

## Agenda – Petitions Committee

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Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 9 July 2019

Meeting time: 09.00

For further information contact:

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- 1 Introduction, apologies, substitutions and declarations of interest**  
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- 2 New petitions**
  - 2.1 P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action  
(Pages 52 – 72)
  - 2.2 P-05-885 Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales  
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  - 2.3 P-05-887 Stop regional AMs elected to represent specific parties from defecting  
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  - 2.4 P-05-889 Labelling of Religiously Slaughtered Meat  
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  - 2.5 P-05-890 Second Home Tax  
(Pages 100 – 107)
  - 2.6 P-05-891 National Reading and Numeracy Tests for children from as young as age 6 need to be discontinued with immediate effect  
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  - 2.7 P-05-892 Appoint a Learning Disability Commissioner for Wales  
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### **3 Updates to previous petitions**

#### **Economy and Transport**

- 3.1 P-05-738 Public Petition for the Dinas Powys By-Pass  
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- 3.2 P-05-748 School Buses for School Children  
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#### **Environment, Energy and Rural Affairs**

- 3.3 P-05-743 End the Exotic Pet Trade in Wales  
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- 3.5 P-05-876 Protection of Red & Amber listed species in Wales  
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#### **Health and Social Services**

- 3.6 P-05-754 Lack of support for children with disabilities at crisis  
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## **Public Services**

3.17 P-05-865 Guarantee fully plant-based options on every public sector menu

to protect the rights of vegans and for our health, the environment and animals

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

Item 5

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**5.1 P-05-736 To Make Mental Health Services More Accessible**

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# Agenda Item 2.1

## **P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action**

This petition was submitted by Sarah Wydall having collected a total of 125 signatures.

### **Text of Petition**

We call on the National Assembly to urge the Welsh Government to:

- raise awareness among the public, third sector organisations and statutory agencies of the number of older women & men in Wales who experience domestic abuse by family members, and
- ensure that essential levels of support and protection are available to older people experiencing such abuse.

Domestic abuse in later life: 'Ignored, invisible & overlooked'

The UK wide definition of domestic abuse, irrespective of age, is as follows: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over, who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse – psychological, physical, sexual, financial, emotional and as a result of neglect'.

It is estimated that the total number of older people in Wales experiencing domestic abuse is a staggering 40,000. Domestic abuse of people aged 60 years or over, living in their own homes, is often a misunderstood, overlooked and under-recognised phenomenon that has wide ranging effects on their lives. Images of older people are often not used in public campaigns about domestic abuse. It is difficult for older men and women to identify themselves as potential victims of domestic abuse.

The issue has been neglected in policy and practice when compared with other age groups.

- The Crime Survey for England & Wales did not include domestic abuse statistics for those over the age of 59 years, until April 2017, when the age limit for those who participate in the survey was increased to 74 years of age (ONS, 2017).
- Older people with dementia are at a higher risk of abuse due to their impaired ability to seek help, advocate for themselves or remove themselves from potentially abusive situations.
- Disability is also known to increase the likelihood of a person experiencing abuse.

### **Additional Information**

Do older people seek help?

Research shows that older people are less likely to report abuse than younger age groups; they do not access third sector specialist services and they also want help for the abuser.

On an individual level there may be many reasons why older people do not seek help:

- A misguided feeling that they are somehow responsible for the abuse;
- Fear of repercussion from the perpetrator;
- A greater level of emotional, financial and physical dependence on their perpetrator than their younger counterparts;
- They do not want to criminalise the abuser, who may well be a child or grandchild.

On a more organisational level, barriers to seeking help include:

- Generational factors including notions of privacy surrounding the home and intimate relationships may act as a barrier to seeking help. (Zink et al, 2004, 2005).
- Our research shows that existing services are not suitable for older victims. Services are often tailored towards safely removing the victim-survivor from the harmer through relocation from the family home and the community.
- In many cases older victim-survivors wish to maintain a relationship with the abusive person, particularly if the abuse is perpetrated by an adult child or grandchild. (Research by SafeLives in 2016 and Sprangler & Brandl, 2007).
- Decision-makers frequently view older people as a homogenous vulnerable group of adults that are unable to make their own decisions. (Harbison, 2012).

#### **Assembly Constituency and Region**

- Ceredigion
- Mid and West Wales



## Petition P-05-882: Domestic abuse and older people

Y Pwyllgor Deisebau | 9 Gorffennaf 2019

Petitions Committee | 9 July 2019

### Research Briefing:

**Petition number:** P-05-882

**Petition title:** Transforming the response for older people experiencing domestic abuse – a call for action

**Text of petition:** We call on the National Assembly to urge the Welsh Government to:

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## Relevant legislation in Wales

The *[Social Services and Wellbeing \(Wales\) Act 2014](#)*, which came into force for the most part in 2016, introduced new arrangements for safeguarding adults. Part 7 of the Act makes provision for safeguarding adults at risk and children at risk. The new arrangements include:

- duties on local authorities to investigate suspected abuse or neglect of an adult with care and support needs (whether or not the local authority is meeting them);
- the introduction of adult protection and support orders to enable an assessment of such an adult, including forcible entry to premises (but not removal of a person);
- requirements on local authorities and relevant partners (e.g. the NHS, police) to report concerns about abuse or neglect;
- safeguarding boards for adults and children (previously there were safeguarding boards only for children), and
- the establishment of a new National Independent Safeguarding Board to provide support and advice to ensure the effectiveness of Safeguarding Boards.

The *[Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#)* (VAWDASV) received Royal Assent on 29 April 2015 and came into force between 30 June 2015 and 4 January 2016. The main aims of the Act are:

- to improve arrangements for the prevention of gender based violence, domestic abuse and sexual violence;
- to improve arrangements for the protection of victims of such abuse and violence;
- to improve support for people affected by such abuse and violence;
- the appointment of a National Adviser to improve joint working amongst public bodies on gender-based violence, domestic abuse and sexual violence.

Under the Act, the Welsh Government is required to prepare and publish a National Strategy to 'contribute to the aims of the Act' and local authorities and local health boards must prepare and publish local strategies.

The Act also places a duty on local authorities to report on how they are addressing violence against women, domestic abuse and sexual violence within their education institutions.

## Statistics

The following data relates to adults suspected of being at risk as set out in Part 7 of the *Social Services and Well-being (Wales) Act 2014*.

Welsh Government (experimental) [adult safeguarding statistics](#) show that 13,741 adults were reported to local authorities as suspected of being at risk of abuse or neglect during 2017–18.

The data identifies categories of abuse and numbers of reports for adults aged 18–64 and for those who are 65 years and over. In the case of **domestic abuse**, for example, there were 1,953 reports relating to adults aged 18–64 and **1,611 reports on adults 65 years and over**. For those aged 65 and over, most of the alleged victims were women: 1,085, compared with 526 men.

In 2017–18, 5,724 enquiries into reports of abuse **concluded that action was required** by the local authority, although fewer than half of these took place in the person’s own home – 2,514. Of the 6,044 alleged perpetrators, the largest category comprised paid employees – 2,809, followed by relative/friend (1,751), other service user (606), volunteers/unpaid employees (50), and 828 ‘other’.

## Domestic abuse helpline

Wales has a [Live Fear Free Helpline](#) which is managed by Welsh Women’s Aid and funded by Welsh Government. The website provides the following information:

Live Fear Free can provide help and advice to:

- anyone experiencing domestic abuse
- anyone who knows someone who needs help. For example, a friend, family member or colleague
- practitioners seeking professional advice.

All conversations with Live Fear Free are confidential and are taken by staff that are highly experienced and fully trained.

## Older People’s Commissioner for Wales

The Older People’s Commissioner for Wales has made [Stopping the abuse of older people](#) a priority in her work programme. She has committed to the following actions:

The Commissioner will take action to:

- Increase the awareness of the abuse of older people amongst professionals and across wider society
- Improve the access to support services for older people at risk of or experiencing abuse
- Enable more older people who experience abuse to access legal justice
- Prevent incidences of abuse of older people

**Work during 2019–20**

**Research into police and CPS decision-making relating to safeguarding investigations**

Data relating to crime and the criminal justice system demonstrates that prosecution and conviction rates for crimes against older people are disproportionately low when compared with the population as a whole, particularly in cases relating to safeguarding, abuse and neglect in care homes and hospitals.

The Commissioner will undertake research, working with the police and the Crown Prosecution Service (CPS) to examine the ways in which decision-making impacts upon investigations relating to safeguarding and subsequent access to justice for older people. By reviewing data and outcomes relating to over 400 safeguarding cases throughout Wales, the Commissioner aims to identify potential ways in which safeguarding investigations and training could be enhanced and whether existing legislation could be improved.

### **Understanding what motivates individuals to abuse and neglect older people**

Understanding what motivates individuals to abuse or neglect older people is an essential part of identifying the ways in which such acts could be prevented.

The Commissioner will host a series of roundtable events that will bring together key organisations and individuals – including the police, safeguarding teams, health boards, third sector organisations and other experts – to explore the motivators behind abuse and neglect and consider how these could be tackled. The event will also be used to identify and share good practice related to preventing abuse and neglect that could be rolled out more widely to safeguard and protect older people.

### **Safeguarding training for professionals**

It is essential that professionals working across health, social care and other key public services are able to recognise the signs of abuse and understand the support available to protect and safeguard older people who have experienced abuse.

The Commissioner will deliver training to professionals to grow their knowledge and understanding of the abuse that is faced by older people, covering a range of topics, including the scale and nature of abuse, the links between ageism and abuse, older people's rights and the services available that can provide help and support.

Alongside delivering this training, the Commissioner will also work with public services to develop a training module that will enable them to deliver in-house training on preventing abuse to their staff, to significantly increase the number of professionals who have the opportunity to complete training of this kind.

### **Identifying and mapping support services**

Whilst there are many services available throughout Wales for people who experience abuse, older people often find it difficult to know where to go to access the help and support they need.

The Commissioner will identify and map the services available to support older people who have experienced (or are experiencing) abuse and develop a set of resources to ensure they can easily find information about the support services in their area so they can access the help they need to be safe and protected.

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


Jane Hutt AC/AM  
Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JH-/05257/19

Janet Finch-Saunders AM  
Assembly Member for Aberconwy  
Chair - Petitions Committee  
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 June 2019

Dear Janet,

Thank you for your letter of 30 April to the Minister for Health and Social Services regarding the Petitions Committee - P- 05-882 Transforming the response for older people experiencing domestic abuse – a call for action. This has been passed to me as domestic abuse falls within my portfolio. I have outlined my views below to assist in your formal consideration of this petition.

The Welsh Government is committed to tackling all forms of gender based violence, domestic abuse and sexual violence and to supporting all victims of domestic abuse. We all have the right to live a life free from abuse of any kind and our age or situation should not have any effect on this right. Our Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 Act acknowledges that victims can be from across the whole spectrum of society, including older people, all ethnicities, religions and beliefs and disabled people. Work to implement the Act is inclusive of the experience of all groups.

Wales has a long history of working with and for older people from the introduction of the first Strategy for Older People in Wales in 2003, to establishing the world's first Older People's Commissioner in 2008. We recognise and value the many and varied contributions that older people make to creating vibrant and supportive communities.

We worked with the Older People's Commissioner to develop "*Information and Guidance on Domestic Abuse: Safeguarding Older People in Wales*," which was published in June 2017. This provides practical advice to staff and managers on recognising and understanding the

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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.

context in which abuse of older people takes place. The guidance also raises awareness and understanding of some of the specific issues and risks faced by older people who are experiencing domestic abuse.

Implementation of the National Training Framework takes account of the needs of diverse groups. Part of this work includes the roll out of "Ask and Act" which seeks to up-skill key public service workers to undertake targeted enquiry to identify abuse. In doing so, we aim to create a multitude of new avenues through which victims of abuse can disclose their experience and get the help they need.

The experience of older people and disabled people has been taken into account in our national multi media communications work; notably through our current campaign which is focused on Control and Diverse Groups. This campaign was developed utilising stakeholder and survivor insight and reflects many of the points raised via this petition.

As part of our commitment to ensuring that the voices and experiences of survivors inform and shape the work we do, we are piloting a project to increase our understanding of how best to enable diverse groups of survivors to participate in a national engagement framework. This work is seeking to engage with those survivors we have been unable to reach through previous engagement activities and consultation, including older people. Over coming months we will be engaging with stakeholders and survivors, including with older people groups, to ensure their voices and experiences can inform the findings and recommendations of this work.

Our guidance for Commissioning of Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Services promotes high quality collaborative commissioning that delivers more consistent and effective services to prevent VAWDASV and protect and support all victims of VAWDASV across Wales. This supports our commitment to ensuring that no matter where a victim lives, whatever their age or circumstances, there is a strong public and specialist service ready to help.

In December 2018, we launched our perpetrator service standards which recognise that given the complexity of VAWDASV, a suite of services is likely to be required to address the risks and needs of VAWDASV perpetrators in Wales, with a recommendation that commissioners and services should be mindful that no single programme will be suitable for all VAWDASV perpetrators.

Welsh Government is currently developing a new Strategy for an Ageing Society that is rooted in the principle of co production and is placing older people at the forefront of Welsh Government policy making. The strategy adopts a rights based approach that promotes equality, social justice and empowerment across a range of policy areas.

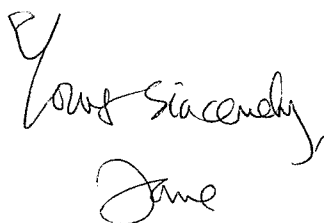
Since June 2018, a considerable amount of engagement work has been carried out to inform the development of the Strategy. This has included the creation of five working groups to focus on transport; housing; participation, planning for the future and making rights real for older people. A total of 17 stakeholder meetings have taken place and older people participated in every meeting.

Alongside the work to develop a Strategy for an Ageing Society, we are also reviewing our current practices for engagement with older people. This review aims to ensure that we have robust mechanisms in place that enable us to reach and engage with a more diverse range of older people.



We have consulted on our new 'Action on Disability: The Right to Independent Living' Framework and are currently analysing responses. The Framework is rooted in the Social Model of Disability and was developed through engagement with disabled people and under the guidance of the Independent Living Steering Group. It is accompanied by an action plan to tackle some of the key barriers identified by disabled people themselves, including transport, employment, housing and access to buildings and places.

The consultation responses, including references to the United Nation Convention on the Rights of Disabled People (UNCRDP) will inform further work on the Framework and Action Plan before the final versions are published. We will also be strengthening some key sections of the action plan such as developing actions to support disabled people experiencing VAWDASV in Wales. We envisage that the final version will be published in Summer 2019.

A handwritten signature in black ink, appearing to read 'Yours sincerely Jane'. The signature is written in a cursive style.

**Jane Hutt AC/AM**  
Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip



**P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action, Correspondence – Petitioner to Committee, 01.07.19**

Thank you for email and attached documentation outlining Jane Hutt AM's response to our petition from Dewis Choice. Dewis Choice is a practice-based Welsh initiative designed and implemented by older people in community settings to deliver support to older victims –survivors of domestic abuse. The project is the first dedicated service for all older people aged 60 years and over; it also provides the first global longitudinal study of older peoples help-seeking in the context of coercive control. Domestic abuse is a major social issue affecting one in four women and one in six men. Within Wales, estimates suggest that as many as 40,000 older people experience some form of abuse by family members or intimate partners. Disturbingly, the rate of domestic homicides of older people is rising with one in four homicides involving a person aged sixty years and over. In Wales, in 2016/17 there were nine domestic homicides of which three involved older people as victims. The Office of National Statistics (2017) states that older women are almost as likely to be killed by a partner as they are by an adult-child. The Standing Together Against Domestic Violence Guidance identifies three reasons why domestic homicides within this age groups are increasing when compared to younger age groups. The first reason is practitioners do not recognise the abuse as domestic abuse within this age group; secondly risk assessments are designed for younger people with families (for example, questions around pregnancy and young children); and thirdly there is a lack of specialist service provision tailored to older people's needs. As a result, they do not receive sufficient protection and support. We feel that there is a significant well-being and human rights deficit with regard to protection, private life, and justice.

**Petitions Committee – P-05-882 Transforming the response for older people experiencing domestic abuse**

We call on the National Assembly to urge the Welsh Government to:

- raise awareness among the public, third sector organisations and statutory agencies of the number of older women and men in Wales who experience domestic abuse by family members, and
- ensure that essential levels of support and protection are available to older people experiencing such abuse.

Across the UK, Wales is already seen as a pioneer in the field of domestic abuse policy and practice and is also recognised as the first country in the world to appoint an Older People's Commissioner to act as an independent voice and champion for older people. This commitment by the Welsh Government to tackling domestic abuse and raising the profile of older people provides an ideal context for addressing the neglected issue

of people aged 60 years and over who are victim-survivors of domestic abuse. Indeed, the Welsh context provides opportunities for broadening the 'public story' (Donavan & Hester, 2015) by ensuring older people are seen as victim-survivors of domestic abuse.

The response by Jane Hutt AM discusses the following areas:

1. The role of the Older Peoples Commissioner,
2. the Guidance 'Information and Guidance on Domestic Abuse: Safeguarding Older People in Wales' 2017, (Sarah Wydall and John Williams from Dewis Choice contributed to the guidance),
3. the VAWDASV 2015 Strategy,
4. the National Training Framework,
5. the National Survivor Engagement consultation,
6. Guidance for Commissioning of VAWDASV services,
7. The Strategy for an Ageing Society,
8. A review on engaging older people,
9. Action on Disability- The Right to Independent Living Framework,
10. The United Convention on the Rights of Persons with Disabilities.

We will take the opportunity to respond to the ten areas above identified by the Deputy Minister. We propose a transformative response based on our extensive knowledge both in terms of our practice and research evidence in Wales and the stakeholder response to the community-led Dewis Choice service.

Since 2012, the Dewis Choice team has worked with over 350 volunteers to co-produce a bespoke specialist service and undertake research in Wales. We have also trained over 3000 practitioners across England and Wales about domestic abuse and older people in the first Safelives pilot; as part of the OPC training; and in a range of practitioner settings in response to the lack of knowledge about domestic abuse in this age-group. Our work in communities and our research has identified that there are insufficient specialist services available in Wales to support and protect older people.

More generally all of the ten points do not provide evidence of an appropriate level of service provision for older victim-survivors. Whilst we welcome the development of strategies, both specific and general, we recognise that they are often aspirational. They are not a substitute for services on the ground for the three generations of older people experiencing abuse by family members.

As noted above the Older Peoples Commissioner (**point 1**) identifies discrimination and marginalisation. Many of the initiatives of previous and current Commissioners draw attention to gaps in awareness, for example with **point 2** the Guidance 'Information and **Guidance on Domestic Abuse: Safeguarding Older People in**

**Wales'** 2017 was the first document to respond to the knowledge deficit. It was published as a first step in addressing a significant gap in statutory agency knowledge about the existence of domestic abuse in people aged 60 years and over. Dewis Choice was pleased to make a significant contribution, based on its research and experience, to the publication of this guidance. However as with any guidance, it is essential that implementation is monitored and evaluated.

Our recent publication in The British Journal of Social Work provides a critique of the VAWDASV Act 2015 (**point 3**) including Ask and Act, the Social Services and Well-being (Wales) Act 2014 (see attached) in particular the need to ensure greater integration between the two initiatives. Furthermore, we considered the implications of the Well-being of Future Generations (Wales) Act 2015. It also identified a significant shortfall in the provision for older people who experience domestic abuse and the knowledge of practitioners in the public sector. We pose the question whether a 'rule of pragmatism' exists whereby practitioners seek to reconcile the tension between diminishing resources and increasing demand for support.

In response to **point 4** and **5** the National Survivor Engagement Framework, we know that this consultation was unable to include the voices of older people who had experienced domestic abuse by intimate partner and /or other family members. Dewis Choice was informed that the consultation undertaken last year was not successful in engaging the full range of groups who fall outside the traditional demographic. This is regrettable. We are not surprised that the methodology used in this consultation did not capture this population group, who we know do not traditionally access domestic abuse services.

Dewis Choice has received referrals from third sector and statutory domestic abuse services who do not feel sufficiently equipped to address the diverse needs of older people. The Dewis Choice community engagement programme, involving nearly five thousand people in the last four years, provides evidence that older people do not feel the services are suitable for them because awareness-raising material and service provision provided is aimed at younger women with families.

- Very few services are able to recruit practitioners especially Independent Domestic Violence Advisors who are first language Welsh speakers, thus leading to a failure to meet the needs of the Welsh speaking population;
- Much of the campaigning material focuses on white, heterosexual, able-bodied women under the age of forty years. There are very few, if not any images of people within the three generations, aged 60 years and over;
- Any images related to older age rarely involve a face, thus rendering older people faceless or invisible as people –instead ageist images of wrinkly hands and mobility aids are used to depict older people;

- Provision rarely includes adult-child to parent abuse which is a significant feature of older person's experience of domestic abuse;
- The material rarely addresses older people's experience of the abuse.

In **point 6**, regarding the commissioning guidance, older people are mentioned on only two occasions. There is no mention of other cross cutting needs for LGBTQ+ older victim-survivors, those cases where dementia and domestic abuse co-exist, and older men who form a higher percentage of victims in later life than their younger counterparts. This does not show a commitment to redressing a gap in provision.

Dewis Choice welcomes the development of the new Strategy for an Ageing Society. However, the five working groups do not include a specific focus on domestic abuse and older people which often leads to isolation, homelessness, poverty and social exclusion. An essential part of well-being is the right to live and enjoy a safe environment free from abuse. We would like to see this made more prominent in the work on developing the next Strategy. **(Point 7)**.

Welsh Government's review of current practices for engaging older people is welcome and timely. Research underlines the importance of reaching marginalised groups and engaging with a diverse range of older people in appropriate ways. Capturing these voices and lived experiences is often extremely difficult, especially, but not exclusively in rural areas. Victim-blaming stereotypes often deter victims-survivors from speaking out; they are a particularly hidden group. Dewis Choice works with older LGBTQ+ groups and individuals whose negative experience of domestic abuse services is compounded not only their age, but also by their sexuality or gender. They experience a double discrimination. As part of our Project we are developing two films specifically highlighting the reality of their lives and help-seeking experiences. Furthermore, the experience of the co-existence of domestic abuse and dementia can be excluded by traditional consultation approaches. It is particularly challenging to hear the voice of older men who are victim survivors of domestic abuse. Our research on domestic abuse shows that older male victim-survivors represent a larger group within the older age cohort when compared with younger cohorts. **(Point 8)**

We welcome the new Action on Disability **(Point 9)** initiative, in particular the commitment to the social model of disability. The social model requires the social and physical environment to be transformed rather than placing the responsibility on the individual to adapt. From the perspective of domestic abuse, we are aware that refuges and most services require significant adaptation to enable equal access to support and protection. In addressing this, it is essential to ensure that people living with dementia who experience domestic abuse are treated equally and that services adapt to any special needs that they may have. Again, our research shows that victim-survivors living with dementia are considered solely with the safeguarding process rather than the wider domestic abuse/safeguarding framework. They are particularly vulnerable.

The United Nations Convention on the Rights of Persons with Disabilities provides a challenging framework within which to develop domestic abuse services for people with disabilities, in particular people living with dementia. Supported decision-making, as laid down in the Convention, requires considerable investment and commitment on the part of Welsh Government. **(Point 10)**

Building on the impressive commitment by Wales in relation to tackling domestic abuse and to the rights of older people, it is imperative that the law, policy and guidance is translated into integrated services that are accessible, meaningful and appropriate to provide support and protection for the diverse group of older victim-survivors of domestic abuse. Wales is already a good example to other nations. We have the opportunity and commitment to make Wales a world leader in addressing what is a major social issue for the three generations of older people.

Yours sincerely,

Dewis Choice (Sarah Wydall, John Williams, Alan Clarke, Rebecca Zerk and Elize Freeman)

Please see attached our research which includes our Pan Wales study.

- Protecting older victims of abuse who lack capacity: the role of the Independent Mental Capacity Advocate [https://choice.aber.ac.uk/media/non-au/choice/ELDLJ\\_2013\\_02\\_Articles\\_04.pdf](https://choice.aber.ac.uk/media/non-au/choice/ELDLJ_2013_02_Articles_04.pdf)
- Domestic abuse and older people: factors influencing help-seeking <https://www.emeraldinsight.com/doi/full/10.1108/JAP-03-2017-0010>
- Access to Justice for Victims/Survivors of Elder Abuse: A Qualitative Study <https://choice.aber.ac.uk/media/non-au/choice/Access-to-Justice-for-Victims-Survivors-of-Elder-Abuse-Clarke-Williams-and-Wydall-2015.pdf>
- Domestic Abuse and Elder Abuse in Wales: A Tale of Two Initiatives. <https://academic.oup.com/bjsw/article-abstract/48/4/962/5059565?redirectedFrom=fulltext>

**P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action, Correspondence – Petitioner to Committee- Additional information, 01.07.19**



Promoting justice for older victim/survivors of domestic abuse: Dewis Choice -A Welsh initiative

Wydall, S., Clarke, A., Williams, J.

This 'not very brief brief' explains the development of Dewis Choice, a Big Lottery funded project piloted between 2015-2019 in an urban and a rural area in Wales.

As a response to a gap in provision, Dewis Choice Project is unique in the approach it offers, it aims to learn how older people can be empowered to make informed choices about their civil, criminal and restorative justice options. In addition to the service provision, there is an ongoing qualitative longitudinal research study, which is distinctive insofar as it captures the experiences of older victim/survivors at different stages in the justice-seeking journey and illustrates how their conceptions of justice are subject to change over time.

### **Dewis Choice**

As noted above Dewis Choice is comprised of both a service and a research strand. The initial model for the service was developed through community- based PAR. However, as so little was known about the needs of older men and women in the context of domestic abuse, the model is a work in progress informed by the rich qualitative data from the longitudinal research element of the project.

The service Dewis Choice provides is client-centred, working with individuals, families and where it is safe to do so, harmers to support people aged sixty and over to make informed choices about their 'justice options' in the context of domestic abuse. The principal ethos of the approach is to be client-led, to integrate justice, wellbeing, prevention, and recovery work and promote empowerment through listening to older victim-survivors.

The service element of Dewis Choice consists of two Choice Support workers and a Wellbeing practitioner. Co-located within third sector specialist domestic abuse settings, referrals to Dewis Choice come via social services. Working within such



infrastructures reduces the likelihood of clients left without support and improves information sharing and inter-agency communication.

The two Choice Support workers are trained IDSVAs (Independent Domestic Sexual Violence Advisor- Safe Lives Ref), like IDSVAs their purpose is to address the safety of victim-survivors working within a multi-agency framework. However, the role is distinct from an IDVA, as workers not only address immediate safety needs, they may work together in parallel with harmers, clients and other family members adopting a whole family approach. In addition, the service involves intensive support for up to a twelve-month period for clients deemed to be standard risk according to the Domestic Abuse, Stalking and Harassment and Honour-Based Violence Risk Identification Checklist (DASH- RIC) (Safe Lives, 2014) . However should the risk increase, a safeguarding concern will be made and/or clients are referred onto IDVA's in the services within which the Choice Support workers are co-located.

The Choice Support workers not only explore civil, criminal and restorative options, they also introduce the client to a Wellbeing practitioner. The Wellbeing practitioner identifies how harmers have negatively influenced either directly or indirectly, a client's wellbeing and provides strategies to help them and their families overcome the impact of domestic abuse. The wellbeing element of the service was developed from the Community-based PAR, focus groups and analysis of client's and practitioner's qualitative data.

The Dewis Choice service provides support for all people aged sixty years and over including those who lack mental capacity. It does not, at this stage in the pilot offer support to those in institutional settings such as care/nursing homes or hospices.

On completion of the pilot project , a book will be published providing an insight into the lived experiences of the clients, two short films will be produced to raise awareness of older LGBTQ+ victim-survivors and a practitioner guidance handbook will be created which includes a wellbeing assessment tool based on the learning from Dewis Choice.

The Project is funded by the United Kingdom Big Lottery '*Big Innovation*' grant, Comic Relief and the UK Portfolio Community Fund. Big Lottery projects prioritize community involvement during the development and implementation of any initiative; hence, the funder's approach is well aligned to the client-centred ethos integral to Dewis Choice. People aged 60 years and over, victim representative groups and survivors were involved in the preparation for the proposal; the design of the service and included in Dewis Choice national advisory group. Older people provide input to the data analysis and awareness raising about domestic violence and abuse in later life.

The project has trained over three hundred volunteers of which a third are people over 60 years of age on domestic abuse and help seeking. The team have delivered training workshops and shared their findings to date with 1,437 practitioners, managers and policymakers. The project is working with Safe Lives to deliver Older People Violence and Abuse (OPVA) training across England and Wales in the coming 12 months. Follow us on @choiceolderppl on Twitter.



# Agenda Item 2.2

## **P-05-885 Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales**

This petition was submitted by Joe Powell having collected a total of 203 signatures.

### **Text of Petition**

We call on Welsh Government to ensure that all local authorities consult with people with learning disabilities before there are any changes to bus services/ bus routes in Wales. This includes changes to bus stops.

We also call on the Welsh Government to extend the Concessionary Travel Pass to local railway services, in areas which have few bus services. These measures are essential if we want to prevent people with learning disabilities from being isolated within Welsh society, empower them to live as active and equal citizens in Wales and to access the services needed to fulfil their own wellbeing outcomes, as promoted in the Social Services and Well Being (Wales) Act.

### **Additional Information**

#### **Assembly Constituency and Region**

- Newport East
- South Wales East

# Petition P-05-885: Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales

Y Pwyllgor Deisebau | 9 Gorffennaf 2019  
Petitions Committee | 9 July 2019

## Research Briefing:

Petition number: P-05-885

Petition title: Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales.

Text of petition: We call on Welsh Government to ensure that all local authorities consult with people with learning disabilities before there are any changes to bus services/ bus routes in Wales. This includes changes to bus stops.

We also call on the Welsh Government to extend the Concessionary Travel Pass to local railway services, in areas which have few bus services. These measures are essential if we want to prevent people with learning disabilities from being isolated within Welsh society, empower them to live as active and equal citizens in Wales and to access the services needed to fulfil their own wellbeing outcomes, as promoted in the Social Services and Well Being (Wales) Act.

The response from the Welsh Government on this petition had not been received at the time this briefing was being finalised.

## Background

### Welsh Government Equality Obligations and Public Transport

Under the terms of the *Wales Act 2017* the provision for disabled persons' access to public transport remains the responsibility of the UK Government. However, wider legislative provisions and Welsh Government policy establish a range of duties.

The *Government of Wales Act 2006* (as amended), requires the Welsh Ministers to make appropriate arrangements to secure that they exercise their functions with due regard to the principle that there should be equality of opportunity for all people.

The *Equality Act 2010* ('the 2010 Act') requires public authorities, including the Welsh Ministers, to consider the need to eliminate discrimination when exercising their functions, and to advance equality of opportunity for people [with protected characteristics](#).

The Welsh Government published [accessible and inclusive public transport objectives](#) in December 2017. These comment:

The Equality Act 2010 makes provision for disabled persons' transport in relation to taxis, public service vehicles and trains. Whilst under the terms of the new devolved settlement for Wales set out in the Wales Act 2017, these matters will remain the responsibility of the UK Government, the Welsh Government will continue to deliver public transport improvements in fulfilment of our wider statutory and moral obligations to the people of Wales.

The document goes on to draw attention to the fact that the *Well-being of Future Generations (Wales) Act 2015* 'recognises that we need to adopt a more joined-up approach as we seek to improve the delivery of public services to the people of Wales'. It also highlights that the Welsh Government is committed to 'observe' the [UN Convention on the Rights of Persons with Disabilities](#).

### **Provision of bus services and infrastructure**

Local authorities are not currently responsible for changes made to most bus services. Under the current statutory framework, which establishes a deregulated bus market in Britain outside London, a significant majority of bus services are planned and delivered commercially by bus companies.

Part IV of the *Transport Act 1985*, which introduced deregulation, imposes a duty on local authorities to secure the public passenger transport it considers appropriate to meet public transport requirements which would not otherwise be met (i.e. subsidised services in the absence of commercial services). However, local authorities are normally only able to subsidise services where they are not provided by the market. If a commercial service is in operation local authorities have limited ability to procure subsidised services.

Bus operators may register and deregister bus services with the Traffic Commissioner, usually with 56 days' notice. The Welsh Government's accessible and inclusive public transport objectives document makes clear that:

About three quarters of the routes operated are registered by bus companies on a commercial basis, whilst the remaining local bus services are contracted by local authorities to provide services which would otherwise not be provided.

However, local authorities are generally responsible for the provision of bus infrastructure – including bus stops and stations.

## All Wales Concessionary Fares Scheme

The Welsh Government introduced the UK's first nationwide concessionary fares scheme in 2002. The Welsh Government's [concessionary bus travel scheme guidance](#) makes clear that people with 'learning disabilities' are eligible for a pass. 'Companions' are also entitled to passes where the passholder requires:

... the extra help that a companion has to provide to enable them to travel by bus, beyond the ordinary responsibilities that would be expected of an accompanying person.

The petition calls for 'the Welsh Government to extend the Concessionary Travel Pass to local railway services, in areas which have few bus services'. Concessionary passes may [currently be used on TfWRail services](#) on certain routes, in some cases this is limited to certain times of the year. Passes may be used on the following routes:

- Wrexham – Hawarden Bridge;
- Machynlleth – Pwllheli (Cambrian Coast line) – October to March only;
- Llandudno – Blaenau Ffestiniog (Conwy Valley line); and
- Shrewsbury and Llanelli/Swansea (Heart of Wales Line) – October to March only.

## Welsh Government action

The Welsh Government has undertaken a review of learning disability services – [Learning Disability: Improving Lives Programme](#). It states on page 4 (emphasis added):

Challenges were also identified which will enable services to be strengthened. These were in particular to:

- Have the information/data required to be able to plan services both accurately and appropriately, and thereby meet the needs of people with a learning disability. This also includes ensuring that information is presented in easy read formats and the terminology used reflects stakeholder choice;
- **Ensure the voices of people with a learning disability and their families and carers are listened to and acted upon across public services;**
- Ensure when standards are set in services and outcomes monitored and evaluated, the needs of people with a learning disability are considered; and
- **Strengthen transport services so they are designed to meet the needs of people with a learning disability wherever possible."**

Page 21 includes a table with a list of recommendations linking to the above, including:

Transport – ensure action through the transport panel for vulnerable people to enable accessible services appropriate to the needs of people with a learning disability.

From October 2018 to January 2019, the Welsh Government consulted on [Action on Disability: The right to Independent Living](#). Page 25 of the consultation document states:

The accessibility and availability of public transport was the issue raised most often by disabled people during the engagement process. This affected the ability of disabled people to use public transport

independently but travel training could assist with this, at least where transport is available. They said that being able to get about in the local community and further afield has an impact on the ability to take up employment, to get to appointments, access to leisure and public services, or simply to meet up with family and friends. The lack of room on buses for several disabled people to travel at one time is an issue as is the spontaneous travel by train if you are a wheelchair user as assistance has to be booked in advance.

The Action on Disability: The Right to Independent Living Action Plan, attached as an annex to the consultation document, states (Page 12):

“We will:

Improve accessibility to public transport for disabled people by:

.....

Monitoring the accessibility of local bus services following introduction of the voluntary bus quality standards as part of the monitoring arrangements in place for payment of the Bus Services Support Grant;

.....

Working with our Accessible Transport Panel to develop outcome focussed objectives, with specific actions that are designed to improve accessibility and inclusion across the public transport network in Wales.

As noted above, the Welsh Government published accessible and inclusive public transport objectives in December 2017, which include:

- Objective 1: ‘Disabled people are able to make successful door-to-door journeys on demand and on the day of travel’;
- Objective 5: ‘Passengers are more involved in the design, development and improvement of transport services and infrastructure’; and
- Objective 6: ‘Public Transport is an accessible and affordable mode of transport’.

The Welsh Government published [voluntary Welsh bus quality standards](#) (second edition) in December 2017. Bus operators are required to meet the ‘core requirements’ of the standards in order to claim funding from the Welsh Government’s Bus Services Support Grant. These do not include obligations to engage with passengers in planning service changes, though they do require drivers to have completed disability and equality awareness training.

## National Assembly for Wales action

The Assembly has recently considered issues related to transport for people with disabilities, for example the Equalities, Local Government and Communities Committee completed evidence gathering as part of its [Inquiry into the Blue Badge Scheme in Wales](#). However, there has been limited consideration of the specific issue of local authority engagement with people with learning difficulties when changes to the bus network are planned.

The Petitions Committee has of course published [Ensure Disabled People Can Access Public Transport as and When They Need It \(P-05-710\) – Report on the Consideration of a Petition](#) in October 2017. In that case the young people who submitted the petition gave evidence making particular reference to the needs of people with learning difficulties.

In terms of the use of concessionary passes on rail services, there was significant interest from Members during the procurement of the new TfWRail franchise (awarded in the summer of 2018) in whether the use of concessionary passes would continue under the new contract. For example, in May 2018 Janet Finch-Saunders AM tabled [a written question on the future of the concessionary rail scheme](#) to which the then Cabinet Secretary for Economy and Transport responded:

The concessionary rail fares scheme will continue on the same routes for the same periods until the end of the current franchise in October. The specification for the future rail services contract from October 2018 includes the provision of the current scheme, as a minimum.

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





Ein cyf/Our ref KS/06660/19

Janet Finch-Saunders AM  
Chair of the Petitions Committee

[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales).

02 July 2019

Dear Janet,

Thank you for your letter of 3 May on behalf of Joe Powell regarding petition P-05-885 Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales.

Most bus services across Wales are provided in response to bus operators' analysis of demand, cost and profitability. Neither the Welsh Government nor a local authority is able to require a bus operator to run a particular service without subsidy or to consult with passengers.

Under the current legislative framework, local authorities are able to enter into contracts to pay subsidies to support local bus services, where bus services are not available or not provided to the required standard without public funding. Each local authority is responsible for determining which services in regards to bus or community transport to subsidise, based on its assessment of local circumstances and priorities. Local authorities use whatever budgets they have set aside for that purpose, supplemented by Welsh Government grant funding.

It is important to emphasise that our funding is provided to supplement local authorities' expenditure in support of bus and community transport services from their own budgets, not as a replacement. Our guidance document on this issue states that in developing their proposals for utilising their funding, local authorities should continue to involve as well as consult and work closely with stakeholders as a minimum. This includes organisations representing persons with protected characteristics.

We recently consulted on our Improving Public Transport White Paper. The White Paper set out proposals for reforming the planning and delivery of local bus services across Wales. The proposals include enabling legislation which would provide local authorities with tools to enable them to influence the provision of bus services in their area. The White Paper also included proposals for improving the provision of information about bus services, which would result in public access to more consistent and reliable information on bus services.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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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.

Throughout the consultation we have been engaging with representative groups, including Disability Wales. We have also been having discussions with bus operators and representatives of the industry as part of our consultation engagement events, which took place in February and March 2019 across Wales.

The formal consultation period for the White Paper has now closed. We are currently reviewing the consultation responses and will publish a report in due course. We will be taking all of the comments and consultation responses into consideration and this feedback will help inform our next steps for local bus services policy in Wales.

I can also confirm that customers with a Concessionary Travel Pass from a Welsh local authority can travel for free on certain Transport for Wales (TfW) rail services. The following routes are covered by the scheme:

Wrexham – Hawarden Bridge (Borderlands Line)  
Machynlleth – Pwllheli (Cambrian Coast Line) – October to March only  
Llandudno – Blaenau Ffestiniog (Conwy Valley Line)  
Shrewsbury – Llanelli/Swansea (Heart of Wales Line) – October to March only

Customers are required to obtain a free ticket from the ticket office before travelling. If there is no ticket office or if it's closed, this can be obtained from the conductor on the train. Any customer with a Concessionary Travel Pass can also get one-third off tickets to travel on the Cardiff and Valleys network after 0930 Monday-Friday and any time at weekends and bank holidays.

These routes are identified in a number of ways, including suggestions by individuals, as well as local authorities, bus operators, Bus Users Cymru and others. Those suggestions are reviewed by the TrawsCymru Strategic Management Board which then advises me on options for extending the network, if affordable. A review is expected to be undertaken shortly.

Further information can be found on the TfW rail website: <https://tfwrail.wales/ways-to-save/concessionary-travel>

You may also be interested to know that we are currently drafting a strategy to tackle loneliness and isolation in Wales. We know that transport is vital to our social connections and to enabling people to be connected to their communities. We will be considering how we can provide access to more inclusive and affordable transport as we progress this work.

Yours sincerely,



**Ken Skates AC/AM**  
Gweinidog yr Economi a Thrafnidiaeth  
Minister for Economy and Transport

## P-05-885 Accessible and Inclusive Public Transport for Citizens with Learning Disabilities in Wales, Correspondence – Petitioner to Chair, 04.07.19



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Thursday 4<sup>th</sup> July 2019

Dear Janet,

Thank you most sincerely for presenting our petition to Ken Skates AM, Minister for Transport. In this letter I would like to outline my response to Ken's letter, for the discussion on Tuesday 9<sup>th</sup> July.

I think firstly, I would like to address the issue regarding the fact that Welsh Government and Local Authorities can't expect a bus operator to run a service or in consultations with passengers. We appreciate that no bus operator can operate any service without subsidy and would not expect them to do so, however we would hope that local authorities ensure that they work with operators to ensure the services are provided and funded in order that they are both accessible for people with learning disabilities. This can't happen without people with learning disabilities being involved in the process.

It is positive that Disability Wales have been involved in the consultations, but they do not represent people with learning disabilities in Wales. The people they represent have very different accessibility needs to people with learning disabilities, whose impairment means they would be excluded to drive by the DVLA due to intellectual impairment, and therefore depend heavily on public transport to live their lives. It is important that a more informative joined up approach with Bus/ Transport providers and local authorities in the planning of services and consultations, which are essential. They need to be timely, accessible and give enough time for all to be involved (especially those who are vulnerable).

Our members, especially in the North, Powys and Rural areas of Wales are reporting that cuts to services are having an impact on their ability to access services, employment and community activities. If this is allowed to happen then this will already have a negative impact on the aspirations of the SSWB Wales Act in empowering people with learning disabilities to meet their own well being outcomes and having access to the services they need to be at the centre of designing their own services. This will also have a negative

consequence on the Improving Lives Strategy, which is aiming to reduce a deficit in services needed for people with learning disabilities to be empowered under the SSWB (Wales) Act. We may create services that people with learning disabilities need but aren't able to access.

I welcome the fact that the Concessionary Pass is already available to people in some parts of Rural Wales for rail services and thank the Minister for that. I will of course ensure that our members are all informed of this.

I also welcome the Ministers comments about the importance of transport as being important for social connections and that affordable and better transport will be part of the consideration in the Isolation and Loneliness strategy. All Wales People First, responded to this strategy and we would urge further engagement with people with learning disabilities in the design on this work. I am sure that the All Wales People First National Council (a member led forum made up of 22 representatives of people with learning disabilities across all local authority areas in Wales (who manage the organisation) would be only too happy to work with colleagues to give their feedback on or any other related issue.

All Wales People First is also happy to offer a free stall on day two of our National Festival 'AdFest 2019' which aims to provide a wide opportunity for people with learning disabilities to consult with the third, private, public sectors as well as local authorities and Welsh Government to assist them in the design and evaluation of their services in line with guidance, recommendations and duties under the SSWB Wales Act, goals of the Future Generations Act, Healthier Wales Strategy, Prosperity for all and the Improving Lives programme. Our members would love to work with Welsh Government on anything that affects their life and their ability to access the community.

My over arching concern over this issue is the fact that whilst legislation is being designed to address issues and referenced as evidence of action taking place, the fact that many of the issues raised still ultimately are referred back as being the responsibility of local authorities, who may in turn claim they don't have the resources to implement these measures, much of the legislation may not be helpful in practice and therefore the circumstances will not change for people with learning disabilities. I would urge the Welsh Government to help us find a way that would enable a practical and meaningful resolution to resolve this issue.

I thank you most sincerely for your time on this matter.

Yours sincerely  
Joe Powell  
**(Chief Executive)**

# Agenda Item 2.3

## **P-05-887 Stop regional AMs elected to represent specific parties from defecting**

This petition was submitted by Ifan Morgan Jones having collected a total of 1,301 signatures.

### **Text of Petition**

The Welsh Assembly now has legal power over its own electoral system. We call on the National Assembly for Wales to stop Members on the regional list from switching political parties. When voting on the regional list, voters choose political parties rather than individuals. Under the present rules, however, Members elected on the regional list can voluntarily switch parties.

During previous Assembly terms, this was of little consequence, but in the last three years, multiple Assembly Members have made a mockery of the institution by declaring themselves independent or switching parties. One Assembly Member has now represented three different political parties during the lifetime of the Assembly term, and another declared herself independent within days of being inaugurated as an AM. There is no democratic mandate for this. It means that a third of the Senedd has little accountability to the electorate, who did not vote for them but voted for the party they originally represented. The rules should be changed so that, if an Assembly Member on the list voluntarily decides to change his or her political affiliation, he or she vacates their seat as an AM and the next candidate for that political party on the regional list takes his or her place. In order to prevent abuse of the system, any candidate involuntarily expelled from their group should be able to remain as an independent AM but should not be allowed to join another party.

This petition notes with regret that this change may further cement the perception that regional AMs are 'second class citizens' within the Assembly. However, we feel that this problem is inherent to the two-tier additional member system and is, in this case, the lesser of two evils compared with the way the current rules allow for the electoral process to be undermined.

This petition suggests that the Welsh Parliament and Elections (Wales) Bill be amended to include the changes mentioned above.

### **Additional Information**

#### **Assembly Constituency and Region**

- Ceredigion
- Mid and West Wales

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

Document is Restricted



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Your ref:  
Our ref: PO667/EJ/HG

13 June 2019

Dear Janet

**Petition P-05-887 Stop regional AMs elected to represent specific parties from defecting**

Thank you for your letter dated 17 May regarding petition P-05-887. I am responding to your letter both as the Member in Charge of the Senedd and Elections (Wales) Bill, and on behalf of the Assembly Commission.

The petition proposes that the issue in question is addressed via amendments to the Senedd and Elections (Wales) Bill. I considered your letter, and petition P-05-887, with my fellow Commissioners during our meeting on 10 June. However, the Commission does not have a position on the issues raised by petition P-05-887. The Commission has not been mandated by Assembly Members to legislate on these matters, nor has it consulted the public. Consequently the Commission has no plans to amend the Senedd and Elections (Wales) Bill in relation to the issue outlined in petition P-05-887.

Yours sincerely

Elin Jones AM  
Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

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# Agenda Item 2.4

## **P-05-889 Labelling of Religiously Slaughtered Meat**

This petition was submitted by Leslie Freke having collected a total of xxx signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to legislate that all meat and meat based products that come from religiously slaughtered animals is clearly labelled.

### **Additional Information**

#### **Assembly Constituency and Region**

- Llanelli
- Mid and West Wales

## P-05-889 Labelling of religiously slaughtered meat

Y Pwyllgor Deisebau | 9 Gorffennaf 2019  
Petitions Committee | 9 July 2019

### Research Briefing:

Petition number: P-05-889

Petition title: **Labelling of Religiously Slaughtered Meat**

Petition text:

We call on the National Assembly for Wales to urge the Welsh Government to legislate that all meat and meat based products that come from religiously slaughtered animals is clearly labelled.

### Background

There is currently no requirement for religiously slaughtered meat to be specifically labelled. Proposals to this effect have appeared in draft European legislation in the past but have never made it into the final legislation.

Both the Muslim and Jewish faiths have specific requirements for the slaughter of religiously acceptable animals.

The Jewish method of slaughter, Shechita, requires animals not to be stunned before slaughter. Islamic food rules, for Halal meat, can be satisfied with animals stunned before slaughter if animals do not die as a result of the stun, but there is no definitive consensus and slaughter without pre-stunning does also take place.

The [most recent Food Standards Agency survey of slaughter methods \(2018\)](#) (PDF 168MB) shows that 71% of sheep slaughtered in England and Wales were slaughtered according to Halal rules, with 46% being stunned before slaughter and 25% without stun. At the time of writing this briefing there were no abattoirs practicing non-stun slaughter in Wales.

Non-stun lamb and beef cannot be labelled as Protected Geographical Indicator (PGI) Welsh Lamb and PGI Welsh Beef. This is a result of a policy decision by Hybu Cig Cymru (Meat Promotions Wales), the body responsible for the PGI Welsh Lamb and PGI Welsh Beef brands.

Food safety is primarily regulated on an EU-wide basis, including labelling. While the UK is a Member State of the EU, the devolved administrations and the UK Parliament must adhere to EU food safety legislation. This includes implementing EU law around food labelling.

In short, the Assembly or the Welsh Ministers can only make new laws where they have competence and there is scope within EU law to do so, or where there are areas of the law where there isn't overarching EU legislation. Any proposals cannot be contrary to existing EU law. This means that there is very little scope for the Welsh Ministers, or indeed the UK Government, to make any legislation which deals with food labelling.

After Brexit, the UK will no longer be subject to EU legislation and UK legislatures will be able to make changes within their competence if they wish. However, along with other areas relating to food safety and standards, the UK Government [has determined that](#) food labelling is one of 21 areas where future UK-wide legislation may be needed post-Brexit – known as Common Frameworks. Following the Welsh and UK Governments' [intergovernmental agreement](#) of April 2018, and the *European Union (Withdrawal) Act 2018* becoming law, the UK Government has the power under section 12 of this Act to make regulations to temporarily 'freeze' the Assembly's competence in respect of retained EU law.

Should this happen, the devolved administrations will temporarily be unable to legislate, and the UK Government will not be able to legislate for England while the regulations are in place. The UK Government will 'not normally' make these regulations without the consent of the devolved administrations. The power to make section 12 regulations will expire 2 years after the day the UK leaves the EU, and regulations will be able to last for up to 5 years. Should 'freezing' take place, the Assembly would face a delay in being able to legislate in this area, along with the other UK legislatures, potentially for up to 7 years after Brexit.

The [EU Food Information Regulation \(1169/2011\)](#) came into force in EU Member States in December 2014. A specific provision to introduce identification measures for food labels to indicate whether an animal has been stunned before slaughter was not taken up during development of the Regulation. However, a compromise agreement was reached to look into the issue further.

As a result, the European Commission published a [report on its 'study on information to consumers on the stunning of animals'](#) in 2015. The study made a number of conclusions, including:

- There is little accurate consumer understanding of the slaughter process; and
- Information on pre-slaughter stunning is not an important issue for most consumers unless brought to their attention. The level of interest is generally higher in countries that were EU Member States prior to 2004 (which includes the UK) compared to the countries that joined in 2004.

The study methodology included a literature review, stakeholder interviews and focus groups, Member State case studies (including one in the UK) and telephone interviews with 13,500 purchasers of meat, 500 in each Member State.

## Welsh Government action

The Minister for Environment, Energy and Rural Affairs, Lesley Griffiths, wrote to the Committee on 23 May 2019 responding to this petition. She said:

... After the UK leaves the European Union it may be necessary to consult on the reform of the information that is presented on food labels, and information relating to the method of slaughter might be included in such a consultation. Until the final terms of the UK withdrawal have been agreed it is not possible to give you a timetable when any consultation might be published.

Producers are able to display the logos of different certification scheme on their products, however this is not mandatory. ...

## National Assembly for Wales action

On 9 May 2018, Neil Hamilton AM, [asked the Minister](#) if she would:

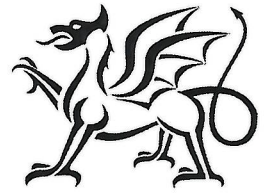
... consider improving public awareness of the meat that members of the public consume by improving accurate labelling of products, clearly stating country of origin, rearing conditions and, most importantly, methods of slaughter, because although we must respect different religious views on ritual slaughter, the public at large often have no idea that they're eating halal meat, for example, and they may not wish to if they had a free choice.

The Minister responded:

I think the labelling of food is becoming increasingly important because I think people are becoming much more interested in the subjects that you referred to, and, again, it's a conversation and a discussion that we're having not just at official level, but also at ministerial level in our quadrilaterals [meetings with Ministers from the other UK governments], and, again, it's another opportunity with Brexit to make sure that we get that right. ...

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

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-889  
Ein cyf/Our ref LG/06067/19

Janet Finch-Saunders AM  
Chair - Petitions committee

[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

 May 2019

Dear Janet

Thank you for your letter of 22 May regarding the labelling of produce using religious slaughter methods. Wales has a proud tradition of being diverse and open to all beliefs and cultures. I wish to reassure you that it is not the intention of the Welsh Government to cause difficulty to any group in not being able to exercise their beliefs.

The information on food labels has to comply with strict regulations that are designed to protect the consumer from harm and potential fraud. These regulations are currently based on European law. After the UK leaves the European Union it may be necessary to consult on the reform of the information that is presented on food labels, and information relating to the method of slaughter might be included in such a consultation. Until the final terms of the UK withdrawal have been agreed, it is not possible to give you a timetable when any consultation might be published.

Producers are able to display the logos of different certification schemes on their products, however this is not mandatory. Mis-selling of goods, for example due to incorrect consumer information, would breach consumer protection legislation, and any instances should be reported to Trading Standards for investigation.

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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.

I recognise the strength of feeling about this issue and what that could mean for labelling or not labelling products. There are arguments in favour and against. In any future consultation on labelling laws, it will be fundamental that any potential changes allow consumers to make informed choices.

Regards  
Lesley

**Lesley Griffiths AC/AM**  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

**P-05-889 Labelling of Religiously Slaughtered Meat, Correspondence – Petitioner to Committee, 01.07.19**

We call on the National Assembly for Wales to urge the Welsh Government to legislate that all meat and meat based products that come from religiously slaughtered animals is clearly labelled.

It is not the intention of this petition to cause any difficulty to any group in not being able to exercise their beliefs.

It is however intended to highlight the issue of meat products from religiously slaughtered animals are entering the general market place and as such should be clearly labelled to enable all consumers to make an informed choice based on welfare, ethics or personal belief when purchasing such products.

The UK has been at the forefront of animal welfare legislation for more than 100 years.

The first Protection of Animals Act was passed in 1911 and covered domestic or captive animals, including farm animals, since then there have been many iterations of the Act in British Law.

However, one of the clauses in the Act which has always been retained is the one which makes it an offence to cause any unnecessary suffering to an animal that is being destroyed to provide food for mankind.

Our laws require that all these animals must be reared, transported and slaughtered humanely, with strict legal methods mandated for the slaughter of animals for food, devised to ensure a swift and painless death and requiring the animal to be stunned and unconscious before being despatched.

The only method of slaughter that achieves this is captive bolt slaughter, which renders the animal "brain" dead and unable to feel pain.

Religiously slaughtered meat is carried out by two methods. One, the animal, unstunned, has its throat cut and bled out until death occurs. The second is a half-way house method, recoverable stun, whereby the animal is stunned, whilst the heart still beats it is bled, then the throat is cut.

The problem is that the stun is recoverable and whilst sheep can take up to 70 seconds and cattle 2 minutes to bleed out, recovery from the stun can start at 30-60 seconds and 45-90 seconds respectively.

If at any time the slaughter does not comply with the religious practices of the group and becomes rejected as "unfit for religious consumption" then that meat cannot be used by that group, however it is still suitable to be sold on to enter the market for the consumption by the general public without their knowledge of its final demise and production.

It is the reason why the petition calls for labelling.

Labels drive demand, and add value. They're the only real tools that consumers have to communicate our preference for higher-welfare products to producers.

Labels empower citizens to drive standards more effectively and to reward farmers who invest in better farm animal welfare. Definitive labelling is required in order to exercise our right of choice.

When buying meat, everyone should look in their supermarket for labels showing welfare certifications.

In the UK the welfare certifications are:

Red Tractor, RSPCA Freedom Food, RSPCA Assured Logo, Soil Association Scheme, Humane Slaughter Association not to mention other labels such as organic, free range, barn reared, vegetarian, vegan and allergy warnings, as well as health and dietary labelling. We also have 'Method of production' labelling.

In the UK, mandatory 'method of production' labelling has been in place for shell eggs since 2004, and the UK pig industry adopted voluntary 'method of production' labels in 2010. So, there is no problem in labelling pork products to show the welfare standards followed in their production and slaughter.

Therefore there is surely no reason why all meat sold in this country should not be clearly labelled to show if it is religiously slaughtered.

As a side to this, DEFRA's official guidelines ([www.gov.uk/guidance/halal-and-kosher-slaughter](http://www.gov.uk/guidance/halal-and-kosher-slaughter)) published in October 2015 state categorically the legal requirement that all meat ritually slaughtered MUST be sold only to Muslim or Jewish buyers. This is also clearly shown on all Licences of Exemption from Regulations of Normal Livestock Slaughter (which must be obtained for all meat that is ritually slaughtered) which state 'it is an offence to Slaughter livestock under this exemption from stunning if the meat is not intended for the food of Jews and Muslims'.

Virtually all UK supermarkets (including Waitrose, M&S, Tesco, Morrison's, Sainsbury's and Asda) sell religiously slaughtered meat without labelling because it is easier and less costly for them to do this than to differentiate it and ask customers to prove they are Muslims or Jews – but it is nevertheless unlawful.

It is also being sold into hospitals and schools that maybe cohabited by many groups with many beliefs for whom the consumption of religiously slaughtered meat is unacceptable.

For example, Defra report: Results of a survey carried out at all slaughterhouses operating in England and Wales for a single week period 29 January 2018 to 4 February 2018.

Sheep slaughtered - 244,355 by method :

Standard stun 28.7%, Halal Stun 46.2%, Halal NonStun 24.9%, Shechita 0.1% :

Total Religious slaughter 71.3%.



Of which 54% of sheep slaughtered went to wholesalers, markets, and supermarkets, of which contained 68% of the Halal NonStun meat and 27 % of Shechita meat was rejected as kosher but fit for consumption. (The Hindquarters of animals are not regarded as kosher so also end up sold on to markets etc)

The Muslim and Jewish community, the main identifiers of religious slaughter represent roughly 6.8% of the population in the UK, which the above shows over production of religiously slaughtered meat compared to its market size.

It is the reason why the petition calls for labelling.

# Agenda Item 2.5

## **P-05-890 Second Home Tax**

This petition was submitted by Alun Roberts having collected a total of xxx signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to take immediate steps to close a legal loophole which allows second home owners in Wales to avoid paying neither council tax nor business rates, at a time when local councils are forced to increase council tax to local ratepayers to plug the shortfall in their budgets.

800 second home owners in Gwynedd are now exploiting a legal loophole to avoid paying any council tax at all by registering their properties as small businesses. They are also exempt from paying business rates because of an anomaly in the system which categorises them as 'small businesses' although they are used as second homes for most of the year. In this financial year this equates to a loss of £1.5M from the public purse in Gwynedd alone; money that could be used towards providing social housing for local people.

### **Additional Information**

#### **Assembly Constituency and Region**

- Arfon
- North Wales

## Petitions briefing: Second home tax

Y Pwyllgor Deisebau | 9 Gorffennaf 2019

Petitions Committee | 9 July 2019

**Petition number:** 890

**Petition title:** Second Home Tax

**Text of petition:** We call on the National Assembly for Wales to urge the Welsh Government to take immediate steps to close a legal loophole which allows second home owners in Wales to avoid paying neither council tax nor business rates, at a time when local councils are forced to increase council tax to local ratepayers to plug the shortfall in their budgets.

800 second home owners in Gwynedd are now exploiting a legal loophole to avoid paying any council tax at all by registering their properties as small businesses. They are also exempt from paying business rates because of an anomaly in the system which categorises them as 'small businesses' although they are used as second homes for most of the year. In this financial year this equates to a loss of £1.5M from the public purse in Gwynedd alone; money that could be used towards providing social housing for local people.

### Background

The term 'second home' is commonly used to refer to a dwelling that is not the main residence of its owner. A second home could be used as a holiday home by the owner of the dwelling and/or let to paying guests as self-catering holiday accommodation. It could also be a second home for work purposes. For example, where a person's employment location is beyond commuting distance from their main residence.

### Council tax

Section 12B of the *Local Government Finance Act 1992* (the 1992 Act) refers to second homes as dwellings occupied periodically. There are two conditions that must be met for a dwelling to fit that definition: there must be no resident of the dwelling and the dwelling must be substantially furnished.

The definition used for council tax purposes would include, in addition to the examples noted above, furnished properties being marketed for sale or let, purpose built seasonal homes and unoccupied homes whose owner is required to live elsewhere because of their employment. For council tax purposes, *resident* means an individual who has attained the age of 18 years and has their sole or main residence in the dwelling (Section 6(5) of the 1992 Act).

The *Housing (Wales) Act 2014* inserted section 12B into the 1992 Act to allow local authorities in Wales to charge higher rates of council tax in respect of  *dwellings occupied periodically*, more commonly called second homes.

Section 12B of the 1992 Act gives local authorities discretion to increase the council tax payable on  *dwellings occupied periodically* in their areas. The maximum increase is an additional 100% of the standard council tax charge, i.e. a 100% council tax premium. On the first occasion a local authority chooses to charge such a premium, it must make its determination at least one year before the beginning of the financial year in which the premium will be charged.

A determination by a local authority to apply a council tax premium will automatically disapply the discount available under section 11(2)(a) of the 1992 Act – that discount applies to dwellings where there is no resident.

### **Non-domestic rates (also called business rates)**

The Welsh Government has published [Guidance for Ratepayers: Non-Domestic Rates for Self-Catering Properties in Wales](#). This guidance sets out the criteria that must be met for self-catering accommodation to be liable for non-domestic rates, rather than council tax. The guidance notes :

...from 1 April 2010 in Wales, property is non-domestic, and therefore liable for non-domestic rates, if the VOA [Valuation Office Agency] is satisfied that:

- it will be available for letting commercially as self-catering accommodation for short periods totalling 140 days or more in the following 12 month period;
- the ratepayer's interest in the property enables them to let it for such periods;
- in the 12 months prior to assessment it has been available for letting commercially as self-catering accommodation for short periods totalling 140 days or more; and
- the short periods it has actually been commercially let total at least 70 days during that period.

Ratepayers must continue to satisfy the non-domestic rates criteria for each property, for each 12-month period. Otherwise, unless the property falls within any other category of non-domestic property, the property is likely to be considered “domestic” and would be subject to an assessment of liability to council tax.

The criteria that must be met are statutory requirements and are set out in section 66(2BB) of the *Local Government Finance Act 1988* as amended by the *Non-Domestic Rating (Definition of Domestic Property) (Wales) Order 2010*.

The *Non-Domestic Rating (Definition of Domestic Property) (Wales) Order 2016* amended the above criteria from 1 April 2016 so that:

...businesses consisting of several self-catering properties at the same location or within very close proximity have the option to average the number of lettings days of the properties to meet the 70-day criterion where they are let by the same or connected businesses.

The VOA determines whether a property is categorised as non-domestic in accordance with the statutory requirements. The VOA is an executive agency sponsored by HM Revenue and Customs. As the VOA is non-devolved it is independent of the Welsh Government.

Where a property is listed as non-domestic self-catering accommodation, but does not meet the statutory criteria, the owner could face a back-dated council tax demand.

While owners of second homes may be liable for non-domestic rates, they may also be eligible for Small Business Rates Relief (SBRR), and therefore not have any liability after SBRR is applied.

Welsh Government guidance, [A new Small Business Rates Relief Scheme for Wales](#), provides further details of the scheme.

The ability to avoid paying either council tax or non-domestic rates has been described as a 'loophole' but the Welsh Government, as outlined in a letter dated 5 June 2019 to the Assembly's Petitions Committee, does not accept there is any loophole.

## Welsh Government action

In her letter to the Chair of the Petitions Committee, the Minister for Finance and Trefnydd, Rebecca Evans AM, notes that her officials are currently reviewing the impact and use of the discretionary powers for local authorities to apply council tax premiums and whether the new legislation is operating as intended. She also notes that, in partnership with the Welsh Local Government Association, her officials have established a working group of local authority experts to review the use of council tax premiums and discounts.

The Minister's letter states:

There is no legal loophole. The Housing Act (Wales) 2014 provides discretionary powers for local authorities to apply premiums of up to 100% to the council tax bills for second homes and long-term empty properties. These provisions were introduced to assist local authorities in managing issues of local housing supply. They were not introduced as a revenue-raising measure.

In relation to Small Business Rates Relief, the letter notes:

Small Business Rates Relief is fully funded by the Welsh Government, ensuring local authorities do not lose revenue as a result of businesses in their area receiving this relief. All the non-domestic rates revenue raised in Wales is pooled and distributed to local authorities as part of the annual local

government settlements. Most councils in Wales generally receive more revenue from the pool than they contribute to it.

## National Assembly for Wales action

The issue of second home owners switching properties from council tax to non-domestic rates has been raised many times in the Senedd.

On [22 May 2019](#), Sian Gwenllian AM asked the Minister for Finance and Trefnydd about local taxation on second homes. She suggested in her question that a proposal from nine Welsh local authorities that would remove the current criteria relating to self-catering accommodation and "...replace it with a principle that every property that is used as a domestic property should remain as a domestic property, whatever its use" should be taken forward.

The Minister responded:

I've had exactly this conversation with local authority leaders in our finance sub-group this morning, where we were discussing this specific issue of concerns relating to individuals who decide to change the status of their property to move themselves out of council tax into non-domestic rates, where they could then potentially benefit from our rate relief schemes.

So, as you know, because we've had some discussions on this before and I know that you will be meeting with my officials with Llyr Gruffydd on 4 June to discuss the issue further, a working group of local authority practitioners has been set up to discuss the issue of council tax premiums and discounts and to consider the current position across Wales. There is a further meeting for early June, and I'd be more than happy again to meet with you after that meeting to discuss the findings of that. This is an issue that we are very alive to, and we're very keen to ensure that those who are able to pay council tax and who should be paying council tax certainly do so because, as I've outlined, it's extremely important in being able to support our local authorities to undertake all the work that we require them to do. But, we are absolutely alive to this issue and discussions have been had as recently as this morning.

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



Our ref: RE/05230/19

Janet Finch-Saunders AM  
Chair – Petitions Committee

[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales).

5 June 2019

Dear Janet,

Thank you for your letter about second home premiums, sent on behalf of the Petitions Committee.

As outlined in our Tax Policy Work-Plan 2018, my officials are currently reviewing the impact and use of the discretionary powers for local authorities to apply council tax premiums and whether the new legislation introduced in 2016 is operating as intended.

Last summer, we requested a range of information from local authorities to inform the review. We have also requested information from the Valuation Office Agency and have been analysing the official statistics held by the Welsh Government.

In partnership with the Welsh Local Government Association, my officials have also established a working group of local authority experts to review the use of council tax premiums and discounts. This group met for the first time on 8 May. The group will now work with my officials to consider the evidence gathered and to inform future policy options. It is my intention to provide an update on this work before the end of the summer term.

There is no legal loophole. The Housing Act (Wales) 2014 provides discretionary powers for local authorities to apply premiums of up to 100% to the council tax bills for second homes and long-term empty properties. These provisions were introduced to assist local authorities in managing issues of local housing supply. They were not introduced as a revenue-raising measure. The provisions enabled authorities to introduce premiums from 1 April 2017 (after allowing the necessary period for properties to meet the relevant conditions).

The decision to apply a premium is a matter for each local authority. Each authority needs to consider all the possible effects in deciding whether to make use of these powers. This includes taking account of the effect of introducing premiums on the local economy and the possible effect on the local tax-base.

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

**Pack Page 105**

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 recognise that some dwellings could be used either as second homes or as commercially let self-catering accommodation for holiday-makers and we have legislated to make the distinction clear.

To qualify as self-catering accommodation, a dwelling must be available to let for at least 140 days in a 12-month period and actually let for at least 70 days. The definition was set out in The Non-Domestic Rating (Definition of Domestic Property) (Wales) Order 2010. The Order was revised and strengthened in 2016. The periods for qualification as self-catering accommodation were retained, reflecting the responses we received to the public consultations.

Owners of self-catering accommodation must provide evidence that their property meets the criteria. The Valuation Office Agency determines whether a property is categorised as domestic or non-domestic. The Agency is independent of the Welsh Government. Dwellings which do not meet the criteria, including second homes kept mainly for private use, are liable for council tax.

As part of our work to review the use of council tax premiums, my officials have asked local authorities to provide any evidence they might have that private second homes are being incorrectly listed as self-catering properties. As yet, no evidence has emerged to suggest that such properties are being incorrectly listed. I would also add that anyone who owns a dwelling which is listed as self-catering accommodation but does not meet the necessary criteria could face a large backdated council tax bill for that property.

In setting the criteria for self-catering accommodation, we were very conscious of the need to strike the right balance between supporting the tourism industry in Wales and ensuring that underused second homes do not limit the availability of affordable housing, particularly in some of our smaller, rural communities.

Within the context of the council tax system, the term 'second home' refers to a variety of dwellings which are not somebody's sole or main residence. It is not confined to dwellings being used as private holiday or weekend homes. For example, the definition includes properties being marketed for sale or let, properties owned by people whose job requires them to work elsewhere, purpose-built seasonal homes, and caravans. Many of these would not be available or suitable for year-round occupation.

Dwellings that are genuinely available for let as self-catering accommodation make an important contribution to the tourism economy in Wales – a foundation sector in our Economic Action Plan – and fall within the non-domestic rating system. Many of these properties are eligible for support through our Small Business Rates Relief scheme. In putting our permanent Small Business Rates Relief scheme in place from 1 April 2018, we consulted on the features of the new scheme, including whether there should be any exceptions to the scheme.

Small Business Rates Relief is fully funded by the Welsh Government, ensuring local authorities do not lose revenue as a result of businesses in their area receiving this relief. All the non-domestic rates revenue raised in Wales is pooled and distributed to local authorities



as part of the annual local government settlements. Most councils in Wales generally receive more revenue from the pool than they contribute to it.

Changes in the council tax-base are also taken into account in the annual local government settlement calculations. If an authority's tax-base falls (eg. as a result of properties transferring from the council tax list to the non-domestic rating list) relative to other authorities, its proportionate share of the settlement increases.

We also legislated to ensure that Small Business Rates Relief is limited to two properties per business per local authority. This includes self-catering accommodation. People owning larger properties or numerous small properties cannot be considered as small businesses and are required to pay rates.

More generally, I am examining options for the short, medium and longer term reform of local taxes to ensure they are designed to best meet the needs of Wales. My intention is to take a progressive, fair and transparent approach towards local taxation which continues to provide funding for vital local services.

Yours sincerely,

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

**Rebecca Evans AC/AM**  
Y Gweinidog Cyllid a'r Trefnydd  
Minister for Finance and Trefnydd

# Agenda Item 2.6

## **P-05-891 National Reading and Numeracy Tests for children from as young as age 6 need to be discontinued with immediate effect**

This petition was submitted by Tanya Beer having collected a total of 256 signatures.

### **Text of Petition**

National Numeracy and Reading Tests for children as young as 6 are not fit for purpose and should be discontinued as soon as possible. Young children who have been encouraged to learn through play are not best assessed through sitting for up to 40 minutes to complete a test.

Although Welsh Government recommends that no preparation is required, schools inevitably take time out of normal learning to familiarise children with the format of the tests and frequently children struggle to understand what is expected of them. This results in loss of confidence and enjoyment of learning at such a young age which could be detrimental to their ongoing learning.

The Donaldson Review (Successful Futures, 2015) recommended that any assessments should be 'as light-touch as possible', 'avoid unnecessary bureaucracy', include 'holistic assessments of achievement' and use 'both self-assessment and peer assessment' to 'encourage children and young people to take greater responsibility for their own learning'. Four years have passed since this review and still these tests are ongoing, as a result the current format of structured assessment needs to be discontinued with immediate effect.

### **Additional Information**

#### **Assembly Constituency and Region**

- Torfaen
- South Wales East

## Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 9 Gorffennaf 2019

Petitions Committee | 9 July 2019

### Research Briefing: National Reading and Numeracy Tests for children from as young as age 6 need to be discontinued with immediate effect

Petition number: [P-05-891](#)

Petition title: **National Reading and Numeracy Tests for children from as young as age 6 need to be discontinued with immediate effect**

#### Text of petition:

National Numeracy and Reading Tests for children as young as 6 are not fit for purpose and should be discontinued as soon as possible. Young children who have been encouraged to learn through play are not best assessed through sitting for up to 40 minutes to complete a test.

Although Welsh Government recommends that no preparation is required, schools inevitably take time out of normal learning to familiarise children with the format of the tests and frequently children struggle to understand what is expected of them. This results in loss of confidence and enjoyment of learning at such a young age which could be detrimental to their ongoing learning.

The Donaldson Review (Successful Futures, 2015) recommended that any assessments should be 'as light-touch as possible', 'avoid unnecessary bureaucracy', include 'holistic assessments of achievement' and use 'both self-assessment and peer assessment' to 'encourage children and young people to take greater responsibility for their own learning'. Four years have passed since this review and still these tests are ongoing, as a result the current format of structured assessment needs to be discontinued with immediate effect.

#### 1. Policy context to the introduction of the tests

National Reading and Numeracy Tests are taken by pupils in Year 2 (age 6 at start of year) to Year 9 (age 13 at start of year). They were introduced in 2013 as part of the Welsh Government's prioritisation of literacy and numeracy within a ['twenty point plan'](#) to respond

to Wales disappointing results in the Programme of Student Assessment (PISA) 2009. For some historical background, see the Research Service's 2013 publication, [Literacy and Numeracy in Wales](#).

Estyn's Chief Inspector at the time, Ann Keane, had previously highlighted (see for example the [Foreword to her 2011–12 annual report](#)), the importance of having a more coherent set of data for schools to use to compare their pupils' reading and numeracy levels with those from other schools. Before the introduction of the national tests in 2013, local authorities used different reading tests at different stages meaning that, while Estyn collected those results separately from local authorities, the data was not comparable. HM Chief Inspector Ann Keane reported:

It is therefore difficult to draw overall conclusions other than that it would have been useful if they had been able to use the same tests. ([Section 1 of 2011–12 annual report: Priorities and Provision](#), p4)

There have also been long-standing reservations about the reliability of teacher assessment within a high stakes accountability system, whereby teacher assessment outcomes are used to externally measure the performance of a school. [Estyn reported back in 2013/14](#) that teacher assessments are 'not always robust or reliable enough', with there often being a 'mismatch between the National Curriculum levels awarded by staff and the quality of the pupils' work'.

## 2. Data collection

There are currently three types of national tests taken by pupils in Years 2 to 9 – Reading, Numeracy (Procedural) and Numeracy (Reasoning). These make up the National Reading and Numeracy Tests, which are the subject of this petition.

The Welsh Government publishes [data regarding the National Reading and Numeracy Test results](#), each August. Whilst this data provides a national picture of the levels of pupils' reading and numeracy skills at each age group for a given year, it does not enable comparisons to be made between years as scores are independently standardised each year.

Moreover, the Welsh Government has emphasised (as the letter from the Minister for Education dated 3 June 2019 states) that the purpose of the tests is not to compare pupils' abilities between schools, or between local authorities. Instead, their intended principal purpose is to inform the future teaching and learning of the pupil being assessed, as the following section explains.

## 3. 'Assessment for learning not accountability'

Assessment for learning means that teachers' assessments of pupils should primarily be formative rather than summative, i.e. they inform the ongoing teaching and learning associated with that pupil rather than measuring the outcome of a period of learning against a standard or benchmark. Assessment for learning techniques are therefore used throughout a programme of study rather than simply at its conclusion.

The use of assessment for learning rather than accountability purposes has been advocated by both the Organisation for Economic Cooperation and Development (OECD) (see its [2014 Review](#) and 2017 [Rapid Policy Assessment](#)) and Professor Graham Donaldson (*Successful Futures*, 2015 and *A Learning Inspectorate*, 2018).

The Welsh Government says that the primary purpose of the National Reading and Numeracy Tests is to inform teaching and learning. i.e. by identifying a pupil's standing in reading and numeracy, and therefore their strengths and weaknesses, in order to complement efforts to support their ongoing learning. As the Minister for Education said in her [Plenary statement of 8 January 2019](#):

... teachers will have much richer information and will be able to gear lessons more specifically to help learners improve.

#### 4. Personalised Assessments

As the Minister's letter outlines, the Welsh Government is phasing the introduction of online, adaptive Personalised Assessments to replace the current paper-based National Reading and Numeracy tests. Numeracy (Procedural) was the first to move to a personalised online version in 2018/19. Reading will follow in 2019/20 and then Numeracy (Reasoning) in 2020/21. The Minister said in a [statement on 24 May 2017](#):

The new assessments will adapt the difficulty of the questions to match the response of the learner, adjusting to provide appropriate challenge for each individual. This means that all learners will be presented with questions that match and challenge their individual skills in reading and numeracy. Schools will receive high-quality, tailored information about each learner's skills that they can use as additional evidence to plan the next steps for teaching and learning. The tests will be self-marking and compatible with schools' information management systems. Teachers and learners will have high-quality, immediate and specific feedback, giving them a better picture of how they can address each learner's strengths and weaknesses.

Kirsty Williams AM gave further information about personalised assessments in her [statement in Plenary on 8 January 2019](#).

The Research Service has previously published blog articles on the issues of assessment for learning and the move to personalised assessments ([January 2019](#) and [May 2017](#)).

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

Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-891  
Ein cyf/Our ref KW/06215/19

Janet Finch-Saunders AM  
Assembly Member for Aberconwy  
Chair - Petitions committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

3 June 2019

Dear Janet

Thank for your letter of 23 May seeking my views on the issues outlined in the petition received from Tanya Beer titled *National Reading and Numeracy Tests for children from as young as age 6 need to be discontinued with immediate effect*.

The National Reading and Numeracy Tests for learners in years 2 to 9 were introduced in 2013 in order to bring about a consistent approach of assessing reading and numeracy skills within schools across Wales. Testing had always been a part of the school year but research showed that the frequency and quality of the tests used, and reporting to parents, was highly variable from school to school. The implementation of national, standardised, annual tests ensured that all teachers have the same type of information on the reading and numeracy skills of their learners, and that all teachers have a common understanding of their learners' skills and areas to develop next. Reading and numeracy are skills that open the doors to learning across the curriculum. It is therefore essential for schools to have this information on their learners from an early age so that they can plan appropriate support and challenge, and ensure that all learners can thrive as they move up through school.

National tests are for formative use so that teachers can gain information on learners' skills. I have always been clear that their focus is on understanding learner progress, not on school performance or accountability. Welsh Government does not make judgements on schools based on test results. The tests give a snapshot of how a learner has performed at a particular point in time and the outcome is one piece of evidence that teachers use to gain an overall picture of a learner's skills and progress.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
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[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

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

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

The national tests are developed by specialists, and a robust process is in place to ensure they are fit for purpose. They are trialled with learners in schools across Wales; and teacher panels are held both before and after trialling to ensure that the content is set at the appropriate level for each curriculum year group.

The petition makes reference to schools taking up time to prepare for the national tests. Welsh Government guidance is very clear that tests should not be a source of worry or anxiety for learners and emphasises the importance of schools paying attention to how the tests are presented. Any 'practising' with past test questions and the use of test questions for homework is inappropriate in the context of formative tests and can also cause anxiety for learners, particularly the youngest. I expect all schools to follow our guidance and to maintain a broad and balanced curriculum throughout the school year.

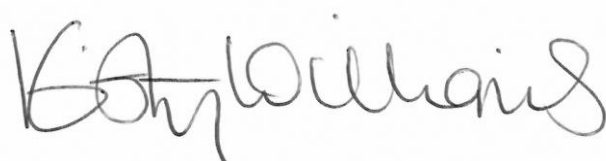
The petition also refers to the recommendations of Professor Donaldson's 2015 *Successful Futures* review. Amongst the recommendations were that 'assessment arrangements should give priority to their formative role in teaching and learning' (recommendation 37), and that 'innovative approaches to assessment, including interactive approaches, should be developed drawing on the increasing potential contribution of digital technology' (43). I have already acted on these recommendations ahead of the introduction of the new curriculum by initiating a transition from paper-based tests to online personalised assessments. Numeracy (Procedural) assessments went live during autumn term 2018, and will be followed by reading next academic year (2019/20) and numerical reasoning in 2020/21. Paper tests are being phased out as the online personalised assessments are phased in.

By moving online, we are taking advantage of the latest technology to provide a tailored assessment experience that adjusts the level of challenge for each learner. We are also ensuring that schools can use these assessments more flexibly, giving priority to their formative role. Teachers can schedule them at any point during the school year that they judge would be most beneficial to inform teaching and learning. Learners can view feedback which helps them build an understanding of what they can do and the skills they may need to work on, giving them greater ownership of their own learning.

Personalised assessments have been developed and designed with learners' wellbeing in mind; they provide a more flexible and less formal approach than the paper-based tests to assessing learners' skills. The assessments can be taken on a pc, laptop or tablet, in accordance with what learners use everyday in the classroom. Teachers can choose to assess learners individually or in small groups, timing assessments to take into account individual learners' ages and needs. The assessments do not have a time limit so learners can work through the questions at their own pace and teachers are also able to pause assessments to give breaks to learners at any point. All these features are particularly relevant to provide an assessment experience suited for younger learners.

The use of personalised assessments is, I believe, the right way forward to support our children to develop their reading and numeracy skills from an early age.

Yours sincerely



**Kirsty Williams AC/AM**  
Y Gweinidog Addysg  
Minister for Education

# Agenda Item 2.7

## **P-05-892 Appoint a Learning Disability Commissioner for Wales**

This petition was submitted by Cardiff People First having collected 145 signatures online and 423 on paper – a total of 568 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to appoint a Learning Disability Commissioner for Wales. This must be a person with a learning disability.

There are more reports of abuse of people with a learning disability in England again. Research also shows that people with a learning disability get unequal healthcare and die up to 20 years earlier than others. It's 50 years since the Ely Hospital report showed abuse and led to the closure of these institutions. As the organisation set up by people leaving Ely, we believe it is time that we had someone to champion our rights for us at a Welsh level.

### **Additional Information**

#### **Assembly Constituency and Region**

- Cardiff West
- South Wales Central



## Appoint a Learning Disability Commissioner for Wales

Y Pwyllgor Deisebau | 9 Gorffennaf 2019  
Petitions Committee | 9 July 2019

### Research Briefing:

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**Petition number:** P-05-892

**Petition title:** Appoint a Learning Disability Commissioner for Wales.

**Text of petition:** We call on the National Assembly for Wales to appoint a Learning Disability Commissioner for Wales. This must be a person with a learning disability.

They are more reports of abuse of people with a learning disability in England again. Research also shows that people with a learning disability get unequal healthcare and die up to 20 years earlier than others. It's 50 years since the Ely Hospital report showed abuse and led to the closure of these institutions. As the organisation set up by people leaving Ely, we believe it is time that we had someone to champion our rights for us at a Welsh level.

### Background

The petition has been submitted by [Cardiff People First](#) which is a self-advocacy organisation run by and for people with a learning disability. There are a number of [People First groups across Wales](#) and elsewhere in the UK.

The petitioners are calling for the appointment of a learning disability commissioner for Wales and cite recent reports in a [BBC Panorama programme](#) of the abuse of residents at Whorlton Hall, a learning disability hospital in Durham. [Sir Stephen Bubb](#), author of two reports on the abuse of people with learning disabilities at Winterbourne View, Gloucestershire in 2011 has also urged the UK Government to set up an office of a Commissioner for People with Learning Disabilities.

### Welsh Government action

In its response to the petition the Welsh Government highlights the work it has been undertaking in recent years, including its 2017 review of learning disability services and the development of the [Improving Lives programme](#). The programme, launched in 2018, focuses on improving services in five key areas:

- early Years – reducing adverse childhood experiences and improving the ability of parents with a learning disability to bring up their children
- housing – new models of supported housing will be developed, helping people to live closer to their friends and families
- social care – making sure everyone who needs it has access to good quality care and support which is focused on their needs
- health – through reasonable adjustments to mainstream services and access to specialist services when needed. To address health inequalities, making sure people with a learning disability receive the annual health checks they are entitled to and health boards ensure they meet the needs of people with a learning disability when in hospital
- education, skills and employment – supporting young people to make the most of their potential, and when they become adults ensuring they have the right support to allow them to live successful lives, through providing targeted careers advice and making sure more people with a learning disability have paid jobs.

Implementation of the programme is supported by a Learning Disability Ministerial Advisory Group, whose membership includes people with a learning disability, families and carers, key professionals from local authorities, the health sector and charities. It is chaired by Gwenda Thomas (former AM and Deputy Minister for Social Services), and co-chaired by Sophie Hinksman, a representative of All Wales People First.

## Health inequalities

The petitioners refer to health inequalities experienced by people with learning disabilities, an issue which has been recognised for some time. The [Mencap website](#) has a summary of the evidence of the [Confidential Inquiry into premature deaths of people with learning disabilities \(CIPOLD\)](#). The inquiry investigated the sequence of events leading to all known deaths of people with learning disabilities (aged 4 years and older) over a 2-year period in 5 Primary Care Trust (PCT) areas of South West England. The report was published in 2013:

### **Poor quality healthcare causes health inequalities and avoidable deaths**

#### **Premature deaths**

The Confidential Inquiry into premature deaths of people with learning disabilities (CIPOLD) found an average age of death of 65 for men and 63 for women in a sample of 247 people with a learning disability in the UK. This is significantly less than the average age of death of 78 for men and 83 for women in the general population (Heslop et al. 2013). In other words, on average women with a learning disability died 20 years sooner than women in the general population, and men with a learning disability died 13 years sooner than men in the general population.

CIPOLD also reported the average age of death for different levels of impairment:

- 67.5 for people with a mild learning disability
- 64 for people with a moderate learning disability

- 59 for people with a severe learning disability
- 46 for people with profound and multiple learning disabilities

### **Poor quality healthcare causes avoidable deaths**

The Confidential Inquiry into premature deaths of people with a learning disability also found that 38% of people with a learning disability died from an avoidable cause, compared to 9% in a comparison population of people without a learning disability (Heslop et al. 2013, p. 92). Note: Mencap uses the term avoidable death for deaths that could have been avoided by the provision of good quality healthcare.

Allerton and Emerson (2012) analysed large-scale data to investigate the access to good quality healthcare for British adults with a chronic health condition or impairment. 309 people in the sample had a learning disability. The research found:

- 40% of people with a learning disability reported a difficulty using health services, compared to 18% of people with no chronic health condition or impairment
- 12% of people with a learning disability reported a lot of difficulty using health care services, compared to just 3% of people with no chronic health condition or impairment.

The CIPOLD report also found lower rates of take up of health promotion initiatives (e.g. cancer screening) by people with learning disabilities.

The Welsh Government introduced annual health checks in 2006 for people with a learning disability. The health checks are available to people over 16. However, the [report](#) of the Learning Disability Improving Lives Programme found that individual experience of accessing the health check, and of accessing secondary healthcare varied across Wales (e.g. see p11). The Equality and Human Rights Commission 2018 report *Is Wales Fairer?* stated that “most people with learning disabilities are not receiving an annual health check”, and highlighted the difficulties disabled people in general experience in accessing healthcare.

### **Accommodation**

The [report](#) of the Learning Disability Improving Lives Programme also highlights the problem of people being placed outside Wales due to a lack of accommodation and services in Wales (see p3). A [Care Inspectorate Wales/Healthcare Inspectorate Wales survey of local authorities](#) in 2015 found that 547 people had been placed out of county, 172 out of region and 142 out of country (see p17).

A Welsh Government [Statistical Release](#) shows that at 31 March 2018 there were 117 people with a learning disability resident in hospitals and units in Wales, a similar number to the previous nine years.

The Minister for Health and Social Services, Vaughan Gething AM, recently provided the following response to a [Written Assembly Question](#) from Janet Finch Saunders AM on people with learning disabilities who are placed in hospitals outside Wales:

**WAQ78410**

*Tabled on 13/06/2019*

What target has the Minister set for reducing the number of mental health and learning disability patients who are placed in hospitals outside of Wales, and why are only 20 of the approved units in Wales?

**Answered by Minister for Health and Social Services**

*Answered on 18/06/2019*

Whilst there is no target, we are committed to ensuring people can access mental health and learning disabilities services closer to home and the number of out of Wales placements, via the National Collaborative Framework Agreement for Mental Health and Learning disabilities (the Framework), continue to reduce.

For those patients placed outside of Wales, we continue to have robust arrangements in place to monitor the quality and safety of specialist inpatient settings.

The Framework aims to enable all parts of NHS Wales to procure and performance-manage services under pre-agreed standards, costs and the terms and conditions of a contract in a compliant manner. It is the responsibility of providers to apply to be included on the Framework and the NHS Collaborative Commissioning Unit has confirmed that that all independent hospitals in Wales are included on the Framework.

The Wales CAMHS and Eating Disorders Network recently established a task and finish group to undertake a clinically informed option appraisal to consider the provision and capacity of specialist tier 4, low secure and learning disability inpatient care currently provided by out of area placements for children and young people. This work will inform the review of the existing Framework prior to new arrangements being introduced on 1 April 2020.

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



Eich cyf/Your ref: Petition P-05-892  
Ein cyf/Our ref VG/06697/19

Janet Finch-Saunders AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

Government.Committee.Business@gov.wales

20 June 2019

Dear Janet,

Thank you for your letter of 30 May about the petition you have received from Cardiff People First that a person with a learning disability should be appointed as a Learning Disability Commissioner for Wales.

In 2017, we undertook a comprehensive review of Learning Disability services in Wales to identify areas where action could potentially be taken to build on good practice. We took a lifespan approach and looked at all areas of life. Over 2000 people took part in the review, including individuals with a learning disability, families/carers, third sector organisations and the statutory sector. The report of the review contained 24 recommendations for action across early years, housing, social care, health, education, transport, employment and skills. The Cabinet accepted all of the recommendations and in June last year, we published our Learning Disability Improving Lives cross-government Programme.

We are delivering the Improving Lives Programme as a priority and have established a Learning Disability Ministerial Advisory Group to oversee its implementation. This group is co-chaired by Sophie Hinksman who has a learning disability and there are a further two members of the group with a learning disability. We fund a support worker for each of these members to ensure they can play a full and active role in this important group.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

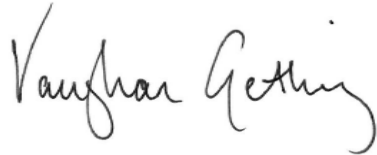
[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

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.

Other members include representatives from the statutory sector, academia, families and carers and the third sector, including the Chief Executive Officer of All Wales People First. On that basis, I feel that the learning disability community does have a strong voice and a platform to shape and influence delivery of the Programme. Whilst I appreciate the efforts and concerns of the petitioners, for the reasons outlined above, I remain to be convinced of the need to establish a Learning Disability Commissioner at this time.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'g'.

**Vaughan Gething AC/AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

**P-05-892 Appoint a Learning Disability Commissioner for Wales,  
Correspondence - Petitioner to Committee, 28.06.19**

Fifty years since abuse was highlighted in the Ely Hospital report we are still facing abuse by carers, inadequate healthcare leading to early and unnecessary deaths, discrimination, a 94% unemployment rate, segregated services, loneliness and isolation.

We believe that self advocacy, supported by self advocacy groups which are controlled by people who have a learning disability, is the most important right we can have. It gives control, choice and empowerment. It is the only genuine voice that people have, to have their own say in the services they receive. It is the only genuine agency for co-production.

We know that the Welsh Government has supported the rights of people with a learning disability. We welcome the Improving Lives Programme. We know that there are people with a learning disability on the Learning Disability Ministerial Advisory Group (LDMAG).

But our representatives on the LDMAG have no influence on the things that affect people with a learning disability in their everyday lives, and no way of challenging things that directly affect the aims of the Social Services and Well Being (SSWB) Wales Act. The issues they find it most important to bring up are not able to be brought to the LDMAG as they are not in Welsh Government's jurisdiction. They feel that their voice is not getting through where it matters.

For example these issues they have no voice on at the LDMAG include the Independent Professional Advocacy Contract. This places a duty on local authorities to provide statutory advocacy only. This means that in a situation where local authorities must fund statutory advocacy, funding for self advocacy is in danger. People with a learning disability across Wales are losing their chance to have a real say in the services that empower them to fulfil their own wellbeing outcomes. If this is not addressed then it could be said that the legacies of the SSWB Wales Act and the Improving Lives Strategy were instrumental in taking the voices of people with a learning disability away, leaving things in a worse state than before.

Issues with commissioning strategies in particular areas of Wales mean that currently, services that people have had no say in or wish to receive are being put in place. Our representatives on LDMAG cannot bring this up as it is under local authorities, and some local authorities have refused to consider the voices of self advocates. There is no mechanism to make sure that local authorities have to consider us in future.

In the All Wales People First National Conference 2017 our members asked us to call for a Learning Disability Commissioner in order to secure self advocacy, which in turn provides people with learning disabilities the freedom

to navigate the SSWB Wales Act, and to choose the services they need to deliver their own well being outcomes.

Like people with a learning disability, there is a strategy with priorities for older people, and for children. Older people and children, their families and carers also have a strong voice to improve services like people with a learning disability.

But there is also seen to be a need for an Older People's Commissioner for Wales, and for a Children's Commissioner for Wales. They have powers that we believe are also needed to protect the rights of people who have a learning disability.

The Older People's Commissioner:

'protects and promotes the rights of older people throughout Wales, scrutinising and influencing a wide range of policy and practice to improve their lives.'

Being able to comment on a range of policies, not just those that are considered to be 'about' people with a learning disability is important to make sure that we are able to take a full part in society.

'She provides help and support directly to older people through her casework team and works to empower older people and ensure that their voices are heard and acted upon.'

Direct support to people with a learning disability would give everyone the chance to improve their services across Wales.

The Commissioner's role is underpinned by a set of unique legal powers to support her in reviewing the work of public bodies and holding them to account when necessary.' The Commissioner has: 'legal authority to enter premises other than private homes to interview older people (with their consent)'. And can report: 'whether, and to what extent, the arrangements of certain bodies' advocacy, whistle-blowing and complaints arrangements are effective in safeguarding and promoting the interests of relevant older people in Wales'

We believe that a Commissioner who has a learning disability, with those powers to inspect supported living providers, private hospitals and private colleges, would be able to effectively identify and stop abuse and bad practice.

The Children's Commissioner for Wales:



‘supports children and young people to find out about their rights’

‘Advises children, young people and those who care for them if they think they’ve been treated unfairly’

‘Speaks up for children and young people in Wales on important issues’

‘The principal aim of the Commissioner is to safeguard and promote the rights and welfare of children.’

A Learning Disability Commissioner would help people with a learning disability to find out about their rights, and if the Commissioner was a person with a learning disability they could be confident to speak up for them without taking their rights away.

Older People and Children are seen as needing more than a strategy. They have Commissioners to make sure that they are heard and have the right not to be abused.

Strategies and reports and best practice have made people’s lives better. But people still aren’t getting their rights. We think a Commissioner would make sure this happened. We think a Commissioner would be able to act quickly if people are being abused or having their rights taken away.

The LDMAG has rightly recognised that people with a learning disability are very well able to sit on such a committee and to take part effectively. It would be vital for a Learning Disability Commissioner to be a person with a learning disability, as they alone would be able to gain the trust of their peers and to represent them in the best way.

# Agenda Item 3.1

## **P-05-738 Public Petition for the Dinas Powys By-Pass**

This petition was submitted by V P Driscoll, A R Robertson and R T Harrod, having collected 3,305 signatures – 2,572 on paper and 733 on-line.

### **Text of the Petition**

We the undersigned, call on the National Assembly for Wales to urge the Welsh Government to provide the necessary funding and support for the construction of a Dinas Powys By-Pass.

### **Assembly Constituency and Region.**

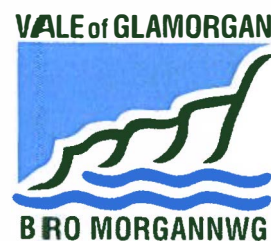
- Vale of Glamorgan
- South Wales Central

Date/Dyddiad 19 June 2019  
Ask for/Gofynwch am  
Telephone/Rhif ffôn 01446 709303  
Fax/Ffacs  
e-mail/e-bost leader@valeofglamorgan.gov.uk  
Your Ref/Eich Cyf  
My Ref/Cyf NM/JCC/AMB/S19/39476

The Vale of Glamorgan Council  
Civic Offices, Holton Road, Barry CF63 4RU

Cyngor Bro Morgannwg  
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU

www.valeofglamorgan.gov.uk  
www.bromorgannwg.gov.uk



Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales

[seneddpetitions@assembly.wales](mailto:seneddpetitions@assembly.wales)

Dear Minister,

**PETITION P-05-738 PUBLIC PETITION FOR THE DINAS POWYS BY PASS**

Thank you for your letter dated 14<sup>th</sup> June 2019 requesting an update on the WelTAG 2 for Improving Strategic Transport in Dinas Powys, (including a possible bypass), following a recent change in the Council's Cabinet.

An update report on the WelTAG Stage 2 work dated 18<sup>th</sup> February 2019 for Improving Strategic Transport in Dinas Powys was considered by the Council's Cabinet and also the Environment and Regeneration Scrutiny Committee. You can view the detail of this Report and outcome here: [https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2019/19-04-15/Ref—Strategic-Transport-Improvements-in-Dinas-Powys-Update.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2019/19-04-15/Ref—Strategic-Transport-Improvements-in-Dinas-Powys-Update.pdf)

As the Council were unsuccessful in obtaining funding from Welsh Government in the recent transport funding round for 2019/20 to complete the WelTAG Stage 2, Officers are currently trying to source the finance required to complete this Stage, which as you can appreciate is challenging given the current shortage of local government finance. Currently the amount estimated to complete the Stage 2 work is around £60-£80k, although the exact amount will not be known until bids are received from consultants for the outstanding works. I anticipate the amount required and whether the Council can fund it should be known by the end of June 2019.

I trust this updates you. Please do feel free to give [REDACTED]  
[REDACTED] a telephone call if you wish to discuss this  
matter further. She can be contacted on [REDACTED]

Yours sincerely,

A handwritten signature in black ink that reads "Neil Moore". The signature is written in a cursive style with a period at the end.

Councillor Neil Moore  
**Executive Leader and Cabinet Member for Performance and Resources**

## **Petition P-05-738 Public Petition for the Dinas Powys By-Pass - Correspondence from Petitioner, 26.06.19**

Dear Chair,

### **Petition P-05-738 Public Petition for the Dinas Powys By-Pass**

In response to Vale Council Leader Neil Moore's email to you this petitioner believes the Vale Council has failed to comply with WAG's WelTAG process.

- *During the more detailed design and assessment of short-listed options, engagement with the public and other stakeholders will assist in gathering evidence on the impacts of each of the proposed options and the consequences of doing nothing. Involving people affected by decisions in the process is a requirement of the Wellbeing of Future Generations Act and often facilitate the identification of new solutions which would bring most benefit to the seven well-being goals. WelTAG Page 6 Para 2*
- *The WelTAG process is designed to share understanding between those involved in making the decisions and those affected by those decisions. This underlies the importance of stakeholder involvement and public consultation in the gathering of evidence of the need for an intervention, the setting of the criteria against which proposed options will be assessed, and the likely impacts of each option. WelTAG Page 6, Para 4*

The Vale Council has eliminated a by-pass route option before the draft Stage 2 Study has been completed, considered by the Review Group or held or received response from any Public Consultation.

Dinas Powys Community Council held an extra-ordinary meeting on 21<sup>st</sup> February 2018, and voted unanimously to request the Vale Council to widen the scope of the Stage 2 Study at the Barry end to include consideration of alternative by-pass routes for the southern section of the by-pass.

This was affirmed by the Vale Council Cabinet on 16<sup>th</sup> April 2018. Consultant Arcadis was informed and a price agreed for the additional work to be carried out. The Vale Council requested WAG to grant the funding required for these further activities.

The draft Stage 2 Report was submitted to Vale Officers in September 2018 and put before the WelTAG Review Group on 2<sup>nd</sup> October 2018. It included two basic route options – the initial 'Green' route and an alternative 'Blue' route. But there was only a cost/benefit assessment for the 'Green' route **not** for the 'Blue' route. This meant their respective value for money scores could not be compared. A variation of the Green route was termed the Pink route, with the sole difference being an added roundabout.

The Blue Route has added potential over the Green / Pink route to:

- Relieve traffic congestion on the A4055 between Biglis (MacDonalds) roundabout and Ffordd y Mileniwm.
- Provide a spur to filter traffic from the Cog development and the B4267 at Sully, which otherwise will be overloaded with a further 4,000 road trips daily by 2026. According to Vale Council consultants by this time the Merrie Harrier will have become 400% over capacity.
- Open up a potential 200 acre brown field area in East Barry to potentially provide 5,000 new jobs and £200 million extra GVA

The October Review Group meeting concluded that further activities needed to be carried out to complete the draft Stage 2 Report. Activities include area wide traffic modelling and economic assessment for all by-pass options.

By spring 2019, WAG funding had not been obtained when the Vale Cabinet Member for Transport presented an update report on the Stage 2 Study to the Vale's Environment and Regeneration Scrutiny Committee on 7<sup>th</sup> March 2019, at which the recommendation for further activities was agreed. However, a motion to stop work on the 'Blue' route was made and this resolution was confirmed by the Vale Cabinet on 15<sup>th</sup> April 2019.

This decision effectively removes the alternative 'Blue' by-pass route leaving only the 'Green/Pink' option without the possibility of comparing the merits of an alternative route.

WeITAG states that all options covered by the Study should be fully assessed before consideration by the Review Group and at Public Consultation. Great emphasis is placed on:

*“the **importance** of stakeholder involvement and **public consultation** in the gathering of evidence of the need for an intervention, the setting of the criteria against which proposed **options** will be assessed, and the likely impacts of **each option.**”*

To date there has been only one Public Consultation – on 13<sup>th</sup> March 2017.

Surely only after the full process of Review Group and Public Consultation can the Stage 2 proposals be referred to the Vale Cabinet for their final decision of what they wish to refer through for Stage 3 funding? Without full comparisons of all options the public would be unable to provide well informed and meaningful input.

We've addressed the points made within to the Vale Council but no response has been given.

Yours sincerely,

Rod Harrod

Rod Harrod,  
Petitioner,  
Dinas Powys By-pass

# Agenda Item 3.2

## **P-05-748 School Buses for School Children**

This petition was submitted by Lynne Chick and was first considered by the Committee in April 2017, having collected 1,239 signatures – 502 on paper and 737 on-line.

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to ensure every child's safety is put first when traveling to and from school.

We want designated school buses so children can travel safely to and from school, each with a seat and seat belt, with no child forced to travel on overcrowded public buses. Children's safety must come first.

Our children have a right to feel safe. Public buses can become over crowded. We have no clue who may board a public bus. Public buses are for public use not school transport. We are not asking for this service to be free, We don't want something for nothing, Just peace of mind that our children are safe when traveling to and from school. We teach our children about stranger danger yet we are expected to send them on a public bus full of strangers daily.

Having lost my daughter under the wheels of a public bus she had travelled home from school in, I feel it's only a matter of time before another parent lives my nightmare if something isn't done to ensure children have a safe means of transport to and from school.

### **Additional Information**

A lot of people will remember my Daughter Louise and the horrific way she lost her life. For those that don't, Louise was 11 years old and had not long started high school. Because of the distance to get to school my children relied on using a public bus. On the 19th March 2001 Louise was due home from Connah's Quay High school at her normal time, only this day the bus was late. I started to worry as I headed out the door I was greeted by Louise's friends telling me she had been run over. I ran to the end of my street to find my beautiful Daughter clinging to life in the road, distressed school children



all around. I couldn't understand what had happened. Over months it emerged the bus Louise had travelled home from had been over crowded, adults had stood talking to the driver, there was an alleged push, also a mention her bag had got caught in the door or wheel causing her to be dragged under the bus she had just alighted from, it was proven the mirrors had blind spots that had been a contributing factor.

After the decision to close a local school, John Summers High School, a lot of parents have spoken to me with concerns for their Child's safety travelling on public buses to and from school. Points have been raised that totally alarm me, So I'm heading a campaign in my Daughter's name to make sure no Child is forced to use public transport buses as school transport.

**Assembly Constituency and Region.**

- Alyn and Deeside
- North Wales



Ein cyf/Our ref KS/06561/19

Janet Finch-Saunders AM  
Chair - Petitions Committee

Government.Committee.Business@gov.wales

21 June 2019

*Dear Janet,*

Thank you for your letter of 24 May regarding Petition P-05-748 School Buses for School Children.

Recommendation 8 of the Children's Commissioner for Wales's 2015/16 Annual Report stated that "the Welsh Government should review the Learner Travel (Wales) Measure 2008 and associated statutory provision and operational guidance, to ensure that all journeys to and from school are safe and that local authorities are quite clear about their responsibilities for ensuring that this happens."

The Welsh Government accepted this recommendation in principle and has been consistent in its commitment to ensuring the safety of learners on their home to school journey as well as promoting their well-being through a healthy active lifestyle. The operational guidance supporting the Learner Travel Measure was reviewed and published in 2014 and since that time some minor amendments have been made to the guidance and the Travel Behaviour Code has been refreshed.

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~~The Guidance is currently being reviewed following a commitment by the Minister for Education during scrutiny of the Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018. This review is being undertaken in conjunction with local authority staff and the revised document will be the subject of a public consultation in due course.~~

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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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.

Whilst the Guidance is being reviewed there is no intention to review the Learner Travel Measure. Transport and Education officials are considering responses to the consultation on the draft Additional Learning Needs (ALN) Code and issues arising. The Minister for Education has stated her intention to publish the ALN Code in December 2019, subject to the approval of the Code by the National Assembly.

*Yours ever,*



**Ken Skates AC/AM**

Gweinidog yr Economi a Thrafnidiaeth  
Minister for Economy and Transport

**P-05-748 School Buses for School Children, Correspondence – Petitioner to Committee, 28.06.19**

Dear Sir/Madam,

Thank you for contacting Ken Skates again on behalf of the petition, I think he is missing our point, each time he writes back it's around learner transport only, like I've pointed out not all Children are fortunate to be provided with learner transport, I do understand there are very different rule on these buses, if Ken Skates is happy to provide learner transport for all children then happy days, but that is not going to happen, which leaves us still with the problem I've raised, what about the safety of the Children who have to use public transport to travel back and forth between home and school, this is where the issues lie, no seatbelts, drivers do not have to be db check, children can legally be transported standing up, they do not legally all have to be seated. Is it ok then to transport those children lucky enough to have learner transport safer with tighter regulations then those children who are very unfortunate and have to use public buses to and from school, these children are ok to be transported like cattle with less regulations in place? Please see photos enclosed how school children are transported to and from school on non learner transport (public buses) to and from school. This is not acceptable and is completely compromising their safety.

(Photos taken in North Wales)

# Agenda Item 3.3

## **P-05-743 End the Exotic Pet Trade in Wales**

This petition was submitted by David Sedley and was first considered in March 2017 having collected 222 signatures.

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to take action against the trade in exotic animals captured and bred for the pet trade in Wales, and to forbid the licensing of all businesses involved in this destructive, cruel and unethical trade, with clear exemptions for rescue centres and licensed rescue centres. We further urge the Welsh Government to follow the example of the Scottish Government which committed to a review of the trade and importation of exotic animals for the pet trade in Scotland in February 2015, led by The Cabinet Secretary for Rural Affairs and the Environment. For Wales to be taken seriously in the global conservation community, we maintain that we cannot be seen to be allowing this trade – which elicits the concerns of the British Veterinary Association (BVA), The Federation of Veterinarians of Europe (FVE) and the RSPCA – to continue in our own country.

### **Additional Information**

Animals such as monkeys, meerkats, reptiles and turtles are wild animals who belong in their natural habitat, not in cages and glass tanks in somebody's home. Over 1000 species of mammals, birds, invertebrates, reptiles, amphibians and fish are bred and captured for the exotic pet trade, and it is our argument that the complex social, physical and behavioural needs of these animals cannot be met other than in their natural habitats. Furthermore, there is strong evidence linking the trade in exotic animals with habitat destruction and the extinction of species in the wild. In tandem with the suffering of such animals in transit – including many documented deaths – young animals can grow into dangerous adults which can become unmanageable in domestic environments not conducive to satisfying their welfare needs for increased space and food.

### **Assembly Constituency and Region.**

- Swansea West
- South Wales West

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-743  
Ein cyf/Our ref LG/06219/19

Janet Finch-Saunders AM  
Chair - Petitions committee

Government.Committee.Business@gov.wales

19 June 2019

Dear Janet

Thank you for your letter of 13 June, regarding the exotic pet trade in Wales.

Officials are due to meet with the Animal Welfare Network Wales in July to begin developing a code of practice for primates kept as pets in Wales. As this work progresses we will continue to discuss priorities for revising or creating other animal welfare codes, such as exotic pets.

I will provide you with an indicative timeline for the primate code following the meeting on 29 July.

Regards  
Lesley

**Lesley Griffiths AC/AM**  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

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

Pack Page 139

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.

**P-05-743 End the Exotic Pet Trade in Wales, Correspondence – Petitioner to Committee, 28.06.19**

Thank you for your invitation to address the correspondence dated 19 June, 2019, between Ms Janet Finch-Saunders AM, Chair-Petitions Committee and Ms Lesley Griffiths AC/AM, Minister for Environment, Energy and Rural Affairs, re the trade in and sale of exotic pets in Wales, specifically, in this instance, that of primates.

It will be of interest to you that I have replied directly to Ms Finch-Saunders on this matter, and that I intend to further petition Ms Griffiths.

For the present purpose of information pertinent to the next meeting of the Petition Committee, July 9, I would like to put on record my gratitude for the committee's continuing concerns for the welfare of exotic pets imported, bred, sold and kept in Wales. I am further indebted to the committee for providing me with the very latest information concerning discussions related to said exotic pets.

I was pleased to read that officials from the Department of Environment, Energy and Rural Affairs are scheduled to meet with Animal Welfare Network Wales in July to discuss the development of a code of practice for the keeping of primates as pets. Further, it was of great interest to me that Ms Griffiths intimated that future discussions could include the revision or creation of welfare codes pertinent to exotic pets, even though one has to be guarded about this as any such discussion would be conditioned by the perceived "priorities" at the time of their advent.

As interested parties in this growing debate, I thought to include for the Committee's consideration the following links. The first two are RSPCA pages about the keeping of primates as pets from which you will clearly deduce the organisation's absolute disavowal of the practice. Indeed, the following statement is unequivocal: We (RSPCA) are "calling for a ban on the keeping and trade of primates as pets." Further, the text continues:

"Primates should not be considered as pets in the accepted sense of the word. They are wild undomesticated animals that cannot be house-trained or fully tamed."

Indeed, many of the arguments thereafter made in the document are identical to those used to contest the keeping of other exotic pets, such as reptiles, birds, certain species of fish and insects, that being wild it is cruel and inhumane to remove them from and deny them their natural habitats.

The second link is another RSPCA page referring to current and upcoming legislation (Third Party Sales of Pets' Bill)

and the public petition the charity ran in England for a ban on the keeping of primates as pets. It is to be noted that events are picking up speed in England, but that it is in Wales that matters could be more quickly acted upon and legislated for. It is to be hoped that Cardiff will not await developments in London.

Finally, the third link is from the Born Free Foundation, an organisation that exists to inform us of the situations of captive animals in the UK and elsewhere, whether they be confined in circuses, zoos or domestic properties. You will see that conditions in pet shops are a great concern, as many traders and sellers have no other ulterior motive for the welfare of an animal other than its sale. In many instances, the charity's research has uncovered great suffering at these point of sale. It is my contention that pet shops which offer exotic pets and primates for sale are not in keeping with progressive thinking.

Given the above, I would take this opportunity to hope that as a matter of urgency members of the committee convey to Ms Lesley Griffiths their concerns ahead of the meeting between her officials and members of Animal Welfare Network Wales.

I am certain that you will agree with me, that should Wales make a statement by banning the keeping of all primates as pets then it would reflect very positively upon those responsible for such a moral and progressive decision.

<https://www.rspca.org.uk/adviceandwelfare/pets/other/primates>

<https://www.rspca.org.uk/getinvolved/campaign/primates>

<https://www.bornfree.org.uk/pet-primates>

Many thanks for your valuable time and consideration, and thank you for your open-mindedness.

Best regards

David Sedley



# Agenda Item 3.4

## **P-05-869 Declare a Climate Emergency and fit all policies with zero-carbon targets**

This petition was submitted by Matthew Misiak having collected 4,985 signatures online and 1,190 on paper – a total of 6,148 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to:

1. Declare a Climate Emergency.
2. Ensure all current and future policies are consistent with averting further climate change and ecological collapse.
3. Enact legally-binding policy measures to reduce carbon emissions to net zero by 2025 and to reduce consumption levels.
4. Implement a Citizen's Assembly of Wales to oversee the changes.

We call upon the Welsh Government to declare a Climate Emergency immediately, and commit to executing the remaining actions by June 2019.

WAG targets for a zero-carbon public sector must be used as a catalyst to engineer rapid decarbonisation in the private sector through procurement, taxation and subsidy. Across the UK, twenty city, town and county councils have already declared a Climate Emergency, including Powys and Machynlleth. Citizens must be involved to ensure the necessary change is made across society, as demonstrated in a Sortition model of participatory democracy. Initiatives to partner with include: The Climate Mobilization; Beyond Zero Emissions; Rapid Transition Alliance; Green New Deal Group; One Million Climate Jobs; The Breakthrough Institute; and Zero Carbon Britain.

### **Additional Information**

The United Nations Intergovernmental Panel on Climate Change has warned that we have 12 years to make the necessary changes to limit a rise in global temperatures by 1.5°C. Failure to act will see a significant and accelerating increase in sea levels and flooding, extreme and abrupt changes to weather patterns, crop failures, and extinctions of plant, insect and animal species. This will inevitably lead to global economic disruption and humanitarian crisis. It will also detrimentally impact the well-being of the people of Wales

and billions of others. Last year, Sir David Attenborough said:

"Right now, we are facing a man-made disaster of global scale. Our greatest threat in thousands of years. Climate change. If we don't take action, the collapse of our civilisations and the extinction of much of the natural world is on the horizon. The world's people have spoken. Their message is clear. Time is running out."

The One Planet Development policy and Wellbeing of Future Generations Act show that Wales can lead the way in progressive policy. But they do not motivate government to act in accordance with the urgency of the situation. The scientific consensus shows the unprecedented scale of collective action needed to avert the worst outcomes in the near future. We must demand no less.

People worldwide are being inspired by the Extinction Rebellion movement to urge governments at all levels to meet the challenge posed by accelerating climate change and ecological collapse. Future generations will judge us on our courage to make the urgent change we know is needed. Please act now.

### **Assembly Constituency and Region**

- Aberconwy
- North Wales

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-869  
Ein cyf/Our ref LG/06122/19

Janet Finch-Saunders AM  
Chair - Petitions Committee

Government.Committee.Business@gov.wales

//

June 2019

Dear Janet

Thank you for your letter of 30 May, regarding petition P-05-869 'Declare a Climate Emergency and fit all policies with zero-carbon targets'.

We fully recognise the urgency of tackling climate change, both here in Wales and internationally and that is why Wales was the first Parliament in the world to vote in favour of the declaration of a climate emergency to strengthen and galvanise action at home and internationally, from our own communities, businesses and organisations, to Parliaments and Governments around the world.

Declaring a climate emergency signals our commitment to continue to raise our ambition and do even more to provide the basis for collective action on climate change across our economy and society. This builds on Prosperity for All: A Low Carbon Wales which contains detailed sector-by-sector emissions profiles and 100 policies and proposals to achieve a low-carbon Wales. The plan is the start of our response to the climate emergency and makes our position clear – we believe we must continuously raise our ambition in order to meet the challenge of climate change and to secure maximum benefits for the wellbeing of Wales through the transition to a low carbon economy. We are reviewing the actions in the plan to see where further action can be taken following the declaration. We have also started preparing our next plan of measures to meet the second carbon budget for 2021-26 and it must go further and faster.

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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.

Following our declaration, we have also committed to review our long term targets. In response to a request from the Welsh, Scottish and UK Governments to reassess the UK's long-term emissions targets, the Committee on Climate Change (CCC) published 'Net Zero – The UK's contribution to stopping global warming' on 2 May. It includes a recommendation for the Welsh Government to legislate for at least a 95% reduction in all greenhouse gas emissions against the 1990 baseline by 2050. This represents a substantial change from the existing 'at least 80%' target in the Environment (Wales) Act.

On 2 May I issued a Written Statement welcoming the CCC report and committing us to reviewing our 2050 target and reporting back to the National Assembly before setting the third carbon budget by the end of 2020. I have already asked the CCC to provide further recommendations next year on what the advice means for our existing interim targets and carbon budgets in the context of our Well-being of Future Generations Act. I am particularly keen we explore all opportunities to build on the advice and identify where we can achieve even more rapid decarbonisation that will realise even greater benefits for Wales' wellbeing.

However, the scale of the challenge requires all levels of society from government and business to communities and individuals to take action and we need to work with others to really achieve a low carbon and more prosperous and healthy Wales.

A handwritten signature in black ink that reads "Regards" on the top line and "Lesley" on the bottom line. The signature is fluid and cursive.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

Minister for Environment, Energy and Rural Affairs

## **P-05-869 Declare a Climate Emergency and fit all policies with zero-carbon targets**

### **Final Comments to Petitions Committee from Extinction Rebellion Cymru**

Extinction Rebellion Cymru appreciate the opportunity to engage with our Government and elected ministers – noting the Welsh Assembly's willingness to hear and respond to the 6,000+ signatories to our petition.

We listened to the full chamber debate on the 19<sup>th</sup> June with interest, appreciating the committee member's contribution to clearly outlining the severity of the situation. Neil's concern regarding housing and the potential use of the LDP as a strategic tool to plan where and how we build is an important issue. We appreciated the summary made by Janet at the debate's conclusion, bringing together the cross-party consensus for decisive action.

We agree with Lesley Griffith's comment, "Never has there been a better time than now to put forward your ideas" but felt the public options for engagement she suggested (consumer choices, ballot box or projects like Eco schools) does not include the considerable potential for collective engagement with the public. There has been a critical rise in awareness and engagement with climate issues recently and we feel Welsh citizens are ready and willing to participate in and scrutinize much more fully the actions our government takes over the next few years in response to declaring a Climate Emergency. Collectively we can engage on a much deeper level to co-create the radical solutions that this crisis demands and both support and scrutinize their implementation.

Citizens Assemblies allow ideas that come from a wide range of experience, (selected by sortition – both representative and random) allowing the time for everyone to engage fully with relevant material and make balanced decisions. Westminster has recently announced that they will be establishing a Citizens Assembly for 6 Select Committees in order to debate how to share the potential costs of a shift to a clean economy.

We call on the Welsh Government to establish Citizens Assemblies in Wales, ensuring they are independent of government and free to develop their own agenda. The time is now to build on the groundswell of concern and motivation to see clear actions that really cut carbon emissions in a manner that is equitable.

On the 4<sup>th</sup> July Extinction Rebellion Cymru are running a People's Assembly in the Senedd Neuadd. A People's Assembly is an informal, cut-down version of

a Citizen's Assembly, using the same participatory structures that allow voices to be heard equally, but briefer and with a group of interested people rather than a specific sample of the Welsh public. On Thursday 4<sup>th</sup>, the group participating in the People's Assembly are mainly Extinction Rebellion constituents from around Wales, who are inviting their Assembly Members to attend at 1pm to hear from us the conclusion of our debate, our ideas and demands.

All Assembly members have been invited to attend at 1pm for 30 minutes and we particularly hope members of the Petitions committee were able to attend.

# Agenda Item 3.5

## P-05-876 Protection of Red & Amber listed species in Wales

This petition was submitted by Chris Evans having collected a total of 173 signatures.

### **Text of Petition**

It has recently come to light that Natural Resources Wales have been issuing licences to allow the killing of species that appear on the RSPB's Red and Amber lists in Wales for sometimes rather spurious reasons such as "protecting cattle feed" and "air safety".

Other methods are available to disperse birds that do not involve killing. All Red listed species are under severe threat of extinction in Wales and thus the level of protection needs to improve to prevent further loss to our natural biodiversity.

The management of Natural Resources Wales have an anthropocentric viewpoint of the natural environment and thus are simply not fit for purpose when it comes to environmental and biodiversity protection.

We, the undersigned, contend that Natural Resources Wales is failing to protect the natural environment and biodiversity in Wales.

We demand that the ability of Natural Resources Wales (or any other body) to issue licences to kill any Red or Amber listed species should be removed with immediate effect and a less anthropocentric viewpoint be taken by management in all issues relating to the environment and biodiversity.

### **Additional Information**

#### **Assembly Constituency and Region**

- Gower
- South Wales West



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CX19-120  
Eich cyf/Your ref: P-05-876

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Janet Finch-Saunders AM/AC  
Chair/Cadeirydd  
Petitions Committee  
National Assembly for Wales

[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

18 June 2019

Dear Janet Finch-Saunders

### **Petition P-05-876 Protection of Red & Amber listed species in Wales**

Thank you for your letter of 12 June 2019 to Clare Pillman about the above petition which is currently being considered by the Petitions Committee.

Natural Resources Wales champions the environment of Wales and works hard to provide opportunities for the conservation of biodiversity. All wild birds are afforded protection under the Wildlife and Countryside Act (1981), but on some occasions, and only when all other avenues of scaring or deterring have failed, we issue licenses to kill birds for specific purposes. In doing so, as the competent licensing authority we carefully balance the needs of conservation with other public interests such as preserving air safety, protecting human health, public safety, minimising damage to crops and livestock and protecting fisheries. Some licences, particularly for preserving air safety, whilst issued they do not necessarily mean that birds are killed.

There are two main types of licence – Bespoke and General.

#### **Bespoke licences**

Bespoke licences may be issued to control wild birds for many reasons including human health and safety, protection of crops and livestock, foodstuffs, conservation of flora and fauna and air safety. Bespoke licences require specific applications to be made to NRW. They are assessed and determined by the Permitting Service which aims to determine applications within 30 days.

In deciding whether a license should be granted, all applications involving wild birds are assessed in the same way against the relevant policy and within the legal framework of the



Wildlife and Countryside Act (1981). NRW fulfills this role as the wildlife licensing authority, alongside our statutory responsibilities as Welsh Government's adviser on nature conservation. We only issue a licence as a last resort when all other methods have failed to resolve the problem. Furthermore, NRW would not license any activity which in its professional opinion would adversely affect the conservation status of any avian species.

Since taking over the responsibility of issuing the licences on behalf of the Welsh Government in 2013, NRW has been working within this legal framework to continuously improve the licencing process. For example, in July 2018, we established an NRW fish-eating birds Advisory Group<sup>1</sup>, a joint group of organisations that represent sectors of government, conservation and fisheries management. The Advisory Group had a wide remit of which included reviewing the interactions and effects of piscivorous birds on salmonids and inland fisheries, assessing current policy, and seeking views and advice from group members concerning bespoke licence requirements for fish-eating birds in Wales.

In addition, after a constructive meeting with RSPB Cymru and the Welsh Ornithological Society (WOS) on 1 February 2019, NRW have agreed to work closely to look at potential improvements to our bespoke licences such as improving the design of the application form to ensure applicants have considered the Defra guidance including non-lethal alternatives as well as providing additional guidance on evidence that is needed to support licence applications.

### **General Licences**

NRW also make available General Licences which provide a legal basis for people to lawfully carry out a range of activities relating to wildlife. Four of them, General Licences 001 to 004<sup>2</sup> are used to give permission to take or kill certain wild birds, or damage, take or destroy their nests, or destroy their eggs for certain purposes for example to protect public health and safety, to protect crops and livestock or for the conservation of other species. They apply to 15 bird species<sup>3</sup> in Wales and are issued under Section 16(1) of the Wildlife and Countryside Act 1981 (as amended). They allow lethal action and capture to be carried out, which would otherwise be illegal, without the need to apply for a bespoke licence. The process relies on the licensee to apply the legal provisions.

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<sup>1</sup> The Advisory Group comprised representatives from: Welsh Government, NRW, RSPB, BTO, WOS, Afonydd Cymru, Salmon and Trout Conservation Cymru, Angling Trust, Cefas, Natural England.

<sup>2</sup> NRW General licence 001 - 2019 Licence to kill or take certain wild birds to prevent serious damage to agriculture, forestry or fisheries, or prevent the spread of disease, 002 - 2019 Licence to kill or take certain wild birds for the purpose of preserving public health and public safety, 003 - 2019 Licence to kill or take certain wild birds for the purpose of preserving air safety, 004 - 2019 Licence to kill or take certain wild birds for the purpose of conserving flora and fauna, including wild birds.

<sup>3</sup> Carrion crow, jackdaw, jay, magpie, rook, lesser black-backed gull, herring gull, great-black-backed gull, common gull, black-headed gull, lapwing, wood pigeon, collared dove, feral pigeon, Canada goose.

We are aware of the legal challenge that Natural England has faced and the changes they have made to General Licences used for controlling certain species of wild birds in England. We have a similar role to Natural England and have obtained our own legal advice in a Welsh context which we are currently reviewing. We are also engaged with a number of stakeholders to both understand concerns and collaborate on opportunities to inform our position and support any necessary changes

We continue working to improve our processes and permits, and strive to do this in collaboration with others, so that we can work together towards a resilient and biodiverse Wales that supports the wellbeing of our communities.

Yours sincerely,



**Ruth Jenkins**

Pennaeth Polisi Rheoli Adnoddau Naturiol / Head of Natural Resources Management Policy  
Cyfarwyddiaeth Tystiolaeth, Polisi a Thrwyddedu / Evidence, Policy and Permitting Directorate

# Agenda Item 3.6

**P-05-754 Lack of support for children with disabilities at crisis (there is a crisis team but do not support children with disabilities)**

This petition was submitted by Rebecca Weale and was first considered in June 2017, having collected 200 signatures.

## **Text of the Petition**

I am trying to highlight the need for the Cwm Taf children's crisis team to recognise there is a vital need for children with disabilities to be supported through crisis and have the right to be treated as any other child would.

I am a mother of four children, my middle son Tom has numerous needs, severe learning difficulties, autism, a mood disorder as well as other additional health issues. Tom hits a crisis point every now and again. Which involves increase in aggression, shouting louder than usual, hurting himself as well as others, as well as many other changes in behaviour. Tom has extremely limited communication skills and is unable to tell us what is wrong or what we can do to help. We have been at crisis point with Tom who is now 15yrs old and on high doses of medications, many times over the years and it's astonishing how things have not progressed with regards to support for children with disabilities while at crisis. Tom is currently at a crisis point and has been for some time. We as a family have had very little if any support to help him through this difficult period. I have been made aware there is a children's crisis team however they do not support children with disabilities! Surely a child at crisis no matter if they have disabilities or not, is still a child at crisis. In fact I may be wrong but in some cases may need more crisis support. I can not believe at this day in age this divide is still acceptable. I am trying to highlight the need for the Cwm Taf children's crisis team to recognise there is a vital need for children with disabilities to be supported through crisis and have the right to be treated as any other child would.

## **Assembly Constituency and Region**

- Merthyr Tydfil and Rhymney
- South Wales East



Ein cyf/Our ref VG/06674/19

Janet Finch-Saunders AM  
Chair - Petitions committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

Government.Committee.Business@gov.wales

17 June 2019

Dear Janet,

Thank you for your letter of 24 May about the petition you have received about disabled children in crisis.

The Social Services and Well-being (Wales) Act 2014 provides the legal framework for improving the well-being of people who need care and support and carers who need support. Under the Act each local authority has a duty to assess an individual's need for care and support and to meet those needs deemed eligible through a care and support plan. The codes of practice that accompany the Act are clear that the purpose of the assessment is to understand the individual's needs, capacity, resources and the outcomes they wish to achieve. The assessment will identify how best they can be supported to achieve their needs, including how family and community can help achieve their desired outcomes.

In addition, through the ASD Strategic Action Plan, the Welsh Government is delivering a programme of autism service reform. This includes investing £2m per year in improvements to children's neurodevelopmental services. We have rolled out the National Integrated Autism Service (IAS) which is now open in all parts of Wales. This service can provide advice and support for parents and carers although it does not work directly with children. We also support the National Autism Team to provide expert advice for both professionals and for autistic people. The resources they provide can be found on their website [www.asdinfowales.gov.uk](http://www.asdinfowales.gov.uk) where contact details for local IAS' can also be found.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA


[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

We recently consulted on our plans for a statutory code of practice on the delivery of autism services, which will place duties and obligations on health boards and local authorities to adapt their services to meet the needs of autistic people. This will include providing care and support services which also address co-existing conditions such as autism and learning disabilities. We will publish the draft code for consultation at the end of this year.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a small dot above the 'i' in "Gething".

**Vaughan Gething AC/AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

# Agenda Item 3.7

## **P-05-797 Ensure access to the cystic fibrosis medicine, Orkambi, as a matter of urgency**

This petition was submitted by Rhian Barrance and was considered by the Committee for the first time in January 2018, having collected 5,717 signatures online.

### **Text of Petition**

We call on the National Assembly for Wales to call for a resolution to ongoing negotiations between NHS Wales, the All Wales Medicines Strategy Group, the Welsh Health and Specialised Services Committee and Vertex Pharmaceuticals regarding access to the cystic fibrosis medicine, Orkambi, as a matter of the utmost urgency.

### **Additional Information**

418 people in Wales have cystic fibrosis (CF). CF is a life-shortening, inherited disorder. The median age at death for a person with CF in 2016 was just 31 years of age. CF is caused by mutations in the CFTR gene which result in the build-up of thick, sticky mucus in the lungs and other organs. Gradually, this build up causes chronic lung infections and progressive lung damage. The treatment burden for a person with CF is high and daily life can be a struggle.

Orkambi is a precision medicine that 40% of people in the UK with CF could benefit from. While conventional CF treatments target the symptoms, precision medicines tackle the underlying genetic mutations that cause the condition. Though Orkambi is not a cure, it has been found to slow decline in lung function – the most common cause of death for people with CF – by 42%.

In July 2016, the National Institute of Clinical Excellence (NICE) recognised Orkambi as an ‘important treatment.’ They were, however, unable to recommend the drug for use within the NHS on grounds of cost effectiveness and a lack of long-term data.

In June 2017, the Cystic Fibrosis Trust organised a day of national protest at the Senedd, Stormont, Holyrood, Downing Street and online to demand an

end to the deadlock. Since the protests, the Welsh Health and Specialised Services Committee (WHSSC) have presented the All Wales Medicines Strategy Group (AWMSG) with the portfolio approach developed by the drug's manufacturer, Vertex Pharmaceuticals.

We call on the National Assembly for Wales to call for a resolution to these ongoing negotiations between NHS Wales, the AWMSG, WHSSC and Vertex Pharmaceuticals as a matter of the utmost urgency. It is essential that a fair and sustainable method of reimbursement is found for Orkambi and for the exciting pipeline of future treatments.

People in Wales have been waiting too long for this transformative drug. They deserve better.

**Assembly Constituency and Region**

- Cardiff West
- South Wales Central

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Janet Finch-Saunders AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff, CF99 1NA

26 June 2019

Dear Ms Finch-Saunders,

**Petition P-05-797 Ensure access to cystic fibrosis medicine, Orkambi, as a matter of urgency**

Thank you for your letter of 21 June 2019 requesting an update on access to Vertex medicines for the treatment of cystic fibrosis.

As I informed the Committee earlier in the year, we have been in discussion with the All Wales Therapeutics and Toxicology Centre (AWTTC) which advises the All Wales Medicines Strategy Group (AWMSG), as well as senior officials, regarding health technology appraisals to the AWMSG. We have been seeking clarifications regarding how the appraisal processes would be applied to our medicines, taking into account the specific characteristics and value proposition of our precision medicines.

Following these discussions, we have asked for consideration by AWMSG to allow Vertex to submit evidence for appraisal on Orkambi (lumacaftor/ivacaftor) for all eligible patients, as well as Symkevi (tezacaftor/ivacaftor) to be used in combination with ivacaftor, and await guidance from AWTTC to this effect. We would be willing to propose interim access arrangements for patients in Wales similar to those agreed in Scotland.

We are committed to working with the authorities in Wales to make our cystic fibrosis medicines available to NHS Wales patients. While we continue to seek full access to our medicines in Wales, Vertex has provided lumacaftor/ivacaftor at no cost to 27 patients in Wales and tezacaftor/ivacaftor at no cost to 6 patients in Wales because of critical medical need. Across the UK, we have provided our cystic fibrosis medicines at no cost to over 1,000 patients because of serious medical need.

I will write to you again as soon as the evidence has been formally submitted.

Yours sincerely,



Michael Oliver  
UK Country Manager  
Vertex Pharmaceuticals



# Agenda Item 3.8

## **P-05-842 Give young people a voice when commissioning local services in Wales**

This petition was submitted by the Changing Minds Campaign Group, having collected 1,387 signatures online and 2,865 on paper, a total of 4,252 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to acknowledge that the current level of young persons' participation in the commissioning of services does not allow for the inclusion of marginalised groups. We request a review of the policies and guidance in place and a recommendation that new guidelines are mandatory for services commissioned to work with young people.

Every young person in Wales needs to be able to share their voice and experience in a way that is meaningful to them, to shape the services that are available to support them. We are asking for your support to promote changes to achieve this goal. As young people we must be able to share our thoughts and views on the projects that we need in our area.

Currently, only youth councils/ forums are consulted- which is not representative of those who struggle to attend such forums such as those 1 in 5 young adults who have a diagnosable mental health disorder. There needs to be a platform for those young people who may not be able to participate in the current schemes due to their mental health to share their opinions on services and projects that are directly affecting them. We are a group of young people that have been involved in the Changing Minds Project coordinated by Newport Mind, which is due to lose funding in November of this year. Because of this we have been learning about the commissioning process, which has led to this petition being created and to our wider #changeit campaign. Direct inclusion of young people with mental health issues in the commissioning process will allow for greater tailoring of service provisions and improve confidence in the services amongst the targeted demographic.

“Involvement in this project enabled me to really understand the concerns of young people and the issues they face. Without these concerns being raised

and included from the inception of any policy which affects them, any initiative affecting young people will be flawed".

### **Additional Information**

The Children's Rights Approach in Wales by the Children's Commissioner for Wales outlines a framework for embedding children's rights within services working with young people. These are guidelines and thus non-binding. Based on the United Nations Convention for the Rights of the Child (UNCRC) Article 12 outlines the right of children to be involved within policies creation and implementation; particularly those which affect their demographic. The Children's Commissioner for Wales Annual Report for the 2016/2017 year (the Report) specifically highlights the Commissioner's wish to see greater integration of young people within the commissioning process. The current guidelines for youth participation in Wales are, amongst other sources, contained within the Children and Young People's Participation in Wales Good Practice Guide 2016. The seven 'Core Standards' contained within the Guide are excellent starting steps. We feel that the non-mandatory nature of these standards and approaches, although partly met within some authorities in Wales, are insufficient for ensuring accountability for all services working with young people. We seek to ensure that young people from marginalised groups have a voice in the decision making processes as well as ensuring that service provision for young people all over Wales are of a similarly excellent standard. Our petition is in line with Recommendation 10 of the Mind over Matter report that highlights the current levels of provision of mental health services for young people, and compliments the work by the Together for Children and Young People Programme. Without change to the current guidelines, young people across Wales will continue to be marginalised. Specifically, those with mental health issues or additional needs who may not be able to take part in the current - and limited - youth participation initiatives will continue to find it difficult to voice their opinions.

### **Assembly Constituency and Region**

- Newport West
- South Wales East

Vaughan Gething AC/AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/06676/19

Janet Finch-Saunders AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

Government.Committee.Business@gov.wales

17 June 2019

Dear Janet,

Thank you for your letter of 24 May.

I have noted the correspondence from the #Changelt Campaign Group and the concerns of the petitioners relating to membership of the Strengthening and Advancing Equality and Human Rights in Wales Working Group.

I am pleased to inform you that the chair of the working group, Jane Hutt AM, Deputy Minister and Chief Whip, is content for a young person's representative to be included on the working group and my officials are working with Children in Wales to identify someone to fulfil that role.

I will, as previously offered, update the Committee on the work underway by the beginning of the autumn term.

Yours sincerely,

**Vaughan Gething AC/AM**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
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[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

# Agenda Item 3.9

## **P-05-854 Make learning disability training mandatory for hospital staff**

This petition was submitted by The Paul Ridd Foundation, having collected 5,654 signatures.

### **Text of Petition**

Paul Ridd was our brother. He had severe learning disabilities and died in Morriston Hospital in 2009. The Public Services Ombudsmen report into the circumstances leading to Paul's death said that neglect, lack of training and ignorance were contributory factors leading to Paul's death. The Government must ensure all healthcare professionals get mandatory training to address the huge health inequalities facing people with autism and a learning disability.

1 in 4 healthcare professionals has never had training on learning disability or autism. This is unacceptable. Two thirds want more training, and 1 in 3 think a lack of government leadership is contributing to the problem of avoidable deaths (statistics from survey conducted by YouGov for Mencap: <https://www.mencap.org.uk/press-release/concerns-over-lack-clinical-training-causing-avoidable-learning-disability-deaths>).

### **Assembly Constituency and Region**

- Aberavon
- South Wales West



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Improving health services for people with a learning disability in Wales**

**DATE**            **7 March 2019**

**BY**                **Vaughan Gething AM - Minister for Health and Social Services**

As part of this Government's commitment to improve the health and wellbeing of people in Wales, I am pleased to announce additional funding of £2 million, available over the next three years, to improve NHS services for people with a learning disability.

In 2018, we launched a comprehensive cross-government programme of work: "The Learning Disability Improving Lives Programme". The programme was informed by a wide-ranging review that examined how services for people with a learning disability could be strengthened. The review made twenty-four recommendations for action across housing, health, education, transport and social care. All of these recommendations were accepted by the Cabinet and work is now progressing to deliver them all over the next three years.

The £2m announced today will be used to achieve improvements related to the health actions in the programme, over the next three years, including –

- Reduce the inappropriate use of medication and restraint through increasing the use of a range of evidence based interventions such as Positive Behavioural Support
- Improve the take up and quality of annual health checks offered by GPs to people with a learning disability
- Improve the capability and capacity of acute hospital care to make reasonable adjustments enabling people with a learning disability to access mainstream services
- To ensure that people with complex needs have timely and easy access to learning disability specialist services including trauma/crisis, the full range of accommodation including secure provision and out of hours access
- Implement the specialist and mainstream school nursing framework – a set of evidence based standards for nursing in schools

These improvements should make a real difference in people's lives, improve outcomes and reduce health inequalities.

This additional funding compliments the £100 million investment being made through the Transformation Fund and forms part of the £192.4 million announced in the 2019 – 2020 budget to deliver strong, sustainable services and take forward our vision outlined in *A Healthier Wales*.

**P-05-854 Make Learning Disability training mandatory for hospital staff,  
Correspondence – Petitioner to Committee, 01.07.19**

Thank you for sending us Vaughan Gething's latest response which we believe does not address the core issue of our petition, namely the mandatory training of all NHS staff in learning disability awareness. We truly value his commitment to the Improving Lives programme, but reiterate that mandatory training will be key in delivering the outcomes of the healthcare issues in this programme.

We have worked for the past ten years to make changes within the NHS and have only just scratched the surface. We are still coming across too many people who do not know what a reasonable adjustments is, that there is a care bundle to adhere too, or what their responsibilities are to deliver equal healthcare to the most vulnerable in society. We delivered our first awareness training to consultants in Swansea Bay Health Board this year. They had no awareness of the care bundle, hospital passport, or what reasonable adjustments were. This is not acceptable.

We have trained over 1000 NHS champions (in learning disabilities) this year and the feedback has been very positive. However, one continual theme throughout the feedback both verbal and written is how this training should be made mandatory.

We are still getting cases where people's loved ones are receiving poor care, and with some resulting in avoidable deaths. This is still happening ten years after Paul's death. We urge you to give our petition substantial consideration. As a country we are still failing these individuals. We have made progress but now it is time to make a big step forward.

We appreciate the wait for the English report but believe we in Wales could lead the way and this change could help us to do that.

Please refer to our two previous responses.

Thank you for your time.

Jayne Nicholls & Jonathon Ridd

**Paul Ridd Foundation**

Registered Charity No: [1171739](#)



# Agenda Item 3.10

## **P-05-859 Provide Child Houses in Wales for Victims of Child Sexual Abuse**

This petition was submitted by Mayameen Meftahi, having collected 227 signatures.

### **Text of Petition**

The child house concept is based on best practice learned from the USA and Scandinavia. Recognising the vulnerability of the child victim and the harm caused to the child by multiple interviews, the child house uses a child-friendly response to child sexual abuse (CSA).

In the UK, 2 child houses are available in the city of London, in Wales there is none.

As a child, you do not know who and where to run to, you do not know that there is any support available, if we can offer Child Houses across the UK, we can save children.

Continuation of Refuges for Domestic Violence, there should be Child Houses for children suffering child sexual abuse.

We know that many children who are suffering child abuse will at some point try and escape, they will want to free themselves, but they have nowhere to go. They will be returned back home, back into the arms of their abuser.

Providing a safe house, that is child-friendly, that can open the way for disclosure and safeguarding.

In Iceland, the 'Barnahus' model has been in place since 1998, and offers in one place, forensic interviews, making court statements, medical examinations and access to therapeutic services. We should make this available like we do a domestic violence refuge. Since the Barnahus model was established in Iceland, the number of child victims of CSA coming forward for help has more than doubled per year, indictments have tripled, and convictions have doubled. This is enough evidence to show they are crucial.

Not only should we be providing child houses, but we should continue this

with educating children that these options are available. Please join us in the Campaign to address this issue and let's make a push for the Welsh Government to provide a Safe House in Wales, we surely cannot expect children to get to London, if they are even aware such houses exist. Sadly this is currently not the case.

### **Additional Information**

Our children need somewhere to run to, they need to be safe and they need to have access to the correct support to save themselves from the life sentence of child sexual abuse.

Please sign this petition and start to make movements!

### **Assembly Constituency and Region**

- Swansea East
- South Wales West



Julie Morgan AC/AM  
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JM/05375/19

Janet Finch-Saunders AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

Government.Committee.Business@gov.wales

18 June 2019

Dear Janet,

Thank you for your correspondence of 24 May to the Minister for Health and Social Services. I am responding as Deputy Minister.

I understand that the Committee has considered further correspondence from the petitioner in relation to petition P-05-859- Provide Child House in Wales for victims of child sexual abuse.

You have asked for an update on the work being carried out by the Welsh Government and NHS Wales.

From March 2019, an interim model for children has been established, whereby acute presentations of children under the age of 14 who may have suffered a sexual assault are seen in Ynys Saff Sexual Health Referral Centre (SARC) Cardiff from across the region. Historic cases will continue to be seen in Swansea, Cardiff and Abergavenny. Out of Hours acute paediatric cases under the age of 14 years from across the region will be referred to Cardiff.

This is an interim model whilst the model for South, Mid and West Wales is developed. A number of sessions to raise awareness of the changes and to respond to queries are underway across all areas of Wales affected. These sessions have been offered to front line staff, but have also been open to any professionals who would like to know more about the interim service and plans for the future service.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Julie.Morgan@llyw.cymru](mailto:Gohebiaeth.Julie.Morgan@llyw.cymru)  
[Correspondence.Julie.Morgan@gov.wales](mailto:Correspondence.Julie.Morgan@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.

The proposal for the future provision of children's SARC services will be formally considered by health, police and Police and Crime Commissioners in the region, in July and subject to approval work, will progress on the actions required to deliver the model as a priority.

There remains a commitment from health boards, Police force and the Police and Crime Commissioners for retaining two paediatric SARC Hubs (Swansea and Cardiff) to provide acute (in-hours) services across the region, with ongoing support provided from the more local SARC spokes (Risca, Merthyr, Carmarthen, Aberystwyth, Newtown) and out of hours services continuing to be provided from Cardiff.

The debate held on 3 April related to a Member's Legislative Proposal - Child victims of Sexual Abuse - as proposed by Bethan Sayed AM. A motion was agreed to note the proposal. As I set out in my response during the debate, the Welsh Government is taking action in a number of areas in order to prevent child sexual abuse and to further strengthen support to children who are abused in this way. This includes the development of a National Action Plan on Preventing and Responding to Child Sexual Abuse which will be published in July as well as the work being taken forward on Sexual Assault Referral Centres (SARC) outlined above.

I was clear in the debate that I do not agree that legislation is required to secure changes in this area of practice. In relation to the specific issue of Child Houses, my response during the debate set out that we will consider evidence on the evaluation of the Lighthouse pilot service in London once available. This position has not changed.

The letter of 22 February to the Committee from the Children's Commissioner for Wales raises a number of points. You have asked in particular for my response to the concerns about Sexual Assault Referral Centres (SARC). Having outlined the progress above with the interim model and the intention for the future model, I note your concerns around the availability of trained and experienced medical practitioners to provide timely examinations, and the availability of suitable therapeutic services to enable survivors of abuse to recover. Implementation of the interim model addresses the shortfall in acute service provision in Swansea which has arisen as a result of workforce issues (due to a national shortage of paediatricians).

Phase 2 work of the SARC project, covering adults and children's services, began in June 2018 and progress remains on track. Three Clinical leads have been appointed to lead the SARC work including Dr Alison Mott, the regional lead for paediatrics. It is anticipated implementation of the final full children's service model will be incremental, with a lead in time of one to two years for implementation. Therapeutic services for children and young people continue to be provided under local arrangements by a mix of providers from the NHS and third sector.

In relation to the Children's Commissioners reflections on a safe place for children following an allegation of abuse I am in firm agreement that the views, wishes and feeling of children and young people should be central to work to keep them safe and in planning for their care and support needs. This position is clearly reflected in legislation and in existing and forthcoming policy. My officials are also engaged with Social Care Wales on this issue in considering further support for the further development of child-centred practice. I remain of the opinion that safe places for children must be provided within the exiting legislative framework for safeguarding and family court proceedings.

I hope the Committee feels that the information shared here has addressed the further questions you have raised.

Yours sincerely,

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

**Julie Morgan AC/AM**

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services



# Agenda Item 3.11

## **P-05-866 Sepsis Public Awareness Campaign – Wales**

This petition was submitted by Siobhan Corria on behalf of Michelle Christopher, having collected 238 signatures on paper.

### **Text of Petition**

44,000 people in the UK lose their lives to sepsis every year. Every 3.5 seconds, someone in the world dies from sepsis.

We are calling on the Welsh Government to undertake a Sepsis Public Awareness Campaign to reduce unnecessary deaths and improve outcomes for survivors and all affected.

In memory of Chloe Christopher and everyone who has been affected by Sepsis in Wales

### **Assembly Constituency and Region**

- Cardiff North
- South Wales Central

**Janet Finch–Saunders AM**

Chair

Petitions Committee

25 June 2019

Dear Janet

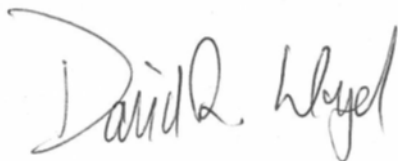
**Petition P–05–866 Sepsis Public Awareness Campaign – Wales**

Thank you for your letter of 12 June regarding the above petition, which we considered during our meeting on 19 June.

The Committee has previously agreed to undertake an inquiry into Sepsis and intends to launch a call for evidence in September. The terms of reference for the inquiry will include consideration of public and professional awareness of sepsis. Full details of the inquiry will be available on the [Committee's webpages](#) on Friday 13 September.

As part of the inquiry, the Committee will issue an open call for written evidence and will undertake some Outreach work. If your Petitioner is content to share her contact details with us, we can ensure she is contacted as part of this.

Kind regards



Dr Dai Lloyd AM

**Chair, Health, Social Care and Sport Committee**



# Agenda Item 3.12

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

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

### Text of Petition

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

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

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

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

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

**Additional information:**

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

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

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

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

**Assembly Constituency and Region**

- Wrexham
- North Wales



Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-783  
Ein cyf/Our ref KW/06256/19

Janet Finch-Saunders AM  
Assembly Member for Aberconwy  
Chair - Petitions committee  
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6 June 2019

Dear Janet,

Thank you for your letter of 30 May 2019 regarding the petition relating to ensuring equality for Welsh Medium schools; as you note in your letter we have corresponded previously on this matter.

Regulatory decisions in Wales, including arrangements for the approval and designation of qualifications are a matter for the independent regulator, Qualifications Wales. However, I would like to take this opportunity to reiterate that developing an approach that secures equal availability of Welsh and English medium provision has been central to planning for the new curriculum from the outset.

Qualifications Wales will continue to work with awarding bodies to encourage them to offer Welsh medium and bilingual provision and they make grants available to awarding bodies to help them to meet the cost of offering bilingual qualifications. They will also continue to ensure that all new approved qualifications developed for Wales are made available bilingually.

Qualifications Wales has begun the process of engaging with stakeholders across Wales to discuss how qualifications will need to evolve to meet the challenges of the new curriculum by offering a coherent, flexible and bilingual choice to learners. They will be speaking with as many different groups as possible including young people, parents, schools, employers, colleges, universities, and a range of other organisations before consulting on proposals for the future range of qualifications.

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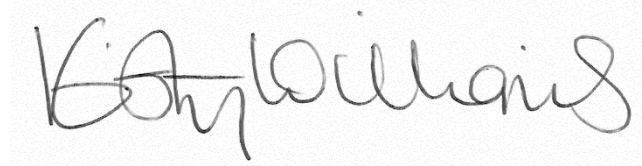
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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 are working with Qualifications Wales, local authorities/schools, regional consortia and educational bodies to increase the number of students studying through the medium of Welsh in order to meet our target of a million Welsh speakers by 2050.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is centered on a light grey rectangular background.

**Kirsty Williams AC/AM**

Y Gweinidog Addysg  
Minister for Education



Janet Finch-Saunders AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

26 June 2019

Dear Mrs Finch-Saunders,

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

Thank you for your most recent letter on this matter, in which you ask us for more information about how we will secure Welsh- and English- medium provision from the outset where qualifications to support the new curriculum are concerned.

We are currently working with a range of stakeholders to consider the potential implications for qualifications of the draft new curriculum for Wales. In doing so we are taking the opportunity to review the whole publicly funded qualification offer for 14 to 16-year-old students.

In the autumn, we will publicly consult on proposals for the future shape of the 14-16 qualification offer. The evidence from the consultation will inform our advice to Welsh Government on the changes that may be needed to the current qualification offer to support the successful implementation of the new curriculum.

This work offers an opportunity to consider from the outset how we can improve the availability of Welsh- and English-medium qualifications. We will be

considering the changes that may be required to the qualifications we approve and designate as being eligible for delivery on publicly funded courses. Approved qualifications are those for which we publish detailed design requirements. As is currently the case we will continue to require all approved qualifications to be made available simultaneously in Welsh and English, including all essential supporting teaching and learning resources.

We do not set the detailed design requirements for designated qualifications, but we do set the criteria we use to determine whether to designate a qualification as eligible for use on publicly funded courses. Currently, we use the same criteria for all designated qualifications, irrespective of the age of the learners they are aimed at. As part of this work, however, we will be considering whether to introduce more specific requirements for qualifications intended to be taken in schools by 16-year-olds. For example, we could require awarding bodies applying to have such a qualification designated to explain how it supports the Curriculum for Wales. Another change we could make would be to have presumption that designated qualifications used in schools will be offered in both Welsh and English.

As well as considering changes to our regulations, we will be looking at how we can make more targeted use of grant funding to secure a better range of bilingual provision. If we determine that the range of designated qualifications needed is a more coherent and streamlined offer than the current one, we can use our grant-funding to greater effect. A less crowded 14-16 qualification market may also support the viability of the remaining qualifications, which in turn could help reduce some of the barriers to securing bilingual provision. We have more work to do to explore the options available. In developing any additional requirements for designated qualifications, we will need to consider carefully the potential impact of any changes we propose. If we were to require designated provision to be offered bilingually, we would need to consider whether to allow any exceptions and in what circumstances. We would need to consider, for example, how we would treat qualifications taken by very low numbers of students and for which there is no evidence of demand for Welsh-medium assessment. This might be the case for some qualifications in community languages, or that cater to particular learning needs.

We have recently published a high-level timeline showing when any changes we propose to qualifications would be implemented<sup>1</sup>. In setting the timeline, we have not made any assumption about the nature or the scale of any changes that may be required. The timeline reflects the key lessons learned from recent reforms to GCSEs and A levels, most notably the need for a substantial lead-in period between a qualification being made available and when it starts to be taught. This extended period is required, in part, to maximise the time available

for supplementary resources and training to be put in place and for teachers to benefit from them, before the first groups of students to take the new qualification start studying towards it.

I hope this letter helps to highlight and explain the opportunities that we see coming from the work to align qualifications to the new curriculum. If you have any further questions about our work in this area, then do please let us know.

Yours sincerely,



Ann Evans  
**Chair**



Philip Blaker  
**Chief Executive**

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<sup>1</sup> <https://qualificationswales.org/english/qualifications/qualification-reform/curriculum-reform/new-curriculum-key-milestones/>

## **P-05-805 Fair Deal For Supply Teachers**

This petition was submitted by Sheila Jones and was first considered by the Committee in May 2018, having collected 1,425 signatures (997 online and 428 on paper).

### **Text of Petition**

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

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

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

### **Assembly Constituency and Region**

- Caerphilly
- South Wales East

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**Janet Finch-Saunders AM**  
**Chair, Petitions Committee**  
**National Assembly for Wales**  
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20 May 2019

Dear Janet

### **Petition P-05-805 Fair Deal for Supply Teachers**

Thank you for your letter dated 29<sup>th</sup> April 2019. I provide a response on behalf of the Education Workforce Council (EWC) below.

#### About the EWC

Due to the EWC's statutory requirement to maintain a Register of education practitioners in Wales and the legal duty upon employers and agencies to employ registered practitioners and make misconduct / incompetence referrals to the EWC, the Council:

- holds extensive information about those undertaking supply work, including age, gender, qualifications, employment, subjects taught, ethnicity and Welsh language ability;
- works closely with:
  - private supply agencies, local authorities that maintain supply pools and schools;
  - registered teachers and learning support staff who work on a supply basis;
  - trade unions that represent registered teachers and learning support staff who work on a supply basis.

This intelligence places us in a strong position to comment about issues and systems for supply teaching.

#### What EWC data shows

The Council would invite the Committee to note the following points:

- When the Council was formed in the year 2000 (under our previous name of the GTCW), there were 12 supply agencies operating in Wales. This number has expanded significantly such that we now deal with 65 agencies in Wales. Over this period, we have also seen a reduction in the number of local authorities running their own "supply pools".
- Data from the EWC Register of education practitioners as at 31<sup>st</sup> March 2019 shows that some 4,800 registered school teachers and some 6,000 registered learning support staff recorded their employment as "supply". The Council has followed the debate regarding supply teachers' pay and conditions for some time and yet throughout this debate, we are



concerned that little reference has been made to learning support staff who undertake supply, despite their number now exceeding those of supply teachers.

- EWC data shows that supply teachers are predominantly either (a) in the early part of their career and undertake supply work largely due to a lack of permanent or temporary long term contracts. Almost all of these registrants are seeking permanent employment; or (b) towards the end of their teaching career or retired from a substantive teaching post. Our data also shows that supply staff are used more heavily in the primary phase. It is important that this profile is taken into account when making decisions on matters such as professional development for supply teachers to ensure access to professional development aligned to the relevant career stage is planned.
- A survey undertaken by the GTCW in 2014 confirmed that the most common reasons for schools to require supply teachers were to cover sickness absence (41%) or for permanent teachers to undertake professional learning (32.9%). There is clearly an opportunity to reduce the amount of supply teaching required by developing solutions to reduce sickness absence and managing “planned absence” (professional learning and long term sickness) in a more strategic way.

Further information may be found on the EWC website as follows:

- EWC survey of supply teachers 2014
- EWC national workforce survey 2017, sections 6 and 8 cover supply teachers and supply learning support workers
- A data analysis from the EWC Register 2016 of supply teachers
- A data analysis from the EWC Register 2016 of supply learning support workers

<https://www.ewc.wales/site/index.php/en/policy-hub/statistics-archive.html>

<https://www.ewc.wales/site/index.php/en/policy-hub/national-education-workforce-survey.html>

#### Possible models for supply teaching

We consider that any supply model in Wales must ensure the **correct deployment** of appropriately qualified registered practitioners and results in **high standards of teaching and support**. Any model must operate efficiently, offer value for money, fair pay and conditions for those undertaking supply work and be future proof (given the significant level of change in Welsh education, in particular the introduction of a new Curriculum).

It is important that Wales does not invest in and introduce models that are not fit for purpose and which try to “treat the symptoms rather than the underlying causes and issues”. As such, the points raised in the section above in respect of “who undertakes supply work and why this cover is needed” are particularly relevant.

You have asked the Council to comment on the viability of a public sector solution for supply teachers in Wales, in a similar vein to the system which operates in Northern Ireland or the recent

pilot project based on cluster arrangements. There are a number of options for models, some of which are established while others would be new. We provide some examples below:

- **A central model coordinated by government or an organisation acting on its behalf.** This model currently operates in Northern Ireland. Given the relatively manageable size of the supply workforce in Wales, a more centralised model would seem to be an option. However, it would be necessary to determine “who the employer is”. In Northern Ireland, it is the government that takes this role, therefore to mirror this position in Wales would be a major departure from current arrangements.

The Welsh Government has utilised the EWC to undertake work on its behalf in areas such as Induction, the Masters in Educational Practice and the Professional Learning Passport using the power of the Register of educational practitioners as a focal point. This has included developing an online facility for supply teachers to record their Induction sessions. We are also beginning work on a national portal, where all teaching jobs will be advertised in the future, resulting in significant savings to the public purse.

The EWC undertakes such work under Welsh Government terms and conditions of grant and makes no profit. It is not seeking or advocating a role for itself in relation to supply but pointing out that the Welsh Government should consider how new systems might be integrated into existing arrangements, thus reducing cost and effort.

- **A model organised by regional consortia and / or local authorities.** While a return to local authority supply pools may not be practical or cost effective, a model at a regional level is an option, as it may be possible to address current concerns raised about pay, terms, conditions, continuing professional development and performance management without creating 22 administrative systems. However, as with a single central model clarification on “who the employer would be” would be needed.
- **A market driven model involving supply agencies.** The increased prevalence of supply agencies in Wales (and other countries) has caused discontent, with concerns raised regarding rates of pay, terms and conditions, a lack of continuing professional development, inadequate performance management arrangements and the cost to schools. It is also contrary to the aims set out in the “Alternate Delivery Model” approach set out by the Welsh Government, which advocated:
  - accountability to local government;
  - protection of employee terms and conditions;
  - confirmation of trade union recognition.

The Welsh Government has introduced “national framework / preferred supplier” arrangements in Wales, however this has not stopped a host of other agencies operating in Wales without adherence to the national framework. Agencies also continue to be largely unregulated, with no quality assurance system in place in Wales (note a system operates in England).

The Council is aware that a number of respondents to the Inquiry into Supply Teaching by the National Assembly for Wales Children, Young People and Education Committee advocated a return to local authority supply pools in place of agencies. The EWC is more open minded in this regard as the administration of supply staff is intensive, requires sound structures and could result in duplication if undertaken locally rather than more centrally. As such, contracting such work out to the private sector should not be automatically discounted, however the Council believes that the current model is flawed and any new model would need to offer value for money and meet the needs of the Welsh Government. We make further reference to this below in relation the “national framework”.

- **A model involving clusters of schools working together to employ a small number of supply staff.** Prior to the introduction of the Welsh Government pilot for newly qualified teachers in 2018, this is a model that was rarely found in Wales on a formal basis though sometimes operated more informally. However (especially with Heads increasingly having responsibility for more than one school), this could be a practical and cost effective model for some schools. There would be benefits in respect of “continuity” for learners, schools and the supply staff concerned. The existing pilot has focused on newly qualified teachers, meaning that some of these persons have left the scheme having secured a permanent position. The Council considers that if this scheme was to be adopted more widely, it could be available for all supply teachers (and not just NQTs) and supply learning support staff.
- **More innovative and potentially more cost effective approaches.** These might include:
  - Creating a guarantee that any trainee teacher in Wales would have a teaching post, with some such posts involving covering a group of schools on a supply basis. The Council believes that this is not unrealistic given the significant reduction in training numbers in Wales since 2006 and the number of NQTs that undertake supply work. It would also assist such teachers in meeting the Induction Standards and ensure continuity for pupils where staff are absent.
  - Encouraging more part time working for teachers towards the end of their career who retire but subsequently undertake supply work.
- **Contractors.** In registering learning support staff in Wales, the Council has identified that schools are increasingly using companies or organisations to provide specific services such as sports or music provision, particularly to cover a school’s PPA requirements. While this is “not supply”, the recent development is worthy of reference as it involves the use of private sector organisations and involves a financial cost to schools;
- **Mixed models.** These could involve combination of the above.

#### Improvements that could arise from a national framework

The EWC considers that each of the models above has its pros and cons and we emphasise that as an independent body, we have no vested interest in advocating any model over and above another.

However, the EWC firmly believes that any model or models for supply staff in Wales must be underpinned by certain requirements by government, for example:

- access to continuing professional development for supply staff;
- access to performance management arrangements for supply staff. Note, agencies are required to refer certain cases of misconduct and incompetence to the EWC and therefore the Council is aware that many of those undertaking supply work do not have access to performance management processes;
- appropriate rates of pay, terms and conditions for supply staff;
- appropriate quality assurance of providers / employers, whether these be private supply agencies, local authorities and their consortia or schools. The Council is aware of the REC arrangements for agencies operating in England.
- be administratively efficient for all involved (including practitioners and schools) and offer value for money.

We are encouraged that the national framework seeks to address a number of these areas, however it has a fundamental flaw in that it does not prevent any school from using a supply outside of the framework that offers cheaper rates and a “lesser deal” to the supply teacher. We understand that the Welsh Government is seeking to improve matters by extending the framework to more agencies, however the flaw will still prevail.

The EWC has long advocated the introduction of a Quality Mark for supply agencies, underpinned by a set of standards / requirements. The Minister for Education stated in the Assembly in 2018 that she was minded to ask the EWC to administer such a scheme, however as yet we have not been formally asked to commence this by the Welsh Government.

We are also not clear whether the framework will cover both teachers and learning support staff.

#### Opportunities or risks from devolved pay and conditions for teachers

The Independent Welsh Pay Review Body (IWPRB) is due to submit its report in mid-June to the Minister for Education with recommendations for teachers’ pay for September 2019. Given the number of supply teachers in Wales (around 14% of the teaching workforce), the IWPRB ought to consider supply teachers in its recommendations to the Minister.

Please note, the body’s considerations only cover teachers, yet as stated above there are now more active supply learning support staff than teachers.

#### Arrangements for professional learning

The Council is aware that many teachers and learning support staff do not benefit from professional development in the same way as substantive staff do. We also know that some agencies are more active than others in providing professional development. All supply teachers are able to count their

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sessions towards the completion of Induction (these sessions are logged with the EWC) and receive the support of an external verifier from their regional consortia.

The EWC makes available a range of services and training to its registrants and these are available to supply staff.

The Council thinks that all supply staff (teachers and learning support staff) should have an entitlement to professional development, particularly with the introduction of significant reforms in the Curriculum and ALN. We believe that this should be incorporated into any supply model in existence, including local authority pools and supply agencies. However, we re-emphasise two points made earlier in this response:

- While a requirement to provide professional learning can be incorporated into a national framework for agencies, this is not fool proof as the framework does not cover all active agencies. A more effective or complementary solution would be a Quality Mark, where all active agencies would need to meet the necessary standards, one of which could relate to professional learning.
- It is important to recognise “who undertakes supply”. Professional learning opportunities should be appropriately tailored to the particular career stage of the individual, in order to maximise value for money and long term impact of this on the learning of pupils in schools.

#### Other points

We note that the petition states “teachers are leaving the profession as they cannot afford to be supply teachers”. EWC data does not indicate that that supply teachers are leaving the profession in significant numbers.

Please do not hesitate to contact at [hayden.llewellyn@ewc.wales](mailto:hayden.llewellyn@ewc.wales) or **(029) 2046 0099** if I can be of further assistance.

Yours sincerely



Hayden Llewellyn, Chief Executive  
Education Workforce Council

Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

19 June 2019

Dear Ms Finch-Saunders

### **Petition P-05-805 Fair Deal for Supply Teachers**

Thank you for your letter dated 29 April, please see response below:

As part of Estyn's response to the call for evidence about teachers' pay and conditions in Wales (June 2018), we suggested that the devolution of teachers' pay and conditions to Wales was an opportunity to establish a national system for the pay and conditions of supply teachers. We believe that a lack of a national system leads to too great a variance in pay, conditions and access to professional development opportunities for supply teachers. We also believe that all long term teacher absence, planned or otherwise, should be covered by a qualified teacher.

***The viability of a public sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in Northern Ireland, or the recent pilot project based on cluster arrangements.***

Supply teacher agencies were perceived to be useful when they were first established due to their ability to provide a reliable service to schools to find cover teacher absence, often at short notice. Prior to this, schools were supported by local authority supply teacher services but schools increasingly reported that supply availability did not always meet the demand. On occasion, supply teachers were not available at all, which put pressure on schools to cover classes internally. Any future national public sector or cluster service would need to provide a reliable and high quality service for schools in all parts of Wales, including providing supply teachers to cover roles in shortage subjects, Welsh-medium and special schools.

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Mae Estyn yn croesawu gohebiaeth yn Gymraeg a Saesneg. Bydd gohebiaeth a dderbynnir yn y naill iaith neu'r llall yn cael yr un flaenoriaeth. | Estyn welcomes correspondence in both English and Welsh. Correspondence received in either language will be given equal priority.

***The improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service including letting the contract on the basis of individual local authority 'lots', a minimum daily pay rate and greater transparency over agency fees).***

The introduction of a minimum daily pay rate (that would be more in line with a permanent qualified teacher's salary) is likely to support and encourage supply teachers to participate in a broader range of activities in school, for example in supporting extra-curricular activities and accessing training opportunities.

If teaching agencies are to continue to provide supply teachers, we would recommend regulations to control their fees, how much they should pay teachers, and greater transparency over their finances.

One of the unintended consequences of paying a supply teacher a daily rate in line with their current pay scale is that it might discourage schools from employing more experienced staff as their daily cost may far exceed less experienced teachers.

A new framework contract could also include requirements for monitoring the performance of supply teachers. In our report on [The impact of teacher absence \(Estyn, 2013\)](#), we found that 'Most schools and teaching agencies provide limited feedback to supply staff about their performance and little information is recorded. Feedback is more detailed when there are concerns about teaching or classroom management. Nearly all schools have on occasion raised concerns about the quality of a few supply teachers. A few agencies ask for feedback on placements, although in many instances the collection of this information is not robust. Local authorities who provide lists of supply teachers do not usually request feedback on performance.'

***Any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers.***

The devolution of pay and conditions for teachers presents an opportunity to consider carefully the pay and conditions and professional development requirements of supply teachers. Currently, schools use agencies to employ supply teachers, usually at a fixed rate agreed with the agency. This is in contrast to schools or local authorities employing teachers directly, when they would be paid at their MPS/UPS3 scale. The current arrangement may represent significant cost savings to schools.

***Arrangements for professional learning for supply teachers, particularly in light of current education reforms.***

If supply teachers are employed long term by providers, they are often involved in a range of professional learning opportunities within that provider. However, current opportunities for supply teachers on shorter term contracts or employed on a day-to-day basis are too variable. Although some of the larger teaching agencies offer a small range of training courses, usually in areas such as classroom management or safeguarding, there is currently not enough professional learning for supply teachers. We believe that it is vital that supply teachers keep their professional knowledge up to date and access suitable training regularly.

In our report on [The impact of teacher absence \(Estyn, 2013\)](#), we found that 'Most cover supervisors and HLTAs employed permanently by schools have access to appropriate training as part of their school's in-service training programme. But other supply staff do not have access to a wide range of professional development opportunities. In most cases, arranging their own training or accessing courses offered by private companies would result in losing a day's pay. Supply staff seeking a permanent post are badly affected by the lack of appropriate professional development. Their knowledge and understanding of national policies and priorities can decline over time, making it harder for them to secure a permanent post.'

For further information see [The impact of teacher absence \(Estyn, 2013\)](#)

Yours sincerely



**Meilyr Rowlands**  
Her Majesty's Chief Inspector of  
Education and Training in Wales



## **P-05-805 Fair Deal for Supply Teachers, Correspondence – National Education Unions (NEU) Cymru to Committee, 24.06.19**

We are grateful for the further opportunity to respond to Mrs Jones' petition. For ease of reference we propose dealing with the Chair's additional points in the order that they have arisen.

### **1. The viability of a public sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in Northern Ireland, or the recent pilot project based on cluster arrangements**

The NEU and its predecessor unions, NUT and ATL have always considered that a public sector solution similar to that operated in Northern Ireland to be a viable solution. Reference was made to this possibility at the earliest opportunity when gathering evidence for the CYPE Inquiry that reported as long ago as December 2015. Similar representations were made to the panel charged with looking at those recommendations and has since been repeated at Supply Teacher Task Group meetings. Whilst we have heard Welsh Government concerns regarding the legality of such action they have never provided, to us at least, detail of any legislative section or precedent which would preclude such action. This seemed to be more of a case of determining whether there was a will to venture along that course..

We were pleased to note the establishment of the pilot project which is an opportunity to do something different and ensure that supply teachers were paid the correct salary. Obviously this project was limited as regards scope and experience of teachers involved but it does evidence the ability to find a viable solution.

A reliable public sector or cluster solution to this issue could resolve an issue ensuring provision of high quality, trained and motivated staff to fill absences or other gaps in education provision which must be to the benefit of all.

### **2. The improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service including letting the contract on the basis of individual local authority 'lots', a minimum daily pay rate and greater transparency over agency fees)**

The new framework contract must necessarily be monitored closely and carefully to ensure that agencies signed up to the agreement abide fully with its requirements. The number of agencies involved may prove to be both a bonus and a potential pitfall. The former because it is clear that the agencies consider that it is a way forward if they are to continue providing supply teacher solutions to Welsh schools. The latter because the sheer number may provide opportunity for the organisations involved to develop ways around the agreement. We have seen in the past both subtle and not so subtle ways of circumnavigating legal obligations hence the need for careful monitoring of the whole process.

The NEU policy however is that supply teachers should be paid in accordance with their experience rather than at a flat rate. We do not consider that this would

discourage schools from utilising more experienced supply teachers. Rather it will provide choice and opportunity to fulfil the schools actual needs and requirements.

### **3. Any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers**

We are currently in the process of finding our feet as a country in respect of devolved pay for teachers. It is our view that teaching unions, employers and Welsh Government should grasp this opportunity to devise a way where supply teacher interests can be protected within a 'made in Wales' approach to teacher remuneration. We have to recognise that supply teachers have always had an important role to play in the provision of education in our schools. It is only right and fair that we should seek to ensure that they are correctly rewarded for their endeavours, are provided with professional development opportunities and access to a pension. Whilst the first remit letter to the Independent Welsh Pay Review Body focused upon pay only, future remits will provide the opportunity to look at the issue in some detail and we cannot afford to miss that chance to develop conditions of service that also seek to protect supply teachers securing work within the public sector.

### **4. Arrangements for professional learning for supply teachers, particularly in light of current education reforms.**

There are significant changes occurring within education in Wales and it would be folly to ignore an important part of the workforce when providing training on such matters as the New Curriculum and ALN Transformation to name but 2. Whilst money has been set aside totalling £24m over the next 2 years, those sums should include an element for the supply workforce who must always be similarly considered in future.

NEU Cymru considers that it is vital that teachers maintain and update their professional learning. This is an opportunity to ensure that occurs in a structured and cost effective way.

Supply teachers needs have, for too long, been ignored with the result that private companies have profited from public money earmarked for education. Successive Education Ministers have failed to tackle this situation adequately or at all. This represents a golden opportunity to rectify that anomaly.

Yours sincerely

David Evans

Wales Secretary

NEU Cymru

**Dyddiad /Date:**  
**Gofynnwch am/Please ask for:**  
**Llinell uniongyrchol/Direct line:**  
**Ebost/Email:**

25<sup>th</sup> June 2019  
Naomi Alleyne  
02920468660  
Naomi.Alleyne@WLGA.gov.uk

Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales.  
Cardiff Bay  
Cardiff  
CF99 1NA



Dear Janet

### **Petition P-05-805 Fair Deal for Supply Teachers.**

Thank you for the opportunity to respond to some of the specific issues raised by the Petitions Committee in considering the issue of a Fair Deal for Supply Teachers. The WLGA response to the issues is below under each of the queries you have raised.

#### **Specific issues**

#### **The viability of a Public Sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in Northern Ireland, or the recent pilot project based on cluster arrangements.**

Under the local management of schools' governance framework (as set out in the Staffing of Maintained Schools (Wales) Regulations 2006) school governing bodies of maintained schools, are responsible for making decisions about how they organise, recruit, deploy and manage an effective school workforce. This recruitment and deployment can be permanent, fixed term, full-time and part-time and includes the employment and engagement of 'supply' teachers.

The purpose of supply teachers is to cover absences which may occur for a number of reasons. Some of those absences will be planned and others not. The duration of the absence will also vary depending on the reason for the absence.

Currently, schools engage supply teachers from a range of sources which include numerous agencies and also individuals who may be self-employed. Schools cannot be compelled or directed to use any particular source and are free to determine who they engage and from where these staff come. They will base their decisions on key issues such as the length of absence and the nature of the cover required e.g. subject matter.

Dr Chris Llewelyn  
Prif Weithredwr  
Chief Executive

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**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.

Supply teachers work irregularly, determined by the absence, and therefore it would be ineffective and costly for schools to engage 'supernumerary' teachers on a permanent basis to cover these absences. This is particularly relevant at a time when resources for schools are challenging and teacher numbers more generally are being reduced because of budget restraint.

For similar reasons local authorities do not employ a 'pool' of supply teachers who would not be fully engaged and would also find themselves in competition with existing sources to be engaged as determined by the individual school. This would not be a good use of scarce resources. Local authorities would need to ensure that they had enough capacity and range, to properly support all schools in its area.

The current pilot project is looking at arrangements where resourcing a permanent supernumerary teacher for a small cluster of schools could be cost-effective. The funding for the project is being provided on a sliding scale by Welsh Government and it will not be clear until the end of the 3- year project whether it is both cost-effective to schools and works in an operational sense.

**The improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service (including letting the contract on the basis of individual local authority 'lots', a minimum daily pay rate and greater transparency over agency fees).**

It is the WLGA's understanding that the new framework will provide schools with a greater degree of choice and flexibility in terms of which local supply agencies they choose to engage. It will also provide clarity and transparency in terms of the fees payable by the hiring schools enabling them to maximise the use of their delegated budgets, and will provide clarity in terms of how public funding is spent.

We also understand that this approach will improve supply teachers' rights and schools will be able to be confident that the minimum quality standards and statutory safeguarding obligations will be met by all commercial agencies admitted to the new framework.

The wider range of agencies that now fall under the framework will enable local authorities to encourage schools to meet their supply teacher needs via agencies appointed to the NPS framework, who will have met the specified quality requirements and be formally monitored as part of the framework arrangements. This includes registering with a representative professional recruitment body and signing up to the Welsh Government's Code of Practice on Ethical Employment in Supply Chains and our Fair Work principles.

**Any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers.**

Currently the statutory School Teachers' Pay and Conditions Document (STPCD) only applies to those contractually employed by schools. The devolution of teacher's pay and conditions does provide the opportunity for Wales to develop its own response to the teaching workforce. This could include the opportunities to recognise the role of teachers who undertake a supply function.

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

**Paek Page 198**  
We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.

## **Arrangements for professional learning for supply teachers, particularly in light of current education reforms.**

Professional learning is recognised as a key aspect of improving outcomes for learners. The introduction of the current curriculum reforms highlights the need for professionals to be up-to-date and inhibiting the highest level of practice.

Professional learning can take a number of forms. Continuing Professional Development in many professions is provided and managed by the relevant professional body. In Wales this is the Education Workforce Council which supports some development for supply teacher and provides access to the Professional Learning Passport (PLP).

The training and development of staff normally falls to the employer, who will invest in their workforce to meet its business needs. Supply teachers are not contractually employed by schools or local authorities but will have a relationship with an agency and/or be self-employed. There is a challenge for supply teachers who might not be in position to access some development needs which are provided by schools and local authorities on INSET days or through the Regional School Improvement Services. Equally there is a challenge for schools to invest resources in an individual for whom they are not the employer and may not see a return on the investment, if they are not engaged in the school in the future.

The Welsh Government will need to consider how best it can reach this element of the teaching workforce to ensure that they receive the appropriate professional learning required to maintain high levels of pedagogy and practice in light of these forthcoming changes.

Yours faithfully



Dr Chris Llewelyn  
**Chief Executive**

Rob Williams, Director  
NAHT Cymru  
9 Columbus Walk  
Brigantine Place  
Cardiff  
CF10 4BY

21<sup>st</sup> June 2019

Dear Janet Finch-Saunders AM,

NAHT welcomes the opportunity to submit evidence to the Petitions Committee.

NAHT represents more than 29,000 school leaders in early years, primary, secondary and special schools, making us the largest association for school leaders in the UK.

We represent, advise and train school leaders in Wales, England and Northern Ireland. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere. Our new section, NAHT Edge, supports, develops and represents middle leaders in schools.

### **Petition text**

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

***Supply teachers are being exploited and teachers are leaving the profession as they cannot afford to be supply teachers. Agencies reduce teachers' pay by forty to sixty percent and teachers lose their pensions, this is public money going into the private sector for profit. Lessons are being covered by unqualified staff.***

We understand that the petition has been under consideration by the Petitions Committee since May 2018 and, most recently, the Committee held an evidence session with the Minister for Education on 2 April 2019.

Following the session, the Committee sought our views on the general content of the petition and the following specific issues:

- the viability of a public sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in

Northern Ireland, or the recent pilot project based on cluster arrangements;

- the improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service
- (including letting the contract on the basis of individual local authority 'lots', a minimum daily pay rate and greater transparency over agency fees);
- any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers; and
- arrangements for professional learning for supply teachers, particularly in light of current education reforms.

***NAHT Cymru response:***

1. NAHT Cymru believes, wherever possible, there should be a qualified teacher in every classroom in Wales, this is essential if we expect to maintain high standards of teaching and learning;
2. NAHT Cymru believes that all teachers should have access to the Teachers' Pensions Scheme, irrespective of their place of employment within the Welsh Education system;
3. NAHT Cymru believes that a national education service, that employs teachers trained to national standards, that is implementing a national curriculum, that is nationally inspected, upholds national standards with national accountabilities and outcomes should have a national pay and conditions service framework;
4. A range of factors, including ever growing cost pressures, has led to an increasing role for supply agencies for permanent and temporary recruitment, leading to additional financial pressures on schools who are already struggling. NAHT Cymru believes government should regulate payments to supply agencies to secure best value for public funds and that there needs to be greater transparency in terms of a minimum daily pay rate and greater transparency over agency fees;
5. The practical implications of employing supply staff within schools plays out in a variety of ways, particularly in relation to the reasons why a school requires supply cover, in the first instance. For example, there is a distinct difference between the circumstances under which a school might source longer-term, anticipated medical absence cover to that of supply staff required under urgent unplanned sickness absence;
6. Schools require the ability to source high quality supply staff, often at very short notice, and many schools see value in being able to access

familiar staff who they know and who themselves understand the ethos and day-to-day workings of the school;

7. NAHT Cymru understand that Local Authority 'supply pools' or 'supply lists' were the relative norm some years ago, but, often as a result of Local Authority funding pressures, they are not necessarily viable in many parts of Wales;
8. NAHT Cymru understands that private companies, who are able to offer supply staff insurance cover for schools have approached Local Authorities within Wales offering to 'manage' their 'supply staff pools'. However, it is unclear as to the contractual or commercial arrangements undertaken nor whether this offer has been taken up by any Local Authority;
9. The potential for shared services between Local Authorities has appeared to be growing, particularly since the establishment of Regional Consortia – for example, shared HR services and school improvement. However, there is no uniformity of approach between regions and there remains a risk of duplication where some Local Authorities maintain a level of a certain type of service within a Regional Consortia that also provides an element of the same service;
10. Given the financial pressures facing Local Authorities and, by default, schools and other settings in the public sector, NAHT Cymru would be surprised if there was the capacity or level of expertise remaining within Local Authorities to reintroduce a public sector solution for employing supply teachers at that level.  
Regional Consortia also do not have the statutory responsibilities for education delivery (including employer duties) that are retained by Local Authorities and they are set up under very differing governance structures which, again, we believe would not be appropriate for managing a public sector solution for employing supply teachers;
11. Whether there would be the possibility of a fully functioning national public sector solution for employing supply teachers, is a matter for Welsh Government;
12. Within our submission to the Supply Model Taskforce in 2016, NAHT Cymru suggested looking at a model currently used by the Plymouth Association of Primary (school) Heads a Co-operative, Community Interest Company (CIC). One of the challenges we found in looking at this model, however, was obtaining key data, including staff pay levels – the model talks about 'excellent working pay and conditions' and the testimonials from supply staff are positive but may not provide the full picture. One of the other challenges was the degree of 'buy-in' to meet the economies of scale required for its success and the employment



status and requirements placed upon the headteachers who were involved in the running of the model, in terms of workload;

13. The scale of the school funding crisis in Wales, outlined within our evidence to the Children, Young People and Education Committee school funding inquiry, calls into question the current ability of schools to meet the growing costs of supply cover.
14. School leaders clearly wish to see supply teachers paid fairly, but the current reality is that school budgets are inadequate – for example, schools look at saving money on what can be costly supply cover insurance and instead often use alternative solutions to cover absent colleagues, including not employing external supply staff but instead using themselves and other leadership colleagues (including ALNCoS) which pulls them away from their substantive roles. This is a risky, unsustainable and not-to-be-recommended approach, but the scale of cuts have forced this upon many settings;
15. In the current financial climate, if schools were to strictly adhere to employing supply staff and ensuring they are paid fairly at all times, the knock-on effect could well be catastrophic, placing the school in a position whereby the only solution to making up an end-of-year budget deficit would be to go through an enforced redundancy process and lose permanent staff;
16. It is difficult to project the potential improvements which could arise out of new framework contract arrangement developed by the National Procurement Service without seeing the detail of any approach and the practical implications for schools and school leadership. However, the principle behind a national model, which could potentially better manage the consistency, quality and a more common approach across the whole of Wales, would be of interest to school leaders. How this could be managed in order to benefit from schools that know their supply staff and supply staff who know their schools would be of great benefit. However, there would also need to be a comprehensive financial impact assessment to establish if schools would be able to fully utilise the benefits of such a system, or would they simply not be able to afford to do so even if they were, in principle, in favour of it?
17. In accepting that devolution of teachers' pay and conditions to Wales has now taken place, despite our original reservations, NAHT Cymru do believe that there might be opportunities to create improved conditions of service within Wales. Our reservations, however, still remain, as they are based principally upon the limiting nature of the overall quantum of funding at the disposal of Welsh Government and the risk of not at least ensuring parity with England which could result in a loss of talent out of Wales;

18. NAHT Cymru were mindful that, given the extraordinarily limited timescale available for the new Independent Welsh Pay Review Body (IWPRB) within this first-year remit, focusing solely upon pay matters was essential in order to reach a decision in time for any pay award. However, within the Pay Partnership Forum (including the workforce unions, employers and Welsh Government) future remit areas are already being discussed;
19. In future remits, the issue of supply teacher pay, professional learning and conditions of service will be essential in order to bring consistency, transparency and fairness to the whole workforce. The risks that exist will be mainly as a result of the capacity, within finances, time and within the wider system, to meet the deserved needs of supply staff. Warm words alone will not make it happen. It is worth noting, for example, that Welsh Government recognised the pressures upon schools in delivering the professional learning required for the new curriculum by announcing additional National Approach for Professional Learning (NAPL) funding – the same needs to be explored specifically for supply staff;
20. It would be NAHT Cymru's view that ensuring access to quality professional learning, across all the essential education policy areas within current reform, for example, the new curriculum and ALNET (Wales) Bill, needs to be planned on a national basis and delivered via committed additional resource;
21. The risk of encouraging a local, low level approach to such professional learning for supply staff, is one of inconsistency, varying quality and hit-and-miss accessibility, highly dependent upon the individual's employment circumstances;
22. NAHT Cymru believe that in order to fully address the issues outlined within the petition text, a full and comprehensive review of all the relevant factors is required. Principally, identifying all the relevant factors that have driven the system to the circumstances under which we now find ourselves within Wales. The school workforce's commitment to do the best for our children and young people, despite an increasingly challenging financial picture, has resulted in support staff, teachers and school leaders often operating in ways that appear admirable but ultimately create risk and are unsustainable in terms of mental health, wellbeing and ongoing high performance.

Rob Williams  
NAHT Cymru - Director



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Cymru Director  
**Tim Pratt**

Janet Finch-Saunders AM  
Chair of Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

26<sup>th</sup> June 2019

Dear Janet

In response to the questions in your letter of 29<sup>th</sup> April 2019, we would offer the following observations:

1. *“The viability of a public sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in Northern Ireland, or the recent pilot project based on cluster arrangements”.*

This sort of arrangement can work well; however, it relies on a sufficiency of funding to allow schools to pay supply teachers at a fixed rate, rather than “shopping around” for the best deal. Current funding levels would make this type of arrangement unworkable and would almost certainly cause schools even greater financial difficulties.

2. *The improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service (including letting the contract on the basis of individual local authority ‘lots’, a minimum daily pay rate and greater transparency over agency fees);*

We would support the proposed changes to the contract arrangements with supply companies. It is important that supply teachers can be sure of their rights as workers being respected, and that they will be paid a fair wage. We feel it would be appropriate that supply agencies be required to meet agreed operating standards in order to be allowed to work in this area.

3. *Any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers;*  
There is an opportunity to ensure that the specific role of supply teachers is recognised within any new Wales-specific pay & conditions document, and appropriate pay scales and conditions of service are framed.

4. *Arrangements for professional learning for supply teachers, particularly in light of current education reforms.*  
This is an area that is not easy to resolve. If supply teachers are employed by agencies, then there is a real problem over who is responsible for providing professional learning, and indeed being sure that quality of provision is equitable across Wales. We do not feel it would be appropriate to make supply teachers responsible for all their own professional learning, as not all may have access to high quality provision. Central provision of professional learning for supply teachers will be expensive and difficult to coordinate; however, this does not mean that it should not be examined carefully.

I hope these observations are helpful; do please contact us again if you wish to discuss any of these matters further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Pratt', with a stylized, cursive script.

Tim Pratt

**Petition P-05-805 Fair Deal for Supply Teachers in Wales  
3 May 2019**

- 1.1 The NASUWT welcomes the opportunity to submit written evidence to the Welsh Assembly Petitions Committee looking at the petition calling for a fair deal for supply teachers.
- 1.2 The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders. The NASUWT has many thousands of supply teachers within its membership.

**GENERAL COMMENTS**

- 1.3 Changes in the UK labour market over recent years have had a significant impact upon pay, job security and conditions of employment, resulting in an increased disparity in the balance of power between parties involved in the procurement and supply of agency workers, as well as the opportunity for the exploitation of workers.
- 1.4 A third of UK firms surveyed reported that it was now a 'strategic' active business decision rather than a stop-gap approach when considering the use of agency workers.<sup>1</sup>
- 1.5 Figures published by the Trade Union Congress (TUC) show that over three million people – one in ten of the UK workforce – now face uncertainty about

<sup>1</sup> <http://www.resolutionfoundation.org/app/uploads/2018/02/business-survey-slide-FINAL.pdf>

their working hours and their rights and protections. Of these, 730,000 are agency workers.<sup>2</sup>

- 1.3 The Labour Force Survey (LFS) puts the estimate at 865,000 agency workers in the UK today, made up of those in temporary and permanent agency work, as well as those classed as self-employed but paid by an agency, and those who undertake agency work as a second job.<sup>3</sup>
- 1.4 The Resolution Foundation believes that the number of agency workers is significant and rising fast. For example, Figure 1 below shows that the number of agency workers has increased by 200,000 between the period 2011 and 2016,<sup>4</sup> the equivalent of a 30% increase over the period. If such a rate of change is sustained, then this would result in over a million agency workers by the end of the decade.<sup>5</sup>
- 1.5 It should not go unnoticed that it is not easy to estimate the number of agency workers in the UK labour market, as no official figures are produced by the ONS and surveys rely on people knowing and understanding exactly what their employment status is. The level of agency working currently reported could therefore be seen as just the ‘tip of the iceberg’.
- 1.6 The Union also notes that the rise in insecure work is having a disproportionate impact upon groups who already suffer a labour market disadvantage, such as women and black, and minority ethnic (BME) workers.<sup>6</sup> The TUC estimates that BME workers are over a third more likely than white workers to be in temporary or zero-hours work.<sup>7</sup>

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<sup>2</sup> <https://www.tuc.org.uk/sites/default/files/the-gig-is-up.pdf>

<sup>3</sup> <http://www.resolutionfoundation.org/app/uploads/2016/12/Secret-Agents.pdf>

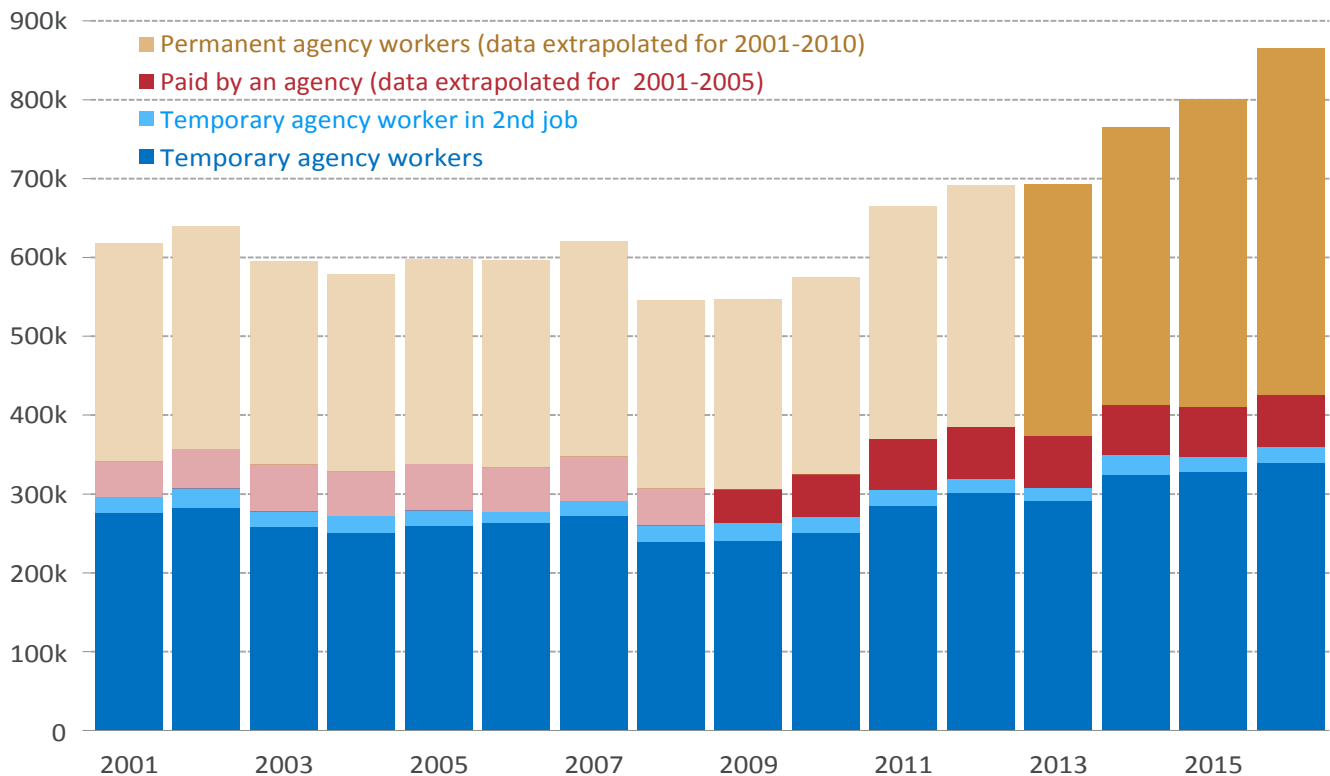
<sup>4</sup> <http://www.resolutionfoundation.org/app/uploads/2016/12/Secret-Agents.pdf>

<sup>5</sup> Ibid.

<sup>6</sup> <http://www.resolutionfoundation.org/app/uploads/2016/12/Secret-Agents.pdf>

<sup>7</sup> <https://www.tuc.org.uk/sites/default/files/the-gig-is-up.pdf>

**Figure 1**



**Source:** Resolution Foundation, *Secret Agents: Agency workers in the new world of work*, December 2016, p17

- 1.7 One of the sectors the TUC has identified as having the fastest growth in insecure work is the education sector, which has risen by 42% since 2011.<sup>8</sup> The NASUWT is concerned about the growing trend towards the casualisation of work, precarious employment and the use of zero-hours contracts, and the negative impact of these practices upon teaching standards, teacher morale and the entitlement of children and young people to a high-quality education.
- 1.8 The NASUWT maintains that everyone should be seen as an employee, with all the associated rights and entitlements this brings, unless it can be proved otherwise. The Union is, therefore, committed to employment in the education system that is fair to all employees regardless of employment status.
- 1.9 The Union is, therefore, committed to employment in the education system that is fair to all employees regardless of employment status.

<sup>8</sup> Ibid

- 1.10 Supply teachers are committed and dedicated professionals who provide an invaluable resource for schools. As such, supply teachers make a vital contribution to securing high educational standards for all children and young people. The NASUWT believes that supply teachers should be valued for the hard work and dedication with which they undertake what is a challenging and varied role across different educational settings.
- 1.11 Despite this, many supply teachers report that they are treated as ‘second-class citizens’ who are not always able to access their employment rights.
- 1.12 Teachers may undertake supply for a variety of reasons. However, lack of availability of suitable permanent employment is a reason which is increasingly given, despite concerns regarding recruitment and retention in Wales.<sup>9</sup>
- 1.13 The existence of Personal Service Companies (PSCs) has unfortunately become a feature of the educational landscape in schools, in the form of supply agencies and umbrella companies.
- 1.14 The National Institute of Economic and Social Research (NIESR) publication, *Use of Agency Workers in the Public Sector*, estimates that the number of employment agencies in education has doubled to 500.<sup>10</sup>
- 1.15 The NASUWT has significant concerns about the procurement of agency and self-employed workers in the education sector. These concerns are intensifying with the increased casualisation of the workforce and the growth of supply agencies and umbrella companies.
- 1.16 Agencies and umbrella companies are making substantial profits in a largely unregulated schools sector, whilst depressing the pay of teachers. Taxpayers’ money is being siphoned off to agencies. Supply teachers are getting less, schools are paying more, whilst agencies and umbrella companies profit.

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<sup>9</sup> <http://www.eteachblog.com/be-alert-new-figures-reveal-issues-in-teacher-recruitment-and-retention-in-wales/>

<sup>10</sup> [https://www.niesr.ac.uk/sites/default/files/publications/NIESR\\_agency\\_working\\_report\\_final.pdf](https://www.niesr.ac.uk/sites/default/files/publications/NIESR_agency_working_report_final.pdf)



- 1.17 There is evidence that supply teachers are denied access to their employment rights such as those afforded under the Conduct of Employment Agencies and Businesses Regulations, the Agency Workers Regulations (AWR) and other associated legislation.
- 1.18 The NASUWT's annual survey of supply teachers found that the overwhelming majority of supply teachers (83%) reported that private supply agencies were the only way to obtain work. Since 2014, the use of supply agencies by supply teachers has risen by 20%.<sup>11</sup>
- 1.19 Indeed, the Recruitment and Employment Confederation (REC) Industry Trends Survey 2014-15 reported that the average daily number of placements in education had increased by 71.2% from the previous year.<sup>12</sup>
- 1.20 The evidence suggests that in the increasingly fragmented context in which schools operate, the role previously undertaken by local authorities is now being carried by privatised supply agencies who are exploiting the recruitment challenges in school for profit.
- 1.21 It is clear that the market in agency workers in education is big business. The amount spent by maintained schools on supply teachers for 2016/17 was in excess of £700 million.<sup>13</sup> Of this, approximately £520 million went to employment agencies.
- 1.22 It is clear that the market in agency workers in education is big business. The amount spent by schools on supply teachers for 2016/17 was approximately £40 million.<sup>14</sup> Of this, approximately £12 million went to employment agencies.
- 1.23 The NASUWT has serious concerns that the profit margins of supply agencies are increased by depressing the pay of teachers or by mis-selling the services of qualified teachers by hiring teachers to perform tasks which do not require

<sup>11</sup> <https://www.nasuwt.org.uk/uploads/assets/uploaded/450a93c7-e3e7-4a1d-ac9708dfd948034d.pdf>

<sup>12</sup> [https://www.niesr.ac.uk/sites/default/files/publications/NIESR\\_agency\\_working\\_report\\_final.pdf](https://www.niesr.ac.uk/sites/default/files/publications/NIESR_agency_working_report_final.pdf)

<sup>13</sup> <https://www.gov.uk/government/statistics/la-and-school-expenditure-2016-to-2017-financial-year>

<sup>14</sup> <https://www.bbc.co.uk/news/uk-wales-46263250>

their professional skills and abilities, such as supervisory roles, but charging schools for the provision of a qualified teacher.

- 1.24 Schools are charged up to a 40% commission fee which goes direct to the agency. This equates to over £329 million and is the equivalent of an extra 13,483 teachers.<sup>15</sup>
- 1.25 The NASUWT is concerned that taxpayers' money is being siphoned off to agencies. Workers are getting less, schools are paying more, whilst agencies and offshore umbrella companies are engaged in profiteering.
- 1.26 Indeed, the TUC estimates that workers in agency work, such as supply teachers, are suffering up to a 20% hourly pay penalty when compared to the pay of an 'average' employee.<sup>16</sup>
- 1.27 For example, the NASUWT's research demonstrates that three quarters of supply teachers (72%) reported being paid more for an assignment when employed directly by a school compared to being employed through an agency. At the same time, the agency employing the teacher is able to charge the school up to £100 more than the teacher receives.
- 1.28 The high levels of variation in pay rates and commission in a decentralised market can result in employment agencies charging different rates to supply the same teacher to the same school.<sup>17</sup>
- 1.29 The consequence of this for workers is that they fall victim to the replacement of regular, secure full-time employment with increasingly precarious, low-paid, insecure and irregular work.
- 1.30 Fifteen percent of supply teachers reported that they have had to claim Jobseeker's Allowance since becoming a supply teacher and over one in ten (11%) reported that they have had to claim other state benefits.<sup>18</sup>

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<sup>15</sup> NASUWT – *Supply Agencies: the facts*.

<sup>16</sup> <https://www.tuc.org.uk/sites/default/files/the-gig-is-up.pdf>

<sup>17</sup> [https://www.niesr.ac.uk/sites/default/files/publications/NIESR\\_agency\\_working\\_report\\_final.pdf](https://www.niesr.ac.uk/sites/default/files/publications/NIESR_agency_working_report_final.pdf)

- 1.31 Furthermore, many supply teachers are reporting that their financial situation over the last 12 months has resulted in them reporting that they have had to cut back on expenditure on food (36%), take a second job (17%) and even resort to the use of food banks (1%).<sup>19</sup>
- 1.32 The NASUWT is clear from its research that the main financial benefits of supply work accrue to the agencies and umbrella companies themselves, rather than to the workforce or the service provision.
- 1.33 Extortionate and inappropriate finder's fees in education have restricted or removed the right to work for many supply teachers, reducing the opportunity to secure permanent employment, especially for women, BME and disabled workers, who are disproportionately represented as agency workers.

## 2 SPECIFIC COMMENTS

**The viability of a public sector solution for employing supply teachers in Wales, for example in a similar vein to the system which operates in Northern Ireland, or the recent pilot project based on cluster arrangements**

- 2.1 The NASUWT has campaigned for many years to stop the exploitation of supply teachers and to improve their pay and conditions. The NASUWT believes that full restoration of the organisation and administration of supply pools must now be established on a regional, or even an all-Wales, basis.
- 2.2 The Union believes that it should be possible for local authorities working together to have the capacity to provide at least payroll facilities to schools so that supply teachers can be employed under the School Teachers' Pay and Conditions Document, so that they are paid properly to scale, have access to the TPS and can benefit from free career professional development (CPD).

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<sup>18</sup> <https://www.nasuwt.org.uk/uploads/assets/uploaded/450a93c7-e3e7-4a1d-ac9708dfd948034d.pdf>

<sup>19</sup> Ibid.

- 2.3 The Union is concerned that any attempt to address the situation for supply teachers working in Wales must not countenance options that continue to treat supply teachers less favourably than their counterparts on substantive contracts.
- 2.4 For the sake of absolute clarity, the NASUWT cannot condone options that will facilitate or support the continued exploitation of supply teaching staff.
- 2.5 The Union has previously submitted written evidence to the *Inquiry into Supply Teaching* conducted by Children the Young People and Education Committee (CYPEC) (copy attached as Annex A) which, amongst other things, included the three core principles on which any model of supply teaching must be based that were subsequently enshrined in the Wales TUC 2016 Conference resolution on *Supply Teaching* (the WTUC resolution).
- 2.6 The NASUWT expects great weight to be placed on the following extract from the WTUC resolution:

*“Conference welcomes the response from the Minister for Education and Skills on 10<sup>th</sup> February 2016 when he announced the establishment of a Taskforce ‘to consider future supply teachers delivery options for Wales’ and emphasised the role of employers, unions and key stakeholders in development options for the future.*

*“Conference asserts, however, that there are important core principles which must underpin any model of provision of supply teaching which include:*

- *employment, payment and deployment in accordance with the contractual terms and conditions which apply across the devolved administration;*
- *access to the Teachers’ Pensions Scheme; and*
- *access to continual professional development.”*

- 2.7 The NASUWT maintains that any proposal over the viability of a public sector solution must be assessed against these three core principles.

- 2.8 The NASUWT maintains that consideration should be given to the model that operated across local authorities in North Wales prior to the issuing in July 2015 of Welsh Government guidance document no: 178/2015 Effective management of school workforce attendance which announced the awarding of a framework agreement for a Managed Service for the provision of Agency Workers.
- 2.9 The Union understands that supply teachers, using the model that operated in North Wales, registered with their local authorities and that schools were then able to use the 'eteach' service to source supply teaching staff.
- 2.10 The supply teachers were paid at a rate commensurate with their previous experience. In addition, supply teachers were able to contribute to the Teachers' Pension scheme. However, access to CPD appears to have been very limited.
- 2.11 In Northern Ireland, supply teaching, or substitute teaching as it is known, is overseen by the Northern Ireland Substitute Teacher Register (NISTR) which is operated by the Department of Education (DE). The NISTR was designed specifically to tackle the practical issues involved in arranging suitable teaching cover identified in the Northern Ireland Audit Office report on *The Management of Substitution Cover for Teachers*, published in 2002.
- 2.12 All substitute teachers are registered through an online booking system that enables schools to book substitute teachers in real-time through a regional centralised database of substitute teachers that they manage and update. They identify when they are available to work and schools book accordingly.
- 2.13 Payment for all approved periods of substitute teaching is then made on a monthly basis, at a daily rate of 1/195 of the annual salary of a comparable teacher on a substantive contract, through the payroll system which is run by the DE.

- 2.14 It is estimated that 9,000 qualified substitute teachers are in the live pool which is made available to schools to search for, book and process payment to suitably qualified teachers.
- 2.15 This system benefits both schools and teachers in dealing with the practical issues involved in arranging qualified teaching cover. It provides flexibility for the substitute teacher to manage their own availability and the distance they are willing to travel. Schools get the advantage of accessing substitute teachers through a centralised booking system which provides information on previous experience and expertise, as well as on qualifications and criminal record checks. This information can be accessed '24/7' at no cost, in order to book cover for teacher absences.
- 2.16 The NISTR is supported and endorsed by the DE, employing authorities, the General Teaching Council Northern Ireland and Northern Ireland Teachers' Council and the teaching unions. NISTR is the only mechanism for engaging substitute teachers in all schools in Northern Ireland.
- 2.17 The NASUWT believes that alternative delivery models such as those described above should be given serious consideration as viable public sector solutions for employing supply teachers in Wales.
- 2.18 The NASUWT maintains that the advantages of a local or central government supply model which subscribes to the three core principles referred to in the WTUC resolution should be self-evident, if the will exists to ensure that supply teaching staff are not treated less favourably than their counterparts on substantive contracts, and to bring to an end the privatisation of the teaching supply service. The latter being a clear advantage to the Welsh Government as it would put truth in the principles enshrined in the *Alternative delivery models in public service delivery: An Action Plan* published in March 2016.
- 2.19 Such models would ensure that the schools benefit from the services of well-motivated supply teachers, the supply teachers benefit from being

appropriately remunerated and, taken together, this will inevitably be of benefit to the learners.

- 2.20 In addition, as the supply teachers would be employed through a local or central government system, access to the professional learning entitlements would be provided through the New Deal initiative.
- 2.21 From a broader perspective, supply teachers would be able to secure their employment rights and would have greater stability and security than is currently provided through private supply agencies.
- 2.22 Local authorities would be able to demonstrate that they meet standards of good practice in managing and providing supply teachers for schools. This would enable schools and supply teachers to feel confident about the quality of the service provider, which in turn should raise the standard and status of supply teaching. Schools would also know more about the nature and quality of the support being provided to supply teachers.
- 2.23 The NASUWT maintains that managing the provision of supply teaching in this way would reinforce the principle that education is a public service subject to national conditions which govern how staff are employed and how public money is spent.
- 2.24 A central supply teaching pool administered by the Welsh Government has the potential to provide better economies of scale than a collection of supply teaching pools operated by individual local authorities.
- 2.25 The pilot project based on cluster arrangements announced in October 2017 to improve the way supply teachers support schools involved £2.7 million of funding to support 106 schools working across 15 local authorities to create new supply teacher arrangements by employing supernumerary teachers to work across clusters of schools, covering teacher absence and supporting wider school improvements and learner outcomes.

- 2.26 The project is due to be reported on in autumn 2019, but it is understood that the benefits to teaching and learning of employing supernumerary teachers in this way have been noted in better outcomes for children and young people as a consequence of those same teachers being embedded across the schools and knowing the workings of the schools where they work really well.
- 2.27 The Union understands that staff working in the cluster arrangements report better relationships and because children know the number of staff who may cover for their regular teacher, there is better behaviour.
- 2.28 The NASUWT believes that direct employment, such as that operated in the cluster arrangements demonstrates that there is a more cost-effective of covering long-term supply needs.
- 2.29 The Union maintains that cluster arrangements, such as the one outlined above, or the adoption of a central government supply teaching pool, would better support wider education reforms than the continued use of private supply agencies that exploit supply teaching staff in pursuit of profit.
- 2.30 The evidence provided above demonstrates that the mechanics are already in place or could be put in place if there is a genuine desire and willpower to make effective change on the part of either the Welsh Government or Welsh local authorities.
- 2.31 The devolution of pay and conditions in Wales to the Welsh Government and the Independent Welsh School Teachers' Review Body (the Review Body) Remit provides the opportune moment. It was therefore disappointing that the in the first year of these new powers the remit letter failed to address the issue of supply teachers, despite the fact that the Welsh Cabinet Member for Education stating in December 2018 that they had not ruled out the introduction of a centralised or regional supply arrangement in the future.<sup>20</sup>

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<http://senedd.assembly.wales/documents/s82749/7.12.18%20Correspondence%20%20Cabinet%20Secretary%20for%20Education%20to%20the%20Chair.pdf>



## **The improvements which could potentially arise out of new framework contract arrangements developed by the National Procurement Service**

- 2.32 The NASUWT cautiously welcomes the new framework contract developed by the National Procurement Service (NPS). The Union had lobbied for significant revisions to the framework for the employment of supply teachers in schools in Wales following serious concerns over the previous framework that had resulted in New Directions gaining the tender across Wales and local authorities pressing schools to use New Directions exclusively.
- 2.33 The Union believes that the new framework has the potential to improve the pay and terms and conditions of supply teachers as well as providing improved access to professional learning opportunities.
- 2.34 The new framework allows providers to bid on a local, regional or all-Wales basis, whereas the previous framework had to be met on an all-wales basis meaning that only New Directions could bid. This will bring some welcome diversity and local provision. It also allows schools and local authority to continue to employ supply staff directly without the use of an agency.
- 2.35 However, unlike direct employment solutions to the procurement of supply, such as those identified above, the new framework would not give supply teachers access to the Teachers' Pension Scheme (TPS) and full salary entitlements, but is nevertheless an improvement on the current situation. For example, all supply teachers would be paid a minimum rate of pay at least the minimum of the School Teachers' Pay and Conditions (STPCD).
- 2.36 The NASUWT cautiously welcomes the application of a sliding scale of payments for transferring staff to permanent contracts (finder's fee) as the Union is clear from its research that the main benefits of the current system accrue to the agencies and umbrella companies themselves rather than to the

workforce or the service provision, particularly when they are charging in excess of £10,000 in finders' fees.

- 2.37 Whilst the NASUWT believes there is a need for a mechanism which provides greater clarity for supply teachers which enables schools to pay supply teachers appropriately without incurring significant costs in agency fees, the Union is not convinced that the new procurement framework will achieve this.
- 2.38 For example, the Union has concerns over exactly how the agencies applying to be on the new procurement framework will be regulated and vetted to ensure that they meet certain minimum expectations in respect of how they treat supply teachers.
- 2.39 In addition, the NASUWT notes there is very little detail about quality assurance and the guarantees that the procurement process will operate in a fair and transparent way which has inbuilt into it rigorous and robust levels of accountability and a comprehensive and fit-for-purpose code of conduct.
- 2.40 Such an approach can only be effective if it is underpinned by appropriate inspection and enforcement which ensure that providers of services to schools, and schools themselves, act appropriately in accordance with the provision of any code. The Union contends that the relevant regulatory body should be the Employment Agencies Standards Inspectorate (EAS) rather than just industry bodies which represent the interests of supply agencies.
- 2.41 Furthermore, the operation of a system which fails to apply a maximum to suppliers' commission fees is wholly unacceptable, particularly when it is, in essence, tax payer's money which is being diverted from education into the profit margins of supply agencies and umbrella companies.
- 2.42 Whilst welcoming the intention to establish a minimum rate of pay for supply teachers, the Union is concerned that the new procurement framework could see supply teachers pay depressed without any references to pay ranges and a commitment to honour the pay portability.

2.43 It cannot go unnoticed that supply teachers' pay already lags substantially behind the pay of teachers employed by schools in substantive posts. The NASUWT is therefore worried that the current proposal might replicate the current system at the expense of dedicated and committed supply teachers.

**Any potential opportunities or risks for supply teaching arising from the devolution of pay and conditions for teachers**

2.44 Given the commitment of the Welsh Government to ensure that, following the devolution of pay and conditions teachers should not suffer a detriment to pay and conditions when compared with teachers across the UK following the devolution of pay and conditions for teachers, the NASUWT believes that there are no risks for supply teaching and supply teachers.

2.45 Furthermore, the focus on establishing standardised pay and allowance scales for all teachers and school leaders in Wales also suggests an opportunity to remedy the profound damage which has been caused to the teaching profession, including supply teachers, in England and Wales by the Westminster Government since 2010, through de-regulation of teachers' pay.

2.46 The devolution of pay and conditions for teachers therefore presents an opportunity for the Welsh Government to set itself apart and do something different in respect of the supply teaching workforce, such as the model adopted in Northern Ireland or the introduction of regional or local authority based supply pools.

2.47 In addition, the establishment of an independent review body as part of the devolution of pay and conditions provides the perfect opportunity to address the exploitation faced by supply teachers by recommending that all supply teachers, including agency teachers, fall within the remit of the Review Body, and that their pay and conditions are set by the Welsh Government and that

these are consistent with pay and conditions for all teachers across the state funded sector in Wales.

### **Arrangements for professional learning for supply teachers, particularly in light of current education reforms**

- 2.48 The National Approach to Professional Learning (NAPL), announced in November 2018 is designed to provide funding will so that schools have the time and resources they need to plan ahead for the new curriculum and ensure that changes are made in a way that will prioritise the wellbeing of teachers and minimise disruption to pupils' learning. The funding is also designed to ensure that there is cover for staff to be released for professional learning.
- 2.49 The development of the Hwb as well as other initiatives, such as the Professional Learning Passport, to support supply teachers to access career professional development (CPD) is welcome, but the Union believes that supply teachers should also be able access the funding in order to support their own learning. It was therefore pleasing that the Welsh Government has assured the Union that this should be the case, particularly when supply teachers frequently report that they are unable to access career professional development (CPD).
- 2.50 For example, the 2018 NASUWT Supply Teachers' Survey in England and Wales found that over half (52%) supply teachers stated that they had not been given access to continuing professional development (CPD) opportunities by the agencies which they had worked for in the last 12 months.
- 2.51 If, as stated, the Welsh Government recognises and values the dedication and hard work of supply teachers as an essential part of school life<sup>21</sup> then it is

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<sup>21</sup> <https://learning.gov.wales/resources/collections/supply-teachers?lang=en>

crucial that they are able to access the same opportunities as their colleagues in full time employment, including access to high quality CPD.

Neil Butler

**National Official for Wales**

For further information on this written evidence contact Neil Butler, National Official for Wales.

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**P-05-805 Fair Deal for Supply Teachers, Correspondence – Petitioner to Chair,  
02.07.19**

Dear Ms Finch Saunders

On behalf on Fair Deal for Supply Teachers I would like to thank the Committee for asking for responses from various bodies .Our Cabinet Secretary for Education wants Wales to have a world class education system . We also want to see this achieved.

These appear to be the main points highlighted by the responses :-

1. More money is needed for a properly funded system to reward all supply teachers fairly . According to NEU statistics 942 schools are having cuts to their budgets . Because of this the use of cover supervisors is becoming more prevalent and the concern is the introduction of a minimum pay rate of M1 could exacerbate this due to cost. Cover supervisors are not allowed to teach .They are not receiving any training. They should not be used. Estyn has said that all long term placements should be covered by a qualified teacher Surely more security would be given to both the supply teacher and the school with an LA contract? . All classes should be covered by a qualified teacher for short or long term if Wales is to have the best education system. Learner outcomes are the priority of all teachers , permanent or supply .

2. There is need for more CPD for all supply teachers to update them on the new curriculum and for any other new initiatives as they are implemented. "If, as stated, the Welsh Government recognises and values the dedication and hard work of supply teachers as an essential part of school life then it is crucial that they are able to access the same opportunities as their colleagues in full time employment ." Neil Butler NASUWT.

3. There are 64 agencies in existence . Only 28 have signed up to the framework agreement . EWC has said that they thought Mrs Williams would be consulting with them over a Quality Mark but that she hasn't been minded to do this .When will this happen ? The need for monitoring has been picked up. This is of prime importance as some agencies have been looking to circumnavigate the framework .Local authorities will be asking schools to be using agencies on the framework but will some schools choose those not on it so that they have to pay less. Back to the issue of funding again. No maximum fees appear to have been set thus far so it will be good to see the transparency of fees as set out in the New Framework Agreement.

4. 28.5 % of supply teachers were in the 0-5 years experience bracket.in 2016 EWC ( more recent figures unavailable ) . They need support and mentoring as well as

professional development to ensure good quality teaching . It is important, as said by ASCL, that all supply teachers can be sure of their rights as workers and that they will be paid a fair wage . All teachers need to feel valued. There will be schools that need more experienced teachers and these should be paid accordingly. All supply teachers should be entitled to access Teachers' Pension Scheme.

5.Ultimately the system of using agencies is flawed as has been said . We need to take profit making out of education and most responses seem to be in agreement that a fair public sector solution be found as you have been discussing in your meetings .

We need the will of the Welsh Government to find this as quickly as possible. As David Evans , Secretary of NEU , said "Supply Teachers needs have, for too long, been ignored with the result that private companies have profited from public money earmarked for education . Successive education ministers have failed to tackle this situation adequately or at all. This represents a golden opportunity to rectify that anomaly. "

When can our devolved powers be used to provide this and give us parity with Northern Ireland and Scotland?

Thank you for your kind attention . Any further assistance in expediting change would be appreciated.

Sheila Jones

Caerphilly NEU Supply Officer

Fair Deal for Supply Teachers

**P-05-805 Fair Deal for Supply Teachers, Correspondence – Petitioner to Chair, 10.04.19**

Dear Ms Finch Saunders,

Following the Committee's interview with Kirsty Williams on April 2nd we would like to say :

We appreciate you asking Kirsty Williams coming in and addressing your and our concerns and thank you for asking her. We thank the Cabinet Minister for her time .

We commend that the new Framework Agreement provides improvements to the current system

We welcome the setting of M1 as a step in the right direction.

We are really pleased about the abolition of the Swedish Derogation which has caused the loss of thousands of pounds to supply teachers in the lack of uplift of pay after twelve weeks.

We welcome the transparency of fees and the accreditation of agencies.

However, we ask the following questions :

**As at present there is nothing in place that will mandate the agencies not signing up to the Framework Agreement to adhere to the improvements in it and to the Code of Practice for Ethical Employment do we presume they can continue in business operating with the same low pay rate they have been using ?**

We hope schools would choose those agencies that are signed up to the Framework Agreement but budget constraints could mean that they turn to cheaper agencies . We were told at a meeting with Welsh Government officials that there are over 50 agencies and to our knowledge only 35 are signing up to the Framework Agreement .

**Now we have devolved powers when exactly can they be used to provide a system that gives the same set of pay and conditions for all supply teachers working in Wales ?**

This is an equality issue . It doesn't come under the characteristics of the Equality Act but ,as has already been, said it is very wrong that supply teachers working via agencies have not had the same benefits of being paid to scale and with access to Teachers' Pension Scheme as those paid direct by local authority payroll have . Leanne Wood asked Kirsty Williams when devolved powers would make a difference question but the opportunity to answer was not given as it seems like there was not enough time .



The use of agencies in education has led to supply teachers being asked to work in roles such as teaching assistants , cover supervisors and even as a creche worker . It is truly shocking that we, as qualified professionals , have been undervalued and underpaid for some time with the loss of thousands of pounds in pay and pension scheme contributions.

**Could the framework agreement have been put out for a shorter time for a better solution to be found more quickly? What exactly are the barriers to getting rid of agencies and having no public money in education as in, for example, Denmark as Leanne Wood previously suggested to Carwyn Jones some time ago in the Chamber?**

Kirsty Williams to Mike Hedges: "We continue to have discussions with the WLGA and there is nothing to stop them setting up or re-establishing the systems that you refer to ." We would like to know what their response is to this . **Are they concerned about the exploitation that has been going on and what are their plans?**

Our counterparts in Northern Ireland and Scotland are paid to scale . We do not want the minimum rate of M1 to become the maximum ( a concern expressed by Mark Drakeford in his role as Cabinet Secretary for Finance when we went to see him in August last year ).

The statistics in the Taskforce Report of 2016 shows, as below:

*30. In 2016, 20.8% of supply teachers were under the age of 29 and 31.7% are over 55.* Therefore the majority of supply teachers have a great deal of experience. We need to have the skills and experience of those supply staff recognised and properly remunerated as they were in the past.

**Can the Cabinet Secretary for Education use her staff to do research on the use of unqualified staff in our schools?** It is an issue that needs to be addressed. We consider learner outcomes to be of paramount importance too but it should not be for supply teachers to have to investigate and whistle blow on this surely ?

There is no doubt that the cuts to budgets from Westminster have led to some of the problems with the supply system . Authorities looked to make savings on their supply bills and have thought using agencies would be more cost effective. Some authorities closed their payrolls for supply teachers . Even if savings were made this has been at the expense of paying supply teachers properly and is indeed a social justice issue as Mike Hedges pointed out .

Thank you to the Committee for all you have done and are continuing to do . Supply Teachers in Wales are very grateful for your recognition of the injustice of the situation and the time you have given to the issues outlined on our petition . We

need that fair system as soon as possible . Five hundred supply teachers left supply teaching between 2014-2016 according to EWC figures .

Kind Regards

Sheila Jones.

**P-05-805 Fair Deal for Supply Teachers, Correspondence – Interested third party to committee, 15.04.19**

I watched this week's meeting of your committee speaking with Kirsty Williams and firstly wish to applaud the committee for their questions.

As a supply teacher who chooses to work part time due to family commitments, I have campaigned along with Sheila Jones the petitioner and other teachers against agencies since returning to teaching three years ago.

I wish to make one or two comments if I may. Kirsty Williams in this meeting outlined the benefits seen so far from her "pilot scheme". These benefits were exactly the benefits that used to exist from the former LA pool system where schools had closer links with regular supply teachers. It is scandalous that it has taken £2.7million plus the cost of the formal report and evaluation to "inform" her of these benefits.

I work for Teacher Active who are based in Birmingham and this company made £3.5million net profit in the last financial year according to companies house. I was recently booked in for a two day stint at a school- in one class - when another school had rung and asked for me by name to cover one of these days. The consultant who usually books me actually said to me over the phone, "I could put you in both schools for one day as the other school didn't actually specify continuity". These "consultants" do not care about continuity of cover at all, so long as they get their commission and they are paid a lot more than we supply teachers are able to earn in a year!

Basically the local authorities are complicit in this scandal because it all boils down to - in my opinion - PENSIONS. I was told by the Director of Education in Pembrokeshire that all LAs are against / not allowed to issue zero hours contracts, yet allowing agencies to operate within their local authority areas employing us on zero hours contracts is the ultimate in hypocrisy! Zero hours contracts should not be vilified in this way because people like myself WANT them. I used to work for my family business also which was seasonal and we had one or two part time employees as well as full timers on fixed hour contracts who were HAPPY with zero hours contracts. No, LAs know full well that by employing and paying supply teachers they will have to contribute to the Teachers Pension Scheme which as agency workers we are currently excluded from.

Finally, I wrote to ASCL Cymru last year to ask whether it was ethical for them to accept sponsorship from New Directions due to the shoddy treatment of supply teachers and large scale profiteering and I am pleased to say that they have now decided to end this arrangement.

I, too, have heard that New Directions are strengthening ties with schools with golf days and the like (presumably paying for Headteachers to play) but this is obviously unsubstantiated. However, a quick Google search will show you how they sponsor schools in Wales, such as the following:

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.new-directions.co.uk%2Feducation%2F2014%2F07%2Fnew-directions-sponsor-school-football-kit%2F&data=02%7C01%7CSeneddPetitions%40assembly.wales%7C9e2b32ddc55e492fda1108d6c1d185d9%7C38dc5129340c45148a044e8ef2771564%7C1%7C1%7C636909502969919568&sd=Zu%2FNUKJUTbxW2QBqqO2dRKtddoH9H9%2B%2BBZ5baC3mNv8%3D&reserved=0>

New Directions sponsor school football kit : ND Education Recruitment - New Directions Recruitment Services New Directions Education has sponsored a new football kit for Arddlen Primary school in North Powys. Melissa Penlington, Account Manager for Powys and Shropshire along with Robert Ratcliffe, Business Development Manager visited the school to present the kit.

<https://eur02.safelinks.protection.outlook.com/?url=www.new-directions.co.uk&data=02%7C01%7CSeneddPetitions%40assembly.wales%7C9e2b32ddc55e492fda1108d6c1d185d9%7C38dc5129340c45148a044e8ef2771564%7C1%7C1%7C636909502969919568&sd=DuW%2B%2FBsDit%2Fvn1zNEouA5ICRjjJ8fuWq5dxwp0IxSGY%3D&reserved=0>

You only have to go to various schools and you will see items like mugs - ironically - and pencil pots etc with New Directions and Teacher Active around the offices and staff rooms.

I sincerely hope that you will take note of my comments and maybe further investigate these issues.

Nicola Lund

### **P-05-805 fair Deal for Supply Teachers, Correspondence – interested third party to Committee, 17.04.19**

I watched with interest the discussion held on 2nd April regarding pay and conditions for Supply Teachers in Wales.

I am grateful to the Committee and the three AMs who spoke up in support of Supply Teachers, for allowing what have become long-standing and serious concerns to be raised.

I was, however, somewhat disappointed that in the Minister's responses, the needs of schools, learners and even the agencies were given far more emphasis than those of the many supply teachers who continue to be deprived of fair and equitable treatment.

If I may, I would like to share my own recent experience with you as an example.

I was on supply at the same school from the beginning of November last year until last Friday, 12th April. As a highly experienced teacher (27 years and at the top of the upper pay scale; 12 years as an ALNCo and part of the Leadership Team; secondment to the regional consortium for 3 years as an Advisor) I am routinely paid just £100 per day on supply, although this is more than the average agency pay of £85-£90 per day. For this long-term cover, the agency negotiated with the school and agreed, what I was told by the agency was the absolute maximum of £111 per day.

Under regulations covering agency working, I believed that after 12 weeks my pay would increase, based on my experience, in line with (or close to) what I would receive if employed by a Local Authority. In reality, the uplift in pay took me to just over M1 i.e. the level of a Newly Qualified Teacher, after agency fees. The difference between what I was being paid and what I should have been paid is at least £80 per day. This, I was told by the Head Teacher, was because she could not afford to pay me any more due to the situation with her budget. When I asked her what the situation would be if I was registered as a supply teacher with the Local Authority, she replied she would be obliged to pay me at the appropriate rate but that as she couldn't afford to do so, she would not be able to keep me on after twelve weeks. I found myself between a rock and a hard place in terms of pay and workload, but mainly for the sake of the young children I was teaching, I agreed to stay on.

I feel there are several worrying issues here, the main one being the dire state of school budgets. If a school cannot afford to employ any experienced teachers (other than HT and DHT, as would appear to be the case in this particular school), this should sound an alarm bell, not only for the loss of experience and expertise but for recruitment and retention levels that are already cause for concern in some areas. I also feel that the widespread use of supply teaching agencies means that they and hard-pressed Head Teachers are (wittingly or not) complicit in devaluing, exploiting even, highly experienced and committed teachers.

Despite the Minister's assurances that the new framework she proposes will improve the situation, there was nothing to suggest it will be mandatory for agencies to sign up to it and it will still not address the huge shortfall in pay for experienced teachers on supply.

I have previously raised my concerns with my AM (email on 20th March) and am awaiting a response.

I sincerely hope that the Minister and the Welsh Government will continue to explore alternative ways to move in the direction of greater equality in the system.

Yours faithfully,

Karen Beeby

# Agenda Item 3.14

## **P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children**

This petition was submitted by Flexible Admissions Wales Group and was first considered in September 2019, having collected 241 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to consider amending the School Admissions Code where it relates to admission outside the normal age group, in respect of summer-born children(1 April – 31 August).

Owing to the timing of school entry points, summer-born children are put at a significant disadvantage compared to their peers. They may suffer adverse emotional and educational impacts as they start their formal education at a much younger age. As such, parents may choose to defer their summer-born child's entry into school until they reach compulsory school age, as is their legal right. However, most find that their child is put straight into Year 1, missing the crucial Reception year, which research shows to be the most important year in education.

Most parents prefer their child to enter the Reception year at compulsory school age rather than Year 1. Under the School Admissions Code, this is theoretically possible. In principle, the Code gives parents the ability to request that their summer-born be educated outside their normal age group. In practice, the wording of the Code has proven to be extremely problematic: case studies have shown that the provision is inconsistently applied by Local Education Authorities and requests have rarely been granted.

The following amendments should be considered by the Welsh Government:

- (1)As the first option, requests to defer children with birthdays in summer months should be automatically approved (as is the case in Scotland);
- (2)Alternatively, the wording of the existing provision should be amended to strengthen the rights of parents to choose when their child enters Reception class, also emphasising that Local Education Authorities must fully consider requests and issuing Governmental guidance to this end;

(3) In either case, provision should be made for children educated outside their age group to remain with their adopted cohort throughout their school life.

### **Additional Information**

A recent study conducted by the Department for Education aimed to show that delaying entry to primary school has little impact on attainment. This study should be consulted by the Welsh Government with caution. This study was very limited, measuring ONLY academic attainment and excluding all children with special or additional needs. Academic attainment is very unlikely to be the main reason that parents choose to decelerate their child's entry into primary education.

School readiness is not about a child's academic ability, but about emotional and social maturity. It is these skills that will help a child to make friends, to deal with their emotions, to follow instructions and concentrate and to foster good mental health. The attainment of these skills cannot be measured with a phonics test.

The Foundation Phase curriculum in Wales will not meet the needs of every child in Wales; it cannot. This must not be given as a reason for refusing such requests. A more flexible admissions policy is needed to take children's individual needs and their best interests into consideration. The UN Convention on the Rights of the Child (UNCRC) emphasises that the education of the child shall be directed to the development of the child's personality, talents and physical abilities to their fullest abilities (Article 29(1)(a)). By putting summer-born children at a disadvantage, this School Admissions Code does not achieve that.

Other devolved countries within the UK are already ahead of Wales in this respect. Nick Gibb, Minister of State for School Standards, has made a commitment to amend the School Admissions Code for England to reflect this parental choice. In Scotland, children of equivalent age are automatically granted a deferral if their parents request it and will not miss any school years in doing so.

### **Assembly Constituency and Region**

- Cardiff West
- South Wales Central



Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-832  
Ein cyf/Our ref KW/06446/19

Janet Finch-Saunders AM  
Assembly Member for Aberconwy  
Chair - Petitions committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

24 June 2019

Dear Janet

Thank you for your letter dated 14 June on behalf of the Assembly Petitions Committee requesting further information regarding the review of the School Admissions Code, in particular in relation to requests for out of normal age admission of summer-born children.

In my letter dated 18 October, I advised the Committee of the intention to review the School Admissions Code after over five years of operation. The review is comprehensive, covering the whole of the Code, along with the School Admissions Appeals Code and associated regulations.

As part of the review my officials have undertaken informal engagement with key stakeholders, including the Association of Directors of Education in Wales (ADEW) School Admissions Officer Group, which has representation from all admission authorities in Wales, diocesan authorities and the Welsh Local Government Association (WLGA) to seek their views based changes that may be required to the Code based on experience of its operation over the period of its operation.

In addition my officials have also engaged with individual admission authorities to gain an understanding of their procedures for dealing with requests for out of normal age admission of summer born children. They have also met with parental representative groups, including the author of the petition P-05-832 and other parents involved in the Summer Born Wales Campaign Group to hear about their experiences and views along with representatives of Bliss to discuss how this issue impacts on children born prematurely.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

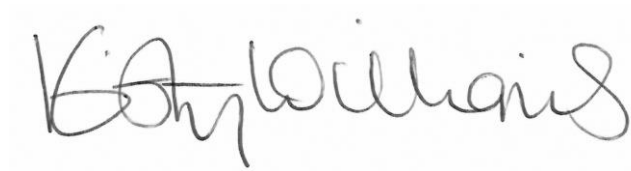
Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

My officials are currently in the process of collating and analysing the wide range of evidence and information, which will inform my decision on changes that may be necessary to the Code. This includes consideration of whether and how the Code requires strengthening in respect of out of normal age admission of summer born children. I will be considering this over the summer.

The draft Code will be subject to a 12 week consultation, which will provide anyone with an interest with an opportunity to respond. To ensure a maximum opportunity for parents and schools to engage and respond, I do not propose to commence consultation during the school holiday period. I hope to be in a position to launch a consultation in the autumn.

Yours sincerely

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

**Kirsty Williams AC/AM**  
Y Gweinidog Addysg  
Minister for Education

## **P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children – Correspondence from Petitioner, 26.06.19**

Dear Committee Members,

we thank you once again, for continuing to discuss our petition.

We would like to know if all local authorities have now responded to your request for information, with regards to requests to decelerate? There are parents currently going through this process; local authorities are most certainly continuing to apply a blanket policy, contravening the Welsh Government's current Admissions Code, to consider each application on an individual basis. In fact, there are currently four parents being forced to send their child to schools over the border, in England, in order to meet their child's needs (Chester, Oswestry, Gloucester and Bristol). We feel the Committee must be made aware of this.

We note in her correspondence to the Committee that the Minister states that the officials have met with parents of the Flexible Admissions Group, to discuss their experiences; this is not true. Officials have only met with the author of the petition, in January 2019.

Wales is the only prinity that does not have a specific policy for summer-born children. Northern Ireland had this issue on their agenda, prior to their Parliament being dissolved. We believe passionately that pressure must be brought to ensure a change, to take into account the needs of our summer born children in Wales.

Warm regards,

Sian Lloyd

Flexible Admissions Wales Group

# Agenda Item 3.15

## **P-05-875 The Capping of Council Tax Rises in Wales**

This petition was submitted by Tom MacLean having collected a total of 55 signatures.

### **Text of Petition**

Conwy Council are seeking to levy a staggering 11 per cent council tax increase this coming tax year upon households. Other councils in Wales are also raising council tax by inflation busting levels.

I call upon the Assembly to cap council tax rises to the rate of inflation for two years. With child poverty and household debt rising the staggering increases in council tax cripple households.

### **Additional Information**

Conwy Council has raised council tax by 5 per cent year on year but this year is seeking a staggering 11 per cent rise.

With too many low income households struggling it would be crushing to have this outrageous increase.

We are paying MORE for LESS and less services.

The same story across Wales.

A two year inflation only rise in council tax in Wales would give hard pressed households a breathing space.

### **Assembly Constituency and Region**

- Clwyd West
- North Wales

**Ein Cyf /Our Ref:**  
**Eich Cyf /Your Ref:**  
**Dyddiad /Date:**  
**Gofynnwch am/Please ask for:**  
**Llinell uniongyrchol/Direct line:**  
**Ebost/Email:**

**Leader/JR**  
28/06/2019  
Jon Rae  
029 2046 8620  
jon.rae@wlga.gov.uk



## **Janet Finch-Saunders**

Chair  
Petitions Committee  
National Assembly for Wales  
[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

Dear Janet

### **Petition P-05-875 The Capping of Council Tax Rises in Wales**

Thank you for your correspondence of 30 May regarding the petition on capping council tax rises.

We have a clear and unambiguous policy on capping, which we naturally oppose. This is because it weakens local accountability and dilutes local decision-making. Welsh Ministers have never had to use their powers to limit council budgets, however since the onset of austerity there has been a common understanding that if rises breach a 5% threshold then Ministers might consider using those powers. In the run up to financial year 2018-19, ministers signalled a more relaxed approach which local government welcomed.

Councils do not take the decision to increase council tax lightly. Many of the increases in recent years have been implemented to mitigate the worst excesses of reductions in our core grant. This has reduced by around a £1bn, after adjusting for inflation, since 2009-10.

In the run up to the current financial year we pointed out in the evidence that we gave to a number of Assembly Committees that local service pressures combined with cuts would leave a £300m budget gap before any additional council tax income. In the event council tax increases barely made up a quarter of the shortfall.

Many of the pressures that local government face are nationally driven especially around workforce and legislative costs. In effect, the local rather than the national taxpayer is picking up the costs. We understand the frustrations of the petitioner.

We do recognise the unfairness in the system and we have been working with the Welsh Government on several issues. We have developed a 'Council Tax Protocol' which will deliver consistency in approaches to recovery and we have successfully secured an

Dr Chris Llewelyn  
Prif Weithredwr  
Chief Executive

Cymdeithas Llywodraeth  
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@WelshLGA

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.

exemption for Care Leavers to be brought into Council Tax legislation to ensure transparency and consistency. We are also working with partners like the Wales Centre for Public Policy on their research into 'Responding to Citizens in Debt to Public services' to better understand the impact of rent and council tax arrears on the budgets of the most vulnerable.

If the Committee has any further queries in relation to the petition, please contact the team at the WLGA using the contact details above.

I hope this is helpful to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debbie Wilcox', is centered on the page. The signature is written in a cursive, flowing style.

Councillor Debbie Wilcox  
Leader of WLGA

**P-05-875 The capping of Council Tax Rises in Wales, Correspondence –  
Petitioner to Committee, 30.06.19**

I wish to thank you for your information. Reading through your attached information a line struck me.

In April Conwy County Council levied a 9.6 per cent Council tax increase. In the piece you attached it states

"there has been a common understanding that if rises breach a 5% threshold then Ministers might consider using those powers"

Clearly they did not intervene in the case of the increase in Conwy!

I do not accept that not capping Council Tax rises is somehow empowering for County Councils.

By NOT capping and NOT intervening when a County Council hikes up Council tax by 9.6 per cent clearly the Welsh Government are abdicating responsibility and failing to intervene when a hike in Council tax causes major hardship.

The rejection of capping shows a total disregard for residents across Wales.

Inflation-busting council tax hikes and a failure by the Welsh Government to regulate rises at all in practise is utterly failing in a clear duty of care.

# Agenda Item 3.16

## P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales

This petition was submitted by the Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales having collected 2,469 signatures online and 2,098 on paper, a total of 4,567 signatures.

### Text of Petition

We the undersigned call on the Welsh Assembly to urge the Welsh Government to take long-term strategic action to ensure that the poultry product industry is environmentally sustainable through effective delivery of the Environment (Wales) Act, Conservation of Habitats and Species Regulations 2017, the Well-Being of Future Generations Act and the Water Framework Directive (WFD).

Powerful agricultural drivers reinforced by BREXIT are increasing intensive egg & poultry production. The WG is ignoring the devastating environmental consequences for biodiversity, soil and water quality and avian and human disease. The public is vocal about poultry welfare but largely ignorant of the environmental impact of intensive poultry farming units (IPUs). "Free-range" egg units with concentrations of up to 2,500 birds/Ha are a particular risk (NRW report 218: Powys Poultry Pilot Study & INI nitrogen alerts 6/17).

Steep-sided valleys, high rainfall causing heavy nutrient run-off and populations of rare natural species make much of rural Wales wholly unsuitable for the current explosion of IPUs. After a decline from 1990, ammonia emissions have been increasing since 2010 (NAEI 2017 report for DEFRA). Critical loads of ammonia and nitrogen deposition (estimated thresholds for unacceptable damage to plant diversity) are far exceeded at some European & UK protected sites, Local Nature Reserves and Ancient Woodland. Excess phosphates threaten our watercourses (Wye & Usk Foundation 2017).

In failing to act on the evidence, WG, Natural Resources Wales (NRW) and Powys County Council (PCC) are neglecting the duty to "maintain and enhance biodiversity" (Environment Act Sec 6).

*The WG must use its powers to control the industry:*



1. *Provide proper resources for NRW to do urgent research, regulate and monitor IPU's and give better planning help to Local Planning Authorities (LPAs).*
2. *Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*
3. *Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*
4. *Publish transparent public reports on progress.*

### **Additional information**

Our evidence is from Powys but our petition applies to all Wales.

Chair Diane McCrea confirms that NRW is shamefully under-resourced (BBC 14/12/17). NRW assesses impacts of IPU applications on European and UK nature sites and issues permits for IPU's over 40,000 birds. Improved NRW guidance (April 2017) covers cumulative impacts but assessment methods fail to prevent development where existing critical loads are exceeded.

The LPA assesses proper description of outdoor ranges and impacts on water quality, air quality, Local Nature Reserves, Ancient Woodland, landscape, residential amenity and local traffic.

LPAs lack the skills and resources for these responsibilities. PCC does not consider the cumulative impact of applications, together with all neighbouring IPU's, on the natural environment, landscape or rural residents. Schedule 2 Environmental Impact Assessment should ensure assessment of cumulative impacts but fails in practice. PCC is reluctant to award EIA status because the WG can overturn the decision (see P/2016/0608 & P/2017/0007).

CPRW has data on intensive poultry planning applications in Powys since 2011. In the last 30 months, there have been 99 APPLICATIONS involving over 3 MILLION BIRDS, of which 72 are for free-range eggs. Of the 99, only 10 have EIA status: 65 applications have been approved and ONLY ONE HAS BEEN REFUSED.

We have evidence of developments approved without contour or outdoor range mapping, close to nature reserves (71m), vulnerable ancient woodlands (adjacent) watercourses (10m) and residents (50m). Residents suffer health risks from flies, airborne ammonia, poultry dust, traffic-generated particulates and offensive smells. Environmental stakeholder and public objections are ignored, rare plant species are dying, disease risks are increasing and watercourses are failing WFD standards.

ENOUGH IS ENOUGH: A unique set of POWYS IPU DATA including applications, interactive map, hot-spot map and animated chronological IPU growth display can be viewed at <http://www.brecon-and-radnor-cprw.wales>.

### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales

Julie James AC/AM  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-815  
Ein cyf/Our ref JJ/05828/19

Janet Finch-Saunders AM  
Chair of the Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Government.Committee.Business@gov.wales

25 June 2019

Dear Janet,

Thank you for your letter of 18 April, regarding Petition P-05-815 on the regulation of the poultry industry.

Officials have recently sent out invitations to the external participants of the Town and Country Planning Intensive Agriculture Working Group. This has included the Brecon and Radnorshire Branch of the Campaign for the Protection of Rural Wales (CPRW) and the Wye and Usk Foundation. The full list of invitees is set out in the draft terms of reference attached.

The Intensive Agriculture Health Working Group will consider any issues referred to it by the planning working group, however it has decided Public Health Wales and other public health stakeholders are included on the planning working group to ensure the issue is given equal consideration in the identification of evidence and the drafting advice for local planning authorities.

The main roles for the group are:

- To identify the evidence in relation to intensive agriculture required for the preparation of Local Development Plans.
- To identify the range of material considerations Local Planning Authorities should be considering when determining planning applications, including suitable assessment methods of typical impacts.
- To identify technical advice and scientific evidence in relation to the processes involved in Intensive Agriculture and their impact which would inform planning processes.
- To assess the capacity of Local Planning Authorities to provide internal advice and expertise on intensive agriculture projects (both during plan preparation and development management stages).

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

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

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

- To identify and make recommendations on the availability of permanent sources of external advice for Local Planning Authorities in relation to LDP preparation and determination of planning applications.
- To make recommendations for further research.
- Engage with other stakeholders not present on the Working Group, as appropriate.
- To support the drafting of guidance (Technical Advice Note) on planning for Intensive Agriculture.

Yours sincerely,



**Julie James AC/AM**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

## Town & Country Planning Intensive Agriculture Working Group

### Draft Terms of Reference

#### Background

1. Farms undertaking intensive animal rearing are expanding in number and size. This change is unprecedented. It is driven by changing market conditions and farm management practice and has the potential to increase given the uncertainties facing the farming sector as a result of the UK's exit from the European Union.
2. Public Health Wales, Natural Resources Wales (NRW), Local Authorities and the Welsh Government are individually and collectively receiving enquiries about potential health and environmental impacts arising from intensive farming.
3. Intensive Agriculture can lead to issues relating to:
  - Air Pollution / Odour
  - Water Pollution
  - Noise
  - Impacts on Habitats and Species
  - Health
  - Management of cumulative effects
  - Co-ordination of regulatory regimes
4. Agriculture is a dominant source of ammonia emissions which contribute to acidity and nutrient nitrogen. Intensive livestock units can be a significant local source of ammonia. The Welsh Government final supplemental air quality plan states whilst the focus of the plan is to reduce concentrations of nitrogen dioxide around roads exceeding legal limits in Wales, the Welsh Government is also developing a wide range of measures to support our aspirations for clean air, including identifying key pollutants and their effects on public health and the natural environment in Wales, including noise; and creating legally binding targets to reduce emissions of the most damaging pollutants under the National Emissions Ceiling Directive (fine particulate matter, ammonia, nitrogen oxides, sulphur dioxide, non-methane volatile organic compounds) by 2020 and 2030.
5. A number of regulatory regimes apply to intensive agricultural units including environmental permitting controls, biosecurity requirements, the Water Framework Directive, controls over the storage of slurry as well as a number of management measures relating to designations, such as Nitrate Vulnerable Zones. Council environmental health teams are required to investigate statutory nuisance at sites(reactively).
6. Poultry farms with greater than 40,000 birds require an environmental permit issued by NRW and must employ Best Available Techniques (BAT) to control emissions.. Existing farms may expand, diversify or increase their flock size above or below the threshold for a permit. There is anecdotal evidence suggesting an increase in sub-permit threshold farms.

7. Planning applications for poultry units in Wales are a matter for each local planning authority (LPA) which will determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. The planning system has been the subject of criticism for not properly assessing the cumulative effects of poultry developments, however, the LDP provides the opportunity to comprehensively consider in-combination or cumulative effects. When determining applications, LPAs should consider factors such as noise, smells, pollution and health as well as any in-combination or cumulative effects. LPAs need to ensure they have access to sufficient expertise to consider the effects of development.
8. The Chief Planner wrote to LPAs on 12 June 2018 to advise about the need to exercise particular care when considering planning applications which bring livestock units and residential or sensitive environmental areas close together. He reminded LPAs, where necessary, to take into account the cumulative impacts resulting from similar developments nearby. The letter also invited authorities to contribute to work which would look at how cumulative analysis of nitrate and ammonia emissions can be better assessed.
9. A separate Health Working Group exists which will support the work of this group by considering the health issues arising from intensive agriculture identified by this group.

### **Role of Working Group/ Purpose Statement**

10. The role of the Group is to:
  - identify the evidence in relation to intensive agriculture required for the preparation of Local Development Plans.
  - identify the range of material considerations Local Planning Authorities should be considering when determining planning applications, including suitable assessment methods of typical impacts.
  - identify technical advice and scientific evidence in relation to the processes involved in intensive agriculture and their impact which would inform planning processes.
  - assess the capacity of Local Planning Authorities to provide internal advice and expertise on intensive agriculture projects (both during plan preparation and development management stages).
  - identify and make recommendations on the availability of permanent sources of external advice for Local Planning Authorities in relation to LDP preparation and determination of planning applications.
  - make recommendations for further research.
  - engage with other stakeholders not present on the Working Group, as appropriate.
  - support the drafting of guidance (Technical Advice Note) on planning for Intensive Agriculture.

## Scope / Limits

11. The Working Group will operate in the following way:

- The group will operate virtually or in person on an as needs basis but at least for half a day each month.
- The responsibility for decisions relating to the direction and development of the project rest with the Welsh Government Planning Directorate.
- Work on health impacts can be delegated to The Intensive Agriculture (Health) Working Group who will be responsible for recommendations on the public health risks of intensive agriculture in Wales and feed these into the work of this group.

## Membership

12. The Working Group can invite new Members as the need arises. Initial invitations have been sent to the following:

<b>Organisation</b>	<b>Specialist Area Representatives</b>
CPRW Brecon and Radnor Branch	Landscape / Environment
Country Landowners Association	Development economics
Powys CC	Land use planning
Pembrokeshire CC	Land use planning
Brecon Beacons NP	Land use planning
Public Health Wales	Health
Wildlife Trust	Ecology
FUW	Farm operation / Development economics
NFU	Farm operation / Development economics
Wye and Usk Foundation	Water Environment
NRW	Agriculture
NRW	Air quality
NRW	Planning Advice
WG	Environmental Quality and Regulation
WG	Agricultural Policy
WG	Air Quality Policy

WG	Agricultural Regulation
WG	Office of Chief Veterinary Officer

### **Chair and Secretariat**

13. The chair will be Hywel Butts, Head of Development Management Branch.

14. It is the responsibility of WG to co-ordinate papers and presentation material, agendas and meeting notes for the Working Group meetings. Meeting notes are to be agreed by Marged Wyatt prior to being finalised and circulated to the Working Group.

### **Timetable**

15. The following tasks shall be completed by the group, with a view to producing a draft TAN by the end of 2019:

- July 2019 - Initial Meeting
- August 2019 – Evidence gathering
- September 2019 - Analysis of Evidence
- October 2019 - Report on Analysis/ Recommendations Stage – identify what needs to be done.
- October 2019 - TAN drafting stage commenced
- Winter 2019/20 – Consultation on Draft TAN

DRAFT 21/06/2019





**BRECON AND RADNOR  
BRANCH**

2<sup>nd</sup> July 2019

**Submission to the Petitions Committee.**

**Petition 1305 Expansion of intensive poultry farming in Wales**

BRB-CPRW warmly welcomes the letter with accompanying information on the proposed Town and Country Planning Intensive Agriculture Working Group dated 25/6/19 from Julie James AM, the Minister for Housing and Local Government to Janet Finch-Saunders AM, Chair of the Welsh assembly Petitions Committee.

We are very grateful that, in response to our request, external participants are now to be invited to the Town and Country Planning Intensive Agriculture Working Group. We trust that external participants will be included in all meetings.

We have not yet received the invitation “*recently sent out*” but look forward to getting it soon.

Our response is divided into:

- response to the new documents about the **CPIAWG**
- the progress of our petition

**NEW DOCUMENTS & CPIAWG**

**What development will the CPIAWG consider?**

We note that the **CPIAWG** will be considering Planning issues. To some extent, this will determine what “intensive agriculture” practices will be considered because many intensive agriculture practices will fall outside the Welsh planning regime.

Nevertheless it should be clarified whether the CPIAWG is to consider:

- All intensive livestock farming, including cattle, pigs, poultry, game-birds or any other reared-animals – the Draft ToR mentions poultry farming in 6. & 7. but there are also permitting thresholds for pigs and cattle farming practices where numbers and densities merit the term intensive..
- Buildings associated with any other type of intensive farming.
- Development which requires planning permission and is a consequence of intensive livestock farming and contributes to the impacts. E.g. anaerobic digesters, biomass units.

One important role of the group should be to grapple with the definition of “intensive agriculture”.

**ToR 1. Drivers for intensive animal rearing and future expansion**

Intensive animal rearing has been partly driven by RDP grant aid and the WG itself appears to have no reliable figures on the extent of the industries concerned. This may have resulted in risky exposure of farmers to market volatility. WG should be genuinely looking to secure the long term security & interests

of the Welsh farming sector and the Welsh environment. Many think this requires better support for high quality, low impact farming.

### **ToR 3. Issues resulting from Intensive livestock farming**

Issues not mentioned are:

Green House Gases – contribution to global warming.

Damage to Welsh soils – impact on future farming.

Pharmacological practices (antibiotics, growth promoters etc.) – drug-resistance to human pathogens

Damage to landscape and settings of heritage assets .

Damage to other businesses, particularly tourism

Impacts of industrial scale traffic on rural roads

“Modern slavery” character of arrangements for unpalatable work

### **ToR 4. Intensive Agriculture and Ammonia**

We have yet to see the National Air Quality Control Programme for Wales. The Air Quality Plan failed to consider control of ammonia emissions in the countryside although ammonia emissions are rising and ammonia is a precursor for PM<sub>2.5</sub> particulates which form in combination with traffic generated pollutants. Agriculture is responsible to 88% of ammonia emissions.

### **ToR 5. Regulatory Regimes**

Nitrogen Vulnerable Zones are mentioned although this is something an own-goal since they only cover **3% of land in Wales** as compared to **55% in England**. In her Written Statement (13/12/17) following the WG NZV consultation, Lesley Griffiths said she was “*minded to introduce a whole Wales approach to tackling pollution from agriculture*”. This has not happened: NRW is still approving intensive livestock manure management plans spreading roughly 50% more manure on our steep hillsides than is allowed in NVZs. Council environmental health teams are simply not equipped or funded to investigate statutory nuisance from ILUs.

### **ToR 6. NRW Environmental Permits**

We dispute that the increase in sub-permit threshold IPU is “*anecdotal*”. In sheer frustration at the refusal of authorities to acknowledge the facts about expansion in IPU, BRB-CPRW produce an inventory of Powys Planning Application for IPU. In Powys, only approximately 50 out of 250 IPU (20%) require NRW permits. We attach the list for the past 3 years which includes one application approved for 39,999 birds (P/2017/0810).

### **ToR 7. LPAs & LDPs**

Powys CPRW fought hard to have Intensive Farming included in the LDP at the Inspector’s LDP Examination in 2017 but received no support from the LPA or the Welsh Government who attended the Examination. The perception of non-farming residents (and some farmers) is that the farming sector is favoured in planning decisions. Most IPU are decided under delegated powers. LPAs have been starved of funds and disempowered to the point where very clear leadership, support, funding and insistence on the highest standards of professionalism by WG is needed.

### **ToR 8. CPO letter 12/6/18**

Unfortunately, the CPO letter gives no detailed guidance to LPAs who are therefore able to say they have “considered” the advice without properly assessing the issues.

### **ToR 9. A separate Health Working Group**

This is most welcome – we hope it will not be delayed too long.

## **10. Role of Working Group/ Purpose Statement**

We appreciate that the CPIAWG is concerned with the Planning System and we believe that if the eight bullet point goals are satisfactorily achieved and implemented this will be a huge step forward.

### **PROGRESS OF OUR PETITION**

Our petition was not only about planning.

We asked the WG to use its powers to:

**1. Provide proper resources for NRW to do urgent research, regulate and monitor IPU's and give better planning help to Local Planning Authorities (LPAs).**

**2. Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.**

**3. Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.**

**4. Publish transparent public reports on progress.**

The proposed CPIAWG will address part of 1. and 2. above. It does not (so far) address monitoring and enforcement of planning conditions (2. above).

The CPIAWG may identify research needed but it will not ensure this research is funded and done (1. above).

We do not see that the CPIAWG will address the key principle of 3. above: "**the polluter pays**" which, if properly enforced would be a potent deterrent to environmental pollution.

We hope some of the following issues can be successfully addressed the CPIAWG

If they can't, we request the Petitions Committee to ensure they are addressed by other means:

- **Consider the redefinition of intensive poultry farming as an industrial process.**
- **Consider opportunities to reallocate the financial burden of pollution clean up to those creating the pollution**
- **Consider the implications of associated developments: ADs, biomass etc.**
- **Consider EIA 2017 regulations for requirements for mitigations and monitoring of impacts**
- **Consider recommendations to WG for further rural protections e.g. extension of air quality legislation: reduction targets, to include ammonia.**
- **Ensure both assistance, monitoring and enforcement for the new nutrient-management requirements**
- **Liaise with relevant cross border bodies regarding IPU's and relevant legislation/regulation for environmental/social protections**
- **Identify areas requiring stricter nutrient management (NZV equivalent)**

- **Identify areas which have reached or overstepped safe capacity for intensive livestock farming**

### **The Welsh Government commitment to the Environment**

We remind the Welsh Assembly that the Welsh Government has declared a Climate Change Emergency and the Minister for the Environment, Energy and Rural Affairs has undertaken to see that Welsh sustainable development and environmental legislation is used to set **a new pace of change**.

Lesley Griffiths said “*The government has a central role to making that collective action possible*”. She says that the public goods element of new agricultural policy and the updating of the Nature Recovery Action Plan will drive **urgent** action to increase the resilience of our ecosystem in order to reverse the decline of habitats and species.

Recent reports by the Bureau of Investigative Journalism in conjunction with the Guardian have highlighted this emergency.

<https://www.theguardian.com/environment/2019/jun/18/ammonia-pollution-damaging-uk-land-report>

<https://www.theguardian.com/environment/2019/jun/13/ammonia-health-problem-rising-air-pollution>

*“Ammonia and nitrogen pollution, mostly from farms, is harming more than 60% of the UK’s land area and hitting the most sensitive habitats for plants and wildlife hardest”*

*“Over half the land in Wales receives ammonia concentrations above the critical level set to protect lichens, mosses, liverworts and similar plants – keystone species that are vital to ecosystems.”*

### **Our own experience in Powys**

Our own experience and data come from Powys. Powys has possibly the largest concentration of intensive poultry units in Europe and it is one of the areas of Wales with ammonia concentration levels and nitrogen deposition loads well above the critical thresholds. Over 100 large IPU applications have been approved in Powys in the past three years and many more are awaiting determination. There are already over 7,000,000 chicken-places in Powys which is almost the same figure as the Welsh Government thinks there are in the whole of Wales. Yet, as we write this, yet another Powys IPU application (for rearing of 37,000 pullets) is recommended for approval. This is in spite of it being on a hillside site surrounded by ancient woodland and old parkland trees, and being predicted to result in an ammonia level of roughly 250% of the critical level at the nearest ancient woodland. The manure will be spread at the rate for non-NVZ land although it is on sloping land in the catchment of the vulnerable designated river Lugg. According to NRW, all this conforms to the current regulations and guidance: these are simply too lax.

Powys has also had several intensive pig units installed in buildings approved as “livestock sheds” with no environmental scrutiny whatsoever and no protective planning conditions.

**It is over a year since our petition and we want to see “urgency” and “new pace of change” to protect our deteriorating environment, biodiversity and living conditions and safeguard future generations..**

Attached:

**BRB-CPRW IPU applications to Powys since July 2015 Please do look at this!**



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# Agenda Item 3.17

## **P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals**

This petition was submitted by Louise Davies having collected 1,109 signatures.

### **Text of Petition**

More people of all ages are making the decision to live vegan, with the number in the UK doubling twice in the last 4 years. More people are also choosing plant-based food for health, environmental and ethical reasons.

Vegans have the same legal protections as people with religious beliefs, because our moral conviction that it is wrong to use and kill non-human animals unnecessarily is protected under law. Service providers have an obligation to provide for vegans and to avoid any discrimination on the grounds of veganism. Sadly, despite this, provision for vegans in the public sector is often lacking, with hospital patients, prisoners and school children often going hungry. The Welsh Government is responsible for ensuring that the Welsh public sector provides for vegans and the proposed legislation would assist in fulfilling that obligation.

Plant-based food can be enjoyed by everyone. The British Dietetic Association recognises that well-planned totally plant-based diets are suitable for every age and life stage. A substantial body of research has linked plant-based diets with lower blood pressure, lower cholesterol, lower rates of heart disease, type 2 diabetes and some types of cancer.

Plant-based diets are better for the environment and can reduce our food related carbon emissions by up to 50%. The UN has urged a global move towards a meat and dairy free diet for the benefit of our planet, and Wales has the opportunity to lead the way.

We would like to see all Welsh public sector institutions providing at least one plant-based food option on every daily menu to ensure vegans' rights are met and to maximise the ethical, environmental and health benefits of vegan diets.

### **Additional Information**

Veganism is defined as a way of living which seeks to exclude, as far as is possible and practicable, all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose.

The Vegan Society's 'Catering For Everyone' campaign has been encouraging public sector institutions (schools, hospitals, councils and prisons), to increase their plant-based options.

The campaign has been well received with many public sector institutions recognising that improvements can be made and agreeing to increase their provision for vegans.

An English county council, universities in Manchester and London, and a Welsh health board are among the many public sector institutions making positive changes to their menus due to this campaign.

Both the British Dietetic Association and the American Academy of Nutrition and Dietetics recognise that totally plant-based diets are suitable for every age and life stage.

To get the most out of a plant-based diet, it should include plenty of whole grains, fruit, nuts, seeds and vegetables, which are packed full of beneficial fibre, vitamins and minerals.

It's easy to produce tasty options that include these foods, which are rich in fibre and low in saturated fat. The Vegan Society have lots of resources and recipes on their website, which can help organisations ensure they are offering healthy, balanced and tasty plant-based food.

<https://www.vegansociety.com/resources/nutrition-and-health>

Portugal have introduced legislation compelling all public sector canteens to provide a strict vegetarian (vegan) option on their daily menus. This followed a campaign and petition promoted by the Portuguese Vegetarian Society, see: <https://www.vegansociety.com/whats-new/news/new-law-makes-vegan-option-compulsory-portuguese-public-canteens-%E2%80%93-britain-next>

### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales



Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-865  
Ein cyf/Our ref LG/06123/19

Janet Finch-Saunders AM  
Chair - Petitions committee

Government.Committee.Business@gov.wales

11 June 2019

Dear Janet

Thank you for your letter of 30 May, regarding the petition seeking to ensure that there are plant based options on every public sector menu and to consider this in light of the declaration of a climate emergency by the Welsh Government.

All sectors will need to play a role in addressing issues that relate to climate change, and the food industry is no exception to this. There is a rapidly growing range of vegetarian and vegan products on the market, the industry being quick to respond to consumer demand.

With regard to the food and drink available at public sector establishments it is the management of those places to decide their policy when directly providing or contracting out catering and refreshments. In doing so, sensible decisions will take account of consumer demand for vegetarian and vegan food within the context of what is practical at that facility.

I am pleased to inform you that the Welsh Government's own catering contract across nine offices is an exemplar. It provides a wide range of plant-based food and beverage options. Fresh fruits, grains and seeds are available on salad bars and hot dishes are made using ingredients such as chickpeas, quinoa, tofu and lentils. Soya and coconut milk are offered as alternatives to Welsh skimmed or semi-skimmed milk and vegan hot chocolate has recently been introduced. The Welsh Government's catering contractor also works closely with their company nutritionists to ensure healthier, plant-based and vegan options are being made available for the customers and are looking to introduce a selection of plant-based cold drinks, yoghurts and desserts.

Regards  
Lesley

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

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

Pack Page 266

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.

Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education

Vaughan Gething AC/AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-865  
Ein cyf/Our ref KW/06255/19

Janet Finch-Saunders AM  
Chair - Petitions committee  
National Assembly for Wales  
Tŷ Hywel  
Cardiff  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

17 June 2019

Dear Janet

We are writing in response to your letter of 30 May 2019 seeking further clarification regarding the provision of vegetarian and vegan food options in schools and hospitals.

The current legislation<sup>1</sup> does not specify that local authorities or school governing bodies have to provide vegan and vegetarian foods. However, the *Healthy eating in maintained schools* statutory guidance<sup>2</sup> does provide details on the types of food that can be used for vegetarian and vegan diets. This includes a number of naturally vegetarian and vegan options such as cereals, vegetables, fruit and bread which children are able to choose at breakfast and lunchtimes. In addition, the guidance provides practical advice on the types of food that vegetarian and vegan children should consume to ensure an adequate protein intake and recommends that plant protein is included on the school menu. As this guidance is statutory local authorities would need to have clear and justifiable reasons for not having regard to it.

Local authorities across Wales offer a cold vegetarian option for children at lunch time and parents are able to request a vegan option.

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<sup>1</sup> Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013

<sup>2</sup> <https://learning.gov.wales/docs/learningwales/publications/160226-healthy-eating-maintained-schools-en-v2.pdf>

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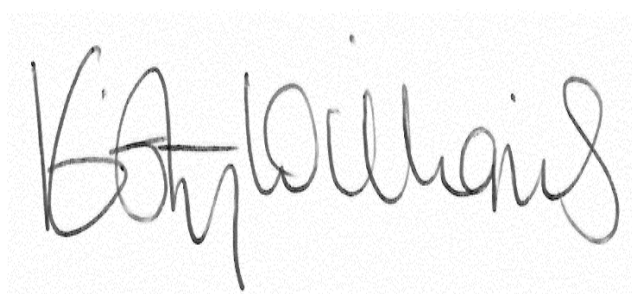
Rydym yn croesawu cael gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

With reference to NHS Wales hospitals, the all-Wales Nutrition and Catering Standards (2011) specify the nutrient content needed to provide for the diverse needs of the hospital population. To support the implementation of these standards, caterers and dieticians across Wales worked together to produce the All Wales Hospital Menu Framework, which was launched at the end of January 2013. The framework consists of a database of 150 standardised, nutritionally assessed recipes and sample menus. The supporting Menu Framework website is populated with the ingredients, product specifications and allergen coding to ensure accessible accurate information. An initial exercise to scope the areas of the all-Wales Nutrition and Catering Standards that need to be refreshed has been carried out and it has been agreed that a refresh of some areas of the standards needs to be carried out. This will include vegetarian and vegan foods.

We hope this information is helpful.

Yours sincerely



**Kirsty Williams AC/AM**  
Y Gweinidog Addysg  
Minister for Education



**Vaughan Gething AC/AM**  
Y Gweinidog Iechyd a Gwasanaethau  
Cymdeithasol  
Minister for Health and Social Services

**P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals, Correspondence – Petitioner to Committee, 28.06.19**

**Response to Kirsty Williams AC/AM & Vaughan Gething AC/AM letter dated 17 June 2019 & Lesley Griffiths letter dated 11 June 2019, for consideration by Welsh Petition Committee at meeting 9 July 2019**

We note the content of the joint letter from the Minister of Education and Minister for Health and Social Service, which highlights the existing guidelines regarding the provision of vegan food in schools and hospitals. We are pleased to hear that there will be a refresh of the all-Wales Nutrition and Catering Standards to include vegetarian and vegan options in hospitals, but feel that there is progress yet to be made, for the following reasons:

**Climate Emergency**

In noting the content of the letter from the Minister of Environment, Energy and Rural Affairs, it is evident that the Welsh government are committed to take tough but necessary decisions in order to tackle the climate crisis – with this being reflected in other sectors, such as the decision of scrapping the proposed M4 relief road around Newport. The Welsh Government have officially declared a Climate Emergency and yet, the Ministers fail to acknowledge the wider benefits to society that offering vegan food on standard public sector menus would have for the environment and public health:

- Plant-based diets are better for the environment and can reduce an individual's food-related carbon emissions by up to 50%.
- Researchers at Oxford University have concluded that eating a plant-based diet could be the single biggest way to reduce an individual's environmental impact on the planet.

It is therefore clear, that our ask falls within the remit of the Climate Emergency declaration and would play a vital role in ensuring that the climate emergency is tackled effectively. The Ministers' have already indicated in their letter that this change is possible and would be easy to implement. Mandating a vegan option as standard would therefore, speed up the existing shift and provide consistency to what is already occurring in Wales.

**Government Intervention**

Chatham House research has stated that the public want government intervention on climate change issues<sup>1</sup>, and yet the Minister for Environment, Energy & Rural Affairs believes that vegan options should be driven by consumer demand. It should therefore be noted, that the UK vegan population continues to soar, having doubled twice in the last four years, as people become further aware of the benefits of a plant-based diet. The private sector has already responded to this, with a boom in supply for vegan options in restaurants, pubs, supermarkets and other shops. The public sector however, has been slower to respond. Following the Climate Emergency declaration, legislating to guarantee plant-based options on all public sector menus, would support the public demand for government intervention and encourage sustainable diets in the wider population.

In 2017, Portugal became the first country in the world to implement a law compelling all public sector institutions to offer a vegan meal on their standard menus without people having to make a special request. California has also passed legislation in September 2018, guaranteeing hospital patients and prisoners a healthy plant-based option at every meal. California's economy is the 5<sup>th</sup> biggest in the world (behind USA, China, Japan & Germany), with a population of just under 40 million people.

It seems likely that more and more nations and states will begin to adopt this approach of guaranteeing plant-based food in the public sector, in the next coming years, and the most recent CCC report asserts that the UK should follow<sup>2</sup>. Wales has the opportunity to lead the way in the UK, in terms of taking meaningful action to address climate change, as well as protecting the ever-growing number of vegans. These issues are of paramount importance, and it is imperative to take appropriate action now

## **Vegan Rights**

Our petition asks for a plant-based option to be made mandatory on every standard public sector menu. In practice, this would mean that there would be a plant-based option in every school, hospital, prison, council, care home and any other state or local authority-run institution menu in Wales, every day. This would be available to everyone, without the need to make a special request. This differs from the current situation that's been outlined in the Ministers' response, where vegans, in theory, can only be catered for by special request.

This indicates an issue with the rights of vegans – in spite of the Ministers' assertions that vegans can be catered for by state/local authority institutions, in practice, this is often not the case. Vegans are often told they cannot be provided for or are offered very limited options, such as plain toast, a single piece of fruit or a packet of crisps,

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<sup>1</sup> <https://www.chathamhouse.org/publication/changing-climate-changing-diets>

<sup>2</sup> <https://www.theccc.org.uk/publication/net-zero-technical-report/>

which are not a nutritious meal, and do not meet the standards in the *Healthy Eating in Maintained Schools* statutory guidance. Offering a plant-based meal as standard on all public sector menus ensures that the growing number of vegans are catered for and are not discriminated against.

# Agenda Item 3.18

## **P-05-873 Free Welsh Lessons for the People of Wales**

This petition was submitted by Sheryl Callard having collected a total of 95 signatures.

### **Text of Petition**

When I was younger I was deprived of the right to study my native language in school, and because of that I am not speaking my native tongue today. I, and so many others of my generation, and even the younger generation are deprived of the means to speak Welsh because the teaching of Welsh in schools wasn't successful with them in the past. This is why I am asking the Welsh Government to right the wrongs of the past, and to show true leadership to fight for my right to learn my own language by providing Welsh classes and resources for free. We are asking for the Minister for Welsh to support this motion and fund the classes so I, and many others who were deprived of the Language get the chance to speak once more. This would work perfectly with the Welsh Government's plan to reach a Million Welsh Speakers by 2050, and would provide a spark for people to re-grasp their culture and their mother tongue once again. We ask the government to work with different agencies to provide these lessons to people in different areas, and by making learning services available on the web for people. Also to provide booklets and paper to different people from different background in Wales to have a chance in learning the Language.

Please secure this for the people of Wales who are passionate to regain their culture and native tongue.

### **Assembly Constituency and Region**

- Cardiff North
- South Wales Central

Eluned Morgan AC/AM  
Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol  
Minister for International Relations and the Welsh  
Language



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-873  
Ein cyf/Our ref EM/05376/19

Janet Finch-Saunders AM  
Assembly Member for Aberconwy  
Chair - Petitions committee  
National Assembly for Wales  
Ty Hywel  
Cardiff  
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28 June 2019

A handwritten signature in black ink, appearing to read 'Janet Finch-Saunders'.

Thank you for your letter regarding Petition P-05-873 – ‘Free Welsh Lessons for the People of Wales’.

The National Centre for Learning Welsh aims to attract more individuals to learn Welsh and, crucially, ensure these individuals continue with their studies in order to reach a point where they can use their Welsh language skills in real-life situations.

Whilst there is a limit to the number of learners who can participate in the Learn Welsh programme, the Centre works closely with its network of 11 providers to make best use of the available capacity.

Welsh is of course part of the national curriculum for all school-aged learners up to Key Stage 4. The National Centre for Learning Welsh launched ‘Clwb Cwtsh’ in 2018, providing free Welsh courses for parents, guardians and other family members enabling them to support the child’s linguistic development. More than 1,000 adults participated in the programme during its first year.

Strengthening the Welsh for Adults teaching workforce and building additional capacity is a priority for the Centre. To address these issues, it published a Workforce Development Plan in 2018 which focuses on four themes:

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[Correspondence.Eluned.Morgan@gov.wales](mailto:Correspondence.Eluned.Morgan@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.

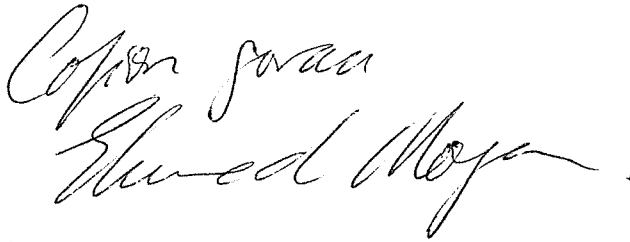
**Pack Page 273**

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- raising the profile of the sector and creating attractive career pathways
- ensuring appropriate and meaningful structures
- developing a qualified, fit-for-purpose workforce
- maintaining excellent performance.

This plan will be implemented in partnership with its providers by 2020.



**Eluned Morgan AC/AM**

Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol  
Minister for International Relations and the Welsh Language

# Agenda Item 5.1

## **P-05-736 To Make Mental Health Services More Accessible.**

This petition was submitted by Laura Williams, which collected 73 signatures.

### **Text of the Petition**

To make mental health services more accessible the Government should ensure that no-one who approaches a mental health service should be turned away without help. Anyone who goes to their GP or any other health care professional who is experiencing a mental health problem should be automatically referred to the crisis team who should act immediately. The onus should not be on the individual to contact the Crisis Team on their own. There should also always be a one to one therapy option, rather than group therapy.

Many people will know I haven't had an easy time with life or with mental illness; I suffer with depression, anxiety, PTSD and OCD. Recently, I've hit rock bottom and have screamed for help but have been let down by mental health services who I thought would help, instead they have let me down majorly.

I want my experience to help others around Wales and to get the help they need.

### **Assembly constituency and Region.**

- Cardiff West
- South Wales Central

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