

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 10 November 2015

Meeting time: 09.30

For further information contact:

Steve George – Committee Clerk

Kath Thomas – Deputy Clerk

0300 200 6565

SeneddPetitions@assembly.wales

1 Introduction, apologies and substitutions

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2 New petitions

2.1 P-04-656 Establishing a Conscientious Objectors Day in Wales

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3 Updates to previous petitions

3.1 P-04-652 Android and iOS – Welsh in the 21st Century

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3.3 P-04-619 LOCALISM IN PLANNING and COMPENSATION FOR THIRD PARTIES RE. INFRASTRUCTURE PROJECTS

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Economy, Science and Transport

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3.6 P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32
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3.8 P-04-397 Living Wage
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Evidence Session (10.30 – 11.00)

Huw Lewis, Minister for Education and Skills

Emma Williams, Deputy Director, Support for Learners Division

Carol Mooney, Head of Pupil Wellbeing Branch

3.9 P-04-576 Allow Children in Wales to Have a Family Holiday During Term
Time
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3.10 P-04-606 Ensure schools exercise their statutory powers under regulation
7 of The Education (Pupil Registration) (Wales) Regulations 2010 without
interference or bias.
(Pages 83 – 85)

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Agenda Item 2.1

P-04-656 Establishing a Conscientious Objectors' Day in Wales

This petition was submitted by CO's Day Cymru/Wales, having collected approximately 400 paper signatures.

Petition wording:

We, the Undersigned, strongly urge the Welsh Assembly to establish an officially recognised Conscientious Objectors' Day in Wales. This would be a fitting memorial to all those who suffered during that conflict and especially to those who stood in the Welsh tradition of peace-making at great personal cost. Wales would be the first country to have done this and may, thereby, prompt others to consider acting similarly.

Assembly Constituency and Region

- N/A
- N/A



Eich cyf/Your ref: P-04-656
Ein cyf/Our ref:FM -/00885/15

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

19 October 2015

Dear William,

I am writing in response to your letter dated 30 September seeking my views on whether the National Assembly should establish an officially recognised Conscientious Objectors' Day in Wales.

I understand that International Conscientious Objectors' Day is marked annually on 15 May. From the Welsh Government perspective it would therefore seem a duplication to establish a separate day for Wales to mark the same event.

Yours sincerely

CARWYN JONES

P-04-656: Sefydlu Diwrndo Gwrthwynebwyr Cydwybodol yng Nghymru- Deisebydd I'r Cadeirydd - 04.11.15

Annwyl Mr Powell

P-04-656: Sefydlu Diwrnod Gwrthwynebwyr Cydwybodol yng Nghymru

Yn gyntaf, hoffwn ddiolch i'r Pwyllgor Deisebau am y cyfle i gyflwyno tystiolaeth ar gyfer eich ystyriaeth o'r mater pwysig hwn ar 4 Tachwedd.

Wrth imi lunio'r llythyr hwn rydym yng nghanol cyfnod y Cofio. Yn ystod y cyfnod hwn mae'na bwyslais ar gofio'r milwyr a fu farw yn ystod rhyfeloedd diweddar, yn enwedig y ddau Rhyfel Byd. Cynhelir gwasanaethau a gorymdeithiau, ac mae pawb bron yn gwisgo pabi coch. Mae hi'n gymwys, wrth gwrs, i ni alaru am y rhai a gollwyd ar faes y gad, i resynu am y colled a'r gwastraff. Mae hi'n gymwys hefyd i ni gofio i'r rhain farw yn y gobaith o greu gwell fyd, lle na fyddo angen rhyfel a lladd i ddatrys ein problemau. Mawr yw ein diolch iddynt.

Rhaid cofio, fodd bynnag, fod gan Gymru draddodiad arall yn hanesyddol, sef traddodiad o heddychiaeth. Yn ystod y Rhyfel Byd Cyntaf, er enghraifft, cofrestrodd dros 700 o Gymry yn Wrthwynebwyr Cydwybodol. Fe wnaethon nhw hyn ar sail egwyddorion cadarn - boed y rhain yn grefyddol neu'n wleidyddol - a chred bod lladd cyd-ddyn yn anghywir. Dynion megis George M Ll Davies, Ithel Davies a Percy Ogwen Jones a ddioddefodd garchariad, llafur caled a chamdriniaeth am sefyll yn ddi-ildio dros eu credoau. Mae'r rhain hefyd yn haeddu, clod er iddynt i raddau helaeth fynd yn angof ar wahan i'r ychydig heddychwyr sydd yn gwybod amdanynt. Mae'r ddeiseb hon yn gofyn i'r Cynullaid gydnabod eu rôl yn ein treftadaeth a dangos iddynt y parch haeddiannol.

Fel y crybwyllwyd gan y Prif Weinidog, mae'na eisoes ddiwrnod rhyngwladol i gofio am Wrthwynebwyr Cydwybodol ar 15 Mai. Mae hi'n bwysig tynnu sylw at y ffaith nad yw'r grŵp sydd wedi cyflwyno'r ddeiseb hon yn gofyn am i ddiwrnod ychwanegol gael ei sefydlu. Fodd bynnag nid yw 15 Mai yn cael dim sylw swyddogol yng Nghymru. Nod y ddiseb hon yw gofyn i hyn ddigwydd. Gall hyn gael eu gwireddu mewn sawl ffordd - e.e. gosod torch o babis gwynion ar bwys y gofeb i gofio am Wrthwynebwyr Cydwybodol a leolir yn yr Ardd Heddwch y tu ôl i'n Teml Heddwch; gwisgo pabis gwynion; codi ymwybyddiaeth am wrthwynebwyr

cydwybodol a heddychwyr yn ein hysgolion a'n cymunedau ayb. Byddai union ffyrdd y cofio a'r dathlu lan i'r Cynulliad, mewn cydweithrediad â grwpiau heddwch yng Nghymru.

Byddai gwneud hyn yn cefnogi gwaith a wneir gan y Cynulliad eisoes. Mae'r prosiect 'Cymru dros Heddwch', er enghraifft, yn gweithio llaw yn llaw gyda 'Cymru'n Cofio' i ateb y cwestiwn 'Yn y 100 mlynedd ers y Rhyfel Byd Cyntaf, sut mae Cymru wedi cyfrannu at heddwch?' Mae'r prosiect hwn yn bodoli bellach ers bron iawn blwyddyn ac eisoes yn dadorchuddio treftadaeth heddwch gyfoethog yng Nghymru. Yn ystod y pedair blynedd nesaf mae tîm Cymru dros Heddwch yn hyderus y daw llw o storïau i'r amlwg am sut y llafuriodd unigolion a chymunedau dros heddwch yng Nghymru – a sut mae pobl yn dal

i wneud hynny. Bydd rhai o'r dynion a'r merched hyn wedi ceisio heddwch trwy fynd i ryfel. Yr oedd eraill, fodd bynnag, yn dewis dilyn eu cydwybod a gwrthwynebu rhyfel fel dull yn gyfan gwbl – a dioddef o'i herwydd. Y mae'r traddodiad hwn, sydd yn rhan annatod o'n hanes, hefyd yn haeddu parch a sylw swyddogol.

Ni fyddai'r Cynulliad yn unig wrth gymryd y cam hwn. Deallaf fod Senedd yr Alban ar hyn o bryd yn trafod sefydlu diwrnod i gofio am gyfraniad gwrthwynebwyr cydwybodol. Mae cynghorwyr Caeredin hefyd wrthi yn penderfynu lle i leoli cofeb yn y ddinas i gofio am wrthwynebwyr.

Rydym ni yng Nghymru yn ffodus ein bod ni yn byw mewn gwlad rhydd ddemocrataidd. Nid yw hyn yn wir o bob wlad. Rhaid cofio bod gwrthwynebwyr cydwybodol yn dal i ddioddef carchariad a chamdriniaeth mewn sawl gwlad ar draws y byd, yn cynnwys De Corea, Y Ffindir, ac Israel – hyn er gwaethaf Erthygl 18 o Ddatganiad y Cenhedloedd Unedig ar Hawliau Dynol sydd yn datgan hawl pob person i ryddid barn, cydwybod a chrefydd. Trwy gofio diwrnod gwrthwynebwyr cydwybodol yn swyddogol byddem ni yng Nghymru, fel dinesyddion byd-eang, yn cofio am y rhai sydd yn dal i ddioddef yn rhyngwladol oherwydd iddynt weithredu ar sail eu cydwybod. Byddai hyn hefyd yn cynnig cyfle i ddisgyblion drafod hyn fel cwestiwn moesol – e.e. fel rhan o'r Bac Cymreig.

Gobeithio y bydd y Pwyllgor Deisebau yn rhoi sylw teilwng i'r cais hwn. Creda'r deisebwyr y byddai sefydlu diwrnod swyddogol i gofio am wrthwynebwyr cydwybodol yn ffordd dda o anrhydeddu treftadaeth heddwch Cymru yn gyffredinol a'r rhai oedd yn barod i ddioddef carchariad, camdriniaeth a hyd yn oed marwolaeth oherwydd eu credoau. Byddai diwrnod felly yn sefyll llaw yn llaw gyda'r cofio

cenedlaethol am filwyr a gollodd eu bywydau ar faes y gad, hwythau hefyd er mwyn ceisio heddwch.

Yr eiddoch yn gywir

Jane Harries

Cydlynnydd ac Ysgrifennydd Cymdeithas y Cymod

Ysgrifennydd grŵp 'COs' Day Cymru'

By virtue of paragraph(s) ix of Standing Order 17.42

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Agenda Item 3.1

P-04-652 Android and IOS, Welsh in the 21st Century

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to work with Google and Apple to develop a Welsh language version of their operating systems.

Additional Information

In recent years Welsh has had much greater representation in businesses, schools, universities, local councils and other public authorities; this had led to greater usage of Welsh in day to day activities for Welsh speakers, but that progress needs to be built on in order to stabilize and grow the number of speakers.

In this way, formal every day usage of Welsh could be seen as a success but informal every day usage of Welsh is the bigger problem. As for deep growth in language, knowledge isn't encouraged by formal usage. To deal with this issue it would be prudent to apply the same pressures and agreements presented to Microsoft on to Google and Apple to develop a Welsh language implementation of the android OS and iOS respectively.

Informal usage is proof of a living language.

Petition raised by: Merlyn Cooper

Date petition first considered by Committee: 6 October 2015

Number of signatures: 75 Online signatures



Eich cyf/Your ref: P-04-652
Ein cyf/Our ref:FM -/00749/15

William Powell AM
Chair - Petitions Committee
Tŷ Hywel
Cardiff Bay
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14 September 2015

Dear William,

P-04-652 Android and iOS, Welsh in the 21st Century?

I am writing in response to your letter of 26 August regarding the above petition from Merlyn Cooper asking the Welsh Government to work with Google and Apple to develop a Welsh language version of their operating systems Android and iOS respectively.

The Welsh Government wants to see more such services available in Welsh. Since the publication of the Welsh-language Technology and Digital Media Action Plan, meetings have been held with many of the international technology companies – including Apple and Google – where Welsh-language services, interfaces and systems were the focus of discussions.

Since these meetings were held, in the case of Apple, users of iOS8 can now select Welsh as their favourite language for third-party apps. This means that, in addition to the clock times and calendar dates, which were already available in earlier versions of iOS, multilingual apps downloaded from the App Store which include support for Welsh now display interfaces and notifications in Welsh by default. To take advantage of this feature, we have funded a Cardiff-based app localization agency to provide free Welsh language localizations to their international clients. This has resulted in a suite of high-profile apps now being available in Welsh.

This falls short of full localization of the iOS operating system. iOS8 currently supports around 40 languages, including variations of languages such as English, Spanish, Portuguese and Chinese. One difficulty is the lack of a Welsh speech-to-text infrastructure needed for Siri to be available in Welsh. To address this, we have funded work by Bangor University's Language Technology Unit through our Welsh-language Technology and Digital Media Fund to work towards a Welsh speech-to-text solution.

In the case of Google's Android, this is an open source operating system. It would be a challenging and big piece of work, but Android is available for anyone to translate into Welsh. We will continue to press for developments of Welsh-language services by companies such as Google as we did when Amazon opened their Kindle store to Welsh language titles and created a new e-book directory for Welsh-language titles on their website.

The point this petition makes about the importance of opportunities for informal use of Welsh such as with mobile phone and tablets is one we support. We will continue to try to motivate Apple and Google to offer more for Welsh speakers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

CARWYN JONES

P-04-652 Android ac iOS, Cymraeg yn yr 21ain Ganrif – Gohebiaeth – gan y deisebydd i'r tîm clericio, 06.10.15

Helo Kayleigh,

Mae ddrwg gen i, dylwn i wedi ymateb yn fuanach.

Rydw i'n falch darllen yr ymateb o'r Prif Weinidog Carwyn Jones,

mae'n edrych cadarnhaol o'r waith yn dod yn y dyfodol.

Cytunes i efo rhywbeth clywedes i pan wyllo'r cyfarfod, y bore 'ma, ar senedd.tv,

Meddylais i rydyn ni'n angen mwy ymchwilio o gwmnïau neu brifysgolion pwy sy'n gallu 'neud yr waith am Android.

Rhywbeth arall yn yr un bwnc dw i'n meddwl rydyn ni colli, tecstio darogan yn gymraeg;

Ddylai defnyddiwy'r ddim angen ychwanegu'r holl o'r geiriadur cymraeg i'r geirfa o'r ffôn jyst am decstio efo tecstio darogan yn gymraeg.

Diolch am eich bod chi yn helpu efo hwn.

Merlyn Cooper

By virtue of paragraph(s) ix of Standing Order 17.42

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Agenda Item 3.2

P-04-544 Ban the Shooting of Greenland White-fronted Geese

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to reverse their decision not to ban the shooting of an endangered species, the Greenland White-fronted goose, meaning that Wales remains the only country on the flight path of this endangered species where they can still be legally shot and killed. Scientific evidence has shown that the species is extremely vulnerable to hunting pressures. In their consultation report, the Welsh Government also admit that failure to take appropriate steps to reduce as far as possible Greenland White-fronted geese adult mortality could be seen as a failure to meet conservation obligations. Unlike Scotland, Ireland, Iceland and Greenland there is no current ban on the shooting and killing of this endangered bird in Wales. A voluntary ban is in place on part of the Dyfi estuary in Wales but there is evidence that the geese also use other areas away from the estuary in mid and North Wales where no voluntary agreements are in place.

The population of these geese, as a whole, is declining and they have been of conservation concern since the late 1970s when sharp declines triggered protection from hunting on their wintering grounds. They receive heavy statutory protection. However, since the mid 1990s the population has again declined sharply. While WOS has acknowledged that long running voluntary bans on shooting are in place at some wetlands such as the Dyfi Estuary, it believes that nothing less than a statutory ban on shooting will ensure its protection. The society is concerned that any voluntary ban could be lifted at any time and that the current approach does not cover all the sites where this declining subspecies spends the winter.

Petition raised by: Aaron Davies

Date Petition first considered by Committee: 29 April 2014

Number of signatures: 240. An associated petition has collected over 3500 signatures on an alternative petitions website.

Shooting of White-fronted Geese in Wales – response to Welsh Assembly Petitions Committee

Again, I would like to thank the minister for kindly responding to this petition and to the petitions committee for continuing with this. I would also like to stress that, in addition to the petition to the Assembly there is also an accompanying petition of 3,678 supporters.

I am again exasperated by both ministers failure to provide a rationale reason why they will not support the full protection of such an important endangered species. I think the key point is that it is not up to us to prove geese are being shot as we have no access to that sort of information. The fact is they have been shot in areas such as Anglesey and there is still no way of preventing it happening again in the future. Professor Fox's evidence clearly shows that mortality from shooting has a big impact on the population and that with so few birds returning to Wales now any further losses of breeding age birds will be very serious.

Secondly the population this year is likely to be below the level that should trigger action under the African - European Water bird Agreement and there is no sign that Welsh Government are proposing any such action - a shooting ban would be a good first move.

Aaron Davies ACIEEM MSc BSc (Hons)

Agenda Item 3.3

P-04-619 LOCALISM IN PLANNING and COMPENSATION FOR THIRD PARTIES RE. INFRASTRUCTURE PROJECTS

Petition wording

We call upon the National Assembly for Wales to urge the Welsh Government during its reform of the Welsh planning system, to ensure/guarantee that planning decisions will be taken at the most local level as possible to enable sufficient community engagement and support. Moreover, it encourages the Welsh Government to examine in detail, the impact that major infrastructure schemes have on Third Parties in Wales and considers the implementation of legislation to properly protect and compensate all Third Parties suffering actual loss from the construction, commissioning and operation of major infrastructure projects.

Lead petitioner: Mr Michael Halsey

First considered by the Committee:

Number of signatures: 462



Eich cyf/Your ref P-04-619
Ein cyf/Our ref CS/01269/15

William Powell AM
Chair - Petitions Committee
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committeebusiness@Wales.gsi.gov.uk

1 September 2015

Dear Bill

Thank you for your letter dated 5 August asking for my views on comments made in response to a petition relating to “localism in planning and compensation for third parties re: infrastructure projects (P-04-619)” and the petitioner’s response to my letter dated 13 May addressed to your Committee.

Economic, social, environmental and cultural well-being

The principle of sustainable development has been set out in planning legislation since the Planning and Compulsory Purchase Act 2004. The passing of the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015 strengthens this framework to ensure that the development and use of land contributes towards sustainable development by improving the economic, social, environmental and cultural well-being of Wales. We anticipate commencing those provisions in both Acts in 2016.

Consultation

My full proposals as to how pre-application community consultation requirements and local impact reports are to be dealt with are contained in my ‘Frontloading of the Development Management System’ and ‘Developments of National Significance’ consultation papers. Links to those papers are contained below. I will be publishing the Government’s response to these consultations shortly.

<http://gov.wales/consultations/planning/frontloading-the-development-management-system/?lang=en>

<http://gov.wales/consultations/planning/developments-of-national-significance/?lang=en>

Compensation

As I previously mentioned, the impact of major infrastructure schemes on communities was raised during the scrutiny process of the Planning (Wales) Bill ("the Bill"). These amendments were considered and opposed by the Environment and Sustainability Committee, of which you are part. The petitioner will appreciate that I cannot account for the voting patterns and will of the Assembly.

The Town and Country Planning Act 1990 contains a series of provisions in relation to planning blight for the uncertainty arising from land allocated for development in development plans. No evidence was received to inform the Bill and during its scrutiny by the National Assembly for Wales to suggest that these provisions do not strike the right balance in enabling compensation where it is due while not discouraging investment in infrastructure in Wales.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Carl Sargeant'.

Carl Sargeant AC / AM

Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

**P-04-619 LOCALISM IN PLANNING and COMPENSATION FOR THIRD PARTIES
RE. INFRASTRUCTURE PROJECTS – Correspondence from the Petitioner to the
Chair, 04.11.15**

Mr. William Powell
Chair
Petitions Committee
4th November, 2015.

Dear Mr. Powell,

We refer to Carl Sargeant's response to our previous letter and am extremely disappointed to see that yet again he has failed to answer the points we had raised. This clearly demonstrates the complete disdain that he shows for us and our fellow Petitioners.

Despite having all the resources to answer our detailed points he chooses to make points that fail to address our heartfelt concerns.

On a personal note we would have liked to thank you for your initial encouragement in raising this Petition. However we see no evidence from you or your Committee (except Russell George) in supporting our case—it appears that you purely open our letters and pass them on to the Minister. What actually is the point of that—are you purely acting as a letter forwarding service?

We would, at the very least, expect you would have made representations to the Minister and his office for failing to answer our concerns?

However seeing the comments you made in the County Times following Amber Rudd's announcements on the Wind Farm Inquiry, clearly showed your opposition to the very real concerns of our Petitioners and the wider community (whom as our AM you are supposed to be representing) who have been fighting these infrastructure projects for many years.

Yours very sincerely

Michael Halsey.

Agenda Item 3.4

P-04-648 Amendment to Unconventional Oil and Gas Direction 2015

Petition wording:

We the undersigned call upon the Minister for Natural Resources to amend the THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015 to call in all Planning Applications for Unconventional Oil and Gas development including exploratory drilling for Shale Gas, Coal Bed Methane and Underground Coal Gasification, to the Minister

Additional Information

At present the Direction only relates to applications involving certain unconventional extraction techniques where the Local Planning Authority is inclined to approve the application.

The current Direction does not apply to Underground Coal Gasification, the impacts of which would be equally damaging to the environment and communities. Nor does it apply to exploratory drilling or test drilling. There are growing concerns about the impact of exploratory drilling, particularly around noise, traffic, disturbance of water courses, the potential for seismic disturbance, industrialisation of the countryside and the impact on house prices.

If there is an effective moratorium on extraction, then what is the purpose of exploration? Allowing exploration to proceed when, at present, extraction will be prohibited is perverse and illogical

Petition raised by: Councillor Arfon Jones

Date petition first considered by Committee: 22 September 2015

Number of signatures: 1,254 Online signatures and 293 paper signatures

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-648
Ein cyf/Our ref CS/01512/15

William Powell AM
Assembly Member for Mid & West Wales
Chair - Petitions Committee
Ty Hywel
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committeebusiness@Wales.gsi.gov.uk

13th October 2015

Dear William Powell AM,

Thank you for your correspondence regarding the revised wording of petition P-04-648. I understand that the wording of this petition has been altered and as a result my view is requested on the revised wording.

The petition now asks that the Direction be applied to underground coal gasification on the basis of concerns about the technology and to exploratory boreholes, again on the basis of environmental concerns and that it seems illogical to proceed with exploration whilst a moratorium is in place. I am able to offer some comments on these points.

I am currently considering the position with regards to the need for guidance or action in relation to underground coal gasification. I said in Plenary on 16 September that the concerns I have expressed in relation to fracking, for example, are equally valid for underground coal gasification and that it is reasonable, in principle, that unconventional gas be treated in the same way. I am currently giving further consideration to this matter and will report in due course.

Bore holes and test drilling do not necessarily involve unconventional techniques. Drilling boreholes to take core samples is a routine part of engineering works and is undertaken for a wide variety of different reasons, for example, ground investigation is regularly undertaken during the construction of the built environment and boreholes provide essential information. Therefore, as boreholes have been drilled for a long time with no long lasting environmental consequences and they are not an unconventional extraction technique I do not consider that the Direction should be applied to them. Where exploratory boreholes or drilling do involve unconventional methods then the direction applies.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carl Sargeant', with a stylized flourish at the end.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

**P-04-648 Unconventional Oil and Gas Planning Applications –
Correspondence from the Petitioner to the Committee, 03.11.15**

Dear Petitions Committee,

I am grateful to the Minister for his response and accept that drilling boreholes as what the British Geological Society do should not be covered by the moratorium but that exploratory drilling for unconventional gas (which includes CBM) should be. The conditions attached to the Planning Permission or the permits required by Natural Resources Wales should be sufficient evidence of whether unconventional gas extraction should take place. If in doubt, Planning Authorities should refer to the Minister.

Regards,

Arfon Jones, BSc(Hons), MA.

Agenda Item 3.5

P-04-556 No to Junction 41 closure

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government not to close Junction 41 of the M4 for the following reasons: 1. The closure will negatively impact the town centre traders and businesses. 2. The closure will cause traffic chaos in the town as residents try to access the motorway. 3. There has been insufficient consultation with the townspeople. 4. Further research is needed into alternative solutions. 5. The new train station cannot be a transport hub if it is not easily accessible. 6. It will adversely affect the town redevelopment.

Additional Text: Again, the needs of motorists have been prioritised over those of the people of Port Talbot. The town was desecrated when the motorway was originally built through the heart of the town and now we are expected to suffer the pollution whilst traffic passes through our town on the way to somewhere else! The motorway, not the Steelworks, is the towns biggest polluter, and yet we who breathe it in will be unable to gain access to it. Plans to reroute the towns traffic through the streets will add to traffic pollution and bring chaos. People of the town understand the issues with the motorway but demand real consultation on options and alternatives. Please give us a chance to protect our town.

Petition raised by: Rose David

Date Petition first considered by Committee: 13 May 2014

Number of signatures: 1652. An associated paper petition was handed in and collected 22,467 signatures.



Eich cyf/Your ref p-04-556
Ein cyf/Our ref EH/03486/15

William Powell AM
Chair Petitions Committee

committeebusiness@Wales.gsi.gov.uk

22 October 2015

Dear William,

Thank you for your letter of 6 August regarding Petition P-04-556, No to Junction 41 closure. I apologise for the delay in responding. I have addressed the petitioner's letter entitled 'No to Closing Junction 41' in Annex 1 attached.

Please find below my response to your further queries in your letter of 6 August enclosing the petition.

Firstly as a point of background it is important to note that the completion of Harbour Way, the final part of the Neath Port Talbot Peripheral Distributor Road, which provides a dual carriageway road accessing Port Talbot, the docks and local business parks, enabled the consideration of closure of a number of slip roads.

The road provides a good standard alternative route to the M4 for local traffic, further enhanced by the recent opening of the Baglan Energy Park Bridge, completed with £8m Welsh Government funding. The fact that the completion of the Peripheral Distributor Road (PDR) would allow M4 junction closures was noted in Neath Port Talbot Council's case for ERDF for funding the PDR.

To inform my decision on whether to maintain the closure in the interim period, pending issue of the final report, I was presented with an analysis of the initial results which are summarised below:

- a. Data to the end of January 2015 shows that the traffic flow on the M4 westbound has improved, giving a monetised journey time benefit of £244,000 per annum.
- b. Traffic data for the local road network shows an improvement overall, with a monetised journey time benefit of £119,000 per annum.
- c. Of the other measures, car park use is the one most likely to be directly affected by the trial closure. Once annual trends are accounted for, early results show that the trial closure has had little impact.
- d. Footfall surveys completed for Welsh Government provide a limited data set as historical data is not available. Footfall trends have been compared for weekdays and weekends when the slip road remains open; the trends are similar and do not indicate that the closure has had a significant impact.

At the time, my officials were in the process of gathering and analysing the final stage of data for the trial, and maintaining the part-time closure under the experimental order.

At that time the option remained to continue with the part-time closure during the public consultation. Subsequently, I decided to lift the closures whilst further analytical work was completed.

Improvement of the M4 as the key strategic road transport route in South Wales is one of the main objectives in the National Transport Finance Plan 2015.

No decision has been made to close Junction 41 permanently.

I look forward to receiving the group's full response on their evaluation of the Final Evaluation Report produced by South Wales Trunk Road Agent.

Edwina Hart

Annex 1

For ease of reference, answers are set out using the same titles as the petitioner's letter.

1 Reduced Average Journey Times (objective 2)

As stated in the final evaluation report into the trial (the report), the primary measure for the trial was the balance of overall monetised journey time on the westbound M4 and key local roads. The result showed that the overall balance was positive. As such, the conclusion made was that the trial met the primary measure of improving the journey times on the M4 without significant impact on the local road network.

The figure given in March 2014 for the anticipated improvement in traffic flow on the M4, was based on traffic modelling undertaken for the full time closure of both the westbound on-slip and eastbound off-slip originally proposed. The report details the changes in traffic flow on all routes monitored before and during the trial.

With regard to the analysis of changes to average journey times reported in the Executive Summary, the benefit arising from the saving in journey time is accounted for in the primary measure referred to above.

2 Objective 3 To reduce the accident rate between J38 and 42 during peak periods

As stated in the report, Personal Injury Accident data (objective 3) is collected by the police and there is usually at least a six month time lag before this data is made available. An assessment will be completed when the information is available.

3 Objective 1 Journey Time Reliability

The effect of the Average Speed Enforcement system (objective 1) was assessed using data for the eastbound carriageway, which was not subject to junction closures. The analysis and conclusions are set out in the report.

The use of journey time data sourced from satellite navigation systems such as that available from TomTom is conventional industry practice and is recognised as providing more than adequate level of accuracy for the types of roads monitored for this trial.

4 Secondary Impacts

The trial measured the effect of the junction closure on key local roads. Supplementary monitoring took place for queue lengths, air quality, town

centre footfall and car park ticketing in order to provide additional information in considering the way forward.

The evidence presented in the report supports the statement that the trial slip road closures did not adversely affect the majority of key routes through Port Talbot. The report acknowledged that some localised issues were evident in the areas where the planned mitigation works were not completed by the local authority.

Air Quality

As stated in the report, the corrected result for the annual air quality figure for site 61 is close to exceeding the long term air quality objective for NO₂. However, the site is not located where there is public exposure, being 25m away from the frontage of the nearest property, where concentrations would be much lower.

An estimate of the effect on air quality on the M4 was undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) Air Quality Screening Spreadsheet. The assumption that the percentage of HGVs remains the same for pre-closure and post-closure scenarios is valid.

P-04-556 No to Junction 41 closure – Correspondence from the Petitioner to the Committee, 03.11.15

Dear Committee Members,

Firstly I would like to convey my thanks to your committee for again taking the time to discuss the petition against the closure of Junction 41. In addition I would like to thank the minister for taking the time to answer some of our concerns.

Unfortunately, again I have been asked to respond to comments within a short timeframe. This has not allowed me to meet with members of the Action Group or to form a thorough rebuttal of the points made in her response.

This being the case, I will merely make some general observations for your consideration:

1. I agree that the completion of the peripheral distributor road allows some local traffic to enter or leave the town without recourse to the motorway at junction 41. After all, who would wish to access a congested motorway when other routes are available?

The problem lies in the following issues:

* Traffic from Cwmafan and the valleys north of the motorway cannot easily access the distributor road. It is fine for east/west traffic but is inaccessible and impractical for other traffic, especially when the junction is closed. Accessing this new road westbound involves negotiating three roundabouts and traffic lights, and then at least another handful of roundabouts before reaching the motorway at junction 43. Drivers WILL take preferred routes through the town. Eastbound traffic will go through the town streets to access the motorway at junction 40.

* Increased traffic merging onto the motorway at junction 43 when junction 41 was closed has caused chaos and, in fact, tailbacks moved from J41 to J43.

2. I reiterate that the benefit to average journey times is minimal (obj2) and still feel that the effect on local traffic was under-recorded and therefore that the 'balance of overall monetized journey time' is not a true reflection of the situation.

3. I accept that the traffic flow through Port Talbot at peak times can be slow. Indeed, I regularly travel westbound on the M4 and can see the issues for myself. However, I would like to make two observations on this:

* Quite often, the traffic jams westbound begin at Junction 43, not at Junction 41 although traffic reports often cite J41 as causing the tailbacks.

Eastbound tailbacks have worsened since the introduction of the enforcement cameras and this is the case whether the junction is open or closed. Most local people are glad to make use of the distributor road to avoid this congestion.

Has the use of the distributor road at peak times been assessed?

* We still feel that there are strong alternative options for easing the congestion, particularly the use of the slip roads, a solution rejected on monetary and safety issues. The Smart Motorway initiatives encourage this type of solution to congestion.

In conclusion, I and other members of the action group and the Chamber of trade hope that you can see that we remain strongly opposed to any closure of junction 41. We are always keen to meet with those responsible for these decisions so that we can put our points across,

Again, thanks for listening

Rose David (petitioner)

Agenda Item 3.6

P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32

Petition Wording

We call on the National Assembly for Wales to urge the Welsh Government to take action to reduce the noise from the M4 motorway to the west of junction 32 as it passes over the valley of the river Taff

Petition raised by: Margaret Watt

Date Petition first considered by Committee: 15 July 2014

Number of signatures: 19

**P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32 –
Correspondence from the Petitioner to the Committee, 12.10.15**

To the comments below we would like to add–

It is certainly not only me affected by the noise from the motorway here at Junction 32 on the M4 motorway. All those living here are despairing at the noise which goes on all 24 Hours with no let up.

The noise levels are very excessive especially when it is wet and empty lorries hit a lip to the bridge section of the motorway and the sound ricochets all round the valley. It is rather sad that we have to endure this noise pollution. I wonder if EEC directives have noise levels that need to be kept below . At the moment we seem to be spending a huge amount on replacing all our refuse bins, to meet European standards.

As a beautiful tourist area attracting numerous visitors from all over the world it is embarrassing that the motorway noise is so excessive. My guests comment on it frequently.

Another issue is the danger of debris falling on those passing under the motorway as it passes over the Taff trail. I have had car tyre explode above and narrowly miss me cycling under the bridge at the time. As the traffic builds up at peak times the rubbish thrown over is not only dangerous but very unsightly.

I thank Edwina heart for her interest in the matter, however I think she has failed to understand that it is not only Gelynys Farm that is suffering but all those living here. We are proud of our area after the havoc the coal mining industry left is clearing . The river is wonderful looking up at the romantic Castle Coch and the Taff trail one of the best trails in the UK but we are ashamed to show the rest of the world the litter and noise.

Jessica – We, those living here in Radyr, Morganstown, and Tongwynlais, would be very grateful if the above could be added.

Best wishes

Margaret

Dear Jessica,

Thank you for your e-mail. I note that a response is required from me within a month.

It is not just me affected by the increased noise levels. The other inhabitants of the area, who signed the petition are also affected. I am sure I read that a noise survey was to be done in this area, which I am sure will show how excessive the road noise is here, as the road surface has been altered and the road widened with now, no hard shoulder.

Please can you let me know to whom to address the reply .

Many thanks,

Margaret

Agenda Item 3.7

P-04-633 To Raise Awareness of the Poor Broadband in Our Area

Petition wording:

Superfast Cymru is coming to the Maerdy Exchange but will we get an improved service? Some locations will not benefit at all because they are too far from the cab and the cable is aluminium which does not conduct broadband properly. The real answer is a cab in the village. Please sign to support this petition.

Petition raised by: Geraint and Jane Evans

Date petition first considered by Committee: TBC

Number of signatures: 60 – Paper Petition

Agenda Item 3.8

P-04-397 Living Wage

Petition wording:

We call on the Welsh Government to stand by their promise to work towards a living wage for every worker in Wales and tell us when and how they will make it happen.

No matter how hard they try the minimum wage simply is not enough for some parents to make ends meet and give children like us the best chance in life. The living wage means that parents who work would earn at least £7.20 an hour.

We are young campaigners working with Save the Children across the UK for change. We are campaigning for a living wage, representing the views of young people, families and communities in Wales.

Petition raised by: Save the Children

Date petition first considered by Committee: 19 June 2012

Number of signatures: 483

William Powell AM
Chair of the Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

October 2015

Dear William,

Re: Petition P-04-397 Living Wage

Thank you for your correspondence regarding our petition on the living wage.

We welcome the update from the Minister for Public Services regarding her invitation to trade unions and Local Authorities to consider the practical issues around adopting the Living Wage. We also welcome the Ministers commitment to focus on the Living Wage Foundation's Living Wage.

Recent data released by the Office of National Statistics that showed 288,000 jobs in Wales (25%) pay below the living wage. 47% of jobs paid below the living wage across the UK are in the private and not-for profit sector. 43% of jobs paid below the living wage across the UK are part-time. We are concerned this combination of factors is particularly challenging for families who need to balance work with caring for their children.

We note that in the programme for Government Annual Report the Welsh Government commits to continuing to encourage public, private and third sector employers to consider becoming accredited Living Wage employers. Given the likely proportion of parents in Wales working in these sectors and

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Rhaglen Cymru**

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Save the Children

Achub y Plant

affected by low-pay, we would be particularly interested to know what actions are being taken, and progress being made being made, in these areas.

Yours sincerely

Mary Powell Chandler, Head of Save the Children in Wales

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Rhaglen Cymru**

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Sesiwn Dystiolaeth
Evidence Session

P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time

P-04-606 Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias.

[3] **William Powell:** So, with no further ado, we move straight to agenda item 2, which is our evidence session on two petitions that have been brought to us. We welcome Jane Douglas, Bethany Walpole-Wroe and Helen Weedon. We shall be moving to you just in a moment. This is in relation to petition P-04-576, 'Allow Children in Wales to Have a Family Holiday During Term Time', and P-04-606, 'Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias'. I move now to welcome you and to ask you, please, to introduce yourselves, to check for volumes, and maybe to make an initial brief statement in favour of your petitions.

[4] **Ms Douglas:** Good morning. I'm Jane Douglas from Pembrokeshire Parents Want a Say. It's a group of families who are concerned about attempts to limit school statutory powers to authorise absence for family holidays. Did you want more?

[5] **William Powell:** I think, at this stage, it would be good if we could have the full round of introductions. We've got a significant number of questions we want to come in on, but I'm sure that you may have a few opening remarks that you wish to make. Bethany?

[6] **Ms Walpole-Wroe:** Hello. My name's Bethany Walpole-Wroe, and

I'm from the group, Let Children in Wales Have a Family Holiday During Term Time, just because there does seem to be a blanket ban being enforced at the moment.

[7] **William Powell:** And Helen?

[8] **Ms Weedon:** I'm Helen Weedon. I'm also from the group, Let Children in Wales Have a Family Holiday During Term Time. I'm here to support Bethany, who set up the petition.

[9] **William Powell:** Excellent. Well, we're grateful for your attendance this morning. Maybe, Jane and Bethany, if you'd like to make just some brief opening remarks, then we've got quite a body of questions in relation to your petitions. Thank you very much for the additional submission that we've received. Thank you.

[10] **Ms Douglas:** As you've seen from documentation, in Wales we have some legislation that enables headteachers to authorise absences for family holidays or similar events. From the outset I just wanted to be clear that a family holiday doesn't necessarily mean a trip on a plane abroad. It means the opportunity for families to spend time together, wherever they choose to do that. The headteachers tell us they need this flexibility because they know their pupils best and the circumstances of the families, and they know their pupils' learning needs best. Families feel that this flexibility is incredibly important to them because family life is complex, working patterns are complex and it's difficult to find time to spend together. There are issues around special needs and disabilities that make it difficult for some people to holiday during peak times. Divorce and separation, where parents live apart, make it difficult for children to have regular meaningful contact with parents, and major family events often don't necessarily happen within the school holidays.

[11] The Minister for Education and Skills has confirmed that, with this legislation, headteachers retain the statutory right. However, in 2013, when the penalty notice legislation for absence from school was implemented, local authorities were tasked with implementing it. As a part of this, many of them started to issue bans or restrictions on teachers' powers to authorise absence for family holidays. At the moment, we have a situation across Wales where teachers' powers to authorise absence are very varied, from Flintshire where the local authority have allowed them to exercise this statutory power, to Rhondda Cynon Taf where they've issued a zero-tolerance approach to family holidays. It really raises some questions. We're very concerned about the consortia's authority to limit statutory powers in this way and inequities across Wales for children's opportunities, or families' opportunities to spend time together.

[12] We also have an added pressure on the schools from inspection processes. Estyn and our new national school categorisation system both consider attendance data, and when they're rating, banding or grading schools, they consider authorised absences—so, absences due to illness, medical and dental appointments, and family holidays. So, it puts the pressure on headteachers not to authorise, or against the authorisation of absences, where they can, in order to obtain the ratings they feel they deserve for the schools.

[13] Underlying all this is a repeated message that attendance is equivalent to attainment, and the drivers are to improve children's attainment in Wales, which is something incredibly important to all of us as parents. But the problem is that it's not based in the evidence. The only solid piece of research we have, looking at the impact of family holidays on attainment, was performed by the Department for Education in 2011 and shows no correlation. The reasons that absences affect attainment are far more complex, and we feel that our local authorities and consortia are giving an oversimplified message, which is misleading, and that this is not in the

best interest of our families, children, or indeed our economy.

[14] **William Powell:** Thank you very much for keeping that to such a succinct statement. We'll move to Bethany now to make your own points in support of your petition.

[15] **Ms Walpole-Wroe:** Thank you. Anybody of even the meanest level of intelligence can say education is of the greatest importance to a child's future prospects. This is because it's true, and nobody would argue with that statement. It's a given fact. That is not the issue here. It needs to be recognised that there are a variety of lessons that need to be learned, not only academic ones. Wales has the highest level of child poverty in the UK. This means that fewer Welsh children will be going on any kind of holiday this year than their counterparts in England, Scotland or Northern Ireland. Because of the law being misused to prevent headteachers from allowing a few days off during term time, that figure is even higher than it would otherwise have been. In general, a summer holiday is regarded by children as a high point in their year, along with Christmas. Is the Welsh Assembly considering taking that away from children of poor backgrounds, too? Because, using the same arguments for giving a ban on term-time holidays, you could also justify that.

[16] Parents have a duty to ensure their children have access to a good academic education. Obviously, we all desire the best for our children. There are, however, other types of education—moral, emotional, spiritual and practical. These are not taught in a concerted manner in school, and neither should they be; these lessons are for the parents to provide. I, for instance, have taught my children to swim, cook, ride a bike and to ride horses. Other parents I know take their children to dance, music, archery, Scouts, Brownies and many other activities. I take my children for a walk every day and we talk about whatever is on their minds and get some exercise too. I can do this as I am self-employed, but, for many families forced into long working hours in

low-paid jobs, this is not possible. For many of these families, a holiday is almost the only time in the year that they could spend an extended amount of time together away from the pressures, stresses and strains of home. Many children come from broken homes. Is it any surprise, given the levels of pressure put on modern families?

[17] We believe passionately that academic education is of paramount importance. We want nothing more than to support our children's teachers in this endeavour. The Welsh Assembly's law is however being used in such a way as to undermine this partnership. It is driving a wedge between parents and teachers. It is creating a 'them and us' situation. Nearly all the parents surveyed said they would lie about the reasons for their children's absence from school, if needs be. This leads to mistrust and deception. None of us want to raise our children to think that lying is acceptable, but many parents feel they have no other choice. We all want our children to have happy, fulfilling lives. What parent would not? We do not believe this is to be achieved by penalising hard-working families for being poor. This rule is increasing the numbers of children that see themselves as the have-nots of society, the children that feel they have nothing to strive for, as they see themselves on the outside and think, 'People like us do not have those things'. We do not want our children growing up thinking that happiness is out of their reach, with nothing to inspire them to work harder. We do not want them growing up hearing of other people's life experiences. We want them to live life for themselves, and to want more—to go back to school inspired to work hard to earn even more good times. We will show you the negative impact caused by the misuse that your well-intentioned law is being put to: in order to give the impression of improving the educational standards of Welsh schools, the education authorities are targeting low-income families that encourage and support their children in life, families whose children are not falling behind in school and are doing well, families that need time spent together in a neutral environment that are, at present, being denied it. When this law was introduced, it was heralded as a way of tackling persistent truancy and lax parents that did not care or believe in their children's futures. That is not how it is being used. Instead, it is causing

poverty and unhappiness to caring, responsible, hard-working parents. We believe passionately in our children's future and want to give them a taste of what life can be like if you work hard. This opportunity to be good and effective parents is being denied us. A child needs far more than academic ability to succeed in life and grow up to be a well-rounded, balanced person. So, of course, any well-meaning and patronising person can say, 'Education is extremely important to a child's future'. We do not disagree. But the role of a parent's lessons in life is also important and is being undermined and downgraded by your policies. All work and no play makes Siân and Dafydd dull, depressed, downtrodden low-achievers, not happy, healthy, hard-working go-getters.

[18] **William Powell:** Thank you very much for that impassioned and really well-informed address again. We've got a number of questions that we wish to bring to you to drill down. First of all, Jane, you referred to practice in Flintshire and Rhondda Cynon Taf—were they the two authorities that you referenced?

09:15

[19] **Ms Douglas:** Yes, this was the information that the Petitions Committee sought from various local authorities in February, so I'm assuming it's still current.

[20] **William Powell:** Yes, absolutely. I was interested, really, in what additional information you have as to the extent to which, across Wales, parents are being refused authorised absence during term time. You've given us some examples there. I wonder whether you've got some additional information that you could—

[21] **Ms Douglas:** I have some idea of what's happening in our county, but I think Helen had done a brief survey on this. Do you want to answer that question in terms of what the findings from your survey were?

[22] **Ms Weedon:** The survey wasn't so much about that; it was more about the individual experiences of the parents across Wales and how it's going to affect them—that they can't get absence. Certainly, we did look into the various codes of conduct and they do vary in terms of what they're saying that they will allow.

[23] **William Powell:** It's that lack of consistency that's of real interest to us also.

[24] **Ms Walpole-Wroe:** Some are laughable. We asked Education through Regional Working, for instance—the consortia that covers our area—how they'd come by their code of conduct, and as I've no doubt you're aware, they're supposed to consult with parents. When we asked them whether they'd consulted with the parents, they said 'no'. When we asked them why, they said it was because they knew the parents would be against it.

[25] **Russell George:** Did they inform you of that in writing? Did they say in writing or—

[26] **Ms Walpole-Wroe:** We have got it in writing; I don't know whether we've got it with us today, but, yes, we do.

[27] **Russell George:** It would be interesting if you could provide us with that.

[28] **William Powell:** It would be very interesting to have that borne out.

[29] **Ms Walpole–Wroe:** We did have that. As I say, what a ridiculous thing to say, ‘We didn’t ask people that we knew wouldn’t agree with us’.

[30] **William Powell:** What interaction have you had with governing bodies with regard to the petitions that you’re bringing forward to us? Because some of us will have had experience previously—or, indeed, in my case, currently—as school governors, and that’s again an important category of people within the governance of schools having to weigh up these issues.

[31] **Ms Douglas:** We’ve had support from some school governors. We’ve raised the issues with our own individual schools in Pembrokeshire, and we’ve asked them to bring it forward at local authority level but that information isn’t open to us. We’ve met as a group with the local authority on two occasions in Pembrokeshire, but they haven’t been particularly forthcoming with keeping us involved in decision making or processes. We receive our information as parents, rather than in any other way, in the school bag.

[32] **William Powell:** There is some difference of emphasis, at least, in the two petitions that you bring forward. What action would you wish the Welsh Government to take, for example, in terms of the current guidance, as to whether it should be reviewed or, indeed, whether completely fresh guidance should be issued?

[33] **Ms Douglas:** I think the legislation is very clear and gives the flexibility that families and schools need. I think the all–Wales attendance framework enhances that. The concern is that at consortia level these bans or

restrictions seem not to be founded in the legislation or in the all-Wales guidance. So, what we would like, really, would be for the Minister, who has stated his support for the legal position and the flexibility of headteachers, to pass that message on to the consortia and local authorities, and ensure the best practice is disseminated across Wales.

[34] **William Powell:** It seems that you've identified some really over zealous and rather irregular practice at the level of some of the consortia.

[35] **Ms Douglas:** And the lack of the evidence base is a deep concern, because these are educators—we expect them to hold to the highest standards of evidence base in their policy. This is what we're aspiring to for our children.

[36] **Ms Walpole-Wroe:** We actually do have some proposals, because we feel that, under the old system, it was a bit of a lottery as to how your particular headteacher felt. Sometimes you had a headteacher that would allow anything, others said 'no' to everything. So, although we were perfectly happy under the old system, we think that now there's the opportunity to change things a bit. We do actually have a list of proposals, because we're also concerned that it's all very well the education Minister having a chat with these people and slapping them on the wrist and saying, 'You've got to stop being naughty', but there are ways of slipping back again. So, we actually do have a list of proposals here of things—alterations or guidelines that we would like introduced.

[37] We believe that school performance should be measured on attainment and value added to the pupils, not attendance statistics. Currently, headteachers are under too much pressure to keep attendance high and decline all requests, to the point of querying doctors' advice, which is not acceptable. Headteachers should be set strict guidelines for which they

should allow absence during term time, and included, but not limited, to these. So, we feel that if parents know from the beginning that, if their children are within a certain set of parameters, they almost certainly will be given that permission, but that the headteachers should still have discretion to allow if the children aren't in those parameters as well—. So, it wouldn't be set to this, but they would almost certainly get the permission if they were within it.

[38] **William Powell:** Joyce, I believe you've got some questions directly on that point.

[39] **Joyce Watson:** Yes, I wanted to come in on—. Because you raised the issue about regional consortia, I wanted to come in and ask: providing that the regional consortia and local authorities are speaking the same language, in other words, they understand what is being asked of them, do you think that they then, in turn, should have a role within the school in giving advice, so that we can get some consistency of application of this particular legislation?

[40] **Ms Douglas:** It strikes me that the inconsistencies arise at a consortia and local authority level within the school. Clearly, headteachers have to exercise their judgment case by case, but their ability to do this is being limited by guidance from the consortia. And when we speak to the local authority about this, they say, 'We are only giving advice', but the headteachers tell us that they feel under obligation to abide by that advice. These are the bodies that are participating in their inspection, so it's advice in name only. So, I think perhaps we've had too much advice from the consortia to the schools, and the headteachers need to be empowered to use their statutory powers. Does that answer your question?

[41] **Joyce Watson:** I suppose it's a sort of chain of advice that we're

looking to try and achieve.

[42] **Ms Walpole–Wroe:** Something that has really come across a lot is that teachers will say to us personally how terrible it all is and how upset they are; there are all kinds of things going on and all sorts of things that the consortia are piling on these teachers, not just our issues. I know of cases where teachers with 30 years' experience have broken down in tears in front of children in schools. But the one thing that comes across from all of these teachers is they'll talk to us off the record, but they are frightened for their jobs because of the pressure that is being put on them. They don't want to come out and say these things in public, because they are scared for their jobs and they're scared of being reprimanded. And, another thing, I sent a freedom of information request to every consortia in Wales, and one of the questions I asked was what qualifications do the people that run these consortia have—what educational experience and qualifications do they have that they should be put in these positions? And all of them came back and said that they wouldn't tell me, that it wasn't in the public interest to know. How can it not be in the public interest to know, or in a parent's interest to know, what experience or qualifications the person who is ultimately responsible for their child's education has? That I was disgusted at.

[43] **Joyce Watson:** Chair, we're going down another avenue here. With respect, that's another petition, and we were trying to get underneath this one. In terms of trying to get underneath this particular petition, you did make a claim, Bethany, that Welsh children have fewer holidays than their counterparts and that this legislation was making it even worse. Now, there are lots of ideas as to why children do and don't take holidays, and what's even regarded as a holiday, as you yourself have said. Have you got any proof to back up that claim that Welsh children, as a consequence of this piece of legislation, now have fewer holidays?

[44] **Ms Walpole–Wroe:** Well, child poverty is at the highest in the UK,

therefore, there is definitely less money circulating around the children of Wales, and this legislation means that the only time you're allowed to take your child on holiday is at a time when the holidays are about 60 per cent more expensive. The holiday I take my children on is to a caravan in Saundersfoot, so we're not talking a flash holiday here, although it's very nice, and that holiday costs me £400 the first week of the school holidays, as opposed to £250 the week before that. So, I would say you can draw your own conclusions as to whether children are being taken on holiday or not. If you're poverty-stricken—. When I take my children on holiday I have to consider strongly whether or not I buy them an ice cream down at the beach—whether or not I can afford it. I'm self-employed. I earn £3,000 a year. That means I don't qualify for free school meals. My children aren't actually classed as being poverty stricken because of that, but it's extremely difficult for me to take my children on holiday, and I only get to because my grandmother actually gives us a generous present at Christmas so we can afford to. So, I would say that you can draw your own conclusions as to whether Welsh children are being taken on holiday or not from that.

[45] **Ms Douglas:** It might also be early days, because the bans have started to come into force during the last school year. So, to be honest, what happens during this year might be the data we need to compare with what was happening a couple of years ago. So, we only have word of mouth. We don't have any strong data on that yet.

[46] **Joyce Watson:** Okay. Thanks.

[47] **William Powell:** Lindsay, you indicated.

[48] **Lindsay Whittle:** Thank you. Good morning. I have enormous sympathy with the vast majority, though I didn't quite agree with everything you said, but we're nearly there, so it's not worth the quibble. I'm the

chairman of the local governors of my old school, and it's in very poor area indeed. I just want to ask do you think that it would perhaps be a benefit if we were to have different term times in Wales than they do in the rest of Britain? So, that would then really confuse these greedy—. I think it is good for children to travel. It doesn't have to be to sunny climes. It can be in cold Scotland or rainy Wales.

[49] **Ms Douglas:** That's a very good point, and there are pros and cons to this. This is what they're proposing in Cornwall and Devon, where they believe the tourism industry there has reported a loss of £87 million to the local economy from the term-time holiday ban in England, so significant effects. One of their proposals is to do as they do in France: stagger the term times. There are challenges with that, with siblings in different schools and families in different areas wanting to spend time together, but it's worth exploring, definitely.

[50] **Ms Walpole-Wroe:** You do have other issues as well in Cornwall, as with Ceredigion, where we're from. In Ceredigion, 60 per cent of families rely on the tourist trade for their income, or for a large chunk of it. Now, if you work in an ice cream parlour in Newquay, you can't take time off during the school holidays. It's just not going to be allowed. That's the busiest time. So, again, there are other issues. There are issues where maybe both parents work for the same company and it's a small company, and they can't get time off together. Again, there's an awful lot of competition. I used to work in a call centre for BT in Aberystwyth. There were over 100 of us there, and there was an absolute rucker scrummage, to be honest, to get the holidays, and to get to take time off during those six weeks. So, there are some people who, even if you did move the holidays around, still wouldn't be able to get those holidays.

[51] **Lindsay Whittle:** You're not going to help those anyway, with respect, are you? If the company won't give the two partners the same—

[52] **Ms Walpole–Wroe:** Well, if they're at their busiest time and then they come into a quieter time, then they can. That's what I'm getting at.

[53] **Ms Weedon:** It's not necessarily if they are working at the same place. There are also just problems with people not getting time off at those times. There are also other things that come up. People might have had a tragedy in the family or something, and then they just need time off as a family. We actually had someone contact us, and the granddad was dying. They didn't take the children to see him because they couldn't take them out of school and they didn't want to go against the rules, and they were too late to see their granddad one last time. You know, that's—

[54] **William Powell:** Do you think there should be specific guidance around compassionate leave or that that should be strengthened in the light of what you've just said?

[55] **Ms Weedon:** Yes, to an extent, but it really comes down to the fact that only the headteacher will truly understand that child and their personal circumstances, and they need to have that flexibility to do that.

[56] **Ms Walpole–Wroe:** We've also had cases where schools and authorities have gone against doctors' advice. There's a lady in Tregaron whose son degloved his toe, and the doctor said he wasn't to go to school for five days afterwards because of the possibility of him having his foot trodden on. Can you imagine? Degloving the toe is pretty horrible anyway. A couple of days later, she was nipping into Lampeter, and she literally had one shop to go in. He came with her, and while she went I think it was into the bank for 15 minutes, he just sort of got out of the car and hobbled up and down the pavement, and a teacher from the school saw him and reported her. She's had letters from the truancy officer or attendance officer, or

whatever they call them now. Also, when she got the letter, she rang up and spoke to the deputy head, and she asked, 'Does this mean I'm going to get fined for this?', and the deputy head said, 'This is the way it's heading'.

09:30

[57] They have actually dropped it now, but only because we heard about it and reported it to the *Cambrian News* and they were going to run it. Now, the school have backtracked. But that's the kind of thing that's going on. A doctor is saying, 'No, you mustn't send your child to school'. At the end of the day, if she took him into Lampeter and something had happened in Lampeter, that's between her and her doctor. It's not for the school to question that. You know, the school has been told by the doctor, 'No, he's not to go'.

[58] **William Powell:** It's beyond their remit.

[59] **Ms Walpole-Wroe:** Yes. So, they're poking their noses in where they really shouldn't, to be honest.

[60] **Ms Douglas:** Guidance could be useful in preventing poor practice. I don't think our families would like to see guidance that restricts the flexibility any further.

[61] **William Powell:** Okay. Russell George.

[62] **Russell George:** Thank you, Chair. Like Lindsay next to me, I agree with most of what you've said this morning. In fact, my frustration is when I

ask the Minister this question in the Chamber, he says, 'Well, yes, headteachers should have the say', and my assessment is, well, the local authorities through the consortia are just ignoring that advice. It does seem to be a bizarre situation, and was one of the reasons why I was quite keen that you came and gave evidence to this committee.

[63] Before I move on to a question on fixed-penalty notices, sometimes, some teachers put to me that it is difficult for them if children miss a week of their work because, when they come back, they have to then catch up and give that child special support. Then, that, of course, puts the other children who were there at a disadvantage. Have you got a view on that at all?

[64] **Ms Douglas:** I think what many parents say to us is, 'Give us the homework and give us the curriculum'. Most parents I speak to want to engage in their children's education. They're happy to take homework away or a project to do—something to work on. Children in classes all work at different levels. There's a lot of repetition that's important to learning. I really truly don't believe our system is so brittle it cannot manage the absence of a child for a week without detriment to the rest of the class. I think there are ways around this. Children will always be absent through illness, and teachers are skilled at managing this, working with everyone according to their level. When we look at the absence rates, they really, really drop in secondary school. As it comes closer to exams, as it gets more serious and complex, families take fewer holidays. But, at primary school level, I'd hope most of us would be fairly well equipped to support our children in learning.

[65] **Ms Walpole-Wroe:** Two of our proposals here are actually that primary school children, if they're given permission for time off, should make a presentation for the school for when they get back from their holiday—just a little five-minute presentation to give something by way of gaining from

the holiday—and also that secondary school children should be given homework. I don't think there's a single parent who, if you said, 'Yes, you can have the leave, provided you do this', would kick up a fuss about it, to be honest. I think most parents would be glad they'd been given permission to go on the holiday. If they don't do it this year, then they get told they won't be given permission next year.

[66] **Russell George:** Am I right in thinking—. Well, in any case, the headteacher would make the decision, and if the headteacher thought that that child was so behind that he couldn't afford a holiday, then he would have the discretion, ultimately. That would be your view, as well.

[67] **Ms Walpole-Wroe:** Exactly. Yes.

[68] **Russell George:** On fixed-penalty notices, there is a view that if fixed-penalty notices were issued, or have been issued, then they would be less of a charge than the actual cost of the holiday not in term time. Therefore, parents would then look at it and say, 'Well, okay, it's cheaper actually just to pay the fine'. Is that a view that you've come across or has been presented to you?

[69] **Ms Walpole-Wroe:** Oh, yes. We've actually got record of a headteacher actually recommending to a parent that they do it and pay the fine anyway. We've actually got that in here. We'll leave this with you.

[70] **Ms Douglas:** The problem with that argument, though, is that increasing the fine isn't going to be helpful. As I'm sure you're well aware, Governors Wales, the Children, Young People and Education Committee here at the Welsh Assembly all opposed the implementation of fines. Professor Ken Reid had serious concerns about penalising children for absence when

the children most likely to be absent are the children in difficult socioeconomic circumstances.

[71] **Ms Walpole-Wroe:** You're penalising the poorer families to whom £60—or £180 if you've got three children—makes a big difference. You know, you're not penalising the parents who can actually afford to go abroad or whatever. They'll pay that extra £180. It's the people at the bottom of the pile that it's penalising.

[72] **Russell George:** What happens if somebody is fined and doesn't pay the fine? What happens then?

[73] **Ms Douglas:** Well, then they're criminalised. So, potentially, in the worst-case scenario, you could take absence perhaps for a funeral because you believe, in your judgment, it's important for your children. You could be fined and be unable to pay the fine, and you could find yourself criminalised. Situations like this have arisen in England, where they have had a term-time holiday ban for a year. I think it's important to separate penalty notices from term-time holiday bans, because there's nothing in our penalty notice legislation that particularly targets term-time holidays. These are two separate issues, both of which could warrant big discussions, I think. But the problem is they have been linked by the consortia, so people who are exercising their rights under the law to have some time off with the permission of the headteacher could end up being penalised.

[74] **Ms Walpole-Wroe:** It's fair enough to penalise parents if you don't know where their children are, and it turns out their children are out shoplifting or picking pockets in the local shopping centre. We have no problem whatever with them being penalised. But a parent who just wants to take their children to the beach for a week, that's a different situation, because those tend to be the parents who actually do care about their

children, and that's why they want to take them on holiday. It's the negligent parents you need to be targeting, but they seem to be targeting the soft option all the time, which is the parents who actually do care. So, they're the ones who do tend to do as they're told.

[75] **Ms Weedon:** As Jane was saying with the funeral, it isn't always about holidays. It can be a wedding, a funeral, some family event—all sorts of things, but it's not always holidays.

[76] **Ms Douglas:** It's trying to carve out some family life with all the pressures the parents have, and then this is a pressure too far for many families.

[77] **William Powell:** Joyce, you've got a final question.

[78] **Joyce Watson:** Can I ask, finally, because we're getting to that time, whether you have actually managed to collect any information in terms of the extent to which schools across Wales are actually refusing to give any permission for leave?

[79] **Ms Douglas:** I think this is where we need your help. We don't have those kinds of resources or finances to communicate with all schools across Wales, and your power to gather data would be very, very useful.

[80] **Joyce Watson:** So you'd recommend that we look at that.

[81] **Ms Douglas:** I sent you my wish list of action points. I don't know which of those you can act on, but I think that's in there somewhere—to try

and establish the evidence base, the impact on children and families' wellbeing, and our economy, because that also impacts children's wellbeing. We know poverty's associated with poorer attainment. You can't ignore that.

[82] **Joyce Watson:** If I could just—. Sorry. I'm just trying to get the answers to some of the questions. When I met you, which was a while ago, you mentioned, in terms of holidays not in term time, parents who are actually working in the holiday industry. Do you mention that here? They might be self-employed like yourself, or running their businesses. Do you mention that in here?

[83] **Ms Douglas:** Yes, absolutely. You'll find the detail in this paper. The families working in the tourist industries are under extra pressure. They've lost their shoulder seasons due to the term-time holiday bans. They have to work harder than ever to get their income in the school holidays. Their children may be spending time with grandparents, holiday clubs, et cetera during that time, so they're being hit financially and they're being hit personally in terms of loss of family life, and the economy as a whole. There are some figures in there about the value of the tourism industry to Wales, particularly rural Wales.

[84] **William Powell:** I think I'll take that as a really good wrap-up from your perspective, as a petitioner. I'll ask Bethany whether you've got any brief, final remarks to wrap up, and then we'll take things forward.

[85] **Ms Walpole-Wroe:** What we've found is that, other than in Flintshire and Anglesey, basically holidays are not being allowed. Certainly in the area consortium that we're under, holidays are not being allowed. It has been done as a blanket ban. There have been a lot of fines already. Obviously, we don't have a huge amount of time left, so if I can leave these, we do have a list of proposals here that we think would help.

[86] **William Powell:** We'd be very grateful.

[87] **Ms Walpole–Wroe:** There is also information in here—a selection of e-mails we've had from parents and teachers, some of them headteachers, and we also have graphs on any research we have done. We have done quite a few surveys and such like with some quite interesting information that could be read through afterwards, because I understand we're running out of time.

[88] **William Powell:** Excellent. Well, thank you very much indeed for providing such detailed evidence, and the impassioned but controlled way that you've delivered also, because clearly it's a matter that concerns you all greatly. I am able to confirm that we shall be calling the Minister in, and I understand that he's agreed, diary pressure being what it is, to come in November. Is that correct?

[89] **Mr George:** Yes, November.

[90] **William Powell:** Yes, a date that we will confirm. We'll also undertake to make every effort that we can to supplement the data that have already been provided so as to get additional value out of that evidence session. We shall share with you the transcript from today so that you can confirm it for accuracy, and that will obviously play a vital part in our next evidence session, which is going to be with the Minister, to take your petitions forward. So, diolch yn fawr iawn; thank you very much indeed for sparing the time to come to be with us today and for an excellent session. Thank you very much.

[91] **Ms Walpole-Wroe:** Shall we leave these?

[92] **William Powell:** Please, yes.

09:40

Agenda Item 3.9

P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time

Petition Wording

We call on the National Assembly for Wales to urge the Welsh Government to review the guidance to Local Authorities on head teachers being able to authorise absence for family holidays during term time. Many families from poor backgrounds can only afford to go on holiday during term time, as holidays are about 60% more expensive during the holiday period. Also, many families where parents work are unable to take time off during the school holidays. Holidays can be extremely educational, giving the children awareness of the world in which we live.

Petition raised by: Bethany Walpole-Wroe

Date Petition first considered by Committee: 15 July 2014

Number of signatures: 1008 – An associated e-petition has collected over 10,300 signatures.

P-04-606 Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias.

Petition wording

We ask the National Assembly for Wales to ensure that schools are free to exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference from bodies such as regional educational consortia and local authorities and without threat of penalisation through school inspection, performance judgement and banding processes.

Local authorities in Wales and their consortia are recommending that schools do not exercise their statutory powers under the above legislation leaving more families exposed to the threat of penalty notices under the Education (Penalty Notices) (Wales) Regulations 2013 than would have been otherwise. These recommendations are made on the basis that they can improve attainment despite the lack of evidence that absence of the type allowed under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 results in poorer attainment.

Currently schools in Wales can be penalised through inspection, performance judgement and school banding processes for authorising legitimate absences such as sickness, family holidays or other events or instances which enable families to participate fully in a normal, private family life.

These recommendations and processes bias schools against the authorisation of legitimate absence and make schools reluctant to exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010. This can damage the home/school relationship and child well-being. Where a family disagrees with a decision to refuse authorisation of absence on the grounds of equality, human rights

or child well-being there is no independent route of appeal. Where a family disregards a decision to refuse authorisation of absence the issue of a penalty notice and potential criminalisation can result. There is an economic impact on the Welsh tourism and leisure industry which provides employment and income to many of our families.

Additional Information

Regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 gives schools the discretionary power to authorise up to 10 days absence during a school year for family holidays and more than 10 days absence in exceptional circumstances.

Schools are being advised against exercising this power by their local authorities. They are feeling pressured to improve school attendance figures by Estyn, the education and training inspectorate for Wales, who can penalise them if attendance falls below a certain level.

The drive to improve attendance is based on an assumption that it will improve educational attainment. This is an over-simplification of a very complex issue. Attendance and attainment are linked but a causative relationship is not proven. Research shows that absence for family holidays does not affect attainment at primary school level, and a small degree of absence is unlikely to have any effect at secondary school level. ("A Profile of Pupil Absence, 2011, DfE").

A school's refusal to authorise an absence which is allowable under the law can seriously damage the home/school relationship, particularly if the family believe that the absence is important to their child's well-being and take their child out of school anyway. The family can receive a penalty notice (fine) or be criminalised.

There are many legitimate reasons why children and families need the flexibility to be absent from school during term time which include difficulty obtaining annual leave during school holidays, important family events, geographical remoteness from non-resident parents, grandparents and

extended family. Families employed in the Welsh tourism and leisure industry have felt a significant economic impact from the English term time holiday ban this year. The Good Childhood Report 2014 identified school as only ONE of the ten aspects of life with the greatest influence on child well-being. Family, home, finances, friends, health and choice were among the others.

Petitioner: Pembs Parents Want a Say / Rhieni Pembs eisiau cael dweud

First considered by the Committee: 9 December 2014

Number of Signatures: 812 electronic signatures