedd y Swyddog Cyfrifyddu Dros Dro ar ôl cael yr adroddiad archwilio mewnol drafft cyntaf yn debyg i ymchwiliad rhagarweiniol i achos o dwyll. Fodd bynnag, nid oes gan y Llyfrgell Bolisi Twyll cyfredol sy'n nodi'r gweithdrefnau a fyddai'n cael eu dilyn ar gyfer ymchwiliad o'r fath. Ni chafodd y gwaith ychwanegol a gynhaliwyd gan yr Archwilwyr Mewnol ei amlinellu yn yr adroddiad archwilio mewnol terfynol.

Dechreuwyd ar ymchwiliad i ganfod y ffeithiau ym mis Gorffennaf 2013 ar ôl i'r adroddiad Archwilio Mewnol drafft gael ei drafod yn y Pwyllgor Archwilio ar 8 Gorffennaf 2013. Bu cryn oedi rhwng derbyn yr adroddiad archwilio mewnol drafft ar ddechrau mis Mai a chyfarfodydd yr ymchwiliad i ganfod y ffeithiau ym mis Gorffennaf 2013. Ni welodd y ddau gyflogai y fersiwn drafft ar yr adroddiad archwilio mewnol a fodolai ar y pryd nes bod yr ymchwiliad i ganfod y ffeithiau wedi dechrau.

Roedd yr adroddiad Archwilio Mewnol yn cynnwys nifer o ganfyddiadau ac argymhellion nad oeddent yn ymwneud yn benodol ag ymddygiad y ddau gyflogai. Ar ôl i'r ymchwiliad i ganfod y ffeithiau ddod i ben, gallai argymhellion yr Archwilwyr Mewnol nad oeddent yn ymwneud â materion ymddygiad fod wedi cael eu llunio'n derfynol, eu rhoi ar waith a'u hadrodd i'r Pwyllgor Archwilio.

Roedd dyddiad gweithredu'r saith argymhelliad risg uchel a nodwyd yn yr adroddiad Archwilio Mewnol terfynol yn amrywio o rhwng mis Ionawr i fis Ebrill 2014; ychydig yn llai na blwyddyn ar ôl i ddrafft cyntaf yr adroddiad Archwilio Mewnol gael ei rannu gyda'r Swyddog Cyfrifyddu Dros Dro. O ystyried bod canfyddiadau'r adolygiad Archwilio Mewnol yn cael eu hystyried yn rhai mor arwyddocaol fel eu bod yn cyfiawnhau ymchwiliad a phroses ddisgyblu, mae'n syndod nad aethpwyd i'r afael â hwy lawer yn gynt er budd y Llyfrgell.

Ni chyflwynwyd yr adroddiad Archwilio Mewnol terfynol dyddiedig 30 Ionawr 2014 i'r Pwyllgor Archwilio tan fis Ebrill 2015 mewn gwirionedd.

Dechreuodd y Prif Weithredwr presennol yn ei swydd ym mis Awst 2013, ar ôl bod yn un o Ymddiriedolwyr y Bwrdd ac yn fwy diweddar, yn Is-Lywydd. Yn ystod ei wythnos gyntaf yn ei swydd bu'n rhaid iddo ymdrin â'r pryderon a godwyd ynglŷn â dau aelod o staff, yr oedd un ohonynt yn aelod o'i uwch dîm rheoli. Y mater hwn oedd rôl gyntaf y Prif Weithredwr fel Prif Weithredwr. Er ei fod wedi cael profiad o fod yn rhan o ymchwiliadau disgyblu yn ei gyflogaeth flaenorol gan gynnwys rhai a oedd wedi mynd gerbron Tribiwnlys Cyflogaeth, gwnaeth y Prif Weithredwr nifer o benderfyniadau a chymerodd nifer o gamau a oedd yn golygu bod y Llyfrgell yn agored i her.

Er iddo ofyn am gyngor gan Geldards yn aml, ni wnaeth y Prif Weithredwr fanteisio ar sgiliau a phrofiad ei dîm ei hun ac nid ymgynghorodd â hwy na cheisio eu cyngor, na chyngor ei Ymddiriedolwyr, cyn gwneud penderfyniadau allweddol, yn enwedig ar ôl yr ymchwiliad disgyblu. Er enghraifft, gwnaeth Ysgrifennydd a Phennaeth Llywodraethiant y Llyfrgell, sy'n ymarferydd Adnoddau Dynol siartredig a chymwysedig, hysbysu'r Prif Weithredwr am y gofyniad cyfreithiol i sicrhau cytundeb y naill ochr a'r llall i ddiraddio yn unol â chanllawiau ACAS a chyfraith cyflogaeth gyfredol. Rydym ar ddeall i'r Prif Weithredwr drafod hyn gyda Geldards ond cynghorwyd bod cosbau'r Weithdrefn Ddisgyblu yn 'cael eu caniatáu' yng nghontract cyflogaeth y Llyfrgell. Fodd bynnag, anghytunodd barnwr y Tribiwnlys Cyflogaeth â hyn.

Ni chyflwynwyd unrhyw adroddiadau ffurfiol i Fwrdd yr Ymddiriedolwyr nac i'r Tîm Gweithredol ynglŷn â'r Tribiwnlys Cyflogaeth, y risgiau a oedd yn gysylltiedig ag ef a'r opsiynau i setlo'r achos.

Er nad yw polisi disgyblu'r Llyfrgell yn glir, ni wnaeth y Prif Weithredwr ddogfennu na chyfleu'n glir ei resymau dros wneud y penderfyniadau a wnaeth. Mae ei benderfyniad i gynnal gwrandawriad disgyblu yn nodedig o hynny. Yn ôl dehongliad y Prif Weithredwr o'r Polisi Disgyblu, roedd cynnal gwrandawriad disgyblu o fewn ei bwerau.

At hynny, y rheswm dros atal y ddau unigolyn dros dro ar ôl y gwrandawriad disgyblu oedd er mwyn rhoi amser iddynt baratoi ar gyfer y panel disgyblu yn ôl pob golwg, ond ni chafodd y rheswm hwn ei gyfleu yn y llythyr at yr unigolion. O edrych yn ôl, mae'r Prif Weithredwr yn cydnabod y gallai cyfnod o absenoldeb fod wedi bod yn fwy priodol. Mae cod ACAS yn pwysleisio y dylai cyfnod o atal dros dro fod mor fyr â phosibl ac y dylai gael ei adolygu'n barhaus. Mae Polisi Disgyblu'r Llyfrgell hefyd yn nodi y dylai cyfnod o atal dros dro gael ei adolygu'n barhaus. Mewn llythyr at gyfreithwyr yr unigolion ym mis Rhagfyr 2013 nodwyd, er bod oedi cyn trefnu cyfarfodydd y panel disgyblu, fod y Llyfrgell yn dal i gredu y dylai'r cyfnod o atal dros dro barhau gan ei bod yn teimlo y byddai effaith ar allu'r unigolion i weithio yn y ffordd arferol.

Ar ôl y gwrandawriad disgyblu, penderfynodd y Prif Weithredwr gyfeirio'r mater at Banel Disgyblu am ei fod yn teimlo ei bod yn briodol diswyddo'r ddau unigolyn. Rydym eisoes wedi nodi nad yw polisi disgyblu'r Llyfrgell yn nodi rôl na chylch gwaith y panel hwn na'r ffordd y câi ei gynnal. Mae'r llythyrau at yr unigolion yn amlinellu bod panel disgyblu yn cael ei gynnull am fod y Prif Weithredwr o'r farn y gall diswyddo fod yn briodol. Fodd bynnag, ni soniodd y llythyr yn benodol ei fod yn teimlo bod honiadau posibl o gamymddwyn difrifol. Soniwyd am hyn yn benodol am y tro cyntaf yn ystod ei gyflwyniad llafar i'r panel disgyblu.

Roedd cyflwyniad llafar y Prif Weithredwr i'r panel disgyblu yn fyr. Rydym ar ddeall bod aelodau'r panel yn teimlo na chyflwynodd achos cynhwysfawr ac nad ymhelaethodd ar yr honiadau er mwyn esbonio pam bod y rhain yn gyfystyr â chamymddwyn difrifol. Mae honiad o gamymddwyn difrifol yn un difrifol iawn a dylai'r rhesymau drosto gael eu nodi'n glir i bob parti gan gynnwys yr unigolion y gwnaed yr honiadau yn eu herbyn. Ni ddigwyddodd hynny.

Ni roddwyd asesiad ysgrifenedig cadarn o'r cosbau i'r panel disgyblu. Nid yw'n glir pam nad ystyriwyd bod rhybuddion ysgrifenedig terfynol yn ddigonol. Ni chafodd difrifoldeb posibl y gosb hon ei ystyried yn llawn nac ychwaith yr opsiwn i gyfuno hyn â gweithdrefnau rheoli perfformiad.

Bu diffyg ystyriaeth ddifrifol hefyd o'r posibilrwydd o setlo'r hawliad a gwneud gwrthgynigion i'r unigolion cyn y Tribiwnlys Cyflogaeth. Er y credid bod gan y Llyfrgell achos cadarn, ni chynhaliwyd unrhyw ddadansoddiad risg na chost a budd, er enghraifft i ystyried risgiau i enw da'r sefydliad.

Byddai wedi bod disgwyliad bod angen i'r Llyfrgell gael cymeradwyaeth Llywodraeth Cymru cyn y gellid cyflwyno cynnig i setlo. Fodd bynnag, er y cafwyd trafodaeth gychwynnol â Llywodraeth Cymru ynglŷn â'r achos ac er i'r Llyfrgell gael ei chynghori y byddai trafod setliad posibl â chynrychiolydd yr Undeb Llafur yn bragmatig, ni fu unrhyw ymgynghori ffurfiol â Llywodraeth Cymru ynglŷn â setlo'r achos tan ar ôl dyfarniad y Tribiwnlys Cyflogaeth.

Ni chaiff prosesau rheoli perfformiad ac arfarnu staff eu cymhwyso'n gadarn nac yn gyson er mwyn sicrhau gwelliant

Mae'n amlwg trwy ein adolygiad na chafodd pryderon ynglŷn â perfformiad unigolion penodol eu cofnodi ar system rheoli perfformiad y Llyfrgell nac ar gofnodion personél. Nid oes camau wedi cael eu cymryd i fynd i'r afael â'r pryderon hyn. Mae'n amlwg hefyd na chafodd y broses arfarnu perfformiad ei chwblhau'n briodol i bawb y llynedd. Roedd hyn yn bennaf o ganlyniad i'r tân, y gwaith ailstrwythuro a chyfranogiad yr uwch dîm reoli yn y broses o ddisgyblu dau gyn-aelod o staff. Rydym wedi cael sicrwydd bod y broses yn cael ei hailsefydlu.

Yn gyffredinol, awgryma hyn na all y Llyfrgell ymdrin â phryderon ynglŷn â pherfformiad yn effeithiol. Mae disgwyliadau mwy gan Lywodraeth Cymru ynglŷn â rôl y Llyfrgell ac mae wedi pennu targedau heriol i'r Llyfrgell eu cyflawni. Bydd datblygu diwylliant cadarn o reoli perfformiad yn allweddol i wneud hyn yn llwyddiannus. Mae angen i'r Ymddiriedolwyr a'r rheolwyr fod yn barod i gynnal sgysiau anodd â staff, a gallu

gwneud hynny, pan fo angen. Mae angen hefyd i anghenion hyfforddiant a datblygu gael eu trafod, eu nodi a'u diwallu. Tanlinellwyd pwysigrwydd hyn gan y broses ddisgyblu mewn perthynas â'r ddau gyn-aelod o staff.

Rhoddodd y Llyfrgell fframwaith yn seiliedig ar gymhwysedd yn 2012 a chyflwynwyd pecyn meddalwedd, *TalentLab*, hefyd. Mae'r system electronig hon yn hwyluso'r gwaith o olrhain a monitro cwblhau arfarniadau perfformiad a nodi anghenion hyfforddiant. Mae adolygiadau perfformiad chwe-misol yn rhan o'r system ac mae rheolwyr yn cael eu hatgoffa i gynnal yr adolygiadau hyn. Caiff adroddiadau sy'n nodi'r aelodau hynny o staff nad ydynt wedi cwblhau eu harfarniadau perfformiad eu cyflwyno i'r Uwch Dîm Rheoli.

Mae hyfforddiant ar gymwyseddau, pennu targedau a *TalentLab* wedi cael eu rhoi i'r staff. Mae'r tîm Adnoddau Dynol wedi cynnal gwiriadau ar hap ac wedi adolygu sampl o arfarniadau er mwyn canfod pa mor dda mae staff yn ymdopi â'r system. Rydym ar ddeall i'r adolygiad hwn hefyd gynnwys gwiriadau i weld a oedd materion a ddygwyd i sylw'r tîm Adnoddau Dynol yn flaenorol wedi cael eu cofnodi drwy'r broses arfarnu. Er gwaethaf hyn, y farn gyffredinol a fynegwyd yn ystod ein gwaith maes oedd mai cymysg fu ansawdd a chadernid y broses o weithredu arfarniadau perfformiad. Mae angen i'r asesiadau ansawdd a gynhelir gan Adnoddau Dynol fod yn fwy cadarn. Mae angen i wersi a ddysgwyd a meysydd i'w gwella yn ogystal ag arfer da gael eu rhannu er mwyn sicrhau bod y system yn cael effaith i ysgogi gwelliant mewn gwirionedd. Rydym ar ddeall bod cynlluniau'n cael eu datblygu i roi hyfforddiant ychwanegol i reolwyr ac i dargedu a theilwra hyfforddiant er mwyn harneisio talent yn y sefydliad fel modd i gynllunio olyniaeth.

Rydym yn cydnabod bod adnoddau'r tîm Adnoddau Dynol wedi lleihau'n sylweddol dros y 18 mis diwethaf. Caiff arbenigedd Adnoddau Dynol ei ddarparu drwy ymgynghorydd allanol a chynghorwyr cyfreithiol yn ôl yr angen. Rydym ar ddeall bod agweddau strategol ar Adnoddau Dynol yn dod o dan gylch gwaith yr Ysgrifennydd a Phennaeth Llywodraethiant bellach.

Mae angen i'r diwylliant newid er mwyn i'r Llyfrgell symud ymlaen

Mae'r Llyfrgell yn sefydliad bach a chyfeillgar. Mae'r ymdeimlad o gymuned glos yn y Llyfrgell yn effeithio ar ei gallu i weithredu diwylliant rheoli perfformiad cadarn. Mae'r system rheoli perfformiad ac arfarnu staff sydd ar waith yn y Llyfrgell yn un dda ond nid yw'n cael ei defnyddio'n effeithiol ar gyfer pob aelod o staff, ac felly tansailir holl ddiben y system. Mae amharodrwydd i gynnal sgysiau anodd ynglŷn â pherfformiad gwael ac anghenion datblygu.

Mae'n hanfodol bod camau yn cael eu cymryd i ddatblygu diwylliant lle y caiff sgysiau gonest ynglŷn â pherfformiad eu hannog a lle mae rheolwyr yn cael eu paratoi a'u cefnogi i fynd i'r afael â pherfformiad gwael a hyrwyddo perfformiad da. Mae diwylliant rheoli perfformiad o'r fath yn hollbwysig er mwyn galluogi'r sefydliad i gyflawni'r targedau a bennwyd gan Fwrdd yr Ymddiriedolwyr a Llywodraeth Cymru. Rydym ar ddeall bod rhaglen o hyfforddiant yn cael ei rhoi ar waith ond mae angen i uwch reolwyr greu'r amgylchedd iawn ar yr haen uchaf ac arwain drwy esiampl, gan gymhwyso'r system arfarnu perfformiad yn drylwyr ac yn gyson.

Canfu ein hadolygiad nad yw'r diwylliant yn y sefydliad yn briodol ar hyn o bryd i ymateb i'r heriau a'r newidiadau a wynebir gan y Llyfrgell. Mae'r diwylliant yn cael ei greu gan haen uchaf y sefydliad ond mae ein hadolygiad o'r broses ddisgyblu wedi dangos na chafodd y Tîm Gweithredol ei gynnwys ar y cyd yn y broses.

Drwy gydol ein hadolygiad, mynegwyd pryderon ynglŷn â llywodraethu, ymddygiad, penderfyniadau a pherfformiad. Mae aelodau o staff wedi mynegi pryderon ynglŷn â materion ymddygiad nad ydynt wedi cael eu cofnodi'n briodol gan Adnoddau Dynol ac nid oes camau gweithredu priodol wedi cael eu cymryd i fynd i'r afael â'r materion hyn. At hynny, o ystyried nifer y pryderon a fynegwyd, mae'n syndod nad oes neb wedi ceisio chwythu'r chwiban. Nid yw polisi chwythu'r chwiban y Llyfrgell yn gyfredol ar hyn o bryd ac ni roddir cyhoeddusrwydd da iddo drwy'r sefydliad cyfan er mwyn hwyluso chwythu'r chwiban. Er bod y Llyfrgell yn amlwg yn sefydliad balch a chlos, nid oes diwylliant o fod yn agored.

Ceir gwendidau mewn agweddau allweddol ar drefniadau llywodraethu'r sefydliad

Nodir trefniadau llywodraethu'r Llyfrgell yn bennaf yn ei Siarter Frenhinol atodol yn 2006. Mae'r Siarter yn cyfeirio at rôl Swyddogion a Bwrdd y Llyfrgell ynghyd ag aelodaeth a phwerau'r Llyfrgell. Mae hyn wedi'i hategu gan Fframwaith Llywodraethu Corfforaethol a gymeradwywyd gan y Bwrdd ym mis Medi 2013, sy'n diffinio rôl y swyddogion, y Llywydd, yr Is-lywydd a'r Trysorydd yn fanylach. Ceir disgrifiad cyffredinol o rôl aelodau'r Bwrdd hefyd.

Ni chaiff datganiadau o fuddiant eu nodi'n glir yng nghofnodion cyfarfodydd y Bwrdd

Mae'n ofynnol i Ymddiriedolwyr lofnodi datganiad o fuddiant ar ddechrau bob blwyddyn a datgan unrhyw fuddiannau ar ddechrau cyfarfodydd y Bwrdd a'r Pwyllgor Archwilio lle y bo hynny'n berthnasol i'r eitemau ar yr agenda. Er bod achosion lle mae aelodau o'r Bwrdd wedi datgan buddiant wedi cael eu nodi yng nghofnodion y cyfarfod, nid yw natur y buddiant wedi'i nodi bob amser. Defnyddir yr ymadrodd 'y buddiant arferol' yn aml. Efallai na fydd unigolion y tu allan i'r Llyfrgell yn gwybod beth yw'r buddiant hwn. Er mwyn bod yn fwy tryloyw a lleihau'r risg o her i'r eithaf, byddai'n arfer da nodi natur y buddiant yn benodol yng nghofnodion y cyfarfod. At hynny, ar gyfer pob buddiant datganedig, dylai fod asesiad risg wedi'i ddogfennu a chynllun lliniaru ar waith er mwyn sicrhau yr ymdrinnir â buddiannau'n effeithiol.

Mae effeithiolrwydd y Bwrdd yn dibynnu'n rhannol ar ewyllys da aelodau'r Bwrdd, eu sgiliau a'u profiadau. Gall achosion o wrthdaro buddiannau effeithio ar hyn hefyd. Mae llawer o'r materion allweddol y mae'r Llyfrgell wedi eu hwynebu dros y ddwy flynedd ddiwethaf, megis y tân a'r broses ddisgyblu, wedi gofyn am gryn dipyn o gyngor cyfreithiol allanol, a roddwyd gan Geldards. Mae un o Ymddiriedolwyr y Bwrdd yn bartner yn Geldards. Nid yw'r Bwrdd wedi ystyried ei gymysgedd sgiliau ar adeg pan fyddai dealltwriaeth ac arbenigedd cyfreithiol ychwanegol wedi bod yn ddefnyddiol o bosibl. Dylai'r Bwrdd asesu sgiliau'r Bwrdd yn rheolaidd wrth i faterion newydd godi er mwyn penderfynu a oes angen arbenigedd ychwanegol neu benodol. Rydym ar ddeall bod y Bwrdd bellach wedi gweithredu proses arfarnu i'r Bwrdd a bod y cyfweiliadau diwethaf ar gyfer aelodau'r Bwrdd wedi ystyried cymysgedd sgiliau'r Bwrdd.

Nid yw egwyddorion rheoli risg wedi'u hymgorffori yn y sefydliad

Mae gan y Llyfrgell gofrestr risg a chanfu Adolygiad Mewnol o drefniadau llywodraethu'r sefydliad fod hon yn cael ei hadolygu'n rheolaidd gan y Pwyllgor Archwilio. Mae cofrestrau risg y Llyfrgell dyddiedig 31 Mai 2014 a 31 Mawrth 2015 yn cynnwys y Tribiwnlys Cyflogaeth fel risg i enw da. Fodd bynnag, o ystyried y digwyddiadau a arweiniodd at ddyfarniad y Tribiwnlys Cyflogaeth, mae'n amheus a yw rheoli risg wedi'i ymgorffori'n wirioneddol yn y sefydliad. Canfu ein hadolygiad fod diffyg asesiad cadarn o risgiau a buddiannau penderfyniadau ac opsiynau er budd y Llyfrgell. Er i'r Prif Weithredwr roi rhai diweddariadau ar lafar, ni fu unrhyw adroddiadau ffurfiol yn breifat i'r Bwrdd rhwng yr hawliad i'r Tribiwnlys Cyflogaeth a dyfarniad y Tribiwnlys Cyflogaeth.

Efallai y byddai wedi bod yn fuddiol i'r Llyfrgell pe bai wedi ceisio cyngor cyfreithiol ychwanegol fel ffordd o gael mwy o annibyniaeth a safbwynt newydd ar y broses ddisgyblu

Geldards yw cynghorwyr y Llyfrgell. Cawsant eu hailbenodi'n llwyddiannus drwy ymarfer caffael agored ar y cyd â'r Amgueddfa Genedlaethol yn 2011. Ceisiodd y Swyddog Cyfrifyddu Dros Dro gyngor ganddynt ar ôl cael adroddiad archwilio mewnol drafft ac yna drwy gydol y broses. Roedd y Prif Weithredwr yn arbennig yn dibynnu'n fawr ar eu cyngor.

Ar ôl yr ymchwiliad disgyblu, penderfynwyd newid y person a oedd yn cynrychioli Geldards yn y broses, er mwyn gwahanu rhwng y cam ymchwilio a'r cam disgyblu. Wedyn rhoddwyd cyngor cyfreithiol i'r Llyfrgell ar y gwrandawriad disgyblu, y panel disgyblu, panel apêl a thribiwnlys cyflogaeth gan un o bartneriaid Geldards. Cafodd y Llyfrgell ei chynrychioli yn y Tribiwnlys Cyflogaeth gan yr un partner o Geldards. Cawsom wybod bod Geldards wedi codi'r posibilrwydd bod y Llyfrgell yn cael ei chynrychioli yn y Tribiwnlys Cyflogaeth gan fargyfreithiwr allanol ond roedd y Prif Weithredwr a Llyfrgellydd o'r farn ei bod yn briodol parhau â'r

gynrychiolaeth gan yr un partner o Geldards; eiriolwr tribiwnlys profiadol iawn. Ni cheisiwyd unrhyw gyngor cyfreithiol annibynnol ychwanegol na her er mwyn ystyried rhinweddau'r achos cyn y Tribiwnlys Cyflogaeth. Nid ystyriwyd yn llawn y cyfle i gael pâr o lygaid newydd ac elfen o annibyniaeth ar yr adeg hon o'r broses.

Mae'r llythyr rhinweddau a ddarparwyd gan Geldards i'r Prif Weithredwr ynglŷn â'r risgiau a pha mor debygol y byddai'r achos yn llwyddo yn y Tribiwnlys Cyflogaeth yn gyson â'r ffordd roedd wedi ymdrin â'r mater drwy gydol y broses. Teimlai unigolion a roddodd dystiolaeth ar ran y Llyfrgell yn y Tribiwnlys Cyflogaeth eu bod wedi cael eu briffio'n dda gan Geldards.

Roedd barnwr y Tribiwnlys Cyflogaeth wedi anghytuno â rhai agweddau o'r y cyngor cyfreithiol a gynigiwyd i'r Llyfrgell. Un enghraifft yw, er bod y polisi disgyblu yn cynnwys cosb diraddio fel opsiwn, nad oes pŵer cytundebol clir i ddiraddio. Fel arfer, cynigir diraddio fel dewis yn lle diswyddo ond mae cyfraith achosion wedi tanlinellu bod angen cytundeb y naill ochr a'r llall er mwyn ystyried hyn. Adlewyrchir hyn hefyd yng nghanllawiau ACAS ar Ddisgyblu a Chwynion yn y gweithle. Codwyd y pwynt hwn hefyd yn ystod y broses ddisgyblu mewn gohebiaeth at y Prif Weithredwr a Llyfrgellydd oddi wrth yr Ysgrifennydd a Phennaeth Llywodraethiant.

Gellid atgyfnerthu'r trefniadau archwilio mewnol ymhellach

RSM Tenon, Baker Tilly bellach, yw'r archwilwyr mewnol yn y Llyfrgell. Cawsant eu hailbenodi'n archwilwyr mewnol yn ddiweddar yn weithredol o fis Ebrill 2013 drwy dendr ar y cyd â'r Amgueddfa Genedlaethol.

Gofynnwyd am adolygiad archwilio mewnol o drefniadau caffael yr adran farchnata gan y Swyddog Cyfrifyddu Dros Dro yn y Llyfrgell yn sgil pryderon ynglŷn ag awdurdodi anfoneb ar gyfer hysbyseb yng nghylchgrawn yr heddlu Blue Light a diffyg ymwybyddiaeth ymddangosiadol o'r rheolaethau.

Ar ôl ymgymryd â'u gwaith cychwynnol a pharatoi eu hadroddiad drafft cyntaf, gofynnwyd i'r Archwilwyr Mewnol ymgymryd â gwaith ymchwilio pellach oherwydd pryderon ynglŷn â gweithgarwch twyllodrus posibl a oedd yn ymwneud â dyfarnu contract yn yr adran Farchnata. Ni chafodd y gwaith ychwanegol hwn a wnaed, a oedd yn cynnwys gwiriadau cyflogaeth a gwiriadau cydberthnasau â'r endid y dyfarnwyd y contract iddo, ei ddogfennu yn fersiwn terfynol adroddiad yr Archwilwyr Mewnol. Byddem wedi disgwyl i holl waith yr Archwilwyr Mewnol gael ei nodi yn yr adroddiadau a baratowyd, hyd yn oed lle roedd y gwaith wedi deillio o newid i'r cylch gwaith gwreiddiol.

Roedd y newidiadau rhwng y fersiynau o'r adroddiad drafft yn sylweddol. Roedd ail ddrafft yr Archwilwyr Mewnol wedi cynnwys argymhelliad i ystyried camau disgyblu oherwydd tor-rheoliad ariannol. Yn ein barn ni, mae'n anarferol i Archwilwyr Mewnol argymhell camau o'r fath mewn adroddiad Archwilio Mewnol. Rhoddwyd diweddariad o ganfyddiadau adroddiad drafft yr Archwilwyr Mewnol ar lafar mewn sesiwn gaeedig o'r Pwyllgor Archwilio gan yr Archwilwyr Mewnol ar ddechrau mis Gorffennaf 2013. Roedd hyn cyn i'r adroddiad drafft gael ei rannu gyda'r ddau gyflogai ac nid oedd wedi cyfrif am unrhyw sylwadau y gallai'r cyflogeion hynny fod wedi'u gwneud ar gywirdeb ffeithiol yr adroddiad drafft. O safbwynt llywodraethu ehangach, nid yw'r Llyfrgell wedi pennu unrhyw ddangosyddion perfformiad allweddol (DPA) ffurfiol i fonitro perfformiad yr Archwilwyr Mewnol yn ffurfiol. Gallai DPAAu o'r fath gynnwys materion megis: cytuno ar y cylch gorchwyl yn brydlon; canran yr archwiliadau sy'n cynnwys cyfarfod ymadael; canran yr argymhellion y cytunir arnynt; adroddiadau drafft a gyhoeddir yn brydlon; presenoldeb yn y pwyllgor archwilio; sgôr boddhad unigol cyfartalog gan noddwyr gwaith archwilio. Fodd bynnag, mae Siarter Archwilio Mewnol ar waith sy'n nodi cyfres o safonau. Yn 2012-13, cynhaliodd yr Archwilwyr Mewnol adolygiad o'i phrosesau er mwyn sicrhau eu bod yn cydymffurfio â Safonau Archwilio Mewnol y Sector Cyhoeddus cyn i'r safonau hynny gael eu cyflwyno yn 2013-14. Bwriedir cynnal yr adolygiad nesaf o effeithiolrwydd yn 2016.

Fel rhan o ymarfer ailstrwythuro, mae cynlluniau ar y gweill i sicrhau bod holl gyfathrebu Archwilio Mewnol ac adroddiadau Archwilio Mewnol yn mynd drwy'r Ysgrifennydd a Phennaeth Llywodraethiant bellach yn hytrach na'r Cyfarwyddwr Adnoddau Corfforaethol. Yn ein barn ni, mae hyn yn briodol.

Argymhellion

Er mwyn helpu'r Llyfrgell i wneud y gwelliannau sydd eu hangen o ganlyniad i'n canfyddiadau, rydym wedi nodi rhai argymhellion yn y tabl isod. Rydym ar ddeall bod y Llyfrgell yn bwriadu paratoi datganiad am unrhyw gamau y mae'n bwriadu eu cymryd o ganlyniad i'r adroddiad hwn, a'i hamserlen arfaethedig ar gyfer cymryd y camau hynny.

Rydym yn argymhell bod y Llyfrgell yn gwneud y canlynol:

- A1 Adolygu a gwella ei Pholisi Disgyblu a'i gweithdrefn ddisgyblu er mwyn:
- Nodi'n glir y prosesau y dylid eu dilyn ar gyfer materion sy'n ymwneud ag uwch reolwyr.
 - Amlinellu cylch gwaith a phwerau'r panel disgyblu a'r ffordd y dylai gael ei gynnal.
 - Sicrhau bod ei phrosesau a'i chosbau yn unol ag egwyddorion Cod Ymarfer a chanllawiau ACAS ar ddisgyblu a chwynion yn y gweithle.
 - Cynnwys y gallu i amrywiaeth ehangach o bobl gynnal ymchwiliadau disgyblu sy'n ymwneud ag uwch reolwyr.
 - Nodi'r angen i amlinellu honiadau yn glir ym mhob gohebiaeth at unigolion. Dylai canlyniad penderfyniadau hefyd gael ei amlinellu gydag esboniadau ynghylch pa honiadau sy'n cael eu cadarnhau a pha rai nad ydynt yn cael eu cadarnhau.
- A2 Datblygu Polisi Twyll cyfredol. Dylai hwn fod ar gael i bob aelod o staff.
- A3 Diweddarau ei pholisi ynglŷn â chwythu'r chwiban er mwyn adlewyrchu newidiadau mewn deddfwriaeth. Dylai'r Llyfrgell hefyd gymryd camau i godi ymwybyddiaeth o fodolaeth y polisi hwn.
- A4 Diweddarau ei gweithdrefn safonau perfformiad er mwyn adlewyrchu ei phroses bresennol o arfarnu staff yn gywir. Dylai'r Llyfrgell hefyd atgoffa staff o fodolaeth ac arwyddocâd y weithdrefn hon.
- A5 Atgoffa staff o bwysigrwydd a budd defnyddio proses arfarnu staff y Llyfrgell a dogfennu meysydd i'w datblygu yn ffurfiol. Dylid hefyd roi hyfforddiant ychwanegol er mwyn rhoi'r sgiliau a'r hyder sydd eu hangen ar staff i cynnal trafodaethau anodd.
- A6 Cofnodi'n glir natur buddiant a ddatganwyd yng nghofnodion cyfarfodydd y Bwrdd a'r Pwyllgor Archwilio. Dylid hefyd gynnal asesiad risg o'r buddiannau hyn er mwyn ystyried sut y gellir rheoli a lliniaru'r buddiannau hyn yn ymarferol.
- A7 Sicrhau bod gweithdrefnau sy'n ymwneud ag arfarnu perfformiad y Prif Weithredwr yn unol â'r rhai ar gyfer aelodau eraill o staff.
- A8 Adolygu gallu swyddogaeth Adnoddau Dynol er mwyn sicrhau ei bod yn briodol er mwyn ymateb i gyfeiriad a heriau'r sefydliad yn y dyfodol.
- A9 Ystyried sut y gall atgyfnerthu effeithiolrwydd rhwng Bwrdd yr Ymddiriedolwyr a'r uwch reolwyr. Dylai rhaglen ffurfiol i ddatblygu uwch reolwyr a'r Bwrdd gael ei rhoi ar waith er mwyn gwella trefniadau llywodraethu'r sefydliad.
- A10 Rhoi trefniadau a dangosyddion perfformiad ar waith er mwyn monitro perfformiad yr Archwilwyr Mewnol.
- A11 Datblygu rhaglen graidd o hyfforddiant a datblygu ar gyfer ei rheolwyr. Dylai hyn gynnwys hyfforddiant penodol ar gaffael a llywodraethu. Dylai meysydd pwysig o hyfforddiant fod yn orfodol.

Atodiad 1: Trefn digwyddiadau

Dyddiad	03/13	05/13	07/13	07/13 - 09/13	09/13 – 11/13	11/13	01/14	02/14	08/14 & 10/14
Digwyddiad	Pryderon cychwynnol	Adroddiad yr Archwilwyr Mewnol	Pwyllgor Archwilio	Ymchwiliad i Ganfod y Ffeithiau	Ymchwiliad Disgyblu	Gwrandawriad Disgyblu	Panel Disgyblu	Panel Apêl	Tribiwnlys Cyflogaeth
Llyfrgell Genedlaethol Cymru	SCDD	SCDD	SCDD	SCDD	CGC Cyng. AD	PWaLl Cyng. AD	PWaLl Cyng. AD PD	PWaLl Cyng. AD PA	PWaLl Cyng. AD PD (C) PA (C)
Cynghorydd allanol	AM	AM	AM	C-BAD CC: Cyf AM	CC: Cyf	CC: Ptr	CC: Ptr	CC: Ptr	CC: Ptr
Hawlwyr				Hawlwyr	Hawlwyr ULl	Hawlwyr ULl	Hawlwyr ULl	Hawlwyr ULl	Hawlwyr ULl Cwnsler
Allwedd:									
SCDD	Swyddog Cyfrifyddu Dros Dro			AM	Archwilwyr Mewnol				
CGC	Cyfarwyddwraig Casgliadau			C-BAD	Cyn-Bennaeth Adnoddau Dynol				
Cyng. AD	Cynghorydd Adnoddau Dynol			CC Cyf	CC - Cyfarwyddwr				
PWaLl	Prif Weithredwr a Llyfrgellydd			CC - Partner	Cynghorwyr Cyfreithiol - Partner				
PD	Aelodau'r Panel Disgyblu			ULl	Cynrychiolydd Undeb Llafur				
PA	Aelodau'r Panel Apêl			Hawlwyr	Y ddau gyn-aelod o staff/hawlwyr				
PD (C)	Cadeirydd y Panel Disgyblu			Cwnsler	Cynrychiolydd yr hawlwyr yn y Tribiwnlys Cyflogaeth				
PA (C)	Cadeirydd y Panel Apêl								

Atodiad 2: Trefn digwyddiadau fanwl

Adroddiad archwilio mewnol drafft

- Gofynnwyd am adolygiad Archwilio Mewnol gan y Swyddog Cyfrifyddu Dros Dro yn y Llyfrgell, ar ddechrau mis Ebrill 2013 i'w gynnwys yng Nghynllun Archwilio Mewnol 2013/14 yn sgil pryderon ynglŷn ag awdurdodi anfoneb ar gyfer hysbyseb yn sgâm cylchgrawn yr heddlu Blue Light a diffyg rheolaethau ymddangosiadol. Gofynnwyd i'r Archwilwyr Mewnol gynnal adolygiad cyn gynted ag y bo modd er nad oedd y Cynllun Archwilio Mewnol wedi'i gymeradwyo eto gan y Pwyllgor Archwilio. Ni chafodd cynllun Archwilio Mewnol 2013/14 ei gymeradwyo tan fis Hydref 2013 oherwydd oedi yn y broses o benodi'r Archwilwyr Mewnol a oedd yn golygu trefniant tendro ar y cyd â'r Amgueddfa Genedlaethol. Roedd Cynllun Archwilio Mewnol 2013/14 yn cael ei ddrafftio pan ofynnwyd am yr adolygiad gan yr Archwilwyr Mewnol.
- Cymeradwywyd y cylch gorchwyl yn manylu ar gwmpas yr adolygiad, gan y Swyddog Cyfrifyddu Dros Dro ar 23 Ebrill 2013. Amcan yr adolygiad oedd gwerthuso proses yr adran Farchnata o gaffael nwyddau a gwasanaethau gan sicrhau bod trefniadau rheoli risg priodol yn y system a'r graddau yr oedd y rheolaethau wedi cael eu cymhwyso. Er i archwiliad safonol yn seiliedig ar systemau yn canolbwyntio ar reolaethau a chydymffurfiaeth â'r rheolaethau hyn gael ei gynnal gan yr Archwilwyr Mewnol, mae amseriad ac amgylchiadau comisiynu'r adolygiad yn awgrymu bod ymdeimlad bod angen ei gynnal ar fyrder. Gofynnwyd am yr adolygiad fel rhan o Gynllun Archwilio Mewnol 2013-14. Fodd bynnag, roedd eu contract wedi dod i ben ar ddiwedd 2012-13 ac nid oedd yr archwilwyr mewnol ar gyfer y cyfnod 2013-14 wedi cael eu penodi.
- Gwnaed y gwaith maes yn ystod yr wythnos yn dechrau 6 Mai 2013. Cynhaliodd yr Archwilwyr Mewnol gyfarfod ôl-drafod ar 10 Mai 2013 â'r Cyfrifydd Cynorthwyol yn y Llyfrgell yn absenoldeb y Swyddog Cyfrifyddu Dros Dro y diwrnod hwnnw. Rhoddodd y Cyfrifydd Cynorthwyol grynoded o'r canfyddiadau i'r Swyddog Cyfrifyddu Dros Dro ar yr un diwrnod.
- Cyflwynwyd Adroddiad drafft yr Archwilwyr Mewnol i'r Swyddog Cyfrifyddu Dros Dro ar 23 Mai 2013. Roedd yr Archwilwyr Mewnol wedi nodi nifer o bryderon mawr yr oeddent hefyd wedi'u rhannu ar lafar gyda Chadeirydd y Pwyllgor Archwilio.
- Teimlai'r Swyddog Cyfrifyddu Dros Dro ei bod wedi dod yn amlwg bod materion difrifol wedi cael eu nodi a oedd yn cyfiawnhau gweithredu pellach. Yn ei farn ef, nid oedd y Llyfrgell wedi cael adroddiad mor feirniadol erioed.
- Yn ei rôl fel Swyddog Cyfrifyddu Dros Dro, gofynnodd i'r Archwilwyr Mewnol ymgymryd â gwaith ymchwilio pellach oherwydd pryderon ynglŷn â gweithgarwch twyllodrus posibl a oedd yn ymwneud â dyfarnu contract yn yr adran Farchnata. Ni chafodd y gwaith ychwanegol hwn yn cynnwys, er enghraifft, gwiriadau cyflogaeth a gwiriadau cydberthnasau â'r endid y dyfarnwyd y contract iddo, ei ddogfennu yn fersiwn terfynol adroddiad yr Archwilwyr Mewnol.
- Roedd y newidiadau rhwng y fersiynau o'r adroddiad yn sylweddol. Nodwn fod ail ddrafft adroddiad yr Archwilwyr Mewnol wedi cynnwys argymhellid i reolwyr ystyried camau disgyblu. Mae'n anarferol i Archwilwyr Mewnol argymhell camau o'r fath mewn adroddiad Archwilio Mewnol.
- Gallai'r adroddiad archwilio mewnol drafft cyntaf fod wedi ysgogi ymchwiliad twyll rhagarweiniol ond mae polisïau a gweithdrefnau'r Llyfrgell ar ymchwiliad o'r fath yn aneglur. Nid oes Polisi Twyll cyfredol ychwaith.
- Rhoddwyd diweddariad o ganfyddiadau adroddiad drafft yr Archwilwyr Mewnol ar lafar mewn sesiwn gaeedig o'r Pwyllgor Archwilio gan yr Archwilwyr Mewnol ar 8 Gorffennaf 2013. Roedd hyn cyn i'r adroddiad drafft gael ei rannu gyda'r ddau gyflogai ac nid oedd wedi cyfrif am unrhyw sylwadau y gallai'r cyflogaion hynny fod wedi'u gwneud ar gywirdeb ffeithiol yr adroddiad drafft.
- Ni chafodd fersiwn terfynol o adroddiad yr Archwilwyr Mewnol ei lunio tan fis Ionawr 2014, er y cytunwyd ar gywirdeb ffeithiol y canfyddiadau fel rhan o'r ymchwiliad i ganfod y ffeithiau isod ym mis Gorffennaf 2013. Nid oedd fersiwn terfynol adroddiad yr Archwilwyr Mewnol yn adlewyrchu'r holl waith ychwanegol a wnaed ganddynt.

- Roedd yr adroddiad Archwilio Mewnol yn cynnwys nifer o ganfyddiadau ac argymhellion nad oeddent yn ymwneud yn benodol ag ymddygiad y ddau gyflogai. Ar ôl i'r ymchwiliad i ganfod y ffeithiau ddod i ben, gallai argymhellion yr Archwilwyr Mewnol nad oeddent yn ymwneud â materion ymddygiad fod wedi cael eu llunio'n derfynol, eu rhoi ar waith a'u hadrodd i'r Pwyllgor Archwilio.
- Ni chafodd yr adroddiad terfynol ei gyflwyno wedyn i'r Pwyllgor Archwilio i'w gymeradwyo tan fis Ebrill 2015, bron ddwy flynedd ar ôl i'r gwaith maes gael ei gynnal. Dylai adroddiad terfynol yr Archwilwyr Mewnol fod wedi cael ei lunio'n llawer cynt.

Ymchwiliad i ganfod y ffeithiau

- Mewn sesiwn gaeedig arbennig o'i gyfarfod ar 8 Gorffennaf 2013, rhoddodd yr Archwilwyr Mewnol friffiad ar lafar ar ganfyddiadau eu hadolygiad archwilio mewnol. Cytunodd aelodau'r Pwyllgor Archwilio i arddel yr egwyddor hyd braich tra bod y Swyddog Cyfrifyddu Dros Dro, a'r rhai a oedd yn ei gynorthwyo, yn ymchwilio i'r mater ymhellach ac yn ystyried goblygiadau cynnwys yr adroddiad.
- Ystyriwyd bod adroddiad yr Archwilwyr Mewnol yn ddogfen waith; man cychwyn i'w drafod â'r unigolion dan sylw er mwyn rhoi cyfle iddynt wneud sylwadau a chywiro/egluro'r canfyddiadau a nodwyd. Roedd yn cynnwys nifer o feysydd yr oedd angen eu deall a'u hegluro drwy broses canfod y ffeithiau.
- Diben yr adolygiad oedd cadarnhau
 - Pa faterion, os o gwbl, a godwyd yn yr adroddiad archwilio mewnol drafft a oedd yn gofyn am weithredu pellach.
 - Os oedd angen gweithredu pellach, a ddylid ymdrin â'r rhain ar sail anffurfiol neu ffurfiol; ac
 - Os felly, a ddylid defnyddio Polisi a Gweithdrefn Ddisgyblu'r Llyfrgell a/neu'r Weithdrefn Safonau Perfformiad.
- Byddai'r llwybr disgyblu yn cael ei ddilyn pe bai achos o gyflawni dyletswyddau'n esgeulus yn cael ei amau, yr oedd polisi disgyblu'r Llyfrgell yn darparu ar ei gyfer. Byddai adroddiad drafft terfynol yr Archwilwyr Mewnol, ynghyd â'r ymchwiliad i ganfod y ffeithiau yn sail ar gyfer penderfynu ar unrhyw honiadau disgyblu a byddent yn ffurfio cwmphas a chylch gorchwyl ar gyfer ymchwiliad disgyblu.
- Roedd yn briodol bod y Swyddog Cyfrifyddu Dros Dro wedi cadarnhau'r ffeithiau gyda'r unigolion ond, yn dilyn yr ymchwiliad i ganfod y ffeithiau, gellid bod wedi gwahaniaethu rhwng y materion yn yr adroddiad archwilio mewnol y gellid penderfynu arnynt yn derfynol a chyflwyno adroddiad arnynt fel rhan o broses clirio ac adrodd archwiliad mewnol arferol a'r materion hynny a oedd yn destun camau disgyblu pellach.
- Cynhaliwyd yr ymarfer canfod y ffeithiau gan y Swyddog Cyfrifyddu Dros Dro, gyda chymorth yr ymgynghorydd Adnoddau Dynol allanol (y cyn-Bennaeth Adnoddau Dynol yn y Llyfrgell) a'r Archwilwyr Mewnol. Roedd Geldards wedi awgrymu opsiynau amgen ynglŷn â phwy ddylai gynnal yr ymchwiliad i ganfod y ffeithiau a dylent fod wedi cael eu hystyried yn fwy penodol. Roedd achos canfyddedig o wrthdaro buddiannau gyda'r Swyddog Cyfrifyddu Dros Dro yn cynnal yr ymchwiliad i ganfod y ffeithiau o ystyried bod drafft cyntaf adroddiad yr Archwilwyr Mewnol wedi cynnwys canfyddiadau a oedd yn ymwneud ag adran o fewn ei gylch gwaith. Gellid bod wedi comisiynu'r Archwilwyr Mewnol i gynnal yr ymchwiliad hwn neu fel arall gallai Ysgrifennydd a Phennaeth Llywodraethiant y Llyfrgell fod wedi cynnal yr ymchwiliad.
- Ar y pryd nid oedd gan y Llyfrgell Bennaeth Adnoddau Dynol nac adnodd Adnoddau Dynol priodol. Nid oedd swydd Pennaeth Adnoddau Dynol y Llyfrgell wedi cael ei hail-lenwi a chomisiynodd y Llyfrgell gyngor Adnoddau Dynol allanol gan ymgynghorwyr yn ôl yr angen. Roedd cynrychiolaeth Adnoddau Dynol yn yr ymchwiliad i ganfod y ffeithiau yn briodol ond ni chyflëwyd ffurfioldeb y broses i'r unigolion tan ddechrau cyfarfodydd yr ymchwiliad i ganfod y ffeithiau. Er nad oedd yr ymchwiliad i ganfod y ffeithiau yn rhan o Weithdrefn Ddisgyblu'r Llyfrgell, dylid bod wedi cynnig yr opsiwn i'r unigolion gael cynrychiolaeth o ystyried difrifoldeb y pryderon a godwyd yn adroddiad yr Archwilwyr Mewnol. Cawsom wybod y byddai cais am gynrychiolaeth gan yr unigolion wedi cael ei dderbyn.
- Roedd yr ymchwiliad i ganfod y ffeithiau yn bwynt allweddol lle ystyriwyd penderfyniad i atal yr unigolion dros dro. Mae'r Polisi Disgyblu yn nodi y gall cyflogai gael ei atal dros dro ar gyflog llawn tra cynhelir ymchwiliad i drosedd honedig. Fodd bynnag, tybiwyd nad oedd y seiliau dros atal dros dro o dan y Polisi Disgyblu wedi'u bodloni i raddau helaeth;

- ni theimlai'r Archwilwyr Mewnol na'r Swyddog Cyfrifyddu Dros Dro y byddai unrhyw ymchwiliad yn cael ei rwystro gan bresenoldeb y cyflogeion yn y gweithle;
 - nid oedd unrhyw amheuaeth ar y pryd y byddai'r ddau unigolyn yn gallu gweithio yn y ffordd arferol ac yn barod i wneud hynny;
 - nid oes unrhyw achos troseddol; ac
 - roedd eu presenoldeb yn annhebygol o fod yn annerbyniol i eraill.
- Wedi dweud hynny, mae'n gadarnhaol bod camau wedi cael eu cymryd i liniaru unrhyw gamymddwyn honedig arall gyda chytundeb yr unigolion, sef eu gwahardd rhag awdurdodi anfonebau a rhag ymwneud â chontract Elfen.
 - Cynhaliwyd cyfweiliadau â'r ddau unigolyn yn ystod mis Gorffennaf 2013, y cafodd y nodiadau eu hadolygu a'u cadarnhau'n ffeithiol gywir gan bob un. At hynny, ar 1 Awst 2013, cyhoeddodd yr Archwilwyr Mewnol fersiwn diwygiedig o'r adroddiad archwilio drafft, dyddiedig 25 Gorffennaf 2013, a ymgorfforodd y ffeithiau a roddwyd yn ystod y cyfweiliadau hyn. Er i'r ddau unigolyn wneud sylwadau ar yr adroddiad a chywiro ac egluro rhannau ohono, cytunodd y ddau fod cynnwys a chanfyddiadau'r adroddiad yn gywir ar y cyfan.
 - Trosglwyddwyd adroddiad yr ymchwiliad i ganfod y ffeithiau gan y Swyddog Cyfrifyddu Dros Dro i'r Prif Weithredwr a Llyfrgellydd newydd ym mis Medi 2013 gyda'r argymhelliad y dylid cynnal ymchwiliad disgyblu ffurfiol. Mae'n nodi'n glir na ddylai'r weithdrefn safonau perfformiad gael ei defnyddio i ymdrin â materion perfformiad sy'n ymwneud â chyflawni dyletswyddau'n esgeulus. Mae'r weithdrefn safonau perfformiad yn nodi ymhellach y dylai'r rhain a chamau eraill sy'n groes i reolau'r Llyfrgell gael eu hystyried yn faterion ymddygiad ac y dylid ymdrin â hwy o dan y Weithdrefn Ddisgyblu.

Ymchwiliad disgyblu

- Darllenodd y Prif Weithredwr a Llyfrgellydd adroddiad yr ymchwiliad i ganfod y ffeithiau a daeth i'r casgliad bod yr amgylchiadau yn cyfiawnhau ymchwiliad disgyblu arall yn unol â Pholisi Disgyblu'r Llyfrgell. Yr honiadau a restrwyd yn adroddiad yr ymchwiliad i ganfod y ffeithiau oedd cylch gorchwyl yr ymchwiliad disgyblu.
- Mae'r Polisi Disgyblu yn nodi mai aelod arall o'r Uwch Dîm Rheoli ddylai gynnal yr ymchwiliad. Cynhaliwyd yr ymchwiliad disgyblu gan yr aelod arall a oedd yn weddill o'r Uwch Dîm Rheoli, y Cyfarwyddwraig Casgliadau. Roedd y Cyfarwyddwr Adnoddau Corfforaethol wedi bod yn rhan o'r Ymchwiliad i Ganfod y Ffeithiau pan oedd yn Swyddog Cyfrifyddu Dros Dro. Roedd y Cyfarwyddwr Gwasanaethau Cyhoeddus yn un o'r ddau unigolyn a oedd yn destun yr ymchwiliad a byddai angen i'r Prif Weithredwr a Llyfrgellydd gael ei ddynodi'n Swyddog Dynodedig pe bai'r broses ddisgyblu yn arwain at gamau pellach. Cododd Geldards gwestiynau ynglŷn â gallu aelod arall o'r Uwch Dîm Rheoli i gynnal yr ymchwiliad. Byddai angen cydbwysu ei rôl fel Cyfarwyddwr yr adran fwyaf yn y Llyfrgell â'r rôl fel Swyddog Ymchwilio lle mae ymchwiliadau disgyblu yn ôl eu natur yn mynd ag amser.
- Awgrymodd Geldards opsiynau amgen, gan gynnwys trydydd partïon allanol, a chwestiynwyd a ddylai aelod arall o'r Uwch Dîm Rheoli gynnal yr ymchwiliad ac a fyddai'n meddu ar y sgiliau priodol i ymgymryd â'r dasg hon. Ni chafodd y Cyfarwyddwraig Casgliadau wybod am y nodyn cyngor cyfreithiol hwn nes bod yr ymchwiliadau disgyblu wedi dechrau. Dylai'r polisi disgyblu gael ei newid i alluogi pobl eraill i gynnal yr ymchwiliad.
- Rydym ar ddeall gan y Prif Weithredwr mai'r prif ffactor y tu ôl i'w benderfyniad i benodi'r Cyfarwyddwraig Casgliadau yn Swyddog Ymchwilio oedd ei phroffesiynoldeb i gynnal yr ymchwiliad. Byddai unrhyw wyriad oddi wrth y Polisi Disgyblu i ddefnyddio rhywun o'r tu allan i'r Uwch Dîm Rheoli i gynnal yr ymchwiliad wedi gofyn am drafodaeth gyda'r ddau gyflogai a'u cytundeb o bosibl. Cymerodd yr ymchwiliadau disgyblu ormod o amser er eu bod yn gynhwysfawr ac yn drylwyr. Cymerodd ddeufis i gwblhau'r prosesau. Roedd y rhesymau dros yr oedi yn cynnwys cyfweiliadau ychwanegol yr oedd eu hangen, cael gwybodaeth a thystiolaeth ychwanegol a'r ffaith bod y Swyddog Ymchwilio yn cynnal yr adolygiad yn ychwanegol at ei swyddogaethau a'i chyfrifoldebau arferol.
- Daeth adroddiadau'r ymchwiliadau disgyblu i'r casgliad bod achos i'w ateb ac y dylai camau disgyblu ffurfiol gael eu cymryd, yn y ddau achos, yn unol â Pholisi Disgyblu'r Llyfrgell ar gyfer pob honiad ar wahân i'r methiant i roi strategaeth farchnata briodol ar waith i'r Llyfrgell.

Gwrandawriad disgyblu

- Rhoddwyd adroddiadau'r ymchwiliadau disgyblu i'r Prif Weithredwr a Llyfrgellydd.

- Y cam nesaf o'r broses ddisgyblu i aelodau eraill o staff, ar ôl yr ymchwiliad disgyblu, yw gwrandawriad disgyblu ac, yn achos camymddwyn difrifol, banel diswyddo sy'n cynnwys dau aelod o'r Uwch Dîm Rheoli ac un aelod Band 6. Ar gyfer aelodau o'r Uwch Dîm Rheoli, y Prif Weithredwr a Llyfrgellydd yw'r Swyddog Dynodedig yn yr ymchwiliad disgyblu a gall roi cosb ddisgyblu hyd at a chan gynnwys rhybudd ysgrifenedig terfynol a bydd yn cyfeirio'r mater at Banel Disgyblu os teimla y gallai diswyddo fod yn briodol.
- Nid yw'r polisi disgyblu yn gwahaniaethu'n glir rhwng y ffordd y caiff aelodau o'r Uwch Dîm Rheoli eu trin a'r ffordd y caiff aelodau eraill o staff eu trin o ran y prosesau y mae angen ymgymryd â hwy.
- Defnyddiodd y Prif Weithredwr a Llyfrgellydd gymysgedd o'r ddau ac ni wnaeth ddogfennu na chyfleu'n glir ei resymau dros gynnal gwrandawriad disgyblu.
- Dylai'r Prif Weithredwr a Llyfrgellydd fod wedi gwneud penderfyniad yn seiliedig ar adroddiad yr ymchwiliad disgyblu naill ai i roi'r gosb fwyaf y gallai ei rhoi, sef rhybudd ysgrifenedig terfynol, neu gynnwyl panel disgyblu i ystyried diswyddo.
- Y rheswm dros y penderfyniad i gynnal gwrandawriad disgyblu oedd er mwyn rhoi ail gyfle i'r unigolion ateb yr honiadau. Fodd bynnag, roedd hyn yn dyblygu'r ymchwiliad disgyblu.
- Teimlai'r Prif Weithredwr a Llyfrgellydd fod achos dros gefnogi camymddwyn difrifol, ar sail cyfaddefiadau'r unigolion mewn perthynas â'r honiadau, a phenderfynodd gyfeirio'r penderfyniad i'r panel disgyblu i ystyried diswyddo.
- Dylai canlyniad y gwrandawriad disgyblu fod wedi cael ei egluro'n well i'r unigolion o ran y ffaith bod yr honiadau wedi cael eu cadarnhau. Nid yw'n amlwg ar ba sail yr oedd camymddwyn difrifol a diswyddo yn cael eu hystyried.

Panel Disgyblu

- Ar yr adeg hon, penderfynodd y Prif Weithredwr atal yr unigolion dros dro. Y rheswm yn ôl pob golwg oedd rhoi amser iddynt baratoi ar gyfer y panel disgyblu. Fodd bynnag, ni chafodd hyn ei gyfleu yn y llythyr at yr unigolion. Esboniodd y llythyr yn hysbysu'r unigolion o'r penderfyniad i gyfeirio'r achos at y panel disgyblu eu bod yn cael eu hatal dros dro ar y sail, oherwydd gallai diswyddo fod yn gosb briodol, y gallai hyn effeithio ar eu gallu i weithio yn y ffordd arferol. Roedd hyn yn un o'r amgylchiadau lle y gellid atal aelod o staff dros dro a restrwyd yn y polisi disgyblu. Nid ystyriwyd cyfnod o absenoldeb.
- Cafodd y panel disgyblu ei aildrefnu ar ôl sawl cais gan gynrychiolydd yr unigolion am i'r panel gyfarfod ar ddyddiad a oedd yn rhoi cyfle i'r unigolion gael aelod o'u hundeb yn bresennol i gynrychioli eu buddiannau. Cafwyd anawsterau hefyd i drefnu amseroedd a oedd yn gyfleus i bawb gan fod cymaint yn byw ryw bellter o Aberystwyth.
- Nid yw'r broses ddisgyblu yn nodi cylch gorchwyl y panel disgyblu na'r ffordd y dylai gael ei gynnal. O ganlyniad, mae ei cylch gwaith yn agored i her.
- Panel diswyddo yw'r panel disgyblu yn y pen draw, yn debyg i'r hyn y cyfeiriwyd ato yn y polisi disgyblu ar gyfer aelodau o staff nad ydynt yn aelodau o'r Uwch Dîm Rheoli ac fel y'i hesboniwyd uchod.
- Rhoddwyd datganiad llafar byr gan y Prif Weithredwr a Llyfrgellydd. Rydym ar ddeall bod aelodau'r Panel yn teimlo na chyflwynodd achos cynhwysfawr ac nad ymhelaethodd ar yr honiadau er mwyn esbonio pam bod y rhain yn gyfystyr â chamymddwyn difrifol.
- Ni chytunodd y panel disgyblu ei fod yn gyfystyr â chamymddwyn difrifol ac felly nad oedd diswyddo yn briodol. Fodd bynnag, teimlai fod yr honiadau yn rhai difrifol iawn ac roedd o'r farn nad oedd rhybuddion ysgrifenedig terfynol yn ddigonol. Ni chyfeiriodd y panel y penderfyniad yn ôl at y Prif Weithredwr. Yn niffyg cylch gorchwyl clir, penderfynodd y panel ar y cosbau i'w rhoi ei hun yng ngoleuni'r cyngor gan Adnoddau Dynol a'r cyngor cyfreithiol a oedd ar gael iddo.
- Canfu'r panel fod diraddio un radd yn gosb briodol. Roedd hwn yn opsiwn yn y polisi disgyblu ond nid oes pŵer cytundebol clir i ddiraddio. Fel arfer, cynigir diraddio fel dewis yn lle diswyddo ond mae cyfraith achosion wedi tanlinellu y dylid sicrhau cytundeb y naill ochr a'r llall er mwyn ystyried hyn. Mae canllawiau ACAS ar Ddisgyblu a Chwynion yn y gweithle hefyd yn nodi, wrth drafod cosbau megis diraddio, colli uwch statws a cholli cynyddrannau, gall y cosbau hyn ond gael eu rhoi os caniateir hynny yng nghontract y cyflogai neu gyda chytundeb y cyflogai. Tynnwyd sylw'r Prif Weithredwr a'r cynghorydd Adnoddau Dynol at hyn gan yr Ysgrifenydd a Phennaeth Llywodraethiant. Mae'n ansicr a oedd gan y panel yr awdurdod i ddod i'r casgliad hwn o ystyried y diffyg cylch gorchwyl a chylch gwaith yn y broses ddisgyblu.

- Nid yw'n glir pam nad ystyriwyd bod rhybuddion ysgrifenedig yn ddigonol. Roedd diffyg dealltwriaeth o ddifrifoldeb y gosb hon gydag opsiwn i gynnwys camau rheoli perfformiad. Mae hyn hefyd yn gyson â chanllawiau ACAS.
- Oherwydd y ffaith nad yw'r polisi disgyblu yn cyfeirio o gwbl at rôl y panel disgyblu, nid yw'n glir a oes gan y panel disgyblu gylch gwaith i wneud y penderfyniadau ynglŷn â chosbau. Roedd hyn yn cymylu rôl aelodau'r Bwrdd a ddaeth yn rhan o benderfyniadau a oedd yn ymwneud â rheoli'r Llyfrgell felly. Os nad oeddent yn cytuno â'r cynnig a gyflwynwyd iddynt yna gellid bod wedi dychwelyd yr achos i'r Prif Weithredwr a Llyfrgellydd i'w hailystyried. Cawsom wybod nad dyna oedd y cyngor a roddwyd i'r panel ar y pryd.
- Rydym ar ddeall y cafwyd trafodaeth faith ynglŷn â'r gwahanol gosbau posibl. Fodd bynnag, ni wnaed unrhyw asesiad ysgrifenedig cadarn o'r cosbau a oedd ar gael ac wedi'u rhestru yn y polisi disgyblu. At hynny, ni ddogfennwyd yn glir beth oedd y rhesymeg dros lefel y diraddio a ystyriwyd.
- Ceir cyfeiriadau anghyson at wrandawriad disgyblu yn nheitl nodiadau cyfarfod y panel disgyblu a'r llythyrau at yr unigolion ar ôl y panel disgyblu.
- Yn debyg i'r llythyr ar ôl y gwrandawriad disgyblu, ni nodwyd canlyniad y panel disgyblu yn glir o ran pahoniadau oedd wedi cael eu cadarnhau. Nid yw'n amlwg ar ba sail y penderfynwyd ar ddyfarniad o gamymddwyn difrifol.

Panel Apêl

- Roedd cylch gorchwyl y panel apêl yn seiliedig ar y seiliau dros apelio a gyflwynwyd gan gynrychiolydd Undeb Llafur yr unigolion.
- Roedd yn amlwg nad oedd y Panel Apêl yn gallu ail-gynnal y gwrandawriad disgyblu na'r panel disgyblu a bod yn rhaid iddo ganolbwyntio ar y seiliau dros apelio.
- Yr unig ganlyniadau oedd ar gael i'r Panel Apêl oedd cadarnhau penderfyniad y panel disgyblu neu ei wrthod. Yn yr achos olaf, gallai'r gosb a gynigiwyd gan y panel disgyblu gael ei lleihau neu ei rhoi i'r neilltu, ond nid ei chynyddu.
- Ystyriodd y Panel Apêl ddifrifoldeb yr honiadau. Ystyriwyd canfyddiadau adroddiad caffael 2005 yr Archwilwyr Mewnol.
- Ar ôl ystyried y dadleuon a gynigwyd yn y gwrandawriad ac ar ôl cael cyngor proffesiynol, ni dderbyniodd y Panel Apêl fod y broses ddisgyblu wedi cael ei chymhwyso'n amhriodol neu ei bod yn ddiffygiol yn ei hanfod.
- Dyfarnodd y Panel Apêl fod lefel y diraddio yn llym a bod unrhyw swyddi a gynigiwyd yn ymddangos yn llai priodol i sgiliau a phrofiad yr unigolion. Felly, gofynnodd y Panel Apêl i'r rheolwyr ddod o hyd i swyddi mwy addas a diogelu eu cyflog i ryw raddau hefyd.
- Ni chafodd y Panel Apêl gyngor ynglŷn â risgiau diraddio o ystyried y ffaith nad oedd cytundeb gan y ddwy ochr. Ni chyfeiriwyd at God Ymarfer ACAS na chanllawiau ACAS.

Tribiwnlys Cyflogaeth

- Cafodd y broses gyfan ei rheoli, ei threfnu a'i chydlynu gan y Prif Weithredwr a Geldards.
- Nid oedd unrhyw adroddiadau ffurfiol i'r Bwrdd na'r Uwch Dîm Rheoli ynglŷn â'r Tribiwnlys Cyflogaeth a'r risgiau cysylltiedig. Rydym ar ddeall mai dim ond diweddariadau ar lafar a roddwyd ar y mater. Gwnaeth y Prif Weithredwr a Llyfrgellydd yr holl benderfyniadau ar ei ben ei hun mewn ymgynghoriad â'r cynghorwyr cyfreithiol.
- Teimlai'r unigolion, a gynrychiolodd y Llyfrgell yn y Tribiwnlys Cyflogaeth eu bod wedi cael eu briffio'n dda a'u paratoi ar gyfer y gwrandawriad. Galwyd ar Gadeiryddion y ddau brif banel gwneud penderfyniadau: y panel disgyblu a'r panel apêl i roi tystiolaeth fel tystion. Galwyd hefyd ar y Prif Weithredwr i roi tystiolaeth o ystyried ei rôl helaeth yn y broses. Fodd bynnag, nid yw'n glir pam na ofynnwyd i rai aelodau o'r Uwch Dîm Rheoli a oedd wedi bod yn rhan o'r broses ddisgyblu fod yn dystion ar ran y Llyfrgell.
- Mae'r llythyr rhinweddau a ddarparwyd gan Geldards i'r Prif Weithredwr a Llyfrgellydd yn gyson â'r ffordd roedd wedi ymdrin â'r mater a'r cyngor a roddwyd drwy gydol y broses ddisgyblu.
- Cafodd y Llyfrgell ei chynrychioli gan yr un unigolyn o Geldards yn y Tribiwnlys Cyflogaeth. Cawsom wybod bod Geldards wedi codi'r posibilrwydd bod y Llyfrgell yn cael ei chynrychioli yn y gwrandawriad gan fargyfreithiwr allanol ond roedd y Prif Weithredwr a Llyfrgellydd o'r farn ei bod yn briodol parhau â'r gynrychiolaeth gan yr un partner o Geldards; eiriolwr tribiwnlys profiadol iawn. Nid ystyriwyd yn llawn y cyfle i gael pâr o lygaid newydd ac elfen o annibyniaeth.

- Roedd barnwr y Tribiwnlys Cyflogaeth wedi anghytuno â'r cyngor cyfreithiol a gynigiwyd i'r Llyfrgell. O ganlyniad i hyn, ni ddaeth Geldards i'r casgliad, hyd yn oed pe bai apêl wedi llwyddo ar yr agweddau technegol, na fyddai wedi arwain at ganlyniad llwyddiannus yn gyffredinol o ystyried pa mor gryf oedd y dyfarniad yn erbyn y Llyfrgell. Cyngorodd Geldards na ddylid apelio yn erbyn y penderfyniad o ystyried bod y Barnwr eisoes wedi penderfynu yn erbyn y Llyfrgell mewn perthynas â'r asesiad sylfaenol o degwch.
- Bu diffyg ystyriaeth ddifrifol hefyd o'r posibilrwydd o setlo'r hawliad a gwneud gwrthgynigion i'r unigolion y tu allan i'r llys cyn i'r Tribiwnlys Cyflogaeth ddigwydd. Ni chynhaliwyd unrhyw ddadansoddiad risg na chost a budd, er enghraifft i ystyried y niwed i enw da sefydliad sy'n gysylltiedig â cholli achos proffil uchel.
- Byddai wedi bod disgwyliad bod angen i'r Llyfrgell gael cymeradwyaeth Llywodraeth Cymru cyn y gellid cyflwyno cynnig i setlo. Fodd bynnag, er y cafwyd trafodaeth gychwynnol â Llywodraeth Cymru ynglŷn â'r achos ac er i'r Llyfrgell gael ei chynghori y byddai trafod setliad posibl â chynrychiolydd yr Undeb Llafur yn bragmatig, ni fu unrhyw ymgynghori ffurfiol â Llywodraeth Cymru ynglŷn â setlo'r achos tan ar ôl dyfarniad y Tribiwnlys Cyflogaeth.

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Atodiad 3: Methodoleg

Rydym wedi mynd ati i gynnal yr adolygiad fel a ganlyn:

- Dechrau ar y prosiect - sefydlu cychwynnol, dod i adnabod tîm y Llyfrgell, a threfniadau rheoli prosiect a llywodraethu.
- Rhoi'r timau ar waith – gweithdy rhwng timau PwC a'r Llyfrgell er mwyn penderfynu ar y dull gweithredu i'w fabwysiadu'n derfynol.
- Casglu a dadansoddi data – er mwyn creu sylfaen tystiolaeth ar gyfer ein hargymhellion. Bydd hyn yn cynnwys gwerthuso'r dystiolaeth ddogfennol o ddyfarniad a barn y Tribiwnlys, o ymchwiliadau a phrosesau disgyblu mewnol y Llyfrgell ac o'r cyngor cyfreithiol a roddwyd i'r Llyfrgell.
- Cyfweld a herio - er mwyn cael mwy o ddealltwriaeth a herio'r canfyddiadau cychwynnol o'r ymarfer casglu a dadansoddi data er mwyn asesu digonolrwydd trefniadau llywodraethu a threfniadau eraill a llunio argymhellion ar gyfer y dyfodol. Caiff rhanddeiliaid allweddol yn y Llyfrgell eu cyfweld fel rhan o'r cam hwn.
- Dod i gasgliadau cychwynnol – byddwn yn dod i gasgliadau ar sail y dystiolaeth er mwyn gwneud argymhellion ar gyfer newid. Byddwn yn cyflwyno'r casgliadau cychwynnol hyn mewn gweithdy â rhanddeiliaid allweddol o'r Llyfrgell.
- Mireinio – ar ôl adborth gan rhanddeiliaid allweddol byddwn yn gweithio gyda thîm y Llyfrgell i fireinio ein hargymhellion.
- Cyflwyno adroddiad terfynol – caiff cyfres derfynol o ganfyddiadau ac argymhellion ei chyflwyno i'r Llyfrgell ar ddiwedd ein rhaglen waith.

Rhoddyd cyfle hefyd i Aelodau'r Bwrdd rannu unrhyw wybodaeth neu safbwyntiau a oedd yn berthnasol i gwmpas yr adolygiad.

Cyfweliadau

Mae'r canlynol yn rhestr o gyfweliadau a gynhaliwyd fel rhan o'r adolygiad:

Prif Weithredwr a Llyfrgellydd

Cyfarwyddwraig Casgliadau

Cyfarwyddwr Adnoddau Corfforaethol

Llywydd Bwrdd yr Ymddiriedolwyr/Cadeirydd Panel Apêl

Archwilwyr Mewnol

Cynrychiolwyr cyfreithiol

Cynghorydd Adnoddau Dynol

Cyn-Bennaeth Adnoddau Dynol

Cadeirydd y Panel Disgyblu

Cynrychiolydd Undeb Llafur a'r ddau gyn-aelod o staff/hawlwyr

Cadeirydd y Pwyllgor Archwilio

Archwilwyr Allanol*

Y ddau aelod arall o'r Panel Disgyblu*

* Cynhaliwyd cyfweliadau ychwanegol ar gais y Llyfrgell.

Nid yw PricewaterhouseCoopers LLP yn derbyn nac yn cymryd unrhyw atebolrwydd, cyfrifoldeb na dyletswydd gofal os bydd unrhyw un, ac eithrio (i) y derbynnydd bwriadedig i'r graddau y cytunwyd arnynt yn y contract perthnasol ar gyfer y mater y mae'r ddogfen hon yn ymwneud ag ef (os o gwbl), neu (ii) fel y cytunwyd arno'n benodol gan PricewaterhouseCoopers LLP yn ôl ei ddisgresiwn ei hun yn unig yn ysgrifenedig ymlaen llaw, yn defnyddio'r ddogfen hon neu'n dibynnu arni.

Os bydd yn ofynnol i chi ddatgelu unrhyw wybodaeth a geir yn yr adroddiad hwn, yn dilyn cais a dderbynnir o dan Ddeddf Rhyddid Gwybodaeth 2000 (fel y'i diwygir neu fel y'i hail-ddeddfir o bryd i'w gilydd) neu unrhyw is-ddeddfwriaeth a wneir oddi tani (yn gyfunol, y "Ddeddfwriaeth"), gofynnwn i chi ein hysbysu yn ddi-oed ac ymgynghori â ni cyn datgelu unrhyw wybodaeth o'r fath. Rydych yn cytuno i roi ystyriaeth ddyladwy i unrhyw sylwadau y gallwn eu gwneud mewn cysylltiad â datgeliad o'r fath gan weithredu unrhyw eithriadau perthnasol i wybodaeth o'r fath a allai fodoli o dan y Ddeddfwriaeth. Os byddwch yn datgelu unrhyw wybodaeth o'r fath, ar ôl ymgynghori â ni, dylech sicrhau y caiff unrhyw ymwadiad a gynhwyswyd gennym neu y dymunwn ei gynnwys yn y wybodaeth wedi hynny ei atgynhyrchu'n llawn mewn unrhyw gopiâu a ddatgelir.

(h) 2015 PricewaterhouseCoopers LLP. Cedwir pob hawl. Yn y ddogfen hon, mae "PwC" yn cyfeirio at yr aelod-gwmni yn y DU, a gall gyfeirio weithiau at rwydwaith PwC. Mae pob aelod-gwmni yn endid cyfreithiol ar wahân. Gweler www.pwc.com/structure am ragor o fanylion.

C15159

PWC Independent External Review – Action Plan and Progress Template as at 24 September 2015

Recommendations for improvement	Responsible Officer	SRO	Draft/Pilot Date	Delivery date	Work programme	Progress	Status
<p>R1 Reviews and improves its Disciplinary Policy and procedure to:</p> <ul style="list-style-type: none"> Clearly set out the processes that should be followed for matters relating to senior management. Outline the remit, conduct and powers of the Disciplinary Panel. Ensure that its processes and sanctions are in accordance with principles of the ACAS Code of Practice and guidance on discipline and grievances at work. Incorporate the ability for a wider range people to undertake disciplinary investigations relating to senior management. Specify the need for allegations to be clearly articulated within all correspondence to individuals. The outcome of decisions should also be articulated with explanations as to which allegations are being upheld and which are not. 	Pedr ap Llwyd Secretary and Head of Governance	Annwen Isaac HR Advisor ET	06.08.15 2 nd 27.08.15 Released to Unions on 4/10	Sept 2015	<p>Update current policy and benchmark against other institutions.</p> <p>Consult with ACAS officers during its revision.</p> <p>Seek Executive Team and Union approval.</p> <p>Ensure policy is in place and sign off by Board of Trustees.</p> <p>Staff awareness exercise.</p> <p>Consult and seek comments for Executive Team</p>	<p>Draft of updated policy currently being completed and to be considered by the Takforce on 6 August 2015.</p> <p>ACAS officers have endorsed the policy.</p>	Draft policy produced & consulting with Unions and staff
R2 Develops an up-to-date Fraud Policy and made available to all members of staff.	Pedr ap Llwyd Secretary and Head of Governace	Pedr ap Llwyd ET	06.08.15 2 nd draft 27.08.15 Released to Unions on 4/10	Sept 2015	<p>Creation of new policy.</p> <p>Benchmark exercise.</p> <p>Consult with Executive Team and Unions.</p> <p>Seek Audit Committee and Board approval.</p> <p>Staff awareness exercise.</p> <p>Consult and seek comments for Eexecutive Team</p>	ACAS officers have endorsed the policy	Draft policy produced & consulting with Unions and staff
R3 Updates its whistleblowing policy to reflect changes in legislation. The Library should also take steps to raise awareness of the existence of this policy.	Pedr ap Llwyd Secretary and Head of Governance	Pedr ap Llwyd ET	06.08.15 2 nd draft 27.08.15 Released to Unions on 4/10	Sept 2015	<p>Update current policy and benchmark against other institutions.</p> <p>Consult with ACAS officers during its revision.</p> <p>Seek Executive Team and Union approval.</p>	Draft of updated policy currently being completed and to be considered by the Takforce on 6 August 2015	Draft policy produced & consulting with Unions and staff

					Ensure policy is in place and sign off by Board of Trustees. Staff awareness exercise. Consult and seek comments for Executive Team		
R4 Update the Library's performance standards procedure to accurately reflect its current staff appraisal process. The Library should also remind staff of the existence and significance of this procedure.	Pedr ap Llwyd Secretary and Head of Governance	Annwen Isaac HR Advisor ET	1 st draft 27.08.15 Released to Unions on 4/10	Sept 15	Draft of updated performance standards procedure in progress. Seek the objective views of external advisor as to the appropriateness of the procedure. Consult and seek comments for Executive Team	Draft of updated procedure presented to Task Force on 27 August 2015	Draft policy produced & consulting with Unions and staff
R5 Remind staff of the importance and benefit of using the Library's staff appraisal process and to formerly document areas of development. Additional training should also be provided to equip staff with the necessary skills and confidence to hold difficult decisions.	David Michael, head of Corporate resources Directorate	Annwen Isaac HR Advisor ET	01.07.15	01.10.15	Additional staff training including the production of guidelines has been delivered to all staff during July 2015.	The 2014-15 staff appraisal procedure is currently being implemented	Completed
R6 Records clearly the nature of a declared interest in the minutes of Board and Audit Committee meetings.	Pedr ap Llwyd Secretary and Head of Governance		01.08.15	July 2015	Inclusion of declared interest in the minutes of each meeting.	Board and Audit minutes now include the nature of declared interest	Completed
R7 Ensures that procedures relating to the performance appraisal of the Chief Executive are followed and documented appropriately in line with the requirement for other members of staff.	Annwen Isaac HR Advisor	Pedr ap Llwyd	1 st draft 27.08.15 Released to the Unions	01.09.15	HR to work closely with the Board Officers to ensure conformity.	Draft presented to Task Force on 27.08.15	Completed
R8 Reviews the capacity of the HR function to ensure that it is appropriate to meet the future direction and challenges upon the organisation.	David Michael Head of Corporate Resources	Annwen Isaac Pedr ap Llwyd	01.09.15	06.11.15	Develop recommendations for the Taskforce and Board to consider having paid due consideration to: (1) capacity and capability of	Discussion paper presented to Task Force on 10 July for full discussion on 27 August. The Library is currently holding	Under review

	Directorate				the current arrangements; (2) role of Secretary and Head of Governance; (3) appointment of head of HR post; (4) use of external advisors; (5) partnership/sharing resources with other public bodies	discussion with external service providers. The Secretary and Head of Governance, who is a qualified HR practitioner, will provide support to the HR unit.	
R9 Considers how it can strengthen the effectiveness of the Board of Trustees and develop more constructive relationships with Senior management. A formal Board and Senior Management development programme should be implemented to move effective governance forward at the top of the organisation.	Pedr ap Llwyd Secretary and Head of Governance	BofT ET	Discussion Paper presented to Task Force on 27/8	06.11.15	Board Effectiveness Review conducted in February 2015 identified areas for improvement. Develop action plan that will address this specific recommendation and the main issues identified in the recent effectiveness Review.	Discussion paper presented to the Task Force on 27 August.	Ongoing
R10 Puts in place arrangements and performance indicators to monitor the performance of Internal Audit. A self- effectiveness review also needs to be undertaken by 2018 in accordance with the Public Sector Internal Audit Standards.	Chair of Audit Committee Pedr ap Llwyd Secretary and Head of Governance	DM ET	1 st draft 27.8.15	06.11.15	Audit Committee to agree Pls with Baker Tilley. Revision of Audit Committee's TOR to particularly reflect this recommendation	To be agreed finally by the Audit and Risk Committee together with a revised TOR for the Committee.	Draft Framework produced & to be agreed with Audit and Risk Committee on 2 October 2015.
R11 Develops a core programme of training and development for its managers. This should include specific training on procurement and governance. Important areas of training should be made mandatory.	David Michael, Head of Directorate	Annwen isaac ET		06.11.15	This recommendation was identified prior to pwc's review and a programme is currently being delivered.		Programme agreed and external providers will be appointed before end of October 2015.

Cynnydd yr Argymhellion – ac Amserlen a Thargedau

		Targed 1	Targed 2	Targed 3	Targed 4
A1	Cyflwyno'r draft 1af ar ôl y Tasglu 1af	Cyflwyno'r 2il ddrafft i'r 2il Dasglu	Ymgynghori gyda'r Undebau/rhoi gwybod i staff		
A2	Cyflwyno'r draft 1af ar ôl y Tasglu 1af	Cyflwyno'r 2il ddrafft i'r 2il Dasglu	Ymgynghori gyda'r Undebau/rhoi gwybod i staff		
A3	Cyflwyno'r draft 1af ar ôl y Tasglu 1af	Cyflwyno'r 2il ddrafft i'r 2il Dasglu	Ymgynghori gyda'r Undebau/rhoi gwybod i staff		
A4	Heb ddechrau	Cyflwyno'r drafft 1af a thystiolaeth i'r 2il Dasglu	Ymgynghori gyda'r Undebau/rhoi gwybod i staff		
A5	Wedi cwblhau a pharhaus				
A6	Wedi cwblhau a pharhaus				
A7	Wedi cwblhau a pharhaus				
A8	Cyflwyno papur trafod i'r Tasglu 1af	Trafodaeth yn parhau	Ymgynghori gyda'r Bwrdd		
A9	Heb ddechrau	Cyflwyno papur trafod i'r 2il Dasglu	Cynhyrchu papur trafod ac argymhellion		
A10	Heb ddechrau	Cyflwyno Fframwaith Ddrafft i'r 2il Dasglu	Cyflwyno Fframwaith a Chylch Gorchwyl newydd i'r Pwyllgor Archwilio ar 2/10		
A11	Wedi cwblhau a pharhaus				

Targed Allweddol 1 = Cyfarfod y Tasglu 1af (Gorffennaf 2015); Targed 2 = Cyfarfod yr 2il Dasglu (27 Awst 2015); Targed 3 = Cyfarfod o'r Bwrdd (18 Medi);
Targed 4 = Cyfarfod o'r Bwrdd (7 Tachwedd 2015) – pan fydd yr holl argymhellion wedi'u cyflawni

Nodiadau

Argymhelliad 1	<p>Mae'r Tasglu wedi adolygu a gwella Polisi a Gweithdrefn Disgyblu'r Llyfrgell. Rhyddhawyd copi drafft i'r Undebau ar gyfer ymgynghori ar 4 Medi 2015. Fe'i gosodwyd hefyd ar fewnrwyd y Llyfrgell ar 7 Medi i bob aelod o staff ei weld a rhoi sylwadau. Ceisiwyd arweiniad a chyngor gan Gill Mason o ACAS yn ystod y gwaith o ddrafftio'r polisi a gweithdrefn, er mwyn sicrhau fod y prosesau a sancsiynau yn unol ag egwyddorion Cod Ymarfer ACAS ar ddisgyblu a chwynion yn y gwaith. Nod y Tasglu oedd llunio Polisi newydd sy'n amlinellu'n glir y prosesau y dylid eu dilyn ar gyfer materion yn ymwneud ag uwch reolwyr ac sydd hefyd yn amlinellu'r cylch gwaith, ymddygiad a phwerau'r Panel Diswyddo, dwy agwedd ar y polisi blaenorol a gafodd eu beirniadu gan pwc.</p>
Argymhelliad 2	<p>Mae'r Tasglu wedi datblygu Polisi Twyll cyfredol a fydd ar gael i bob aelod o staff. Rhyddhawyd y polisi i'r Undebau ar gyfer ymgynghori ar 4 Medi 2015 a bydd yn cael ei roi yn fuan ar fewnrwyd y Llyfrgell, ar ôl ei chyfieithu, ar gyfer yr holl staff i'w gweld a gwneud sylwadau arno.</p>
Argymhelliad 3	<p>Mae'r Tasglu wedi datblygu Polisi Chwythu'r Chwiban i adlewyrchu'r newidiadau deddfwriaethol diweddar. Unwaith eto, rhyddhawyd y polisi i'r Undebau ar gyfer ymgynghori ar 4 Medi 2015 a bydd yn cael ei roi yn fuan ar fewnrwyd y Llyfrgell, ar ôl ei chyfieithu, ar gyfer yr holl staff i'w gweld a gwneud sylwadau arno. Bydd y Llyfrgell yn cymryd camau i godi ymwybyddiaeth o fodolaeth y polisi pan gaiff ei fabwysiadu'n ffurfiol.</p>
Argymhelliad 4	<p>Mae'r Tasglu wedi datblygu dogfen Polisi a Gweithdrefn Medrusrwydd a Pherfformiad Isel ar gyfer pob aelod o staff fel modd o ddiweddarau trefn safonau perfformiad y Llyfrgell i adlewyrchu ein proses presennol o werthuso staff yn gywir. Mae darpariaeth ar gyfer delio â medrusrwydd a pherfformiad isel ymysg aelodau'r Tîm Gweithredol, gan gynnwys y Prif Weithredwr a Llyfrgellydd, wedi ei chynnwys yn y ddogfen.</p>
Argymhelliad 5	<p>Mae hyfforddiant a chanllawiau wedi eu darparu i staff ynglŷn â'r broses gwerthuso flynyddol, sydd ar y gweill ar hyn o bryd.</p>
Argymhelliad 6	<p>Bellach, mae natur buddiannau a ddatganwyd yn cael eu cofnodi'n glir yng nghofnodion y Bwrdd a'r Pwyllgor Archwilio.</p>
Argymhelliad 7	<p>Mae'r Tasglu wedi dogfennu'r gweithdrefnau sydd yn ymwneud ag adolygiad perfformiad y Prif Weithredwr a Llyfrgellydd. Maent yn cydymffurfio â'r gofynion ar gyfer aelodau eraill y staff. Er mwyn sicrhau fod y gweithdrefnau yma'n cael eu dilyn, bydd Uned AD y Llyfrgell yn darparu cymorth a chefnogaeth i'r Llywydd pan fydd prosesau adolygu perfformiad yn digwydd yn y dyfodol.</p>

Argymhelliad 8	Mae'r Tasglu wedi adolygu gallu'r swyddogaeth Adnoddau Dynol er mwyn sicrhau ei fod yn briodol i gwrdd â chyfeiriad a heriau'r dyfodol ar y sefydliad. Yng ngoleuni'r pwysau ariannol presennol ac yn y dyfodol, y gostyngiad yn nifer y staff a'r cymorth ychwanegol a ddarperir i Adnoddau Dynol gan yr Ysgrifennydd a Phennaeth Llywodraethiant, roedd yn anodd llunio achos dros benodi Rheolwr Adnoddau Dynol ar draul rhannau eraill o'r busnes. Fodd bynnag, bydd y Tîm Gweithredol yn darparu papur pellach gydag argymhellion a fyddai'n sicrhau bod y swyddogaeth Adnoddau Dynol yn cael cefnogaeth ac adnoddau digonol (mewnol ac allanol) i gyflawni ei rôl o fewn y Llyfrgell.
Argymhelliad 9	Mae papur trafod wedi ei baratoi gan yr Ysgrifennydd a Phennaeth Llywodraethiant ynglŷn â chryfhau effeithiolrwydd Bwrdd yr Ymddiriedolwyr a datblygu perthynas fwy adeiladol gydag uwch reolwyr. Roedd y papur hefyd yn ystyried mabwysiadu rhaglen ddatblygu i symud llywodraethiant effeithiol ymlaen ar frig y sefydliad. Mae cyfyngiad amser wedi atal y Tasglu rhag trafod y papur hwn.
Argymhelliad 10	Roedd y Tasglu wedi datblygu Fframwaith a pherfformiad o ddangosyddion i fonitro perfformiad Archwilio Mewnol. Bydd y Pwyllgor Archwilio a Risg sy'n cyfarfod ar 2 Hydref yn ystyried a yw'r trefniadau hyn yn ymdrin â phryderon pwc yn ddigonol. Mae'r Tasglu hefyd wedi adolygu cylch gorchwyl y Pwyllgor Archwilio a Risg, ac unwaith eto, bydd hyn yn cael ei ystyried gan aelodau'r Pwyllgor yn y cyfarfod nesaf.
Argymhelliad 11	Mae rhaglen graidd o hyfforddiant a datblygiad wedi ei ddatblygu ar gyfer rheolwyr. Mae'r rhaglen yn cynnwys hyfforddiant penodol ar gaffael a hyfforddiant. Mae cyflwyniad y rhaglen ar y gweill gan yr Uned Adnoddau Dynol.

Public Accounts Committee
Scrutiny of Accounts 2014–15: National Library of Wales
Additional Information

Following the Committee meeting held on 22 September, the National Library of Wales have sent in the following information regarding Geldards LLP:

1. Huw Williams, who's a Partner at Geldards LLP (<http://www.geldards.co.uk/huw-williams.aspx>) was appointed to the Library's Board of Trustees on 1 April 2010 for an initial period of 4 years and was reappointed on 1 April 2014 for a further (and final) period of 4 years.
2. In submitting his application on 17 November 2009 Huw Williams made the necessary declaration of interest and stated clearly that he was a Partner at Geldards who were solicitors to the Library and the Museum, where he was already a Trustee. A copy of this declaration is held on file.
3. Huw Williams is a Welsh Government appointee – a Ministerial appointment. Therefore, the "appointments" panel was in fact a nominations panel which would have had to sought Ministerial approval before the appointment could be confirmed.
4. Geldards LLP were last appointed as legal advisers to the Library (and as far as I'm aware, to the Museum as well) for a period of three years commencing on 1 September 2011 with an option to extend by one year by agreement. Their contract expired on 31 August 2015 from which point the National Procurement Framework will be used. However there are a number of legal cases that are still ongoing and they will continue to be handled by Geldards until their conclusion.

The ongoing legal cases are:

1. litigation relating to the fire
2. ITV archive
3. porters terms and conditions

4. employment issues relating to the Directors
5. personal injury claim from member of staff (legal papers issued)
6. personal injury claim from member of public.

September 2015

NFW Redundancies dates and amounts

Name	Leaving Date	Redn (£)	Annual Salary (£)	Monthly Salary	Monthly Recovery Rate	
	27/03/2015	30,447	9,808	817.33	37.25	19616 FTE
	31/03/2015	19,120	19,616	1,634.67	11.70	
	31/03/2015	53,498	51,386	4,282.17	12.49	15613.50 Compensation
	10/04/2015	23,868	11,770	980.83	24.33	19616 FTE
	17/04/2015	73,655	25,111	2,092.58	35.20	
	17/04/2015	10,154	19,616	1,634.67	6.21	
	30/04/2015	32,158	12,556	1,046.33	30.73	25111 FTE
	30/04/2015	10,157	19,616	1,634.67	6.21	
	08/05/2015	60,958	19,616	1,634.67	37.29	
	31/05/2015	70,994	25,111	2,092.58	33.93	
	31/05/2015	19,017	38,208	3,184.00	5.97	
	30/06/2015	7,923	15,800	1,316.67	6.02	
	30/06/2015	92,890	29,849	2,487.42	37.34	
	30/06/2015	7,923	7,900	658.33	12.03	15800 FTE
	30/06/2015	77,960	25,111	2,092.58	37.26	
	30/06/2015	26,048	25,111	2,092.58	12.45	
	30/06/2015	10,174	19,616	1,634.67	6.22	
	30/06/2015	38,030	12,640	1,053.33	36.10	15800 FTE
	30/06/2015	40,417	15,800	1,316.67	30.70	
	30/06/2015	17,688	25,111	2,092.58	8.45	
	31/07/2015	61,878	25,111	2,092.58	29.57	
	31/10/2015	53,546	25,111	2,092.58	25.59	
	31/03/2015		55,876			
		788,936	506,026			
				-		
	17/10/2014	92,258	29,553	2,462.75	37.46	
	30/09/2014	77,756	24,862	2,071.83	37.53	
	31/10/2014	159,118	50,877	4,239.75	37.53	
	31/10/2014	50,938	24,862	2,071.83	24.59	
	10/10/2014	58,518	24,862	2,071.83	28.24	
	10/10/2014	71,081	24,862	2,071.83	34.31	
	30/09/2014	40,375	19,422	1,618.50	24.95	
	18/08/2014	44,202	29,553	2,462.75	17.95	
	12/09/2014	7,314	14,803	1,233.58	5.93	
		601,560	243,656			
		1,390,496				
		31				
		44,855				

THE NATIONAL LIBRARY OF WALES: FRAMEWORK DOCUMENT

Introduction

1. This Framework Document has been drawn up by CyMAL: Museums Archives and Libraries Wales (CyMAL) in consultation with the National Library of Wales (the Library). It sets out the broad framework within which the Library operates and details the terms and conditions under which the Welsh Ministers provide grant-in-aid to the Library. It does not cover the Library's private funds.

A comprehensive overview of public financial management arrangements in Wales is provided by *Managing Welsh Public Money*. Payment of grant-in-aid is conditional upon the satisfactory performance by the Library of all its obligations as set out in this document and such other conditions and requirements as the Welsh Ministers may, in accordance with section 70 (2) of the Government of Wales Act 2006, from time to time impose. The document shall be reviewed from time to time by the Welsh Government and the Library jointly but at no less than five yearly intervals. Copies of the document together with any subsequent amendments have been placed in the Library of the National Assembly for Wales (the National Assembly) and made available to members of the public via the National Library of Wales' website. The document has been signed and dated by CyMAL and the Library.

2. The Welsh Government and its WGSBs have agreed the following Principles to govern relations between them:

Governing Principles defining relations between Welsh Government Sponsored Bodies and the Welsh Government

Joint mission and purpose

- 1. Delivering for Wales.** WGSBs play a key role in the governance of Wales and meeting the aspirations of Welsh citizens. From the perspective of the Welsh Government, the primary role of a WGSB is to fulfil its statutory responsibilities and to meet objectives established by the Welsh Ministers using funds voted by the National Assembly of Wales. This relationship is conducted through a sponsorship arrangement managed on behalf of Ministers by the Welsh Government. WGSBs have diverse organisational forms, including charities and quasi-judicial bodies and can cover different jurisdictions beyond Wales. Whilst respecting this diversity, Ministers look to WGSBs primarily to deliver important functions and services for the people of Wales on their behalf.

- 2. Outcome focus and WGSB performance.** Within the constraints set by statute and Ministerial commitments, WGSB objectives will as far as possible be specified in terms of outcomes that are clear, relevant and challenging. To promote innovation and efficiency, WGSBs shall be given as much flexibility as possible in how these outcomes are achieved. Individual remit letters should be no more prescriptive than the WGSBs responsibilities require. However, the performance framework should assess the contribution of the WGSB in achieving outcomes.

Relationships between the Welsh Government and WGSBs

- 3. Relationships defined by trust and risk.** The relationship between the Welsh Government and WGSBs should be based on trust and mutual respect, with a proportionate approach to risk. Where there is evidence of poor performance or weak governance, the Welsh Government will adopt a more prescriptive 'hands-on' approach to the relationship. The Welsh Government will ensure that its sponsorship functions perform effectively and meet the expectations set out in these principles.
- 4. Effective collaboration.** WGSBs are highly valued for their expertise and experience. WGSBs, the Welsh Government and the wider public sector recognise the importance of working together and building 'Team Wales', seeking opportunities for broader and deeper collaboration in policy development supporting each other and celebrating success. Opportunities to save money, identify efficiencies and improve effectiveness should be pursued energetically and jointly.
- 5. Effective communication.** WGSBs and the Welsh Government form an extended family and undertake to maintain a consistent, respectful and collegiate approach to dealing with each other in public and private. All parties undertake to strive for effective communication, to be as open as possible, to share information on a 'no surprises' basis and to manage contentious matters through dialogue and negotiation.

Governance and accountability

- 6. WGSB chair and board.** The chairs of WGSBs are important figures in Welsh public life and will be appointed in accordance with the Code of Practice for Ministerial Appointments to Public Bodies. WGSB boards are accountable to Ministers for achieving the defined objectives, ensuring high quality corporate governance and for oversight of the WGSB executive, including the Chief Executive.

- 7. Primary role of the board in WGSB oversight.** Governance and the internal control regime should be a matter primarily for the WGSB board. The Welsh Government will rely on the board, internal audit and Wales Audit Office for assurance. The sponsorship role should focus on accounting for delivery of objectives and the management of relationships between the WGSB and the Welsh Government. Clear roles and expectations for Ministers, chairs, boards, executives, accounting officers, sponsorship divisions and auditors should be set out in the Framework Document.
- 8. Performance management.** Whilst we expect the norm to be good performance, effective governance and a respectful relationship, our approach must be capable of an effective response to poor performance or other problems. Where there is evidence of poor performance in relation to objectives, management of funds, board effectiveness or other aspects of governance, the Welsh Government has both the right and responsibility to become more involved and more prescriptive. Performance management will be risk-based, relying on evidence of robust internal control to support a lighter touch or alternatively to apply a stronger grip where risks are managed less satisfactorily.
- 9. Delegation.** Welsh Government and WGSB accounting officers remain jointly accountable for public funds spent through WGSB sponsorship. However, the routine sponsorship management regime should be only as prescriptive as necessary to be assured that public funds are managed correctly and that outcomes are being achieved cost-effectively. Financial responsibility will be delegated to the extent possible, consistent with Welsh Ministers and accounting officer responsibilities.
- 10. Responding to change.** In a changing world and with changing ministerial priorities, it may be necessary to reshape the functions and methods of service delivery of WGSBs or, where more appropriate, to review the continued relevance of their objects and constitutional arrangements. The Welsh Government may from time to time conduct in-depth organisational or thematic reviews to ensure that its WGSBs remain fit for purpose and to make proposals for reform.

3. In addition, the Library must ensure that, in carrying out its functions, it does so in a way that is consistent with the Welsh Government's Citizen-Centred Governance Principles which incorporate the Seven Principles of Public Life set out by the Committee on Standards in Public Life (the Nolan Committee):

- putting the Citizen First;
- knowing Who does What and Why;
- engaging with Others;
- living Public Service Values;
- fostering Innovative Delivery;
- being a Learning Organisation; and
- achieving Value for Money.

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1. Purpose of the National Library of Wales (the Library)

- 1.1 The Library was established under the Royal Charter of 1907 with supplemental Royal Charters in 1911, 1978, 1988 and 2006 (the Charter). As a public body, it fulfils important responsibilities set within the context of the Welsh Government's strategic aims. Its main purpose is to collect, preserve and give access to all kinds and forms of recorded knowledge, especially relating to Wales and other Celtic peoples, for the benefit of the public, including those engaged in research and learning.
- 1.2 Its statutory objects are set out in the Charter. Its overall aims are set out in its strategy and annual operational plan.

2. Governance and Accountability

2.1 Legal Origins of Powers and Duties

- 2.1.1 The Library's powers and duties are set out in the Royal Charter. The Library is also a Registered Charity regulated by the Charity Commission.

2.2 Roles and Responsibilities

Ministerial Responsibility

- 2.2.1 The First Minister has allocated responsibility for the oversight of the Library to the Minister for Housing, Regeneration and Heritage (the Minister). The Minister generally exercises functions of the Welsh Ministers in relation to the Library. The Minister sets the policy framework for the Library and is accountable to the National Assembly for its activities. The Minister shall meet with the President and Librarian twice a year to review performance and discuss current and future activities.

Accountabilities and Responsibilities of the Principal Accounting Officer

- 2.2.2 The Principal Accounting Officer for the Welsh Ministers is the Permanent Secretary to the Welsh Government. He/she has responsibilities specified by HM Treasury and is accountable to the National Assembly (through the National Assembly's Public Accounts Committee) and to the UK Parliament (through the House of Commons Committee on Public Accounts) for:
 - the regularity and propriety of the Welsh Government's finances;
 - the keeping of proper accounts of the Welsh Ministers; and
 - the effective and efficient use of resources including the grant-in-aid voted to the Library under the Welsh Government's Annual Budget Motion.
- 2.2.3 The Principal Accounting Officer is also responsible for ensuring that the financial and other management controls applied across the Welsh

Government are appropriate and sufficient to safeguard public funds. He/she is assisted in these duties by the Director General for Sustainable Futures whom he/she has designated as an Additional Accounting Officer (AAO) and to whom he/she has delegated responsibility for the Library.

Sponsor Department's Additional Accounting Officer's Accountabilities and Responsibilities

2.2.4 The Director General for Sustainable Futures is the sponsor department's AAO. He/she is responsible to the Minister and the National Assembly for ensuring that financial and other management controls applied by the Library conform with the requirements of both propriety and good financial management. Accordingly, the AAO is responsible for ensuring that an adequate statement of the financial relationship between the Welsh Ministers and the Library is in place and is reviewed regularly; and for the quality of the Welsh Government's relationship with the Library.

2.2.5 The AAO is accountable to the National Assembly for the grant-in-aid awarded to the Library and for advising the Minister:

- on an appropriate framework of objectives and targets for the Library in the light of the department's wider strategic aims and key delivery and performance indicators.
- on an appropriate budget for the Library in the light of the sponsor department's overall spending priorities; and
- on how well the Library is achieving its strategic objectives within the policy and resources framework determined by the Minister and whether it is delivering value for money.

2.2.6 The AAO is also responsible for ensuring arrangements are in place to:

- monitor the Library's activities and its financial position through regular meetings and returns;
- address significant problems within the Library, making such interventions as are judged necessary;
- periodically carry out an assessment of the risks both to the department and the Library's objectives and activities;
- inform the Library of relevant government policy in a timely manner;
- bring to the attention of the Library's full board any concerns about the activities of the Library, requiring explanations and assurances that remedial action will be taken; and
- unless covered by the Charter designate the Librarian of the Library as its Accounting Officer.

2.2.7 The AAO has delegated responsibility for the day to day management of relations with the Library to the Director of CyMAL, the sponsor department within the Welsh Government

Sponsor Department

2.2.8 CyMAL is the primary contact for the Library. They are the main source of advice to the Minister on the discharge of his/her responsibilities in respect of the Library. They also support the sponsor department's AAO on his/her responsibilities towards the Library. Officials of the sponsor department will liaise regularly with WGSB officials to review the Library's financial performance against plans and the achievement against targets. The sponsor department will also take the opportunity to inform and explain wider policy developments that might impact on the Library. Further information about the sponsor department's responsibilities can be found at Annex 1.

Accountabilities and Responsibilities of the Librarian as WGSB Accounting Officer

General

2.2.9 The specific responsibilities of a WGSB Accounting Officer are set out in the Welsh Assembly Government's Memorandum "The Responsibilities of an Assembly Government Sponsored Body (AGSB) Accounting Officer". As accounting officer the Librarian is personally responsible for the proper stewardship of the public funds for which he or she has charge; for the day-to-day operations and management of the Library; and for ensuring compliance with the requirements of Managing Welsh Public Money. The Librarian may be assisted in the exercise of his or her role by employees of the Library. The Librarian may also delegate the day-to-day administration of these responsibilities to those employees but remains responsible and accountable under this document.

Accountabilities to the National Assembly

2.2.10 The WGSB AO is accountable to the National Assembly for the following:

- signing the accounts and ensuring that proper records are kept relating to the accounts;
- ensuring that the accounts are prepared and presented in accordance with any directions issued from the Welsh Ministers;
- signing a statement of Accounting Officer's responsibilities for inclusion in the annual report and accounts;
- signing a Statement on Internal Control for inclusion in the Annual Report and Accounts;
- giving evidence, including attending hearings, on matters relating to the Library which arise before the National Assembly's Public Accounts Committee, other committees of the National Assembly, the House of Commons Committee on Public Accounts or other Parliamentary Committees, to account for the Library's stewardship of public resources; and

- acting upon any recommendations of those committees that have been accepted by the Welsh Government.

Accountability to the Sponsor Department

2.2.11 The WGSB AO is accountable to the sponsor department for the following:

- establishing, in agreement with the sponsor department, the Library's corporate and operational plans;
- informing the sponsor department of progress in helping to achieve the department's policy objectives and demonstrating how resources are being used to achieve those objectives;
- ensuring that timely forecasts and monitoring information on performance and finance are provided to the sponsor department; that the sponsor department is notified promptly if overspends or under spends are likely and that corrective action is taken;
- ensuring that significant problems are notified to the sponsor department as quickly as possible; and
- providing the sponsor department with such information about its performance and expenditure as the sponsor department may reasonably require.

Responsibilities in respect of the Library's Board of Trustees

2.2.12 He/she is also responsible for:

- advising the Board on the discharge of its responsibilities as set out in this document, relevant legislation, the Minister's annual Remit letter or other communication; and any other guidance that may issue from time to time;
- advising the Board on the Library's performance against its aims and objectives;
- ensuring that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions and that suitable financial appraisal techniques are followed;
- ensuring that a system of risk management is maintained to inform decisions on financial and operational planning and to assist in achieving objectives and targets;
- ensuring that robust internal management and financial controls are introduced, maintained and reviewed regularly - including measures to protect against fraud and theft (such measures to incorporate a comprehensive system of internal delegated authorities); establishing procedures for handling complaints about the Library; and developing and maintaining appropriate personnel management policies, all of which shall be readily available to all staff; and

- taking action as appropriate in accordance with the terms of the accounting officer's memorandum if the Board or its President is contemplating a course of action involving a transaction which the Librarian considers would infringe the requirements of propriety or regularity, or does not represent prudent or economical administration, or, efficiency or effectiveness, questionable feasibility or is unethical.

The Librarian's role as Consolidation Officer

2.2.13 The Librarian is designated by HM Treasury as the Library's Consolidation Officer for the purposes of Whole of Government Accounts and must comply with the requirements of the Consolidation Officer Memorandum.

The Library's Board of Trustees

2.2.14 The arrangements for the appointment of the President, Vice President, Treasurer and Board members are set out in the Charter. 8 Board members, including the President and Vice President, are appointed by the Welsh Ministers after consultation with the Library. Such appointments are made in accordance with the Commissioner of public appointments' code of practice. <https://www.publicappointmentscommissioner.org/web-app/plugins/spaw2/uploads/files/Code%20of%20Practice%20August%202005.pdf>

Collective Responsibilities

2.2.15 The responsibilities of the Library's Trustees, as set out in this document, must be carried out with due regard to Charity Commission guidance (currently in the form of the publication RR7 'The Independence of Charities from the State').

2.2.16 The role of the Board is to:

- provide effective leadership; defining and developing strategic direction and setting challenging objectives;
- promote high standards of public finance, upholding the principles of regularity, propriety and value for money;
- ensure that the Library's activities are conducted efficiently and effectively; and
- monitor performance to ensure that the Library fully meets its aims, objectives and performance targets.

2.2.17 To do this, the Board must ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. It must establish an Audit Committee chaired by a Board member with a proper understanding of audit processes (but not the President or Treasurer) to provide it with independent advice. The Board is expected to assure itself of the effectiveness of the internal control and risk management systems.

2.2.18 The personal responsibility of the Librarian as Accounting Officer to ensure regularity, propriety and value for money in no way detracts from that of

members of the Board, who each have a duty to act in a way that promotes high standards of public finance and for ensuring that the Library's activities are conducted in an efficient and effective manner. They must not give the Librarian instructions which conflict with his/her duties as the Library's Accounting Officer.

2.2.19 In particular the Board is responsible for:

- establishing and taking forward the strategic aims and objectives of the Library consistent with its overall purpose and within the policy and resources framework determined by the Minister;
- ensuring that the Minister is kept informed fully of any changes that are likely to impact on the strategic direction of the Library or on the attainability of its targets, and of steps needed to deal with such changes;
- ensuring compliance with any statutory or administrative requirements in respect of the use of public funds; that the Board operates within the limits of its statutory authority or the terms of its governing instrument (as applicable) and any delegated authority agreed with the sponsor department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, it takes into account guidance issued by the Welsh Government;
- ensuring that it receives and reviews regularly, financial information concerning the management of the Library; that it is informed in a timely manner about any concerns as to the activities of the Library; and that, where applicable, it provides positive assurance to the Minister via the sponsor department that appropriate remedial action has been taken to address any such concerns;
- demonstrating high standards of corporate governance at all times, including by using the audit committee to help the Board to address key financial and other risks; and
- appointing a Librarian in consultation with the Minister

2.2.20 The Board may, to the extent permitted by the Charter, delegate to staff responsibility for the administration of day-to-day management issues but it remains ultimately responsible and accountable for all those matters. The Library must maintain a list of matters which are reserved for decision by its Board as well as a scheme of delegation approved by the Board.

The President's Personal Responsibilities

2.2.21 The President's duties are set out in the Royal Charter and in the Terms and Conditions of Appointment. Communications between the Library Board and the Minister shall, in the normal course of business, be conducted through the President. The President shall ensure that other Board members are kept informed of all such communications. He or she is responsible for ensuring that the Board's policies and actions support the Minister's wider strategic policies and that its affairs are conducted with probity. Where

appropriate these policies and actions must be communicated and disseminated throughout the WGSB.

2.2.22 The Library's Royal Charter establishes the office of Vice-President with the ability to discharge the functions of the President during any vacancy in office, absence or illness.

2.2.23 The President has a particular leadership responsibility regarding:

- formulating the Library's strategies;
- ensuring that the Board, in reaching decisions, takes proper account of statutory and financial management requirements and all relevant guidance including guidance provided by the Welsh Ministers;
- promoting the economic, efficient and effective use of staff and other resources;
- ensuring high standards of regularity and propriety; and
- representing the views of the Board to the public.

2.2.24 The President must also:

- ensure that all Board members are briefed fully on the terms of their appointment and on their duties, rights and responsibilities;
- ensure that he or she, together with other Board members, receive appropriate training, including on the financial management and reporting requirements of public sector bodies and on the differences that might exist between private and public sector practice;
- ensure that the Board has a balance of skills appropriate to directing the Library's business, and advise the Minister, in instances where appointments are to be made by him or her, on the needs of the Library when Board vacancies arise;
- assess the performance of individual Board members in accordance with the arrangements agreed with the sponsor department;
- ensure that a Code of Practice for Board Members is in place consistent with the Welsh Government model Code.

Individual Board Members' Responsibilities

2.2.25 In undertaking their duties and responsibilities Board members shall:

- comply at all times with the Library's Code of Practice for Board Members, and with the rules relating to the use of public funds and conflicts of interest;
- not misuse information gained in the course of their public service for personal gain or political profit, nor seek to use the opportunity of public service to promote their private interests or those of persons or organisations with whom they have a relationship;

- comply with the Library's rules on the acceptance of gifts and hospitality, and of business appointments; and
- act always in good faith and in the best interests of the Library.

2.3 Accounting Arrangements and Audit

Annual Report and Accounts

2.3.1 The statutory accounting and reporting requirements are set out in the Charter.

Statutory Accounts

2.3.2 Each financial year the Library must prepare accounts in accordance with the Accounts Direction issued by the Welsh Ministers, Section 9 (4) of the Museums and Galleries Act 1992 and the Charities SORP 2005. As soon as the audit of the accounts is complete, the Library shall submit to the Auditor General for Wales (AGW) the signed accounts together with a letter of representation. Two copies of the signed accounts shall also be forwarded to the sponsor department. The AGW shall lay the audited accounts before the National Assembly.

Annual Report

2.3.3 As soon as possible after the end of each financial year, the Library shall publish a report of its activities to permit the National Assembly, other clients and the public to judge its success in meeting its targets. The precise format of the published annual report will be discussed with the sponsor department.

2.3.4 The Annual Report must be submitted to the Minister prior to its formal publication. A draft of the report shall be submitted to the sponsor department at least ten working days before printing.

2.3.5 The annual report must:

- outline the Library's main activities and performance during the previous financial year;
- report on performance against key performance indicators and other deliverables and outline progress that has been made in taking account of the Welsh Government's cross-cutting themes;
- report on the activities of any corporate bodies under its control; and
- include either a summary of the Library's audited accounts or publish the full audited accounts within a single document.

2.3.6 A copy of the Annual Report must be laid before the National Assembly, after the accounts have been audited. The Report may not be published until after it has been laid before the National Assembly.

2.3.7 The Library shall liaise with the AGW and the sponsor department regarding the precise timetable for publication and laying of the Annual Report and the accounts.

Audit Committee

2.3.8 The Library must establish an Audit Committee to advise its Accounting Officer on the adequacy of arrangements within the Library for internal audit, external audit and corporate governance matters. The Library shall share with their sponsor department copies of the minutes of their Audit Committee meetings. The sponsor department also has a right to attend any meeting of the Audit Committee if circumstances require it.

Internal Audit

2.3.9 The Library must:

- establish and maintain arrangements for internal audit in accordance with the objectives, standards and practices described in HM Treasury's Government Internal Audit Standards;
http://www.hm-treasury.gov.uk/d/internalaudit_300409.pdf
- if the function is provided in-house ensure that arrangements are made for external quality reviews of its internal audit at least once every five years and in accordance with Government Internal Audit Standards. The Welsh Government shall consider whether it can rely on these reviews to provide assurance on the quality of the Library's internal audit;
- each year, following approval by the Library's Accounting Officer and its Audit Committee, submit to the sponsor team the audit strategy, periodic audit plans and annual audit report, including the Head of the Internal Audit Service's opinion on risk management, control and governance; and
- notify the sponsor department as soon as possible of any changes to the terms of reference of its Internal Audit arrangements and/or its Audit Committee.

2.3.10 The Welsh Government shall:

- assess the effectiveness of the Library's internal audit arrangements by scrutiny of their plans for future activity, reports on past activity and its annual assurance report (as prepared by the Library's Head of the Internal Audit Service); and
- have a right of access to all documents prepared by the Library's internal auditor, including where the service is contracted out.

External Audit

2.3.11 The AGW is the Library's statutory external auditor under Section 9 (8) of the Museums and Galleries Act 1992.

- 2.3.12 In the light of new provisions contained in the Companies Act 2006 concerning the audit of public sector entities arrangements for the audit of any subsidiary companies established by WGSBs are currently under review.
- 2.3.13 The AGW shall send a copy of its final Additional Assurance Report and Management letter to the Additional Accounting Officer of the sponsor department. Under section 145 of the Government of Wales Act 1998 the AGW may carry out examinations into the economy, efficiency and effectiveness with which the Library has used its resources in discharging its functions. Under section 145A, the AGW may undertake studies designed to enable him or her to make recommendations for improving economy, efficiency and effectiveness in the discharge of functions of bodies, and other studies relating to the provision of services. For the purposes of these examinations, as well as the statutory financial audit, the AGW has a statutory right of access to documents. The Comptroller and Auditor General shall also have rights of access by virtue of section 136 of the Government of Wales Act 2006. In addition, the Library shall provide, in conditions to grants and contracts, for the AGW to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the AGW to any other documents required by the AGW which are held by other bodies.

Sponsor Department's Right of Access

- 2.3.14 Should the need arise the sponsor department has a right of access to all the Library's records and personnel for monitoring purposes including, for example, sponsorship audits and operational investigations.

3. Management Arrangements

3.1 General

- 3.1.1 Unless otherwise agreed in writing by the sponsor department the Library shall at all times follow the principles, rules, guidance and advice in Managing Welsh Public Money and this document, referring any difficulties or potential bids for exceptions to the sponsor department in the first instance. A list of the guidance and instructions with which the Library must comply is at annex 2.
- 3.1.2 The Library must ensure always that its relationship with the Welsh Government is recognised appropriately through the use of the Welsh Government's sponsor brand mark.
- 3.1.3 In pursuit of its aims the Library shall work closely with other organisations in Wales including the private sector, local authorities and the voluntary sector reflecting the commitments in the Welsh Ministers' partnership agreements with the voluntary, business and local government sectors.

3.2 Library Staff

Recruitment, retention and management of staff

3.2.1 Within the arrangements approved by the Minister the Library is responsible for the recruitment, retention and motivation of staff subject to the following general requirements:

- in the recruitment, management and advancement of staff the Library will follow the principles and behaviours set out in Chapter 4 of Managing Welsh Public Money;
- the Library may determine its own structure with the exception of:
 - the creation or re-grading of any senior management post that reports directly to the Librarian;
 - any proposal to create a new post at, or to re-grade a post to, a level which is not already represented in the staff structure; or
 - any proposal to re-grade all posts at a particular grade.
- the Library may vary the total number of staff employed to reflect changes in the scale of its operations or functions. The associated pay and related costs must be adjusted accordingly and reflected within the Management Running Cost total unless otherwise notified to the sponsor department;
- subject to its delegated levels of authority, the Library must ensure that the creation of any additional posts does not incur forward commitments which shall exceed its ability to pay for them;
- staff management and development policies are in place which include arrangements for appraising the performance of staff and encouraging staff to acquire appropriate professional, management and other expertise;
- the Library will adopt a Code of Conduct for its staff;
- appropriate grievance and disciplinary procedures are established;
- appropriate arrangements are in place to deal properly with any staff concerns about improper conduct;
- proper consultation with staff takes place on matters affecting them.

Pay and Conditions of Service

3.2.2 All staff of the Library shall be subject to overall levels of remuneration and terms and conditions of service (including superannuation) as have been approved by the Minister. Any changes to those terms and conditions, including levels of remuneration, must be authorised by the Minister.

3.2.3 The Library has no delegated powers to amend its overall terms and conditions. However, the Library may vary individual contracts of employment without recourse to the Minister provided that any changes are

within the overall framework of the terms and conditions approved by the Minister.

- 3.2.4 Terms and conditions for staff of the Library are set out in its staffing documentation. Copies of this information must be provided to the sponsor department on request, and when substantially amended.

Pay Remits

- 3.2.5 The Library shall present to the sponsor department a detailed case for its annual pay remit for pay negotiations. The pay remit shall be in the format specified annually by the Welsh Government and must reflect the needs of the organisation for changes in pay, grading and other terms and conditions of service. The proposals must be fully costed and shown to be affordable in the year in question and subsequent years. The Library is expected to operate a system of pay that provides all staff with equal opportunity for progression.
- 3.2.6 The sponsor department must be satisfied that all pay arrangements have been subject to an equal pay audit and, in addition, will require evidence from time to time that there has been independent quality assurance that meets this requirement.

Staff Benefits and Non-Pay Rewards

- 3.2.7 In considering gifts or non-pay rewards to staff or board members the Library must take a view on whether such a course of action represents an appropriate use of public money. In devising staff benefits or non-pay reward schemes Library must pay attention to HM Treasury's "Regularity, Propriety and Value for Money".

Pensions

- 3.2.8 Staff of the Library shall be eligible to belong to the Library's own approved occupational pension scheme. Alternatively, they may opt out in favour of a State Second Pension or a personal pension scheme. Any proposal by the Library to move from the existing pension arrangements requires written approval in advance from the sponsor team.

Redundancy, Severance and Compensation

- 3.2.9 Any redundancy payments or payments of other compensation for loss of office must be made in accordance with a scheme approved by the sponsor department. Any proposals to make payments outside of an approved scheme require prior written approval from the sponsor department. Proposals on severance must comply with the rules set out in Chapter 4 of *Managing Welsh Public Money*.

3.3 Planning Framework

Budget Planning

- 3.3.1 The Welsh Government's budget planning arrangements are governed by the requirements of the Government of Wales Act 2006 and the Standing Orders of the National Assembly.
- 3.3.2 The Library shall co-operate with the sponsor department in providing the necessary assistance and information to the Welsh Government to take forward its budget planning decisions.
- 3.3.3 The Minister will confirm the amount of funding to be provided to the Library and any other relevant budgets as soon as possible, and normally no later than one month, after the final budget has been agreed by the National Assembly.

Business Planning

Remit Letters

- 3.3.4 The Minister shall, by the end of the November before the financial year to which it relates, discuss with the Library a draft remit letter setting out the Government's policy aims and areas for key performance indicators. The final remit letter will be issued as soon as possible, and normally no later than one month, after the National Assembly has approved the final budget and shall include the voted grant-in-aid figure and related budgetary control totals.

Corporate Plans

- 3.3.5 The Library will produce a Corporate Plan or Strategy on a regular 3 to 4 year cycle. The Strategy should be developed reflecting the aims and objectives as set out in the Library's Charter, and within the general and specific framework set out by the Welsh Government, reflecting the Welsh Government's strategic agenda. The sponsor department shall be consulted on the issues to be addressed in the Strategy.

Operational Plans

- 3.3.6 The Library shall prepare an annual operational plan setting out the level of service to be achieved in key areas and the performance and output information that shall be collected to monitor progress. The operational plan will be informed by the Minister's remit letter, the Welsh Government's strategic agenda and the Library's Strategy, and Charter objectives. It is for the Board to determine the precise content of their plan, in consultation with the sponsor department.

Approval of Plans

- 3.3.7 The timetable for the preparation and submission of the corporate and operational plans shall be agreed with the sponsor department. Both the corporate and operational plans will be approved by the Minister and made available to the public.

3.4 Performance Management

- 3.4.1 The Library shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the targets set out in the corporate and operational plans. It shall inform the sponsor department of any changes that make achievement of objectives more or less difficult.
- 3.4.2 Each quarter, the Library shall provide a report to the sponsor department which sets out the progress towards meeting the key targets set out in the operational plan. The report must also include details of actual expenditure for the year to date against the approved budgets together with forecast expenditure figures for the year and explanations of any significant differences and issues. Wherever possible the reporting format will be consistent with the Library's arrangements for reporting to its Board.
- 3.4.3 The Library and the sponsor department shall meet once a quarter to discuss these progress reports. The President and Librarian will also meet the Minister twice a year to discuss progress.

Exception Reporting

- 3.4.4 The Library must notify the sponsor department as soon as it becomes apparent that:
- the full-year expenditure is likely to exceed its approved provision; or
 - it is likely to under spend by more than the equivalent of 3 per cent of its total grant-in-aid.
- 3.4.5 It shall also provide:
- an annual report of losses written-off and special payments made or sanctioned during the previous twelve months;
 - an annual report outlining all cases of fraud and theft to which it has been exposed.

3.5 Periodic Review

3.5.1 As part of the programme of reviews of Welsh Government Sponsored Bodies for which it is responsible, the Welsh Government may conduct a review of the Library from time to time.

3.6 Subsidiary Companies and Joint Ventures

3.6.1 The Library shall not establish subsidiary companies or joint ventures which involve setting up special purpose vehicles – such as companies, partnerships or any other structure with legal identity and liability – without securing the prior written approval of the sponsor department.

3.6.2 Any subsidiary company or joint venture controlled or owned by the Library shall be consolidated with it, as required by accounting standards and, unless agreed otherwise by the sponsor department, shall be subject to the controls and requirements set out in this document, and to any such other further provisions set out in pertinent guidance and instructions.

4. Financial Responsibilities

4.1 Expenditure

4.1.1 Subject to any restrictions imposed by the Charter, directions of the Welsh Ministers, or by this document, the Library may, as soon as its budget has been approved by the Minister, incur expenditure on the programme approved in its annual budget without further reference to the sponsor department, subject to the following conditions:

- the Library shall comply with the delegations set out in Annex 3. These delegations must not be modified or breached without the written agreement in advance of the sponsor department;
- the Library must obtain written approval in advance of proceeding with:
 - any proposal which could be considered to be novel, contentious or repercussive;
 - any change of policy or practice which has wide financial implications;
 - anything that might affect the future level of resources required; or
 - any significant change in the operation or funding of any initiative or particular scheme approved by the sponsor department;
- the Library shall follow the policy framework set out in Managing Welsh Public Money in relation to the procurement of goods and services;
- the Library shall resist requests for payment in advance except in exceptional cases where it is considered that some payment may be necessary. In such cases, the principles set out in Managing Welsh Public Money must be observed;

- the Library shall consult the sponsor department before entering into any property lease agreement. The sponsor department must also approve in advance any proposals to relocate or move to new accommodation;
- the Library must be open and transparent in its approach to gifts and have clear policies on disclosing information about, and the procedures adopted for, making any gifts.

Borrowing, Lending, Guarantees and Investments

- 4.1.2 The Library has powers covering borrowing, lending, guarantees and investments set out in its Charter. It shall not, in respect of its public funds, borrow (including temporary borrowing facilities in the form of a pre-arranged overdraft facility to bridge any gaps between long-term borrowing arrangements); lend; charge any asset or security; give any guarantee or indemnities; letters of comfort; or incur knowingly any other contingent liability (as described in Managing Welsh Public Money) whether or not in a legally binding form without the sponsor team's prior written consent,. All financial guarantees and indemnities given by the Library under the Charter must be covered adequately against un-drawn Assembly Public Expenditure Resources.
- 4.1.3 Nor shall the Library make any investments without securing the prior written approval of the sponsor department except in respect of short-term deposits of cash surpluses or investment of private funds.

Grants and Loans

- 4.1.4 All grants made by the Library must comply with the terms of Managing Welsh Public Money and be made subject to appropriate terms and conditions which provide adequate protection for the public purse. Terms and conditions must, for example, allow for phased payments, reinforce rights of access for Welsh Government officials and the Auditor General for Wales, ensure that Welsh Government's financial interests are adequately protected, and allow for clawback in certain circumstances, e.g. if grant monies are used other than for approved purposes.
- 4.1.5 All loan schemes must be managed under similar arrangements.

4.2 Funding

Private and Public Funds

- 4.2.1 Donations, grants for research from non-public organisations, or bequests given to the Library are deemed to be private funds and are not covered by the terms of this document.
- 4.2.2 All the streams of income mentioned in the following paragraphs ('Income from Exchequer Sources' and 'Income from Non-Exchequer Sources'), shall be treated as public funds and the requirements of this document shall apply

equally to them. Funds received directly from the Welsh Government, other government departments, agencies and other public organisations or those funded primarily by the tax payer and any proceeds from the Library's commercial interests or activities all constitute public funds.

Income from Exchequer Sources

Grant-in-aid

- 4.2.3 The Welsh Ministers shall make payments to the Library of grant-in-aid. Grant-in-aid shall be paid in monthly instalments, on the basis of an application to the sponsorship team. This must be provided in the form of a financial statement as set out in the grant-in-aid drawn-down form and submitted by a person notified to the sponsor department as authorised to make the application. The Library may not draw down grant-in-aid in advance of need.

Income from Non-Exchequer Sources

- 4.2.4 The Library must seek as far as possible to maximise its receipts from sources other than the Exchequer where this is consistent with its functions and is in line with the operational plan. It may retain receipts up to the level set out in the budget/remit letter that are derived from, for example, proceeds from sale of land and buildings and other assets, grants given by the EU, grants given through lottery funds, any proceeds from the Library's commercial activities and those resulting from the sale of services into wider markets. Such activity must be undertaken in accordance with the terms of Managing Welsh Public Money and this document.
- 4.2.5 Proceeds from the disposal of an Exchequer financed asset worth £1 million or more must, however, normally be surrendered to the Welsh Government, unless agreed otherwise. Proceeds derived from the sale of other assets may be retained provided that they are used to finance other capital spending – this being expenditure on new construction, land, extensions or alterations to existing buildings and the purchase of any other discrete asset or collection of assets (e.g. machinery and plant), including vehicles, having an expected working life of more than one year – and provided that total receipts in the financial year do not exceed the limit set out in the budget/remit letter.

4.3 Cash Management

Cash Balances

In Year

4.3.1 Cash balances accumulated during the course of the financial year from grant-in-aid or other Exchequer funds must be kept at the minimum level consistent with the efficient operation of the Library. If a cash surplus should occur, it must be placed on deposit until it can be used. The Library must seek to avoid holding a working balance in excess of the equivalent of 4 per cent of its total annual gross budget when it receives each month's instalment of grant-in-aid. Any funds exceeding that amount held by the Library as a working balance at the end of each funding period shall be taken into account in determining the amount of grant-in-aid to be paid in the following period.

End of Year

4.3.2 The Library shall be permitted to carry-over from one financial year to the next any drawn but unspent cash balances of up to 2 per cent of its agreed total gross annual budget (i.e. as set out in the remit letter and being exclusive of income deemed to be private funds). Any proposal to carry-over sums in excess of this amount must be agreed in writing in advance with the sponsor department on a case by case basis. Any sum carried-over in excess of the agreed amount shall be taken into account in the subsequent year's grant-in-aid. Any issued and unspent balance of the Library's Purchase Grant is not subject to any carry over limit.

Managing Receipts

4.3.3 If receipts realised or expected to be realised in the financial year are less than estimated the Library must ensure a corresponding reduction in its gross payments so that its authorised provision is not exceeded.

4.3.4 If receipts realised or expected to be realised in the financial year are more than estimated, the Library may apply to the sponsor department to retain such excess income for specified additional expenditure.

Virement

4.3.5 The Library may reallocate funds between its various budgets as notified by the Minister in the remit letter without the sponsor department's prior written agreement provided that:

- no budget is increased or decreased by more than 10 per cent or £100,000 whichever is the lesser amount;
- the reallocation is not between capital, near cash or non-cash budget lines; and

- in aggregate, the Library's net payments do not exceed the total approved Budget.

4.3.6 Notwithstanding the above, the Library's running costs/administration budget may not be increased without the sponsor department's prior written agreement.

Interest Earned on Cash and Bank Balances

4.3.7 All interest, net of any bank charges of tax payable on the interest, earned by the Library on its cash and bank balances which arise as a result of funding from the Welsh Government is to be surrendered to the Welsh Government so that it can, in turn, be paid to HM Treasury via the Welsh Consolidated Fund. For accounting purposes it is not possible to net off the interest from grant-in-aid. The interest earned must be treated on a separate basis. The Library may agree with its sponsor department how often it would prefer to pay the interest (e.g. monthly or annually) but the total amount received by the end of February each year must be paid by the end of the first week of March.

5. Other Financial requirements

5.1 Risk Management

5.1.1 The Library must develop a risk management strategy to ensure that any risks it assumes are dealt in accordance with the relevant aspects of guidance on best practice in corporate governance.

5.1.2 The Library must adopt and implement policies and practices to safeguard itself against fraud and theft.

5.1.3 The Library shall take reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or give grant or grant-in-aid, depending upon the particular circumstances of the procurement or grant scheme.

5.2 Economy, Efficiency and Effectiveness – appraisal, research and evaluation

5.2.1 In order to ensure value for money, the Library must have in place appropriate systems, and the capacity, to ensure that its policies and programmes are evidence based in relation to their development, implementation and evaluation.

5.2.3 The Library shall review its services and activities on a regular basis and shall set out in its annual business plan the measures being put in place to drive through and maximise efficiencies.

5.2.4 The Library must also ensure that its approach to carrying out appraisals and evaluations shall be fully consistent with the principles set out in guidance.

5.3 Insurance

5.3.1 The Library shall not take out any insurance, other than cover which is required by statute, without receiving express written approval in advance from the Welsh Government.

The terms of this Framework Document were approved by the Director General for Sustainable Futures, Welsh Government, as Additional Accounting Officer, on 27 September 2011.

Signed.....Linda Tomos.....

Linda Tomos, Director, CyMAL: Museums Archives and Libraries Wales

Dated.....29 September 2011.....

Signed.....Andrew Green.....

Andrew Green, Librarian, National Library of Wales

Dated.....29 September 2011.....

Annex 1

Essentials of Effective Sponsorship

The principles which define the working relationship between a sponsoring department and its sponsored body are set out in the introduction to this Framework Document.

The aims of sponsorship are to:

- Foster a relationship with the sponsored body which is based on mutual trust and respect and open and honest communication.
- Ensure that the strategic aims and objectives of a sponsored body reflect and promote the wider strategic objectives of the Welsh Government.
- Provide the sponsored body with the support and guidance it requires or may request to achieve its objectives.
- Encourage and promote high standards of corporate governance and financial accountability within the organisation to ensure its efficient and effective operation.

The functions of WGSB sponsorship that underpin these principle aims are set out in this Framework Document, which defines the relationship between the sponsor department and the WGSB for which it has responsibility. The functions are listed in Appendix A.

Sponsor departments need to strike a balance between control, and allowing WGSBs to operate independently on a day-to-day basis, as was the intention in setting up the body as arms length organisations. They need to ensure that the relationship is an effective one, with each partner enabling and supporting the other in the achievement of Ministerial objectives. Sponsor departments and WGSBs also need to make sure that they share information and best practice in a relevant and timely way, and seek out opportunities to work together more effectively.

The following paragraphs attempt to summarise the more important attributes that help to ensure that the sponsorship role can be performed as effectively as possible.

Clear Understanding

Of the corporate governance framework within which WGSBs operate: a good knowledge of how the operational and business planning and annual remit setting process works and links with the Welsh Government's strategic aims and objectives; and group/divisional and branch planning. Ensuring that the WGSB understands the monitoring process and what is expected of them.

Of the financial accountability framework within which both the sponsor department and the WGSB operated: a clear knowledge of the respective roles and obligations set out in the Framework Document; the relevance and

importance of the audit process including management letters and additional assurance reports; the sensitivity of Audit Committee recommendations and their implementation;

The operational role and structure of the WGSB together with an appreciation of the problems it faces or perceives it faces and clear roles, responsibilities and accountabilities between the sponsor team and the WGSB.

Assessment of Risk

A clear and ongoing assessment of the risks involved in the sponsorship relationship and a strategy for dealing with them: for instance risks, specific or generic, arising from the nature of the WGSB's role (e.g. *differing risks associated with different bodies*). Also, specific risks relating to financial management identified in management letters; a pattern of failure in meeting strategic targets; or identifiable "blind spots" in terms of communication, which may require the sponsor team to take a more hands on role in the oversight of the WGSB.

Effective Communication

A clear structure for formal communication: in respect of data which is of mutual benefit and regular operational and business planning and the formal reporting and monitoring arrangements that fall out of these. This may include sponsorship meetings and meetings between the Chief Executive and members of the sponsor department or Director General, as appropriate, to review performance and discuss cross cutting or arising issues.

A culture of frequent but not intrusive informal communication: is important in helping to build confidence and trust, which in turn can engender openness and a willingness to share and resolve problems at an early stage. This should include informal communication between the Chief Executive and members of the sponsor department or Director General in addition to dialogue between officers. Annual information sharing/networking events should be considered, giving opportunities for policy and delivery colleagues to meet, share best practice and develop working relationships.

There is good senior level involvement: to ensure good strategic direction, and to reflect commitment to the relationship.

Effective internal communication: knowing who to contact within the Welsh Government for advice on issues such as budgeting; propriety; procurement and personnel issues: and a willingness to do so.

Inclusive policy development: an appropriate level of involvement in any policy development should be secured for the WGSB, with regular dialogue and communication continuing throughout the process.

Establishing an Authoritative Presence

The sponsorship department should act as the principal access point to the Welsh Government for the WGSB and act as a source of authoritative advice (even if that advice is acquired from elsewhere). A willingness to take ownership of such advice in communication with the WGSB is vital. Understand the communications you are passing on and be prepared to give advice.

Challenge and Scrutiny: make clear that properly structured and robust questioning of the WGSB is an essential part of the role, in support of public accountability, but this should be at a strategic rather than operational level, to avoid micro-management. Analyse proposals and make informed recommendations to third parties (e.g. Accounting Officers and Ministers).

Link with Ministers: establish agreement with Ministers on what the WGSB is meant to achieve then advocate its position firmly and with integrity.

Skills

Effective Training: Effective reciprocal induction training and specific effective sponsorship training (jointly with WGSB personnel where possible).

Consideration of the appropriateness of: desk training; short-term acclimatisation job-swaps; secondments or work shadowing; to aid understanding of roles and challenges.

Appendix A

Sponsor Function Set Out In Model Framework Document

- submission of advice to relevant Welsh Ministers and provide briefing for relevant Assembly committees on WGSB matters;
- receive and act on information provided by the WGSB under the framework document;
- check claims for, and if satisfied, authorise payment of grant-in-aid (GIA);
- communicate the Welsh Government's policy to the WGSB and advise on the interpretation of policy;
- advise Ministers on performance targets and indicators that are clear relevant and challenging;
- monitor and review WGSB performance against targets, reporting to Ministers and Assembly Committees as appropriate;
- advise Ministers on expenditure priorities and appropriate levels of GIA;
- monitor WGSBs financial position and performance against plans through regular meetings with and returns from WGSBs; and reporting to Ministers and appropriate Assembly Committees;
- issue guidance to WGSBs.

Annex 2

List of Government-Wide Corporate Guidance and Instructions

- this document;
- the Minister's annual Remit Letter to the Library;
- Managing Welsh Public Money;
- the Welsh Assembly Government Memorandum "Responsibilities of an Assembly Government Sponsored Body (AGSB) Accounting Officer";
- HM Treasury's Consolidation Officer Memorandum;
- Library's Accounts Direction;
- Corporate Governance in Central Government Departments: Code of Good Practice;
- HM Treasury's "Government Internal Audit Standards";
- HM Treasury's "Managing the Risk of Fraud";
http://www.hm-treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf
- HM Treasury's "Executive NDPBs - Annual Reports and Accounts Guidance";
- HM Treasury's "Departmental Banking: A Manual for Government Departments" (issued as Annex 5.7 of "Managing Public Money");
http://www.hm-treasury.gov.uk/d/mpm_annex5.7.pdf
- HM Treasury's "Regularity, Propriety and Value for Money"
http://www.hm-treasury.gov.uk/d/Reg_Prop_and_VfM-November04.pdf
- HM Treasury's "Green Book – Appraisal and Evaluation in Central Government";
http://www.hm-treasury.gov.uk/d/green_book_complete.pdf
- HM Treasury's Audit Committee Handbook;
<http://www.hm-treasury.gov.uk/d/auditcommitteehandbook140307.pdf>
- Cabinet Office's "Magenta Book – Guidance Notes on Policy Evaluation";
http://www.nationalschool.gov.uk/policyhub/magenta_book/index.asp
<http://www.nationalschool.gov.uk/policyhub/docs/profpolicymaking.pdf>
- Cabinet Office's Code of Practice for Public Bodies;
- the UK Evaluation Society's "Guidelines for Good Practice in Evaluation";
<http://www.evaluation.org.uk/resources/guidelines.aspx>
- UK Statistics Authority's "Code of Practice for Official Statistics" and its associated protocols;
<http://www.statisticsauthority.gov.uk/assessment/code-of-practice/code-of-practice-for-official-statistics.pdf>

- Health and Safety Commission/Department for the Environment and the Regions' "Revitalising Health and Safety";
<http://www.hse.gov.uk/revitalising/strategy.pdf>
- extant "Chief Executive Officer" letters;
- extant "Dear Accounting Officer" letters;
- extant "Dear Consolidation Officer" letters;
- Management letters from external auditors;
- other relevant instructions and guidance issued by the Welsh Ministers;
- those recommendations of the National Assembly's Public Accounts Committee, other Committees of the National Assembly; the House of Commons Committee on Public Accounts, other Parliamentary Committees or Parliamentary authority that have been accepted by the Welsh Government which are relevant to the Library.

In addition, in the conduct of its business the Library shall ensure, inter alia, that:

- it conforms with the terms of its Welsh Language Scheme;
- its functions are exercised in a manner compatible with the Welsh Ministers' duty to promote and facilitate the use of the Welsh language as set out in the Welsh Government's strategy as published from time to time;
- its functions are exercised with due regard to the principle that there should be equality of opportunity for all people;
- it adopts and maintains a scheme, approved by the Information Commissioner, for the publication of information as required by the Freedom of Information Act;
- its functions are exercised in a manner compatible with the Welsh Ministers' duty to promote sustainable development and its guiding principle of promoting social inclusion;
- its functions are exercised with due regard to the Welsh Government's Disability; Gender; and Race Equality Schemes;
- it follows the approach to openness set out in the Welsh Government's Code of Practice on Access to Information;
- it has due regard to the Commissioner for Public Appointment's Code of Practice for Ministerial Appointments to Public Bodies;
- its procurements are effected with due regard to the principles set out in the Welsh Government's Value Wales Procurement Route Planner.

As regards openness, where practicable and appropriate, the Library shall be expected to hold its meetings in public. At least one meeting per year must be an open meeting. Where practicable and appropriate, the Library shall release summary reports or make minutes of its meetings publicly available.

As regards health, safety and welfare, the Library must:

- comply with all relevant statutory duties in respect of health, safety and welfare as they relate to all its functions, projects, programmes and activities;
- require organisations that it funds and any contractors and sub-contractors to those organisations to comply similarly; and
- comply fully with UK Government policy on health, safety and welfare.

ANNEX 3

SUMMARY OF APPROVAL REQUIREMENTS AND DELEGATION LIMITS

Subject	Delegation Limit
Appointment of Chief Executive	in consultation with the Minister
Staff remuneration and terms and conditions	Amendments to overall terms and conditions require Ministerial approval
Pension arrangements and payment of redundancy or compensation	Approval of sponsor department
Corporate and Operational Plan	Ministerial approval
Establishing new subsidiary companies and joint ventures	Approval of sponsor department
Virement outside of specified limits	Approval of sponsor department
Novel, contentious or repercussive proposals	Approval of sponsor department
Any borrowing, lending, guarantees, indemnities or investment	Approval of sponsor department
Capital projects	£500k on buildings, maintenance, fixed assets, IT and land
Consultancy contracts	£50k per project unless included in wider pre-approved scheme
Single tender departures	£50k
Gifts, prizes etc	£100 per gift, £1k p.a.
Hospitality	Costs for hospitality to support essential Library business should be kept at a minimum level appropriate to the Library
Sponsorship	£2k
Losses (e.g. bad debts or loss of assets) and special payments	£2k per case; £10k aggregate in single financial year
Disposal of assets	Sponsor department approval required for disposal of assets over £10k in value
Retention of receipts over and above limit set out in remit letter	Approval of sponsor department
Carry-over	In-year – 4% of total annual gross budget End-of-year – 2% of total annual gross budget (Note purchase grant exception in 4.3.2)
Insurance	Sponsor department approval required for all insurance except cover required by statute

Purchases for the collections	£250k as the Library's contribution towards the total cost of an individual item
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National Library of Wales - Private Funds Investment Policy 2015-20

Background

The Library is required by the Charity Commission to have a reserves policy.

1. General Objectives

1.1 The objectives for the Library's private funds portfolio are to supplement the funding provided by the Welsh Government in the following areas:

- To finance the acquisition of capital assets including equipment, buildings and computer hardware and software
- To supplement the Collections Purchase Grant to enable the Library to fulfil its collections policy
- To supplement the revenue costs of providing the Library's services
- For restricted funds, to apply the funds in accordance with the terms of the bequest

1.2 The Library seeks to invest its funds in order to create sufficient income and capital growth to meet the above purposes year by year, with due and proper consideration for future needs. The Library's portfolio of investments will be balanced between income generation and capital growth according to an assessment of investment risk (detailed in section 2 below). The current asset allocation percentages are detailed in section 5.2 of this document.

1.3 The Library's Charity Reserves Policy will be to maintain a level of private funds sufficient to produce income to finance revenue costs of around £200K, but it will also allow the total value to appreciate in order that these fund area available to provide a substantial contribution towards large capital projects, and may indeed be used as match funding in order to leverage additional funds. Currently it is envisaged that the portfolio would operate within a floor of around £4M to a ceiling of £10M. At 31 March 2013 the value was around £6M.

2. Risk

2.1 In deciding on the returns that the Library requires from its portfolio, and the balance between capital growth and income, the Library is prepared to accept that there will be risks attached to the investment of funds above that of simply placing cash on deposit. The Library is prepared to accept these provided that they are within acceptable levels.

2.2 The Library's appetite for investment risk could best be described as "moderate". The Library is willing to accept that in order to achieve higher returns risks must be taken, but the Trustees will also consider the Library's position as a charity largely funded from government grant and consequently the standards of stewardship that are implied. The risks of investment will therefore be tempered by:

- **Asset allocation** - an asset allocation strategy that does not overly expose the funds to variances in on particular sector of the investment spectrum – i.e. a balance will be struck between the amount of bonds, equities, cash and other investments including property, and UK and non-UK investments (see section 5.3)

- **Quality of investments** - the Library will only consider high quality investments such as gilts and investment grade bonds, or FTSE 350 equities and collectives (see section 5.1).

For the purposes of this policy, “high quality” equities are to be defined as those companies that exhibit a long term track record of operating a business with appropriate levels of corporate governance that give assurance that management will carefully manage their risks.

3. Estimated Expenditure

3.1 The Library may draw upon capital or income without distinction. Expenditure for the next 6 years to be drawn from the portfolio, net of incoming legacies and bequests, is estimated as follows:

	£
2013/14	300,000
2014/15	350,000
2015/16	700,000
2016/17	1,250,000
2017/18	150,000
2018/19	150,000

Greater demands will be made of private funds in 2015/16 and 2016/17 in order to finance the proposed conservation centre.

4. Dividends and Interest

4.1 All surplus income may be reinvested within the portfolio.

5. Investment Selection and Asset Allocation Policy

5.1 The Library’s private funds must be invested in accordance with the Trustee Act 2000. The funds will be invested in a broad range of fixed interest and index linked bonds – gilts and investment grade corporate bonds. Equities will be included within the FTSE 350 index. Exposure to overseas markets (i.e. outside the UK) and specialist areas such as small companies, technology, pharmaceuticals, property, etc, will be via unit trusts, open ended investment companies and investment trusts which are authorised under the Financial Services and Markets Act .

5.2 The standard criteria governing the investment of the funds will be:

- Objective: balance between growth and income
- Risk: medium
- Mandate: discretionary

5.3 The portfolio mix will fall within the following broad planning ranges for asset allocation:

	%
UK Equities	40-60
Non-UK Equities	10-20
Fixed Interest	25-50
Other Assets	0-10
Cash	0-20

5.4 No initial investment should exceed 10% of the total value of the funds under management and the total sum of all equity holdings in excess of 5% must not be equal to or exceed 40% of the funds value at any time

5.5 Investments in negotiable instruments known as “derivatives” are not permitted in any circumstances.

5.6 In accordance with Charity Commission guidance, there is no particular case to exclude investment in any company on the grounds that their activities would be in conflict with the objectives of the Library. As a charity the Library has a duty to deliver the best overall return from its investments in order to continue the furtherance of its objectives.

5.7 However, having carefully considered the issue of ethical investments the Library has decided that it would not wish to invest directly in any companies that would pose a significant reputational risk in respect of its status as a responsible national institution.

5.8 Consequently, while not preventing investment in any particular company, the Library requires the investment manager to consider the possible damage to its reputation in respect of companies that involve products or activities that are either wholly, or significantly involved in the following areas:

Military

Alcohol

Gambling

Tobacco

Pornography

Animal welfare

Environmental damage and pollution

Genetic engineering

Employee exploitation

Unethical or immoral activities that are carried out as part of an otherwise legitimate business

5.9 The Library’s expectation is that, prior to investment in any company, the investment manager will use their knowledge of businesses operating in these areas to assess potential ethical issues that would represent a significant risk to the Library’s reputation. It is not the Library’s expectation that the investment manager will be able to anticipate all the ethical issues that may arise, but that in assessing the decision to invest or not in a business that the possible consequences of ethical issues not just on the value of the investment, but also the ability of the Library to justify why such an investment was deemed appropriate at the time, is taken into account.

6. Investment Manager

6.1 The investment manager will; be required to confirm that they are an authorised person within the meaning of the Financial Services and Markets Act 2000, to be appointed as investment manager with delegated discretionary powers of investment, subject to the scope and limitations above. They will confirm, by signing this memorandum, that they will comply with the policy and arrangements, including the

reporting requirements set out below, and that they will not depart from them save with the express approval of the Library.

6.2 Remuneration – will be decided as part of the contract arrangements..

6.3 AAF Assurance Report on Internal Controls – the investment manager will produce this report in respect of its nominee company annually.

6.4 The investment manager will provide evidence of the firms insurance cover on request

7. Reporting requirements

7.1 The investment manager will attend meetings with the Library at regular intervals to be agreed separately, but would receive monthly reports in respect of the following:

- A full listing of the investments with details of their cost, current market value, estimated income and income yield
- Statistics detailing the fund's performance
- Details of purchases, sales and realised gains and losses since the previous report
- Details of any non-market transactions, rights issues, capitalisations, etc
- Review of any outlook for the markets
- Fund Managers' monthly comment

7.2 The Treasurer and Director of Corporate Services will scrutinise the investment portfolio annually at a meeting with the investment manager. The Board of Trustees will receive a report from the investment manager annually.

8. Cash Deposits

8.1 Cash deposits are placed with approved banks with suitable credit ratings
Cash deposits may also be retained by the investment manager as part of the investment portfolio.

9. Custody

9.1 The investment manager will provide the Library with sufficient evidence of satisfactory custodial arrangements.

10. Benchmarking

10.1 The performance of the fund will be measured against an agreed benchmark

11. Annual Review

The foregoing policy and arrangements will be reviewed at least annually by the Trustees

12. Authorised Parties

Investec Ltd are authorised by the Trustees to take instructions regarding the portfolio from the following members of staff:

- Director of Corporate Services
- Librarian

Agreed by:.....

Date:.....

On behalf of the National Library of Wales, Penglais, Aberystwyth, SY23 3BU

Countersigned:.....

Date:.....

On behalf of Investec Ltd, 2 Gresham Street, London, EC2V 7QN

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