

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 1 May 2018

Meeting time: 09.00

For further information contact:

Graeme Francis – Committee Clerk

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1 Introduction, apologies, substitutions and declarations of interest

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2 New petitions

2.1 P-05-805 Fair Deal For Supply Teachers

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2.2 P-05-808 Welsh should not be compulsory for Children with Dyslexia and Special Needs

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2.3 P-05-809 Proposed New Fishing Bylaws and Failings of NRW

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2.4 P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

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2.5 P-05-811 Stop Using Worker Certification On Welsh Government Projects

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3 Updates to previous petitions

Economy and Transport

3.1 P-05-780 Reopen Carno Station

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Education



- 3.2 P-04-481 Close the Gap for deaf pupils in Wales
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- 3.3 P-05-757 Remove the Obligation on Schools to Hold Acts of Religious
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- 3.4 P-05-765 Keeping Current Guidelines for Religious Assemblies
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- 3.5 P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools e.g.
GCSE Psychology
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- 3.6 P-05-802 Protecting Class Sizes in Design and Technology Classrooms and
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Local Government and Public Services

- 3.7 P-05-781 Port Talbot Community Against the Super Prison
(Pages 114 – 117)
- 3.8 P-05-800 Urgent Appeal for a Welsh Veterans Commissioner
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Health

- 3.9 P-05-784 Prescription drug dependence and withdrawal – recognition and
support
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Leader of the House

- 3.10 P-05-793 Hi speed broadband to Llangenny village
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- 3.11 P-05-798 Male domestic violence victim support services to be
independently run & funded
(Pages 166 – 170)

Children and Social Care

3.12 P-05-804 We need Welsh Government funding for play!!

(Pages 171 – 175)

Papers to Note

4 P-04-479 Tywyn Memorial Hospital X-ray & Minor Injuries Unit
Petition

(Pages 176 – 178)

5 Evidence session – P-05-751 Recognition of Parental Alienation

(10:00)

(Pages 179 – 215)

6 Motion under Standing Order 17.42 to resolve to exclude the
public from the meeting for the following business:

The remainder of today's business.

7 Discussion of Previous Evidence Session

8 Consideration of draft report – P-05-785 Suspend Marine Licence
12/45/ML to dump radioactive marine sediments from the
Hinkley Point nuclear site into Wales coastal waters off Cardiff

(Pages 216 – 244)

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Agenda Item 2.1

P-05-805 Fair Deal For Supply Teachers

This petition was submitted by Sheila Jones, having collected 997 signatures online and 428 signature on paper, a total of 1,425 signatres.

Text of Petition

We, the undersigned, request that all supply teachers be paid fairly and have full access to training opportunities and other terms and conditions. There should be a qualified teacher in every classroom and taxpayers' money should be going directly into education and not into the pockets of private agencies.

Supply teachers are being exploited and teachers are leaving the profession as they cannot afford to be supply teachers.

Agencies reduce teachers' pay by forty to sixty percent and teachers lose their pensions, this is public money going into the private sector for profit. Lessons are being covered by unqualified staff.

Assembly Constituency and Region

- Caerphilly
- South Wales East

Supply teaching

Y Pwyllgor Deisebau | 1 Mai 2018
Petitions Committee | 1 May 2018

Research Briefing:

Petition number: P-05-805

Petition title: Fair Deal for Supply Teachers

Text of petition: We, the undersigned, request that all supply teachers be paid fairly and have full access to training opportunities and other terms and conditions. There should be a qualified teacher in every classroom and taxpayers' money should be going directly into education and not into the pockets of private agencies. Supply teachers are being exploited and teachers are leaving the profession as they cannot afford to be supply teachers. Agencies reduce teachers' pay by forty to sixty percent and teachers lose their pensions, this is public money going into the private sector for profit. Lessons are being covered by unqualified staff.

1. National Assembly business

The **Public Accounts Committee** in the Fourth Assembly undertook a short inquiry on 'Covering teacher absence' and published its [report](#) in May 2014, making 14 recommendations. The [Welsh Government responded](#) in June 2014.

The **Children, Young People and Education (CYPE)** Committee of the Fourth Assembly undertook an inquiry into supply teaching in 2015. The [Final Report](#) was published in December 2015. Huw Lewis, the [Minster for Education responded](#) in December 2015.

Among the issues identified in evidence to the CYPE Committee were difficulties in accessing professional learning for supply teachers and the use of supply agencies. Much of the evidence suggested that many of the issues identified could be ameliorated if there were closer arrangements between the employers of supply teachers and those with responsibility for providing school education, for example **cluster arrangements** operated by local authorities or a **national body**. The Committee made an overarching recommendation that the Welsh Government should start work to design a new model for the employment of supply teachers.

2. Welsh Government action

Supply Model Taskforce

The Welsh Government established the **Ministerial Supply Model Taskforce** in June 2016 to consider issues around supply teachers. Their [report was published](#) on 2 February 2017. The Cabinet Secretary for Education [accepted most of the recommendations](#). The report considered various models for supply teaching provision, such as those currently operating in Northern Ireland (see below), but found ‘no one size fits all’ solution that could be implemented across Wales with immediate effect.

Pay and Conditions of teachers

For teachers employed by a local authority or local authority maintained schools in Wales and England, the [School Teachers Pay and Conditions Document](#) sets out statutory rules about supply teachers’ pay. However, supply teachers employed through employment agencies are not in the employment of the local authority or the school and are therefore not covered by the pay and conditions document. In general, agency supply teachers are employed by the agency and are therefore subject to pay and conditions determined by the individual agency. Teachers who are employed through a supply agency do not have access to the Teacher Pension Scheme.

The report of the Ministerial Taskforce noted

Currently, school teachers’ pay and conditions of service are not devolved to Wales. If in the future they were to be devolved there would be scope for the Welsh Government to take a more pro-active approach to the setting of pay and conditions for supply teachers.

Responsibility for setting teachers’ pay and conditions has now been devolved. The Welsh Government are [currently consulting](#) (until 4 May 2018) on the proposed model for determining teachers’ pay and conditions of service in Wales. September 2019 is the earliest date that a new pay system would come into force in Wales. The [Wales Act 2017](#) reserves teachers’ pensions as a non-devolved function.

The Ministerial Taskforce report included [data collected by the Education Workforce Council](#) that showed that, at July 2016, 46.7 per cent (1,987) of supply teachers identified the local authority as their employer compared to 50.4 per cent (2,143) who identified their employer as a supply agency.

Cluster arrangements

On 24 October 2017, [the Cabinet Secretary for Education announced](#) a £2.7 million project to will support 15 local authorities to create new supply teacher arrangements across 86 schools. The project will support the appointment of around 50 recently qualified teachers who will work across groups of schools, covering teacher absence and supporting wider

school improvements and learner outcomes. The pilot project will run during 2017–18 and 2018–19 financial years.

Supply teacher contract

The National Procurement Service has put in place a three-year contract for supply staff with New Directions, as the ‘preferred provider’. The contract came into effect on 1 August 2015, and runs for three years (with an option to extend for a further twelve months). All 22 Local Authorities have signed up to use the Framework Agreements. Local Authorities expect schools within their areas to use the framework to meet their supply teacher requirement. However, schools are not bound by the framework and are free to use any method of supply to cover their lessons.

3. Northern Ireland

In her response to the Committee, the Cabinet Secretary for Education states that the Petitioner ‘promotes’ the model for supply teaching used in Northern Ireland.

In March 2004, the Northern Ireland Substitute Teachers’ Register (NISTR) was established by the Department of Education Northern Ireland, in partnership with employing authorities, support associations and the teacher unions. NISTR is a regional centralised database for all substitute (supply) teachers in Northern Ireland. It allows local schools to access the database at short notice in order to book substitute teaching cover for teacher absences. Payment for all approved periods of substitute teaching is then made on a monthly basis by the Department for Education’s Teachers’ Pay Team. Since September 2006, only teachers who are on NISTR can be employed to work in maintained schools. From 1 August 2008 substitute teachers employed by schools must be booked on-line via the NISTR.

Substitute teachers are employed in accordance with Northern Ireland terms and conditions of service. They are also members of the Northern Ireland Teachers’ Pension Scheme (NITPS).

In relation to the model in Northern Ireland, the Supply Model Ministerial Taskforce report said:

The clear advantages of this type of model are that all substitute temporary teachers registered with the NISTR are able to benefit from statutory set national pay and conditions of service and the associated benefits. As pay and conditions are not yet devolved, coupled with variations in the way supply teachers are recruited and the significant use of commercial supply agencies to meet school needs it is difficult to see how, within the current context a similar centralised model could operate within the existing legislative framework in Wales.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: P-05-805
Ein cyf/Our ref: KW/00594/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
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06 March 2018

Dear David,

Thank you for your correspondence of 21 February about the current open petition on supply teaching.

There have been a number of reports into the position for supply teachers in recent years. The Children, Young People and Education Committee examined the issues surrounding supply teachers and made recommendations in 2015. In response to the Committee's report recommendations my predecessor, Huw Lewis, established a Supply Model Taskforce to consider the possibility of introducing an alternative delivery model for Wales. The Taskforce identified a number of complex issues and barriers involved in implementing a single delivery model and recommended a number of practicable options for supporting and developing supply teachers in its report published in February 2017.

Although the Taskforce was unable to recommend a central supply model at that time, the Welsh Government has continued to investigate alternative new models for supply teaching. The model in Northern Ireland promoted by the Fair Deal for Supply group is linked to the setting of teachers' pay and conditions (including supply teachers). The power to set teachers' pay and conditions is yet to be transferred to Welsh Ministers with September 2019 being the earliest date by which a teachers' pay system would come into force in Wales. These powers will provide opportunities to set teachers' pay to underpin our aspirations for the wider education system, to raise standards and support and develop the teaching profession including those who undertake supply work.

Welsh Government doesn't employ teachers, school governing bodies and local authorities do. There is more work to do in working with the sector to develop new

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

models to support the delivery of temporary cover arrangements, but this will take time. The legislative and contextual landscape in Wales is quite different to that in Northern Ireland and there are a range of legal and policy issues to be addressed. Therefore, it is important that we look at all alternative systems as well as trial new and innovative ways of providing supply teacher provision such as the £2.7m school-based supply cluster pilot I announced on 24 October 2017 which is currently being rolled-out across 15 local authority areas. The aim of the pilot is to trial a more sustainable, collaborative model of working and support the professional learning of our newly qualified teachers. The pilot evidences our commitment to ensuring that a number of our recently qualified teachers who might otherwise find themselves in supply roles are supported at the beginning of their career. The Welsh Government will monitor the pilot closely to see if this approach offers a viable alternative model that could be rolled out more widely.

To date, to support the broader recommendations contained in the Taskforce's report, we have also undertaken the following actions:

We have addressed important issues in terms of employer roles and responsibility for safeguarding. Officials have issued regular communications directly to commercial supply agencies operating in Wales, Local Authorities and schools to remind them of their legal obligations in terms of undertaking appropriate identity and Disclosure and Barring Service checks. Guidance factsheets have also issued to commercial supply agencies on matters affecting the qualification and registration of supply teachers; including the terms of the statutory specified work requirements on who can teach in maintained schools.

We have also issued guidance on the Agency Worker Regulations 2010, which includes an explanation of the Swedish Derogation issue and an induction model policy which sets out the information and support that commercial supply agencies should make available to supply teachers from day one of their temporary placement. Employment law is not devolved to Wales. The Department for Business, Energy and Industrial Strategy in Westminster is responsible for setting out the requirements and restrictions placed on private supply agencies. In response to the Taylor Review of modern working practices published last summer the Westminster Government is consulting on changes to the Agency Worker Regulations which if implemented will alter the way in which private supply agencies conduct business.

A Supply Working Group which includes representatives of the wider education sector, including education workforce representatives and employers, has been convened to support the implementation of the Taskforce recommendations and to discuss, consider and support workable solutions to address related issues as they arise.

We have put in place arrangements for all supply teachers to register for personal access to professional learning resources and opportunities on Hwb the Welsh Government's education learning platform. Hwb is an integral part of teaching and learning which enables all teachers, including our supply teachers, to access and share resources to broaden their pedagogical development. These arrangements will enable supply teachers, including newly qualified teachers undertaking supply, to have full and continuing access to Hwb regardless of length of temporary placement

or school. As part of this arrangement work is underway to develop a network facility for supply teachers to communicate and share resources and best practice. Supply teachers also have access to Professional Learning Passports to support their professional development.

To support schools we have published streamlined guidance on the '*Effective Management of School Workforce Attendance*' to share the good practice that schools and local authorities have adopted in managing absence - both planned and unplanned.

We have circulated and promoted the Welsh Government's *Toolkit Guide – Code of Practice – Ethical Employment in Supply Chains* to the education sector including commercial recruitment agencies. The Code and related guidance will help ensure that workers in supply chains are treated fairly and commit public, private and third sector organisations to a set of actions that tackle illegal and unfair employment practices.

It might be helpful for you to know that I met with representatives of the Fair Deal for Supply Teachers group on the 25 October 2017 to hear their views first hand and to outline our proposals to support supply teachers, schools and our learners moving forward. Members of the group, including the petitioner Sheila Jones, met with my officials and representatives of the Supply Working Group on 21 and 22 February respectively to discuss their on-going concerns in detail.

Many of the concerns raised by the lobby group involve the use of commercial supply agencies to meet the demand for teachers to cover staff absence and the use of the private supply agency, New Directions, the current Welsh local authorities' preferred managed service provider. Arrangements are in place for the National Procurement Service to review the terms of the current contract and officials within Education, Value Wales and the National Procurement Service will be meeting with members of this group in March to discuss the terms of any future contractual arrangement and the tender process.

I would like to assure the Petitions Committee that Welsh Government will continue to explore all options available including the feasibility of centralised or regionalised supply model. I want to see successful models for deploying temporary supply cover in all our schools and we are working toward a system where good quality teaching staff are available, providing a positive impact on learner outcomes, and where teaching staff are treated fairly and developed appropriately.

Yours sincerely



Kirsty Williams AC/AM

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Re: Supply Teacher Petition

Dear Mr. Rowlands,

Thank you for accepting our petition regarding our concerns about supply teaching in Wales and for the kind attention of your staff who have been very helpful.

In her reply to you the Cabinet Secretary reminds us about her initiative for NQTs

- We remind her that 50 NQTs will make a tiny impact and doesn't help the thousands of experienced qualified teachers who are being paid a very poor daily rate, as little as £80 a day in Swansea. We would like the cluster project to be made more widely available to experienced teachers. We understand that the cluster project has not had the take up expected.

She has issued guidance about Agency Workers Regulations

- Supply teachers are still being offered employment on condition they sign the Swedish Derogation

Kirsty Williams published the Welsh Government's Toolkit Guide – Code of Practice – Ethical Employment in Supply Chains to the education sector including commercial recruitment agencies. This document tells employers they should: "*...be mindful of the School Teacher's Pay and Conditions Document and should consider this document when reaching an agreement on the terms of contract and the impact on the supply teacher*"

- What does this mean? Because it is far too vague to have any impact on our pay or conditions. It does not direct schools or agencies to pay us commensurate with our skills and experience.
- We are currently paid a poor flat rate that stays the same for years on end and we have a very poor pension scheme via agencies. Pay rates in Wales are generally much lower than in England.

Kirsty Williams told us about Pay and Conditions being devolved to Wales.

- By the time this is in place and hopefully things will
- I improve, many more highly qualified teachers will have left the profession to take on alternative employment.

Kirsty Williams reminds us about investment in HWB.

- The very small number of supply teachers who have accessed HWB shows it has a long way to go before it will impact on our practice, few schools are engaged with it

as yet. We also need to have CPD with providers as we should have the same training and opportunities as permanent staff. Currently many agencies including ND charge teachers to attend CPD, so not only do they lose a day's pay they also have to pay for the training.

New Directions are making huge profits from the public purse as the 'Preferred Supplier'

- We met with Neil Thomas of the NPS recently and pointed out some very poor practices, such as a culture of fear imposed on teachers, rates of pay from agencies varying between different authorities for teachers doing the same job and account managers suddenly removing teachers from schools just before AWR would take effect.

Use of unqualified staff in schools.

- As the Cabinet Secretary is aware we have made many FOIs about who is taking lessons in schools. Our replies show that a huge number of lessons are being taken by people who are not qualified teachers. Schools are able to employ anyone with an enhanced DBS to 'supervise' a class. Surely every child has the right to be taught by a qualified teacher and not just supervised? Cover supervisors are being paid around £55 a day to cover classes, just enough to satisfy minimum wage rules, they are also being exploited.

As you can see we have a catalogue of concerns . Ultimately, we would like the pay and conditions We hope you will consider this petition in the light of the information we have given.

Yours sincerely

Sheila Jones
Angela Sandles
Ruth Treen
Cathy Grunis

Representatives of Fair Deal for Supply Teachers

Agenda Item 2.2

P-05-808 Welsh should not be compulsory for Children with Dyslexia and Special Needs

This petition was submitted by Jessica Fox having collected 81 signatures.

Text of Petition

Like many other children in the UK my son is Dyslexic. English writing and reading is an everyday challenge so imagine having to learn to read and write another language that you will never use. This is what living in Wales my son has to do every day. I have tried to remove him from Welsh so he can have extra English lessons but it is a legal obligation for the school to teach welsh in Wales. It's an everyday challenge for Dyslexic children living in Wales. Welsh should be a choice not compulsory

Assembly Constituency and Region

- Newport East
- South Wales East

Welsh should not be compulsory for children with dyslexia and special needs

Y Pwyllgor Deisebau | 1 Mai 2018
Petitions Committee | 1 May 2018

Research Briefing:

Petition number: P-05-808

Petition title: Welsh should not be compulsory for children with dyslexia and special needs

Text of petition: *Like many other children in the UK my son is dyslexic. English writing and reading is an everyday challenge so imagine having to learn to read and write another language that you will never use. This is what living in Wales my son has to do every day. I have tried to remove him from Welsh so he can have extra English lessons but it is a legal obligation for the school to teach Welsh in Wales. It's an everyday challenge for dyslexic children living in Wales. Welsh should be a choice for children with dyslexia and special needs, not compulsory.*

Background

Welsh (either first or second language depending on whether a school is Welsh-medium or not) is a **statutory subject** in the national curriculum in Wales. It became a compulsory subject for all pupils at Key Stages 1, 2 and 3 in 1990 and at Key Stage 4 in 1999. Following the publication of Professor Graham Donaldson's review of the curriculum in Wales, [Successful Futures](#) (February 2015), [Huw Lewis, then Minister for Education and Skills confirmed](#) (October 2015) that he had accepted Professor Donaldson's recommendations on the new curriculum for Wales that Welsh **will remain compulsory** in all schools up to the age of 16. The current national curriculum [Welsh Second Language Order](#) states that:

Learners of all abilities should have access to appropriate assessment and accreditation.

Although Welsh is a compulsory subject in the national curriculum, it is not compulsory to enter learners to sit a GCSE or other qualification. Making a decision on a particular qualification is a matter for schools and is done at a local level.

Welsh Government action

Welsh in Education: Action Plan 2017–21

In December 2017, the Cabinet Secretary for Education and the Minister for Welsh Language and Lifelong Learning published the [Welsh in education: Action plan 2017–21](#) which sets out the Welsh Government's direction for the development of compulsory Welsh-medium and Welsh language education over the next four years. This reiterates that the status of Welsh as a compulsory subject will not change and that:

in future, increasing value will be placed on Welsh as a subject and as a medium for teaching and learning.

Alongside the Action Plan, the Welsh Government published [answers to frequently asked questions](#). It says:

What about learners with additional learning needs?

- We must ensure that all learners can have equal access to Welsh-medium education and experience the best opportunities to develop their language skills.
- Equity requires that we ensure that the system, at school, local and national level takes account of and responds to the unique challenges that present themselves to individuals or groups of learners.

Additional Learning Needs

The Welsh Government is making changes to provision for learners with additional learning needs. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 will replace the Special Educational Needs framework with a new one based on Additional Learning Needs (ALN) which is expected to be implemented from 2020. Until it is implemented, the current arrangements for identifying and providing for Special Educational Needs remain in place as set out in the Education Act 1996 and in more detail in the [SEN Code of Practice](#) (introduced in 2002 and updated in 2004). Local authorities, schools, early years settings and those who help them, including health and social services must have regard to the Code.

The Code also sets out the fundamental principle that:

children with special educational needs should be offered full access to a broad, balanced and relevant education, based on the National Curriculum

It also states:

Each school is required to plan a curriculum that includes provision for those National Curriculum subjects that are statutory at key stages 3 and 4. Teachers should deliver the National Curriculum programmes of study *in ways that meet the particular learning requirements of their pupils*. Some variations in the requirements at key stage 4 are permitted through the use of the regulations under Section 363 of the Education Act 1996 which permit disapplications of National Curriculum subjects for specific purposes.

When it published the Additional Learning Needs and Tribunal Bill, the Welsh Government also published a [draft Additional Learning Needs Code of Practice](#) (February 2017) which was not itself the subject of consultation, but was intended as an aid to understanding the Bill. The draft Code included the general principle that learners **must** be supported to participate in mainstream education and in the National Curriculum as fully as possible wherever this is feasible.

National Assembly for Wales action

The Committee considered a similar petition ([P05-760](#)) that called for an end to Compulsory Welsh Language GCSE's, for all, rather than for certain groups of learners. At that time, the Cabinet Secretary for Education was unequivocal that the study of Welsh remains a key element in the curriculum in Wales to age 16 and there were no plans to change this position. She said that there should be ample opportunities for all learners to develop their core skills while learning Welsh, and learning Welsh should broaden rather than narrow the curriculum. The petition was therefore closed.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Eich cyf/Your ref P-05-808
Ein cyf/Our ref EM/00174/18

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Ebrill 2018

Diolch am eich gohebiaeth dyddiedig 6 Mawrth parthed Deiseb P-05-808 *Ni ddylai'r Gymraeg fod yn orfodol i blant â dyslecsia ac anghenion arbennig*, a gyfeiriwyd at Ysgrifennydd y Cabinet dros Addysg. Mae'r cyfrifoldeb dros y Gymraeg yn rhan o'm cylch gorchwyl i.

Mae Llywodraeth Cymru wedi ymrwymo i greu system addysg gynhwysol i bob dysgwr, beth bynnag ei anghenion a'i gefndir, er mwyn sicrhau bod pob dysgwr yn cael addysg o'r safon uchaf ac yn gwireddu ei lawn botensial. Mae Deddf Addysg 1996 yn rhoi dyletswydd gyfreithiol ar bob awdurdod lleol i ddarparu addysg briodol i bob dysgwr, gan gynnwys disgyblion ag anghenion addysgol arbennig (AAA) megis dyslecsia.

Polisi Llywodraeth Cymru yw gosod sylfaen gadarn i'r Gymraeg yn y cwricwlwm ym mhob ysgol. Mae astudio'r Gymraeg yn ofyniad statudol i bob dysgwr tan ddiwedd Cyfnod Allweddol 4 a bydd hyn yn parhau pan gyflwynir y cwricwlwm newydd i ysgolion yn 2020. Dim ond un rhan o'r cwricwlwm ehangach yw dysgu'r Gymraeg a'n nod yw cyflwyno ymyriadau ag iddynt ffocws i ddysgwyr i'w cynorthwyo i gyflawni eu llawn botensial ar draws yr holl bynciau.

Nid ydym yn pennu amser penodedig ar gyfer astudio'r Gymraeg – mater i ysgolion unigol y hwn ac mae ganddynt ryddid i drefnu eu hamserlenni a'u dulliau cyflawni mewn modd sy'n addas i'w dysgwyr. Mae hyn yn cynnwys strategaethau ar lefel ysgolion i gefnogi dysgwyr a chanddynt anawsterau dysgu penodol.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

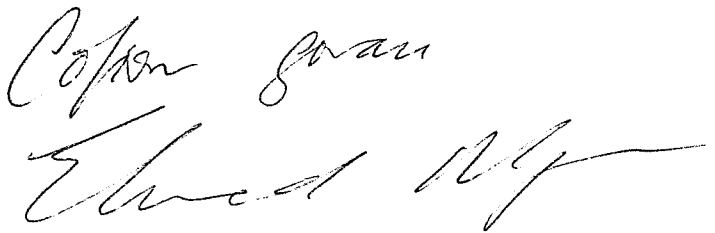
We welcome receiving correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

O ran datgymhwyso, yng Nghymru gellir datgymhwyso rhan o'r Cwricwlwm Cenedlaethol neu'r cwricwlwm cyfan os yw'n anaddas i ddisgybl ar gyfer y cyfnod arbennig hwnnw. Er enghraifft, gellir eithrio disgyblion dros dro o bynciau penodol os ydynt wedi dod o system addysg wahanol i system Cymru, a bod angen cyfnod arnynt i ymaddasu. Nid yw'n fwriad i ddatgymhwyso dros dro ddatblygu i fod yn eithriad hirdymor o ddarpariaethau'r cwricwlwm cenedlaethol a dim ond mewn amgylchiadau prin y mae'n debygol y bydd angen defnyddio hyn.

Mae gan Benaethiaid ddisgresiwn i gyflwyno 'cyfarwyddyd' ysgrifenedig cyffredinol i egluro pa gamau sy'n cael eu cymryd, gan nodi'r rhesymau dros y trefniadau arbennig. Mae'n rhaid i'r cyfarwyddyd nodi pryd y bydd y trefniadau arbennig hyn yn cychwyn a gorffen, neu'r ffactorau a fydd yn penderfynu pryd y byddant yn gorffen. Ni chaiff cyfarwyddyd cychwynol bara mwy na chwe mis calendr. Fodd bynnag, disgwylir i benaethiaid ddefnyddio eu pwerau cyfarwyddo yn sensitif a chynnil oherwydd dylid rhoi'r cyfle i bob disgybl fanteisio ar ystod lawn o bynciau'r Cwricwlwm Cenedlaethol.

Mae manteision ymarferol yn gysylltiedig â dysgu'r Gymraeg i'r sawl sy'n dymuno byw a gweithio yng Nghymru. Mae cwmnïau'r sectorau cyhoeddus a phreifat yn annog datblygiad gweithluoedd dwyieithog a darparu gwasanaethau drwy gyfrwng y Gymraeg er mwyn diwallu anghenion cwsmeriaid.

Mae hwn yn arwydd clir o'r manteision economaidd sy'n deillio o feddu ar sgiliau Cymraeg, ac mae gennym ddyletswydd i sicrhau bod gan ein pobl ifanc y sgiliau angenrheidiol er mwyn manteisio ar y cyfleoedd hyn.

The image shows a handwritten signature in black ink. The signature is written in a cursive style and appears to read 'Eluned Morgan'. There is a faint, larger signature above it that is less legible.

Eluned Morgan AC/AM

Gweinidog y Gymraeg a Dysgu Gydol Oes
Minister for Welsh Language and Lifelong Learning



Eich cyf/Your ref P-05-808
Ein cyf/Our ref EM/00174/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
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government.committee.business@wales.gsi.gov.uk

April 2018

Thank you for your correspondence of 6 March concerning Petition P-05-808 *Welsh should not be compulsory for children with dyslexia and special needs*, addressed to the Cabinet Secretary for Education. Responsibility for Welsh language falls within my remit.

The Welsh Government is committed to creating an inclusive education system for all learners, regardless of their needs and background, to ensure all learners are able to access a high standard of education and reach their full potential. The Education Act 1996 places the legal duty on local authorities (LAs) to provide suitable education for all learners, including those who have special educational needs (SEN) such as dyslexia.

Welsh Government policy is for the Welsh language to have a firm place in the curriculum at all schools. The study of Welsh is a statutory requirement for all learners until the end of Key Stage 4 and this will continue to be the case in the new curriculum which will be rolled out to schools from 2020. Learning Welsh is just one part of a broad curriculum and our aim is for learners to receive focused interventions at school that help them reach their full potential across all subject areas.

We do not prescribe a set amount of time for the study of Welsh - this is a matter for individual schools and they have the freedom to organise their timetabling and delivery methods in ways that are appropriate for their learners. This includes school level strategies to support learners with SEN specific learning difficulties.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

With regard to disapplication, in Wales some or all of the National Curriculum may be temporarily disapplied for a pupil if, for that particular time, it is inappropriate to him or her. For example, temporary exemption from particular subjects can be applied for pupils who have arrived from a different educational system to Wales and require a period of adjustment. Temporary disapplication is not intended to provide long-term exemption from the national curriculum provisions and is likely to be needed in rare circumstances only.

Head teachers have the discretion to issue a written general 'direction' explaining the action that is being taken and stating why exceptional arrangements are necessary. Any direction must specify when the exceptional arrangements will start and end, or the factors that will determine their ending. An initial direction may last no longer than six calendar months. However, it is expected that head teachers use their powers of direction sensitively and sparingly because all pupils should have the opportunity of benefiting from the full range of National Curriculum subjects.

There are practical advantages to learning Welsh for those who wish to live and work in Wales. Public and private sector companies are now actively encouraging the growth of bilingual workforces and the availability of Welsh-medium services to meet customer needs.

This is a clear indication of the economic benefits of Welsh language skills and we have a duty to ensure that all our young people are equipped with the skills they may need to take up such opportunities.

Yours Sincerely
Eluned Morgan

Eluned Morgan AC/AM
Gweinidog y Gymraeg a Dysgu Gydol Oes
Minister for Welsh Language and Lifelong Learning

Agenda Item 2.3

P-05-809 Proposed New Fishing Bylaws and Failings of NRW

This petition was submitted by Sian Godbert having collected 1,070 signatures.

Text of Petition

As a matter of urgency, the Cabinet Minister of the Welsh Assembly investigate the conduct of the Natural Resources Wales Executive during the consultation process and recommendation for changes to rod and line fishing bye-laws at the (NRW) Board Meeting held at Bangor University on the 18th January 2018, before accepting any proposals to change existing fishing bye-laws.

1. The NRW Executive failed to follow democratic procedure by refusing the NRW Board members to vote on new proposals to new fishing Bye-laws by rod and line fishermen. The NRW Executive adopted a draconian stance and ignored the concerns of, the stakeholders during the consultation process and NRW full board members at the meeting.

2. The NRW Executive recommended changes to the Bye-laws to the Welsh Assembly having endorsed at the board meeting that the proposals will have little, to no effect on reducing Salmon and Sea Trout stocks within the Inland River catchments throughout Wales.

3. The NRW Executives having recognised “other issues” contributing to reduction in Salmon and Sea Trout stocks, failed to prioritise and take action on these “other issues” and have done so, over a number of decades with no future planning. The NRW Board are therefore in breach with Section 6 (6) Environment (Wales) Act 2016 and failing to achieve its objective in reducing risk to Salmon and Sea Trout stock levels in Welsh Rivers, particularly with:

(a) Pollution prevention, monitoring, effective enforcement and prosecution.

(b) Wildlife predation monitoring and recommending proportional controls.

Additional information

4. The NRW Executives at the board meeting openly accepted that they failed to effectively communicate and adopt a policy of implementing agreements with stakeholders, who are expected to monitor and report on behalf of Natural Resources Wales and voluntarily enforce the proposed changes to bye-laws, which many disagree with.

5. Failed to adopt a strategy, that is recognised as best practice in other countries, to monitor and accurately risk assess each river and recommending any sanctions on an individual river by river basis, with relevant stakeholders.

6. NRW board and executives have failed to follow due care and diligence during the consultation process resulting in a failing to recognise the importance of how their new bye-laws will adversely affect:

(a) Recreational angling opportunities, economic benefit to rural and coastal communities and in conflict to the Wellbeing of Future Generations Wellbeing Act of 2015.

(b) The good will of stakeholders who have effectively monitored and protected the natural environment in the absence of Natural Resources Wales for over a decade and put at risk that continued good will for future generations.

Assembly Constituency and Region

- Aberconwy
- North Wales

P-05-809 Proposed New Fishing Byelaws

Y Pwyllgor Deisebau | 01 Mai 2018

Petitions Committee | 01 May 2018

Research Briefing:

Petition number: P-05-809

Petition title: Proposed New Fishing Byelaws and failings of NRW

Text of petition:

As a matter of urgency, the Cabinet Minister of the Welsh Assembly investigate the conduct of the Natural Resources Wales Executive during the consultation process and recommendation for changes to rod and line fishing byelaws at the (NRW) Board Meeting held at Bangor University on the 18th January 2018, before accepting any proposals to change existing fishing byelaws.

1. The NRW Executive failed to follow democratic procedure by refusing the NRW Board members to vote on new proposals to new fishing Byelaws by rod and line fishermen. The NRW Executive adopted a draconian stance and ignored the concerns of, the stakeholders during the consultation process and NRW full board members at the meeting.

2. The NRW Executive recommended changes to the Byelaws to the Welsh Assembly having endorsed at the board meeting that the proposals will have little, to no effect on reducing Salmon and Sea Trout stocks within the Inland River catchments throughout Wales.

3. The NRW Executives having recognised “other issues” contributing to reduction in Salmon and Sea Trout stocks, failed to prioritise and take action on these “other issues” and have done so, over a number of decades with no future planning. The NRW Board are therefore in breach with Section 6 (6) Environment (Wales) Act 2016 and failing to achieve its objective in reducing risk to Salmon and Sea Trout stock levels in Welsh Rivers, particularly with:

(a) Pollution prevention, monitoring, effective enforcement and prosecution.

(b) Wildlife predation monitoring and recommending proportional controls.

Additional information

4. The NRW Executives at the board meeting openly accepted that they failed to effectively communicate and adopt a policy of implementing agreements with stakeholders, who are expected to monitor and report on behalf of Natural Resources Wales and voluntarily enforce the proposed changes to byelaws, which many disagree with.

5. Failed to adopt a strategy, that is recognised as best practice in other countries, to monitor and accurately risk assess each river and recommending any sanctions on an individual river by river basis, with relevant stakeholders.

6. NRW board and executives have failed to follow due care and diligence during the consultation process resulting in a failing to recognise the importance of how their new byelaws will adversely affect:

(a) Recreational angling opportunities, economic benefit to rural and coastal communities and in conflict to the Wellbeing of Future Generations Act of 2015.

(b) The good will of stakeholders who have effectively monitored and protected the natural environment in the absence of Natural Resources Wales for over a decade and put at risk that continued good will for future generations.

Background

There are 33 rivers in Wales that contain some [salmon stocks](#) and of these [23 are classified as principal salmon rivers \(PDF 155KB\)](#). Of these 23 rivers four are designated as Special Areas of Conservation (SAC's) under the [European Habitats Directive](#). Conservation limits and management targets are in place for the principal rivers.

Responsibility for managing inland fisheries and salmon fisheries in Wales rests with Natural Resources Wales (NRW). NRW, like other fisheries authorities in the UK, has powers to create national and local byelaws to assist with the conservation of fish stocks in Welsh rivers. These byelaws put in place a number of effort control measures to ensure that the exploitation of stocks takes place at sustainable levels. These can include measures such as restrictions on what gear can be used to fish different species, the times of year at which different species can be fished and the locations where different species can be fished. One such method of effort control is known as 'catch and release'; this is a requirement for all anglers to return any fish they catch to the river (without killing them).

NRW are able to make byelaws in exercise of powers vested in it by [section 210](#) of, and [paragraph 6 of Schedule 25](#) to, the [Water Resources Act 1991](#). [Schedule 26](#) of the Act sets out a procedure to be followed for making the byelaws which includes a process for a local inquiry if objections are received.

Environment (Wales) Act 2016 Duty

Relating to point 3 of the petition, Section 6 (6) of the [Environment \(Wales\) Act 2016](#) states:

6. Biodiversity and resilience of ecosystems duty

(1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

...

(6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).

NRW are responsible for the development of [Area Statements](#), a requirement of the *Environment (Wales) Act 2016*. The [Natural Resources Policy](#) focuses on delivering [Sustainable Management of Natural Resources \(SMNR\)](#) and sets the context for Area Statements. Welsh Government [Guidance](#) on section 6, The Biodiversity and Resilience of Ecosystems Duty states:

Area Statements will:

- Provide evidence to support Public Authorities in complying with the S6 duty

NRW also publish [River Basin Management Plans](#) which look at the pressures facing Wales' water environment.

NRW Board

The [Terms of Responsibility](#) of the NRW Board are set out in a publically available paper which states:

The Chair will clearly conclude each agenda item with a summary of discussion; confirm any agreed actions and decisions taken.

There is no information available on whether a vote is required to pass any decisions.

Welsh Government action

NRW has responsibility for managing salmon fisheries in Wales on behalf of the Welsh Government. NRW has been going through a process of considering what additional actions, if any, may be required to address declines in salmon stocks in Welsh rivers.

On 17 March 2016 a [paper](#) was presented to the NRW Board which provided an update on the action taken by NRW in the previous year to address the decline in stocks. It outlined proposals for further action. The paper stated that whilst NRW does not believe fishing by rods and nets is the main cause of stock decline, it believes that increasing the numbers of fish surviving to spawn in Welsh rivers in the short term 'can only be achieved if rod and net fishermen stop killing altogether'.

NRW has undertaken formal and informal consultation on possible actions to manage salmon stocks with anglers and local fisheries groups, including the issuing of a questionnaire.

In 2017 NRW undertook a consultation on [Salmon and sea trout catch controls](#). The consultation was in 3 parts which each looked at:

- The application for a renewed ‘all Wales’ 2017 Net Limitation Order;
- Proposals for new net and rod fishing byelaws across the whole of Wales (with the exception of the cross-border rivers dee, Severn and Wye); and
- Proposals for new ‘Cross Borders (Wales) Byelaws’ to address matters in those three rivers.

NRW provided a [Technical Case](#) supporting the consultation, and an [Executive Summary](#) which looks at the options considered. NRW concluded the following for a 10 year period:

a ‘zero kill’ policy for salmon and some identified sea trout stocks through statutory catch-and-release fishing with appropriate restrictions on fishing methods – regulation of exploitation through new byelaw.

The Technical Case considers the closure of specified fisheries. However NRW concludes that this would result in disproportionate socio-economic impacts, and mandatory catch and release is favourable to fisheries closure.

The proposed new bylaws were discussed at the [NRW Board meeting](#) on 18 January 2018.

[Annex 4](#) of the papers presented to the NRW Board looks at each of the alternative management measures proposed during the consultation process, whether they will be adopted, and the NRW reasoning for the adoption decision.

[Annex 6](#) provides details of comparable management arrangements for other jurisdictions. It says procedures are resulting in “broadly similar outcomes” in Scotland, Ireland and Northern Ireland. The Scottish Government has the following management measures:

The Conservation of Salmon (Scotland) Regulations 2016: –

- Prohibits the retention of salmon caught in coastal waters
- Permits the retention of salmon caught in rivers where the stocks are above a defined conservation limit
- Requires mandatory C&R fishing where stocks fall below their conservation limit

The Environment Agency has also proposed [new measures](#) to address declining salmon stocks.

NRW Board minutes

The minutes of the NRW Board meeting of 18 January 2018 are not publically available at the time of writing this briefing. A copy has been made available to the Assembly and will be available on NRW's [website](#) in the near future. The minutes say:

The Board noted the strong concerns expressed by stakeholders via email correspondence submitted ahead of the Board Meeting. All correspondence had been shared with all Board members.

According to the meeting minutes a presentation from NRW's Principal Fisheries Advisor, Pete Gough, highlighted:

- Amendments to original proposals, in response to representations and advice received, including hook types on lures and flies and the seasonal use of shrimps as bait, and a proposed early end to catch-and release on the River Usk;
- The 2-year process delivered by NRW, which was considered to be too long and in need of improvements;
- A need to improve partnership working with stakeholders to build up trust;
- Current catch and release practice is good but needs to be improved; and
- Almost all salmon stocks are in ongoing decline, but this is due to a complex set of reasons.

According to the minutes, "after much discussion" the Board gave approval for an application to Welsh Government for the proposed changes to the byelaws. The NRW Executive Team supported the proposals.

National Assembly for Wales action

Ahead of the 2017 consultation by NRW, the Petitions Committee considered petition [P-05-703 Proposal to Postpone the Restrictions on Fishing in Welsh Rivers](#). The Committee considered the petition for the first time on 13 September 2018 and agreed to close it. It also agreed to send the petitioner's comments to NRW in advance of their planned consultation on salmon stock control measures originally due to take place in late 2016/early 2017.

In a Plenary question on 14 February 2018, Neil Hamilton AM asked the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, to give views on the "proposals to introduce a 10-year mandatory catch and release policy". The Cabinet Secretary responded that she is "waiting for Natural Resources Wales to supply their recommendations".

Neil Hamilton AM also raised the issue of the "predation by fish-eating birds" and the "extent of river pollution". The Cabinet Secretary recognised the "significant agricultural pollution of our river", stating that she "will ask the Minister for Environment to raise it with NRW at her next regular meeting".

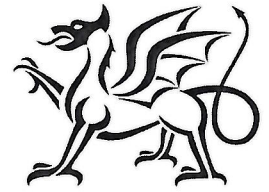
On 15 February 2018, Janet Finch–Saunders AM asked a [written question](#) to the Cabinet Secretary for Energy, Planning and Rural Affairs requesting her to “provide the justification for the recommendation...of a catch–and–release policy”. The Cabinet Secretary responded:

NRW will now make a formal application to me to determine the byelaws under the Water Resources Act 1991.

Once I receive the formal application from NRW, hopefully later this month, I will consider the range of issues in detail before making a determination in line with the process set out in the Act. However, until this process is completed I am unable to comment further on the proposals

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-809
Ein cyf/Our ref LG/00515/18

David John Rowlands AM
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

March 2018

Dear David

Thank you for your letter of 6 March, regarding petition P-05-809 regarding procedures and processes of Natural Resources Wales (NRW) related to its proposed introduction of fishing byelaws relating to salmon and sea trout.

It is unclear from the petition as to whether this issue has been the subject of a formal complaint to NRW. Individuals that are dissatisfied with the standard of service expected of NRW are able to make a formal complaint, the process for which can be accessed via NRW's website <http://naturalresources.wales/about-us/contact-us/making-a-complaint/?lang=en>

If, after pursuing matters with NRW, complainant remain dissatisfied, the complainant is then open to make a complaint to the Public Services Ombudsman for Wales. The Ombudsman is independent of public bodies and has legal powers to look into complaints about public services and any failure on their part. Details of how to contact the Ombudsman can be found on www.ombudsman-wales.org.uk. Before contacting the Ombudsman, you must first have complained to NRW. Any complaint to the Ombudsman must be made within 12 months of the date on which the complaint was made to NRW. It is of course for the committee to consider whether the petitioners should be advised of the availability of this course of action.

My Department has been liaising with NRW throughout and I have received a significant number amount of correspondence from stakeholders on the issue.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Government has made clear in our Natural Resources Policy (NRP), our rivers and seas provide important recreational angling opportunities and economic benefit in rural and coastal communities. I want to see thriving rivers supporting angling and other important economic activities within our rural communities. However, this vision can only be built on a foundation of healthy fish stocks.

NRW has now proposed significant changes to fishing byelaws on the rivers of Wales, primarily to introduce compulsory catch and release across all rivers in Wales for a 10 year period commencing with the fishing season in 2018. NRW received approval of its Board regarding these proposals on 18 January 2018. I subsequently received a formal application to determine the byelaws from NRW on the 20 February, under the provisions contained within the Water Resources Act 1991.

I will therefore consider the range of issues in detail, including the adequacy of the NRW procedures, before making a determination in line with the process set out in the Act.

Until this is completed I am unable to comment on the proposals.

A handwritten signature in blue ink that reads "Regards" on the top line and "Lesley" on the bottom line. The signature is written in a cursive, flowing style.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Agenda Item 2.4

P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

This petition was submitted by Reuben Woodford having collected 1,710 signatures on an alternative e-Petition website.

Text of Petition

Prevent the excesses of catch and kill of Salmon by implementing bag limits for catch and keep on all Welsh Rivers for 4 years developed on the basis of catchment specific data in close consultation with fishing clubs.

Implement a comprehensive stocking programme of native fish on all rivers. Tighten and enforce current legislation to eliminate the menace of farming pollution and industrial pollution.

Suspend all large scale commercial net fishing and factory ship operations around the Welsh coast for a minimum period of 10 years.

Prioritise resource allocation to assist in managing catchment specific issues linked to excessive natural predation rates and barriers to fish migration.

Assembly Constituency and Region

- Arfon
- North Wales

P-05-810 Fisheries Management

Y Pwyllgor Deisebau | 01 Mai 2018
Petitions Committee | 01 May 2018

Research Briefing:

Petition number: P-05-810

Petition title: Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

Text of petition:

Prevent the excesses of catch and kill of Salmon by implementing bag limits for catch and keep on all Welsh Rivers for 4 years developed on the basis of catchment specific data in close consultation with fishing clubs.

Implement a comprehensive stocking programme of native fish on all rivers.

Tighten and enforce current legislation to eliminate the menace of farming pollution and industrial pollution.

Suspend all large scale commercial net fishing and factory ship operations around the Welsh coast for a minimum period of 10 years.

Prioritise resource allocation to assist in managing catchment specific issues linked to excessive natural predation rates and barriers to fish migration.

Background

Welsh inland fisheries management

There are 33 rivers in Wales that contain some [salmon stocks](#), and of these [23 are classified as principal salmon rivers \(PDF 155KB\)](#). Of these 23 rivers, four are designated as Special Areas of Conservation (SAC) under the [European Habitats Directive](#). Conservation limits and management targets are in place for the principal rivers, and these are set by Natural Resources Wales (NRW).

Responsibility for managing inland fisheries and salmon fisheries in Wales rests with NRW. NRW, like other fisheries authorities in the UK, has powers to create national and local bylaws to assist with the conservation of fish stocks in Welsh rivers. These bylaws put in place a number of effort control measures to ensure that the exploitation of stocks takes place at

sustainable levels. These can include measures such as restrictions on what gear can be used to fish different species, the times of year at which different species can be fished and the locations where different species can be fished. One such method of effort control is known as a 'bag limit', a requirement which limits the number of fish taken per person per day. This method is used by Inland Fisheries Ireland in the [Management of the Wild Salmon Fishery 2018](#) regulations. Another method is known as 'catch and release'; this is a requirement for all anglers to return any fish they catch to the river (without killing them).

Fish stocking

Fish stocking is the practice of raising fish in a hatchery and releasing them into the environment as a way of augmenting fish populations. This practiced in [recreational fisheries](#) as a way of restoring fish populations. Some organisations have suggested stocking may not always be the best management option for a fishery or watercourse and can have negative impacts such as reduced genetic variation and the introduction of competition. The [Wild Trout Trust](#) have a wealth of resources on this subject, including a 2003 Scottish Executive, Fisheries Research Service paper [To Stock or Not to Stock?](#) (PDF 456KB) which discusses this in detail. It states:

Advice on stocking is contradictory. Proponents raise expectations of large additional catches if the stocked fish survive. Critics emphasise the heavy costs set against the modest, if any, gains shown from past stocking initiatives, as well as the potential threats to health and genetic integrity of existing fish. What is clear is that stocking should only be considered as one of a number of possible courses of action.

A number of angling clubs are taking the decision to stop restocking, including the [Denbigh and Clwyd Angling Club](#) (PDF 234KB) in Afon, Clwyd.

Fish predation

Various species predate on fish, including birds and mammals, however the effect on fisheries is relatively unknown. A Swansea University research paper, [Fisheries and predators In Wales: a preliminary consultation](#) found:

Fisheries perceived Great cormorant [Phalacrocorax carbo], Grey heron [Ardea cinerea], Eurasian otter [Lutra lutra], American mink [Mustela vison] and crows [Corvus sp.] to be the greatest threat to their business, with birds perceived as the biggest threat overall (54%).

The Wild Trout Trust has published an [Avian Predation Information Paper](#). It states:

We believe that the primary focus for fishery interests in tackling predation problems should be the creation and maintenance of complex and varied habitat that gives fish a much greater chance of avoiding predators.

Agricultural pollution

Preventing water pollution is essential to protecting water quality and subsequently the health of Wales' waters and fish populations. More intensive farming methods have led to an

[increase in overall loadings of nitrogen to land](#), and the loss of some of this nitrogen into the aquatic environment.

The EU [Nitrates Directive \(91/676/EC\)](#) aims to reduce and prevent the pollution of water by nitrates from agriculture. Under the Directive, Member States are [required to identify surface and groundwater bodies](#) that are, or could be, high in nitrates from agricultural sources. Once Member States have identified such a waterbody they are required to designate it as a Nitrate Vulnerable Zone (NVZ). Any farmers operating within an NVZ are required to follow certain rules and restrictions known collectively as an 'Action Programme'.

EU Member States are required to review their implementation of the Directive every four years. They are required to use the outcomes of the review to make any necessary changes to the NVZ designations and/or to the Action Programme. The Directive is transposed in Wales by The [Nitrate Pollution Prevention \(Wales\) Regulations 2013](#) which make provision for implementing and enforcing the Nitrates Directive in Wales and set out the mandatory Action Programme requirements for Welsh farmers operating in NVZ designated areas.

Commercial sea fisheries

Small-scale fishing vessels under 10 meters in length account for over 90% of the fishing fleet in Wales. According to the Marine Management Organisation's [annual sea fisheries statistics for the UK](#) (MMO's 2016 statistics) there were 451 boats registered at Welsh ports and 753 fishers employed in the sector in 2016 (320 or 42% of which were part-time). Of these, 419 boats were under 10 metres and only 32 boats were over 10 metres.

Vessels under 10 metres in length are generally classed as small scale as they lack the ability to fish for long periods in the offshore region or to fish on the high seas.

Management of fisheries is devolved to Wales through the [Wales Act 2017](#) and the [UK Fisheries Concordat](#). The Welsh Government is responsible for management and regulation of intertidal, commercial and recreational sea fisheries throughout Wales, including its territorial seas (0–12 nautical miles) and the Welsh Zone (as set out in [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010](#)).

The 2010 Order gives the Welsh Ministers functions connected with fishing, fisheries and fish health in the area outside Welsh territorial seas, but within British fishery limits previously exercisable solely by the UK Government. The [Sea Fish \(Conservation\) Act 1967](#) is the principal Act used for the regulation of commercial fishing. In addition, the [Sea Fisheries \(Shellfish\) Act 1967](#) (as amended) gives Welsh Ministers additional powers relating to shellfish. The [Fisheries Act 1981](#) provides for the regulation of sea fishing and the enforcement of European fisheries regulations in the UK, associated with the [Common Fisheries Policy \(CFP\)](#).

The Research Service has been unable to find evidence of large scale netting or factory ships operating around the Welsh coast, and this has been confirmed by the Welsh Government in its response to this petition.

Welsh Government action

The Cabinet Secretary has provided a letter in response to this petition (attached).

Welsh inland fisheries management

NRW has responsibility for managing salmon fisheries in Wales on behalf of the Welsh Government. NRW has been going through a process of considering what additional actions, if any, may be required to address declines in salmon stocks in Welsh rivers.

On 17 March 2016 a [paper](#) was presented to the NRW Board which provided an update on the action taken by NRW in the last year to address declines. It also outlines proposals for further action. The paper states that whilst NRW does not believe fishing by rods and nets is the main cause of stock decline it believes that increasing the numbers of fish surviving to spawn in Welsh rivers in the short term 'can only be achieved if rod and net fishermen stop killing altogether'. NRW has stated that catch and release is favourable to the complete closure of a fisheries as it enable many of the socio-economic benefits of the fisheries to be maintained.

NRW states that it has undertaken formal and informal consultation on possible actions to manage salmon stocks with anglers and local fisheries groups, including undertaking a questionnaire.

In 2017 NRW undertook a consultation, [Salmon and sea trout catch controls 2017](#). The consultation was in 3 parts:

- The application for a renewed 'all Wales' 2017 Net Limitation Order;
- Proposals for new net and rod fishing byelaws across the whole of Wales (with the exception of the cross-border rivers Dee, Severn and Wye); and
- Proposals for new 'Cross Borders (Wales) Byelaws' to address matters in those three rivers.

NRW published an [Executive Summary](#) which looks at the options considered. It concluded the following for a 10 year period:

a 'zero kill' policy for salmon and some identified sea trout stocks through statutory catch-and-release fishing with appropriate restrictions on fishing methods - regulation of exploitation through new byelaw.

Fish Stocking

Salmon and sea trout stocking has been previously used in Wales to augment fish populations. However in December 2013 NRW reviewed its salmon and sea trout stocking activities and associated hatchery operations:

The review concluded that on the basis of scientific evidence the use of salmon stocking for enhancement and mitigation by both NRW and 3rd parties delivers poor outcomes for salmon populations and may have negative impacts.

Following a [2014 public consultation](#) salmon and sea trout stocking was stopped.

Agricultural Pollution

On 29 September 2016 the Welsh Government published a [consultation](#) on the review of Nitrate Vulnerable Zones (NVZs) in Wales. The consultation sought views on proposals for future NVZ designations and changes to the existing Action Programme. In a [written statement](#) on 13 December 2017, the Cabinet Secretary for Energy, Planning and Rural Affairs stated:

..our waters need greater protection from agricultural pollution. I am minded to introduce a whole Wales approach to tackling nitrate pollution from agriculture.

On 22 March 2018, in [scrutiny by the Climate Change, Environment and Rural Affairs Committee](#), the Cabinet Secretary said in response to questioning around agricultural pollution and what is being done to “ensure...farmers don't carry on with the malpractice”:

The voluntary approach clearly hasn't worked on its own, so let's have a voluntary approach with some regulation.

National Assembly for Wales action

Ahead of the 2017 consultation by NRW, the Petitions Committee considered petition [P-05-703 Proposal to Postpone the Restrictions on Fishing in Welsh Rivers](#). The Committee considered the petition for the first time and agreed to close it. It also agreed to send the petitioner's comments to NRW in advance of their planned consultation on salmon stock control measures originally due to take place in late 2016/early 2017.

In a Plenary [question](#) on 14 February 2018, Neil Hamilton AM asked the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, to give views on the “proposals to introduce a 10-year mandatory catch and release policy”. The Cabinet Secretary responded that she is “waiting for Natural Resources Wales to supply their recommendations”.

Neil Hamilton AM also raised the issue of the “predation by fish-eating birds” and the “extent of river pollution”. The Cabinet Secretary recognised the “significant agricultural pollution of our river”, stating that she “will ask the Minister for Environment to raise it with NRW at her next regular meeting”.

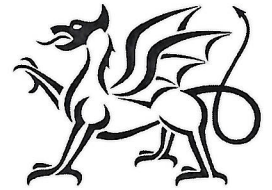
On 15 February 2018, Janet Finch-Saunders AM asked a [written question](#) to the Cabinet Secretary for Energy, Planning and Rural Affairs asking her to “provide the justification for the recommendation...of a catch-and-release policy”. The Cabinet Secretary responded:

NRW will now make a formal application to me to determine the byelaws under the Water Resources Act 1991.

Once I receive the formal application from NRW, hopefully later this month, I will consider the range of issues in detail before making a determination in line with the process set out in the Act. However, until this process is completed I am unable to comment further on the proposals.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-810
Ein cyf/Our ref LG/00516/18

David John Rowlands AM
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

20 March 2018

Dear David

Thank you for your letter of 6 March, regarding petition P-05-810, regarding proposals for an alternative approach to resolving the issue of reducing salmon and sea trout stock in the rivers of Wales.

Fresh water and migratory fisheries in Wales are managed by Natural Resources Wales (NRW) (in line with the statutory duty under section 6(6) of the Environment Act 1995 to "maintain, improve and develop fisheries of salmon, trout, eels, lampreys, smelt and freshwater fish").

Detailed management measures and operational decisions such as stocking of rivers are a matter for NRW and its Board.

The Welsh Government has made clear in our Natural Resources Policy (NRP), our rivers and seas provide important recreational angling opportunities and economic benefit in rural and coastal communities. I want to see thriving rivers supporting angling and other important economic activities within our rural communities. However, this vision can only be built on a foundation of healthy fish stocks.

To address the poor state of salmon and sea trout in our rivers NRW has proposed significant changes to fishing byelaws on the rivers of Wales. These byelaws would introduce compulsory catch and release for salmon across all rivers in Wales for a 10 year period commencing with the fishing season in 2018. NRW received approval of its Board regarding these proposals on 18 January 2018. I subsequently received a formal application to determine the byelaws from NRW on the 20 February, under the provisions contained within the Water Resources Act 1991.

Bae Caerdydd • Cardiff Bay
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 74

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I will therefore consider the range of issues in detail, including the alternative proposals submitted by stakeholders during NRW's consultation, before making a determination in line with the process set out in the Act. Until this is completed I am unable to comment on the proposals.

In relation to industrial and agricultural pollution my department continues to report to the European Commission over river pollution. It is disappointing to see the number of pollution incidents still increasing. Poor land management is something the Welsh Government is determined to tackle. The Welsh Government expects to receive recommendations from the Wales Land Management Forum Sub-group by the end of March on Agricultural Pollution. While we intend to explore options to provide land managers with flexibility, where these would achieve the same or better outcomes than a regulatory approach, voluntary measures alone will not tackle the issue, and it is envisaged regulations applying to the whole of Wales will underpin any action.

I want to assure you and the petitioners there is no large scale netting or factory ships operating around the Welsh coast.

I am very aware, like other countries in the North Atlantic, Wales is subject to a variety of natural predation with regard to salmon and sea trout stock. Whilst I have a desire to ensure sustainable fish stocks are achieved in the rivers of Wales, it is important to be aware both cormorants and goosanders are protected species in Wales under the Wildlife and Countryside Act 1981 (WCA 1981).

When NRW came into operation on 1 April 2013, the function of issuing licences to shoot piscivorous birds was given outright to the NRW. Under section 16 (1) of the WCA 1981 a licence should be issued primarily as an aid to scaring birds away from a particular location. NRW urge angling interests to operate on a large geographic scale in order to avoid the issue of 'moving birds from one pool to another'.

In regard to removal of barriers to fish migration, Welsh Government provided Grant in Aid of £800k per annum for over 10 years to the Environment Agency Wales (now NRW) to facilitate the draw down of EU and partnership funding. This has contributed to a total spend on environmental and access improvements of £32million over 10 years. This investment resulted in more than 1,500km of improved access (fish passes and easements) and more than 500km of riparian and in-river habitat improvements.

Regards
Lesley

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

**Sustainable Management - Salmonid Fisheries & Angling Communities Wales
(Originator: Reuben Woodford)**

In support of petition to be considered on 1 May 2018

Background to our petition

NRWs Fisheries Stock Control Byelaws are NOT a proportionate response to the current pressures our salmonid fisheries face.

The primary problem impacting salmon stocks is not exploitation by anglers or a lack of adult salmon reaching spawning sites. The decline in salmon stocks has been caused by a multiple of adverse conditions both in-river and at sea, NRW accepts that angler exploitation is not a root cause but is failing to address the root causes.

It is the losses from eggs deposited to smolts i.e. young salmon migrating to sea which is the key to reversal of the decline. The NRW technical case claims that by increasing the numbers of salmon reaching the spawning grounds this will reverse the decline, after more than 20 years on some rivers of compulsory catch and release there is no evidence that this improves the number of smolts which reach the sea.

Causes of excessive egg and juvenile mortality are numerous e.g. siltation of spawning gravels; water pollution; natural predation; barriers to seaward migration and increasing climatic variability with climate change. Whilst man plays an obvious part in influencing such variables; anglers do not pillage spawning gravels for fish eggs, nor do they fish for juvenile salmonids. How therefore have anglers become the primary target for ill advised action that poses such a substantial risk to the Welsh economy, Welsh community culture and the very relationships that current future fisheries management is dependent upon (and thus future sustainability).

It is known by NRW that 40% to 50% of smolts are lost, as they migrate to the sea, to predation mainly to fish eating birds i.e. goosander, merganser. It should be noted that goosander and merganser were not native birds; they were winter migrants and have no predators in the UK. They arrived in Scotland in the 1950's and there are now more than 1000 nesting pairs in Wales each bird will eat 146Kg of fish per year and according to the British Trust for ornithology it takes 33Kg of fish to raise one chick to adult, these birds have broods of 10 plus and only eat fish, they predate on salmonid stocks from egg to smolt. Further smolt predation is caused by cormorants on their migration to the sea; controlling avian predation would have a far greater effect on reversing the decline than the draconian proposals in the byelaws.

In 2016 a natural resources report, found 63% of all freshwater courses in Wales were not achieving the necessary status. Other than reducing fishing effort NRW's proposals will do little or nothing to reverse the decline in fish stocks. Nothing in the proposals will improve this. Additionally, efforts to improve fisheries by stakeholders have been obstructed by the WG agencies as stakeholder initiatives were perceived as a threat by agency employees and thus permits for any habitat works have either been withheld or refused in many cases.

Since our petition and lobbying of the Welsh Government in a press release on 24 April from NRW there is now to be a deferment on the proposed byelaws until 2019. The press release deliberately uses emotive words e.g. 'uncontrolled killing' but recognises that is by a minority, this is not based on any objective evidence just hearsay and personal beliefs and opinions. We know from the press release that NRW will not consider any further negotiation on the measures. It is time for obstructive practices of this nature to cease. They should have no part in exemplary approaches devised to promote sustainable fisheries and communities.

We therefore request that the petitions committee support our request for an inquiry as per Section 26 of the Water Resources Act 1991. Without an inquiry we cannot voice our concerns or more effective solutions to the Welsh Government. It should be noted that more than 83% of respondents to the NRW consultation on the byelaw proposals objected, our objections were dismissed out of hand and we were asked to withdraw them.

The aims of our Petition

The crux of the matter is that changes to the proposed byelaws by NRW will have little or no effect on reversing the decline in salmon stocks but will have a significant impact upon the socio-economics of rural communities in Wales. The consequential impacts of the byelaws would not benefit future generations and due to the extent of method restrictions would destroy the cultural positivity that angling provides.

During the consultation upon NRW's byelaws we stated the methodology used by NRW (and EA/European countries) was flawed. Working with the North West Anglers Trust Consultative Committee (England) we jointly funded a review of the methodology, by consultants from Dublin University. This is an independent review of the statistical methodology used in the UK. The statement and report received from the consultant statisticians from Dublin University supports our claims that there are serious concerns over the data used by both NRW and the EA which underpin their case for new byelaws. A copy of our consultants report has been forwarded to the Cabinet Secretary.

The Salmon & Sea Trout fishing community in Wales call for a proportionate and targeted response that incorporates key components within its strategy:

- In order to prevent the excesses of fish keep, introduce catchment specific targets managed by angling clubs creating resilience for angling clubs, recognising that all catchments have unique characteristics.
- Comprehensive stocking programmes of native fish based on best practice examples. As successfully demonstrated through third party stocking on the Conwy and Dovey.
- Tighten and enforce legislation to control the widespread impact of pollution, in particular pollution from agriculture.
- Investigate and prevent by-catch of smolts/salmon by pelagic trawlers and other net fishing at sea.
- Meaningful prevention of excessive natural predation rates upon salmonids in particular from piscivorous birds.
- Remove barriers to fish migration and prevent irresponsible developments incorporating new ones within our river systems.

We must continue to restore and enhance our river habitats so that they are optimised to support adult and juvenile fish and that we continue to improve our understanding and evidence base in relation to fish stocks both in their riverine and ocean habitats. It seems incomprehensible that NRW's proposed byelaws offer little means of improving fish stocks and bring immediate risk to their own evidence base and to angling.

You may be told that the improvements on the Wye justify these draconian measures i.e. that the imposition of total Catch & Release (C&R) in 2012 has resulted in some improvement in Wye salmon stocks. The reality, is this improvement has been as a result of the work of the Wye & Usk Foundation, who over 15 years has carried out habitat restoration, acid waters amelioration, removal of circa 60 fish passes and easements, net buy offs etc. There is no evidence from any river system in the UK that C&R measures, which have been in place on some Scottish rivers for more than 20 years, are effective in re-establishing salmon stocks. In all instances, we are allowing adult salmon to return to environments depleted in their ability to support spawning and juvenile fish without addressing critical and obvious causes.

NRW's proposed byelaws have taken little or no notice of stakeholders concerns; 83% of respondents to NRW's consultation did not support the byelaw proposals and NRW's own Board Members in January 2018 had to remind the Chair this was not an acceptable partnership situation and must as a matter of urgency be rectified – this has not been done and thus the stakeholder partnership hangs in the balance.

Nobody is in doubt, that Salmon stocks in particular, are showing significant variability and as a consequence anglers have adopted behaviours that contribute to a precautionary approach (most salmon anglers return all of the fish they catch). As anglers we play a significant part in promoting conservation measures and proportionate catch and release is now well established across all fisheries. In contradiction to a recent trend, fishing club figures show salmon runs in 2017 in many Welsh rivers were above average. EA/NRW has failed to provide their 2017 season dataset presumably as these may undermine their beliefs. Adverse weather conditions between 2011 and 2015 have caused poor recruitment of Salmon although the impact varies between individual catchments. NRW recognises that anglers are not the problem and a FOI from CEFAS acknowledges that these proposals will do little or nothing to reverse a perceived decline. NRW's focus is simply in the wrong place.

Our current fear is that WG will be persuaded to approve the proposals without providing the major stakeholders a chance to offer a workable solution which does not require legislation. No revised system can work without communities playing their part and being integral to its development.

We must as a matter of urgency apply a revised response; this is being denied to us by NRW hence the petition. We must establish a strategy for Salmonid Fisheries that is proportional to the issues and establishes a way forward that is supported by all key players. We have support from clubs and river trusts across Wales. Having talked to, and having the support of, both the North Wales Rivers Trusts and Afonydd Cymru, we would offer the following solution. These are our outline proposals:

- Use the Rivers Trusts, working in co-operation with stakeholders and NRW to assess stock levels in individual river systems. Trusts, using their local volunteers, have far better' knowledge of their rivers and can obtain accurate catch returns and stock assessments from clubs. We could then categorise our rivers as has been done in Scotland and Ireland. If rivers require additional restrictions due to low stock levels at least we would have the support of the affected clubs as we will be working in partnership with them.

We must recognise that currently not all rivers in Wales are failing to meet their conservation limits (the threshold stated by NASCO as the key indicator of risk to stocks) and yet NRW are attempting to apply a pan Wales action that implies they are.

- By working with clubs we can involve the local community in assessing the state of their rivers and work with them to ensure workable conservation measures are put in place.
- Afonydd Cymru would act as the co-ordinator for the Rivers Trusts and would liaise with NRW on technical matters. This would be cost neutral and would go a long way to bridge the budget gap NRW fisheries are now facing.
- This approach would include stocking of our rivers. In terms of stocking, NRW object to this based purely on personal beliefs and opinions that stocking is harmful. There is not a scientific case that backs this opinion up. The stocking on

the Conwy and Dovey demonstrated that at no cost to NRW/WG the decline in salmon numbers can be reversed.

If we are to sustain Wales Salmonid Fisheries we must, work together. We must participate in a manner that instils trust and mutual respect within partnerships in order to galvanise a transitioned and adaptive process to optimised fisheries. In the absence of partnerships, desired outcomes can only be a pipe dream. It makes no sense that NRW are failing to see that trust, within cooperative partnership, is something you develop and not retro fit to bulldozed draconian byelaws. We are very much reliant on WG to work with us on this and adjudicate and rectify a situation that has got out of hand.

The Welsh Government has clarified in its Natural Resources Policy (NRP), that our rivers and seas provide important recreational angling opportunities and economic benefit in rural and coastal communities. If WG recognises the economic and social benefit of fisheries, they must understand the byelaws would bring a significant reduction in revenue from anglers and angling visitors due to the restrictions the byelaws impose. Not only would we be actively promoting a net export of fishing tourism, we would be denying our own people a life experience shared between generations across generations. Fishing has been given no custodianship in this process. We must all be reminded, the proposed byelaw changes cannot significantly improve fish stocks – the remit we have all been given.

The Minister wants to see thriving rivers supporting anglers, the alternative measures we propose are the optimal option to achieve this. Angling institutions are best placed to improve their rivers and yet they are being prevented from doing this effectively. NRW are obstructing these improvements based on personal beliefs and opinion. It has been pointed out that WG/NRW are delinquent in the way these proposals have been published.

If the new byelaws are implemented without stakeholders' objections being addressed, as required by the Water Resources Act 1991, the Welsh Government can be accused of presiding over a situation that is not appropriate for a 21st century western democracy.

Under Section 26 of the Water Resources Act 1991 there is provision for an inquiry should objections not be dealt with, we have written to the Minister pointing this out. It is clear that there has been pre-determination in the implementation of the NRW byelaws and method restriction proposals and whilst it is accepted that action needs to be taken in order to reverse the decline in salmon stocks, these proposals will not achieve this whilst alternative options can.

Without stakeholder involvement it is inconceivable on the basis of the evidence before us, that the decline in salmon stocks will be reversed. We cannot allow the current and future management of this situation to be dominated by a myopic approach created by a regulatory organisation in budgetary, resource and aspirational deficit. We must, for the future of Wales fisheries and the economic and social prosperity that angling provides to its citizens, work together on an integrated strategy.

There is no doubt, without the support of the fishing fraternity and like minded organisations, our rivers would be depleted of their primary custodians.

Agenda Item 2.5

P-05-811 Stop Using Worker Certification On Welsh Government Projects

This petition was submitted by Paul Fear having collected 66 signatures.

Text of Petition

We call on the National Assembly Of Wales to urge the Welsh Government to stop using and promoting worker certification on Welsh Government contracts.

Worker certification is a privatised occupational licensing scheme.

- 1) It is undemocratic and circumvents the principles of our common laws. (Grandfather rights)
- 2) It puts the cost of training & qualifications onto workers, especially self employed and agency employment workers who have little chance of grants or funding.
- 3) It reduces the chances of upward mobility for the poorest in society.
- 4) It prevents worker mobility, at a time when we need a flexible workforce.
- 5) It allows corporate interests to have control over the entire workforce of our economic sectors, increasing costs of small businesses & sub contractors.
- 6) It promotes rent seeking, meaning that consumers pay more for products & services.
- 7) It reduces productivity.
- 8) It is prolific and will spread to all economic sectors.
- 9) It can create conflicts of interest.
- 10) There is no evidence that worker certification improves quality or standard of workmanship.
- 11) Experience, skill and knowledge reduce health and safety risks, these can be achieved and proven without qualifications.
- 12) It increases the cost of public projects.
- 13) If an industry needs qualification requirements then our democratically elected government should create legislation.

Assembly Constituency and Region

- Newport East
- South Wales East

Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 1 Mai 2018
Petitions Committee | 1 May 2018

Research Briefing:

Petition number: **P-05-811**

Petition title: **Stop Using Worker Certification on Welsh Government Projects**

We call on the National Assembly of Wales to urge the Welsh Government to stop using and promoting worker certification on Welsh Government contracts.

Worker certification is a privatised occupational licensing scheme.

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- 11) Experience, skill and knowledge reduce health and safety risks, these can be achieved and proven without qualifications.
- 12) It increases the cost of public projects.
- 13) If an industry needs qualification requirements then our democratically elected government should create legislation.

1. Worker certification schemes

One of the most common work certification scheme in the UK is the Construction Skills Certification Scheme (CSCS). CSCS cards provide proof that individuals working on construction sites have the required training and qualifications for the type of work they carry out.

There are [a number of Construction Skills Certification Scheme \(CSCS\) cards](#) available. Depending on which card is needed, **there may be different requirements in terms of required qualifications**. The CSCS card website has [a 'card finder' tool](#) which allows people to **establish what card is suitable for their career choice** and what qualifications are needed to obtain it.

Holding a CSCS card is [not a legislative requirement](#). It is entirely up to the principal contractor or client whether workers are required to hold a card before they are allowed on site. However, most principal contractors and major house builders require construction workers on their sites to hold a valid CSCS card.

In order to get any CSCS card an applicant has to first complete a [CITB Health, safety and environment test](#). Again, **there are different tests available** depending on an applicant's chosen career path. The CSCS website has more detail on how to choose the right test, either through its card finder tool or through [an online video](#).

CSCS cards cost £30 and the separate **CITB Health, safety and environment test costs £19.50**. There are organisations that offer card application services. The CITB recommends that

If you are being charged more than £30 for a card or £19.50 for a CITB Health, safety & environment test, check that you understand what additional services you will receive.

The cost of training to support people to pass the test is determined by the numerous training companies delivering training and will vary depending on who is delivering the training and where in the UK the course is delivered.

2. The Welsh Government's view

The Welsh Government's letter to the Committee notes that it

adopts the SQuID approach to supplier selection which allows consideration of an optional question regarding the Construction Skills Certification Scheme (CSCS), or any equivalent certification system. In practice, this means that an assessment is made of each construction project to determine whether the nature of the project should require contractors to confirm that their workforce is CSCS certified.

The letter goes on to note that the Welsh Government is 'always keen that procurement approaches are reviewed' and that it 'will monitor the development of the petition' to see if there are any alternative ways to ensuring worker safety.

2.1 Supplier qualification information database (SQuID)

The [Supplier qualification information database \(SQuID\)](#) is a tool built into the National Procurement Website, www.Sell2Wales.gov.uk and consists of three elements. A [Welsh Government introduction to the SQuID](#) highlights that these three elements comprise

First, a set of the SQuID questions. Second, a database of suppliers' answers stored for re-use. Third, a tool for buyers to generate a selection questionnaire using a risk-based wizard, for each procurement project.

The idea is that working together these elements deliver a number of benefits:

- Increased efficiency for both suppliers and buyers, by allowing standard questions and answers to be stored for future use, by keeping the number of questions to a minimum, and also by encouraging buyers only to seek information from suppliers if they can be clear about exactly how the information will be used.
- Greater standardisation of the selection stage, whilst also allowing for tailoring of questions to meet the individual requirements of each procurement.
- Increased transparency of the selection process and how responses will be evaluated – so that suppliers are able to work out easily whether or not they wish to bid for a particular opportunity, how to optimise their proposal and how to present it in an effective way.
- An open, fair and transparent process for all – resulting in improved opportunities for SMEs and local businesses to compete on an equal footing as a result of a carefully considered question set that removes some of any unnecessary barriers to entry for them.

The SQuID is designed to help buyers to balance the management of risks (of failure to deliver) with relevant and proportional questioning. A small scale, short-term contract where the costs and other risks of failure are low will require a comparatively light touch and therefore more efficient procurement exercise.

The current SQuID system was updated on 26 February 2015, in response to the introduction of the UK Government's [Public Contracts Regulations 2015](#).

3. Other information

The petitioner has co-authored a published article, through the Institute of Economic Affairs, entitled '[Voluntary worker certification is occupational licensing by stealth](#)', which relates to the concerns raised in this petition.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Mark Drakeford AC/AM
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-811
Ein cyf/Our ref MD/00156/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA

government.committee.business@wales.gsi.gov.uk

10 April 2018

Dear David,

Thank you for your letter dated 15 March, outlining a petition from Mr Paul Fear requesting the Welsh Government to stop using and promoting worker certification on Welsh Government contracts.

The Welsh Government considers that there is merit in requiring worker certification in some instances and a proportionate approach is applied to requiring certification schemes within construction projects. Intelligent use of certification schemes is required to ensure safe and competent delivery of construction projects and to enable smaller, local contractors and trades people to access direct and sub-contract work.

The Welsh Government adopts the SQuID approach to supplier selection which allows consideration of an optional question regarding the Construction Skills Certification Scheme (CSCS), or any equivalent certification system. In practice, this means that an assessment is made of each construction project to determine whether the nature of the project should require contractors to confirm that their workforce is CSCS certified.

It is the intention of the Welsh Government that the costs of accessing public contracts, including employment through the supply-chain, should be kept to a minimum.

The CSCS certification scheme is operated by a not-for-profit limited company. Its directors are from employer organisations and unions representing the breadth of the industry. Costs for securing CSCS certification involve £30 for the card itself and the separate CITB Health, safety and environment test costs £19.50.

I am always keen that procurement approaches are reviewed to explore alternative ways of ensuring public sector construction projects provide the safest environment possible for all those workers and employees involved in delivering the schemes. I will monitor the development of the petition to understand whether there is an alternative approach to achieving this.

Best wishes,

Mark

Mark Drakeford AM/AC

Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

P-05-811 Stop Using Worker Certification on Welsh Government Projects – Correspondence from Petitioner to Committee, 20.04.18

For the attention of the Welsh Assembly Petitions committee (date 20/04/2018)

Reference number P-05-811

Paul Fear

Personal profile.

Carpenter, with over 35 years experience in the construction industry. Working on civil engineering projects, new house build and renovations/ extensions to domestic property. I also have a HND in computing/ business systems analysis.

Documents/articles referred to in this evidence have been attached to the email.

In response to Professor Mark Drakeford AM correspondence (ref MD/ 00156/18)

- 1) The Minister refers to a proportionate and intelligent use of worker certification schemes.

This statement seems to contradict the Welsh governments own (construction procurement strategy executive summary and action plan) page 19 refers to construction supply side commitments. This states “ All professional and site staff will hold Construction Skills Certification Scheme (CSCS) cards or equivalent.”

I would like the minister to clarify this statement, I would also like the minister to give details of other so called “ voluntary” health & safety certification schemes that the Welsh government uses.

- 2) The minister calculates the total cost of a CSCS card to be £49.50.

The true cost of a CSCS card for an experienced tradesman is.

NVQ2 one day assessment £1,500

Day off work for the assessment Approximately £100

Another day off work for the CITB health & safety test £100

A health and safety book needed for revision £20

The test £19.50

The card £30

Days of work lost waiting for the CSCS card to arrive, 10 days £1000

So the true cost to a worker for a CSCS card can be as much as £2,769.50

For a small business trying to get their employees CSCS certified to work on a Welsh government project the cost can run into tens of thousands of pounds.

- 3) The minister makes reference to the directors of CSCS.ltd representing employers and employees from the breadth of the industry.

The trade unions on the board of CSCS do NOT represent the vast majority of construction employees. The biggest construction union was UCATT that has now merged with UNITE union. Their membership was just 80,000. Over 3 million people work in the construction industry, most are self employed subcontractors or agency workers who are not members of a union. Further more, most union members are in full time employment and have their CSCS costs paid by their employers. As for employer representation only the federation of master builders has a few small construction companies as

members. The other directors of CSCS represent large & corporate employers.

The control of CSCS requirements has been gifted to the construction leadership council (CLC). No small construction companies, employment agency workers or self employed sub contractors have representation on the board of the construction leadership council. The vast majority of board members on the CLC are corporate directors.

4) The minister suggests he is open to alternative approaches.

Firstly if an employer needs a certification card to assess a workers competence, then I sincerely doubt that the employer has the ability to inspect work done, to make sure it is of good standard and is safe. These certification schemes are being used not for safety, or to improve standards, they are being used to reduce employers liabilities. In the past 4 years since using my CSCS card, not once has any employer ever asked me about my competence or previous work experience. This goes against CDM 2015 regulation 163 that states:

“Sole reliance should not be placed on industry certification cards or similar being presented to them as evidence that a worker has the right qualities.”

So CSCS could actually be creating danger not reducing it.

Highways England recently introduced their own health & safety passport, probably because CSCS was causing a labour shortage (I can see no other reason). The Highways England passport uses a competence sponsorship system rather than a qualification requirement. This is certainly a good

alternative to the undemocratic corporate controlled CSCS. I hope the Welsh government gives this idea serious consideration.

SUMMARY OF CSCS FAULTS.

- 1) The CITB health & safety test discriminates against people with dyslexia, learning difficulties and poor education. The test requires revision of a rather large health and safety book, the test is done on a touch screen computer terminal. The test centre will read out questions and answers for the applicant, however many forms of dyslexia are auditory as well as visual. Also no extra time is given. Rather than a test, a health and safety course with visual aids should be used to stop this discrimination.
- 2) The CITB test/ course should be tailored to individual trades.
- 3) I am currently training two CITB apprentices, neither has taken the CITB test. It seems incredible to me that the CITB would allow young inexperienced people onto a construction site, without first making sure that they are aware of the risks involved in their trade and on a construction site in general.
- 4) It has also come to my attention, talking to my apprentices , that CITB requires minimum GCSE requirements in Maths and English for apprenticeships. Again this is discrimination. I am dyslexic, I failed both English and Maths in school. Yet I am a very skilled carpenter and I also achieved a business HND. My lack of GCSE qualifications has never stopped me being skilled in carpentry, carpentry actually helped me to learn Maths and English.

5) FUNDING. This is the biggest fault with CSCS.

I contacted the Welsh government via my constituency AM John Griffiths. I complained that the CITB was not properly funding employment agency workers that needed NVQs for their CSCS cards. The Welsh government declined to help, simply saying that CITB was not a devolved issue.

To give some idea of the scale of the problem, these are the percentages of CITB grants received by employers compared to CITB levies paid by employers.

Corporate companies 92%

Small companies 61%

Micro sized companies 52%

Umbrella payroll companies used by employment agencies received only 5%.

I can verify all these percentages if needed.

The European Social fund provides funding for long term unemployed people to enable them to get a CSCS card. Will this funding disappear when Wales leaves the European Union?

6) Construction has the highest rates of suicide of any occupation 3.7 times the average. A shocking and shameful statistic. (See guardian article) I believe CSCS is contributing to this statistic.

7) CSCS restricts peoples access to work, putting a cost burden on entry to an occupation, affects the poorest the most. CSCS reduces the flexibility of the work force and workers mobility. CSCS is controlled by

corporate interests who can reduce competition from small competitors in the market by increasing Qualification requirements.

- 8) CSCS gets around the ancient non retrospective principles of the common laws of England and Wales (grandfather rights) by saying it is voluntary. In reality it has become an industry good practice that proves an employers duty of care. Since the employee pays for CSCS the employer has no “practicable reason” not to use it. See section 40 , health and safety at work act 1974. (Reverse burden).

GLOSSARY

CITB : Construction industry training board

CSCS : construction skills certificate scheme

CLC : construction leadership council

NVQ : national vocational qualification

Agenda Item 3.1

P-05-780 Reopen Carno Station

This petition was submitted by Carno Station Action Group, having collected 877 signatures on paper.

Text of Petition

We, the undersigned, welcome the development of a Business Case for the re-opening of Carno station, following Carno Station Action Group's petition to the Assembly 10 years ago. We note that the revised Business Case demonstrates a ratio of benefits to costs of 1.65 and that the stopping of most trains at Carno is compatible with the existing enhanced timetable. Carno is a relatively remote community on the longest stretch of railway without an intermediate station in the whole of Wales and a station here would open up dramatically improved, sustainable access to jobs and services. We therefore call on the National Assembly for Wales to urge the Welsh Government to reopen Carno station within a 5 year timescale.

Assembly Constituency and Region

- Montgomeryshire
- Mid and West Wales

Carno Station Action Group

David J Rowlands
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA

[REDACTED]
[REDACTED]
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[REDACTED]
April 19th, 2018

Dear Mr Rowlands,

Petition P-05-780 Reopen Carno station

Thank you for forwarding us copies of your letter dated 24th October 2017 to the Cabinet Secretary for Economy and Transport and of his reply dated 30th November 2017. We are grateful for the opportunity to comment on his response and apologise for our long delay in doing so.

Our chief reason for submitting a second petition was that the fundamental shift in Welsh Government policy away from funding new stations itself effectively eliminated the possibility of Carno station re-opening in a reasonable timeframe. This is because the alternative source of funding – the Department for Transport New Stations Fund – only becomes available every few years and because Wales has been disproportionately successful in the first two rounds (winning both Pye Corner and Bow Street).

We fully understand that the powers, funding and responsibility for the development of rail infrastructure in Wales is reserved to the UK government, as Ken Skates points out in his reply. However, this has been the case from the start of devolution, and did not prevent the Welsh Government spending money from its block grant on new stations prior to 2016, using its powers under the Railways Act 2005.

With the help of the National Assembly research service, we have been able to establish the extent of WG government support for new station schemes. In total, an average of £8.5 m per year was spent on new stations (and the new lines associated with some of them) over the 10 year period from 2005-6 to 2014-5. This represented 0.058% of the Welsh Government average annual budget for the period, which was £14.7 bn. [The annual expenditures are detailed in the Table reproduced at the end of this letter.]

It has been suggested to us that the Welsh Government has had to discontinue expenditure on new stations programme because of cuts in the block grant, but in fact the block grant has risen every year since 2014-5 [see Table reproduced below.]

We assume that the Welsh Governments previous policy of supporting the opening of new stations out of its block grant was driven by the desire to promote economic regeneration, especially in disadvantaged areas, and to encourage the move to sustainable transport, in line with its legal obligation to promote sustainability. There can be no doubt that the objectives of economic regeneration and sustainability are as important as ever, so we cannot understand why the Welsh Government has changed its new stations funding policy.

The Cabinet Secretary's reply does not explain why the Welsh Government has decided to stop opening new stations using its own funds, even though the rationale for so doing has not changed. It is all very well to "invest in the rail network to deliver services and infrastructure" as the Welsh Government continues to do, but this prioritises people already served by the railway network over those who are not served. This is the fundamental problem with the current approach of the Welsh Government and we believe it should be held to account for it.

Given the valuable work the former Enterprise and Learning Committee did in highlighting the need for a Carno Station Business Case in the first place, we believe that the successor committee, the Economy, Infrastructure and Skills Committee, should examine the new stations funding issue. We are therefore writing to ask if your committee could refer our petition to them with this in view.

Yours sincerely,

Jeremy Barnes,
Chairman, Carno Station Action Group & Member of Carno Community Council

		WG New station expenditure (£m)	WG Total Annual Expenditure (£bn)	New station expenditure as a percentage of total
2005-6	New stations on Ebbw Vale	21.8	12.2	0.179 %
2006-7	& Vale of Glamorgan lines;	21.8	13.2	0.165 %
2007-8	Llanharan	21.8	14.1	0.155 %
2008-9	Ebbw Vale line	1.3	14.6	0.009 %
2009-10		1.3	15.8	0.008 %
2010-11		1.3	15.6	0.008 %
2011-2012		0	15	0 %
2012-2013	Energlyn	2.7	15	0.018 %
2013-2014	Pye Corner	1.3	15.8	0.008 %
2014-2015	Ebbw Vale Town	11.5	15.4	0.075 %
	Total	84.8 £m	146.7 £bn	0.058 %
	Average	8.48 £m	14.67 £bn	

Table 1: Welsh Government Overall Budget Since 1999-2000
(Source: Welsh Government)

	<i>£000s</i>				
	TME	DEL	Revenue DEL	Capital DEL	AME
1999-2000	7,453,643	..	..	..	..
2000-01	7,924,332	..	..	..	..
2001-02	9,705,827	..	..	..	..
2002-03	10,514,334	..	..	..	..
2003-04	11,209,877	..	..	..	..
2004-05	11,780,895	..	..	..	..
2005-06	12,739,161	12,238,790	10,961,132	1,277,658	500,371
2006-07	13,757,390	13,235,309	11,729,257	1,506,052	522,081
2007-08	14,566,124	14,084,254	12,516,713	1,567,541	481,870
2008-09	15,280,784	14,583,559	12,917,672	1,665,887	697,225
2009-10	16,557,597	15,759,438	13,817,505	1,941,933	798,159
2010-11	15,866,773	15,583,016	13,830,994	1,752,022	283,757
2011-12	15,465,150	15,037,037	13,641,891	1,395,146	428,113
2012-13	15,483,141	14,985,958	13,673,874	1,312,084	497,183
2013-14	16,167,748	15,765,863	14,439,395	1,326,468	401,885
2014-15	15,816,846	15,374,770	13,934,153	1,440,617	442,076
2015-16	16,099,283	14,843,090	13,296,074	1,547,016	1,256,193
2016-17	16,484,444	14,790,184	13,342,795	1,447,389	1,694,660
2017-18	17,707,901	15,863,072	14,088,198	1,774,874	1,844,829
2018-19	17,662,097	15,474,940	13,866,762	1,608,178	2,062,933

Note: Figures up to 2017-18 are taken from the second supplementary budget for the relevant year.

Agenda Item 3.2

P-04-481 Close the Gap for deaf pupils in Wales

This petition was submitted by Kate Cabbage on behalf of the National Deaf Children's Society and was first considered by the Committee in May 2013.

Text of Petition

We call upon the National Assembly for Wales to urge the Welsh Government to develop a national strategy to Close the Gap in educational attainment between deaf pupils and their peers.

The National Deaf Children's Society (NDCS) Cymru presents this petition today as it is both Deaf Awareness Week and two years since 55 AMs pledged to take action to Close the Gap for deaf pupils.

Still, Welsh Government statistics demonstrate significant attainment gaps between deaf pupils and their peers. In 2012, deaf pupils were 26% less likely to achieve 5 GCSEs at A*-C, and 41% less likely to achieve A*-C passes in core subjects English/Welsh, Maths and Science.

Our video petition asks the experts (deaf pupils themselves) what matters most. They told us:

- We need appropriate support in school and college
- We need all classrooms to have good acoustics
- Some of us use sign language. Help us encourage our hearing peers and teachers to learn sign.
- We need more teachers and pupils to be deaf aware.

Too many deaf pupils are facing barriers in these areas. A national strategy is needed to address the barriers and Close the Gap!

Additional Information

Our video petition and an accompanying report can be downloaded at www.ndcs.org.uk/ClosetheGapWales

The video petition was produced with the help of eight deaf young people outlines the four things that they feel are most important to deaf pupils at school and college.

The accompanying report outlines the barriers that many deaf pupils in Wales are facing in these areas. It also makes suggestions on how a strategy could help to overcome these barriers.

Assembly Constituency and Region

- Cardiff West
- South Wales Central

P-04-481 Close the Gap for Deaf Pupils in Wales – Correspondence from the Petitioner to the Chair, 3.04.18

Dear Chair,

I write with regard to the petition P-04-481, *Close the Gap for Deaf Pupils in Wales*.

Following the Committee's last consideration of the petition in July last year, we were able to secure a meeting with the Cabinet Secretary for Education. Due to a cancellation last year by the then-Minister for Lifelong Learning and Welsh Language and then a cabinet re-shuffle, this meeting took place at end of March.

We were pleased of the opportunity to meet with Kirsty Williams and she appeared open to make changes to improve the attainment gap for deaf pupils in Wales. In particular, we discussed:

- Including basic deaf awareness within the ITE and the training package being developed for the ALN transformation programme.
- Improving access to Communication Support Workers with an appropriate level of BSL by considering a regional approach.
- Improving access to opportunities to learn BSL.
- Ensuring that access to data on the attainment of deaf pupils as a discreet group continues following the proposed changes to school data collation.
- Raising awareness of the National Deaf Children's Society's free resources and of our guides to improve acoustics in school buildings.

We hope this will prove to be part of an ongoing dialogue with the Department and that we will see positive change in these areas. However, given that the pace of change to this point has been slow (the attainment gap at GCSE was still at 26.2% last year), we would welcome the opportunity to keep this petition open until these key and important actions have been undertaken.

We will endeavour to keep the Committee updated on developments. In the meantime, please do not hesitate to get in touch if you have any queries.

Kind Regards,

Debbie Thomas

Policy and Campaigns Officer for the National Deaf Children's Society Cymru

Agenda Item 3.3

P-05-757 Remove the Obligation on Schools to Hold Acts of Religious Worship

This petition was submitted by Rhiannon Shipton & Lily McAllister-Sutton and was first considered in June 2017, having collected 1,333 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to pass a law that removes the obligation on Schools to hold acts of religious worship.

Assembly Constituency and Region.

- Cardiff South and Penarth
- South Wales Central

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-765 - P-05-757
Ein cyf/Our ref KW/00885/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
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11 April 2018

Dear David

Thank you for your letter of 23 March about petitions in relation to collective worship.

The current legislative framework in respect of collective worship in schools raises a number of complex legal issues including Human Rights and Equalities legislation. That does not mean of course that there is necessarily any incompatibility but it is something my officials are exploring in detail. That work is on-going and due to its complexity it is taking some time to complete. This subject area gives rise to a range of often competing interests and can understandably be very emotive. In light of that we need to ensure that our analysis is as rigorous as it can be.

Whilst I appreciate the desire of the Committee to want to know more information, I'm afraid I am not in a position to provide that at this point. It is only after the work referred to above has been completed, will I be in a position to provide an informed answer to the Committee.

As for timescales, I have previously stated that with curriculum reform being a driving focus for schools in Wales, it would not be appropriate to review collective worship until the new curriculum has been established. However, my officials are currently considering all aspects

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0300 0604400

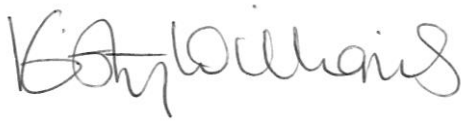
Gohebiaeth.Kirsty.Williams@llyw.cymru
Correspondence.Kirsty.Williams@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

of Circular 10/94, relating to both religious education and collective worship, ensuring that guidance on these two matters is fit for purpose.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AC/AM

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

P-05-757 Remove the obligation on Schools to hold acts of religious worship – Correspondence from Petitioners to Chair, 25.04.18

Dear Mr Rowlands,

As the original petitioners who called for the lifting of the obligation on schools to hold acts of religious worship, we write in response to the recent letter sent to you by Kirsty Williams, the Cabinet Secretary for Education. We are frustrated by what we see as the Cabinet Secretary's delaying tactics in relation to the important issue we have raised.

It is now 10 months since our petition was first considered by the committee. On June 27 2017, a research briefing document submitted to the committee explained how the Rights of Children and Young Persons (Wales) Measure 2011 "embeds consideration of the United Nations Convention on the Rights of the Child into Welsh law".

The Measure placed a duty on Welsh Ministers to have "due regard" to the UNCRC.

The briefing document also outlined how the UN committee recommended that the law concerning acts of worship in schools in Wales and England should be repealed.

We believe that the Cabinet Secretary has had plenty of time to take legal advice on this issue, but is now delaying progress for purely political reasons. In her latest letter to the committee she refers to the issue as "very emotive".

From our point of view it is not a matter of emotion, but of fundamental human rights. Many thousands of school students throughout Wales are currently being deprived of their human right to decide whether to attend acts of religious worship or not. We believe that in not progressing this matter, the Welsh Government is not complying with its own Measure. Contrary to what the Cabinet Secretary implies in her latest letter, the issue we have raised has nothing to do with the school curriculum and should be considered in its own right independently.

We ask the committee to put further pressure on the Cabinet Secretary.

Thank you.

Yours sincerely,

Rhiannon Shipton and Lily McAllister-Sutton

Agenda Item 3.4

P-05-765 Keeping Current Guidelines for Religious Assemblies

This petition was submitted by Iraj Irfan and was first considered by the Committee in June 2017, having collected a total of 2,231 signatures – 2,209 signatures online and 22 paper signatures in an alternative petition.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to keep religious assemblies in state schools in Wales as ‘opt-out’ and ‘wholly or mainly of a broadly Christian character’, while considering ways to ensure that they continue to be relevant to people of different faiths and no faith.

Assembly Constituency and Region

- Cardiff West
- South Wales Central

Agenda Item 3.5

P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools e.g. GCSE Psychology

This petition was submitted by Chris Evans and was first considered by the Committee in November 2017, having collected 652 signatures online.

Text of Petition

I call upon the National Assembly for Wales to urge the Welsh Government to prevent Qualifications Wales (QW) from continuing to discriminate against Welsh-medium learners, and ensure linguistic equality in terms of school curriculum.

In 2015, the WJEC decided to drop GCSE Psychology because candidate numbers were relatively small (37 centres – 5 of which were Welsh medium with 144 Welsh medium applicants each year). Because of this, an invitation was extended by Qualifications Wales to the English Awarding Bodies; AQA, OCR, Pearson-Edexcel, to offer this subject, and others e.g. Economics, in Wales.

Unfortunately, and astoundingly, there was no pressure to offer these subjects in Welsh. Qualifications Wales' response to this is to say that the English Boards would refuse to offer subjects in Wales altogether if they were forced to offer a Welsh language option, and that they seek to ensure 'the widest choice of subjects to learners in Wales' (QW Newsletter, December 2016).

'The widest choice of subjects to learners in Wales' unless you are following a Welsh medium education! In September, there will be no year 10 Psychology GCSE course running in my school for the first time since 2009, while the English-medium school a few miles away, start a new GCSE Psychology course in English through AQA. The only reason that I can't offer this subject is because we teach through Welsh. There are four other Welsh centres in the same position.

Psychologists need to be able discuss their subject in Welsh. By depriving Welsh medium pupils of the opportunity to study Psychology GCSE through Welsh, we will lose 144 students per year who would have had the potential of contributing to Psychology – as a teacher, lecturer, therapist, researcher etc. in Welsh with confidence because the relevant terminology familiar to them.

Additional information:

144 candidates sat the unit 2 Psychology WJEC GCSE paper in Welsh to finish the course in 2015, with 5 centres teaching it, so there is the potential for significant numbers, not just a handful. I have arranged that three experienced Psychology examiners are available to work for any English Board, so that translation of candidate's scripts (solutions) would not be needed, just the translation of the paper itself.

The only English Board that even considered the application to provide a Welsh paper (from myself, not QW), was Pearson, but in the end they refused, saying it 'would require Welsh speakers at every level of the production of the papers'. This is nonsense because that doesn't even happen in the WJEC, where the Chief Examiner and the Subject Officer don't speak Welsh!

I don't blame the English Boards, because why should they go to the trouble when they don't have to? Qualifications Wales is to blame for their limp policy, which does not protect the rights of Welsh-medium learners. Surely it would have been possible to create an element of competition between the English Boards by giving priority to those open to the idea of offering a Welsh option, but they did not attempt to do this at all.

This is totally unacceptable in the modern Wales. If English Awarding Bodies are allowed to offer subjects in Wales, it must be made clear that they need to offer a Welsh paper when there is a reasonable request to do so.

Assembly Constituency and Region

- Wrexham
- North Wales

Agenda Item 3.6

P-05-802 Protecting Class Sizes in Design and Technology Classrooms and Workshops

This petition was submitted by Aled Dafis and was first considered by the Committee in March 2018, having collected 338 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to ensure that all schools in Wales fully adopt BS4163:2014 as a requirement as opposed to a recommendation, in order to protect the health and safety of both students, teachers and technicians.

Following networking meetings for Design and Technology teachers within the ERW region, it has become apparent that the financial pressures on schools give rise to a situation where Design and Technology teachers are increasingly being asked to teach classes larger than 20 pupils as recommended in BS4163:2014 "Health and safety for design and technology in educational establishments – Code of Practice". Increased class sizes invariably lead to higher risk of pupils getting injured in workshop environments.

Additional Information

The BS4163:2014 Code of Practice clearly states as follows:

"9 Management of the teaching environment

9.1

General

The number of learners in any one work area should be carefully considered to ensure safe working and effective supervision.

In England and Wales, there should be a maximum of 20 learners with one competent, qualified teacher in any one work area.

In Scotland and Northern Ireland, there should be a maximum of 20 pupils for all classes in practical subjects"

Assembly Constituency and Region

- Ceredigion
- Mid and West Wales

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-802
Ein cyf/Our ref KW/00884/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
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10 April 2018

Dear David

Thank you for the opportunity to respond to the petitioner's additional comments. I appreciate that the motivation behind this petition is the safety and well-being of young people in classrooms. I share that motivation.

I note the regulations in Scotland and Northern Ireland go back some time and long precede the current HSE guidance, the BS4163:2014 Code of Practice as well as Building Bulletins 81 and 99 – all of which address the point of appropriate class sizes for practical Design and Technology lessons. Having reviewed the regulations and the guidance, my view is that the current guidance on class sizes is sufficient. It is a matter for schools to have regard for the health and safety of their pupils and ensure that any class that includes a practical activity is limited based on findings of a health and safety risk assessment.

This view is supported by the Design and Technology Association (a membership organisation supporting teachers of Design and Technology lessons) which believes that risk assessments by professional staff provide the most valid judgement around class sizes. For example, there will be occasions when group sizes of 12 to 14 should be a maximum because of the work being undertaken. This illustrated why additional regulations would not provide the answer.

There is current protection in law. Employees are required by law to work safely. This also includes a duty to provide and maintain a safe and healthy work place where teachers are responsible for learners. If an employer or employee fails to follow advice in a written risk assessment and an incident occurs resulting in injury, that employer or employee may be

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Correspondence.Kirsty.Williams@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

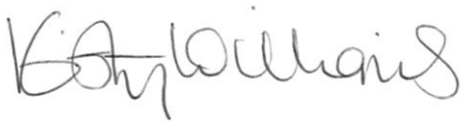
culpable. I reiterate the message that the headteacher and governing body have the key role in making sure risks are managed effectively on site.

In summary, I am of the view that existing processes are suitably robust and that additional legislation is not required.

You will be aware that schools are inspected by Estyn on a regular basis. I would expect any remaining concerns around the safety and well-being of children to be raised in inspection reports.

I will remind Headteachers, Governors and Local Authorities of their duties in the safeguarding and welfare of children and young people in schools, particularly in respect of the need to assess risks of practical classes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AC/AM

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

**P-05-802 Protecting Class Sizes in Design and Technology Classrooms and Workshops –
Correspondence from Petitioner to Committee, 24.04.18**

Thank you for the opportunity to respond to Ms Williams' letter, it's clear that we both share the same view that the safety and well-being of students is of paramount importance.

I agree that the findings of health and safety risk assessments by professional, competent staff must drive decisions on class sizes, based on the relevant safety standards. To this end, I urge the Cabinet Secretary for Education to send an advice note to all schools, clearly outlining these requirements. I firmly believe that school leaders will benefit from the clarity that such a communication would bring, and ultimately result in safer and higher quality provision for all students.

Yours sincerely
Aled Dafis

Agenda Item 3.7

P-05-781 Port Talbot Community Against the Super Prison

This petition was submitted by The Port Talbot Super Prison Protest Group and was first considered by the Committee in November 2017, having collected 1,263 signatures online and 7,528 on paper – a total of 8,791 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government not to release or sell land to the UK government for the development of a super prison in Baglan.

The UK Government, with the support of the Welsh Government, proposes to build a 1600 capacity mens' 'super prison' on Baglan Moors.

The site is near to homes and local facilities, local businesses and will place significant strain on roads and health services in the area. The site is in an enterprise zone and designated for economic use as well as being in a flood risk area.

Wales already has a large surplus of prison places with its existing prisons.

This prison would bring with it all of the associated problems with large prisons and there has been no guarantee from either government on what protections would be put in place to help Port Talbot cope with such a large number of prisoners.

There is no long term guarantee that the new prison would remain housing category C prisoners. It could be changed in future to hold more dangerous criminals.

Port Talbot can do better than this and our town deserves much more. Will you sign the petition and tell the UK Government and the Welsh Government, NO to a super prison in Port Talbot?

Assembly Constituency and Region

- Aberavon

- South West Wales



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Justice Policy in Wales**

DATE **06 April 2018**

BY **Alun Davies, Cabinet Secretary for Local Government & Public Services**

The Commission on Justice in Wales, established by the First Minister, will consider the question of devolution of policing and the criminal justice system and how such a system should operate in Wales. We will await the conclusions of the Commission.

In the meantime, there are increasing challenges of managing demand for public services from those in the criminal justice system, or those affected by having a family member in the system. Whilst the overall responsibility for criminal justice rests with the UK Government, the system in Wales is facing challenges.

I am concerned that without a meaningful an in-depth discussion with the UK Government, we will continue to see increasing demand on Welsh public services and poorer outcomes for people in the criminal justice system in Wales. I am particularly concerned that some of the men and women in Wales who are sent to prison, are not receiving the services and support they need to ensure that they can be effectively rehabilitated and supported not to re-offend.

Whilst we wait for the Commission on Justice to reach its conclusions, we need to press ahead with developing a different and distinct delivery approach that reflects the needs of people in Wales, but is also more closely aligned with our public services and policy approaches in Wales.

This includes gaining a better understanding of why people end up in prison and what we could do to prevent many people being sent to prison, often for short sentences that have a devastating impact on their lives.

Until we have considered this in more detail and had more detailed discussions with the UK Government, I do not believe it is in the interests either of the Welsh Government or people in Wales, to see further prison development in Wales. I have therefore written to the

Secretary of State for Justice to inform him that until a more meaningful dialogue with the Welsh Government takes place, we will not facilitate the further development of prisons in Wales.

I will keep Members informed as any discussions with the UK Government progress.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Assembly returns I would be happy to do so.

Agenda Item 3.8

P-05-800 Urgent Appeal for a Welsh Veterans Commissioner for the Health & Wellbeing of Wounded, Injured, Sick and Homeless veterans

This petition was submitted by Nicola Hester and was first considered by the Committee in February 2018, having collected 50 signatures online.

Text of Petition

Here in Wales, I was proud that we were first for a Commissioner for both Children & Young People, and Older Persons. Unfortunately Scotland has beaten us to have a Commissioner for Veterans.

We veterans need someone to be our voice and true representation to the Welsh Government. Not what the "chiefs" want you to know.

We need someone who can meet with us, know our views and what we need. To support those unfortunate who end up in prison instead of having mental health treatment for PTSD.

Assembly Constituency and Region

- Torfaen
- South Wales East

Alun Davies AC/AM
Ysgrifennydd y Cabinet dros Lywodraeth Leol a
Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public
Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-800
Ein cyf/Our ref ARD/00212/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
CF99 1NA

government.committee.business@wales.gsi.gov.uk

16th April 2018

Dear David,

Thank you for your further correspondence of 12 March, regarding the petition from Nicola Hester seeking the appointment of a Welsh Veterans' Commissioner for the health and wellbeing of wounded, injured, sick and homeless veterans.

I attended both the Armed Forces Expert Group and the Cross-Party Group for the Armed Forces and Cadets. I listened to the comparative discussions on the value of appointing a Veterans' Commissioner for Wales. I am considering the findings, and I will issue a Written Statement on my considered response in due course.

The Armed Forces Expert Group is unique to Wales. It is seen as an example of good practice from within military service charities and other public service organisations. The Group consists of a cross-section of military, public and third sector charities which discuss issues affecting the Armed Forces community, and solutions to providing services and support that meets their needs. The minutes of the meetings are published on the Welsh Government's website and can be accessed at: <http://gov.wales/topics/people-and-communities/communities/safety/armedforces/armed-forces-expert-group/?lang=en>

All Local Authorities in Wales have Armed Forces Champions, who, when contacted should assist the petitioner and others, in accessing Local and Regional Fora to contribute to discussions pertaining to services and support for the Armed Forces community.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

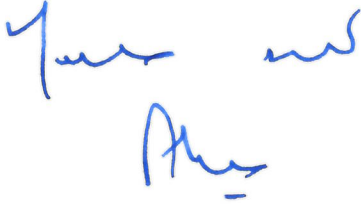
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Through the WLGA there are structures in place to ensure issues and good practice raised at the Local and Regional Fora are discussed at the Armed Forces Expert Group meetings.

The WLGA representative contact who will be able to signpost the petitioner to her relevant Local Authority is Barry Williams at: barry.williams@wlga.gov.uk

A handwritten signature in blue ink, appearing to be 'Alun Davies', written in a cursive style.

Alun Davies AC/AM

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public Services



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Support for the Armed Forces in Wales**

DATE **23rd April 2018**

BY **Alun Davies, Cabinet Secretary for Local Government and Public Services**

Today, I am publishing my assessment of the benefits and value of appointing an Armed Forces Commissioner for Wales. This follows my commitment during Plenary on 29 November, to meet with the Cross-Party Group for Armed Forces and Cadets and make an informed decision following the meeting.

Having met with the Cross-Party Group and considered the work being undertaken in Wales, and across the UK and beyond, I set out my decision below;

A tremendous amount of progress has been made in Wales over the last two years. Working closely with the Armed Forces Expert Group, we have delivered on key areas including;

- Revision and promotion of the Package of Support for the Armed Forces community, and the development of the *Welcome to Wales* document for serving personnel and their families.
- Armed Forces free swimming scheme.
- A Housing Referral Pathway and Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness – this provides early assistance to veterans at risk of becoming homeless.
- Total disregard of War Disablement Pension for veterans accessing social care.
- Further financial support to Veterans NHS Wales to alleviate waiting lists and increase capacity to treat veterans with mental health issues.
- Revision of the *Healthcare Priority for Veterans Guidance*.
- Support for veterans in the criminal justice system.

The work of the Armed Forces Expert Group has been at the forefront of this. Unique to Wales, it provides a collective voice and platform to identify and deliver services and support for our Armed Forces community.

Supporting the Armed Forces Expert Group is the work of the WLGA's Networking Group, and regional and local fora. They engage with issues identified by veterans, thus ensuring key issues are identified and acted on by the Expert Group. The appointment of Armed Forces Liaison officers across most of Wales also provides us with a unique means of supporting Local Authorities, to ensure consistent delivery of policies and procedures that support the Armed Forces community.

Wales has punched above its weight in obtaining Covenant Funds to deliver initiatives and projects in support of this sector, many of the larger projects being approved by the Armed Forces Expert Group. Governance and monitoring of the projects are the responsibility of the Ministry of Defence through the UK Covenant Fund Board. The Expert Group is kept informed of progress and outcomes of the projects.

Moving forward, the Expert Group will be leading on the development of an Employment Pathway and Employers' Toolkit to support those needing help in accessing meaningful employment. Recently commissioned research into Adverse Childhood Experiences and Early Service Leavers will give us an insight into triggers for their early release, and help identify specific support that may alleviate this.

The launch of the Veterans Gateway not only provides 24 hour access to support for veterans and their families, it will also provide us with qualitative data to direct our resources to specific identified needs.

We have made tremendous progress in Wales in delivering services and support for our Armed Forces community. However, that is not to say there is not more we can and will do.

I have reviewed the structures we have in place, our progress to date, and our ability to build on these. The cost of approximately £550k per annum to fund a Commissioner and support staff would divert resources from practical services and support for the Armed Forces community in Wales.

I have made an informed decision, that I do not consider the appointment of an Armed Forces Commissioner for Wales would add any further benefit or value. However I do also recognise that we need to continue to invest in, and to strengthen, the support we provide to those delivering services to veterans. I am therefore asking my officials to strengthen the veterans unit within Welsh Government and to provide me with a further detailed assessment of gaps in service delivery. I will seek to provide additional funding where I find that it is needed to maintain the quality and breadth of the services required by the Armed Forces community.

Welsh Government remains totally committed to providing services and support that meets the needs of our Armed Services community. I will also give an undertaking to provide annual report to the National Assembly on our progress in delivering our commitments.

Agenda Item 3.9

P-05-784 Prescription drug dependence and withdrawal – recognition and support

This petition was submitted by Stevie Lewis and was first considered in May 2017, having collected 213 signatures online.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to take action to appropriately recognise and effectively support individuals affected and harmed by prescribed drug dependence and withdrawal.

This petition has been set up to raise awareness of the plight of individuals in Wales who are affected by dependence on and withdrawal from prescribed antidepressants and benzodiazepines – and specifically to ask the Welsh Government to support the BMA's UK-wide call for action to provide timely and appropriate support for individuals affected.

The term "prescription drug dependence" refers specifically to the situation where, having taken their antidepressant or benzodiazepine medication exactly as prescribed by their doctor, patients find they are unable to stop because of the debilitating withdrawal effects. It is important to note here that addiction and dependence are related but different issues. Use of the term addiction implies pleasure seeking behaviour. Reporting of prescription drug dependence in the media continues to allude to "misuse" and "addiction" as if the patient is responsible in some way for their own harm. This is far from the truth. There is no pleasure whatsoever in finding that if you try to reduce or stop your antidepressant, you suffer a wide range of physical and emotional disturbances, that for some people can be life limiting and, tragically, even life ending. Patients need formal acknowledgement, support and guidance to help them through their withdrawal journey and this currently does not exist.

Additional information

The British Medical Association has recently highlighted the issue of prescribed drug dependence. In May 2017, they wrote: "Prescribing of psychoactive drugs is a major clinical activity and a key therapeutic tool for influencing the health of patients. But often their use can lead to a patient becoming dependent or suffering withdrawal symptoms. In the absence of robust data, we do not know the true scale and extent of the problem across

the UK. However, the evidence and insight presented to us by many charity and support groups shows that it is substantial. It shows us that the 'lived experience' of patients using these medications is too often associated with devastating health and social harms. This represents a significant public health issue, one that is central to doctors' clinical role, and one that the medical profession has a clear responsibility to help address." Because the side effects, tolerance effects and withdrawal effects of these medicines are not medically recognised for what they are, when patients develop these related effects/symptoms they are often prescribed other medicines and then polypharmacy complicates the problems further.

Affected patients are finding themselves with vague diagnoses eg: 'medically unexplained symptoms' or 'functional/somatic system disorders'. These are essentially psychiatric diagnoses attributing various debilitating and disabling physical symptoms to patients' own anxiety, beliefs, etc. This has the effect of discounting, disempowering and demoralising these patients still further. If it cannot be acknowledged that patients can have sustained functional nervous system dysfunction and damage as a consequence of taking medicines 'as prescribed' (sometimes over many years), systemic medical learning and improvement is stifled and patients continue to be further harmed. Meanwhile the initial prescribing risks remain severely underestimated and misleading prescribing guidelines and 'best practice' advice is unchanged.

Assembly Constituency and Region

- Monmouth
- South Wales East

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

Document is Restricted

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BMA

Cymru Wales

David Rowlands AM,
Chair, Petitions Committee
National Assembly for Wales
CF99 1NA

06 February 2018

Petition P-05-784 Prescription drug dependence and withdrawal - recognition and support

Dear David,

Thank you for your letter of 31 January regarding the petition on prescription drug dependence, and recognition and support for those individuals affected.

Prescribing of psychoactive drugs is a major clinical activity and a key therapeutic tool for influencing the health of patients. However, when certain psychoactive drugs are inappropriately prescribed there is potential for patients to become dependent or suffer withdrawal symptoms, leading to a range of health and social harms.

In the absence of robust data, we do not know the true scale and extent of this problem across the UK. However, the evidence and insight presented to us by many charity and support groups shows that it is substantial.

In response to this problem, the BMA board of science undertook a [collaborative project](#) with a range of organisations including the medical royal colleges, professional groups, and patient organisations which culminated in a discussion event to identify policy asks that could be supported by all stakeholders.

This event led to four key policy calls:

Cyfarwyddwr Cenedlaethol (Cymru)/National director (Wales):

Rachel Podolak

Cofrestrwyd yn Gwmni Cyfyngedig trwy Warant. Rhif Cofrestredig: 8848 Lloegr
Swyddfa gofrestrdig: BMA House, Tavistock Square, Llundain, WC1H 9JP.
Rhestrwyd yn Undeb Llafur o dan Ddeddf Undebau Llafur a Chysylltiadau Llafur 1974.
Registered as a Company limited by Guarantee. Registered No. 8848 England.
Registered office: BMA House, Tavistock Square, London, WC1H 9JP.
Listed as a Trade Union under the Trade Union and Labour Relations Act 1974.



- the UK government, working with the devolved nations, should introduce a national, 24 hour helpline for prescribed drug dependence;
- each of the UK governments, relevant health departments and local authorities should establish, adequately resourced specialist support services for prescribed drug dependence;
- clear guidance on tapering and withdrawal management should be developed collaboratively with input from professional groups and patients;
- and better education and training for healthcare professionals.

To take this forward, the BMA wrote to the Department of Health England and each of the devolved governments specifically calling for the establishment of a national helpline to support those individuals affected.

We continue to raise this issue and our recommendations in discussions with the UK's governments and politicians.

Yours sincerely



Rachel Podolak
Director, BMA Cymru Wales



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

Bloc 5, Llys Carlton, Parc Busnes Llanelwy,
Llanelwy, LL17 0JG

Block 5, Carlton Court, St Asaph Business
Park, St Asaph, LL17 0JG

Mr David J Rowlands AM
Chair
National Assembly for Wales
Petitions Committee
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CF99 1NA

Ein cyf / Our ref: GD/SC/6461/1397

Eich cyf / Your ref:

☎: 01745 448788 ext 6364

Gofynnwch am / Ask for: Dawn Lees

E-bost / Email: Dawn.Lees@wales.nhs.uk

Dyddiad / Date: 7th February 2018

Dear Mr Rowlands AM,

Re: Petition P-05-784 Prescription drug dependence and withdrawal – recognition and support

The Prescribed Medication Support Service was initially established in one County of North Wales approximately 20 years ago. Funded by Substance Misuse Services there was a recognition identified by GP's that patient's prescribed Benzodiazepines experienced addiction and struggled to reduce or abstain without support. The clinician worked closely with GP's to establish plans to gradually taper withdrawal with support in order to work towards to a goal which had been agreed with the patients. As the Service became more established there was a ground swell of support by GP's across North Wales to increase the Service offer and broaden out to neighbouring Counties, this service now covers all six Counties within BCUHB's footprint.

It was felt that the Service needed to be realigned and managed by Mental Health Services as there was recognition that this particular patient group maybe liable to experience stigma. As the model expanded to cover North Wales there was also a recognition locally that patients were also struggling to withdrawal from other prescribed medications including opiates. The Service was renamed as a Prescribed Medication Service to reflect the broadening of inclusion criteria.

In terms of sharing best practise across Health Boards in Wales the team would welcome the opportunity to promote a service that it is particularly proud of. We would also consider becoming established as a beacon site. We would be willing to identify Service Users who have received services from this Team if the committee would like to elicit their views.

Yours sincerely

Gary Doherty
Prif Weithredwr
Chief Executive



Bwrdd Iechyd Prifysgol
Cwm Taf
University Health Board

Your ref/eich cyf:
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Date/Dyddiad:
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21 February 2018
01443 744803
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Allison.williams4@wales.nhs.uk
Chair and Chief Executive

Mr David J Rowlands AM
Chair
Petitions Committee
National Assembly for Wales
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Dear Mr Rowlands

Petition P-05-784 Prescription drug dependence and withdrawal - recognition and support

Thank you for your letter of 31 January 2018. Cwm Taf UHB has recognised for a number of years the harm and adverse effects that dependence on benzodiazepines and anti-depressants can have on individuals.

The All Wales Medicines Strategy Group (AWMSG) primary Care prescribing indicators tell us that we have a high prescribing volume of these types of medicines within our Health Board. It also tells us that this volume has been decreasing over the past few years as actions have been implemented to avoid initiating these medicines, support timely and appropriate stopping of them and also support the managed withdrawal of long term use.

<http://www.awmsg.org/docs/awmsg/medman/National%20Prescribing%20Indicators%202017-2018.pdf>

A key action is to provide alternative pathways to initiating these medicines where appropriate. The Valley Steps initiative is a social enterprise scheme which is supported by CTUHB and offers open access to low level tier 0 & 1 services such as stress management, mindfulness and other coping strategies. People can attend through their own actions or be signposted or referred by health professionals. The link to their website is: <http://www.valleysteps.org/>

Return Address: Ynysmeurig House, Unit 3, Navigation Park, Abercynon, CF45 4SN

GP practice clusters have also commissioned the services of the third sector MIND to provide low level (tier 0 and 1) advice and support to patients with low mood, depression etc. This has been extremely well received by practices but also by patients too. Other social prescribing schemes being initiated may also have an impact in this area.

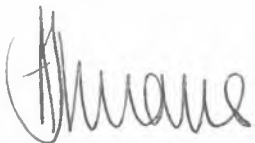
The prescribing of antidepressants and benzodiazepines is supported by AWMSG prescribing guidelines and prescribers in both primary and secondary care have access to the advice of the pharmacists and community mental health practitioners working with their teams. The new cluster based pharmacists in primary care and also primary care advisor pharmacists are involved in medication review clinics, where appropriate de-prescribing of medicines can be managed.

The support of individuals who are dependent on or withdrawing from these medicines is provided on a patient by patient basis by their GP and the Community Mental Health Teams. A tailored support programme, which can include counselling services, is provided to those patients who wish to stop or reduce the use of benzodiazepines or antidepressants.

We are constantly reviewing and improving our services for patients and would be interested in any recommendations or areas of good practice which this petition may produce.

I trust this answers your questions and if I can be of any further assistance please do not hesitate to contact me.

Yours sincerely



Mrs Allison Williams
Chief Executive/Prif Weithredydd



**GIG
CYMRU
NHS
WALES**

Bwrdd Iechyd Prifysgol
Abertawe Bro Morgannwg
University Health Board

Our Ref: TCM/JV/tr

Date: 1st March 2018

David J. Rowlands
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

ABMU Health Board
Headquarters
One Talbot Gateway, Seaway Parade,
Port Talbot
SA12 7BR

01639 683302
WHTN: 1787 3302

Dear Mr Rowlands

Thank you for your letter asking for the Health Boards perspective, in respect to the petition P-05-784 Prescription drug dependence and withdrawal – recognition and support.

Across Wales there is a recognition of high volume of prescribing of both anxiolytics and hypnotics and antidepressants. The All Wales Medicines Strategy Group (AWMSG) Primary Care Prescribing Indicators has shown that, although the prescribing volume of hypnotics and anxiolytics has reduced, there remains variation between the Health Boards and GP Practices. Our rate in Wales remains high in comparison with England, with six of the seven Health Boards in Wales within the highest prescribing quantity when compared to the English Clinical Commissioning Groups.

Dependence on Benzodiazepines is a well known risk and clear guidelines exist for the prescribing of these products as short term anxiolytics and hypnotics, so as to reduce the risk of prescribing dependency e.g. BNF, Maudsley Prescribing Guidelines. In addition there is a NICE guidance on short term management of insomnia which advises that, if after non-drug therapy options have been explored, they should be used in the lowest dose possible for the shortest duration possible, in strict accordance to their licensed indications and for no more than 2-4 weeks. If used in this way then dependence is unlikely.

If longer term prescriptions are required which could lead to dependence there are also clear guidelines on gradual withdrawal of these medications so as to minimize the withdrawal symptoms should the patient request this or should the Clinician feel it is

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• Chief Executive/ Prif Weithredydd: **Tracy Myhill**
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clinically indicated. If patients present with a complex picture e.g. significant psychosocial, psychological problems or co morbidity they can access specialist help from local drug and alcohol services and / or the Community Mental Health Team.

AWMSG has developed an Educational Pack: Material to Support Appropriate Prescribing of Hypnotics and Anxiolytics across Wales and provides examples of practice protocols to allow Clinicians to agree a consistent approach for the prescribing, review and discontinuation of treatment.

Significant work has been undertaken in primary care to help people to reduce and stop benzodiazepines, some of which have been led by pharmacist led reduction clinics.

Antidepressants do not cause dependence and are generally not considered to be addictive. The fear of addiction can sometimes be a barrier to concordance with antidepressants which are the first line choice for depression and anxiety.

When stopping therapy with antidepressants, guidance advises that this should be done slowly, over at least 4 weeks, in order to avoid experiencing 'discontinuation effects'. These effects are usually mild and short lived and are not unlike the withdrawal syndrome with rebound anxiety, mood disturbances and a variety of physical complaints e.g. dizziness.

Patients are advised of these possible effects on commencement of antidepressants and through the use of patient leaflets etc. Again, should the patient struggle with cessation of medication, they would have access to specialist medical advice through Community Mental Health Team or Local Primary Care Mental Health Services.

ABMU Health Board officers work in close collaboration with partners across Western Bay including Local Authority, Leisure and Third Sector partners to identify and put into place alternative pathways, group therapy and one to one support to individuals to address underlying mental health issues, loneliness and isolation and to prevent and mitigate the need for prescribing. Each Local Authority area has introduced Local Community Connects who work in geographically defined communities to link people into local support services. There is a wealth of Third Sector support groups and Men's Sheds that have also been successfully established which provide stress management, mindfulness activities and coping strategies.

A number of the GP clusters across the Health Board have also invested a considerable proportion of their cluster funding to contract in low level (tier 0 and 1) advice and support to patients with low mood, anxiety and depression, including CBT and one-to-one counselling. For example, Bridgend East have invested £121,000 in a 5 day a week counselling service through a local provider, Karuna Counselling. Bridgend North have invested £93,000 in Ty Elis, a local Third Sector Counselling and counsellor training provider, and Llchwyr have invested £68,000 in CBT Counselling sessions.

In addition, the Neath Hub Pacesetter employs the services of a Health Board Tier 1/zero Mental Health Counsellor to receive patients triaged from the GP practices in Neath with

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low mood, anxiety and depression and provides one-to-one support to address underlying issues and signpost into the most appropriate support service.

A number of the clusters across the Health Board have also invested in Cluster Pharmacists who work within individual practices to support appropriate medicines usage, audit and support practices with appropriate management and reduction of benzodiazepines and anti-depressants.

ABMU Health Board recognises the issues these medications have in relation to their use and there has been a focus on reducing prescribing, through the mechanisms we identify. The Health Board recognises that there is further potential to support patients to reduce their medication burden.

I trust you will find this response helpful and if I can help further please do not hesitate to contact me.

Yours sincerely



TRACY MYHILL
CHIEF EXECUTIVE



Bwrdd Iechyd Prifysgol
Hywel Dda
University Health Board

Eich cyf / Your ref:
Ein cyf/Our ref: CEO.142.0218
Gofynnwch am/Please ask for: Emily Davies
Rhif Ffôn /Telephone: 01267 239579
Ffacs/Facsimile:
Dyddiad/Date: 26 February 2018

Swyddfeydd Corfforaethol, Adeilad Ystwyth
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job
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Carmarthen, Carmarthenshire, SA31 3BB

David Rowlands AC/AM
Chair
Petitions Committee
National Assembly for Wales

Email only to – SeneddPetitions@assembly.wales

Re: Comments on Petition P-05-784 prescription drug dependence and withdrawal- recognition and support

Thank you for your letter of 31 January 2018. The concerns raised relating to dependence of individuals on some groups of drugs such as benzodiazepines and antidepressants have been recognised for some time. The Health Board has been working alongside GP Practices, the wider service and patients to address this area.

The national prescribing indicators published by the All Wales Medicines Strategy Group (AWMSG) highlights that the Health Board has a higher than the national average prescribing level for benzodiazepines and anxiolytics. However, the trend graphs also reflect the ongoing work to address and show a steady decrease over the past few years, accepting there is much more to be done.

<http://www.awmsg.org/docs/awmsg/medman/National%20Prescribing%20Indicators%202017-2018.pdf>

The Health Board supports the review of prescribing of antidepressants and benzodiazepines through the work of the primary care pharmacist teams and the GP cluster pharmacist roles. There is a significant amount of supporting material provided by AWMSG which is used regularly by these teams in order to address the concerns and to work with Practices and individuals to reduce dependency and support slow and controlled withdrawals appropriately. This

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Cadeirydd / Chair
Mrs Bernardine Rees OBE

Prif Weithredwr/Chief Executive
Mr Steve Moore

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Bwrdd Iechyd Prifysgol Hywel Dda yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Hywel Dda
Hywel Dda University Health Board is the operational name of Hywel Dda University Local Health Board

Mae Bwrdd Iechyd Prifysgol Hywel Dda yn amgylchedd di-fwg Hywel Dda University Health Board operates a smoke free environment

can be progressed through on going medication reviews and/or specific clinics focusing on benzodiazepine and antidepressant prescribing, this will include counselling and close monitoring of progress.

The Mental Health and Learning Disabilities Directorate, Community Drug and Alcohol Team (CDAT), provides specialist multi-disciplinary assessment and treatment interventions, (pharmacological and non-pharmacological), in the area of substance misuse. The CDAT service continues to offer and provide advice to GPs on the reduction of Benzodiazepines when faced with prescribed drug dependence. This level of advice is available when dealing with prescribed drug dependence, (benzodiazepines and other Gabaergic drugs and opiates), to prescribers from the CDAT, and Tier 2 services are available to provide support through the process. In addition to offering advice, the Tier 2 services support individuals through the process of reduction.

There is a significant resource requirement for on-going training and education to further inform and support prescribers when dealing with such complex clinical scenarios.

The availability of supporting services and networks to provide alternatives to initiation of a prescription is key, and the Health Board encourages sign posting individuals to support services where appropriate. Certain GP clusters are commissioning additional counselling services to support individuals to help to prevent the commencement of these medicines and also to support those who are currently receiving prescriptions.

The Health Board appreciates the focus on this issue as it continues to work to reduce the potential negative impact on individuals. Any opportunities to learn from other Health Boards or organisations is welcomed.

Yours sincerely

A handwritten signature in black ink that reads "Steve Moore". The signature is written in a cursive, flowing style.

Steve Moore
Chief Executive

Vivienne Harpwood, Cadeirydd / Chair
Ffon / Phone: 01874 712502
E-bost / Email: Vivienne.Harpwood@wales.nhs.uk

**Carol Shillabeer, Y Prif Weithredwr /
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Bwrdd Iechyd
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Health Board

Mr D J Rowlands AM
Chair
Petitions Committee
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CF99 1NA

27th February 2018

SeneddPetitions@assembly.wales

Dear Mr Rowlands

**Re: Petition P-05-784 Prescription drug dependence and withdrawal -
recognition and support**

Powys Teaching Health Board (PTHB) has worked with partners in Powys to build an understanding of what treatment responses are required for individuals. This is to ensure that the right support is in place, whether this be for their physical health or mental health.

Under the auspices of the 'Together for Mental Health' agenda, a number of significant developments have taken place to widen the range of responses in Powys. This includes PTHB's involvement in the European 'Mastermind' project, aiming to make high quality treatment for depression more widely available for adults suffering from the illness, through the use of digital technology. Over the past two years PTHB has been embedding computerised cognitive behaviour therapy, known as 'Beating the Blues', to the county with good success.

However, during 2017/18, an increase in the number of people who are experiencing prescribed medication dependence has been identified through Primary Care Clusters across Powys and the substance misuse commissioned provider service, Kaleidoscope. Although these numbers are low, we recognise the need to ensure we minimise the occurrence of dependence, the impact this

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Rydym yn croesawu gohebiaeth Gymraeg
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Addysgu Powys



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We welcome correspondence in Welsh
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Powys Teaching Local Health Board

has on individuals affected and to strengthen our existing approach including the consideration of the referral pathway and support available in the county.

The issue has therefore been considered at a strategic partnership level. The Powys Area Planning Board brings together all those who share the responsibility of delivering, and improving, efficient and effective harm reduction services in Powys and they considered the issues described above at their last meeting in December 2017. The response has been to put in motion a process of proactively identifying need, which includes engaging with people with first-hand experience of this kind of dependence as part of their future service user involvement strategy. The outcomes of this work will help us determine a model for Powys that enhances the current support available and ensures we work with GPs to understand prescribing patterns.

PTHB has a Pain and Fatigue Management Service within a Centre for Long Term Condition Management, where a biopsychosocial approach is adopted. This encompasses all aspects of a person's life and intervention is focused on what is important to them as an individual. Due to the nature of the service, medication reduction tends to be focused on prescription pain medication. Individual medication plans are a collaboration between the individual, in-house prescribing Clinical Nurse Specialist, Therapists, GP and if required support from the Health Board Medicines Management Team. Medication reduction within the service is carried out as part of an intervention package.

The aims of the interventions are to provide the opportunity for individuals to develop skills to manage their long term health conditions, building on the assets they already have and increasing their confidence in self management skills to expand their resources. The principles of the approach are to develop and establish these skills prior to embarking on a medication reduction plan. This is always carried out at the pace and feedback of the individual.

Within the Pain and Fatigue Management service, interventions are offered in a variety of formats to optimise compatibility with an individual's lifestyle and ensure access in a timely manner. The telehealth service enables individuals to access programmes via Skype and have individual consultations with Therapists in a convenient manner. Other options range from community programmes through to a 2 week residential programme. The residential programme enables individuals to intensely focus on the development of self management techniques and often results in a reduction of pain medication.

Further discussions with Welsh Government on how we might work together to address other issues, such as a joint approach to tackling the availability of online prescription drugs, and achieve consistency of approach between Health Board areas would be useful. Further to this, the funding that Area Planning Boards receive from Welsh Government commissions a local substance misuse service to treat and support people with alcohol or illicit drug addiction but does not extend to providing a service for prescribed drug dependence and any updates or guidance on reviewing a national treatment framework would be appreciated.

I hope that this overview is helpful for the Petitions Committee's deliberations but if any further information is required please do let me know.

Yours sincerely

A handwritten signature in cursive script that reads "Carol Shillabeer".

Carol Shillabeer
Chief Executive



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Aneurin Bevan
University Health Board

Our Ref: JP/RB/jr

Direct Line: 01633 435958

27 February 2018

SeneddPetitions@assembly.wales

Dear Sir or Madam

Comments on Petition P-05-784 Prescription drug dependence and withdrawal – recognition and support.

Aneurin Bevan University Health Board (ABUHB) has been asked to comment on the above petition received by the Petitions Committee, which calls for recognition and effective support for individuals affected and harmed by prescribed drug dependence and withdrawal, to provide views on the issues raised and information on the support available to individuals affected.

A key consideration within this petition is that it is important to distinguish between true dependence as with opiate analgesics and the issue of discontinuation syndrome from antidepressants, which is perhaps the major aspect to this petition.

The Health Board recognises the growing concerns around the increased prescribing of medicines associated with dependence and withdrawal symptoms on discontinuation. Although prescribing of psychoactive drugs is a major clinical activity and a key therapeutic tool for managing and influencing the health of patients, this can often lead to patients becoming dependent or suffering withdrawal symptoms on cessation of therapy. Data¹ on UK prescribing patterns of drugs associated with dependence and withdrawal symptoms, e.g. Antidepressants, benzodiazepines, "Z" drugs, and opioids, have shown that within the UK:

Bwrdd Iechyd Prifysgol Aneurin Bevan

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Bwrdd Iechyd Prifysgol Aneurin Bevan yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Aneurin Bevan
Aneurin Bevan University Health Board is the operational name of Aneurin Bevan University Local Health Board

- Antidepressant prescribing has more than doubled in the last decade with over 75 million prescriptions dispensed in 2016
- 12 million prescriptions for benzodiazepines were dispensed in 2015
- 28 million prescriptions for opioids were dispensed in 2016

The Health Board recognises that it has a role and responsibility to help address concerns relating to the use of these medicines and has prioritised a reduction in prescribing of causative agents.

Within Wales, the All Wales Medicines Strategy Group (AWMSG) has also recognised these concerns, and has developed prescribing indicators and resources for healthcare professionals to utilise in their daily practice in order to improve the quality of prescribing and to reduce unintentional harm to patients. The Health Board is committed to improving performance within these indicators relating to the use of psychoactive drugs. Both peer review amongst prescribers and education are used so that variation in prescribing is reduced and good practice followed.

Specific targeted work is carried out within the following areas to reduce prescribed drug dependence:

Hypnotics and Anxiolytics – this area was identified by AWMSG as being a key area to improve medicines utilisation due to ongoing concerns regarding high levels of prescribing within NHS Wales. The Health Board has reduced its prescribing of these medicines by 9% from 2016-17(Qtr1) to 2017-18(Qtr1)² by increasing awareness in prescribers of key messages and variation in practice. Other initiatives have included a successful practice pharmacist led benzodiazepine reduction clinic, helping patients to gradually reduce or stop their medicines. Where patients find it difficult to reduce in primary care, or have additional complexity of need, they may be referred to Gwent Specialist Substance Misuse Service (GSSMS) which provides specialist support and prescribing within the Health Board.

Analgesics – overall the prescribing rates of analgesics within the Health Board have remained stable, however pain management remains a significant pressure to prescribers with an increasing demand for adequate pain control amongst the patient population

- Tramadol – whilst there is a recognised place in pain management for this medicine, there are concerns regarding the risks associated with its use, including dependence. Prescribing initiatives have reduced the use of tramadol by 10% over recent years². Health Board initiatives such as a pharmacist led review and withdrawal service, supported by Consultants in pain management and addiction (Chronic Pain Group) have also played a valuable role helping identified patients to have their tramadol stepped down or stopped.

- Gabapentin/Pregabalin – these medicines are linked with a potential risk of dependence misuse and diversion, however they also have a defined role in pain management and, in the case of pregabalin, generalised anxiety disorder. The use of these two medicines is increasing and therefore the need for regular review of patients to assess effectiveness is pivotal in controlling this growth of prescribing. All Health Boards in Wales are showing an increase in prescribing rates and quantity prescribed. In the Health Board a Consultant-led Chronic Pain Group have produced a range of educational resources for GPs and have directly educated the GP and primary care workforce about the issues related to the use of these two agents. This group is also piloting specific “pregabalin” clinics so that patients can be assessed and perhaps have a reduction in their drug therapy. Medicines management team audits have also been carried out and presented to prescribers, highlighting key messages in the safe, effective use of these medicines.

Again, primary care initiatives have been developed by the Chronic Pain Group to support patients in reducing their use of these medications. Patients who find it difficult to reduce in the primary care setting or who have an additional complexity of need, can be referred to specialist clinics within GSSMS.

De-prescribing of anti-depressants can be a prolonged process, due to the need to avoid discontinuation symptoms over the stepping down treatment course. This needs to be distinguished from true drug dependence as seen in opiates and benzodiazepines.

A report by Welsh Government³ illustrated that there has been a significant increase in the prescribing of anti-depressants over the last decade. In a move to address this issue the All Wales Medicines Strategy Group developed an indicator which attempted to reduce the prescribing rates of antidepressants by encouraging prescribers to refer preferentially in the first instance to psychological therapies in the community setting. The Health Board has developed services within primary care which offer an alternative to the prescription of antidepressant/anti-anxiolytic medicines e.g. Activate Your Life/Stress Control classes, however, it is recognised that more access to services like these are necessary to ensure timely treatment for patients.

The Health Board is committed to implementing the direction of AWMSG advice within these areas of prescribing through education, audit and peer discussion with prescribers, however it is recognised that more needs to be done to help patients reduce or stop their medicines should that be the desired course of action. There has been a great emphasis on reducing prescribing rates of these medicines, and there have been successes e.g. in tramadol and benzodiazepine use.

The Health Board's Chronic Pain Group has successfully piloted work within practices to help patients reduce opioids and pregabalin utilising independent prescribers, and there is an intention to increase this service provision. A successful benzodiazepine withdrawal service has recently been established by a practice pharmacist within the Caerphilly County Borough reducing prescribing rates of these medicines. The Health Board has therefore recognised the need for these services and the further need for increased access for patients. There are discussions taking place to develop community pharmacy independent prescribers to aid in treatment withdrawal within primary care.

To summarise, the Health Board recognises the issues that these medicines have in relation to their discontinuation and overuse, there has been a focus on reducing prescribing but the Health Board also recognises that more can be done to help patients reduce their medication, where appropriate.

I hope this is helpful but should you require any additional information, please do not hesitate to contact me.

Yours sincerely



Judith Paget
Chief Executive/Prif Weithredwr

References

1. Supporting Individuals affected by prescribed drugs associated with dependence and withdrawal. BMA Jan 2018
2. AWTTTC National Prescribing Indicators 2017-18, Analysis of Prescribing Data to June 2017
3. Research Briefing – Misuse of Prescription and over-the-counter medications. Hannah Roberts. National Assembly of Wales Research Service June 2016



Eich cyf/Your ref:
Ein cyf/Our ref:

Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
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Mr David J. Rowlands AC/AM,
Senedd Petitions,
National Assembly for Wales,
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27/03/2018

Dear Mr Rowlands,

Petition P-05-784 Prescription drug dependence and withdrawal - recognition and support

Apologies for the delay in this return, and not meeting the requested timeframe.

Thank you for your letter, and interest, outlining the above petition by Steve Lewis. As the petition states there is indeed some excellent work undertaken by the BMA:

<https://www.bma.org.uk/collective-voice/policy-and-research/public-and-population-health/prescribed-drugs-dependence-and-withdrawal>, amongst others, in raising the profile of prescription drug dependence.

You will note this UHB response does not contain the word addiction, but the defined term drug dependence, and this response starts by clarifying our understanding of terminology.

The UHB is very aware that some medications, whether prescribed, or available over the counter from pharmacies (OTC) can lead to dependence, as defined by the World Health Organisation's 10th International Classification of Diseases

http://www.who.int/substance_abuse/terminology/ICD10ClinicalDiagnosis.pdf

All journeys into ICD-10 defined drug dependence are unique, and multifaceted. Drug dependence as a complex condition with bio-psycho-social causation. Therefore effective approaches to tackle, and where possible avoid, drug dependence must also be wide ranging and thorough.

Your letter also talks about drug withdrawal. Withdrawal symptoms are usually linked to tolerance to a drug. Tolerance is commonly described as: needing to take more of a drug to get the previously experienced positive psychotropic (affecting one's mental state) effect. Repeated dose escalations of that drug followed by sudden withdrawal result in a withdrawal experience. Tolerance and withdrawal are important factors in drug dependence, but are not unique to it, and understanding this is important in understanding the concept of discontinuation syndrome, seen with some antidepressants (where the other

symptoms which comprise the dependence syndrome are missing). Caution maybe needed in stopping antidepressants, but the drug group is not associated with drug dependence.

Patients may also experience difficulties when trying to stop a range of drugs – if the original treated condition’s symptoms begin to break through again on drug reduction /removal.

The differences between drug dependence, discontinuation syndrome, and re-emergence of the treated condition are significant, and important to understand in considering interventions and services needed.

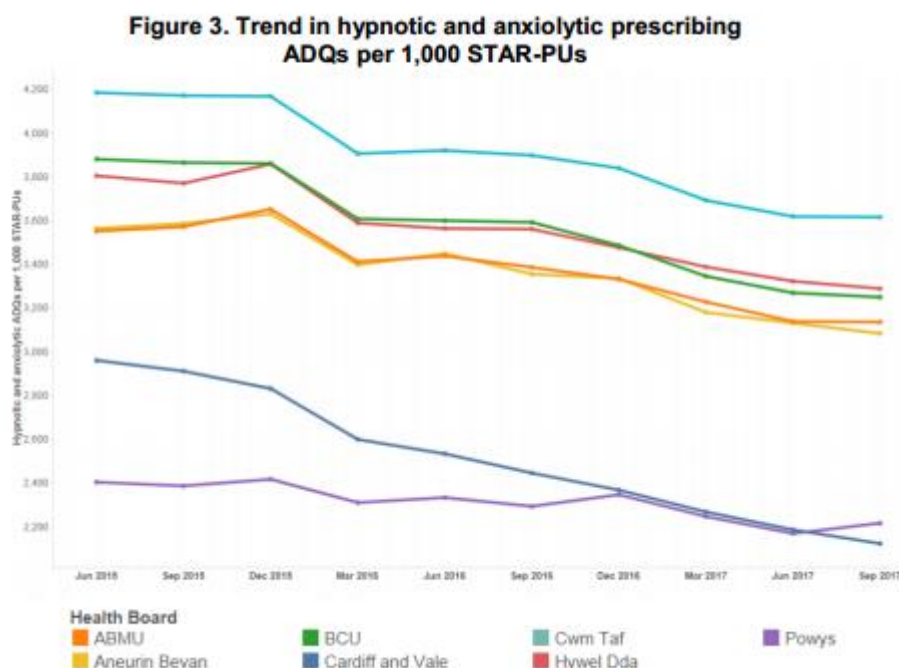
This response goes on to highlight the important work going within primary care to effectively manage drugs with propensity to cause dependence and or withdrawal symptoms.

Cardiff and Vale Health Board primary care medicine management team has supported practices in improving their performance against the National Prescribing Indicators for Hypnotics and Anxiolytics and for Analgesics, developed by the All Wales Medicines Strategy Group (AWMSG). This has included hands on support to clinics as well as educational sessions which gives the opportunity for peer review.

Specific targeted work is carried out within the following areas to reduce prescribed drug dependence:

Hypnotics and Anxiolytics

Prescribing advisors have run specific withdrawal clinics to help patients gradually stop or withdraw. One practice was the 2nd highest prescriber, and was not managing to reduce prescribing on their own; becoming more of an outlier compared to the majority of practices. With support from their advisor their performance against the prescribing indicator improved from red to amber and prescribing has reduced by 20%. Overall the UHB has reduced its prescribing by 13.2% in quarter 2 (2016/16 compared to 2017/18) and had the largest percentage decrease across all Welsh Health Boards.



Analgesics – overall the prescribing rates of analgesics as a whole have remained static despite the increase in patient pressure to prescribe a medicine for these conditions. Primary and secondary care are working together to review pain pathways and produce guidance for GPs around dose reductions.

Tramadol – the Local Intelligence Network (LIN) for controlled drugs has highlighted its growing concerns with regards the abuse and dependence potential with tramadol. During the coming financial year practices will be supported by the medicine management team to help patients on these medicines review their current need for it and support them in withdrawal. The advisors have been supported by educational sessions from consultants in the chronic pain team. Overall the UHB has reduced its prescribing by 5.91% in quarter 2 (2016/16 compared to 2017/18).

Gabapentin/Pregabalin – these medicines are linked with a potential risk of dependence misuse and diversion, however they also have a defined role in pain management and, in the case of pregabalin, generalised anxiety disorder. Prescribing leads have had an educational session on pain control as a whole which has included the role of these agents in the pain pathway. Individual practices have received support from their prescribing advisors who have been highlighting key messages in the safe, effective use of these medicines. Cardiff prison also addresses patients admitted on these agents and actively reducing them on admission to prison. As part of the medicine management actions in the GP contract, practices could choose to undertake an audit of their pregabalin prescribing. It was undertaken by 65 practices and a total 1,714 patients were reviewed face to face. 13% (224 pts) stopped pregabalin, 8% (134 pts) had their dose reduced, 4% (72 pts) dose was optimised to twice daily and in 2% (29 pts) a switch was made to another neuropathic agent

Antidepressants

Anti-depressant prescribing is on the increase across all areas. It is an area that clinicians find hard to de-prescribe in particular because of the lack of additional support services for these large patient numbers. The All Wales Medicines Strategy Group developed a prescribing indicator in an attempt to reduce the prescribing rates of antidepressants by encouraging prescribers to refer preferentially in the first instance to psychological therapies in the community setting. The UHB has developed an audit for practices to undertake as part of their GMS action which looks at reviewing prescribing of antidepressants for patients with a new diagnosis of depression in line with National Institute for Health and Care Excellence (NICE) Clinical Guideline 90 and Cardiff & Vale UHB pathway for Medicine management of depression in Primary Care.

The Health Board continues to support the messages from AWMSG across these areas of prescribing.

Within secondary care services steps are being made to limit the harms associated with dependence causing medications, or those with difficult withdrawal.

Mental Health have made significant investments over the years in the development of primary mental health support services – to make available quality first line psychological services, inkeeping with a range of practice guidance around the place of drug treatments. Likewise within chronic pain services practitioners are very aware of limited evidence for opioids in the management of chronic non-cancer pain (NCP), supporting review of such patients and utilising chronic pain programmes. The advent of the Royal College of Anaesthetists resource: Opioids Aware <https://www.rcoa.ac.uk/faculty-of-pain-medicine/opioids-aware> has helped to drive review of higher dose opioid prescribing – where opioid dependence and poisoning risks are highest.

Dedicated substance Misuse services across Cardiff and Vale offer interventions to anyone with a substance misuse issue, whether drug, alcohol, no matter what the source or supply route – this includes prescription drugs. Across the UK over the last decade the number of individuals referred with dependence prescribed opioids has increased, in contrast to illicit

opioid dependence. Local substance misuse services are available, by professional referral, or by direct access through a single point of engagement.

As in other areas of Wales, the Local Intelligence Network has played a key role in the safe prescribing of controlled drugs, and scrutinising high dose prescribing of such drugs.

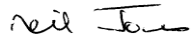
Hopefully the above demonstrates the seriousness with which The UHB takes medication dependence, and problematic medication discontinuation.

Over the years some of the biggest positive safety changes in prescribing have been driven CD classification and going forward leadership at UK and National Welsh level is crucial; with co-ordination, resource, legislation and public health measures.

At one end of the scale - It is fundamental that a patient considering a licensed medication, known for its dependence / discontinuation capacity, should get clear unambiguous information about the risk about the capacity for that medication to cause dependence or discontinuation syndrome. At the other end of the same scale, managed withdrawal or substitution for those for whom dependence has brought significant morbidity must be available.

Please contact if your require clarification on any of the points raised.

Yours sincerely,



NEIL JONES

Consultant Psychiatrist

Cc. Nesta Lloyd-Jones, Policy and Public Affairs Officer, NHS Confederation



ROYAL CYMDEITHAS
PHARMACEUTICAL FFERYLLOL
SOCIETY FRENHINOL

Wales Cymru

Petition P-05-784 Prescription drug dependence and withdrawal – recognition and support

Response from the Royal Pharmaceutical Society in Wales

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About us

The Royal Pharmaceutical Society (RPS) is the professional body for pharmacists in Great Britain. We represent all sectors of pharmacy in Great Britain and we lead and support the development of the pharmacy profession including the advancement of science, practice, education and knowledge in pharmacy. In addition, we promote the profession's policies and views to a range of external stakeholders in a number of different forums.

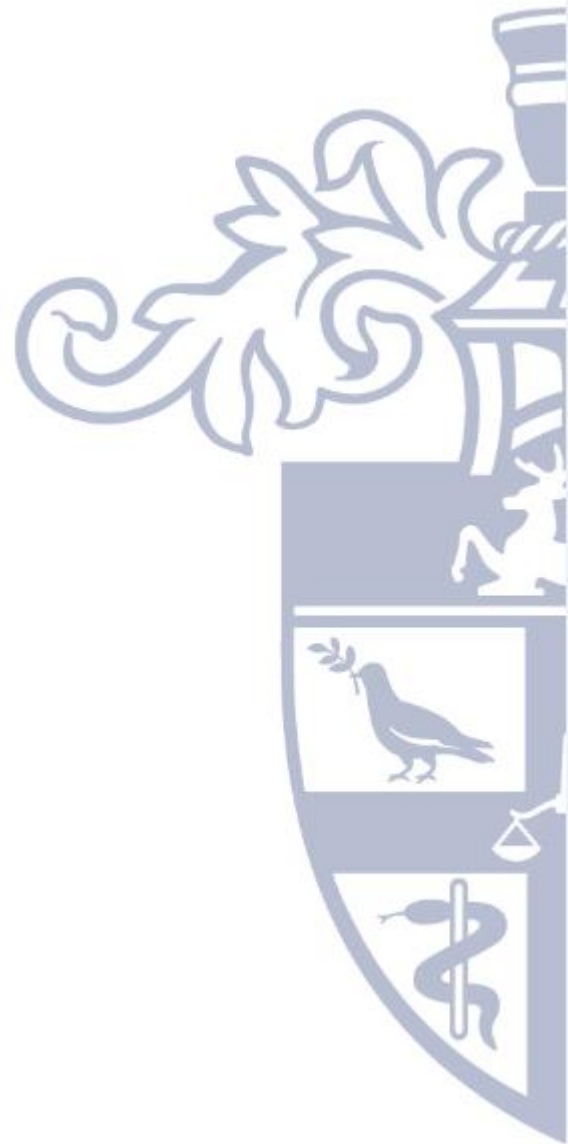
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David J Rowlands AC/AM
Chair – Petitions Committee
National Assembly for Wales
Cardiff Bay
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09th of March 2018

Dear Mr Rowlands

RE: Prescription drug dependence and withdrawal – recognition and support

The Royal Pharmaceutical Society (RPS) Wales welcomes the opportunity to share its view on this petition.

RPS Wales is supportive of the asks in this petition and agrees that individuals in Wales who become addicted to prescription medicines must be provided with timely and appropriate support without any fear of judgement.

Background information on Benzodiazepines;

Benzodiazepines can be grouped into hypnotics and anxiolytics (sedatives and tranquillisers) and have been available to prescribe for anxiety and insomnia since the 1960's when they replaced older drugs such as barbiturates. They were much safer in overdose and were initially thought to have little or no addiction potential. Unfortunately as prescribing increased and more data was available it became obvious that there was both a serious addiction potential, both physical and psychological, and that withdrawing the medicines could precipitate severe withdrawal symptoms which were very similar to the original anxiety disorder.

Tolerance to the drug effects occurs within a few days or weeks of use leading to the requirement for larger doses for the effect and subsequently withdrawal is more difficult.

There is little evidence of effectiveness after prolonged use and the problems of withdrawal have led to numerous warnings and clinical guidelines.

BNF states¹;

- 1. Benzodiazepines are indicated for the short-term relief (two to four weeks only) of anxiety that is severe, disabling, or causing the patient unacceptable distress, occurring alone or in association with insomnia or short-term psychosomatic, organic, or psychotic illness.*

¹ Pharmaceutical Press. British National Formulary 74. Section 7.1 Hypnotics and Anxiolytics. Available at <https://www.medicinescomplete.com/mc/bnf/current/PHP78112-hypnotics-and-anxiolytics.htm>

2. *The use of benzodiazepines to treat short-term 'mild' anxiety is inappropriate.*
3. *Benzodiazepines should be used to treat insomnia only when it is severe, disabling, or causing the patient extreme distress.*

The effects of benzodiazepines are both physical and psychological and so withdrawal can be very difficult. The short acting drugs tend to precipitate more severe withdrawal symptoms and some patients with other health or addiction problems may be more likely to both become addicted and have problems withdrawing.

NICE guidance states;

- ***Withdrawal should be gradual*** (dose tapering, such as 5–10% reduction every 1–2 weeks, or an eighth of the dose fortnightly, with a slower reduction at lower doses), and titrated according to the severity of withdrawal symptoms.
 - *This may take 3–4 months to a year or longer. Some people may be able to withdraw in less time.*

Background information on Antidepressants

Antidepressants can be very effective for moderate to severe depression when used correctly and appropriately, however there is a need to prescribe within guidelines. The BNF states;

Antidepressant drugs should not be used routinely in mild depression, and psychological therapy should be considered initially; however, a trial of antidepressant therapy may be considered in cases refractory to psychological treatments or in those associated with psychosocial or medical problems. Drug treatment of mild depression may also be considered in patients with a history of moderate or severe depression¹.

It is important that individuals who are prescribed antidepressants are supported and fully informed about how antidepressants work, particularly as many can take several weeks for the antidepressant action to start. During the first few weeks of treatment, patients may feel anxiety, and even suicidal ideation. It is crucial that these patients feel that they have a point of contact to discuss any problems.

Addiction to prescribed drugs and to some over the counter medication can be challenging for patients and for health professionals to address. A multidisciplinary approach should be taken to ensure patients receive the right support when withdrawing from medication that they, often inadvertently, have become reliant upon. RPS believes that the expertise and clinical knowledge of pharmacists must be better utilised to support people needing these medicines and help them to achieve the desired outcomes from their treatment.

RPS Wales is therefore supportive of this petition and agrees that individuals in Wales who become addicted to prescription medicines must be provided with timely and appropriate support without any fear of judgement

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mair Davies', written on a light-colored, textured background.

Mair Davies, FFRPS, FRPharmS, FHEA, Director, RPS Wales

David Rowlands AM
Chair, Petitions Committee

12 March 2018

Dear David

P-05-784 Prescription drug dependence and withdrawal – recognition and support

Thank you for your letter of 31 January 2018 regarding the above petition, which the Committee considered as part of its forward work programme discussion on 14 February. I can confirm that the Committee has not undertaken any work in this area to date.

The Committee has already agreed and published its forward work programme for 2017-18. We are also due to undertake Stage 2 scrutiny of the Public Health (Minimum Price for Alcohol) (Wales) Bill shortly. I do not, therefore, foresee any opportunities to commit to any additional inquiries in the immediate future. However, we do regularly review our work programme priorities and have included the issues raised in this petition for consideration at a later date.

Yours sincerely,



Dr Dai Lloyd AM
Chair, Health, Social Care and Sport Committee



Fourth submission in response to comments from professional bodies, Health Boards and patient's written evidence

TO APPROPRIATELY RECOGNISE PRESCRIBED DRUG DEPENDENCE

I see that the subject of prescription drug dependence (PDD) is not on the horizon for the Health, Social Care and Sport Committee. I am very grateful for the opportunity for this to be discussed further by the Petitions Committee.

From the professional body responses, all responders are in favour of the idea that we need to do more to better support dependent patients and to tackle rising antidepressant prescribing. The BMA Wales fully supports the BMA's actions in PDD, providing a helpline and dedicated support services. The Welsh Royal Pharmaceutical Society is supportive of the petition and agrees that individuals in Wales who become addicted to prescription medicines must be provided with timely and appropriate support. Of all the responders, these two bodies have the greatest knowledge and expertise on the subject of prescription medication, and I would maintain that their opinions on the problems of dependence and withdrawal carry more weight than those of the Chief Executives of the Health Boards.

Of the seven University Health Boards:

Two have dedicated services of some kind (Betsi Cadwalader and Powys).

Three dispute that dependence is related to antidepressants (Abertawe, Aneurin Bevan UHB and Cardiff and Vale).

One leaves it up to GPs and Community Mental Health Teams to manage (Cwm Taf).

One puts substance misuse together with Prescribed Drug Dependence (Hywel Dda).

In short, there is a highly variable response to these issues and Welsh patients will receive markedly different help according to which Health Board they are covered by. If they are covered by Abertawe, Aneurin Bevan UHB or Cardiff and Vale, they will likely get no support for antidepressant dependence and withdrawal whatsoever.

However, in general the Health Boards acknowledge that more needs to be done:

"...the funding that Area Planning Boards receive from Welsh Government commissions a local substance misuse service to treat and support people with alcohol or illicit drug addiction but does not extend to providing a service for prescribed drug dependence and any updates or guidance on reviewing a national treatment framework would be appreciated." **Carol Shillabeer Powys THB**

"At one end of the scale - It is fundamental that a patient considering a licensed medication, known for its dependence / discontinuation capacity, should get clear unambiguous information about the risk about the capacity for that medication to cause dependence or discontinuation syndrome. At the other end of the same scale, managed withdrawal or substitution for those for whom dependence has brought significant morbidity must be available." **Neil Jones Community Addiction Unit Cardiff and Vale UHB**

"We are constantly reviewing and improving our services for patients and would be interested in any recommendations or areas of good practice which this petition may produce." **Alison Cwm Taff UHB**

The Health Boards all show their commitment to reducing drugs which cause dependence in line with the targets set by the All Medicines Strategy Group. These drugs of dependence do not currently include antidepressants. As outlined in my previous submissions, I urge the Petitions Committee to recommend that antidepressants, particularly the SSRIs and SNRIs, are added to that target list. One of the reasons that they are not currently on that list, or that there is resistance to their being added, is demonstrated in several of the letters. The writers helpfully clarify for the committee prevailing expert views on definitions of addiction and dependence:

"A key consideration within this petition is that it is important to distinguish between true dependence as with opiate analgesics and the issue of discontinuation syndrome from antidepressants..." **Judith Paget Aneurin Bevan UHB**

"Tolerance and withdrawal are important factors in drug dependence, but are not unique to it, and understanding this is important in understanding the concept of discontinuation syndrome, seen with some antidepressants (where the other symptoms which comprise the dependence syndrome are missing). Caution maybe needed in stopping antidepressants, but the drug group is not associated with drug dependence." **Neil Jones Community Addiction Unit Cardiff and Vale UHB**

“Antidepressants do not cause dependence and are generally not considered to be addictive” Tracy Myhill Abertawe UHB

Please, for one moment would you put yourself in the shoes of someone experiencing antidepressant withdrawal? Your physical symptoms are likely to include (note I am not including psychological symptoms here): dizziness or vertigo, electric shock sensations in head, flu-like symptoms, problems with movement, sensory disturbances, stomach cramps, strange dreams, tinnitus, difficulty sleeping¹

Someone experiencing benzodiazepine withdrawal will have physical symptoms which include: dizziness, stomach cramps, blurred vision, difficulty sleeping, face and neck pain, headaches, nausea/vomiting, nightmares, tinnitus, tingling in the hands and feet². How different are these from yours?

Someone experiencing Heroin (opiate) withdrawal will have physical symptoms which include: difficulty sleeping, tremors, joint and muscle pain, stomach cramps, nausea/vomiting, diarrhoea, involuntary muscle spasm³. How different are these from yours?

I am concerned that the academic distinctions and definitions referred to in the Health Boards' submissions are a barrier to the antidepressant class of drugs being recognised at policy level as causing the same distress and potential for harm as those drugs already targeted for reduction. The behaviours around taking the drug may be different but the physical and psychological outcomes for the patient on the absence of the drug are very similar. As a patient taking antidepressants, these views also lead you to not being believed if you think you are in withdrawal and to you not getting the care and support you need. Worse still, you will be kept on the drug because the diagnosis will be that your original symptoms have come back. Only by adding antidepressants to the list of drugs targeted for reduction will all the Health Boards have the appropriate level of incentive to take patients' needs seriously. Only by adding antidepressants to this list together with new up-to-date prescribing guidelines will GPs acknowledge and understand the scale of antidepressant dependence and withdrawal and treat their patients accordingly, rather than continue with the drug or move them on to other specialist departments at a huge cost to the NHS.

In my first submission I claimed that “antidepressants cause dependence to a level equal to or greater than the benzodiazepines, anxiolytics, hypnotics and opioids”. My claim at the time was unreferenced. On 07 April the New York Times, a prestigious newspaper, ran an article entitled “Many People Taking Antidepressants Discover They Can't Quit”.⁴ In a letter in response to that article Dr Kelly Brogan MD wrote:

“In the first systematized review of SSRI withdrawal, Fava et al.⁵ examined 23 studies and 38 case reports leading them to conclude that the euphemistic term “discontinuation syndrome” must be abandoned in lieu of a more accurate depiction of the habit-forming qualities of antidepressants — withdrawal. Yes, just like Xanax, Valium, alcohol, and heroin.”⁶

TO EFFECTIVELY SUPPORT PATIENTS WITH PRESCRIBED DRUG DEPENDENCE

Personal responses - key themes:

Doctors do not inform patients at the start of drug therapy (be they benzodiazepines, antidepressants or opioid analgesics) that there may be difficulty coming off the drugs after a period of time.

The time taken to withdraw from the drugs is vastly longer than that suggested by psychiatrists or GPs. The official guidance is to reduce within weeks; many of the responders had to reduce over years.

Many respondents had to self-support as they did not receive help, advice or support from Psychiatrist's, GPs or Community Mental Health Teams.

Many respondents reported not being believed that their symptoms related to withdrawal. *“The first time that I felt some sort of control over my condition was when we went for the second opinion – and everything that I said was BELIEVED”.* **Shane Cooke**

Patients reporting dependence and withdrawal issues report a wide range of distressing symptoms and often resorted to additional medications to help (either prescribed or over-the-counter) leading to further difficulty and potential harm.

Nearly all reported that they had to become 'experts by experience' because of the lack of knowledge and experience within the medical profession.

PETITION 1235 – PRESCRIPTION DRUG DEPENDENCE AND WITHDRAWAL – RECOGNITION AND SUPPORT BY STEVIE LEWIS APRIL 2018

One respondent was referred to a Prescribed Medication Dependency Counsellor. *“I can’t express how vital these services were to me”* **Anonymous**

Many respondents report life-changing and life-limiting effects even after coming off the drugs. Many felt marginalised and isolated simply because they wanted to reduce their medication burden. There is a great deal of unemployment reported, a significant financial consequence both to the individual and to society.

There are cost implications for the health budget, since the management of people struggling to come off their drugs is complex. Many responders report multiple consultations and medical tests/procedures.

One responder reported that Welsh GPs have become dependent on prescription medication but are unwilling to speak out for fear of the impact on their careers.

The written evidence indicates a post-code lottery of help ranging from a customised patient-centred approach, referred to with pride by Betsi Cadwalader, to no acknowledgement of antidepressant withdrawal at all. In my first submission I provided the Committee with a summary of the work and expertise carried out within this Health Board – the Prescribed Medication Support Service - and I continue to urge you to recommend that this approach is delivered Wales-wide.

From the personal responses, a broad overview of the actions deemed necessary to appropriately recognise and support prescribed drug dependence and withdrawal are as follows:

- An acceptance at policy level that antidepressants have the same potential for dependency and harm to some patients as do benzodiazepines, hypnotics, anxiolytics and opioids.
- Education for prescribers – GPs, Psychiatrists, Psychologists, Pharmacists with new guidelines on prescribing, withdrawal and tapering for all drugs of dependence.
- Education for NHS specialists – Neurologists, Cardiologists, Endocrinologists, Gastroenterologists and A&E Staff, all of whom see patients with withdrawal symptoms and fail to recognise them.
- A specialist Prescribed Medication Support Service within each Health Board.
- An on-line portal for both prescribers and the public to access information provided by the NHS and managed by trained NHS staff on prescribed drug dependence. This will tie in with the existing CALL 24/7 Helpline, enabling helpline staff to give clear and concise pointers for help and support to callers irrespective of where they live in Wales.
- Funding should come from the current Substance Misuse funds and the Pharmaceutical Companies whose successful marketing strategies have overplayed the benefits and underplayed the risks, giving them huge profits.

The above actions will enable patients to be prescribed appropriately and, if they have problems, to be BELIEVED. Dr David Healy, one of the experts who has submitted to this petition, in his blog entry of 18th April entitled “The Horrific Effects of Not Being Believed” (about PPD and withdrawal), wrote with reference to his colleagues at the Royal College of Psychiatrists (RCP):

“They can’t say this is news. Successive presidents of the British Psychiatric College have been told about this problem for over 20 years since Charles Medawar first wrote to them. They are in great part personally responsible for ongoing injuries from disbelief to thousands, maybe hundreds of thousands of people.”⁷

UPDATE ON RELATED CAMPAIGNS OUTSIDE WALES

UK PRESS and ROYAL COLLEGE OF PSYCHIATRISTS

On 22 February 2018 the Royal College of Psychiatrists (RCP) issued confident national press statements about a newly published Lancet report on a study on efficacy of antidepressants – and suggested that many more patients should be prescribed them.

PETITION 1235 – PRESCRIPTION DRUG DEPENDENCE AND WITHDRAWAL – RECOGNITION AND SUPPORT BY STEVIE LEWIS APRIL 2018

A letter by Profs Burn (RCP President) and Baldwin (Chair of its Psychopharmacology Committee) was published in The Times on 24 February⁸, (responding to a letter by James Davies et al⁹), which said *‘the statement that coming off antidepressants has disabling withdrawal effects in many patients “which often last for many years” is incorrect. We know that in the vast majority of patients, any unpleasant symptoms experienced on discontinuing antidepressants have resolved within two weeks of stopping treatment.’* This has caused great distress to people who have submitted evidence for this and the Scottish petition – and the many others who have experienced dependence and withdrawal and have for years been desperately trying to raise the alarm. We are led to wonder whether the RCP is being wilfully blind to potential antidepressant harm. RCP’s own research about antidepressant withdrawal disappeared from RCP’s website on 26 February. Their leaflet “Coming Off Antidepressants” was dated 2014 and reported a survey of 817 people who completed the RCP survey and shared their experiences: *“512 (63%) people in our survey experienced withdrawal when stopping their antidepressants”*. (A full copy of this RCP leaflet was previously saved and can be provided.)

This led to a formal complaint of misleading the public on a matter of public safety being lodged with the RCP against Profs Burn and Baldwin by 10 of its own members. The complaint states: *“To mislead the public on this issue has grave consequences. People may be misled by the false statement into thinking that it is easy to withdraw and may therefore try to do so too quickly or without support from the prescriber, other professionals or loved ones.”*¹⁰ Alongside the 10 psychiatrists, 10 people with experience of withdrawal lasting more than two weeks also signed the letter. I was one of the signatories.

SCOTTISH PETITION

The next date for this petition to be discussed is 26th April. They now have 150 written submissions from people with lived experience and 20 expert submissions.¹¹

PUBLIC HEALTH ENGLAND

Public Health England has announced the scope of the review into PDD, which includes antidepressants.¹²

BMA BOARD OF SCIENCE: PRESCRIBED DRUGS

On 18th April, the BMA hosted a further Board of Science Stakeholder meeting in London for stakeholders, to allow members of the group to update on actions that have been taken since the last meeting and to discuss next steps. Marion Brown, the Scottish petitioner, was invited to give a brief report about Scottish Petition and she reported on my behalf on this Petition.¹³

References:

1. <https://www.mind.org.uk/information-support/drugs-and-treatments/antidepressants/withdrawal-effects-of-antidepressants/#.Ws9WlYjwaUk>
2. <https://www.mind.org.uk/information-support/drugs-and-treatments/sleeping-pills-and-minor-tranquillisers/withdrawal-effects-of-benzodiazepines/#.Ws9W6YjwaUk>
3. <https://castlecraig.co.uk/resources/drugs/types-of-drugs/heroin/>
4. <https://www.nytimes.com/2018/04/07/health/antidepressants-withdrawal-prozac-cymbalta.html>
5. <https://www.karger.com/Article/FullText/370338>
6. <https://www.madinamerica.com/2018/04/letter-new-york-times-antidepressants-quit/>
7. <https://davidhealy.org/the-horrific-effects-of-not-being-believed/>
8. Letter to TIMES 24 February 2018 ‘Pills for depression’ by Profs Burn and Baldwin
9. Letter to TIMES 23 February 2018 ‘Stigma and efficacy of taking antidepressants’ by James Davies et al
10. <http://cepuk.org/2018/03/09/patients-academics-psychiatrists-formally-complain-president-royal-college-psychiatrists-misled-public-antidepressant-safety/>
11. <http://www.parliament.scot/GettingInvolved/Petitions/PE01651>
12. <https://www.gov.uk/government/news/prescribed-medicines-that-may-cause-dependence-or-withdrawal>
13. <https://www.bma.org.uk/collective-voice/policy-and-research/public-and-population-health/prescribed-drugs-dependence-and-withdrawal>

Agenda Item 3.10

P-05-793 Hi speed broadband to Llangenny village

This petition was submitted by Llangenny Village residents and was first considered by the Committee in January 2018, having collected 72 signatures.

Text of Petition

We, the residents of Llangenny village in Powys call upon the National Assembly for Wales to ensure that Welsh Government manage their contract for hi speed broadband in Wales with BT in such a way that Llangenny village is connected to hi speed by 31st December 2017.

Additional information

At present residents in our village experience regular loss of service or speeds as low as 0.01Mb/s. Several residents run businesses or voluntary organisations from home and need hi speed broadband. The current service is completely unacceptable.

Assembly Constituency and Region

- Brecon and Radnorshire
- Mid and West Wales

P-05-793 Hi speed broadband to Llangenny village - Correspondence from the Petitioner to the Clerking Team, 9.04.18

Dear Ms Thomas

Thank you for your email asking for an update on the latest position from me.

Despite the letter from Julie James AM to the Committee advising that high speed broadband installation was in progress and would be available within 8 weeks (8 weeks from her letter being the 1st week of April) there is no sign whatsoever of any progress being made anywhere in Llangenny and I have checked with all the petition signatories. No fibre cable has been installed and the local BT Openreach engineers (who are in our village almost daily sorting out problems with residents' low speed signals) aren't aware of any planned works. One of our neighbours has recently been without phone or broadband for a week. The cabling to our village is obviously in poor condition.

So it looks as though, yet again, BT have provided false information, this time to a Welsh Government Minister.

Duncan Forbes

Agenda Item 3.11

P-05-798 Male domestic violence victim support services to be independently run & funded

This petition was submitted by Tom Embling and was first considered by the Committee in February 2018, having collected 138 signatures online.

Text of Petition

Male domestic violence victim support services to be independently run & funded separately from Women's Aid Cymru & all associated.

The cross-government definition of domestic violence and abuse is: "Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality."

Domestic Abuse can effect anyone. With more Male victims/survivors seeking help, advise, support & safety than ever before. It is important that Male victims deserve independent support & funding from such gender bias groups as Women's Aid Cymru & all associated.

Male victims/survivors deserve support/help specific to their needs, while still maintaining their dignity, & providing them and their children safety equal & parallel to that which women currently receive.

Additional Information

Current Domestic Abuse statistics across Wales & England, indicate that Domestic Abuse will affect 1 in 4 women and 1 in 6 men in their lifetime.

Domestic Abuse/Violence is a problem that can effect anyone so surely it should be:

"Putting people & their children first."

There is no greater gap in availability of services & support just based on someone's gender across Wales & UK.

Attitudes need to change because no person (& their children) should continue so publically & shamefully be denied safety & support because of their gender in Wales, in this day & age.

Please support this to help support others.

Assembly Constituency and Region

- Bridgend
- South Wales West

Julie James AC/AM
Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-798
Ein cyf/Our ref JJ/00393/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA

government.committee.business@wales.gsi.gov.uk

9 April 2018

Dear David

Thank you for your letter of 23 March regarding funding specific support for male victims of domestic violence, and whether there have previously been opportunities for organisations to apply for funding.

The work to implement the Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Act and the National Strategy has always been inclusive and conscious of the experience of men. This experience has been considered specifically as part of the National Training Framework implementation; in "Ask and Act" rollout and as part of forthcoming Communications work.

The Welsh Government funds projects in Wales providing support services for male victims including the Live Fear Free Helpline and Project Dyn.

The Welsh Government fully funds the Live Fear Free website and 24 hour helpline. This helpline is gender responsive and includes targeted information specifically for male victims. The Dyn project provides accessible support to all men who experience domestic abuse in Wales regardless of age; gender; race; religion or sexual orientation.

The regional approach for VAWDASV services will commence from April 2018 whereby local authorities' VAWDASV budget will be allocated to regions. This will enable increased consistency and effective multi-agency collaboration for VAWDASV services. Regional Boards have undertaken their needs analyses and local strategies will be published in May 2018 based on the findings.

To support this regional approach the draft guidance for the commissioning of VAWDASV Services in Wales will be published for formal consultation in April 2018. The aim of this guidance is to promote high quality collaborative commissioning that delivers more

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

consistent and effective services to prevent VAWDASV. It aims to support commissioners ensure equal access to holistic, appropriately resourced, high quality, needs-led, and gender responsive services across Wales for victims of VAWDASV. This guidance applies to the commissioning of both specialist and non-specialist VAWDASV services, whether commissioned from the public, third or private sectors.

Yours sincerely



Julie James AC/AM
Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip

P-05-798 Male domestic violence victim support services to be independently run & funded –

Correspondence from Petitioner to Committee, 18.04.25

Again I feel the question hasn't been answered. I would also like to point out the matter of screening male callers to said male services.

I would like the petitions committee to progress the petition as there seems to be a reluctance to address the matter in hand. As mentioned previously there is a real issue here, the fact that no one will openly discuss let alone act is detrimental to all victims of domestic abuse across Wales.

Relevant information is available, however failure "ask & act" or simply plain "answer" of Julie James only goes to show the pro's of said petition.

Further evidence, documentation & statistics will be provided by myself further along the petitions process to support the petition.

Again, I would like to thank the petitions committee for their time.

Please help make Wales safer for all.

Kind regards

Tom Embling.

Agenda Item 3.12

P-05-804 We need Welsh Government funding for play!!

This petition was submitted by RAY Ceredigion and was first considered in March 2018, having collected 328 signatures online.

Text of Petition

We call on the National Assembly for Wales to provide annual designated funding to provide financial support to all Local Authorities in fulfilling their duty in line with their Play Sufficiency Assessments in order to avoid further closure of open access play provision such as RAY Ceredigion

Assembly Constituency and Region

- Ceredigion
- Mid and West Wales



Eich cyf/Your ref P-05-804
Ein cyf/Our ref HID/00239/18

David John Rowlands AM
Chair - Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

SeneddPetitions@assembly.wales

13 April 2018

Dear David,

Thank you for your further letter dated 23 March regarding the petition submitted by RAY Ceredigion which your committee has recently considered.

I have responded to the points you have raised below:

- **What assessment the Welsh Government has made of the sufficiency of steps taken by local authorities to fulfil the duties under Section 11 of the Children and Families (Wales) Measure 2010;**

Since the commencement of the local authority duties in respect of play opportunities, the Welsh Government has taken a supportive, collaborative and encouraging stance. Under the Play Wales Strategic Policy Grant, the Welsh Government has provided grant funding to Play Wales to provide strategic support to the Local Authorities and their partners to assist the implementation of the Play Sufficiency duties.

The Play Sufficiency Assessment Toolkit was also developed in 2012 by Play Wales and the Welsh Government, in conjunction with play providers across Wales, as a means of supporting the implementation of the duty. The toolkit was designed to give guidance but allow for local contexts, to encourage dialogue across policy areas and to influence future awareness and policy decisions. The intention was to enable local authorities and their partners to take account of children's play in all policy and implementation agendas.

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Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

To support local authorities to consider collaborative working, Play Wales has been promoting the delivery of a Professional Development Programme delivered by colleagues from the University of Gloucestershire. It is based on a pilot programme drawing on key themes identified in two research studies undertaken by Play Wales and the University of Gloucestershire in 2013. The programme comprises a series of workshops designed to support the local authority and its third sector partners in their approach to assessing and securing play opportunities.

As part of its grant funded activity, Play Wales has undertaken analyses and reviews of the Play Sufficiency Assessments and the related Play Action Plans. These reports have shown the progress being made in each local authority in Wales. My officials work in partnership with Play Wales to facilitate annual regional events for local authority play officers, where good practice is shared and regional issues discussed.

My officials also work in partnership with Play Wales to deliver cross policy networking meetings with a range of Welsh Government officials. These meetings have enabled the sharing of initiatives that have worked well, barriers to sufficiency and solutions, future actions and collaboration information. This approach has also identified issues and challenges which might be addressed by the various Welsh Government policy areas outlined within Matter I of the statutory guidance 'Wales – a Play Friendly Country'. Distinct benefits have been evidenced from this approach, including closer integration and alignment of policies.

- **What steps have been taken to ensure that an adequate level of expenditure on play is being allocated at a local level throughout Wales;**

As I outlined in my letter of 6 March, the Welsh Government has allocated just under £5 million since 2013-14 to support local authorities to meet their play sufficiency duties. A further £1.7 million was allocated in the last financial year, which isn't an insignificant amount of funding given the current financial climate. Local authorities also have the discretion to use their Welsh Government Out of School Childcare Grant funding for play-related purposes and this amounts to £2.3 million per annum. The majority of Local Government funding is of course made up of the core unhypothecated funding for local authorities and it is for each local authority to determine how it spends these resources, along with locally-raised council tax and income from fees and charges, to deliver key outcomes and priorities.

- **What consideration has been given to play provision in the development of the Welsh Government's obesity strategy;**

Matter I within the Welsh Government's statutory guidance 'Wales – a Play Friendly Country' acknowledges that if we are to achieve the positive outcomes for children we desire, it is necessary for policy and implementation across many policy areas to contribute. I have already mentioned the Welsh Government's Cross Policy Networking meetings that my officials convene to share policy development updates and information, including examples of good practice, challenges and barriers, identified in the Local Authorities' Play Action Plans.

We are currently developing an obesity strategy through our Public Health Wales Act 2017, with the objective of improving the nation's health. This will aim to consider a number of areas of work which will need to come together in order to create change. We will be launching a consultation later this year where we hope to test ideas. This will include listening to children and families to consider how we can understand some of the real life issues and barriers which provide challenges to healthy weights across everyday life.

Play is an important issue in order to increase levels of physical activity amongst children, which will help to tackle childhood obesity. Play Wales have been involved in early engagement workshops with stakeholders in order to feed in policy ideas for the development of a strategy. The role of play is recognised in Public Health Wales' '10 Steps to a Healthy Weight' and Play Wales have been working to develop campaign messaging in respect of 'Step 6 Children should play outdoors every day'. To support the programme, Play Wales has included information within its 'Focus on Play' publication to support public health professionals to consider the role they hold in supporting better opportunities for children to play in their own communities. Furthermore, we recognise the vital role which early years settings play and we are currently developing guidance for nutritional standards to help support healthier diets.

I also awarded an additional £30,000 grant funding to Play Wales in 2017-18 to develop and deliver a social campaign aimed at parents and communities to help make their communities more playful. Alongside a new supportive and accessible (jargon free) website, the campaign includes the development of a range of bilingual information sheets and community resources on street play, and the printing and distribution of Play Wales's 'Right to Play' children's book at events across Wales which include roadshows in partnership with Public Health Wales,

I hope this information answers the Petition Committee's queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Huw', with a horizontal line underneath it.

Huw Irranca-Davies AC/AM

Y Gweinidog Gofal Cymdeithasol a Phlant
Minister for Children and Social Care

David Rowlands AM
Chair, Petitions Committee

20 April 2018

Dear David

P-05-804 We Need Welsh Government Funding for Play!!

Thank you for your letter of 23 March 2018 regarding the above petition, which has been circulated to Committee Members for information.

As part of its inquiry into the physical activity of children and young people, the Committee held a series of focus groups with relevant stakeholders. Representatives of Play Wales took part in these sessions and the importance of play was discussed at some length.

A note of these discussions can be found on the Committee's webpage:

<http://senedd.assembly.wales/documents/s73229/Paper%206%20Focus%20group%20discussions%20with%20stakeholders%2025%20January%202018.pdf>

Additionally, at our meeting yesterday, Members raised the issue of the physical environment and access to play with the Children's Commissioner for Wales.

Yours sincerely,



Dr Dai Lloyd AM
Chair, Health, Social Care and Sport Committee



Mr David J Rowlands AM
Chair of the Petitions Committee
National Assembly for Wales

Email:
Osian.Shelley@assembly.wales

Ein cyf / Our ref: GD/CR/7092/1520

Eich cyf / Your ref:

☎: 01745 448788 ext 6364

Gofynnwch am / Ask for: Dawn Lees

E-bost / Email: Dawn.Lees@wales.nhs.uk

Dyddiad / Date: 17th April 2018

Dear Mr Rowlands,

Re: P-04-479 Tywyn Memorial Hospital X-ray & Minor Injuries Unit Petition

Thank you for your letter dated 23rd March regarding Tywyn Hospital Minor Injury Unit opening hours in summer 2017 and requests for information made to the Health Board last year from the South Meirionnydd Older People's Forum.

I am able to respond to your queries as follows:

Why the opening hours of MIU in Tywyn Hospital were not extended in Summer 2017

You will be aware that Tywyn Hospital Minor Injury Unit (MIU) has different summer and winter opening hours. In summer (1st April to end September), the Unit is scheduled to be open from 10.00am to 6.00pm 7 days per week, whilst in the Winter (1st October to end March) it is open 10.00am to 6.00pm 5 days per week, Monday to Friday.

I wrote to the Petitions Committee on 9th February 2017 expressing the Health Board's commitment to these opening hours and nothing has changed, that is still the case. However our MIU opening hours and inpatient beds (and many other nurse led services) are wholly dependent on securing qualified nurse staffing to ensure that they run safely. Despite extensive recruitment efforts throughout late 2016 and 2017, the MIU in Tywyn was unable to recruit suitably qualified individuals or those prepared to undertake suitable courses, which meant that we were unable to operate our extended opening hours in the MIU during the 2017 summer season.

For information, in order to undertake the nursing role in MIU, individuals must be a Registered Nurse or an Institute of Healthcare and Development (IHCD) paramedic ideally with emergency care experience. Unfortunately, we face the same challenges as other health boards and trusts across the UK in recruiting qualified nurses, in particular in rural areas.

This is an ongoing issue which is also affecting our ability to open additional inpatient beds in Tywyn Hospital, however I would like to assure you that we are very mindful of the local concern this generates and we continue to explore all avenues to address the situation.



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

On a positive note, we are pleased to report some recruitment success and that currently within the establishment in Tywyn we now have 4 individuals who are able to work in the MIU department at varying levels of experience and competency. This has meant that we were able to open Tywyn MIU at the beginning of April 2018 for its extended summer opening hours, as we planned.

Why the South Meirionnydd Older People's Forum have apparently not received a response from the Health Board to a number of requests for information

I am very sorry that the South Meirionnydd Older People's Forum has not received responses to two letters it sent to the Health Board last year (on 20th August and 1st November 2017) and for the inconvenience this has caused. I understand that the two letters in question were sent directly to Kathryn Cummings, the West Area Communications Officer and their receipt was therefore not formally acknowledged by our Corporate Office. Unfortunately it then appears that the letters were overlooked during the move of the Communications Officer's base from Carlton Court in St Asaph to Ysbyty Gwynedd.

To avoid this happening again, we will ensure from now on that any correspondence received directly by the Communications Department is copied to the Corporate Office to ensure responses are timely and are not overlooked.

I trust that this covers the issues raised in your letter by the petitioner.

Yours sincerely

Gary Doherty
Prif Weithredwr
Chief Executive

P-04-479 Tywyn X-ray & Minor Injuries Unit Petition –
Correspondence from Petitioner to Committee, 24.04.18

Kathryn Thomas ,
Deputy Clerk,
The Petition's Committee ,
National Assembly for Wales,
Cardiff Bay, CF99 1NA.

South Meirionnydd Older People's Forum
Sunnyside, Corbett Avenue, Tywyn,
LL36 0DF, Gwynedd.
Secretary; George Buckley


24th April 2018

Closed Petition: P-04-479 Tywyn X-ray & Minor Injuries Unit Petition.

Dear Kathryn, Thank you for your e.mail on the 18th of April 2018 informing us of the response from Betsi Cawaladr UHB to the questions raised regarding the Tywyn Hospital Minor Injuries Unit by the Petition's Committee during the Petition's Committee Meeting on the 13th of March 2018. We are pleased to give our views of the response received from the Health Board to be included in the discussion of the response at the next meeting of the Petition's Committee on the 1st of May 2018.

We are pleased to learn that the Health Board have not wavered in it's commitment to extend the opening hours of the Minor Injuries Unit at Tywyn to include the weekends from April to September and we are pleased to be informed that, following a successful recruitment of staff, this has been already initiated from the beginning of April this year. We appreciate that the provision of the Minor Injuries service is totally dependent on the availability of suitably qualified staff. We voiced our fears of the possible outcome of future staff shortages when the strategy of Changes to Community Services was proposed in 2012 with a view to curtailing Services at rural Community Hospitals in favour of designated Hub Hospitals serving a wider area. We also voiced our fears that the staff shortages would lead to a lack of availability of the Services which would ultimately lead to their decline. However Betsi Cadwaladr UHB have stated, in this latest correspondence, that they are very mindful of the local concern regarding this issue and, in relation to the future of the Minor Injuries Unit, we find this statement somewhat reassuring.

We kindly accept the apologies from the Health Board for their lack of response to letters of concern written by the South Meirionnydd Older People's Forum in August and November 2017 regarding the lack of provision of Minor Injuries Services at Tywyn Hospital ,during the weekends, from April to September. When making enquiries at Tywyn Hospital as to the status of the extension of Minor Injuries Services last year we were advised to contact Kathryn Cummings the Health Board Communications Officer who was handling the case. We are pleased to accept the assurance from the Health Board that future correspondence will not be overlooked. We feel that, within their response, the Health Board have now provided enough evidence of their commitment to provide and maintain a Minor Injuries Service which will be extended when the demand for the service may be at it's highest and we are satisfied in that case that our concerns have been sufficiently addressed. Finally the South Meirionnydd Older People's Forum would like to offer our thanks for and appreciation of the help that you have provided to us in contacting the Health Board once again in our interests even though the original Petition was closed. We feel that the response that was gained through the intervention of the Petition's Committee may not have been forthcoming without it. We greatly value the work that you have undertaken on our behalf .

With the Most Kind Regards, Miss Jennifer Windsor
(on behalf of the South Meirionnydd Older People's Forum)

Agenda Item 5



David J Rowlands AM
Chair
National Assembly for Wales
Petitions Committee

National Office
3rd Floor
21 Bloomsbury Street
London
WC1B 3HF

Sent via email to: SeneddPetitions@assembly.wales

4 April 2018

Dear Mr Rowlands

I am replying to your letter dated 15 March 2018, setting out the Cafcass position on parental alienation as requested. I have attached our work in progress about this. We are carrying out further work internally within Cafcass on our proposed parental alienation pathway, prior to discussions with stakeholders and then an invitation for general comment via our website before going live, starting in the early autumn.

Recognition of parental alienation

We recognise parental alienation. I have publicly stated that in my view it has a serious child impact which can properly be called emotional abuse. It can take the form of a systematic removal or downgrading of one parent by the other parent. It can also take place between other family members such as siblings or grandparents.

We prefer to refer to parental alienation not as a syndrome or a classification but as alienating behaviours. Our primary focus is the child impact of these alienating behaviours. Whilst in some of our cases, alienating behaviours are the main or only feature, it is more common for us to see alienating behaviour and impact operating alongside other damaging factors or risk factors within a family. Our role is to understand the precise toxic mix or cocktail of problems affecting a child and to seek to persuade those responsible for the problems to cease what they are doing and to in future protect the child from harm.

Whilst we focus on children, others in a family network can be affected or victimised through the alienation process. All of our practitioners are provided with guidance and training on how to recognise alienating behaviours and we also cover some of the features in our Operating Framework, which I have attached for reference (see p64).

The new Cafcass private law assessment pathways

In recognition of the complexity of alienating behaviours, we decided to develop new private law assessment pathways including a high conflict pathway and a parental alienation pathway. These will sit alongside our award-winning domestic abuse pathway, as the pathways need to

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive



Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental public body of the Ministry of Justice
Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF

be considered as a whole rather than in isolation from one another. We will train our staff in these pathways when they are operational later in the year. Any practitioner trained will start using the pathways straight away. Our plan is to ensure that all practitioners are trained before we publish the final version and designate it as mandatory, probably in April 2019. This will allow us to refine the pathways in the light of early experience before they become mandatory.

Our work is aligned with the Ministry of Justice position on parental alienation which you make reference to. We work closely with them on this and all related developments.

In closing, my view is that the child impact of high conflict separation and divorce is a major public health issue, which would benefit from publicity and awareness raising, with a view to deterring parents from behaving like this. A different way of framing this would be to promote the benefits of low conflict lives. Programmes like this need Government support but in my view a change in legislation is not required at this stage, especially as the issues are complex and legislation is in my experience a blunt tool for regulating private family life. A stronger evidence base will help to move the debate forward. In Cafcass we intend to do that through the work on our new practice pathways I have summarised in an attachment to this letter.

Below are details of our Positive Parenting Programme Pilot, which you asked about.

The Cafcass Positive Parenting Programme Pilot

The High Conflict Pathway supports practitioners to identify cases suitable for the Cafcass Positive Parenting Programme Intervention. Our Positive Parenting Programme pilot is a 12-week programme for families which provides structured sessions to high conflict parents aimed at promoting change, improving communication between parents and reducing the emotional harm experienced by the child. It encourages parents to place themselves in their children's shoes so as to understand the impact of their behaviour. We use restorative practice principles to help the child recover with the support, where possible, of both parents.

A number of Cafcass practitioners have been trained to deliver the programme and it is being piloted across the country in 50 [Rule 16.4 cases](#) assessed to be suitable. Cafcass identifies those cases which might benefit from the programme. This is then discussed with the judge for each case and if agreed, the case is allocated to one of the practitioners trained in the programme.

We are currently undertaking further development work to refine the design and implementation of the pilot and will undertake an impact evaluation once a sufficient number of cases have completed the programme.

Yours sincerely

Anthony Douglas CBE
Chief Executive

cc. Nigel Brown, Chief Executive, Cafcass Cymru

Cafcass Private Law Assessment Pathways



What are the Private Law Assessment Pathways?

1. Alongside our existing pathway on assessing domestic abuse, we are introducing two new assessment pathways for our practitioners, on assessing high conflict and alienation in private law cases.
2. We have also developed an introductory pathway which sets out the principles of private law assessments in Cafcass and advises on how the subsequent pathways should be used.
3. These pathways are interconnected and interrelated to reflect that children's lives are complex and may be affected by elements from more than one type of behaviour simultaneously (hybrid cases).
4. The practitioner will use the most appropriate pathway(s) to undertake their assessment, checking back to avoid confirmation bias and updating their assessment where there is new information available.
5. The pathways follow a consistent and evidence-informed approach helping practitioners find an outcome which is in the best interests of the children involved.

What are the intended benefits of the pathways?

1. The damaging impact of parental conflict and alienating behaviour are well known. The pathways have been developed to provide a clearer framework for the robust assessment of the impact of such behaviours on children and to help practitioners identify what is happening in each case.
2. Labels such as Domestic Abuse and Parental Alienation are frequently 'used' within contested proceedings, in a one-dimensional blaming way without objective clarity about the meaning of the terms. The pathways draw attention to and help to tease out the nuances and complexities in these cases. The pathways provide a transparent, comprehensive and reliable frame of reference to facilitate balanced reporting to court.
3. They draw on established and emerging research in these areas and are intended to support practitioners' existing practice knowledge and skills by equipping them with a set of tools to structure and enhance assessment.
4. This systematic approach can also help with the early identification of such cases so appropriate work can take place with the family to improve the situation. An example of this is identification of suitable cases for the Cafcass Positive Parenting Programme.
5. The pathways provide a framework for early triage which provides an opportunity to design a more differentiated route through private family proceedings. For example, early identification of signs of alienation or high conflict may inform an early decision not to go down a route of multiple Section 7 reports followed by a 16.4 appointment, but instead order a combination of interventions, coordinated or delivered by Cafcass.
6. This approach could save time and resources as well as deliver more timely and improved outcomes for children.
7. The model we're using follows the same tried and tested format as our [Domestic Abuse Practice Pathway](#), introduced in 2016 to support and strengthen the systematic assessment of cases involving domestic abuse or domestic abuse allegations.
8. The pathways could assist the courts determination of any allegations of domestic abuse, substance misuse, and compromised parenting.
9. They help the practitioner keep in mind a variety of hypotheses about the cause of the family dynamics impacting on the child, being aware of the problems of confirmation bias.

Private Law Assessment Pathways

Introductory Private Law Assessment Pathway

- Underlying Principles of a Cafcass Private Law Assessment
- Successful co-parenting post separation.
- The Parenting Plan.
- Assessing the pre-existing parent-child relationship.
- Ascertaining the child's wishes and feelings.
- Co-developing an age appropriate shared narrative for the child.
- Assessing the barriers to co-parenting post separation.

Practice Pathway: Assessing risk in high conflict private law proceedings

- Distinguishing between high conflict and domestic abuse.
- Assessing the impact of high conflict on the child.
- Severity of the parental behaviours (**Mild-Moderate-Severe**).
- Impact of these behaviours on the child (**Mild-Moderate-Severe**).
- A systemic approach to assessment.
- Integrating the practitioner's assessment (with the other pathways).

Practice Pathway: Assessing risk where the child may be alienated

- Children that resist or refuse post separation contact.
- Affinity, alignment, alienation (**Naïve, Active, Obsessive**).
- Hybrid cases (**Alienation, Appropriate rejection**).
- Assessing the impact on the child Mild-Moderate-Severe).
- Severity of the parental behaviours (Mild-Moderate-Severe).
- Applying a systemic approach to assessment.
- Integrating the practitioner's assessment (with the other pathways).

Practice Pathway: Assessing domestic abuse in private law proceedings

- Emphasises a systematic and structured professional judgement approach.
- Helps FCAs assess domestic violence and abuse in the context of separation and litigation.
- Addressing learning from SCR re 'getting off on the wrong foot'
- Helps to identify those cases which require particular attention and highlights those situations and behaviours by the perpetrator which exacerbate risk.

Child Impact Analysis

Recommendations

Comisiynydd Plant Cymru Children's Commissioner for Wales

Sally Holland

By e-mail only

To: David Rowlands AM, Chair, Petitions Committee, National Assembly for Wales

9 April 2018

Dear Chair,

Petition P-05-751 Recognition of Parental Alienation

Thank you for your letter on behalf of the Petitions Committee dated 16th March 2018, in relation to the above named petition.

The Petitioner had previously written to me regarding this matter in March 2017, prior to filing the petition, and I attach a copy of the response that was sent to the petitioner at that time for your information.

I note the specific actions proposed in the current Petition and would respond to each point in turn, as follows:

We propose the following action by Welsh Government:

Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (paragraph 1 here <https://petition.parliament.uk/petitions/164983>).

This point is addressed directly in the attached correspondence.

Commission and fund mandatory training for professionals including social work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.

In my previous response I suggested that the Petitioner contact Regional Safeguarding Boards as they are responsible for ongoing training of social workers and other staff. I would repeat this suggestion.

There may also be merit in the Welsh Government exploring the current training available to CAF/CASS staff in order to ensure that this is being actioned for them in addition.

As regards pathways, the current child protection processes and All Wales Child Protection Procedures would apply here so there is no requirement for additional pathways to be set out in my view.

Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.

I would be concerned that a national campaign could be difficult as the topic is particularly sensitive and “*fraught with difficulties*”¹ as previously noted by Anthony Douglas of CAFCASS England. It is not the sort of topic that would lend itself easily to a public campaign in my view, as each case will be entirely unique to its own circumstances, and would need very careful and meticulous delivery if such a campaign was targeted at children and young people. In addition, even where parental alienation (or implacable hostility as it is often termed in the UK) is evident, the court and relevant professionals will still be under a mandatory duty to consider what action is in the child’s best interests in all of the circumstances. This is their right under current legislation and case law for England and Wales, as well as under Article 3 of the United Nations Convention on the Rights of the Child (UNCRC). It is not as straightforward as to say that one parent has acted inappropriately and therefore the child has suffered harm and should be removed from their care for instance; any response will need to meet the child’s best interests.

As Children’s Commissioner for Wales, I think that the views and voice of the child will always be important in family cases, as set out in the welfare checklist of the Children Act 1989, so for me it is clear that professionals should always be considering the child’s views in any such case.

Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.

In adopting the UNCRC through the Rights of Children and Young Persons (Wales) Measure 2011, Welsh Ministers are under a duty to have due regard to the Convention when exercising their functions. The UNCRC contains a right for children to be kept safe from harm (Article 19) and also a duty on the state to take all appropriate legislative and administrative measures to ensure that this is the case. This would potentially include decisions in relation to CAFCASS such as funding and training, as noted above.

However, as noted in the petition’s cover letter, this is further complicated by family justice being reserved to the UK Government and not devolved to Wales. In that sense the child protection processes themselves have to be dealt with according to laws and processes that govern both England and Wales.

It is my understanding that discussions have taken place with senior judges and the Ministry of Justice on forming a protocol to the Family Procedure Rules that would cover parental alienation and how it should be dealt with through the court process. It is my view that this is the appropriate way for those discussions to take place. I would be happy to respond to any public consultation on the introduction of such a protocol.

In summary, I believe that the current guidance and processes, although presently subject to revision, remain able to encompass implacable hostility/parental alienation and ensure a response that is focused around the needs, views and best interests of the child. I think ongoing training around the issue may be of benefit for practitioners generally, but would be concerned about the potentially negative messaging of a public campaign – and therefore the negative impact one could have on children - if one were to take place.

¹ <http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

I trust that the above evidence is useful as you and the Committee continue to consider the petition.

Yours sincerely,



Sally Holland
Children's Commissioner for Wales

Encl. *E-letter to Mr Apreda – 16 March 2017*

Comisiynydd Plant Cymru Children's Commissioner for Wales

Sally Holland

By e-mail only.

16th March 2017

Dear Mr Apreda

Thank you for your email raising awareness of your 'Call to Action in relation to Parental Alienation', and the current petition before the Welsh Assembly, seeking to influence the Welsh Government to formally recognise Parental Alienation as a form of emotional abuse.

I note that the petition refers to a 'definition' of Parental Alienation as given by the Ministry of Justice, but this wording appears in response to a petition to the UK Government and has not subsequently been replicated in any legislation or their statutory guidance "Working Together". The definition of emotional abuse in Working Together is very similar to the definition in the All Wales Child Protection Procedures. Neither definition is overly prescriptive so as to encompass any forms of harm or abuse that are having a negative and long term impact on a child and their development.

Whilst the quote from Anthony Douglas of CAFCASS contained in the petition information states that parental alienation is a form of neglect or abuse, in the Telegraph article¹ he goes on to note that it is "fraught with difficulty" and that removing a child from a parents' care in these circumstances is "a rocky road and a difficult process".

Article 3 of the UNCRC protects the best interests of children and Article 9 states the rights of children to retain contact with both parents unless doing so would cause them further harm. In any cases before the courts it is incumbent on the professionals and the judge or magistrates to treat the child's welfare as the paramount consideration and to apply the welfare checklist contained in section 1(3) of the Children Act 1989. The systems that are currently in place seem broad enough to encompass parental alienation as a form of abuse, to be taken into account as part of the balancing exercise being undertaken.

The All Wales Child Protection Procedures are to be updated to reflect the introduction of the Social Services and Well-being (Wales) Act 2014; this might create an opportunity to raise your concerns as part of that process. As these procedures belong to practitioners and are not a product of the Welsh Government, it might perhaps be prudent to approach the Regional Safeguarding Boards in relation to this matter. In addition, these boards are responsible for co-ordinating training across a range of agencies so again it may be a relevant issue to draw to their attention.

¹ <http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

Comisiynydd Plant Cymru
Children's Commissioner for Wales
Sally Holland

There is also an ongoing Welsh Government consultation in relation to the Working Together to Safeguard Children guidance. The guidance throughout refers to “abuse, neglect or harm” so these are wide ranging definitions. I would encourage you to share any views you have through that formal consultation process, which can be found here -

https://consultations.gov.wales/sites/default/files/consultation_doc_files/170131guidance-childrenen.pdf

Yours sincerely



Sally Holland
Children's Commissioner for Wales



Diane Engelhardt House, (Unit 2) Treglown Court, Dowlais Road, Cardiff, CF24 5LQ
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02920 108081 | nspcc.org.uk

David J Rowlands
Chair of the Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

12 April 2018

Dear David J Rowlands

Thank you for your letter asking for NSPCC Cymru/ Wales' views and further information regarding Petition P-05-751: Recognition of Parental Alienation.

We know that separations and family breakdowns can place significant emotional stress on children and temporarily impair parenting ability. In a small number of cases a child explicitly sides with one parent and rejects the other. There may be a number of reasons for this, including the impact of the behaviour of one or both parents that undermines the child's relationship with the other parent. There are a number of contributing factors to why a child may align with one parent and reject another:

- Justifiable estrangement- where a child's negative feelings towards a parent are justified as a result of abusive behaviour towards them or their other parent. In these cases reluctance or refusal to see this parent is a justifiable reaction are an attempt to keep themselves and their other parent safe.
- The pressure of a break down in family structure creates emotional pressures that undermine parenting capacity and negatively affects parent child relationships. This result is a breaking down of parental child boundaries as parents place requirements on children to provide emotional stability and security. This then negatively affects their relationships with one or both parents.
- Affinity or alignment with one parent over another based on the child individual characteristics, personality and stage of development
- Alienation by one or both parents, which can be naive or deliberate.

MAE POB PLENTYNDOD WERTH BRWYDRO DROSTO
EVERY CHILDHOOD IS WORTH FIGHTING FOR

National Society for the Prevention of Cruelty to Children (NSPCC). Noddwr Brenhinol: Ei Mawrhydi'r Frenhines. Llywydd: Ei Uchelder Brenhinol Iarllless Wessex. Sefydlwyd yn 1884. Ymgorfforwyd gan Siatr Frenhinol RC000374. Rhif elusen gofrestredig 216401 (Cymru a Lloegr) a SC037717 (Yr Alban).

National Society for the Prevention of Cruelty to Children (NSPCC). Royal Charter: His Majesty The Queen. President: HRH The Countess of Wessex. Founded in 1884. Incorporated by Royal Charter RC000374. Registered charity number 216401 (England and Wales) and SC037717 (Scotland).

Parental Alienation is a contested and controversial concept where one parent turns a child against the other parent and the child then rejects this parent with no legitimate justification.¹ It is mainly applied to cases of family separation where a child refuses to see one parent due to the activity of another, and has implications for how family courts make decisions about custody and contact.

The concept of Parental Alienation is particularly advocated by fathers' pressure groups who advocate on behalf of those who believe they have been victims of parental alienation. In addition some legal advocates who recognise the features of parental alienation in the cases in the family court system and mental health practitioners.

It is opposed by advocacy organisations for survivors of domestic abuse who view parental alienation as a means of discrediting allegations of domestic abuse, or allegations of child abuse made by the other parent of the child. It is also opposed by legal advocates and mental health practitioners and researchers who dismiss the validity of the theory.

NSPCC Cymru/ Wales position:

NSPCC Cymru/ Wales principal policy position is that the best interests of the individual child should always be the primary consideration when decisions are being made. This position is consistent with:

- Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) states:

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'²

- And the paramountcy principle as stated in the Children Act 1989: *'the child's welfare shall be the court's paramount consideration'³*

In response to the following proposed actions:

- *Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (paragraph 1 here <https://petition.parliament.uk/petitions/164983>).*
- *Commission and fund mandatory training for professionals including social work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.*

We believe that, in itself, a child being denied contact with a parent is not automatically abusive. It can be in the best interests of the child where contact with a parent would pose a risk to the child or it can be in response to the child's own wishes.

¹ C S Bruch, Parental Alienation Syndrome and Alienated Children- getting it wrong in child custody cases

² https://downloads.unicef.org/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.203887760.123060488.9.1523451048-1234611693.1523451048

³ <https://www.legislation.gov.uk/ukpga/1989/41/section/1>

Parental alienation occurs on a spectrum. Where there is evidence that alienating behaviour of a parent is causing a child severe distress, the current legal framework requires that professionals investigate concerns of emotional abuse and take appropriate action to safeguard the child. We believe a specific recognition of parental alienation is not required as the threshold for significant harm, as outlined in the Children Act 1989, is well understood and the basis for intervention by all agencies. The Social Services and Well-being (Wales) Act 2014 defines abuse and includes psychological and emotional abuse⁴, Section 130 makes clear the duty to report a child at risk of abuse, neglect or other forms of harm⁵ and the All Wales Child Protection Procedures provide clear guidance to professionals about how to respond.

Social workers and CAFCASS staff are used to working with families in conflict and already use their professional judgement to advise courts and make recommendations on the child's best interests. Therefore we do not see the need for mandatory training on parental alienation.

In response to the following proposed action:

- *Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.*

There are no robust statistics regarding the prevalence of parental alienation, not least because there is no agreement about what constitutes parental alienation. We would not recommend a national campaign on a much contested and sensitive subject.

In response to the following proposed action:

- *Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.*

⁴ http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

⁵ *ibid*

MAE POB PLENTYNDOD WERTH BRWYDRO DROSTO EVERY CHILDHOOD IS WORTH FIGHTING FOR

National Society for the Prevention of Cruelty to Children (NSPCC). Noddwr Brenhinol: Ei Mawrhydi'r Frenhines. Llywydd: Ei Uchelder Brenhinol Iarllless Wessex. Sefydlwyd yn 1884. Ymgorfforwyd gan Siartr Frenhinol RC000374. Rhif elusen gofrestredig 216401 (Cymru a Lloegr) a SC037717 (Yr Alban).

National Society for the Prevention of Cruelty to Children (NSPCC). Royal Charter: Her Majesty The Queen. President: HRH The Countess of Wessex. Founded in 1884. Incorporated by Royal Charter RC000374. Registered charity number 216401 (England and Wales) and SC037717 (Scotland).

Welsh Ministers are already bound by the Rights of Children and Young Persons (Wales) Measure 2011⁶ to have due regard to the Convention on the Rights of the Child when exercising their functions. Article 19 of the UNCRC states that:

*'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'*⁷

Any such additional duty on Welsh Ministers would duplicate responsibilities they already have to protect children from abuse and harm.

I hope you find our views helpful as you further consider this petition

Yours sincerely

Des Mannion



National Head of Service for Wales and North West

Pennaeth cenedlaethol gwasanaethau yng Nghymru a'r Gogledd Orllewin

⁶ <http://www.legislation.gov.uk/mwa/2011/2/contents>

⁷ https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.203887760.123060488.9.1523451048-1234611693.1523451048



13 April 2018

David Rowlands AM
Chair, Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear David Rowlands AM

RE: Petition P-05-751 Recognition of Parental Alienation

Thank you for your recent letter dated 16 March 2018 regarding a request for the views of Welsh Women's Aid about the issues raised by this petition.

As the umbrella body for violence against women, domestic abuse and sexual violence specialist services in Wales, our work is informed by our national network of 23 specialist services, and we also collaborate closely with UK umbrella bodies and children's charities. As such, our concerns about this petition are informed by our work on domestic abuse and sexual violence, and our work for and with children and young people. Our concerns also align with the position of other organisations, such as NSPCC Cymru and Women's Aid Federation England.

Summary: our response to specific petition demands

- Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (para. 1 <https://petition.parliament.uk/petitions/164983>).
- Commission and fund mandatory training for professionals including social work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.
- Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.

We recommend that the National Assembly **should not** 'persuade' the Welsh Government to formally recognise 'parental alienation' as a specific form of child abuse in Wales, **nor** should mandatory training for professionals be commissioned on 'parental alienation'. We also recommend that the National Assembly should **not** fund a national campaign to inform children and families about parental alienation and the harm it causes.

As evidenced below, 'parental alienation' as a concept it remains undefined, complex and contested and its scale is unclear. The Ministry of Justice definition is not a 'definition' as stated by "Families Need Fathers Both Parents Matter Cymru" in this petition. This is a reference to a response provided to another petition last year (which sought to recognise 'parental alienation' as a criminal offence¹) and has not been formalised or used elsewhere in publications or regulations by the Ministry. In responding to that petition, the Ministry of Justice argued that the Children Act 1989 contains adequate provisions to deal with these concerns citing that the family court has a range of powers to

¹ <https://petition.parliament.uk/archived/petitions/164983>

deal with such cases and therefore separate legislation is not needed to address ‘parental alienation’. The Ministry of Justice concluded that the current legal provision is fit for purpose and that practitioners have the capacity and specialist expertise to undertake this remit.

- *Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.*

We recommend that the National Assembly should **not** place a further duty on Ministers to protect children where ‘parental alienation’ has been identified, because this would duplicate responsibilities and duties already in place.

In Wales, Ministers are already under a duty to have due regard to the United Nations Convention of the Rights of the Child (UNCRC) through the Rights of Children and Young Persons (Wales) Measure 2011, when exercising their functions and for states to ensure through legislation and policy that this is the case.. This includes the rights of children to retain contact with both parents *unless doing so would cause them further harm* (Article 9), the right for children to be kept safe from harm (Article 19) and protection of the best interests of children (Article 3).²

Professionals involved in court processes are also already bound by rules that govern that the child’s welfare should be of paramount consideration (welfare checklist under the 1989 Children Act). In Wales professionals are also bound by section 130 of the Social Services and Well-being (Wales) Act 2014 which defines abuse and includes psychological and emotional abuse and the duty to report, as well as by guidance in the All Wales Child Protection Procedures. The definition of emotional abuse in these Procedures is already wide-ranging and includes any forms of harm or abuse that has a negative and long term impact on a child and their development.

We urge all Petitions Committee members to consider our recommendations (above) and the following supporting evidence (below), when discussing the issues raised by this Petition.

Supporting evidence: ‘Parental alienation’ and domestic or sexual abuse

‘Parental alienation’ is commonly perceived to involve one parent turning a child against the other parent and the child then rejects this parent, yet as a concept it remains undefined, complex and contested and its scale is unclear. Recognition that there is a ‘syndrome’ of parental alienation is also highly disputed, and such a syndrome has not been recognised by the World Health Organisation or within family proceedings in our jurisdiction.

Although alienating behaviours can manifest in a number of ways with varying impact, it is generally accepted that when a child is rejecting or resisting one parent, this can involve a combination of child and adult behaviours and attitudes associated with separation or family breakdown. CAFCASS reports, for example, that extreme examples of ‘parental alienation’ are a very small percentage of those cases that come before family courts.³

In cases of domestic abuse, we know that often perpetrators engage in overt or more subtle alienating and abusive behaviours with their children to try to turn them against the non-abusive parent (usually mothers). We also know that children are harmed by coercive controlling tactics, including continual

² https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?ga=2.203887760.1230604889.1523451048-1234611693.1523451048

³ <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>

monitoring, isolation and verbal/emotional/psychological and financial abuses, perpetrated by fathers/father-figures against mothers. So victims of domestic abuse have legitimate concerns about the parenting capacity of the abusive parent and, following separation (which is the most dangerous time for victims of domestic abuse)⁴, many request safe/supervised/indirect contact to safeguard their children, because their children consider the abusive parent as threatening or frightening.

Research suggests it is a mistake to assume that a child's reluctance to have contact with the non-resident parent is simply due to brainwashing or 'alienation' by the resident parent, and that even relatively young children may have very clear reasons for resistance to contact.⁵ When a child has been abused by a parent, including when they live with a parent who is physically, emotionally and/or sexually abusing the other parent, then rejection of the abusive parent is often an adaptive coping strategy, and a child's refusal to have a continuing direct relationship with the abusive parent is justifiable estrangement, an attempt to keep themselves and their other parent safe.

Nevertheless, fathers' pressure groups commonly accuse non-abusive parents (overwhelmingly mothers) of being 'implacably hostile', of emotionally manipulating and alienating their children from contact with their fathers following separation. Yet our experience, supported by evidence, shows that the reverse is true, and that mothers who have experienced domestic abuse frequently try various ways to promote contact if it is safe and in the child's best interests to do so.⁶ Worryingly, there is a growing public perception that mothers are flouting contact orders and courts are failing to uphold compliance, but research (e.g. by the Nuffield Foundation) shows this is inaccurate: such cases constitute a minority of enforcement cases, most of which arise because of unresolvable parental conflict, serious welfare concerns, or the children's own wishes (as outlined above).⁷

'Parental alienation' is being used by perpetrators, in our experience, to discredit allegations of domestic abuse made by mothers and to explain a child's anxiety and fear about contact with that parent, often despite the presence of welfare concerns which are far more likely to be the reasons for the child's reaction. We are concerned that during family proceedings, more weight can be given to this than to domestic abuse itself, because of the incorrect assumption made by some professionals that once a relationship has ended, the abuse has also ended.

Research by Women's Aid Federation England with Queen Mary University London (forthcoming) evidences that family justice professionals increasingly accept 'parental alienation' as a credible and common 'syndrome' in the absence of scientific validity. In some cases, this research shows, women who raised domestic abuse as a safety concern in relation to child contact were accused by their abusive partner of 'parental alienation' and of making up the experiences of domestic and child abuse, and women lost residency and contact with their children as a result.

⁴ According to the *Femicide Census* 77.4% of women killed by their ex-partner or ex-spouse were killed within the first year that followed that separation. *The Femicide Census: 2016 findings* p.5 <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/12/The-Femicide-Census-Report-published-2017.pdf> [accessed 03.04.18].

⁵ Fortin, Hunt and Scanlon (2012) "Taking a longer view of contact: The perspectives of young adults who experienced parental separation in their youth"

⁶ For example, Hunt, J. and McLeod, A. (2008) *Outcomes of Applications to Court for Contact Orders After Parental Separation or Divorce*, London, Ministry of Justice; Thiara, R.K. and Gill, A. (2012) *Domestic Violence, Child Contact and Post Separation Violence: Issues for South Asian and African-Caribbean Women and Children; A Report of Findings*, London, NSPCC; Morrison, F. (2015) "All over now? The ongoing relational consequences of domestic abuse through children's contact arrangements", *Child Abuse Review*, 24 (4), 274-284.

⁷ <https://www.nuffieldfoundation.org/sites/default/files/files/enforcement%20briefing%20paper%20final.pdf>

Our concerns about the way ‘parental alienation’ is being used, are reinforced by research which shows family courts have frequently minimised the impact of domestic abuse which leads to contact arrangements that are often unsafe.⁸ For example, analysis of serious case reviews from England and Wales published between January 2005 and August 2015 concluded that there have been significant failings in family courts and child contact arrangements that actively minimised the possibility of further harm to children/young people and the non-abusive parent. This research outlined the stories of 19 children and 2 mothers who were killed by a parent or partner who was a perpetrator of domestic abuse, in circumstances relating to child contact (formally or informally arranged).⁹

In Wales, consultation undertaken by an independent facilitator for Welsh Women’s Aid¹⁰ with 69 survivors of violence and abuse, raised significant concerns in this area:

- Survivors spoke of their experience of perpetrators using the family court system to continue to abuse and control them, and of the family justice system prolonging and reinforcing the abuse they had experienced by perpetrators;
- Survivors told us they felt the abusive parent’s right to see their children overrides the safety and well-being of children during family court proceedings, despite the intent of the law to put the child’s safety, wishes and feelings first;
- Survivors spoke of their concerns about their children being subject to ongoing emotional and other forms of abuse, as a result of family court decisions that allow unsafe contact with the abusive partner/parent.
- Survivors felt that, unlike improvements in the criminal justice system, the family justice system did not appear to understand domestic abuse, its impact on mothers and children, and their need for support.

This consultation specifically recommended that Welsh Government prioritise *“Improved awareness of and response to violence against women, domestic abuse and sexual violence by professionals involved in the family justice system (CAFCASS Cymru, judges and court personnel, contact centres), and safe child contact with parents/carers following separation, in cases of domestic abuse and sexual violence.”*

Supporting evidence: Changes to guidance for family courts and social work practice

The Ministry of Justice and the President of the Family Division recently issued a revision to guidance for judges and magistrates for child arrangements proceedings where there are allegations, risks associated with, or admissions of domestic abuse – Practice Direction 12J.¹¹ This applies to any family proceedings in the family or high courts. Courts will be required to follow the revised guidance at all stages of the proceedings and specifically at the first hearing, and must consider whether domestic abuse is raised as an issue. This guidance came into force on 2nd October 2017 and shows the extent and seriousness with which domestic abuse needs to be considered in these circumstances.

⁸ Harrison, 2008; Bagshaw et al., 2011; Caffrey, 2015; Morrison, 2015.

⁹ Women’s Aid England published research in 2016 as part of the Child First campaign, which Welsh Women’s Aid participated in, - “Nineteen Child Homicides” (Bristol: Women’s Aid, 2016) <https://1q7dqy2unor827bgjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/01/Child-First-Nineteen-Child-Homicides-Report.pdf> (accessed Oct 2017)

¹⁰ Y. Rehman, ‘Are you listening and am I being heard? Survivor Consultation: A report of the recommendations made by survivors of violence against women, domestic abuse and sexual violence, to inform the National Strategy in Wales’, <http://www.rhianbowendavies.com/wp-content/uploads/2016/09/Are-you-listening-and-am-I-being-heard-FINAL-July-2016.pdf>, Welsh Women’s Aid, 2016.

¹¹ Practice Direction 12J - Child Arrangements & Contact Order: Domestic Violence and Harm https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

CAFCASS Cymru has already undertaken a programme of training to improve their understanding on the dynamics of domestic abuse, in particular on new legislation regarding coercive controlling behaviour, so that they can effectively identify and take action in cases where such abuse exists. Nationally, ‘Ask and Act’ training is also being rolled out for social workers in Wales, under the National Training Framework to help professionals earlier identify and respond to domestic abuse, sexual violence and other forms of violence against women.¹²

CAFCASS (in England) is also reviewing its practice, by piloting a ‘High Conflict Practice Pathway’, a practice framework being developed to help practitioners systematically assess cases which feature adult behaviours associated with high conflict, which includes, but is not limited to, ‘parental alienation’. It supports the accurate and early identification of exactly what is happening for each child, and aims to distinguish between parental alienation and the justified rejection of a parent by a child due to inappropriate, abusive or harmful behaviour.

Welsh Women’s Aid welcomes this revised Practice Direction 12J guidance and further improvements in practice and training undertaken by CAFCASS Cymru, as it is hoped that this will improve the rights of children and young people and survivors of domestic abuse to live free from abuse and violence in Wales.

In summary, these petition demands would not be in the best interests of children and young people and their safety, and would also be replicating much of the legislation and policy already in place concerning the emotional abuse of children:

- The most likely reason that a child becomes estranged from a parent is that parent’s own behaviour, and the use of ‘parental alienation’ label against the other parent only services to deflect attention away from those behaviours.
- More dangerously, parental alienation can mask domestic violence and child abuse (physical, emotional, sexual or neglect). Indeed, it is in the perpetrators’ own interests to blur the distinction between abused children and ‘alienated children’, and to reframe the behaviour of fearful abused women as ‘alienating’, so that professionals question, for example, whether gathering evidence of abuse (interviews with psychologists, medical examinations or discussions with the child) is gathering proof or further evidence of alienating behaviour.
- There is already a great deal of work underway to safeguard and support children in Wales, and to better identify and respond to domestic abuse and sexual violence. Labelling the concerns of victims of domestic abuse as ‘parental alienation’ or the responses of sexually abused children as ‘alienated’ will only serve to further endanger children, who may already be deeply traumatised after living with violence and abuse and who need access to protection, safety and support. ***If any resources are to be allocated to improve the lives of children, we would recommend this be allocated to supporting children and young people directly who are impacted by domestic and sexual abuse.***

¹² Part of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Thank you for this opportunity to contribute our expertise to this area as the umbrella organisation for violence against women, domestic abuse and sexual violence specialist services in Wales.

If you require any further information or evidence, around this or any other related matter, please do not hesitate to get in touch.

Yours sincerely,



Eleri Butler MBE

Chief Executive Officer,
Welsh Women's Aid

**P-05-751 Recognition of Parental Alienation –
Correspondence from the Chief Executive of Children in Wales to Chair,
16.04.18**

David Rowlands AM
Chair
Petitions Committee
National Assembly for Wales

Dear David

re : Petition P-05-751 Recognition of Parental Alienation

Thank you for asking our views about the above petition. This is a complex matter for a variety of reasons. As an organisation we are totally committed to promoting emotional well-being and good mental health for all children and young people in Wales. In particular this has been a top priority for children and young people themselves as we have heard through our Young Wales programme which actively engages their views from across Wales through collaboration with youth forums, schools and organisations that support vulnerable and marginalised groups.

Within this context they are very concerned about healthy relationships which includes relationships within families of all shapes and sizes, whether birth parents or not. For a significant number of children in Wales their parents have never married. The impact on children of relationship breakdown between parents who are not married is no different to that which occurs when a marriage breaks down, but these conflictual cases do not end up in private law proceedings. We therefore recommend that there should be more of a focus on child development and co-parenting in such situations as the petition refers to, from the point of view of a child's right to family life under the United Nations Convention on the Rights of the Child. Family breakdown is a major issue for very large numbers of children and so Welsh Government should invest in its general parenting work, public education and services that recognise the importance of healthy relationships within families including when separation happens.

It is well established that in the main, a child's interests are best served if resolutions are found outside of the court either between the parents themselves or through mediation. It also has to be remembered that *Private Law (Section 16.4 Children Act)* only deals with a minority of children in those marital breakdown cases which are the most extreme and where the adults involved are behaving in a way which is entrenched and unlikely to change to resolve matters for the child without court intervention. High levels of conflict are typical in these cases and there may also be situations of domestic violence, substance misuse etc. CAF/CASS appoints guardians to provide the court with reports on the child's behalf and the child also has legal representation in their own right.

In particularly entrenched cases the court also has the power to issue a *Family Assistance Order* and can require CAF/CASS Cymru to conduct a risk assessment to be done if it is felt that the child is at risk. A key reservation we have is that since the changes to legal aid, parents are less likely to have helpful early advice such as sign-posting to mediation or at least realistic guidance about the prospects of the outcome they are looking for through court proceedings. The Ministry of Justice should be required to consider the impact on children of the changes to legal aid in such circumstances. It can't be good for children to have their parents representing themselves in adversarial court situations.

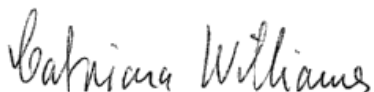
Regarding 'Parental Alienation' there is no definition of what it actually is despite its use in various published articles. We know that there are many situations where the parent with whom the child resides may be obstructive to promoting a positive relationship with the other parent. However, we do not believe that focussing on one aspect of a child's emotional health is the correct way of looking at it. The child may have other worries as well during these difficult times such as a change in school, loss of friends, loss of grandparents, new family members such as a parents new partner etc etc.

The complexities of separation and the impact on children are common place and it should currently be part of the development or training of social workers and CAFCASS staff to recognise parental behaviours that aim to make the child feel negatively towards the other parent. Considering the complex work that social workers and CAFCASS staff carry out in cases of public law cases which may lead to the removal of children for their own safety, it would be surprising to us that they did not have the skills to make such an assessment to inform the court. However time may be an issue for both them and for the solicitors.

Regarding acting on emotional abuse, we believe that there is sufficient legislation and multi-agency procedures to be able to protect any child who is suffering emotional abuse. In the *All Wales Child Protection Procedures* there are clear definitions of Abuse and Neglect. Under 1.1.2 Emotional Abuse is defined as *'the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, for example by witnessing domestic abuse within the home or being bullied, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill treatment of a child though it may occur alone.'*

We do not believe that creating a new law as suggested by the petitioner is the answer although we would like to encourage Welsh Government to recognise the needs of children in separating families, especially their emotional needs and to invest in services that create a supportive environment for the children.

Yours sincerely



Catriona Williams OBE
Chief Executive

Catriona Williams OBE
Chief Executive / Prif Weithredydd

National Assembly's Petitions Committee:

Parental Alienation (P-05-751)

Contribution by ADSS Cymru

Authority	Jenny Williams, President
Completed by	Paul Pavia, Policy and Research Lead
Date	12 April 2017

General Comment

The Association of Directors of Social Services (ADSS Cymru) is the professional and strategic leadership organisation for social services in Wales and is composed of statutory Directors of Social Services and the Heads of Service who support them in delivering social services responsibilities and accountabilities; a group of more than 80 social services leaders across the 22 local authorities in Wales.

As the national leadership organisation for social services in Wales, the role of ADSS Cymru is to represent the collective, authoritative voice of Directors of Social Services, Heads of Adult Services, Children's Services and Business Services, together with professionals who support vulnerable children and adults, their families and communities, on a range of national and regional issues of social care policy, practice and resourcing. It is the only national body that can articulate the view of those professionals who lead our social care services.

As a member-led organisation, it is uniquely placed as the professional and strategic leadership organisation for social services in Wales, to lead on national service development initiatives to ensure a consistent efficient and high standard of delivery for people who access care services across Wales.

ADSS Cymru is committed to using the wealth of its members' experience and expertise, working in partnership with other agencies, to influence important decisions around social care to the benefit of the people it supports and the people who work within care services.

Therefore, ADSS Cymru welcomes the opportunity to comment on the Recognition of Parental Alienation Petition that is currently before the Committee for consideration.

The angry alienation of a child from a parent following separation and divorce has drawn considerable attention in custody disputes for nearly three decades and only more recently, has generated considerable legal, psychological and media-based controversy. The debate about the tangible, medical existence of initially, Parental Alienation Syndrome (PAS), then, Parent Alienation Disorder (PAD) and more recently, Parent Alienation, is very complex. The concepts and theory behind the lexicon of each of the perceived conditions, have been played out in family courts and amongst clinical psychologists and psychiatrists for many years. Yet, there has and continues to be, a broad skepticism of the concept of PAS and a clear cause for caution in relation to the concept of parental alienation by both mental health practitioners and legal professionals.

What are the definitions of 'Parent Alienation Syndrome', Parent Alienation Disorder' and 'Parent Alienation'?

The term, '**Parent Alienation Syndrome (PAS)**', was a label originally devised by American child psychiatrist, Prof. Richard Gardener, in the mid 1980s. Gardener coined the term to describe a diagnosable disorder in the child occurring in the context of a custody dispute and it is this entity that has generated both enthusiastic acceptance and a strong negative response. Gardner described PAS as a child's campaign of denigration against a parent that has no justification and that results from the combination of two contributing factors: the programming or brainwashing by one parent and the child's own contributions to the vilification of the target parent.ⁱ He identified eight fundamental behaviors or characteristics:

1. Campaign of denigration against the target parent;
2. Inconsistent, illogical, weak, or absurd rationalizations given by the child for rejecting the target parent;
3. Child's use of phrases, terms, or scenarios that do not reflect the child's experiences or are developmentally inappropriate;
4. Child's lack of ambivalence towards either parent;
5. Contention that the decision to reject the target parent is the child's;
6. Child's unconditional, automatic support of the alienating parent;
7. Child's significant lack of guilt over exploitation of the targeted parent; and
8. Spread of animosity and danger to include the extended family of the target parent.

There have been several key criticisms of PAS, which has discredited any attempt to formally adopt the concept as a diagnosable medical condition.

- First and foremost, PAS focuses almost exclusively on the alienating parent as the ethological agent of the child's alienation. This is not supported by considerable clinical research that shows that in high-conflict divorce, many parents engage in indoctrinating behaviors but only a very small proportion of children become alienated.ⁱⁱ
- In other cases, it can be shown that some children, especially adolescents, develop unjustified animosity, negative beliefs and fears of a parent in the absence of alienating behaviors by a parent. Hence, alienating behavior by a parent is neither a sufficient or necessary condition for a child to become alienated.ⁱⁱⁱ
- As there is no commonly recognised, or empirically verified pathogenesis, course, familial pattern, or treatment selection of the problem of PAS, it cannot be properly considered as a diagnostic syndrome as defined by the American Psychiatric Association in its *Diagnostic and Statistical Manual of Mental Disorders* (5th Ed. (DSM-5)), seen globally as the 'Psychiatrists Bible' and the benchmark by which all mental disorders are measured against.

The term, '**Parent Alienation Disorder (PAD)**', was a suggested modern replacement or reformulation of PAS promulgated by Dr. William Bernet, an American forensic psychiatrist. He was a proponent of having a defined medical model for the collection of symptoms displayed by a child experiencing acrimonious family breakdown and separation. He claimed that children who reject parenting time with one parent during separation or divorce, have a specific mental health problem that comes as a result of the non-rejected parent's alienating behaviors toward the rejected parent.^{iv}

He set out a diagnostic criteria table for PAD:

- A. The child, usually one whose parents are engaged in a high-conflict divorce, allies himself or herself strongly with one parent and rejects a relationship with the other; thus, alienating one parent without legitimate justification.

The child resists or refuses contact or parenting time with the alienated parent.

- B. The child maintains the following behaviours:
1. A persistent rejection or denigration of a parent that reaches the level of a campaign;
 2. Weak, frivolous, and absurd rationalizations for the child's persistent criticism of the rejected parent.
- C. The child manifests two or more of the following six attitudes and behaviours:
1. lack of ambivalence;
 2. independent-thinker phenomenon;
 3. reflexive support of one parent against the other;
 4. absence of guilt over exploitation of the rejected parent;
 5. presence of borrowed scenarios; and,
 6. spread of animosity to the extended family of the rejected parent.
- D. The duration of the disturbance is at least 2 months.
- E. The disturbance causes clinically significant distress or impairment in social, academic (occupational), or other important areas of functioning.
- F. The child's refusal to have contact with the rejected parent is without legitimate justification. That is, **parental alienation disorder** is not diagnosed if the rejected parent maltreated the child.

For Bernet, the child's alignment with the non-reject parent, along with the irrational fear and anxiety of the rejected parent was done so without any legitimate justification.

Critics who opposed this drive to designate a medical model, stated that the first and fundamental problem was the systematic labeling of children with a mental disorder, who may just simply be reacting with anger to the changes in their lives from the separation and divorce of their parents by rejecting one parent and aligning with the other.^v They felt it was not appropriate to diagnose a child with a mental illness based on the parent's behaviour. Moreover, there were three other key reasons why it should be incorporated into DSM-5:

1. Insufficient empirical data to support the benefits of adding a new childhood disorder;
2. Insufficient data to differentiate the symptoms from trauma, specifically child abuse and domestic violence from PAD; and
3. Insufficient data to demonstrate the necessity of the court's using PAD to force reunification of children with an alienated parent in order for them to grow up healthy.

The term, '**Parent Alienation**', again is the most current reformulation of PAS, put forward by American psychologist, Dr. Douglas Darnell. Darnell used many of Gardner's ideas but avoided the term syndrome, simply referring to the concept as Parental Alienation (PA). Darnall defined PA as any constellation of conscious or unconscious behaviors that might induce a disturbance in the relationship between the child and the target parent. He distinguished PA from PAS, noting that PA focuses on the parent's behavior whereas PAS focuses on the child's behavior.^{vi}

What is ADSS Cymru's view of recognising PA?

ADSS Cymru members, as professional social care practitioners, do not judge who is right or wrong after a relationship breaks down. Their role is firstly about ensuring child safeguarding measures are in place and then to establish the impact of what has happened, working with the affected child, their families and other relevant partners, to evidence a recommend to the courts, as to what should be done to end or lessen any harmful impact.

While the definition of PA itself, as a concept, continues to be debated, there is still a lack of credible and clear research data to understand the scale and impact of what in some quarters is perceived as a real problem. Despite differing views on the terminology, there is general consensus that alienating behaviours, displayed both parents and children, sit on a continuum of mild to severe with varying impact. ADSS Cymru believes that alienating attitudes and behaviours do not exist in isolation but form part of a complex, dynamic mix that require closer examination and understanding.

It is the job of social care professionals to work with families in crisis through a range of different, challenging behaviours, to find the most positive outcome, both for the child and the parents involved. Through our members work, we try to help parents understand the impact of their behaviour on the child and what they need to do to recover. This requires the support of both parents, who sometimes need help to exercise their parental responsibility.

For the child, even a child displaying the most alienating behaviours against a parent, will hold strong views of their own, in addition to those they may potentially have been coached to hold. ADSS Cymru is very clear that where there is a perception of PA, it is usually in the child's best interests to use the authority of the court to restore the relationship with the non-aligned parent. It is for the court to carefully balance its decisions to ensure that both children and adults are kept safe and ensure that children are able to maintain relationships with both parents where this is safe and in the child's best interests.

In relation to safeguarding, ADSS Cymru believe that there is sufficient legislation in place to allow social care practitioners to take action to protect the child of parents displaying difficult and challenging behaviours.

In conclusion, while we understand the call from some quarters to formally recognise PA, as service leaders in Wales, ADSS Cymru is confident that our professional members are fully aware of the complex behaviours and tensions on family relationships that can occur during separation and divorce. Our members look to positively manage such relationships to obtain the best possible outcome for the whole family, both children and parents; and we are confident that the appropriate training, guidance and legislation is in place to allow our members to do that.

Jenny Williams
President
ADSS Cymru

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- ^{vi} Walker L. E. & Shapiro D. L., 2010.

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

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Agenda Item 8

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

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