

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 3 – The Senedd

Meeting date: 25 April 2018

Meeting time: 09.00

For further information contact:

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Pre-meeting (09.00 – 09.15)

1 Introductions, apologies, substitutions and declarations of interest

2 Inquiry into pregnancy, maternity and work in Wales – evidence session 4

(09.15 – 10.15)

(Pages 1 – 20)

Sarah Rees, Director, Career Women Wales

Break (10.15 – 10.30)

3 Inquiry into pregnancy, maternity and work in Wales – evidence session 5

(10.30 – 11.30)

(Pages 21 – 36)

Dilwyn Roberts-Young, Deputy General Secretary, UCAC

Jenny Griffin, Area Organiser, Unison

4 Papers to note

(Page 37)

4.1 Notes of focus group discussions in relation to pregnancy, maternity and work in Wales

(Pages 38 – 48)



4.2 Letter from the Minister for Housing and Regeneration, the Cabinet Secretary for Local Government and Public Services and the Cabinet Secretary for Energy, Planning and Rural Affairs

(Pages 49 – 69)

5 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from the meeting for the remainder of the meeting and from item 1 of the meeting on 3 May 2018

6 Inquiry into pregnancy, maternity and work in Wales – discussion of the evidence received under items 2 and 3

(11.30 – 11.45)

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Oddi wrth: Sarah Rees

From: Sarah Rees

Pregnancy & maternity discrimination consultation response

Sarah Rees, I am an 'economically inactive' mother of two (girl age 4 and boy age 15 months). I have experienced discrimination whilst on maternity leave in 2013 and it has continued to impact my life to date.

- 1) Following the birth of my first child I lost my job. In the early days of becoming a parent my employer showed warning signs which caused me much upset and undue stress, including removing my name from the list of staff on the website, ignoring my emails where I asked to discuss a return to work, and discussing my possible redundancy amongst other staff members in Steering Committee meetings before I was informed. I raised a grievance with my employer about these issues and was unable to attend my own grievance meeting as they refused to hold it in my local office in Cardiff, and despite having over £4m in reserves stated they could not afford a train ticket for both myself and my mother, who would care for my 12 wk old breast-fed baby whilst I was in the meeting. The meeting itself caused me much upset as they brought up a series of issues against me, when I had done nothing wrong and there had been no complaint against my work before I took leave; I felt it was an attack in response to me daring to speak out.
- 2) In the first 12 months after I experienced discrimination I was too upset, angry and ashamed to discuss it publicly. Since sharing my story I have been contacted by many women whom are going through similar issues and looking for help. At the time I found an organisation called Maternity Action, I was never able to get through to their contact line as it was always engaged during the few hours it was open. I now forward others to Pregnant Then Screwed, as they have a lawyer on hand to provide advice to mothers.
- 3) I decided to take the redundancy offer as I did not want to work for an employer who would treat me in such a way. I did not take the case further, because, at that time there was no access to legal aid for such cases, and I could not afford the court fees, and I did not want to spend my precious early days of motherhood doing so.
- 4) The irony is that I was working for a project that was funded by the Welsh Government Equality and Inclusion Grant; the WG should have been better at auditing such issues, as they had a duty of care to me which was totally missed. The Welsh Government should monitor the retention rates of pregnant staff working on projects they fund and companies they invest in.
- 5) Whilst it was slightly complicated in that the project I worked on was separating from the charity which employed me; other staff were not made redundant but instead were continuously employed in the organisation. I strongly believe that were I not on maternity leave and in a vulnerable position I would have continued to have been employed. I believe I should have been able to TUPE transfer into the new project. In fact, one staff member whom was in a less senior position than me

was given a promotion, whilst I was offered redundancy only. During the time I would still have been on maternity leave other people were employed into the organisation too, into jobs that easily suited my skills. Current protections for mothers on maternity leave should have meant that I was offered any of these roles, but that was never an option that was offered to me.

- 6) I believe that women who experienced such issues should be given a grace period to fight their cases now that legal aid has been reinstated. I also believe that the time limit to raise a tribunal claim should increase from 3 months to at least 6 months. New parents have barely had a full night's sleep within the first 12 weeks of birth, let alone have the strength to fight a legal case.
- 7) When I started to look for new employment I faced a new barrier – the job opportunities with part-time or flexible options are sparse. It almost became a full time job to find a part-time job. The majority of part-time work is in low paid positions, I, as many other parents like me, want to continue their careers on a flexible or part time basis but this is elusive and is a huge barrier to many mothers wanting to work. The gender pay gap clearly correlates with motherhood, and the core problem is the lack of decent part-time and flexible jobs. I believe the Welsh Government should require all jobs advertised in Wales to be offered on a part-time or flexible basis unless there is a business requirement for a fixed position. This would open up a world of employment opportunities for mothers who have invested time and money in their career and education. As I often quote “I had a baby not a lobotomy” and should not have to lower my employment expectations simply because I need to balance work and caring. I would also like to see Welsh Government open Ministerial positions on a part-time, job-share basis; if employers could see this happening at a senior level they would follow. It would also greatly increase equality in Government.
- 8) I decided to set up my own social enterprise as I could not find a part-time job at a decent wage that suited my skills. I received a bursary from Chwarae Teg that provided me with office space and new business support for 6 months. This meant my family took my idea more seriously than ‘kitchen table mumpreneuring’ and within 12 months I was able to pay myself a salary whilst supporting other women in their employment. I also became an employer, supporting the Welsh economy further. Wales is doing quite a lot right now to support entrepreneurship and business but there is a distinct lack of support for new parents. Many women become entrepreneurs post-baby because the traditional world of work excludes them due to their caring responsibilities; why aren't the Welsh Government doing anything to support us?
- 9) In the early days of my business I had a meeting with Business Wales; I provided them with my business plan beforehand but it was clear that they had not even looked at this as the meeting began. They simply checked boxes on a form and told me that because I was not under 30, a recent graduate or living in a convergence area then there was little support available. They did offer me childcare so I could attend a course to write a business plan, when I prompted them to take a look at my

business plan they agreed that I didn't need this beginner level course and wished me luck. All I wanted was support with childcare costs so that I could go out and build my business. Women need better childcare in order to enable them to re-enter the workplace, I believe that parents should be provided with free childcare from the end of paid shared parental leave at 9 months.

- 10) Then I had a second child; I have been unable to return to work this time around because having two children under 5 means that childcare is simply too expensive to work. Wales has the lowest rate of female employment in the UK and a lack of affordable childcare is a key issue. Whilst I was running my business part-time, I had to work evenings and early mornings to meet my commitments. With 2 small children my energy to run a business, be part-time carer and run a home would push my mental health to its limit. I am also extremely limited by the cost of childcare.
- 11) To work a single 9-5 day the fees are £49 for my 15 month old and £45.45 for my 4 year old. I thought that when my daughter became 3 and was entitled to state nursery my costs would get lower, but due to wrap around requirements I do not save anything. In fact, if I add in the state nursery costs of uniform, snack money and school trips my costs would be higher. Our state nursery provide an absolutely brilliant start to education, which is why parents go to the effort and cost of enrolling their children, but this provision should not at all be seen as a childcare option to enable employment. The Welsh Government need to decide what they call 'childcare' that supports parents to work and what they call 'early years education'.
- 12) I have visited the WG webpages on the 30 hours provision for 3-4 year olds, there is no information on when it may be coming to my local authority, and does not answer questions of eligibility for parents who are not working but wish to re-enter the workplace. There are a series of questions I would like answers to regarding the offer; would I be eligible as soon as I found work or would I have to find a place and wait for the next start of term (as my the current state provision), would I be able to use it in a private nursery or state only, how will the state offer be increased locally when it is currently at capacity when providing 2.5 hours a day in a morning OR afternoon session?
- 13) The Welsh Government must have a plan for rolling out the 30 hours provision but it has not been communicated to parents or nurseries/ education settings. It is essential that the offer is fair and provides all families in Wales with childcare support, and it is also important that it does not impact on the cost of childcare for under 3's – which is currently around £50 a day and is already unaffordable for most.
- 14) One of the reasons I set up my social enterprise, Career Women Wales, is because Careers Wales does nothing to enable women into work. There is one very short paragraph on their website on returning to work after having children, it's very simplistic and does nothing to address the real problem women face; the lack of flexible and part times jobs at decent salaries. I supported 100's of women; addressing the real concerns we face including losing confidence, assessing their skills and re-building their networks. I would love to continue this work but cannot

afford to pay the £100 per day childcare bill for my own children that's essential for me to get back out there, network and generate funding.

15) The Welsh Government need to provide women, in particularly mothers, with careers support. Careers Wales have not provided this, as it is too focused on young people, I would be happy to discuss my work further to provide a careers service that works for mothers. Whilst the PaCE programme was supposed to address this it is not advertised very well; this is all I found in my local area and the contact email is out of date.

https://earlyyears.valeofglamorgan.gov.uk/fiso_live/fsd/Search.aspx?BX=bc3nZHGwFNI%3D

16) There is also a requirement for a campaign to ensure employers are welcoming parents back into the workplace. There are brilliant campaigns in England that need to come to Wales, such as Flex Appeal by Mother Pukka.

17) It is also essential to discuss mental health. I was devastated by the way my employer treated me, which is even harder when you are at such a vulnerable time becoming a new parent. The stress of the discrimination itself, followed by losing my employment had an impact on my confidence and abilities as well as affecting my relationship with my partner. Since having a second child and being unable to afford to return to work the pressure has increased, we are down to a single income. It has also impacted the family dynamic as I am now financially dependent on my partner.

18) Financial independence is a key factor in gender equality and having children can devastate a woman's independence for the rest of her life. I feel like nothing prepared me for this situation. I had heard the stories of losing sleep, battles to lose the baby weight etc, but never did I think that having children would take away my career, my pension, my mental health and my financial independence. I recently had a chat with my health visitor as she was concerned I was suffering with post natal depression, I told her that I feel frustrated and trapped at home but cant find a part-time job or afford the childcare cost that would enable me to work and her response was that that is the lot of a mother. 2018 may have celebrated a centenary of women winning the vote but we still have very far to go to bring about equality for parents.

19) Finally, I would like to raise your awareness of the Pregnant Then Screwed UK-wide 'March of the Mummies' protests. I organised the Welsh protest in Cardiff, which was attended by over 50 parents. We outlined a series of issues and demands that need addressing:

20) The problems:

- Government legislation is completely outdated and does not effectively protect working mothers

- 54,000 women lose their jobs for getting pregnant and 390,000 working mums experience negative and potentially discriminatory treatment at work each year. These numbers have doubled in a decade. Far from improving, the situation for working mums is rapidly deteriorating
- Pregnant women and new mums have limited access to justice, demonstrated by the fact that less than 1% of victims take legal action against a discriminatory employer
- Discrimination tends to have a negative impact on a woman's confidence and mental health. This often has a long-term impact on their career and sometimes this has a negative impact on their relationship with their child and partner
- The legal process is incredibly confusing and stressful for pregnant women and new mums who are very vulnerable
- Motherhood is a major contributor to the gender pay gap. The gap between young women and men is almost non-existent, but widens consistently for 12 years after the first child is born, by which point women receive 33% less pay per hour than men.

21) The solutions:

- Increase the time limit to raise a tribunal claim from 3 months to (at least) 6 months for pregnant and postpartum women. The [#Givemesix](#) campaign asks that the Government extend the time limit to raise a tribunal claim for pregnant and postpartum women. The current law says you have 3 months, less 1 day to raise a claim; we want to see that increased to at least 6 months. The petition has been signed by over 54,000 people and the [Early Day Motion](#) is supported by 91 MPs.
- Require companies to report on how many flexible working requests are made and how many are granted.
- Give fathers access to 6 weeks non-transferable paternity leave paid at 90% of salary.
- Give the self-employed access to statutory shared parental pay.
- Subsidise childcare from 6 months old, rather than 3 years old.

Ymchwiliad i feichiogrwydd, mamolaeth a gwaith yng Nghymru

Mis Mawrth 2018

Ymchwiliad i Feichiogrwydd, Mamolaeth a Gwaith yng Nghymru

Mae UCAC yn falch iawn o gael rhoi tystiolaeth i'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau yn rhan o'r ymchwiliad hwn.

Mae Undeb Cenedlaethol Athrawon Cymru (UCAC) yn un o brif undebau addysg Cymru. Mae'n cynrychioli athrawon, penaeithiaid a darlithwyr ym mhob sector addysg yng Nghymru.

Graddau'r gwahaniaethu mewn perthynas â beichiogrwydd a mamolaeth yn y sector cyhoeddus yng Nghymru (ac amrywiannau rhwng gwahanol grwpiau o fenywod), ac enghreifftiau o arfer da

1. Cefndir

- 1.1. Mae 75% o athrawon ysgol yng Nghymru yn fenywod, ac mae'r ffigwr yn codi i 89% ar gyfer gweithwyr cymorth dysgu.
- 1.2. Mae gwaith athrawon yn gallu bod yn anhyblyg iawn o'i gymharu â phroffesiynau eraill. Rhaid cymryd gwyliau yn ystod gwyliau ysgol, ac nid yw'n rhwydd cael amser i ffwrdd yn ystod y diwrnod ysgol ar gyfer apwyntiadau meddygol/deintyddol, mynychu angladdau neu briodasau, neu ar gyfer unrhyw ddyletswyddau gofal (e.e. plant, rhieni hŷn).
- 1.3. I ryw raddau, rhaid derbyn bod hyn yn rhan o natur y swydd ac o'r amodau a thelerau gwaith, ac mae'r gwyliau hirach yn mynd rhywffordd tuag at gydbwysu'r anhyblygrwydd.
- 1.4. Fodd bynnag, mae rhai meysydd ac enghreifftiau ble mae'r anhyblygrwydd yn mynd y tu hwnt i'r hyn sy'n 'naturiol' yn rhan o'r swydd, a thu hwnt i'r hyn sy'n dderbyniol
- 1.5. Fel undeb rydym wedi sylwi ar ddatblygiadau negyddol yn ystod y blynyddoedd diwethaf, o ran lleihau hyd yn oed ymhellach ar y parodrwydd i fod yn hyblyg gyda staff, ac mae hyn yn effeithio'n benodol ar famau (fel arfer) sy'n dychwelyd i'r gweithle ar ôl cyfnod mamolaeth, er y gall fod yn wir am dadau hefyd.

2. Natur y broblem: diffyg hyblygrwydd mewn perthynas â gweithio'n rhan amser

- 2.1. Yr enghraifft fwyaf amlwg i ni yw **ymateb cyrff llywodraethu ysgolion/arweinwyr ysgol i geisiadau am gael dychwelyd i'r gwaith yn rhan amser ar ôl cyfnod mamolaeth.**
- 2.2. Nid oes gennym ymchwil na ffigyrau penodol (mi allai fod yn faes ymchwil pellach gan y Pwyllgor), ond mae ein Swyddogion Maes yn delio gyda nifer cynyddol o achosion ble mae menywod am dychwelyd i'r gwaith yn rhan amser ar ôl cyfnod mamolaeth, ac:
 - i. yn cael eu gwrthod (ac yn cael eu gwrthod eto ar ôl apelio)
 - ii. yn cael caniatâd, ond yr ysgol yn mynnu patrwm o oriau gwaith rhan amser sydd yn anhyblyg ac yn anghyfleus o ran yr angen i gyd-fynd â threfniadau gofal plant, er enghraifft:
 - gorfod gweithio sawl bore a sawl prynhawn wedi'u gwasgaru ar hyd yr wythnos, yn hytrach na chrynhof'r oriau i flociau hwylus
 - achos penodol ble mae ysgol wedi mynnu mai gweithio 5 diwrnod yr wythnos neu 2.5 diwrnod yr wythnos yw'r unig opsiynau o ran patrymau gwaith

Gall hyn olygu nad yw'n ymarferol i'r athrawes barhau a'i chais i fynd yn rhan amser ac yn dychwelyd yn llawn amser (a hynny'n anfoddog), neu mi all olygu ei bod yn rhoi'r gorau i'w swydd yn llwyr am nad yw'n gynaliadwy ochr yn ochr â bywyd teuluol.

- 2.3. O ran sut mae ysgolion yn cyfiawnhau eu penderfyniadau, dyma rai enghreifftiau:
 - i. "byddai safonau addysgol yn dioddef"
 - ii. "mae angen cysondeb ar y plant" (yn enwedig yn y sector gynradd)
 - iii. "mae angen trin pawb yn gydradd"

- iv. gwrthod heb ymhelaethu na chynnig unrhyw resymeg

2.4. Rydym yn dod i'r casgliadau canlynol ynghylch natur y problem:

- i. diffyg dealltwriaeth/gwerthfawrogiad gan ysgolion (cyrff llywodraethu a/neu arweinwyr ysgol) o fanteision cynnig hyblygrwydd i'r gweithlu – i'r ysgol fel sefydliad, nac i'r unigolion dan sylw; tueddiad i'w weld fel datrysiad (tymor byr) sydd o fudd i'r sefydliad pan mae angen lleihau gwariant yn unig (h.y. gofyn/gorfodi i staff leihau oriau)
- ii. diffyg ymwybyddiaeth gan ysgolion o'u dyletswyddau o ran cydraddoldeb, gweithio'n hyblyg ac ati, gan gynnwys diffyg parodrwydd i roi ystyriaeth i amgylchiadau unigol, personol
- iii. diffyg cyngor/cyngor da gan Adnoddau Dynol yn y meysydd hyn gan gynnwys diffyg darpariaeth o arfer dda enghreifftiol, a/neu ddiffyg parodrwydd i roi sylw dyledus i'r cyngor hwnnw

3. Natur y problem: rhwystrau i ddatblygiad gyrfa

- 3.1. Mae problem hirdymor yn y system ysgolion ynghylch y berthynas rhwng gweithio'n rhan amser, a chyfrifoldebau ychwanegol. Mae'r broblem hon, yn rhannol, yn strwythurol, ond yn cael ei gwaethygu ymhellach gan anwybodaeth ac arfer gwael.
- 3.2. Mae'r agwedd hon o'r broblem yn ymwneud â thaliadau Cyfrifoldeb Addysgu a Dysgu (CAD) [*Teaching and Learning Responsibility* – TLR, yn Saesneg].
- 3.3. Yr agwedd strwythurol, sy'n deillio o reolau'r Ddogfen Cyflog ac Amodau Athrawon Ysgol, yw bod rhaid talu CAD ar lefel pro-rata os yw athro/athrawes yn gweithio'n rhan amser (hynny yw, athrawes sy'n gweithio 0.5 yn derbyn 50% o werth llawn y CAD); ond nid oes modd rhannu/leihau'r cyfrifoldebau, felly rhaid ysgwyddo'r cyfrifoldeb cyfan hyd yn oed os yw'r cytundeb yn un rhan amser. Mewn rhai achosion, mae hyn yn gwbl bosib; mewn eraill nid yw'n gynaliadwy.
- 3.4. Yr agwedd sy'n cael ei waethygu gan anwybodaeth ac sy'n arwain at arfer gwael yw bod tuedd i gymryd yn ganiataol – heb roi ystyriaeth i'r achos unigol - mai dim ond athro/athrawes llawn amser all ysgwyddo'r cyfrifoldeb a derbyn CAD. Gall hyn fod yng nghyd-destun rhywun sy'n dychwelyd i'r gweithlu'n rhan amser ar ôl cyfnod mamolaeth oedd â CAD cyn yr absenoldeb, neu yng nghyd-destun CAD newydd sbon.
- 3.5. Os yw'r athro/athrawes neu'r ysgol yn teimlo nad oes modd iddynt ysgwyddo'r cyfrifoldeb llawn tra'n gweithio'n rhan amser, yn aml iawn bydd yr athro/athrawes yn cytuno i roi'r gorau i'r cyfrifoldeb, ac i'r CAD. Drwy wneud hynny, maent yn colli unrhyw hawl i ddiogelu cyflog am dair blynedd – hawl sy'n berthnasol petai'r CAD yn cael ei dynnu am resymau eraill. Felly:
 - i. gall colli CAD fod yn golled ariannol ychwanegol a dianghenraid
 - ii. gall colli'r cyfrifoldebau ychwanegol fod yn rhwystr i ddatblygiad gyrfa'r unigolyn, gan olygu eu bod yn llai profiadol a/neu gymwys ar gyfer dyrchafiad maes o law.

Rhai atebion posib

- 2.1. Hyfforddiant i gyrff llywodraethu ac arweinwyr ysgol yn y meysydd priodol, gan gynnwys elfen o 'chwalu mythau' ynghylch tybiaethau am sgil-efeithiau negyddol gweithio'n rhan amser (gweler 1.8 uchod), a chanfyddiadau ynghylch cyfrifoldebau ychwanegol a thaliadau CAD, gyda'r bwriad o:
 - i. wella gwybodaeth a dealltwriaeth
 - ii. newid diwylliant i fod yn fwy cyfeillgar a chefnogol i staff yn gyffredinol, a menywod (a theuluoedd) yn benodol
- 2.2. Sicrhau cyngor dibynadwy oddi wrth Adnoddau Dynol
- 2.3. Pan fydd y grym dros dâl ac amodau gwaith athrawon wedi'i ddatganoli i Gymru, o fis Medi 2018, dylid defnyddio pa bynnag mecanwaith sydd yn ei le ar gyfer gwneud y penderfyniadau perthnasol i ymchwilio i sut y gellid creu fframwaith gyflogaeth fwy hyblyg ar gyfer athrawon.



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

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UNISON Cymru/Wales response to the consultation on Pregnancy, maternity and work

- 1.1 UNISON is Wales' largest public service union organising over 90,000 public service workers. Two thirds of our membership are women. Our experience representing and negotiating on women's issues, including pregnancy and maternity at work guide this response.
- 1.2 We represent full-time and part-time staff who provide public services, although they may be employed in the public, private and third sectors.
- 1.3 UNISON regularly engages with employers and government to protect and improve the pay and conditions of all who work in public services as well as the services they provide to society.
- 1.4 This paper will respond to the issues within the consultation that UNISON has identified as a priority and that suit our expertise as a public sector trade union.
- 1.5 Attached is a summary of findings from a recent UNISON Cymru/Wales survey which questioned participants on gender equality issues in the workplace. The survey results will be referred to throughout this response.

How the Welsh Government is working towards its strategic equality objective of "identifying and reducing the causes of employment, skills and pay inequalities related to gender", particularly in relation to pregnancy and maternity

- 2.1 UNISON has concerns that thousands of women in Wales are unaware of their pregnancy and maternity rights at work. A main strand to achieve the objective outlined must be to ensure women know their rights but it is clear there is still a lot of work to be done in this area.
- 2.2 Furthermore, we must not be under the illusion that gender inequalities emerge after caring responsibilities become a factor. Women who have had no need to access pregnancy or maternity provisions have experienced workplace discrimination based on their gender.
- 2.3 The UNISON survey results showed 70% of respondents felt workplace equality has not been achieved. 60% of respondents stated they had made changes to the way they work as a result of being a woman who is, for example a mother or carer.
- 2.4 Our survey showed women do not feel confident to formally challenge discrimination they experience in the workplace relating to pregnancy and/or maternity at the time they are experiencing it because they already feel vulnerable. Therefore, much of the evidence we received was anecdotal.

- 2.5 One respondent told us: “My children will soon be leaving full time education. I work in a school as a Teaching Assistant. I will soon need to change careers as unless you are married/ partnered with someone earning enough to compensate for the low income, or you are in receipt of child top up benefits, you cannot earn enough to live. I have over ten years working in education, a BSC Hons in childhood studies: education all completely wasted. Should this have been a male dominated career path, this would not be the case.”
- 2.6 Low paid public sector roles, such as catering, cleaning and caring, are predominantly filled by women. Career progression within such roles is often very limited compared to more male dominated posts which tend to have clearer career pathways and receive higher levels of pay.
- 2.7 UNISON has witnessed an increase in the number of outsourced functions of public service delivery, particularly within catering and cleaning. Local authorities have the ability to commission care services to third sector organisations. The hidden workforce behind these services are predominantly women, who face reduced pay, as access to nationally negotiated terms are ignored, their TUPE provisions dismissed and vastly reduced terms and conditions; notably regarding maternity leave provision.
- 2.8 In addition, where services have been outsourced and the workforce is now under 250 employees as a result, they will not be legally required to produce gender pay reporting, whereas had the service been maintained in-house, the gender pay reporting legislation would have included that element of the workforce.
- 2.9 The very nature of the roles outlined in paragraph 2.6 are more aligned with domestic duties compared to other jobs. Taking social care as an example, the level of skill expected of a care worker is very high. Carers regularly administer medicines, provide sensitive and intimate care, and perform technical procedures to, for example, support PEG fed clients. This high level of responsibility is rarely reflected in the pay or terms and conditions of employees.
- 2.10 Women will never achieve equality whilst the burden of care at home is seen as a woman’s responsibility. Women who need to take a career break, return to work part time or under flexible working, women who are unable to progress at work as they are unable to undertake training due to their part time hours; all face potential discrimination due to their pregnancy/maternity leave.
- 2.11 UNISON believes the manner in which some employers treat pregnant staff and those on maternity leave undermines the valuable work they have undertaken. For example, providing reduced or inadequate maternity cover, insufficient workload handover arrangements, a disregard for appropriate risk assessments and ‘Keeping in Touch’ (KIT) days are not organised.

Whether the new childcare offer is matched with targeted support for mothers to enter or return to work

- 3.1 Nearly 60% of the respondents to our survey stated they had made changes to the way they work as a result of being a woman. A large proportion of those respondents stated their need to go part time following maternity leave.
- 3.2 Women attend many different appointments related to their pregnancy and maternity – GP surgeries, breast feeding clinics, ante natal classes, midwife and community nurse appointments and many more. Each of these appointments provides an opportunity to engage women regarding their rights at work. UNISON recognises the need for employers to make appropriate provision for pregnancy and maternity rights at work however, the Welsh Government strategy should include promoting the accessibility of this information.
- 3.3 We believe it would be relatively simple for information about pregnancy and maternity rights and guidance at work to form an element of healthcare practice to promote awareness. This could be as simple as providing literature outlining the necessary information at medical appointments.
- 3.4 Whilst a legal framework to allow shared parental leave is now available, men feel culturally unable and unwilling to apply for shared leave, leading to increased pressure on women to shoulder the responsibility. Furthermore, gender pay gaps often arise much sooner than the moment a child is conceived, and so many families feel financially prevented from accessing shared parental leave.
- 3.5 Whilst many employers have introduced workplace policies around pregnancy and maternity, the implementation of the policies may be open to interpretation by managers/individuals. Furthermore, employers should make these policies readily available to staff, which is not always the case.
- 3.6 One survey respondent told us: “I reduced my working week in order to have a day off with my daughter. I asked my husband if we could both consider working a compressed fortnight in order for us to both fulfil childcare responsibilities but he did not feel able to request it or had no will to do so despite being in a senior position.”

The extent of pregnancy and maternity discrimination in Welsh public sector (and variances between difference groups of women), and examples of good practice

- 4.1 The UNISON Cymru Wales survey has allowed us to collate a wealth of anecdotal evidence on pregnancy and maternity discrimination which include changes to terms and conditions following return from maternity, being blocked from promotion, unequal pay and a refusal to consider flexible working to name a few.

- 4.2 One respondent said: “My contract was not renewed when I was on maternity leave so I found a part time job closer to home (although it paid less). Prior to having children, I always earned the same or more than my husband but now I earn 10k less than him based on FTE. I currently work 4 days a week but it's very difficult to progress in my career despite being ambitious.”
- 4.3 Whilst UNISON works with public sector employers to ensure robust policies are in place to support pregnancy and maternity rights at work, it is the application of these policies that determine their success. Providing women with guidance on their rights at work may help empower them to challenge discriminatory practices in the workplace.
- 4.4 Furthermore, it is essential for all workers in all industries to have access to a trade union. The benefits of trade union recognition for both the individual worker and the wider workplace are widely known and understood. We are in no doubt that trade union recognition across the board would support in overcoming all types of workplace discrimination. Where public services are outsourced, it is essential that trade union recognition be built into the tendering process.

100 Years On – Is Workplace Equality a Reality?

Survey Results & Comments

100 years after women gained the right to vote, public services union, UNISON surveyed 150 members to reveal the truth behind workplace equality.

The million-strong union, which has 100,000 members in Wales, is predominantly female in membership and is known for campaigning for better rights at work for carers, school support staff, healthcare workers, council staff and more.

71% of respondents said they think women have NOT achieved equality in the workplace

Examples given – parental leave is still not shared equally between parents, equal pay has still not been achieved, high ratio of male managers to female, women having the lion's share of caring responsibilities.

There is still pressure (on women) to 'have it all' whereas aspirations and expectations are lower for men.

61% of respondents have witnessed or experienced sexism in the workplace

Being told by a manager that they don't feel completely confident I can do my job because I'm female.

Jokes, being overlooked for promotion, pet names - babes, darling, sweetie etc.

Being told that my 'domestic situation' isn't my employers fault.

Derogatory remarks about achievements of women by management.

I witness men speaking for their female colleagues every day.

Men 'gawping' at women.

A manager in a previous employment commented on the 'cleavage' of co-workers as if this was acceptable.

(My) job role being changed completely following maternity leave and missing out on training due to being part time.

When taking up a promotion that would've involved me working closely with a male colleague, it was suggested that I consult with my partner first.

Women (are) being expected to take minutes in meetings or make the tea and coffee despite it not being part of their job.

A female teacher was instructed by a male teacher who was giving her feedback from an observation lesson to use the fact that some of the male students found her attractive to her advantage.

Men are more likely to get manual jobs.

(I was) questioned about my future plans for a family by a manager.

(Managers) giving statistical analysis to a man as 'they are good at maths'.

Whilst 62% of respondents said they felt able to challenge sexism, 20% felt they were unable or didn't know how to challenge the behaviour

It would bring on more trouble.

If you challenge management you are threatened and/or bullied

I did challenge and was told it was a career limiting move.

More tools in place now to help challenge it (sexism).

I would be fearful it would jeopardise my own position.

Many respondents commented that they have now become a trade union representative to speak up for others.

I may feel able to challenge it (sexism) as part of a collective, but not able to as an individual as I fear I would be labelled a trouble-maker.

59% of respondents said they have had to make reasonable adjustments at work as the result of being a woman

A number of examples provided such as part time working, flexible working, term time only working, and changes in career to suit domestic situations.

My children will soon be leaving full time education. I work in a school as a Teaching Assistant. I will need to change careers as unless you are married/ partnered with

someone earning enough to compensate for the low income, or you are in receipt of child top up benefits, you cannot earn enough to live. Over ten years working in education, a BSC hons in childhood studies: education all completely wasted. Should this have been a male dominated career path, this would not be the case. (There is) too much expectation on women to do work for free due to cuts.

As a mother, (I worked) part-time, in low paid work to fit in with school holidays, etc. Once out of that situation, I have made a career but (I have) been blocked from promotions several times due to 'business need'.

I went from full time to part time due to child care. I now remain on reduced hours due to caring for an elderly parent, when going for promotion I was told the role is not suitable for part time workers and it was given to a full time colleague who is much younger with less experience.

Childcare means I have stayed longer in one role as opposed to trying to move up the career ladder.

I changed my position after marriage, but now I have a perceived 'less important' career.

I had to fight to get back to 40 hour week.

I feel I have to work a lot harder and do a lot of extra work to gain the same as some male colleagues.

I had to work hours that fitted around child care, which was often at weekends or evenings. This impacted on family life as we were very rarely all together.

My contract was not renewed when I was on maternity leave so I found a part time job closer to home (although it paid less). Prior to having children, I always earned the same or more than my husband but now I earn 10k less than him based on FTE. I currently work 4 days a week but it's very difficult to progress in my career despite being ambitious.

I reduced my working week in order to have a day off with my daughter. I asked my husband if we could both consider working a compressed fortnight in order for us to both fulfil childcare responsibilities but he did not feel able to request it or had no will to do so despite being in a senior position.

(The) menopause has required me to make changes at work – although its primarily self managed e.g. trying not to arrange meetings when having a bad day, making excuses when having a bad day and suffering from 'brain fog'.

What do you think is women's greatest achievement since achieving the right to vote?

Examples of successful disputes and victories including the Dagenham women.

(Women are) better educated.

(Women) undertaking senior and leadership roles e.g. Woman Prime Ministers, in 2017 Cressida Dick was appointed as the first female Met Police Commissioner etc.

Legislation on women's and children's rights –discrimination law, Equality Act, maternity/pregnancy rights, equal pay, the right to control fertility and abortion rights, domestic abuse provisions, equal property rights.

Women now have a stronger voice at work through their trade unions.

Agenda Item 4

Equality, Local Government and Communities Committee

25 April 2018 – papers to note cover sheet

Paper no.	Issue	From	Action point
ELGC(5)-12-18 Paper 4	Inquiry into pregnancy, maternity and work	The clerking team, Assembly Commission	Notes of the focus group discussions
ELGC(5)-12-18 Paper 5	Inquiry into fire safety in high rise blocks in Wales	The Minister for Housing and Regeneration, the Cabinet Secretary for Local Government and Public Services and the Cabinet Secretary for Energy, Planning and Rural Affairs	Response to the Chair's letter dated 21 March 2018

Agenda item 4.1 Pregnancy, maternity and work – focus groups

21 March 2018

Present in the group from the Committee

– Siân Gwenllian AM

ELGC(5)-12-18 Papur 4/ Paper 4

Present in the group from the clerking team

– Chloë Davies (Committee Deputy Clerk)

The group consisted of six women with a variety of work experiences and patterns, including public sector, private sector, small businesses, self-employment and periods of unemployment.

Application of flexible working policies

Inconsistencies in the application of flexible working policies was highlighted as a major issue facing women whilst on maternity leave, or shortly after returning to work. One participant had requested to reduce their hours on a temporary basis, as other colleagues had done, after returning to their teaching post from maternity leave. However they were told by their employer that the reduction in hours would have to be made on a permanent basis, rather than temporary, despite this option evidently being available to other members of staff.

One participant is employed by a university and highlighted a similar issue; that the application of flexible/part-time working policies depends on the role.

Another participant employed by a small business noted that the little guidance they had found for applying for flexible working was very vague. They suggested that a standard/template letter should be available to all, to ensure consistency and fairness.

It was also discussed that employees felt that applications for reduced hours or flexible working were designed so that the employee had to “make the case” to the employer about any potential impacts on the business, and that it shouldn’t be necessary to



prove that business wouldn't be affected if they changed their working pattern. The group agreed that the onus should be on the employer, not the employee, to consider how the business may be affected and the impact.

It was also highlighted that when applying for reduced/flexible hours, requests were always made via a form or on paper, without opportunities to discuss with the individual's manager.

It was also highlighted that workloads can be difficult to manage when working reduced hours, as employees often feel that they are expected to carry out their full-time duties in fewer hours/days.

Job cover whilst on maternity leave

Several participants highlighted that appropriate cover wasn't put in place ahead of them beginning their maternity leave. This resulted in pressure on the employee to complete work ahead of schedule, as well as plan for the time that they would be on maternity leave. It was highlighted that this increases the stress on expectant mothers, at a time when they are advised by health professionals to avoid becoming stressed.

One participant who worked in the private sector found that they were not involved in any discussions or meetings with managers about arranging cover for their post, but were then expected to participate in a lengthy handover process.

Missed opportunities

One participant had requested to teach year groups within the Foundation Phase in their post at a school, and after having waited a significant amount of time for an opportunity, one arose prior to her going on maternity leave, and so she was unable to take up the opportunity.

Unfair treatment by employers

One participant is self-employed but had been working with a small, family-run business for several years before becoming pregnant and taking maternity leave. They were supported during their pregnancy and a new member of staff was employed to cover their leave, but when they requested a meeting to discuss their return to work, they were told that there was no longer a post for them at the company. The replacement member of staff was male, with school age children. They highlighted that there are no rights for self-employed mothers.



Another participant held a senior level role in financial services, and highlighted that colleagues who had children appeared to only be in lower-paid, less senior roles. The participant had applied to work part-time after returning from maternity leave, and whilst this was accepted, upon their return it appeared that their previous role had been taken over by another member of staff, and was only available to a full-time employee. They also felt discriminated against when they requested to express at work as a suitable room wasn't made available.

Cost of raising children

One participant had their first child when they were still at school, and highlighted that ever since, they have not been able to afford full-time employment due to the cost of childcare, combined with not having the skills required to secure a well-paid role. They had been on benefits and child tax credits for periods of time, and felt it was difficult to escape this cycle as benefits are stopped once employment is secured, but wages wouldn't be received for a month.

It was highlighted that there is little clarity around the Welsh Government's offer of 30 hours a week of free early education, currently being piloted in selected local authority areas. One participant noted that the areas in which the offer is being piloted have higher rates of unemployment, but that it should be aimed at helping parents already in employment.



Inquiry into pregnancy, maternity and work – focus groups

21 March 2018

Present in the group from the Committee

– Jack Sargeant AM

– Bethan Sayed AM

Present in the group from the Assembly Commission

– Gareth Thomas (Research Service)

The group consisted of six women with a variety of work experiences and patterns, including in the public sector, voluntary sector, private sector, self-employment and periods of unemployment.

Flexible working

One participant highlighted that **as soon as you lose the flexibility to work full-time your pay and job opportunities suffer**, which was reflected by the other group members. The availability of part-time work that pays above the National Living Wage was felt to be limited and hard to find. One participant highlighted that in the public sector organisation she works in a colleague was redeployed as she was looking for a part-time role but managers all wanted full-time staff.

One participant had asked to do a job share but the organisation had said she would be required to come in for half a day five days a week, so she was unable to take up the job.

Another participant highlighted that she had been required to do the equivalent of a full-time job in part-time hours, which had increased stress levels.

Another participant who had been employed in the private sector had highlighted that a flexible home-working post had been advertised when she was on maternity leave. She wouldn't have found out about this unless she had checked her work e-mails, however the employer said she couldn't apply for it as she was on maternity leave and they needed someone to start immediately.



It was felt that **gendered expectations of who should be the primary carer** impacted on the flexibility of working mothers in a number of ways. These include society expecting women to be the ones who take time off to look after a sick child, employers not being supportive of male staff when they needed to do this, and women feeling that they needed to get someone else to come and look after a sick child to be able to go into work.

What flexible working should look like

One participant highlighted that her employer, in the public sector, **had adopted good practice in ensuring she could work flexibly**. She had met with her managers on returning to work from maternity leave to discuss how she could work more flexibly. Specific measures included allowing her to work on an annualised hours contract, being able to work full-time hours over 4 days per week, and being given the freedom to manage her own working time.

Unfair treatment by employers

Over half of the participants stated that they had experienced unfair treatment while on maternity leave. Two of the participants **had been made redundant while on maternity leave**, while a third participant had successfully resisted her employer's attempts to make her redundant. In addition, **another participant had come to the end of her fixed-term contract while on maternity leave, but had been replaced by her maternity cover**. The participants who had been made redundant or been facing redundancy highlighted that there is a considerable gap between organisations' policies and the reality on the ground and that employers can find ways around the law if they want to. How policies are applied is down to individuals within organisations.

This was raised in an example given by a participant who had been told her public sector post would be made redundant while she was pregnant. She spent her pregnancy going through a grievance process. Her current head of service left their job shortly after she started maternity leave, and was replaced by a colleague who immediately stopped her redundancy as it would have been illegal. The department subsequently employed another 10 people in similar roles.

One participant had been made redundant while she was on maternity leave as her company's office in Cardiff closed. She was told by one of her friends working in the



organisation about this rather than her manager, and the news came as a complete surprise to her.

Another participant had been told by a trustee of the organisation she was working for that she would be made redundant. She was not aware of this, and found out that other people working in her organisation had been openly discussing her redundancy during meetings. They then ignored e-mails she sent about this, and refused to allow her to hold a grievance meeting in Cardiff so she had to go to London.

Trade union support that women had received was mixed. One participant felt that her union had been helpful, however her case reached the stage where she would have to take it to an employment tribunal which she couldn't afford. However, another participant described the involvement of her union as horrendous, stating that working with heads of service achieved better outcomes.

It was raised that **taking a case to a tribunal is a very stressful process**, that the women involved had not done so as they had new babies and the timeframe for making a complaint is very short.

Returning to work from maternity leave

The participants discussed the difficulties around returning to work, and keeping up with developments in their organisation while on maternity leave. One participant was currently on maternity leave, and was nervous about returning to work as she had experienced problems with her employer negotiating working part-time. Another participant felt that employers could prepare mothers for returning to the workplace by keeping them better informed about what is going on within the organisation – keeping in touch days are useful but a more formal process may be required. Other participants stated that their employer had not kept in contact with them during maternity leave.

One suggestion made by a participant was that **employers should conduct audits to establish the reasons why women may not return to work**, or may leave jobs soon after returning.

Career progression of mothers

Career progression for mothers with young children was felt to be difficult to achieve. One participant stated that she felt that until your child is 9–10 progression is difficult



and you are stuck in your role. She also stated that gendered expectations had led her not to apply for a senior post as she had a young child and would not have had a work-life balance.

Costs of childcare and Welsh Government 30 hours free childcare policy
Many participants raised the cost and availability of childcare as considerable problems for working parents.

Participants felt that private childcare was very expensive, and that costs could result in women giving up paid work as their entire salary could go on childcare. The support provided by grandparents was raised as being key, with 70–80% of support being provided by them in some cases.

The current Welsh Government requirements of 10 hours per week in the term following a child's third birthday was widely felt to have problems. **Members of the group stated that provision was frequently available for half a day, resulting in parents having to use expensive wrap-around care from private nurseries.** This was seen as not presenting value-for-money as it could be as expensive as private childcare for a whole day.

Two participants noted that **state nurseries were often full, and so sometimes children would not be able to access provision immediately.**

One participant noted **the problems facing rural areas**, where there are limited nurseries available, and travel between a state nursery and wrap-around care was not possible due to distance between childcare settings.

The introduction of 30 hours free childcare for working parents was welcomed. **However, there was little knowledge amongst participants about how the Welsh Government's 30 hours free childcare for working parents scheme would operate – one participant highlighted that the fact that many members of the group raised this issue was indicative of the lack of information available.**

It was mentioned that the website only has information on pilot areas, and that a more easy-to-access website is needed.

There were a number of issues that the participants wanted greater clarity on. These were:



- Whether the 30 hours care can be split between providers
- How the childcare offer will work where a parent wishes to return to work
- What the impact on private nursery fees for under 3s would be, as in England they had increased as the rate paid did not cover costs of providing the childcare.
- Provision will need to cover the whole day rather than parents having to pay for expensive wrap-around care from private nurseries which is uncapped and can be very expensive.
- Whether there will be sufficient places to deliver free childcare, especially in rural areas.



Inquiry into pregnancy, maternity and work – focus groups

21 March 2018

Attendees

Committee members

– John Griffiths AM

– Jenny Rathbone AM

Assembly Commission staff

– Liz Wilkinson (Committee Clerk)

The group consisted of four women all of whom had worked, or continued to work in professional jobs. Two of the four women were unemployed and actively seeking work having either taken redundancy or giving up work to look after children. Three participants worked in the private sector, and one (who was now unemployed) worked in the public sector.

General comments on experiences

None of the participants reported direct negative experiences as a result of their pregnancy or maternity leave, although some reported negative undertones among management towards women of a child-bearing age. Some participants reported concern about the impact of pregnancy on their future career prospects within the company within which they worked.

One participant reported that her employer (a private law firm) had been supportive during her pregnancy but she had subsequently faced barriers when returning to work.

One participant reported that she only advised her employer that she was four months following her job offer as she was concerned that it would have a negative effect on the outcome of her interview.

One participant who worked in a private law firm explained that, while there was no obvious discriminatory practices within the firm, comments made by her employer, seemingly in jest, had led to her delaying having children. Another respondent



suggested that women within the organisation she had previously worked for had delayed having children because of the risk of redundancy.

Support for pregnant women and those on maternity leave

While participants reported that their employers had been supportive, some participants suggested they were nervous about requesting things that they were entitled to, for example KIT (Keeping in Touch) days.

There was general consensus that the level of support received depends on an employee's relationship with their manager. One participant

One participant explained that employees who may be considering having children should not have to seek out relevant policies. She suggested that, if an employer is aware that an employee is considering having children it may affect her future career prospects.

Respondents emphasised the importance of employers having clear and easily accessible Human Resources policies, not only for existing employees but for prospective employees. It was felt that public sector organisations were more likely to make their policies publicly available than private firms.

Returning to work

One participant had returned to work part-time hours (in a private law firm) after her first child. She reported that, in reality, this involved working extra hours at home in order to ensure that the work she was expected to do was completed. Essentially, she was working a full-time job in part-time hours. There was an expectation from her employer that she would work extra hours at home if necessary.

The above led to the participant resigning after the birth of her second child.

Another participant had a similar experience. She explained that she had reduced her hours to part-time after having her child and had struggled to do her job within those hours. She also reported that she was doing a full-time job in part time hours and she had recently applied to increase to full-time hours.

Information





National Assembly for Wales

Equality, Local Government and Communities Committee

Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Agenda Item 4.2


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

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

Ein cyf/Our ref: MA-P-RE-1160-18

John Griffiths AM
Chair
Equality, Local Government and Communities Committee

ELGC(5)-12-18 Papur 5 / Paper 5

18th April 2018

Dear John,

Thank you for your letter and for the Committee's ongoing interest in fire safety issues in the light of the tragedy at Grenfell Tower.

The Welsh Government's response to the complex situation is, as appropriate, being driven across portfolios. The Minister for Housing and Regeneration is coordinating the Welsh Government's response, including the work of the Fire Safety Advisory Group and specific work relating to residential high-rise accommodation; the Cabinet Secretary for Local Government and Public Services has the lead on the Fire and Rescue Services, fire safety, and, more broadly, of course, for Local Government; and the Cabinet Secretary for Energy, Planning and Rural Affairs maintains her specific interest in the building regulations and planning functions. In accordance with this approach, please find below our joint reply to the Committee's specific questions.

As am sure you will recognise, the Welsh Government continues to take a responsible, dynamic and inclusive approach to ensuring informed actions are taken by the relevant parties. This is vital to ensuring residents of high-rise buildings in Wales are as safe as can be. The post-Grenfell situation continues to evolve and, as it does, our response will take careful note of the findings of the independent review of building regulations and fire safety and, thereafter, those of the public inquiry. We anticipate this will augment the Welsh Government's proactive track record of enhancing resident safety.

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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.

We have, for example, introduced a requirement for fire suppression systems (typically sprinklers) to be fitted in all new and converted residential accommodation and housing and, of course, there is a long-standing requirement for smoke alarms in new housing.

The Fitness for Human Habitation (FFHH) Regulations, to be made under the Renting Homes (Wales) Act 2016, will update the approach to determining whether a dwelling is FFHH in two ways:

1. There will be 29 matters and circumstances to which regard must be had when determining whether a property is FFHH, and
2. Specific requirements will be placed on landlords to help ensure certain matters and circumstances do not arise.

Currently there are three requirements proposed:

- to ensure the presence of smoke alarms
- to ensure the presence of carbon monoxide detectors, and
- to ensure an electrical safety test is conducted at least every five years.

These regulations were subject to a public consultation which closed on 12 January and we are currently considering the responses.

Fire Safety Advisory Group

The Minister for Housing and Regeneration has met with the chair of the Fire Safety Advisory Group, Des Tidbury who, you will recall, also currently serves as Chief Fire and Rescue Advisor and Inspector for Wales - a role he will hold until his term ends in June. They discussed the Group's recommendations, a copy of which is attached alongside the Minister's response (as well as the Advisory Group's earlier 'position statement' and the then Cabinet Secretary for Communities and Children's response to the same).

The Welsh Government welcomed the thoughtful consideration given by the Fire Safety Advisory Group to the issues at hand, and, also, its interaction with the UK Fire Safety Expert Panel. This engagement has been beneficial in helping ensure the timely and proper flow of information between the two bodies and their constituent members.

We wish to see this approach continued, and have asked Mr Tidbury to continue to chair the Fire Safety Advisory Group until June. This will also provide opportunity for the Group to consider and report to the Welsh Government on the fire safety elements of Dame Judith Hackitt's independent review of building regulations and fire safety. Dame Judith's final recommendations are expected this spring. Thereafter, we will continue to ensure we have in place appropriate mechanism/s for the breadth of advice and input we may need as we design and implement any changes to building and fire safety advice and regulation.

Independent Review of Building Regulations and Fire Safety

In terms of the review, the then Cabinet Secretaries for Communities and Children, and Environment and Rural Affairs met Dame Judith Hackitt last October. The Cabinet Secretaries offered their and their officials' support for the review and agreed to facilitate Welsh stakeholder engagement.

A workshop including representatives of the Welsh construction industry, regulators, Fire and Rescue Services, housing management and tenants, was held last January. This afforded Dame Judith and her review team an opportunity to hear responses from Wales to the findings and recommendations of her interim report, which was published last December.

The report incorporated a number of initial recommendations, both at governmental and industry levels. We have accepted those which fall to us. The Cabinet Secretary for Energy, Planning and Rural Affairs has also recently issued an advice circular to Building Control bodies, emphasising the need to ensure early engagement with Fire and Rescue Services, to have regard to their advice and to encourage the provision of adequate information to those responsible for fire risk assessment under the Fire and Safety Order, 2005. We now look forward to the final report and will consider its findings with due care.

Electrical Fire

At this point, we note concern, as expressed by the parliamentary committee, over the potential causal role in the fire at Grenfell Tower of an electrical appliance. The causes and contributory factors to the fire are yet to be fully determined and, of course, are a matter for the public inquiry. Furthermore, the tragedy arose not because of the initial cause of the fire, but because of the speed with which it propagated, overcoming the compartmentation of the building. The conditions which allowed the situation to happen could well have come into play following any kind of fire, whether started, for example, by cooking, smokers' materials or an electrical appliance. Focusing on the initial cause of the fire risks missing this crucial point. Accordingly, we have not made specific representations to the UK Government or to the Hackitt Review on this issue.

However, this is not to say we are not concerned to reduce the incidence of electrical fires in Wales. Dwelling fires originating in the electricity supply are increasing, unlike dwelling fires from any other known source. We have been working with the Fire and Rescue Authorities and with Electrical Safety First to understand this trend and to devise a means of addressing it. This is a very rigorous piece of work, which has involved examining reports of hundreds of individual fires. We will publish the results shortly, but it is already clear this is a genuine problem probably not replicated elsewhere in the UK. We also know the trend concerns fires originating in the supply infrastructure itself – meters, fuse boxes, cabling and sockets – quite possibly related to the age of the property or its electrical installation (the Welsh Government proposal in the recent consultation on FFHH regulations for electrical safety testing applies to this potential hazard). It does not relate to fires in electrical appliances, which are in sustained decline. While this work predates the Grenfell fire and is only indirectly related to it, it does show how seriously we and our partners take these matters.

High-rise residential buildings in the private sector

The Welsh Government has made strenuous efforts to ensure it has as complete a picture as possible of high-rise housing stock in the private sector. Despite the complexities, previously discussed with the Committee, we are pleased to confirm we have identified all high-rise residential buildings in Wales, acquired contact details for their owners and/or managing agents and have established the necessary communications with them all. Thus, we have been able to ensure those responsible for the buildings have access to the appropriate and most recent guidance.

Additionally, through our case management approach, we are in a position to monitor the formulation and implementation of remediation plans where these are required.

By way of update, the current number of high-rise residential buildings in the private sector with aluminium composite material (ACM) cladding corresponding with failed BRE tests stands at 12. Our case management continues to provide support to the relevant local authorities as they discharge their own duties in working with building owners and agents. This includes regular interaction between senior officials and a range of stakeholders, including the Fire and Rescue Services. We will continue to work with local authorities to monitor progress against necessary remedial action, irrespective of sector.

Cabinet colleagues and our officials also continue to liaise with the UK Government's Ministry for Housing, Communities and Local Government (MHCLG), which has generated much of the technical advice in respect of existing building risk assessment.

Non-Aluminium Composite Material

You will know the initial focus has been on ACM cladding, which had been in place on Grenfell Tower.

MHCLG published initial guidance on non-ACM high-rise buildings last December. The guidance, which we have shared broadly, exhorts owners and agents to view buildings and their safety on an individual basis and, where concerns are identified, to seek independent specialist advice. The MHCLG has committed to further research into fire performance of external wall systems, with a view to publishing later in 2018. We will, of course, continue to ensure owners and other key stakeholders are kept abreast of developments and advice. Our officials are currently working with stakeholders to develop a clearer picture of broad building safety issues and the risk assessment regime.

High-rise blocks in Cardiff

We welcome the responsible actions of Cardiff County Council in commissioning timely, independent advice in respect of the safety of six residential buildings which do not have ACM cladding.

Officials have met Cardiff County Council along with the South Wales Fire and Rescue Service and other key local government and housing stakeholders to better understand the situation, actions taken to date, planned activity and to learn from the experience. Like you, we welcome the reassuring deployment of round-the-clock fire wardens and, also, the retrofitting of sprinklers throughout the buildings. We will continue to engage with the parties as longer-term plans are enacted.

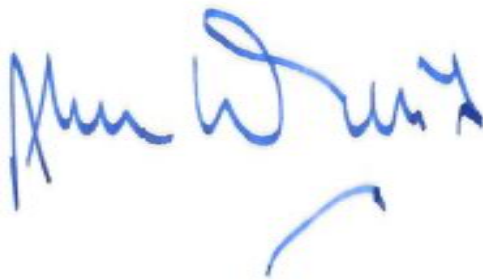
Cardiff's approach serves to underline the vital importance of considering, *on an individual basis*, the overall fire *and* building safety of each tall residential block. Rather than a re-focus, taking in another type of cladding material, this broader approach is a rational step in ensuring residents' ongoing safety.

From a preventative perspective, we would reiterate the value of commissioning appropriate, expert safety advice and, of course, taking any subsequent identified actions. In this vein, the Minister for Housing and Regeneration wrote to all Assembly Members in January, updating them on guidance relating to high-rise buildings which do not feature ACM cladding.

Yours sincerely



Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration



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



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

Fire Safety Advisory Group

Position Statement

As we approach the 100th day (22 September) since the Grenfell Tower fire, it seems timely to provide this informal update on the Fire Safety Advisory Group's response and its position on developments subsequent to the fire.

Fire Safety Advisory Group

The [Fire Safety Advisory Group](#) was established on 6 July for an initial period of 3 months, to be reviewed thereafter. The Group, which meets weekly, is chaired by Des Tidbury, Chief Fire and Rescue Advisor for Wales. Its members comprise the Chief Fire Officer for South Wales Fire and Rescue Service and representatives of the Welsh Local Government Association, Community Housing Cymru, the Residential Landlords Association (Wales), Welsh Council for Voluntary Action and the Tenant Participation Advisory Service Cymru.

The [Terms of Reference](#), as agreed with the Cabinet Secretary for Communities and Children, outline the priorities for the Group in relation to the safety of high-rise buildings, identifying and considering possible actions following the Grenfell Tragedy.

This statement updates on our agreed position on a number of fronts and makes recommendations for the Cabinet Secretary's consideration.

Building Research Establishment Large-Scale Tests and Associated Guidance

In broad terms, we welcomed the BRE testing regime and the, ultimately extended, schedule of tested ACM and insulation configurations. We consider that, whilst it would be impracticable to replicate the myriad ACM cladding and insulation types, the seven tests provide a satisfactorily broad basis for advice.

The subsequent guidance requires building owners and landlords to take fire safety measures and to seek expert advice on processes for replacing material where their cladding systems correspond with failed rigs.

There seem to us to be likely practical resource implications for owners/landlords in all sectors. These include the availability of 'approved' ACM cladding; industry capacity to fit the same; financial capacity and implications for owners and landlords and, registered fire safety engineers (estimated to be around 250).

We continue to have regard to subsequent UK-level guidance, but recognise the limits and its capacity to respond to a complex and fast-moving environment.

Given the experience and composition of the UK Expert Panel and the clarity of guidance, which we consider is accessible even to readers with little technical knowledge, the Group has no significant issue with endorsing guidance issued subsequent to the BRE full system tests.

Owner and Landlord: Tenant Engagement

The gravity of the Grenfell situation and speed and range of subsequent issues and developments will have led to anxiety amongst tenants in high-rise buildings. Appropriate engagement, alongside safeguarding and remediation actions, are essential to ensuring people are – and *feel* – safe and informed.

The Group invited and heard from social landlords about the steps they had taken to keep tenants well-informed and reassured. We were pleased to have had a presentation from Newport City Homes (NCH) and were impressed by the breadth and nature of their extensive tenant engagement. I attach a PDF to the [pack](#) with which we were presented. NCH have been generous in agreeing to this being shared more broadly, perhaps as part of the ‘caseworker’ approach being taken by your officials. We feel that this provides a sound blueprint and can be a useful touchstone for cross-sector landlords. We have also been impressed by the speed with which NCH has commenced the installation of sprinklers in its buildings.

Whilst Fire and Rescue Services have welcomed the involvement of owners and managing agents, and in turn their engagement with tenants, we have also noted the role that Third Sector organisation, charities and community groups can play in providing additional communication routes and reassurance and support to tenants.

Identification of ‘In-Scope’ Buildings

The efforts of the WLGA, local authorities, fire and rescue services and your officials and others notwithstanding, the ability to identify the existence, location and ownership of buildings of 7 storeys (18 metres) or more has been challenging. Indeed, the initial data collection by Welsh Government defining high-rise buildings as those with 7 storeys or more does not relate exactly to the fire safety risk, nor to any regulations laid out in Approved Document B part 2.

Future action could more carefully define high-rise buildings as either:

- those of 18 metres or more in height, to the floor of the top storey, as described in diagram C6, p.210 of Approved Document B, part 2. (In terms of rationale for focus on buildings of, or beyond, a specific height, this would then relate directly and clearly to the ease of evacuation and the ability of FRS to intervene effectively.) Or, alternatively, as those of:
- 18 metres or above height of building, as described in diagram C4 on page 209 of Approved Document B part 2.

The remit of this Group has been to focus on buildings of 7 storeys/18 metres or more, however, overtime this may change in terms of scope for lower-rise buildings.

Identification of Tall Buildings

The picture, particularly - but not exclusively - about the private sector, remains frustratingly incomplete. We understand that effective identification of private sector buildings is, equally at least, a challenge in the other parts of the UK.

It might reasonably be assumed, particularly to a 'lay' observer, that reliable, accurate and timely data about the quantum of tall buildings in any local authority area could be readily accessible. That this appears not to be the case points to the need for a reform of the system and its ability to record information about the totality of this type of building stock and up-to-date ownership and/or managing agency particulars. This may be more a matter of appropriate data collection and recording (and clearly-defined expectations around the same) rather than something which needs statutory intervention to rectify. In either case, we would recommend that further work is undertaken, considering other models across the UK so that, should a future scenario emerge, we can learn and apply lessons so that appropriate information about cross-sector buildings is established and retained

Private Sector

Identifying private sector landlords (perhaps more accurately, freeholders and/or managing agents for the freeholders), or even properties, has been a significant challenge. The reasons for the difficulty in terms of engagement, assuming bodies are first sighted on requests for information, will centre on uncertainty on how matters will be resolved in terms of ownership, managing agents, and a host of other issues including financial liability. There is a lack of clarity or understanding around how material designed and fitted in accordance with building regulations and standards could subsequently fail either initial or large-scale tests. As details continue to emerge, these should be shared broadly and a definitive statement on funding given to clarify the situation.

Focus on High-Rise Residential Buildings

As per the Terms of Reference for the Fire Safety Advisory Group, the initial focus of the Group is the safety of high-rise buildings. This includes the consideration of - on a risk basis - all high-rise buildings on a tenure neutral basis, concentrating on those with a 'sleeping risk', including other forms of housing, the NHS estate, schools and further education establishments, and the higher education estate.

The agreed timescale for the Group established an initial period of three months from 6th July, to be reviewed thereafter. As 6 October approaches, the Group would welcome any early view on its role, if any, and how it can be useful to the Cabinet Secretary beyond that point.

Fire Risk Assessors

I have referenced the availability of fire engineers. The Group has also considered the arrangements for the registration and appropriate training of competent Fire Risk Assessors. Presently, there is no requirement for Fire Risk Assessors to be registered, maintain continuous professional development, or to provide satisfactory evidence of initial or ongoing competence. We presume that this will be picked up in the independent review, but would urge that this is indeed the case.

Review of Building Regulations

The Group welcomes the independent review of building regulations, led by Dame Judith Hackitt. Whilst this will be concerned with the English statutory framework, there is, and should be, clear read-across to the Welsh context.

The FSAG's specific remit and composition were based on issues specific to fire (rather than to the broader matter of building) safety. Whilst we welcome a watching brief and an opportunity to input as necessary, the group's current configuration and resources are not geared to playing a lead role in any parallel review that the Welsh Government may determine to take forward.

Priorities and Procurement

There are apparent complexities involved as focus broadens beyond the initial concentration on ACM cladding. These can relate to practical and commercial decisions in respect of replacement materials: clearly, landlords will wish to replace deficient cladding with a substitute that is approved and which will be an acceptable long-term alternative. As things stand, there may be a balance between early action (which may avoid cost issues stemming from supply and demand) and awaiting a final, definitive analysis of 'safe' cladding systems. Any implications of future changes will need to be communicated to staff responsible for procurement and to take account of any longstanding contractual commitments. Input from the National Procurement Service, on a Wales level, would be helpful.

Similarly, as far fewer buildings have been identified in Wales which require the replacement of (particularly) Category 3 ACM, than is the case in England, we would welcome further clarification of how remediation is to be prioritised. That is to say, an orderly system of remediation, rather than an 'ability to pay'.

We welcome discussions between your officials and their DCLG counterparts on supply chain issues and will further welcome updates on the same.

Mitigating Action

We agree that sprinkler (or water suppressions) systems, crucially as *part* of a suite of fire safety measures, are a highly effective asset in preventing the spread of fire. In that sense, the 2016 legislation taken forward by the Welsh Government, requiring new builds and conversions to have sprinkler systems in place, is hugely positive. In terms of retro-fitting, however, we accept that there are legislative and financial challenges (although, as stated previously, we welcome NCH and Swansea's actions on sprinkler fitting).

We have noted that tenants' questions about sprinklers seem to centre on possible costs to them and potential impact on upholstery and fixtures and fittings. Again, this is an area where enhanced engagement with tenants (and 'myth-busting') can be helpful.

Relationship with other Groups and Knowledge-Sharing

Over time, the flow of information between the UK Expert Panel and the Fire Safety Advisory Group has improved. Informal weekly updates between both bodies have proved most effective in enabling our clearer understanding of developments and underpinning issues. We intend to continue in this vein.

The FSAG has also been involved and welcomed more recent regular briefing discussions between colleagues in the UK Expert Panel and Scottish counterparts. I intend to propose a four-nations symposium as an effective way better to understand

the current situation and to share experiences and developing good practice. We will keep you apprised of developments.

Recommendations

We would make the following initial recommendations:

Collection and Availability of Data – Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect.

Identification of responsible persons – Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible.

Managing Agents - The role of 'block' managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licensed and be trained.

Fire Risk Assessors – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.

Fire Safety Advisory Group - That the Group's focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.

Finally, I would be happy to brief you or provide further detail if you would find that helpful.



Des Tidbury

Chair, Fire Safety Advisory Group

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-P-CS-3440-17

Des Tidbury
Fire&Rescue Adviser and Inspector for Wales
Des.Tidbury@gov.wales

26th October 2017

Dear Des

Thank you for briefing me last week in regard to the Fire Safety Advisory Group's initial recommendations. I set out my response to your recommendations below.

Collection and Availability of Data:

Recommendation: "Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect."

You are correct in your assessment of the significant work undertaken to identify high-rise buildings, and I have welcomed the input of partners in helping complete the data, but also in terms of the level of challenge. My officials are currently considering options which can ensure that information held by local authorities is complete, up-to-date and readily available. They will brief the Fire Safety Advisory Group, which includes representation from the Welsh Local Government Association, and I will welcome the Group's further input before I decide how best to take this work forward.

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CF99 1NA

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0300 0604400

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Correspondence.Carl.Sargeant@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.

Identification of responsible persons; Fire Risk Assessors:

Recommendations: *“Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible; – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.”*

In taking these recommendations together, I agree that there is a good case in principle for reviewing the Regulatory Reform (Fire Safety) Order 2005. Certainly, a review could include clarifying the position of responsible persons and requiring minimum standards of competence for fire risk assessors, as well as reflecting the evidence and recommendations of the Public Inquiry and the Independent Review of Building Regulations and Fire Safety. The power to amend the Order is not devolved, although the National Assembly for Wales will acquire legislative competence in this area next year. In advance of that, I would welcome any further detail you may provide.

Managing Agents:

Recommendation: *“The role of ‘block’ managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licenced and be trained.”*

We will work with stakeholders to consider options and mechanisms to improve the consistent competence of leasehold managing agents. One such option would be to legislate for the compulsory registration and licensing of all leasehold management agents, in the same way as we did for the private rented sector. This would then require all staff involved in leasehold property management to be suitably trained and for licensed leasehold management agents to be ‘fit and proper’ and adhere to a Code of Practice. I will consider the options, including the potential to pilot proposals in the first instance.

Fire Safety Advisory Group:

Recommendation: *“That the Group’s focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.”*

The Group’s work has been useful, both as a means to ensure effective communications with the UK Expert Panel and in developing advice concerning fire safety issues in Wales. I am content, therefore, to agree to a three-month extension from the date of this letter.

I would welcome your continued focus on fire safety in high-rise residential buildings, which should include student accommodation in the private sector. I note you are continuing to meet owners and managing agents with a view to developing further advice on good practice for engaging and informing residents in circumstances where there are concerns about fire safety. Your further recommendations on that, and your position in terms of preventative and mitigating measures, would be most helpful. I will review the Group's ongoing status in January.

Finally, could I thank you and the Group members for your ongoing commitment and time in taking forward this important work.

Yours sincerely

A handwritten signature in cursive script, reading "Carl Sargeant". The signature is written in a light grey or blue ink on a white background.

Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

Fire Safety Advisory Group

Recommendations, January 2018

The Fire Safety Advisory Group (FSAG), constituted by the former Cabinet Secretary for Communities and Children, Carl Sargeant AM, has met since July 2017, in the aftermath of the tragic fire at Grenfell Tower. FSAG comprises representatives of the Fire and Rescue Service, the Welsh Local Government Association, Community Housing Cymru, TPAS Cymru, the Residential Landlords Association, and the Welsh Council for Voluntary Action. As Chief Fire and Rescue Advisor for Wales, I have had the privilege of chairing the Group, which was established to link with the UK Expert Panel and to make recommendations to Welsh Ministers about fire safety in high-rise residential buildings in Wales. Our terms of reference are attached.

I issued the FSAG's 'position statement', including a number of initial recommendations, to Carl Sargeant last September. In reviewing the same, Mr Sargeant determined to extend the Group's remit until January, with its future considered after that point. I am, therefore, submitting the FSAG's comments and recommendations for the extended period and will await your response and any further instructions you may have.

Resident Engagement: Good Practice

The FSAG, having heard from a number of landlords / managing agents and considered their experiences, offers recommendations for resident engagement in the form of a template (attached). The document is non-technical and should, of course, be considered alongside statutory duties. Its recommendations have been tested with a tenant forum, with thanks to TPAS Cymru, and a group of landlords, with thanks to the Residential Landlords Association.

Recommendation: We recommend that the Welsh Government accepts the actions identified in the attached document as good practice, with a view to adopting and circulating or signposting as and when future fire safety, and possibly other, issues arise in buildings.

Independent Review of Building Regulations and Fire Safety: Interim Recommendations

The FSAG supports Dame Judith Hackitt's interim recommendations, a number of which have direct implications for those involved in fire safety. Indeed, FSAG previously called for greater clarity in respect of 'responsible persons' and professional competency criteria and development for fire risk assessors. The FSAG agrees that the early, systematic engagement of fire safety officers from the design stage of developing tall buildings is particularly important.

Recommendation: Insofar as they relate to fire safety issues, the FSAG recommends the Welsh Government, where responsible, takes steps to comply with Dame Judith's interim recommendations, which, in part, chime with our own previous recommendations.

Data Collection

Our position statement stressed the importance of having, and maintaining, reliable data. As previously, we consider that the existing data held by the Welsh Government – developed in conjunction with a range of partners, including local government and Fire and Rescue Services - is a good starting point and should be maintained and built upon by local authorities. The data, which is or should be extant and therefore not burdensome to collect, can drive closer working with FRS, improved intelligence and, ultimately greater reassurance of resident safety in tall buildings (i.e. for the purposes of this group, those of 18 metres height or more). Naturally, the information should be updated as and when circumstances, including the release of new buildings, require.

Recommendation: In advance of other reviews reaching a conclusion, the FSAG considers that – as a minimum – local authorities should be able to draw on accurate, timely information to:

- identify the number of residential tall buildings and hotels in their area;
- establish the cladding type, where appropriate;
- establish safety features in place (and, where applicable, certified testing thereof). This should include, for example, whether sprinkler systems are in place; smoke detection facilities; number of stairwells;
- ascertain the date and outcome of the most recent fire safety inspection (particularly noting whether any improvement or enforcement notice was issued);
- identify the ownership/responsible person details for each tall building;
- develop an understanding of particular risk and whether appropriate arrangements are in place for identified vulnerable people.

This entails a close working relationship between local authorities and the appropriate Fire and Rescue Service. It would appear that the data held by the two services does not always tally. Regular, at least twice-yearly, meetings between local government and FRS should be held to triangulate the information each holds and to identify, share and act upon any particular concerns or developments.

Future of the Fire Safety Advisory Group

I would conclude that the Group has been an effective conduit for maintaining a clear and open line of communication with the UK Expert Panel, chaired by Sir Ken Knight. I have had regular update conversations with Sir Ken. Since the Group's inception, however, the response following the Grenfell Tower fire has broadened

considerably, as appropriate, and has thrown up myriad issues stretching beyond FSAG's remit. These include, for example, remedial work, supply chain, the testing regime and technical aspects of financial impact, including mortgage, valuation and insurance implications.

FSAG has run alongside the UK Expert Panel and also Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety. The implications in and for Wales of Dame Judith's review are clearly a matter for Welsh ministers, but she has concluded, at this early stage, that systemic, broad change is needed in the building control and enforcement environment, with ramifications both for government and industry. This clearly outstrips the expertise of the Fire Safety Advisory Group, as currently constituted.

In terms of remit, I trust that our engagement with stakeholders and production of the good practice document can be helpful in ensuring "...that people living in high-rise accommodation are suitably informed and feel reassured and safe." I am not sure, however, that we have much more to add at this point in time and any future remit would need to reflect current developments.

Recommendation: We would suggest that a focused Fire Safety Group may still have a role to play as part of the broader approach to building safety. The role might be better played, however, as a *reference* resource or group (considering specific issues as they emerge and with a refreshed membership equipped to provide advice on technical matters).

This could feed into the bigger picture, particularly in terms of advice you may require related to the independent review of building regulations, building and, of course, fire safety. In any event, I would envisage retaining contact with the chair of the UK Expert Panel and being in a position to continue updating you and your officials as you see fit.

Finally, I would like to express my sincere thanks to the members of the FSAG, who have given freely of their time. I would, of course, be very happy to brief you in person if you would find that helpful. I look forward to your comments and further requirements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Des Tidbury', with a long horizontal stroke extending to the right.

Des Tidbury

Chair, Fire Safety Advisory Group

Fire Safety Advisory Group

Resident Engagement: Principles for Good Practice

Effective and timely engagement with residents is important, both in practical terms, but also to build trust, reassure people, provide certainty where possible, reinforce messages about appropriate fire safety behaviours -- a joint responsibility -- and alleviate anxiety.

The Fire Safety Advisory Group, having heard from a number of landlords / managing agents and considered their experiences, offers the following recommendations, which have been tested with a tenants' forum.

We consider that the following steps, to be taken by owners/managing agents as soon as practicable once cladding systems are known to correspond to failed Building Research Establishment large-scale tests, could form the basis of future guidance.

Set the Context:

Be proactive in establishing the full context, rather than assuming residents will know the background leading up to engagement, explaining that:

- tests have been undertaken following the fire at Grenfell Tower, London in which the types of external cladding used accelerated the spread of fire;
- owners of tall buildings (18 metres or more in height) were asked to submit samples of cladding to the independent Building Research Establishment. Seven tests were conducted on different types of Aluminium Composite Material cladding and insulation filler to see how they behaved in an extreme fire situation; and
- the type of cladding used on the building/s corresponds with a 'failed' test and you are now taking the steps identified in Government guidance. (You may wish to emphasise that your system had been approved/was deemed compliant at the point of installation.)

Reassurance:

Set out the steps you have taken in the design, build and running of the property.

Particularly, you should state if the following apply or are present:

- smoke / CO alarms are in place and are regularly tested;

- automatic sprinkler systems are fitted in common / private areas (linking to the Welsh Government's document, "A Resident's Guide to Sprinklers" would be helpful and informative)
<http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf>
<http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf>
- a recent Fire and Rescue Service fire safety inspection has been conducted (with date and detail); and
- the building evacuation procedure/strategy in place;.
- other fire safety features of the building (for example, Automatic Opening Vents, compartmentation etc.); and reference to the
- current regular testing and fire safety monitoring regime.

Measures to improve safety:

Of course, making buildings and their occupiers as safe as can be is a joint endeavour. It is important to take the opportunity to reinforce messages about how residents can play their part in keeping themselves safe through appropriate behaviour. Your Fire and Rescue Service can provide support in identifying 'dos and don'ts'. You may also wish to consider setting out expected behaviours and responsibilities, perhaps building these into tenancy agreements and leaseholder purchase documentation, where applicable.

'Know your building':

Similarly, there is an opportunity to broaden awareness of building-specific details for example: the location of fire escapes, fire doors, fire safety equipment, evacuation procedure, muster points, and key contacts.

N.B. Fire Risk Assessments are required to be carried out on all commercial premises, and also on the communal areas of residential premises. The responsible person for your premises must be able to provide this to a resident should they wish to see it Your Fire and Rescue Service may also strongly recommend a 'Type 4' assessment, i.e. beyond the 'front door,' is carried out.

What you are doing now further to improve resident safety:

State clearly, with timescales, what further steps you are / will be taking including:

- inspection by Fire and Rescue Service, and/or local authority housing departments:

- any Fire and Rescue Service recommendations;
- examination of the building/s by an approved Fire Engineer; and, as appropriate:
- removal of any ACM cladding;
- retro-fitting sprinklers systems;
- deployment of fire wardens / safety patrol; and
- any changes to fire safety policy (for example, evacuation procedures, fire detection testing, making space for FRS vehicular access, and any changes to tenancy agreements).

It is also appropriate, if you haven't already, to reassess *who* lives in the building and any specific modifications which may be necessary for, e.g., elderly people and / or those with limited mobility.

Financial impact on residents

Clearly, for many residents, a key concern will be the financial impact on them of any fire/building safety measures. It is strongly recommended that early and transparent indications should be given, wherever possible, of any remediation costs which may fall to residents.

You should indicate at the outset the remediation costs, the anticipated 'lifespan' of costs and the mechanism for cost recovery, (consider breaking this down into three categories: tenants on an assured or similar tenancy; tenants in the private rented sector; and leaseholders).

Communication medium / media:

Timing: Residents should expect to know of test results as soon as possible after you become aware. Delays in advertising residents may create more uncertainty, leading to avoidable anxiety and diminished trust. If full details are not available, or further tests are required to clarify the position, you should publish a timescale of actions and advise when you expect to receive the final result/s. Prompt reassurance about fire safety measures, on the other hand, will be beneficial.

Medium: Give particular thought to *how* you will communicate. A letter should be the bare minimum. Good practice will include leafleting, face-to-face communication, and possibly 'door knocks'. Also, surgeries with managing agents and the FRS have been effective in answering concerns and giving authoritative and practical reassurance. In any case, you should think about how and when you can give further, verbal reassurance and to check messages have been understood and concerns addressed.

Accessible contact: Residents should be clear about who is their key contact. Establish details on who they can discuss concerns with, when and how. A named

contact/s, available at times to suit residents, through a variety of means ('phones, SMS, internet, personally) should be identified.

Key dates: Make sure residents are aware of timescales and key dates. This includes any surgeries, inspections, but also anticipated timescales for remediation work.

Language: Think carefully about the most appropriate and effective style of communication for your residents. A mix and balance of accessible (non-technical) words and pictures can be helpful and powerful in getting messages across. Pictures for 'dos and don'ts' and 'know your building' might be more readily understood. You should also give thought to translating documents where residents do not have English / Welsh as a first language and to providing information in formats accessible to those with particular needs.

County Voluntary Councils (CVCs) are based in every local authority area around Wales and will be able to provide information about any local support available to translate and / or disseminate materials.

Resources:

Much has happened in the months following the fire at Grenfell Tower and the outcomes and recommendations of the independent review of building safety and fire safety and, separately, the public inquiry, will impact on policy and potentially legislation.

DCLG

You can and should keep up to date through following progress and announcements at DCLG <https://www.gov.uk/government/collections/grenfell-tower> and FAQs <http://gov.wales/topics/housing-and-regeneration/services-and-support/grenfell-tower-faqs/?lang=en>

Fire & Rescue Services

The Fire and Rescue Service is a vital, expert resource. You can get in touch with them for advice on any fire safety-related concerns. The following document gives safety advice for high rise living, advice is also provided by the three regional Fire & Rescue Services in the links below:-



high rise living
(003).docx

South Wales Fire and Rescue Service – Fire safety advice for residents: High Rise Living - http://www.southwales-fire.gov.uk/English/business_fire_safety/Pages/High-riseling.aspx

Mid and West Wales Fire and Rescue Service - Fire Safety in High Rise flats - <http://www.mawwfire.gov.uk/English/Safety/At-Home/Pages/Fire-Safety-in-High-Rise-Flats.aspx>

North Wales Fire and Rescue Service – Advice for High Rise Living - <http://www.nwales-fireservice.org.uk/keeping-you-safe/at-home/high-rise-living/>

Welsh Government

The Welsh Government building safety programme team can be contacted at: housingresponses@gov.wales. The team may also put you in touch with other owners / managing agents who have been through post-test situations and who can share the resources they have developed or discuss their experiences. If you would like to consider changes to your tenancy agreements, you could contact your representative organisation for advice.