

Agenda – Petitions Committee

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| Meeting Venue: | For further information contact: |
| Committee room 1 | Gareth Price |
| Hybrid | Committee Clerk |
| Meeting date: 4 March 2024 | 0300 200 6565 |
| Meeting time: 14.00 | Petitions@senedd.wales |

- 1 Introductions, apologies, substitutions and declarations of interest**

(Pages 1 – 29)

- 2 New Petitions**
 - 2.1 P-06-1385 Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas**

(Pages 30 – 37)
 - 2.2 P-06-1386 Introduce a way for constituents to vote out their MS before the end of their term**

(Pages 38 – 48)
 - 2.3 P-06-1391 Introduce regulation of the dog grooming**

(Pages 49 – 57)
 - 2.4 P-06-1392 Reform of the additional learning needs Code of Wales 2021**

(Pages 58 – 74)
 - 2.5 P-06-1396 Introduce a vape licence for dedicated vape shops**

(Pages 75 – 84)
 - 2.6 P-06-1401 Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian**

(Pages 85 – 89)
 - 2.7 P-06-1402 Amend legislation in Wales to align with England for Excessive Council Tax Increases**

(Pages 90 – 98)

- 2.8 P-06-1403 Reconsider cuts to Postgraduate funding and increase Doctoral Loans to match UKRI Stipend**
(Pages 99 – 108)
- 3 Updates to previous petitions**
- 3.1 P-06-1294 Don't leave metastatic breast cancer patients in Wales behind**
(Pages 109 – 112)
- 3.2 P-06-1350 Re-open Dyfi Ward at Tywyn Hospital now**
(Pages 113 – 126)
- 3.3 P-06-1380 Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis**
(Pages 127 – 141)
- 4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**

Agenda Item 1

Document is Restricted

P-06-1385 Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas

Y Pwyllgor Deisebau | 4 Mawrth 2024
Petitions Committee | 4 March 2024

Reference: SR24/7752-2

Petition Number: P-06-1385

Petition title: Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas

Text of petition: From summer 2021 the Welsh government introduced a pilot scheme to reduce the default speed limit in urban areas from 30mph to 20mph. The trial was brought in in several areas around Wales. These areas were Abergavenny, Monmouthshire; Central North, Cardiff; Severnside, Monmouthshire; Buckley, Flintshire; Cilfriw Village, Neath and Port Talbot; St Dogmaels, Pembrokeshire; St Brides Major, Vale of Glamorgan; and Llanelli North, Carmarthenshire.

From 17th September 2023 the 20mph reduced speed limit in urban areas has become law nationally. However no one has asked the people who have lived in the trial areas what their opinions of the trial were, or if they believe the trial was a success or failure, whether the speed limit was adhered to or ignored, if it was policed or not. No one has asked learner drivers or young drivers with speed monitor devices fitted how they coped with the speed change. No one has asked people who work in these areas how it has effected them . No one has asked business owners if they believe the speed



limit change has affected their business or customer base. Information like this surely is crucial to understanding how well the pilot worked or did not work. Therefore I'm petitioning for the Welsh government to introduce a survey of residents and businesses within the pilot scheme areas to be introduced, including a section for people to give their opinions of and suggestions about the scheme.

1. Background

In 2019 the Welsh Government set up a task and finish group to consider whether 20mph should become the default speed limit in residential areas. The Welsh Government accepted the group's recommendations, including that the default speed limit on restricted roads should be reduced from 30mph to 20mph.

Following public consultation and a pilot scheme across eight communities, the Welsh Government laid the Restricted Roads (20 mph Speed Limit) (Wales) Order in June 2022. The draft Order was passed by the Senedd in July 2022 and came into force in September 2023.

As you'll be aware the policy has received widespread media coverage and a petition to rescind the legislation has received over 470,000 signatures. The Welsh Government recently announced that a review of how the policy has been implemented will be undertaken. The independent review team's interim report was published on 20 February, with its final report due to be published later this year.

Pilot areas

As outlined, pilots took place in eight communities across Wales to trial 20mph default limits in the lead up to the national roll-out. The petitioner calls for those living in the pilot areas to be surveyed on the impacts.

The first monitoring report on the impact was published in March 2023, followed by a final monitoring report (for the pilot areas) in February 2024. Data up to May 2023 showed:

- "large positive" changes in relation to speed reduction Key Performance Indicators (KPIs) and attitudes to active travel;

- a “slight positive” change in vehicle / pedestrian yield behaviour; and
- “no discernible change” in local air quality and “slight negative” changes in vehicle journey times, including a general decrease in punctuality for peak time bus services.

Monitoring of other KPIs, including public attitudes as called for by the petitioner, haven’t been covered in the pilots because of the “limited geographical coverage...and the short timescales involved since implementation”. The final monitoring report states:

...public attitudes to 20mph speed limits...can only be assessed as more people experience the effects of 20mph after the national roll-out.

Monitoring the national roll-out

In September 2023 Transport for Wales (TfW) published a monitoring framework document for the national roll-out. This identifies the policy objectives and the indicators to be used. Data will be collected for up to five years post-implementation.

Assessment will be against a total of 12 KPIs (see section 2.2 and figure 2 in the monitoring framework). The framework outlines the primary and secondary data sources, collection methods and timescales to be used in monitoring the policy. This includes “qualitative attitudinal surveys”. The framework says:

We will examine the attitudes and perceptions of people living in areas where the speed limit has been reduced using attitudinal surveys after the national roll-out. The surveys will include questions on attitudes towards using active travel modes (walking, wheeling and cycling) for local journeys in built-up areas and will also consider respondents’ perceptions on matters relating to traffic speed, traffic noise and effects on communities. There will be a particular focus on more vulnerable groups in society when collecting attitudinal data.

In terms of formal reporting timescales the framework says:

Transport for Wales will prepare an interim report on the initial effects of the national default 20mph speed limit on restricted roads based on data collected through to six months after implementation (October 2023 to March 2024). The report will be published in June 2024. A further report on the first full year of implementation will be published in December 2024. Formal reporting will then take place annually.

Senedd Research has published an article which explores enforcement and monitoring of the policy in more detail.

2. Welsh Government action

As outlined above the monitoring framework relating to the national roll-out includes reference to “qualitative attitudinal surveys” being undertaken.

In his letter to the Chair dated 8 February, the Deputy Minister for Climate Change, Lee Waters MS, says there are no plans to hold surveys specifically in the pilot areas. The Deputy Minister refers to the monitoring framework.

The letter goes on to provide details of the review into how the policy has been implemented. It says the review team’s final report is due to be submitted to the Welsh Government by Summer Recess 2024.

3. Welsh Parliament action

In July 2020 the Senedd debated the introduction of default 20mph speed limits with 45 of 53 Members voting in favour of the motion.

As outlined, the Welsh Government laid the Restricted Roads (20 mph Speed Limit) (Wales) Order in June 2022. The draft Order was passed by the Senedd in July 2022. It has been raised in the Senedd on numerous occasions.

In October 2023 the Climate Change, Environment and Infrastructure Committee scrutinised the Deputy Minister on the policy.

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



Eich cyf/Your ref P-06-1385
Ein cyf/Our ref LW/03238/23

Jack Sargeant MS
Chair - Petitions committee

08 February 2024

Dear Jack,

Thank you for your letter of 15 December regarding petition P-06-1385 Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas.

There are no plans to hold a survey within the trial areas, however, we have published the [interim report](#) for those areas. Whilst this is very early data, results show that slower driving speeds, increased levels of walking and cycling and minimal impact on journey times are among the key findings. Transport for Wales have published the [monitoring framework](#) which sets out what is being monitored and how the monitoring will take place.

In October last year, I issued a [written statement](#) with more detail about how we are supporting highway authorities with the implementation of 20mph. The Welsh Government has now appointed a small team to work with local authorities to consider the way the policy has been implemented and how the exceptions guidance has been applied.

The review team includes Professor Peter Jones, Professor of Transport and Sustainable Development at University College London. Professor Jones has had no involvement in 20mph implementation and will provide independent challenge to the process. The other two members of the panel are Kaarina Ruta, Transport Adviser at the WLGA, and Phil Jones, the Chair of the 20mph Task Force Group that made the initial recommendations.

The team will work with Welsh Government officials, local authority officers and other experts and partners (“the review group”). A series of preparatory meetings have already been held to:

- gain an understanding of the application of the guidance in different parts of Wales
- reflect on that application and consider whether clarifications to the guidance are needed to encourage greater consistency across Wales
- look at the approach taken to roads on the threshold between 20mph and 30mph
- share initial findings with local authority officers.

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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.

The team will review the outcomes from this preparatory work alongside other evidence. They will prepare draft conclusions and initial recommendations for consideration by the review group and then for submission to the Welsh Government for publication in February 2024.

The review team will then engage with local authority cabinet members and other key stakeholders, as well as representatives of industries affected by the speed limit changes, including bus operators and regional bus service planning teams. The team, together with the Welsh Government, will offer support to local authorities where they are keen to rapidly consider changes to roads where the decision between a 20mph and 30mph speed limit is less clear cut.

The review team will prepare a final report, accompanied by draft updated guidance on setting the speed limits in settlements affected by the 20mph default speed limit and exceptions, building on implementation experience to date and make recommendations on how this could be applied to communities on roads which currently have higher speed limits. Updates to the guidance could include, for example, taking into account the impact on bus routes and local communities.

The report and draft updated guidance will be submitted to the Welsh Government by the Summer Recess 2024.

We have provided an extensive frequently asked questions page on our website that covers the majority of the specific concerns that have been raised: [Introducing 20mph speed limits: frequently asked questions | GOV.WALES](#).

I hope this is a helpful response. Please get in touch if you have any further questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee', is centered within a light gray rectangular box.

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

P-06-1385 Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas – Correspondence from the Petitioner to the Committee , 22 February 2024

To whomever ever it may concern including Jack Sargeant and Lee Waters. I started a petition ref P-06-1385 Hold an unbiased survey of the residents who live in the 20mph speed limit pilot scheme areas, over 5 months ago. I limited the run time of the petition to just over 3 months to New Year's Eve 2023 to speed up a response from the committee on this subject that I know many people are concerned about. Almost 800 people signed the petition in this short period. It will have taken over another 2 months for this to be discussed by the petition committee.

The response that I have received ref. a letter from Lee Waters to Jack Sargeant dated 8th Feb 2024, seems to have only one sentence relating to the petition request that was submitted. That line says and I quote 'There are no plans to hold a survey within the trial areas, however, we have published the interim report for those areas.'

The petition is a request for the voice of people whose lives were affected by the pilot scheme to be listened to by those who organised the pilot scheme. The interim report that is mentioned has not canvassed the opinions of these people so has no relevance to the petition request along with the rest of the response. Therefore, the only line of relevance to the petition request is 'There are no plans to hold a survey within the trial areas'

The response doesn't mention why there are no plans to hold a survey within the trail areas, whether in principle it would be a good or bad idea to hold an unbiased survey within the trial areas. It doesn't state whether the opinions of the people affected would be of any value or not.

Any pilot schemes run properly should request feedback from those who are part of the pilot. In this case that does not seem to have happened.

Is this how democracy works in a modern Wales?

Maybe Mr Sargeant, as my local MS, along with your counterpart in Delyn, you could organise a Survey of opinion from the pilot area of Buckley. That way at least one area included in the pilot will have been conducted in a thorough and complete manner.

I hope this response gets to you in a timely manner, prior to this being discussed at committee.

Best Regards

P-06-1386: Introduce a way for constituents to vote out their MS before the end of their term

Y Pwyllgor Deisebau | 04 Mawrth 2024
Petitions Committee | 04 March 2024

Reference: SR24/7752/3

Petition Number: P-06-1386

Petition title: Introduce a way for constituents to vote out their MS before the end of their term

Text of petition: There is currently no way of removing the Senedd Member for your area if their constituents are not happy with them - once voted in they will remain there for 5 years unless they voluntarily resign their seat.

This petition calls for the Senedd to adopt a recall procedure (detailed below), or something similar, so that constituents can call for an MS to vacate their seat. The conditions to trigger a recall would be an online petition of at least 100 signatures of eligible registered voters.

Example Recall Procedure

The process should be similar to the recall of MP's Act 2015. For a recall petition to be successful 10% of eligible registered voters need to sign the petition, eventually resulting in a by-election.



1. Background

Recall mechanisms – the means by which an elected politician can be removed from office by their constituents between elections – are a relatively rare practice in democratic legislatures. The UK Parliament was the first legislature in the UK to introduce a system of recall through the [Recall of MPs Act 2015](#) for Members of the House of Commons.

A draft Member’s Bill has been proposed to the Scottish Parliament by Graham Simpson MSP that would replicate some elements of the system in use for the House of Commons. However, this system becomes complicated when it is applied to the Members of the Scottish Parliament elected through the regional list. The same challenges would apply to regional Members of the Senedd and in a closed List Proportional Representation (PR) system as proposed by the Senedd Cymru (Members and Elections) Bill for future Senedd elections.

1.1. Recall in the UK Parliament

The [Recall of MPs Act 2015](#) provided a system of recall for Members of the House of Commons for the first time.

A recall petition against a sitting MP can only be opened if one of three conditions are met:

- The MP has, after becoming an MP, been convicted of an offence and sentenced to be imprisoned or detained for a period of less than 12 months (including suspended sentences).¹
- Following a report from the Committee on Standards, the House of Commons orders the suspension of the MP from the house for at least 10 sitting days (or 14 calendar days).
- The MP has, after becoming an MP, been convicted of providing false or misleading information in support of an expenses claim under section 10 of the Parliamentary Standards Act 2009.

If one of these conditions is met, the Speaker of the House of Commons must give notice to the returning officer (known as the petition officer) in the MP’s

¹ If a sitting MP convicted of an offence receives a custodial sentence of more than a year and is detained, they would already automatically lose their seat and recall does not apply.

constituency as soon as reasonably practicable so that the petition officer may open a recall petition.

A recall petition can be signed in up to 10 designated places in the relevant constituency and remains open for signing for six weeks. The petition must be available for signing Monday to Friday from 9am to 5pm, except bank holidays. The petition officer must also make reasonable provision for the availability of the petition for signing at other times.

A person is eligible to sign the petition if they are registered and eligible to vote in a parliamentary election in the constituency on the day the Speaker's notice is given. People registering to vote while the petition is open will not be able to sign the petition.

For a petition to succeed, it must be **signed by 10% of eligible registered electors** on the parliamentary register on the day the petition officer receives the petition notice.

If the petition is successful, the petition officer notifies the Speaker of the House of Commons. The MP's seat becomes vacant on the giving of that notice.

Once the seat has been vacated, the normal conventions for calling a by-election apply.

Being removed by a recall petition does not disqualify the outgoing MP from seeking to stand in the subsequent by-election.

So far, there have been five recall petitions held, with four of these reaching the required threshold of signatures. The petitions which met the 10% threshold were held in [Peterborough](#), [Brecon and Radnorshire](#), [Rutherglen and Hamilton West](#) and [Wellingborough](#). The unsuccessful petition fell just short of the required number of signatures in [North Antrim](#).

More information on the recall of MPs can be found in this [House of Commons Library briefing](#).

1.2. Removal from Office and Recall (Members of the Scottish Parliament) Bill

In January 2022, Graham Simpson MSP lodged a [draft proposal](#) to introduce a Member's Bill to the Scottish Parliament to:

introduce new measures on removing an MSP from office, including additional grounds for removal and new processes for removal, such as recall.

His proposed system of recall would be triggered if a Member of the Scottish Parliament is excluded from proceedings for 10 sitting days or more as a result of a breach of the code of conduct, or the Member is fined, as a result of court proceedings, any amount up to the maximum fine on level 5 of the standard scale (£10,000).

Mr Simpson's proposals mirrored many of the elements of the UK Parliament's recall scheme for Members of the House of Commons. However, a significant barrier he identified to introducing a recall scheme is the system used to elect regional Members of the Scottish Parliament. This is the same as that used to elect regional Members of the Senedd, and these same challenges would apply to the system proposed in the Senedd Cymru (Members and Elections) Bill.

His proposal for a system for recalling a regional Member would be for a single ballot paper to include two questions: the first would ask whether the Member in question should be recalled with a threshold set for required support; the second question would then offer a choice between the current MSP who is the subject of the recall and the name of the next candidate on that party's regional list submitted at the last election. He recognises in his proposals that this would only offer the electorate the choice between candidates from the same political party.

1.3. International Examples

There are a limited number of other places in the world where recall mechanisms exist to remove individual or collective politicians. This [Scottish Parliament Information Centre](#) (SPICe) research paper outlines examples of recall mechanisms in:

- British Columbia, Canada
- Switzerland
- Alaska, USA
- Venezuela

2. Welsh Parliament action

Whilst a recall mechanism was not part of the Senedd Cymru (Members and Elections) Bill, as noted in section 2, this has been an issue that has been considered by the Reform Bill Committee as part of its stage 1 scrutiny of the Bill.

The [Institute of Welsh Affairs](#) told the Committee that it was concerned that the Bill did not make provision for recall, adding “the lack of information on how standards will be upheld is a significant gap”. It noted in its submission that:

“A modern democracy requires a clear recall mechanism to improve scrutiny, transparency and accountability on behalf of the electorate. Without this, the Senedd will fall further behind its Westminster equivalent in this area which, however flawed, has clear processes around recall mechanisms for parliamentarians”.

The Committee has taken oral evidence from the [Llywydd](#), the [Electoral Commission](#), the [Electoral Reform Society Cymru](#), the [Wales Electoral Coordination Board](#) and [Professor Alistair Clark](#) on a possible recall mechanism for Members of the Senedd.

One of the issues raised by the Wales Electoral Coordination Board and the Electoral Commission was the importance of learning from the process that is in place for Members of Parliament. Both organisations highlighted that if the Senedd was to proceed with a form of recall mechanism then note should be taken of the reports published by the Electoral Commission on each recall petition. The Electoral Commission provided the Committee with a [summary](#) of these reports.

Whilst agreeing with the principle that it was appropriate to consider what could be done to increase Members’ accountability through a recall process, the [Llywydd](#) suggested that reducing the length of Senedd terms from five years to four could reduce (but not remove) the potential desire to recall individual Members.

[Professor Alistair Clark](#) told the Committee that consideration must be given not only to how any vacancies resulting from recall would be filled, but also to what would trigger any recall process.

The Committee also consulted the Senedd's Standards Commissioner to seek his views on the accountability of Members, including the possibility of introducing a recall mechanism.

The Standards Commissioner said he welcomed “any measure that would increase the accountability of Members”, but that he had “serious concerns about the inclusion in the Bill of a recall mechanism similar to the one in [the] Recall of MPs Act 2015”. His main concern focused on the lack of provision for by-elections in the proposed electoral system, meaning that 10% of the electorate may be able to remove a Member from office if a similar model was followed to that in the House of Commons.

The Commissioner proposed alternative ways to strengthen the accountability of Members, including by making a lesser, or any, sentence of imprisonment result in automatic disqualification² and increasing the sanctions available to the Standards of Conduct Committee to potentially allow for a Member to be removed from office, subject to certain safeguards.

The Reform Bill Committee recommended in its stage 1 report on the Bill that the Senedd's Standards of Conduct Committee should develop options for strengthening individual Members' accountability, including consideration of a recall mechanism, disqualification arrangements and the sanctions available to the Committee when a complaint about a Member is upheld. The Committee recommended that public consultation on potential options should be completed before the end of the Sixth Senedd in 2026.

² A person is currently disqualified from being a Member of the Senedd if they have been given a custodial sentence of 12 months or more, including a suspended sentence.

3. Welsh Government action

A recall mechanism for Members of the Senedd has been referenced by the Counsel General and Minister for the Constitution and the First Minister in the context of the wider programme of electoral reform taking place through the Senedd Cymru (Members and Elections) Bill (SCME Bill) and the Elections and Elected Bodies (Wales) Bill (EEB(W) Bill).

When the SCME Bill was introduced on 18 September, the Counsel General, Mick Antoniw MS, told BBC Radio Wales that:

"I am sure that [a Senedd recall system] will be raised during the scrutiny process and then we will have to address that, so I think it is something that will take place. It will be discussed, and we will have to consider whether it is through this legislation or through one of the other pieces of legislation that we are bringing that forward."

The matter was also raised by both Adam Price MS and Alun Davies MS at First Minister's Questions on 26 September 2023.

In response to Alun Davies MS, the First Minister said:

If the Senedd, in the process of scrutinising the Bill, comes to a consensus on that matter or, indeed, maybe other matters that will become part of the debate, then, in a way, I'm not sure that it is for the Government to have a view on it. Because this is a Bill about the Senedd, and the Government is the vehicle for bringing it forward rather than it being a Government Bill by origin.

The matter was raised with the Counsel General by Darren Millar MS at the Reform Bill Committee's meeting on 5 October 2023. In response to a question about whether the Welsh Government was considering a model of recall, the Counsel General said:

It is a perfectly valid issue, and I think it's a very topical one in terms of accountability of individual Members, and so on. It is not within this Bill, it was not one of the recommendations to be included within this Bill. It is quite complex—actually, it's more complex under the list system, because, obviously, there were no by-election systems, and how would it actually operate, how you would actually trigger it, and so on. But, look,

it's a matter for the Senedd to consider. I don't think it can come into this legislation; I think it is, again, quite a complex area. It needs quite a bit of work done as to how something like that might operate. I'm pretty certain it will undoubtedly come up within the review system after 2026. But there is nothing that stops the Senedd from at least considering it in the interim as well.

In the Reform Bill Committee's second evidence session with the Counsel General on 13 December 2023, he confirmed that the matter would need further work before it could be introduced:

All I'd say is, in terms of legislating and change, there is no simple way of actually doing this. I think there's still quite a lot of thought. I'd be very interested in whatever recommendations the committee has as to what might happen, how that might be achieved, and even if it's not feasible for this legislation, and I think that's not a valuable contribution in any event to, I think, something where there is a will, but it is an area that needs to be addressed. The question is how quickly can it be addressed, and in what manner it should be addressed, whilst preserving the, I suppose, integrity of the electoral system as well.

3.1. Welsh Government response

The Welsh Government's response to the petition outlines some of the complexities involved with a recall mechanism in a proportional list system. It states that a successful recall petition, as envisaged by the petitioner, would mean that:

- A Member subject to such a petition would immediately lose their seat.
- There would be no opportunity for the recalled Member to “defend” their recall in a by-election. Instead, the seat would either be filled by the next candidate on a party's list or would remain vacant.
- A Member could irrevocably lose their seat based on the expressed will of only 10% of registered voters within a constituency (if the threshold in the UK Parliament process was adopted).

The response states that the Welsh Government will consider and respond to the recommendations made by the Reform Bill Committee in its report on the Senedd Cymru (Members and Elections) Bill, including recommendation 50 in respect of recall.

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



Eich cyf/Your ref P-06-1386
Ein cyf/Our ref FM -/00837/23

Jack Sargeant MS
Chair
Petitions committee
Senedd Cymru
Petitions@senedd.wales

31 January 2024

Dear Jack,

I am writing in response to your letter of 18 December 2023, regarding the petition calling on the Senedd to adopt a recall procedure.

It is important elected Members remain accountable to their constituents throughout a Senedd term.

The Senedd is currently scrutinising proposed reforms to the Senedd electoral system, which are set out in the Senedd Cymru (Members and Elections) Bill. This removes the “first-past-the-post” system currently used in the 40 Senedd constituency elections, and replaces it with 16 six-member constituencies, each elected from proportional lists.

The provisions in the Bill do not allow for a system of by-elections so, if a Member’s seat becomes vacant, that seat is either filled by the next person on a party’s list submitted at the previous election or remains vacant if a list is exhausted (or if the vacancy is created by a Member who was elected as an independent).

While it is possible to envisage a system whereby a sitting Member could be recalled on the basis of a specified percentage of constituents signing a petition, the consequences of being recalled are more complex in a proportional list system. For example, a successful recall petition, as envisaged by the petitioner, would mean that:

- A Member subject to such a petition would immediately lose their seat.
- There would be no opportunity for the recalled Member to “defend” their recall in a by-election. Instead, the seat would either be filled by the next candidate on a party’s list or would remain vacant.

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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.

- A Member could irrevocably lose their seat based on the expressed will of only 10% of registered voters within a constituency (if the threshold in the UK Parliament process was adopted).

The committee may wish to be aware that recall petitions within proportional lists systems have received some consideration in Scotland, as part of a consultation on a proposal for a Members Bill, made by Graham Simpson MSP in January 2022. The Member noted in the consultation document that:

“I absolutely appreciate that the potential to introduce a recall system tailored to the Scottish Parliament has been deliberated on by academics and politicians amongst others before now. No workable model has ever been identified as far as I am aware. I am therefore realistic about the scale of the challenge in seeking to establish such a model. This is far from straightforward given the complexity of applying recall to the regional list system.”

The responses to that consultation were summarised as follows:

“While the vast majority of respondents were fully supportive of the introduction of a system of recall, there was disagreement among responses as to how, if at all, such a system could work in practice. No response set out in detail a process for the recall of regional MSPs, with the Electoral Management Board for Scotland commenting that “recall at a regional level does not seem to be consistent with the proportional system if democracy is to be maintained”.

I note that the issue of recall has been raised with the Reform Bill Committee as part of its scrutiny of the Senedd Cymru (Members and Elections) Bill. The Standards Commissioner said: “Serious concerns about the inclusion in the Bill of a recall mechanism similar to the one in Recall of MPs Act 2015.”

The Reform Bill Committee published its Stage 1 report on 19 January, and the Welsh Government will now consider and respond to the recommendations made in that report, including recommendation 50 in respect of recall.



MARK DRAKEFORD

P-06-1391: Introduce regulation of the dog grooming sector, to protect the welfare of dogs and rights of owners

Y Pwyllgor Deisebau | 4 Mawrth 2024
Petitions Committee | 4 March 2024

Reference: SR24/7752-8

Petition Number:

P-06-1391

Petition title:

Introduce regulation of the dog grooming sector, to protect the welfare of dogs and rights of owners

Text of petition:

We believe that the establishment of clear guidelines, licensing requirements, and industry standards will aid the welfare and safety of dogs during grooming procedures. There's no regulatory framework at all of the sector, whether at local authority or national level. It doesn't fall within the oversight of any charity or the RSPCA.

The last 3 years has seen an exponential growth in dog ownership and the businesses that service their needs. Establishing standards is long overdue.

1. Animal Welfare: It is imperative to prioritize the well-being and humane treatment of dogs. Regulation will promote responsible ownership, minimise stress levels, and reduce potential harm/injury caused by unqualified/negligent groomers.



2. Training/Certification: Unregulated dog grooming has led to untrained individuals operating without the necessary knowledge of breed-specific needs, hygiene practices, handling, or grooming procedures. A minimum standard of Animal First Aid should be a pre-requisite component.

3. Health and Safety: Minimum health and safety guidelines to maintain a safe environment. Correct sanitation, grooming equipment maintenance and compliance with hygiene protocols, crucial in preventing the spread of infections/parasites/diseases.

4. Licensing/Inspection: Training/insurance verification and compliance with health and safety regulations.

5. Setting standards: Regulation offers owners an assurance of standards by identifying qualified practitioners.

1. Background

There is currently no specific regulation of dog grooming establishments in Wales. Any such establishment is responsible for the welfare of the animals in its care under the *Animal Welfare Act 2006* general provisions. It must meet the five welfare needs of the animals at all times:

- for a suitable environment;
- for a suitable diet;
- to be able to exhibit normal behaviour patterns;
- to be housed with, or apart, from other animals; and
- to be protected from pain, suffering, injury and disease.

The Welsh Government's *Code of Practice on the Welfare of Dogs* includes a 'duty of care', but there is no guidance specific to dog groomers.

The Dog's Trust has called for the *Animal Welfare (Licensing of Activities Involving Animals) Wales Regulations 2021* to be extended to cover dog grooming, which it says has "the potential to seriously impact dog welfare".

2. Welsh Government action

While there are no plans to license dog grooming establishments under the Welsh Government's current [Animal Welfare Plan 2021-2026](#), the Welsh Government's [Programme for Government](#) does commit to:

Develop a national model for regulation of animal welfare, introducing registration for animal welfare establishments, commercial breeders for pets or for shooting, and animal exhibits.

The Welsh Government subsequently consulted on the [licensing of animal welfare establishments, activities and exhibits](#) between 8 December 2023 and 1 March 2024.

The consultation was broad-ranging and sought views on the potential introduction of licensing for dog grooming services, amongst a number of other activities.

The Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths, wrote to you in relation to this petition drawing attention to the Programme for Government commitment and related consultation. She said her officials would consider the consultation's findings.

3. Welsh Parliament action

Senedd Research is not aware of this specific issue having been raised in the Senedd recently.

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 AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-06-1391
Ein cyf/Our ref LG/00798/23

Jack Sargeant MS
Chair - Petitions committee

16 January 2024

Dear Jack,

Thank you for your letter of 18 December regarding petition P-06-1391, to introduce regulation of the dog grooming sector.

I have made a Programme for Government commitment to develop a national model for the regulation of animal welfare, introducing registration for animal welfare establishments, commercial pet breeders and animal exhibits.

A consultation on the licensing of animal welfare establishments, activities and exhibits was launched on 8 December and includes proposals to potentially licence a wide range of activities, including dog grooming. My officials will consider the findings once the consultation ends.

Yours sincerely,

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

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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.

P-06-1391 Introduce regulation of the dog grooming - Correspondence from the Petitioner to the Committee, 26 February 2024

Ref: P-06-1391

The regulation of the dog grooming industry in Wales is a long overdue necessity. The entire sector exists in an unregulated environment, posing risks to both animal welfare and the rights of dog owners.

Reasons for Regulation:

- **Animal Welfare Concerns:** Unregulated practices can lead to neglect, abuse, or mishandling of animals, resulting in physical or psychological harm. The enormous growth in dog ownership over the last four years has not been matched by safeguards in dog breeding and informed responsible dog ownership. Compounded by an adverse economic climate this had led to an appetite for cost cutting and increased numbers of enthusiastic, but hidden grooming service providers. Unchecked and unlicensed, the industry is responsible for the care, welfare and essential health maintenance of valued family pets. With visits typically every 6 to 8 weeks, most dogs normally visit a groomer far more often than a vet.
- **Consumer Assurance:** No regulation has led to inconsistent service quality, hygiene standards, and potential health hazards for both pets and owners. There is no minimum service standardization. Due to the nature of the sector, groomers often work alone and can be quite isolated from best practice. No register of accredited practitioners exists in Wales, with a confusing qualification framework offering owners no comparable insight.
- **Professional Standards:** The regulation of grooming services would ensure that groomers adhere to industry competency standards, maintain CPD training, and use safe grooming techniques and products. The only method accessible to Welsh dog owners to verify best practice is through online reviews, a wholly inappropriate method to prioritise animal welfare.

- **Public Safety:** Poorly trained groomers can inadvertently cause injuries to pets or transmit diseases, posing risks to public health. Health and Safety legislation, the requirements of COSHH and the Animal Welfare Act 2006. Under the 2006 Act, within its 5 welfare needs, it states the 'need to be protected from pain, suffering, injury and disease', the only method to ensure this protection within the sector is through regulation. There is currently no requirement for any animal first aid training or even insurance of any kind. As no form of oversight body exists, no remedies are available for malpractice or disputes raised by a dog owner.

Impact on Related Sectors and Promotion Of Responsible Dog Ownership

Regulation of grooming services will serve as a precedent for implementing standards in other animal service sectors, promoting consistency and accountability across the board. Groomers often collaborate with dog walkers, boarders and breeders, ensuring regulated grooming practices will influence a culture of enhanced welfare standards. It signals a commitment to responsible pet care, shaping public attitudes towards the importance of investing in the assured well being of their pet and it's welfare. By setting standards it brings valuable access to current data and information on dog ownership in Wales. This facilitates further initiatives to be introduced efficiently into the sector and also essential government engagement with owners.

Impact on Welsh Language and Identity:

Regulation can be an avenue to integrate Welsh language into official documentation and training materials, fostering linguistic diversity and promoting Welsh identity. Welsh-speaking groomers and pet owners will feel more included and represented in a regulated environment, strengthening community ties and cultural pride. A new initiative to introduce a Qualifications Wales regulated Level 1 Dog Grooming Course, delivered in Welsh is currently being formulated as a vocational pathway for 14-16 year olds.

Scotland has already initiated a similar consultation with regard to the grooming sector. England is far behind the developments of the devolved nations.

Representation of Grooming Practitioners

Currently, the AWW and CFSG allows for the inclusion of the Pet Industry Federation (PIF) as a member. However, PIF as a trade association does not represent or engage with the grooming sector. It has no sector experience or training/education capacity. It is a private limited company with the associated motives and objectives. It exists amongst a wide ranging representative body of third sector organisations and charities based in Wales, without having any point of contact in Wales. PIF has not supported this petition or the Scottish developments.

The only grooming practitioner led, not for profit and grooming community based representation is provided by the British Isles Grooming Association (BIGA). They currently have Associate Member status within the CFSG. To ensure the AWW has relevant input from the sector it is essential they become members at their next membership renewal. It also would assist the AWW for their inclusion within The Licensing of Animal Activities Working Group. They also benefit from a strong representative base in Wales.

Developments following the Petition start date include:

dogs.cymru has been created to introduce an online hub for Wales to facilitate engagement with owners, dog sector businesses/organisations and other stakeholders. Currently, the only advice available to owners is via the Welsh Government site. This is the only reference to grooming:

Code of Practice for the Welfare of Dogs – November 2018

Grooming

5.14 Certain coat types will need more attention than others and will need grooming daily to stop it from matting or tangling. However, all dogs need regular grooming and occasional bathing to keep their skin and coats well maintained. You will need a brush and comb suited to your dog's type of coat. Seek advice from your vet or pet care specialist if you are unsure about grooming your dog.

It would massively improve efforts to inform, educate and raise standards if the dogs.cymru online resource was developed for the benefit of all dogs in Wales. We welcome any collaboration the Welsh Government would wish to create a national online resource.

BIGA Best Practice Approved

The British Isles Grooming Association has developed an online Best Practice assessment covering:

- Animal Care and Welfare
- Health and Safety
- Community Support For Groomers
- Equality & Fairness
- Communication/Customer Relations
- Education and CPD
- Professionalism
- Legal Responsibilities
- Insurance

Free to members it would offer a 2 year Assured status. This would allow for a minimum entry level test of Best Practice, and allows a bridging of gap between experience versus formal regulated qualifications, which have all of these elements included already.

In conclusion, the introduction of regulation of the grooming sector would give dogs higher welfare protection. A minimum assurance of Best Practice will aid regulatory authorities in establishing a framework that feeds into any inspection/licensing requirements. A clearly signposted online information hub to engage with owners, businesses and stakeholders. These first efforts should have a substantial influence on all dog related businesses as the public becomes more informed and engaged regarding the welfare of their pet.

May I take this opportunity to acknowledge the excellent communication of all Welsh Government staff and the ease of petition creation, functionality and it's processes. Thank you!

P-06-1392: Reform of the additional learning needs Code of Wales 2021

Y Pwyllgor Deisebau | 4 Mawrth 2024
Petitions Committee | 4 March 2024

Reference: SR24/7752-9

Petition Number: P-06-1392

Petition title: Reform of the additional learning needs Code of Wales 2021.

Petition text: Despite only a couple of years into the changes and promises of earlier and better support for children and young people with ALN, more and more ALN pupils are being missed in Wales. There are also issues with consistency and accountability.

There is still a large focus on Universal Provisions as opposed to the holistic approach of Person Centred IDPs for ALN pupils. Pupils with mental health / physical disabilities should have equal access to support and a quality education.

More details: Children under the age of 5 years are being denied support based on an 'assumption' that they will simply 'catch up' by the time they reach statutory school age. When IDPs are produced schools are able to "interpret" what is required without adequate accountability and contact of specialist health therapists for guidance. We call for the rights of all children under the UN Convention of Disabled People to be respected by ensuring:

- A universal code of practice to provide an inclusive quality education for all ALN pupils.
- Educational settings providing properly resourced provisions and trained staff that reach a quality assured standard of education to make the system fair, reliable and able to meet ever increasing demand.
- Education and health need to work more closely together.
- Compulsory specialist training and support for teachers and their staff.



1. Summary

- The new Additional Learning Needs (ALN) system is currently being implemented over a four year period (September 2021 to August 2025).
- Under the new system, learners recognised as having ALN are entitled to an Individual Development Plan (IDP).
- The Welsh Government issued the ALN Code in 2021, which sets out the detail of how schools, colleges, local authorities and health boards should, and must, meet their responsibilities under the Additional Learning Needs and Education Tribunal (Wales) Act 2018.
- The definition of ALN is essentially the same as for Special Educational Needs (SEN) under the framework that the new system is replacing. However, numbers identified as having ALN have reduced by a third since the new system began being implemented.
- This is because of a shift towards meeting lower level needs through universal provision rather than Additional Learning Provision (ALP). However, many of these learners still require more than universal provision and an intermediate category has emerged of learners who are between universal provision and ALP.
- Estyn is reviewing the implementation of the new ALN system and published the first of its reports in September 2023.
- The Senedd's Children, Young People and Education Committee is scrutinising implementation of these reforms, throughout this Senedd term (until May 2026).
- Issues identified include variation in understanding and use of terms such as 'universal', 'targeted' and 'specialist' provision, ambiguity in where responsibility for IDPs lies between schools and local authorities, and persistent challenges to joint working between local government and health.

2. Background to the new ALN system

The Welsh Government and the education sector are currently implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018. This replaces the existing/previous Special Educational Needs (SEN) system with a new Additional Learning Needs (ALN) system.

The new ALN system is being introduced on a phased basis over four years (September 2021 to August 2025). All learners newly identified with ALN come under the new system, while those already supported with SEN are transferring over in different years, depending on their year group and level of intervention (whether or not they have a statement of SEN). As such, both the existing/previous SEN system and new ALN system are operating side by side, until August 2025.

The last Welsh Government described the Additional Learning Needs and Education Tribunal (Wales) Act 2018 as a “complete overhaul” of a system “no longer fit for purpose”. Weaknesses of the current system, identified in previous reviews dating back many years, include families often having to battle to secure provision for their child, insufficient joint working between local government and health, and inconsistencies in how different learners’ needs are met.

2.1. Defining ALN

Learners judged to have ALN are eligible for a statutory Individual Development Plan (IDP). An IDP describes a person’s ALN and the Additional Learning Provision (ALP) which the person’s learning difficulty or disability calls for.

The 2018 Act’s definition of ALN is materially the same as that for SEN, whereby learners:

- have a significantly greater difficulty in learning than the majority of others of the same age; or
- a disability (for the purposes of the Equality Act 2010) which prevents or hinders them accessing education or training that is generally provided for others of the same age; and
- the learning difficulty or disability calls for ALP.

The final point of the definition is significant as, if a learning difficulty can be addressed through universal, or ordinarily available, provision and does not require ALP then the learner will not be considered to have ALN.

2.2. Information guides

The Welsh Government has produced a series of information materials on the ALN system, including guides for children, parents and their rights, and post-16 learners.

3. The ALN Code

As required by the 2018 Act, the Welsh Government has issued an Additional Learning Needs Code, which was approved by the Senedd in March 2021. The ALN Code outlines requirements and guidance for schools, further education institutions, local authorities, NHS bodies and others on delivering the ALN system.

The Welsh Government consulted on a draft version of the ALN Code in Winter 2018/19. Issues raised included defining and identifying ALN, timescales for meeting duties, the roles of various professionals and arrangements for resolving disagreement, advocacy services and appeals. The Senedd's Children, Young People and Education (CYPE) Committee submitted a response following work it undertook with stakeholders.

4. A shift towards universal provision

There appears to have been a shift towards universal provision to meet children's needs, where previously those needs may have been recognised as SEN and special education provision put in place for them. This is despite the definition of ALN being essentially the same as SEN.

The number of learners identified with SEN or ALN has reduced by a third since the new system began being implemented – from 93,000 in 2020/21 (20% of all pupils) to 63,000 (13% of all pupils) in 2022/23. The decrease is accounted for by a reduction in those with relatively low level SEN/ALN, indicating that it is not the case that learners with severe or complex needs are no longer being recognised as having ALN/SEN.

However, the shift away from ALP towards universal provision for many learners who would previously have been regarded as having SEN/ALN was not something

publicly anticipated by the Welsh Government. The Welsh Government said during passage of the ALN Bill in 2017 that those covered under the new system would be broadly the same as before and, when making subsequent regulations in 2021, it anticipated there would be “around 110,000 school-age IDPs”, which was equivalent to the number of pupils with SEN at that time.

In its school census statistical release and in a letter from the Minister for Education and Welsh Language to the CYPE Committee, the Welsh Government has offered several explanations for the decrease.

- SEN has been historically over-reported, partly due to the inclusion of a learning difficulty category which on reflection does not actually amount to SEN/ALN;
- The new statutory ALN co-ordinators have reviewed their schools’ SEN registers and seen fit to remove some learners with the lowest levels of needs.
- The ALN legislation was conceived of a decade ago and the more inclusive approach of the new Curriculum for Wales means some learners who previously required ALP can have their needs met through universal provision, with differentiated teaching and inclusive education practice.

The removal of some pupils from the SEN/ALN register brings the proportion of all pupils identified as having SEN/ALN down from 20% in 2020/21 to 13% in 2022/23.

Senedd Research published an article in September 2022, Identifying Additional Learning Needs: Has the bar been raised or was it previously too low?

5. Estyn’s report on ALN reform implementation

In September, the education inspectorate, Estyn, published the first of at least two reports the Welsh Government has remitted it to produce. Among Estyn’s findings was a lack of consistency in people’s understanding and application of terms such as ‘universal’, ‘targeted’ and ‘specialist’, and how these relate to ALP. Estyn also noted that these terms do not necessarily appear in the ALN Code.

Estyn recommended that the Welsh Government ensures that all settings have a clear understanding of the legal definitions contained in the 2018 Act and the ALN Code, and provides practical examples to aid understanding.

Under the Act and the Code, a school may refer a case to a local authority where the learner's needs:

- may call for ALP that it would not be reasonable for them to secure, or
- are of an extent or nature which the governing body cannot adequately determine or cannot adequately determine what ALP is required.

Estyn found there is a lack of clarity and transparency regarding which IDPs will be maintained by local authorities, rather than schools. There is an expectation in the ALN Code that local authorities publish a set of principles setting out how they will apply the legal parameters on where responsibility should lie. However, not all have done this and the Minister said in August he would write to local authorities to remind them of their responsibilities under the Code.

There have been increases in funding to support the implementation of the new ALN system, although Estyn found that approaches to evaluate the impact of this funding on pupils with ALN are weak. It also reported that school leaders stated that they do not have a clear enough understanding of how funding decisions are made by their local authorities.

The Minister made a statement in Plenary on 28 November, setting out how the Welsh Government was responding to the issues raised in Estyn's report.

6. The Senedd's scrutiny

The Senedd's Children, Young People and Education Committee is scrutinising the implementation of the ALN reforms (along with other major reforms to the curriculum) throughout this Senedd. It is doing this through a series of 'check-ins' and has carried out two of these to date.

Details of letters it has sent to the Welsh Government and representatives of delivery partners, such as the Welsh Local Government Association and the NHS Confederation can be found on the Committee's web pages. For example, the letters to the WLGA and the NHS focused on collaboration between local government and health, one of the issues raised by this petition.

The Committee also specifically asked the Minister in a scrutiny session on 10 May 2023 whether he would consider issuing separate guidance on how schools should support the emerging category of pupils who have greater needs than others but which do not qualify as ALN (i.e. they need more than universal

provision but not as much as ALP), given that this scenario was not foreseen in the preparation of the ALN Code. The **Minister said** he would wait for Estyn's report and would keep it under review, but that it didn't appear to the Welsh Government that it would be necessary.

The CYPE Committee has begun a third 'check-in', scrutinising the implementation of the new ALN system and took evidence from Estyn on 21 February 2024. **Estyn said** that schools are meeting pupils' needs but there is a 'grey area' between universal support and formal identification of ALN.

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.

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Eich cyf/Your ref P-06-1392
Ein cyf/Our ref JMEWL/02093/23

Llywodraeth Cymru
Welsh Government

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

18 January 2024

Dear Jack,

Thank you for your letter of 15 December 2023 regarding petition P-06-1392 Reform of the additional learning needs Code of Wales 2021.

Together, the Curriculum for Wales and Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) are designed to meet the needs of all learners. The Curriculum for Wales gives schools agency to design their own curriculum within the national framework so that learning and teaching can better meet the needs of the learners in their context, and ensure each child makes appropriate progression in learning from their different starting points, with ALNET providing the statutory framework to provide additional support or provision for some learners to help them achieve their full potential.

Both reforms are in implementation phase, with monitoring and evaluation informing ongoing policy development.

Research on the early implementation of Curriculum for Wales: [Wave 2 report](#) found that senior leaders emphasised that equity had always been an important focus in their school or setting, but they were now more learner-centred in their approach to curriculum design, with the flexibility to tailor support accordingly. Senior leaders referred to the importance of being inclusive and meeting the requirements set out in the ALN Code, commenting that CfW is allowing them to promote and focus on inclusivity, and there was a greater focus on the use of learner voice to support and inform curriculum development.

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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.

[The Evaluation of the Additional Learning Needs system: scoping report](#) and [Estyn thematic report](#) has highlighted the need to strengthen consistency in the application of the Act and Code. In response to this, we have facilitated the recruitment of implementation leads to provide challenge and support to local authorities and enable the sharing of learning and effective practice across Wales during the implementation period.

Pupil Level Annual Census (PLASC) data does show that there has been a steady increase in the number of pupils whose ALP (Additional Learning Provision) has been identified in a statutory IDP (Individual Development Plan) as the new system is implemented. But data also shows that there has been a significant reduction in the number of children identified with SEN in Wales over the last few years.

I commissioned Estyn to conduct a review into the implementation of the Act, which published in September. Estyn reported that: “The sensitive work between school ALN Co-ordinators and parents, particularly where pupils are considered not to have ALN where previously they would have had SEN, has generally resulted in parents being reassured that the provision made meets the needs of the pupil.”

The Welsh Government’s policy intent remains that all children and young people with ALN should have an individual development plan (IDP). Any learner recently removed from the SEN register has the right to talk to their school to request an IDP. Schools and local authorities are under a duty to decide whether a learner has ALN when the matter is brought to their attention.

Estyn also found evidence of existing challenges in implementation, including an inconsistent approach to understanding the definition of ALN. Further work is therefore ongoing, including workshops with all Local Authorities to improve everyone’s understanding and ensuring a more consistent approach.

Set out below is a response to the specific points called for by the petition:

A universal code of practice to provide an inclusive quality education for all ALN pupils.

In 2021, an ALN Code was published. The Code provides the detail on how various organisations (e.g. local authorities, health boards, schools and colleges) will meet their duties under the ALN 2018 Act. The ALN framework for supporting children and young people as stated in the Code aims to support the creation of a fully inclusive education system where all learners are given the opportunity to succeed and have access to an education that meets their needs and enables them to participate in, benefit from, and enjoy learning.

The Curriculum for Wales shifts away from a relatively prescribed content-based national curriculum to a purpose-based broad framework, within which schools will design their own curriculum to meet the needs of their learners.

Together, the Curriculum for Wales (CfW) and the ALN Act seek to transform the expectations, learning experiences and outcomes for all children and young people.

[The Curriculum and Assessment \(Wales\) Act 2021](#) established the Curriculum for Wales in law and replaced the basic curriculum. It makes provision about progression and assessment in connection with the curriculum for 3 to 16-year-olds.

Schools should be aware of the needs and circumstances of all their learners when designing their own curriculum, considering equity of opportunity when putting into place support and interventions or making reasonable adjustments.

[The Curriculum for Wales Framework guidance](#) has been developed to be inclusive of all learners, including those with additional learning needs. It is also intended to support schools to design inclusive school curricula. Learners will progress along the same continuum of learning from ages 3 to 16. However, the pace at which they progress along the continuum may differ – allowing for diversion, repetition and reflection as each learner’s thinking, knowledge and skills develop over time. Schools and practitioners have discretion when planning for progression, giving due regard to all learners in their settings and schools.

Key to this is consideration of learners with ALN. The Curriculum for Wales Framework guidance was developed with ALN practitioners and specialist professionals in order to ensure it can support planning for progression for learners with ALN.

The [Enabling learning](#) section curriculum guidance has been developed to support schools and settings in the planning, designing and implementing of a pedagogically appropriate curriculum for all learners.

Professionals with high aspirations will use a range of pedagogical approaches to create a unified system supporting learners from birth to age 25 and schools can collaborate with partners to create holistic approaches to learning.

Educational settings providing properly resourced provisions and trained staff that reach a quality assured standard of education to make the system fair, reliable and able to meet ever increasing demand.

Over £56.3 million is protected in the draft budget to both support ALN reforms and boost support for ALN learners in pre and post 16 mainstream and specialist education. This is in addition to protecting the local authority budgets for education through the Revenue Support Grant.

Under the Additional Learning Needs (ALN) and Education Tribunal Act, Local Authorities are required to keep under review their arrangements for children and young people with ALN and those of their maintained schools, ensuring learners with ALN can access suitable education and specialist post-16 education where necessary. The requirement to review ALN arrangements involves the local authority considering, at a strategic level, the overall provision for additional learning provision (ALP) and other arrangements to support the identification of needs and provision to meet them, for children and young people in the authority’s area. It requires consideration of what provision there is to meet needs; whether that provision is sufficient and if insufficient in any respects, considering what to do to remedy the matter; and consulting as the authority considers appropriate during that process.

Delivering a system change of this scale, successfully, depends on the skills and knowledge of teachers, so that mainstream classrooms can support as many pupils as possible to progress. All staff who work with children and young people with ALN have a responsibility for ensuring that their learners’ needs are identified and provided for.

Initial Teacher Education (ITE) has been designed to prepare student teachers to foster inclusive classrooms, so that teachers remain equipped to meet the needs of all learners. As part of a refresh of the accreditation criteria for ITE programmes, we have strengthened expectations for supporting learners with ALN as part of student teachers' core studies.

Professional standards for teaching and leadership make clear the responsibility on all teachers and leaders to ensure the needs of all learners are met. A review of the professional standards is currently underway. This will provide an opportunity to extend and deepen existing ALN requirements within the standards to further impact on practitioners and senior leaders.

The national ALN professional learning pathway is available to all teachers who support learners with ALN, and especially ALNCoS who have a strategic role in schools and colleges and are the first point of call for teachers seeking advice and guidance on ALN.

Education practitioners can also opt to enhance their professional knowledge of ALN by pursuing the ALN pathway on the National MA (Masters) in Education (Wales). Training on the ALN system is available for those in statutory and senior leadership roles.

The ALN professional learning offer available to practitioners, system leaders and advisors enables them to develop the skills they need to meet the needs of learners with ALN so they can put in place differentiated teaching or other targeted interventions and make best use of expert advice and support.

We will continue to review professional learning on ALN as the ALN reforms progress.

Since 2020, we have invested over £62 million in revenue and £20 million in capital to support the implementation of the ALN system. This includes £10 million for schools to boost resources, to backfill and maintain a team around the ALNCo.

Compulsory specialist training and support for teachers and their staff.

Teachers have a responsibility for their own professional learning and development. This is supported by a national approach to professional learning and a professional learning entitlement. 'Our national mission' outlines a commitment to establish a culture of mutual responsibility in relation to professional learning through the [National Professional Learning Entitlement](#).

Research evidence demonstrates that voluntary engagement in professional learning and enquiry-based learning are the most effective ways to develop practitioners' knowledge and skills and improve learner outcomes. In line with the National Academy's eight hallmarks, well-led professional learning should be bespoke to and driven by practitioners in the context of school, national, wider professional and personal priorities.

We are focused on ensuring that the development of education practitioners is continuous, collaborative and evaluative rather than a one-off, isolated, prescribed experience.

Education and health need to work more closely together.

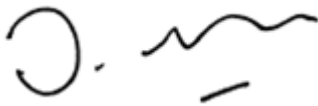
The new ALN system aims to improve collaboration and information sharing between agencies to ensure children and young people's needs are identified early and receive the right support to achieve positive outcomes.

All Health Boards have now appointed Designated Education Clinical Lead Officers (DECLOs) who lead on coordinating health input to the ALN process and effective work has been undertaken in each health board by DECLOs to raise awareness at a practitioner and executive level about the duties of the Act and the ALN system.

Significant inroads have been made in collaboration between the DECLOs. This has enabled initial developments in establishing joint national approaches to address specific issues and we are working with DECLOs to strengthen Key Performance Indicators (KPIs) and monitoring mechanisms.

We have convened a new health and education multi-agency working group, to improve collaboration under the ALN system and agree new, innovative approaches to common themes emerging from implementation.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

**P-06-1392 Reform of the additional learning needs Code of Wales 2021 –
Correspondence from the Petitioner to the Committee, 26 February 2024**



ALN Reform Wales was founded by 9 mothers of children with ALN; Caryn Williams, Cath Drew, Connie Brooks, Natalie Munaiwa, Dayna Parry, Jen Moss, Laura Painter, Sarah Rees and myself Vicci Lightbown. The voices of a further 3000 plus families, teachers and carers have passed through our communication channels over the past few months.

Please find below a response to some of the points outlined in the document provided by Mr Miles.

What are your thoughts on the attached document?

[paragraph 2 - 18 January 2024 from Jeremy Miles] Together, the curriculum for Wales and additional learning needs and educational tribunal (Wales) Act 2018 (ALNET) are designed to meet the needs of all learners.

Firstly, I would like to address the issues that materialised because of the current reform being rolled out. The evidence clearly shows that 42,000 children suddenly lost the monitoring and support that they were receiving through the SEN system. The ALNET Act 2018 states that IDP's should be for all learners with ALN from mild to complex needs. ANLET have acknowledged many times that any child that was supported by school action or school action plus should have an IDP, as well as those on statements of educational need. Clearly the evidence of the above figure demonstrated that this did not happen. That these families are still, three years on, fighting for their children to 're-gain' the support that they lost in 2021. On Wednesday I will be supporting a family whose child was supported by school action plus, that the school reported to the health board had ' a significantly greater difficulty in learning than their peers' and yet, despite having no option but to re request ALN determination, being refused by the school, appealing to the school to reconsider, making it clear that the evidence from ALNET had already been made clear within a tribunal hearing for that County that children on school action plus should have an IDP. This family (supported by ALN Reform) had to appeal to the LA. This appeal is still on going. It should never have got to this stage. The question is why and how did it? The answer is

quite simple, the ALN code 2021 being the guidance where schools and LA's make their decision from is not written in a manner to prevent them interpreting it their own way. The evidence clearly shows that the needs of all learners are not being met by the current system. The Education Minister requested a report from Estyn which detailed that the current system was inadequate. The meeting notes from the online advisory group for the inquiry as to whether or not children and young people have equal access to education and childcare has reported a continual theme of lack of adequate support, poorly written policies, misinterpretation of the ALN Code 2021 and lack of adequate provision, funding and training.

ALN reform requested a small sample of data from teachers and TA's which indicated a common theme as detailed above. Snap Cymru and the tribunal reports from cases heard also report similar trends and issues.

All of these issues are detailed in Mr Miles document addressed to you, 18 January 2024. Therefore, the question must be, why, three years into the reform of the education system for learners with additional learning needs, is every source, whether it be commissioned by the education minister or collected by a group of parents with children with ALN, reporting the same problems? Mr Miles would like you, other Members of the Senedd, LA's and parents / carers and learners, to believe this is simply down to the current system being in the implementation phase. Suggesting that things will, with a bit of tinkering, improve in time.

ALN reform Wales (as a group of parents / carers / teachers / support staff) disagree with this. The ALN code 2021 is written in an ambiguous way. It is open to interpretation or misinterpretation (as reported in my sons ALNET report). Quite simply, this should not be possible. If the code was written clearly, with better definitions and clarity of criteria many of the difficulties families find themselves fighting against would not occur. Examples are seen in the lack of clarity over what Additional learning provision is. Mr Sargent may recall a letter that Jeremy Miles sent to him detailing that Universal Provision was something that had been constructed by schools and LA's. That Universal Provision was not in the ALN Act 2018 or in the ALN code 2021. Yet, Universal Provision is what is being used a reason for a child not to have ALN. During my son's tribunal it was noted that Universal Provision could only be universal if it was available to all children in all schools in Wales. That LA's could not simply make up their own definition of universal provision. A fellow founding member of the ALN reform team was told by her LA that 'Universal Provision was provision that was available to all children in that school. If a child was in the school 'next door' that they would not be able to access the same Universal Provision. Feedback from our teaching staff survey included ' inclusive classrooms are a nice idea but not practical in reality. The change in criteria which makes it harder than ever to get support and help for children with ALN. The graduated response of Universal provision to target Universal Provision to ALN determination is too slow and doesn't give any support or additional resources that actually help individual children.

The use of universal and universally targeted provision is what is used to reject that a child has ALN. The legal test for ALN determination resulting in an IDP is 'does the child have a significantly greater difficulty in learning than children of the same age' and does this then require additional learning provision. LA's and schools are using the ideology of universal provision to state that a child's needs can be met by universal provision. What this is different in every school, so not universal at all. It also means that LA's are encouraging teachers to complete training that will enable them to state a particular provision is universal

in the school and therefore a child in that school does not need an IDP and can have their needs met by universal provision. However, this is not the legal test. The test asks if the learner has a greater difficulty in learning, not whether a school has done an extra training course in the hope that this will meet the child's needs.

So, I ask you, to try and make sense of this example. Universal provision which is not a definition in the legislation or in the code, that Jeremy Miles himself has reported to Mr Sargent in a recent letter. It is acknowledged by ALNET that Universal provision is not in the legislation or code. However, schools can use these terms and this 'ideology' to refuse ALN and therefore an IDP to a learner. This is a Wales wide issue. It is only possible that this can be the case by the way in which the code is written. Therefore, the code needs addressing and needs addressing immediately. Not after the education minister has decided that the 'implementation phase' has ended.

[paragraph 2 - 18 January 2024 from Jeremy Miles] With ALNET providing the statutory framework to provide additional support or provision for some learners to help them achieve their full potential.

In order to achieve their full potential learners, need access to the correct support, techniques, resources and settings that meet their individual needs. There is much written about the need for inclusivity and equity within education. The importance of a social model, a needs led model and approach to a learners needs. Within the wider community of learners and their families with ALN you will not find many, if any, that would disagree with this concept. However, one size does not fit all. Without the correct assessments from both education and health professionals, strategies and resources used to support the learner can be more harmful. These learners then are either offered substandard education or are unable to reach their potential because they are having to try and learn through methods which do not meet their needs. One example of this is a young man within North Wales who is desperate to go to college. He wishes to study towards two very specific qualifications, those which would be considered vocational qualifications. They would enable him to go on to have meaningful employment, an increased confidence, less change of mental health difficulties in the future, to be an active part of his community and an active part of his country, where he could earn a living and contribute to the social and economic functioning of the world in which he lives. He had a statement of educational needs, which was taken away from him at 16 (despite the ALN system being open to those up to 25 years of age) and refused an IDP. He was offered a place at the most local college, one not trained in his individual needs. One that offered him simply a 'life skills' course. Taking away from him the opportunity to gain skills in an area that would give him meaningful employment, taking away from him his right to a choice, merely because he has a disability. The reason given for his ALN refusal – because the post 16 roll out of IDP's has not happened in his area yet. The question is how and why has this been allowed to happen? The legislation and guidance is there. This young man is legally entitled to the same opportunities of support. The answer is again quite simple. The roll out of the current system was not done effectively with clear expectations and guidance and the ALN Code 2021 enables these problems by not being clear.

The training given on the ALN legislation and code to teachers and parent governors was that the new system would see a DECREASE in IDP's in comparison to the SEN system by 40%. With no SEN register, no formal system in place other than an IDP, this decrease came to fruition and 42,000 learners were left unsupported. This demonstrates a deliberate

attempt to reduce the support to learners. This goes against the ALN Act 2018 and because the ALN Code is ambiguous LA's and schools are able to manipulate the system in a way which suits them.

[paragraph 4 – 18 January 2023 from Jeremy Miles) but they are now more learner-centred in their approach to curriculum design, with the flexibility to tailor support accordingly.

While flexibility in the delivery of the curriculum is welcomed, this does not indicate that there is an understanding of the types of needs a learner may have and how those things may need to be supported. Simply offering a differentiated curriculum which is an option of 1 star, 2 star or 3 star difficulty does not offer support to those children with ALN that have executive function difficulties which are capable of 3 star work, but are only able to complete 1 star work because the support they are offered is 'easier work' not the correct support. Not an alternative way to sit or stand to complete their work which gives them the correct sensory support which aids their executive functioning so that they can work to a higher level. This then raises the question of who is the appropriate person to determine these needs and what support is appropriate. Without mandatory training, with bigger classes to manage, teachers are not equipped to make these assessments. Access to educational psychology is limited with schools only being allowed an allocated number of slots per term, meaning they have to decide who may get support and who will continue to fail or not have their needs met. Few health boards have access to occupational therapists (OT) trained in more than just functional OT. Without mandatory training for teachers, learners are in a postcode lottery as to who may be 'seen' as struggling and needing assessments and support and who will be 'cast over'

[paragraph 4 – 18 January 2023 from Jeremy Miles) there was a greater focus on the use of the learners voice.

Many learners are not equipped with the ability to 'voice' their needs. Children as young as 4 and 5 are being excluded from school due to difficulties with their behaviour, which is seen as a problem on the fault of the child and sometimes the parent. Parents should be listened to and not accused when they advocate for their child. We were approached by a family whose son is so anxious he is wetting himself in school. He does not have any difficulties with toileting at home or when out in his community. The schools response was to do nothing. The same child, so anxious that he was unable to eat or drink during school time, was told quite simply he will have to make it up when he gets home. Imagine being that by. Being picked up at 7.30 in the morning to attend a specialist provision and being dropped at home at 5 pm. Spending all that time with no food, no water and urinating all over yourself because your anxiety is so high, because your needs are not met. Mandatory training for ALL school staff is essential to prevent situations like this.

Does it adequately address the issues that you raised?

The response given by Mr Miles is the same response he has give the inquiry regarding access to education and childcare. It is the same response give to journalists when questioned about our petition. It does not indicate that changes are going to happen to address the failings of the ALN Code which is seeing so many thousands of learners unsupported.

Is there anything additional that you would like the committee to know at this stage, either in response to this document or as an update to the committee.

The need for debate in the Senedd is essential. The failing of this system is such that every reporting body, from Estyn, the inquiry into access to education and childcare, snap cymru, ALNET and our own small sample of data collected, echo each other. Teaching unions supported our petition. Members of the Senedd are sought out by hundreds of families reporting the struggles they are experiencing with regards to unmet needs within education. These members from all the different political parties should be given the right to question why the system implemented has failed on such huge level. The families of the learners subjected to these failings have the right to know that the members in which they have communicated with have been given the opportunity to demand an explanation and a plan of the failings and how they will be fixed. Not merely an acknowledgment of the issues raised by reporting bodies.

The system isn't failing just because of bad training of the legislation and code or lack of teachers and support staff (although these are factors in affecting the implementation of any ALN system) but that the code is written in such manner that is not clear and should not be open to interpretation.

We request that you enable the democratic process to take place. That the real reasons behind the failings of the system are reported to all members of the Senedd.

P-06-1396 Introduce a vape licence for dedicated vape shops

Y Pwyllgor Deisebau | 04 Mawrth 2024
Petitions Committee | 04 March 2024

Reference: SR24/7850-2

Petition Number: P-06-1396

Petition title: Introduce a vape licence for dedicated vape shops

Text of petition: Lack of training and a licence can cause unsuitable products and illegal devices to be sold, which can be dangerous and hinder the chances of becoming a non-smoker. There are also fake and illegal vape products that are not compliant with UK regulations in circulation, which is a danger to the public. Licenced premises authorised to sell vape products should lower this as they buy directly from licensed suppliers, so they won't be fakes, bought cheaply on the black market to make a quick buck.

We want Vape products to be sold by licensed vape dedicated shops with trained staff who specialise in vape products, all aspects of vaping, NRT (Nicotine Replacement Therapy), including product knowledge to enable them to work with the public to ensure a more successful quit smoking rate.

Currently Vape shops are compliant and meet Trading Standards requirements to trade. Many staff are qualified NCSCT Non Smoking Practitioners to ensure a working knowledge of all NRT and advise accordingly

Parents are unhappy as some retailers are selling vape products to under 18s. This hinders the vape industry as they work towards a smokefree Wales. Vaping is a stepping stone from smoking, it's not something they should be introduced to at such a young age.



With such a high success rate in the vaping industry helping people quit smoking, the industry needs to be recognized and a licence needs to be introduced to ensure safety is met and vapes are sold responsibly.

1. Background

Vapes or e-cigarettes are battery powered devices which allow nicotine to be inhaled through a vapour rather than smoke (known as vaping). Vape products primarily consist of e-cigarettes and e-liquids.

There are currently no licencing requirements for retailers selling vape products or other tobacco products in England and Wales.

Vape retailers must however comply with rules preventing the sale of illegal vapes, restricting the promotion of vape products, and preventing the direct or proxy sale of vapes to people under the age of 18.

The National Centre for Smoking Cessation and Training (NCSCT) provides information and training to support the delivery of smoking cessation interventions, including guidance on vape products.

1.1. Illegal vaping products

The Tobacco and Related Products Regulations 2016 (TRPRs) set product standards for nicotine vapes across the UK. These standards do not apply to non-nicotine containing vapes, which are covered by the General Products Safety Regulations 2005 (GPSRs).

Illegal, or non-compliant vapes are vaping products that do not fulfil the criteria set out in the TRPRs, and/or are deemed unsafe under the GPSRs. Illegal vapes can carry health risks, due to potentially higher concentrations of nicotine or the presence of banned ingredients. Some illegal vapes have been found to contain potentially harmful amounts of heavy metals.

In January 2024, the BBC reported that over 4.5 million illegal vapes were seized at the UK border between January and October 2023, more than four times the number seized the previous year.

1.2. Role of vape products in smoking cessation

Vapes can be effective in supporting people to reduce or stop smoking. The most recent update to the [Cochrane review](#) found that nicotine e-cigarettes are more effective at helping people to stop smoking than nicotine replacement therapy, and may be better than behavioural support or no support at all.

The [NHS website](#) states that vaping is one of the most effective tools for quitting smoking. A review from [Public Health England](#) reported that quit attempts involving a vaping product amongst those using stop smoking services were associated with the highest success rates.

However, the review also noted that vaping is not without health risks, due to potential exposure to toxicants and the addictiveness of nicotine. There is also a lack of evidence on potential long-term health impacts. As such, vaping is **not recommended** for non-smokers.

There are also [growing concerns](#) about the number of children and young people taking up vaping and their exposure to health risks. The National Institute for Health and Care Excellence (NICE) [recommends](#) that vaping should be discouraged in children and young people who have never smoked.

1.3. Calls for a licencing scheme

In 2022, the [Khan Review into smokefree 2030 policies](#) recommended introducing a licence for retailers of any tobacco product, to limit where tobacco is available. It suggested that criminal retailers should lose their tobacco licence and that local authorities should be empowered to attach public health criteria to the licence (e.g. prohibiting sales near schools).

The Chartered Trading Standards Institute (CTSI) has previously [called for](#) a mandatory registration scheme for retailers selling tobacco and nicotine vaping products, with the aim of tackling the sale of non-compliant vapes and stopping illegal sales to children and young people.

The UK Vaping Industry Association [has also proposed](#) the introduction of a vape retailer and distributor licensing scheme to tackle rogue traders who engage in underage or illicit sales of vapes. The industry body is planning to publish details of a proposed scheme in February 2024.

1.4. Action in other countries

In Scotland, retailers who sell nicotine vape products are required to register on the [Scottish Tobacco Retailers Register](#). The [Health \(Tobacco, Nicotine Etc. and Care\)\(Scotland\) Act 2016](#) makes it an offence to sell vapes from a premises which is not registered.

In Ireland, the [Public Health \(Tobacco Products and Nicotine Inhaling Products\) Act 2023](#) has recently been passed. The Act provides for the licensing of retailers selling nicotine vape or tobacco products, and for the establishment and maintenance of a register of licences.

Retailers in New Zealand can apply to become [specialist vape retailers](#), which means they are exempt from some restrictions (for example, on product promotion and the sale of some flavoured vape products) which are placed on other retailers selling vape products.

2. Welsh Parliament action

In October 2023, a short debate was held in the Senedd on the [impact of vaping across Wales](#). Members discussed the problem of underage sale of vapes and the sale of illegal vapes. In her reply to the debate, the Deputy Minister for Mental Health and Wellbeing stated:

Whilst I want to act swiftly on tobacco and e-cigarettes, I want to work closely with other UK nations so that we redouble our efforts to tackle illegal markets and all the associated criminality this brings. The illegal import and sale of unlicensed dangerous products is also something we are acutely aware of... My officials are working closely with trading standards colleagues from across Wales's local authorities to support further enforcement and seizure of illegal dangerous products.

In a [written question](#) in December 2023, Rhys ab Owen asked about the extent of illegal vapes market in Wales and the funding allocated to Trading Standards Wales to combat it. The Deputy Minister for Mental Health and Wellbeing responded:

'I have made available a grant of £145,250 in this financial year to aid efforts to tackle illegal vapes in Wales. The level of funding was informed

by discussions with Trading Standards Wales. The funding will be used to seize, store and analyse illegal vapes, and to support the training and development of enforcement staff in every Local Authority in the country. This will allow us to continue to build a picture of the extent and nature of illegal vape sales in Wales.'

3. Welsh Government action

3.1. Public Health Legislation

The [Public Health \(Wales\) Act 2017](#) includes provisions which may be used as part of its tobacco control legal framework in Wales, including establishing a register of retailers of tobacco and nicotine products. These provisions are outlined in [Chapter 2](#) of the Act.

In 2015, the Welsh Government sought to ban the use of e-cigarettes in enclosed and public spaces in its [initial proposals for the Act](#). However, it failed to gain enough support and the legislation passed without the inclusion of the ban.

3.2. Funding to tackle illegal vaping

The Welsh Government [announced](#) in December 2023 that it was providing funding to Trading Standards Wales to help tackle the illegal vaping market. It said that the funding would support Trading Standards Wales activities such as:

- undertaking test purchasing
- dog detection to identify rogue retailers
- intelligence gathering
- checks at ports to ensure illegal and possibly dangerous products are removed from sale quickly and effectively

In its [Tobacco Control Delivery Plan 2022-24](#), the Welsh Government committed to undertake a review of the tobacco control enforcement tools available in Wales to understand if and where strengthening is required.

3.3. Outcome of the four nations consultation

On 29 January 2024, the Welsh Government announced it would introduce legislation to implement a ban on disposable vapes, along with the Scottish and UK Governments.

It is also supporting other measures being introduced by the UK Government, which have come about following a four nations consultation. These include:

- Raising the age of sale for tobacco products by one year each year (whereby anyone born on or after 1 January 2009 will never legally be sold tobacco products),
- Introducing regulation making powers to restrict flavours, point of sale and packaging for vaping products (nicotine and non-nicotine) as well as other consumer nicotine products; and,
- Introducing new enforcement powers for England and Wales for breaches of age of sale legislation for tobacco and vapes (nicotine and non-nicotine) and other consumer nicotine products.

3.4. Response to the petition

In her response, the Deputy Minister for Mental Health and Wellbeing said:

‘I am committed to taking all measures necessary to address the devastating health impacts of tobacco in Wales and to do all we can to prevent young people from using vapes’

The Minister said the Welsh Government’s focus at the moment is on working with other UK nations to create a smokefree generation, including supporting work on the Tobacco and Vapes Bill which will be brought forward by the UK Government, and legislating to implement a ban on disposable vapes.

The Minister noted the Khan Review recommendation to introduce a tobacco licence for retailers, and said that licencing for tobacco and vape retailers is an area that the Welsh Government is continuing to explore, stating that:

‘Whilst I believe that the Tobacco and Vapes Bill provides us with a once in a generation opportunity to protect future generations from the harms of smoking and to prevent vapes appealing to and being accessed by children and young people, I am committed to going

further in Wales if the evidence supports it. My officials will therefore continue to explore the option of a scheme to introduce licenses for tobacco and vape retailers.'

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



Eich cyf/Your ref P-06-1396
Ein cyf/Our ref LN/00029/24
Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

05 February 2024

Dear Jack,

Thank you for your letter of 18 January 2024 concerning the petition on introducing a license for dedicated vape shops which your Committee is considering. I am replying as this area is within my portfolio.

I am committed to taking all measures necessary to address the devastating health impacts of tobacco in Wales and to do all we can to prevent young people from using vapes. I agree with the petitioner that vapes can be helpful to some wishing to stop smoking and vapes retailers should only be selling legitimate products. However, we know that illegal sales are an increasing and complex problem and therefore we recently provided funding to Trading Standards Wales to help tackle illegal vaping in Wales and safeguard consumers.

In 2022, the UK Government commissioned the independent Khan Review¹ to inform the actions required to tackle smoking; one of the actions recommended was to introduce a tobacco license for retailers, to limit the availability of tobacco. Given the rises in youth vaping and the increasing illegal market for both tobacco and vapes, licensing for tobacco and vape retailers is an area the Welsh Government continues to explore.

Our focus currently is on working with the other UK nations to create a smokefree generation by progressively raising the age of sale for tobacco and to tackle youth vaping. In October, the four nations of the UK launched a consultation asking stakeholders view on these measures. The consultation closed on 6 December and received 27,921 responses, 1,018 from Wales and I am grateful to all those from Wales who contributed. A consultation outcome² document which sets out the actions the four governments will now take forward

¹ <https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete>

² <https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping>

on tobacco and vapes was published on 29 January 2024. The UK Government will bring forward a Tobacco and Vapes Bill at the earliest opportunity which will include measures to:

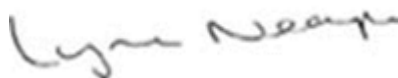
- Change the age of sale for all tobacco products, cigarette papers and herbal smoking products whereby anyone born on or after 1 January 2009 will never legally be sold tobacco products alongside prohibiting proxy sales, and changing warning notices.
- Introduce regulation-making powers to restrict flavours, point of sale and packaging for vaping products (nicotine and non-nicotine) as well as other consumer nicotine products.
- Introduce new fixed penalty notices (FPNs) for England and Wales for breaches of age of sale legislation for tobacco and vapes (nicotine and non-nicotine) and other consumer nicotine products.

The Welsh Government, along with the UK and Scottish governments also intend to introduce legislation to implement a ban on disposable vapes, including both nicotine and non-nicotine containing products due to their significant environmental impacts. In taking forward all these areas, we will be working to ensure the industry and retailers are kept updated and that as far as possible all the measures are adopted consistently across the UK.

Whilst I believe that the Tobacco and Vapes Bill provides us with a once in a generation opportunity to protect future generations from the harms of smoking and to prevent vapes appealing to and being accessed by children and young people, I am committed to going further in Wales if the evidence supports it. My officials will therefore continue to explore the option of a scheme to introduce licenses for tobacco and vape retailers.

I trust this response is helpful and will be happy to provide any further information that will assist you.

Yours sincerely,



Lynne Neagle AS/MS

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing

P-06-1396 Introduce a vape licence for dedicated vape shops - Correspondence from the Petitioner to the Committee, 20.02.24.

I'll reply to email you've provided, also replying here as well . That document is appears to be from someone not understanding the petition and coming from a smoking perception.

Vaping is an aid to helping people stop smoking . A tobacco licence may help current retailers of cigarettes stamp out underage sales, but it will not help dedicated licensed vape shops doing their jobs if the licenced tabacco retailers are still selling vapes.

The products contradict each other and are two separate entities, one feeds an addiction with significant health risks, whilst the other helps someone with the habit to switch and has immediate heath benefits as they work their way to being smokefree.

There is no benefit to anyone selling vape products, except for vape shops. Infact a free for all has actually encouraged normally sensible business to attempt to cash in, when it relates in no way to their actual shop, chip shops, novelty shops, seeing others attract customers by selling vapes, decide its the way forward and jump on the bandwagon.

Illegal vapes are and will continue to be an issue, which trading standards need to stamp that out with the new help provided and it will be much easier if dedicated vape shops hold thier own licences.

The dedicated vape shops that have always been compliant have had many knocks along the way . We spend a lot of time educating people and making sure they have correct items to perform a successful quit of smoking.

We have seen what happens when all shops can sell these products and its been a free for all.

Whilst I agree with many of the points put forward. I firmly believe the way forward is to keep cigarette tabacco product separate from vaping products and allow them only to be sold by business who are actually trained, its their job to help people to be smoke free.

Whilst disposables are getting banned these shops will just start selling the liquids and devices which will bring in another set of problems. illegal devices and fake liquids . This is exactly what was happening before disposables come in . Liquids have already been replicated from the disposables. So others selling will still be selling to under age but in liquid forms . I'll attach a picture of disposables and the liquids that will be sold in its place . So underage will technically still be getting them.

I'd appreciate these points being brought up whilst considering this petition
Kind regards

P-06-1401: Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian

Y Pwyllgor Deisebau | 4 Mawrth 2024
Petitions Committee | 4 March 2024

Reference: SR24/7850-7

Petition Number: P-06-1401

Petition title:

Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian

Text of petition:

The Chair of the National Infrastructure Commission in Wales has started a petition requesting that all publicly procured food in Wales should be vegetarian or vegan.

What we eat is an individual's choice.

It is an insult to the people of Wales, trying to dictate what we eat.

It is an insult to the farmers in Wales trying to make a living.

It's also damaging to the Welsh economy.



1. Background

This petition was submitted in response to an earlier petition calling for “all publicly procured food in Wales to be vegetarian or vegan”. However, that petition fell short of gathering the 250 signatures required to be referred to the Committee.

The Minister for Economy, Vaughan Gething issued a written statement in December 2022 emphasising the importance of the food sector to the Foundational Economy in Wales. He highlighting the scope for a more holistic approach to the public procurement of food and for more procurement of Welsh produce by Welsh public sector organisations.

In issuing the statement, the Minister also published ‘Buying Food Fit for the Future’, an online food procurement resource. This includes a tool kit to aid procuring food more sustainably. Neither the statement nor the tool kit advocate mandating or precluding meat products.

2. Welsh Government action

The Minister for Rural Affairs, Lesley Griffiths, wrote to you in relation to this petition stating that the Welsh Government is currently working with partners to develop statutory guidance and regulations to support the Socially Responsible Procurement duties under the *Social Partnership and Public Procurement (Wales) Act 2023*.

She says the guidance may provide an opportunity to share good practice in relation to socially responsible food procurement.

The Minister also emphasised: “it is for public bodies to take their own procurement decisions according to their needs so long as they do so within what the law permits. When offering a service such as food, public bodies will take account, so far as they reasonably can, of what consumers want to eat”.

3. Welsh Parliament action

Senedd Research is not aware of this specific issue having been raised in the Senedd recently.

P-06-1401: Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian

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 AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-06-1401
Ein cyf/Our ref LG/00033/24

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

09 February 2024

Dear Jack,

Thank you for your letter of 18 January, regarding Petition P-06-140: Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian.

The Senedd passed the Social Partnership and Public Procurement Act in 2023 which includes a socially responsible procurement duty. We are in the process of working with a range of partners to develop statutory guidance and regulations to support the Socially Responsible Procurement duties in the Social Partnership and Public Procurement Act. The Guidance may provide an opportunity to share good practice in relation to socially responsible food procurement.

However, it is for public bodies to take their own procurement decisions according to their needs so long as they do so within what the law permits. When offering a service such as food, public bodies will take account, so far as they reasonably can, of what consumers want to eat.

Yours sincerely,

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Bae Caerdydd • Cardiff Bay
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CF99 1SN

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Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@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.

Back Page 88
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-06-1401 Ensure that publicly procured foods in Wales are never exclusively vegan or vegetarian - Petitioner to the Committee, 26 February 2024

I think your letter is concentrating on the social responsibility of food procurement rather than actually replying to my petition and you seem to have ignored the worryingly dictatorial stance the Chair of the National Infrastructure of Wales had taken which prompted me to write my petition to start with.

People in positions of power should not be able to abuse that power.

In regards to the social responsibility of food production it's imperative that it focuses on a well balanced diet without processed foods rather than an exclusively vegan or vegetarian diet.

Not only can an exclusively vegan diet result in vitamin deficiency and is discriminatory against all those with soy and nut allergies. But it has a much worse carbon footprint than a meat eating diet, particularly with the beef and lamb farmers we have right here within Wales. The primary staples of a vegan diet are grown in countries where agriculture is exploited with child labour, unsafe working conditions and appalling pay.

Public sector food procurement should aim to be local and seasonal and not processed. However public sector food buyers should be given advice. The leisure centre in Brecon for example could really do with having healthy options. Before you even enter the building you are hit by advertising for ice-creams full of sugar and processed hot dogs. As soon as you walk inside there's fizzy drinks for sale, a vending machine with crisps and sweets and a basket of cakes and biscuits. No basket of fruit despite being requested on a number of occasions. This is all before you have even entered the cafe which sells processed hot dogs, chips, cheap nasty sausages and chicken nuggets rather than chicken fillets. This is all food high in fat, salt and sugar and not good for anyone. The food procurers need educating about diet which I believe must be balanced and locally produced in order to fulfil social responsibilities.

I hope you will take my thoughts into consideration.

I look forward to hearing from you

Amend legislation in Wales to align with England for Excessive Council Tax Increases

Y Pwyllgor Deisebau | 04 Mawrth 2024
Petitions Committee | 04 March 2024

Reference: SR24/7850-8

Petition Number: P-06-1402

Petition title: Amend legislation in Wales to align with England for Excessive Council Tax Increases

Text of petition: In England local authorities are required to determine whether the amount of council tax they plan to raise is 'excessive'. The Secretary of State sets thresholds of excessiveness, known as 'referendum principles'. Currently local councils in Wales can increase Council Tax annually up to 10% without a local referendum which was done by Welsh councils in the last 12 months. Many are now planning to do this again placing a massive financial burden on already struggling households.

This briefing <https://commonslibrary.parliament.uk/research-briefings/sn05682/> explains the system of local referendums on 'excessive' increases in council tax, that has been in place in England since the 2012/13 financial year. It explains the legal background to the system, including the procedures, timings and costs for referendums and how council tax increases are presented by local authorities.



1. Background

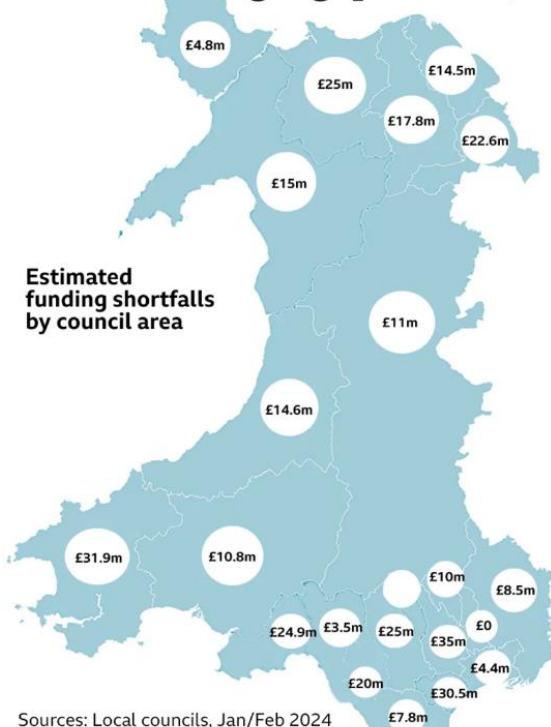
The Welsh Government provides the majority of funding for local authorities through the Revenue Support Grant (RSG) and redistributed Non-Domestic Rates (NDR). For 2024-25, local authorities will receive around £5.7 billion from the Welsh Government in core revenue funding and non-domestic rates. The Welsh Government has also allocated close to £1.4 billion in specific grants, and £960 million in capital funding. Further information on what the Draft Budget means for local authorities can be found in this [Senedd Research article](#).

The remaining funds to support local services are raised by local authorities themselves. The most significant element is council tax, but there are also a number of other income streams for local authorities, such as discretionary charges for leisure services, parking and trade waste.

Local authorities are currently consulting on how much to increase their council tax for 2024-25 to make up some of the estimated funding shortfalls. The Welsh Local Government Association (WLGA) in its [written evidence on the Welsh Government's Draft Budget 2024-25](#) has estimated a funding shortfall in excess of £400 million for Welsh local authorities in the next financial year.

A [BBC Wales article](#) (published 14 February 2024) illustrates the estimated budget shortfalls by council area:

Council budget gaps - 2024/25



Sources: Local councils, Jan/Feb 2024



2. Council tax increases

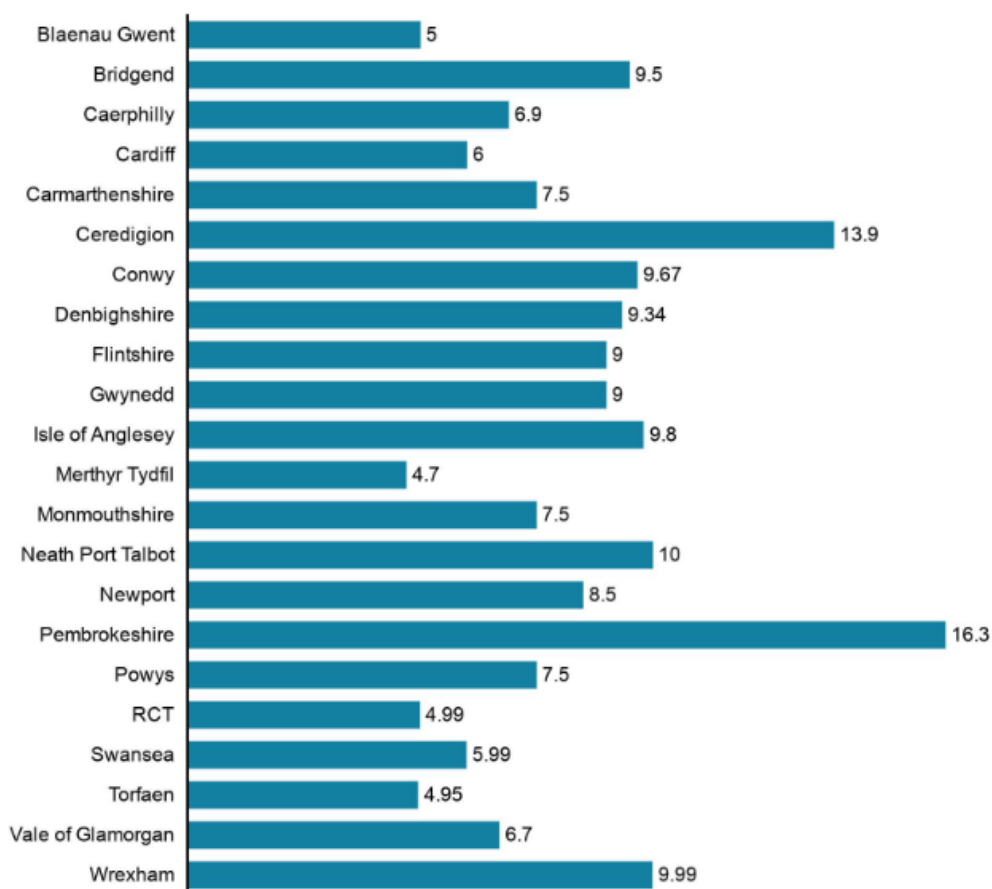
Average Band D council tax for Wales increased by **£82 or 5.5% in 2023-24**. Police increases averaged 6.8% (£21). These increases combined produce an average band D rise of 5.8% (or £102). This provided for the highest combined increase in average Band D rates since 2019-20 when there was an average Band D rise of 6.6% (£99).

Between **2018-19 and 2023-24**, the average Band D combined rate (council tax and police) has increased by 26%, and over a period of a decade (**between 2013-14 and 2023-24**), it has increased by over 50%.

The [BBC Wales article](#) illustrates the current proposed percentage increase in council tax by local authority in Wales for 2024-25, however, local authorities are yet to finalise their budgets:

How much could council tax go up by?

% change 2024-25 on 2023-24



Some of these figures are early potential estimates and all are subject to a final decision by full councils at the end of February and early March

Source: Local councils, February 2024



3. Council tax limits and the legislative framework

The Welsh Ministers do currently have powers to limit (cap) excessive increases in the budget requirement of local authorities and Police and Crime Commissioners in Wales. However, the Minister for Finance and Local Government, Rebecca Evans MS notes in her response to the petition that ‘the Welsh Government has respected the autonomy of local authorities and has not used powers to cap council tax in Wales since devolution.’

The Minister also highlights that the option to hold council tax referenda “do not apply in Wales”. The referendum scheme was introduced by the [Localism Act 2011](#) and the provisions apply to England only.

The Minister’s response goes on to state that:

The complexity of the referendum principles set in England is difficult for taxpayers to navigate, and in some cases, permits larger rises for certain areas (eg. 15% in Croydon, and 10% in Slough and Thurrock, in 2023-24). It should also be noted that the complexity and costs of holding referenda place an additional burden on local authority resources, which would further exacerbate the financial pressures faced by them.

3.1. Legislative framework to limit excessive increases

The relevant legislation is the Local Government Finance Act 1992 (“the LGFA 1992”).

[Section 52B of the LGFA 1992](#) gives Welsh Ministers the power to take action against a local authority if they consider that the budget requirement set out by the local authority for the upcoming year is ‘excessive’.

A “budget requirement” is the amount equal to how much the local authority’s expected spending (i.e. expenditure incurred during the year in performing its functions, grant monies that will have to be repaid to Welsh Ministers, allocation of funds to financial reserves and contingencies) exceeds its expected income (i.e. monies which the authority expects to receive that year, subject to certain exceptions).

Section 52B provides that they must produce a set of principles that will be used to determine whether the budget requirement is excessive. It also provides that these principles must (as a minimum) contain a comparison of the budget requirement for the year under consideration with that of an earlier year.

Section 52C provides that the Welsh Ministers may publish a report which sets a “notional amount” for a local authority’s budget, to be used as the basis of any comparison between the year under consideration and any previous year. Notional amounts may be set by the Welsh Ministers in certain circumstances such as where there has been a change in function or boundary – thereby allowing a valid comparison can be made with the budget requirement for the year under consideration. It may also be used to set a notional amount where there was no budget requirement set for an earlier year.

Following determination using the principles required by section 52B, if the Welsh Ministers are of the opinion that the amount calculated by an authority as its budget requirement for the year is excessive, section 52D enables the Welsh Ministers to “designate” or “nominate” the local authority in question.

3.2. Designated Local Authorities

Section 52E provides that if a local authority is *designated*, the Welsh Ministers must notify the authority of the amount which they propose should be the maximum amount calculated by the local authority as its budget requirement of the year, and set out the maximum amount which the Welsh Ministers propose the authority could calculate as its budget requirement for the year without the amount calculated being excessive.

The local authority can then either:

- accept the designated maximum amount provided by the Welsh Ministers; or
- challenge the decision of the Welsh Ministers.

If an unsuccessful challenge to the maximum amount is made by the local authority, the Welsh Ministers are able to issue a mandatory order to the local authority to ensure that the authority complies.

3.3. Nominated Local Authorities

Section 52L provides that if a local authority is *nominated*, the Welsh Ministers must notify the authority of the amount which they would have proposed as the target amount of budget requirement for the year under consideration if they had *designated* the authority.

After a local authority has been nominated, the Welsh Ministers can decide whether to:

- *designate* the authority (following the procedure in section 52E outlined above); or
- determine an amount that they propose should be the notional amount calculated by the authority as its budget requirement for the year.

If the local authority receives notification from the Welsh Ministers of a proposed amount, the authority has 21 days to either:

- accept the amount proposed by the Welsh Ministers; or
- challenge the proposed amount and request that the Welsh Ministers reconsider their determination.

If the amount proposed is challenged by the local authority and the reasons given for the challenge are agreed with, the Welsh Ministers may reconsider their decision.

3.4. Interpretation of the legislation

While the provisions in Chapter IVA of the LGFA 1992 do not specifically mention council tax, the title of the chapter which they fall under is called “Limitation of Council Tax and Precepts”. A [House of Commons Briefing Paper on Council tax capping](#) published in 2004 (specifically Chapter III) provides some background as to why this section of the legislation provides Ministers with the power to cap council tax.

Welsh Ministers have previously outlined how they might be prepared to use the powers available to limit increases in council tax if these were deemed excessive. For example, in her [statement on the Provisional Local Government Settlement for 2014-15](#) (16 October 2013), the then Minister for Local Government (Lesley Griffiths AM), said:

In enabling Local Authorities to make local decisions about council tax, I am offering them flexibilities in managing their budgets which are not available to their counterparts in England where restrictive freezes apply. However, I have made it very clear I am prepared to use capping powers available to me in the event of excessive increases.

A similar statement was made in 2015 by the then Minister for Public Services, Leighton Andrews AM, stating in his [letter accompanying the Final Local Government Settlement 2015-16](#):

I am prepared to use the capping powers available to me should I consider any proposed increase in council tax to be excessive. I also expect every authority to take account of all the available funding streams in considering service provision and setting its budget and Council Tax.

The Minister for Finance and Local Government, in her response to this petition noted that it seeks to provide “flexibility” for local government to decide on how it funds local priorities:

the Welsh Government channels as much of the available funding as possible into the main Local Government Settlement so that local authorities have greater flexibility in allocating funding according to local priorities.

The Welsh Government [recently announced an additional £25 million in consequential funding](#) from the UK Government to “support the social care workforce, schools and help councils respond to other pressures in their local communities”.

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



Eich cyf/Your ref P-06-1402
Ein cyf/Our ref RE/00047/24

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
Government.Committee.Business@gov.wales

15 February 2024

Dear Jack,

Thank you for your letter regarding the petition P-06-1402, "Proposals for the Welsh Government to amend legislation in Wales to align with England for excessive council tax increases". I welcome the opportunity to set out the Welsh Government's views.

The responsibility for setting the local authority's annual budget and, as part of that, decisions about council tax, are matters for each local authority and its elected members. Each local authority in Wales has the freedom to set its own council tax to meet local needs and priorities, and they are accountable to the local electorate for the decisions they make. While any increase in council tax may be unwelcome to local taxpayers, the tax provides a significant source of funding for essential local services on which people rely, such as schools and social care.

The Welsh Government has respected the autonomy of local authorities and has not used powers to cap council tax in Wales since devolution. We have a relationship with local authorities in Wales based on collaboration and mutual respect. We consider the setting of budgets and council tax is an essential aspect of local democracy. The average band D council tax in Wales remains £186 lower than in England for 2023-24.

Council tax referenda do not apply in Wales. Such arrangements do not allow the degree of discretion that exists in the current system for Wales, which allows local authorities to operate a more flexible arrangement and to plan and manage their budgets more effectively. Limits become a target for the majority of local authorities to raise council tax to the maximum allowed, rather than carefully considering what is necessary. The complexity of the referendum principles set in England is difficult for taxpayers to navigate, and in some cases, permits larger rises for certain areas (eg. 15% in Croydon, and 10% in Slough and Thurrock, in 2023-24). It should also be noted that the complexity and costs of holding referenda place an additional burden on local authority resources, which would further exacerbate the financial pressures faced by them.

Instead, the Welsh Government channels as much of the available funding as possible into the main Local Government Settlement so that local authorities have greater flexibility in allocating funding according to local priorities. In our Budget for 2024-25, we have provided

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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.

local government in Wales with as generous a settlement as is possible in the current circumstances. Local authorities will receive £5.7 billion from the Welsh Government in core revenue funding and non-domestic rates to spend on delivering key services. This equates to an increase of 3.1% or £170 million on a like for like basis compared to the current year. I am providing additional funding of £1.3m to ensure no authority will receive less than a 2% increase.

I recognise current financial circumstances are very challenging for many households across Wales. The Welsh Government has a number of schemes available to help people who are finding it difficult to pay their council tax bills, as well as a range of exemptions and discounts. We continue to provide £244 million a year to support local authorities in delivering the Council Tax Reduction Scheme. Around 260,000 vulnerable and low-income households – around one in five households in Wales - are receiving support with their council tax bills through the scheme, with around 211,000 households paying no council tax.

I urge anyone struggling to pay their council tax bill to engage with their local authority as early as possible, and to seek expert advice through [Advicelink Cymru](#).

I hope this information helps the Committee's consideration of the petition.

Yours sincerely,

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

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Reconsider cuts to Postgraduate funding and increase Doctoral Loans to match UKRI Stipend

Y Pwyllgor Deisebau | 4 Mawrth 2024
Petitions Committee | 4 March 2024

Reference: SR24/7850/9

Petition Number: P-06-1403

Petition title: Reconsider cuts to Postgraduate funding and increase Doctoral Loans to match UKRI Stipend

Text of petition: Postgraduates play a pivotal role in advancing knowledge, innovation, and cultivating expertise. However - the Welsh Government's Draft Budget 2024/25 announced the removal of £12.8m from Postgraduate grants and bursaries. This will discourage aspiring Postgraduate students due to increased financial burdens, jeopardise the diversity of our academic programmes, hinder the competitiveness of our institutions globally and have an impact on the growth of the Welsh economy and communities.

This petition also calls for the Welsh Government to increase Doctoral Loans to match the annual UKRI Stipend. Doctoral students who receive a loan from Student Finance Wales, receive £28,395 to cover tuition fees and living costs overall for three to four years of full-time study (anyone who meets the requirements can apply to these). Whereas those on a UKRI Stipend (only available to students funded by a Research Council) receive £18,622 per annum solely for living costs. This disparity leaves Doctoral Students on loans in very precarious positions, with many working multiple jobs while in full-time study, using food banks, and even leaving their Doctoral study. With the current cost-of-living crisis, the decline in funding and studentships available, and the pitiful rate of Doctoral loans, Wales runs the risk of a substantial



decline in students pursuing Doctoral study which will have a serious impact on innovation and research.

1. Current postgraduate student funding support

1.1. Postgraduate Master's Finance

A student starting either a taught or research based Master's course can currently apply for a combination of loan and grant to help with their course and living costs. In the 2023-24 academic year, this includes:

- A £1,000 non-means-tested base grant which is available to all students;
- A maximum means-tested grant of £6,885 (including the £1,000 base grant); and
- A non-means-tested loan to provide total support (grant plus loan) of up to £18,770.

There are a number of eligibility criteria including a student's nationality and residence, the course and university, a student's age and their previous study.

The Welsh Government has also made funding available for the following three bursaries for those studying a Master's degree in Wales:

- £4,000 for people over the age of 60. The grant aims to provide additional support for these students who are unable to access the Postgraduate Masters Finance;
- £2,000 for graduates of all ages studying STEMM subjects (these include a Master's degree in Science, Technology, Engineering, Mathematics or Medicine); and

- £1,000 for studying through the medium of Welsh. The grant aims to support the development of Welsh speakers and support the Welsh Government's aim of a million Welsh speakers by 2050.

1.2. Postgraduate Doctoral Loan

Doctoral students, who are usually resident in Wales, starting a part-time or full-time course can apply to Student Finance Wales (SFW) for a [Postgraduate Doctoral Loan](#). The loan is not based on household income.

Eligible students in the 2023-24 academic year can borrow up to a maximum of £28,395 over the period of their doctoral programme. Continuing courses starting from the academic year 2018-19 or later, but before 1 August 2023, are eligible for support at the rate applicable to the academic year they started.

Payments are made in tranches across the number of years of the doctoral programme, with the maximum amount of support payable in any one year capped at 50%.

There are a [number of criteria](#) used to determine whether or not a student is able to receive a Postgraduate Doctoral Loan. These include a student's nationality and residency, age, course, university or college, previous study and other sources of funding.

A student is not eligible for a Postgraduate Doctoral Loan if they receive an allowance, bursary or an award provided by a Research Council or UK Research and Innovation (UKRI). This is provided for by [The Education \(Postgraduate Doctoral Degree Loans\) \(Wales\) Regulations 2018](#).

The Welsh Government's response to the petition says:

The contribution to costs loan is not intended to meet the full costs of undertaking postgraduate doctoral study and the Welsh Government has no plans to change this.

The Postgraduate Doctoral Loan is similar to the [Doctoral Loan](#) available through Student Finance England where students, usually resident in England, can borrow up to £28,673 for the 2023-24 academic year which is paid in instalments over the course. Such loans aren't available in Scotland or Northern Ireland.

1.3. UKRI studentships and doctoral training

UK Research and Innovation (UKRI) is a body that brings together the seven Research Councils in the UK along with Innovate UK and Research England. Each Research Council has their own portfolio which covers a variety of subjects, including medical and biological sciences, physics, chemistry and engineering, social sciences, economics, environmental sciences and the arts and humanities.

UKRI provides funding to research organisations (normally universities and research councils) to cover the fees and living costs of doctoral students.

Studentships are the places universities offer to a doctoral student using this UKRI funding. Therefore, students need to apply to their university for a studentship and not to UKRI or a research council.

A student who is awarded a studentship receives a minimum stipend to cover living costs and support for tuition fees. For the 2023-24 academic year, the stipend is an annual payment of £18,622 and a minimum of £4,712 for tuition fees. The stipend is paid directly to the student and is usually non-taxable and does not need to be paid back. The tuition fees are paid directly to the research organisation.

A student in receipt of an allowance, bursary or an award from a research council or UKRI is not eligible for a Postgraduate Doctoral Loan from Student Finance Wales.

2. Welsh Government's Draft Budget 2024-25

2.1. Draft Budget reductions to postgraduate funding

In December 2023, the Welsh Government published its Draft Budget for 2024-25. In a letter to the Children, Young People and Education (CYPE) Committee, the Minister for Education and Welsh Language, Jeremy Miles MS, said that: "we have protected pre-16 education budgets as far as possible, which has meant some difficult choices to refocus funding from further and higher education".

The Welsh Government said that "in acting to support as far as possible undergraduate students, we are reprioritising £9.6 million from postgraduate grants but switching to providing support only through loans to new students from 2024-25 academic year". This refers to the Postgraduate Master's Finance, where students can receive up to £18,770 with a maximum grant of £6,885 and a

loan of £11,885 if the student's household income is £18,370 or less. The minimum grant a student will receive is £1,000 with the remaining £17,700 as a loan.

The Welsh Government's Draft Budget 2024-25 also includes a £3.2 million reduction which is the removal of postgraduate incentive bursaries for Welsh-domiciled taught Master's students. The Welsh Government says that "this funding disproportionately benefits females and is used to support training in science, technology, engineering, mathematics and medicine". This will therefore bring to an end the funding Welsh Government currently provides for three Master's bursaries and that it has done since the 2019-20 academic year.

2.2. Committee scrutiny of the Draft Budget

The CYPE Committee questioned the Minister for Education and Welsh Language on discontinuing the grants for new postgraduate Master's students and switching to loans from the 2024-25 academic year. He said:

The provision for postgraduates here in Wales is amongst the most supportive across the UK, so these changes start from that point, if you like. [...] In terms of prioritising, what I decided was that we have to spend the money we have in the most innovative way we can— so, where that money has the most impact to give people the best opportunities. And we know from evidence from all sides that the sooner you spend that money in an educational journey, that's where you see the most positive impact during people's lives. *[paragraphs 26-27]*

The Committee also asked the Minister about ending postgraduate incentive bursaries. He said:

...we're talking about a relatively small cohort of people, and this support is with the most generous, if you like, so it's support that's available on top of other support for graduates. *[paragraph 32]*

In the Committee's report on the Draft Budget, it expressed its "disappointment at the ending of grants for postgraduates and that these will be replaced with loans which will need to be repaid". It added that "there may also be economic consequences from the replacement of post-graduate grants with loans as often these are the types of people whose innovation and expertise drive economic growth."

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.

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Eich cyf/Your ref P-06-1403 240130
Ein cyf/Our ref JMEWL/00235/24

Llywodraeth Cymru
Welsh Government

Jack Sargeant MS
Chair – Petitions Committee

petitions@senedd.wales

16 February 2024

Dear Jack,

Thank you for your letter of 30 January 2024 regarding '*Petition P-06-1403 Reconsider cuts to Postgraduate funding and increase Doctoral Loans to match UKRI Stipend*'.

As the Minister for Finance and Local Government noted in her foreword to the *Welsh Government Draft Budget 2024-25*, our funding settlement is not sufficient to respond to the extraordinary pressures Wales faces. As such, difficult decisions must be taken.

The Welsh Government's principal policy aim in supporting students is to ensure that all those who can benefit from a higher education are not precluded from doing so by cost. The Welsh Government continues to prioritise support for those undertaking their first degree to ensure wide participation in higher education. Support for first degree study has been protected in the budget. Maintenance support was increased by 9.4% in the 2023/24 academic year, will increase by 3.7% in the 2024/25 academic year, and has grown by 39% since 2018. The Committee may wish to note that this support remains available to a large number of students studying for a postgraduate qualification, including those on teacher training courses and courses connected to certain other professions.

Statutory support for postgraduate Master's study has been consistently more generous than that available to students resident in England since the recommendations of the Diamond review were implemented in the 2019/20 academic year. While grants will now be removed for new students, subject to regulations being made, loans will replace those grants, ensuring that students who are considering a further investment in their higher education have access to a significant amount of financial support from the Welsh Government during their studies.

There may be a disincentive effect in removing these grants. I expect this to be small. The total amount of support available greatly exceeds that available to students resident in England. Repayment of postgraduate loans remains income contingent – borrowers repay 6% of their income above the £21,000 threshold and any debt remaining after 30 years is written off. Despite budget pressures, this is a generous and attractive package of support for those considering advanced study.

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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 have also taken the decision to reprioritise £3.2m funding for postgraduate incentive bursaries made available by the Higher Education Funding Council for Wales to protect schools funding. These bursaries were available to some students in addition to statutory support.

Support for postgraduate doctoral and Master's study is a contribution to the costs of studying, as was made clear in the Explanatory Memoranda and Regulatory Impact Assessments associated with the Welsh Government's regulations. These assessments can be found at:

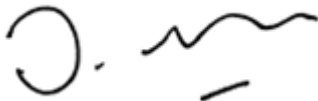
The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018: https://business.senedd.wales/documents/s76085/EM_SL5225 – The Education Postgraduate Doctoral Degree Loans Wales Regulations 2018.pdf.

The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019: https://business.senedd.wales/documents/s87506/EM_SL5411 – The Education Student Support Postgraduate Masters Degrees Wales Regulations.pdf.

The contribution to costs loan is not intended to meet the full costs of undertaking postgraduate doctoral study and the Welsh Government has no plans to change this. The principal route for support for doctoral study is with the Research Councils who operate a sophisticated and robust UK-wide planning and funding system.

The Welsh Government is content that it has struck an appropriate balance between ensuring that first degree study remains affordable, while providing generous up front support for those planning on pursuing advanced study, given the very difficult financial backdrop.

Yours sincerely

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

Dear Petitions Committee,

Thank you for providing the response to the petition from Jeremy Miles, the Minister of Education and Welsh Language. Unfortunately, I find the Minister's response to the petition disappointing and very dismissive of the challenges faced by incoming and current Postgraduate students in Wales. I have highlighted some areas for your consideration.

More generous support than in England.

While the Minister is correct in stating that support provided to Masters students by the Welsh Government is more generous than that provided in England, this is not a suitable argument or justification for reducing financial support. I find it inappropriate to be constantly comparing the support provided to students in Wales to that provided to students by another Government. If the Minister wishes to compare across nations, then maybe he should consider that young people in Wales (18-29) have the lowest average earnings for that age group across Britain – therefore we should consider the additional support as necessary for providing students in Wales with equal opportunities, rather than just 'generous compared to our neighbors'.

Despite the financial support given in Wales being 'more generous' than that in England, we are still seeing a decline in the number of home students undertaking Postgraduate degrees in Wales, with cost of living often being considered the main cause in this decline. Studies have also shown that Postgraduate students are more likely to report financial struggles, which then lead on to higher rates of mental and physical health conditions.¹

Only a small impact?

The Minister also highlights that while there may be a disincentive effect to the cutting of Postgraduate grants and bursaries, this is expected to be small. To this I'd ask, what evidence does the Minister have to make this assessment? What equality impact assessment has been carried out? When did the Minister conduct any form of consultation with students (incoming and current) on the impact of receiving the grant/bursaries?

As I have already highlighted, the number of people undertaking Postgraduate study in Wales is already declining – while the current support system is in place - therefore I am concerned that we will see an even greater impact to this decline. I am also concerned that the areas we will see further decline are in the numbers of women, working-class/first generation, Welsh speaking, and adult students. Most of these areas have also been highlighted as areas for concern in the Welsh Government's budget.

I have also spent several weeks consulting current Postgraduate students in Wales who have received the Welsh Government's Postgraduate grant and/or bursary. Some current students highlighted how if it was not for the Welsh Government's

¹ <https://russellgroupstudentsunions.org/cost-of-living-report>

support, they would not have been able to pursue their Postgraduate degree. Some statements provided to me by current students include:

Student 1: *'There was some debate in my household as to whether I could return to do my Masters to reskill. The grant was the main reason we decided I was able to return, as it meant that I would not build up even more student debt. It meant I could return to study and still keep a roof over my son's head. My partner still has to work two jobs to support us.'*

Student 2: *'I would not be able to afford cost of living without it'* (STEM Bursary).

Student 3: *'I was able to continue to pay my mortgage whilst furthering my education. Without this, I wouldn't have entered into social work programme which is already an understaffed field. Dread to think what impact these cuts will have.'*

Contribution to costs loan.

Finally, I wish to address the Minister's point on the contribution of costs loan. While I appreciate the loan is not intended to meet the full costs of completing a Doctorate, many students rely on this loan for that purpose. Funding from Research Councils is highly competitive and not feasible for many students (particularly those studying in arts and humanities), therefore the Doctoral Loan is often a last resort and often the only option for many who wish to pursue a PhD.

£28,395 across three-four years of study is not enough for full-time students, even those who work multiple jobs alongside their study. After paying tuition fees (approx. £4,500pa), doctoral students are left with under £4,500 to live on (based on three years study) and are often capped by institutions to 180 hours of work per year. Many of the students who rely on the loan are also working-class and first-generation students.

Despite the Minister highlighting that the Welsh Government has no plans to change the support offered to Doctoral students, I ask that he reconsider this and consult with the Welsh Government, Universities, Students' Unions and students on the actual realities of receiving the Doctoral loans for students in Wales.

Overall

Overall, I do not believe the Minister has truly explored the impact of cutting Postgraduate grants and bursaries for students in Wales, nor do I believe that he understands the realities of self-funded students' experiences who rely on the Doctoral loan.

As highlighted, the Postgraduate taught grant and bursaries are essential to creating equal opportunities for students in Wales, and to lose both may have a devastating impact on the diversity of Higher Education and research in Wales. I ask that the Petitions Committee considers these aspects when discussing the petition on the 4th March.

Thank you for your time.

Agenda Item 3.1

P-06-1294 Don't leave metastatic breast cancer patients in Wales behind

This petition was submitted by Tassia Haines, having collected a total of 14,106 signatures.

Text of Petition:

People living with metastatic breast cancer (MBC) in Wales are being badly let down by the system. Currently, Wales has just one dedicated secondary breast cancer clinical nurse specialist (CNS), a situation that leaves potentially hundreds of people without adequate support. We need to know how many people are living with MBC to improve services. And we want improve quality of life outcomes by raising awareness of MBC red flag symptoms.

Additional Information:

We are calling for:

1. Every person with Metastatic breast cancer (MBC) in Wales to have access to a dedicated secondary breast cancer clinical nurse specialist.
2. A collection of data of those living and being treated for MBC in Wales.

We have written an open letter to the Minister for Health and Social Services on behalf of metastatic breast cancer patients and their carers to show the need for improved quality of life and more support for those living with MBC.

Senedd Constituency and Region

- Aberavon
- South Wales West



Eich cyf/Your ref P-06-1294
Ein cyf/Our ref EM/03431/23

Jack Sargeant MS
Chair - Petitions Committee
Senedd Cymru
Cardiff
CF99 1SN

Government.Committee.Business@gov.wales

05 February 2024

Dear Jack,

Thank you for your letter of 19 December as Chair of the Petitions Committee about Petition P-06-1294 - Don't leave metastatic breast cancer patients in Wales behind.

I am sorry to read about the concerns of the petitioner. I have taken a specific interest in the petitioner's calls and was very happy to have met with her and discussed how we can take this forward. I was also glad to have been able to attend the metastatic breast cancer conference to show my support for the petitioner's call to improve service provision.

I have also set out the Welsh Government's position in response to the petition, during the debate on the petition, and in response to a subsequent oral question. The core asks for the petition include better data and better specialist workforce provision. I have explained how we are making improvements to the data available on metastatic breast cancer. The Welsh Government has invested around £12 million in a new cancer information system that includes new dataset forms for breast cancer care. This new clinical record allows the capture of structured data on metastatic breast cancer so that it can be readily used to audit care. Because the new data form only came into use in 2023, there will be a period now where data needs to accumulate in the new system before it can be used for clinical audit.

I also approved additional funding for the national clinical audit programme so that Wales could extend clinical audit to metastatic breast cancer. This is an England and Wales audit which is now commencing with the first reports focussing on establishing a historic baseline position. It will take time for the audit to get to the point where it is collecting data for a period where there is data on metastatic disease captured in the new forms because this period is covered by the legacy CaNISC system which has little or no structured data on metastatic disease. We will soon get to the point where can capture data at the point of care that can be used in clinical audit to measure the quality of care provided. I would also like to add that the cancer network has now appointed a new clinical lead for the breast cancer audit.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

Gohebiaeth.Eluned.Morgan@llyw.cymru
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.

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

With regard to specialist nursing provision for metastatic disease, I have previously explained to the Senedd that it is for health boards to deploy their available workforce to meet their population need. I am mindful that only a health board is in a position to determine how it can balance the competing need to provide for cancer and non-cancer care, and within cancer to apply its available workforce in a way that is equitable to other types of cancer and metastatic disease. Nonetheless, I am pleased to report that all health board areas have provision for secondary breast cancer nursing.

Finally, with regard to the nationally optimised pathways. The Strategic Network for Cancer within the NHS Executive develops national pathways to support better health board planning and oversight of services. These pathways set out what should happen to meet the cancer waiting time target. The network has developed and published more than 20 national pathways for different cancers, including for metastatic breast cancer, which take people from suspicion to first definitive treatment. These pathways of care are highly ambitious, and we recognise it will take health boards time to work towards delivering them and sustaining performance in line with them. The metastatic breast cancer pathway will soon be published and available to support NHS planning of services. You may also wish to be aware that the end of treatment summary document for metastatic breast cancer has also been approved nationally and will soon be discussed with lead nurses for adoption across Wales.

The Cancer Network plays an important new role as part of the NHS Executive in supporting the development of cancer services in Wales. This is an extensive agenda, and the Network is deploying its available resources to provide clinical advice and support to a large number of matters, in line with its workplan. In particular it is heavily involved in the development of a national programme of work to improve cancer waiting time performance. It is also leading important work on improved data collection, the use of clinical audit data, and the identification of variation in quality of care. It is also investing significant resources in bringing health boards and trusts together to collaborate nationally on improvements in radiotherapy, systemic anti-cancer therapy, and acute oncology; as well as advising on a series of service challenges and fragilities that need to be managed. Given the broader demand facing NHS services and the financial context facing NHS Wales, I am assured that the Network is appropriately deploying its resources to support the many vital challenges facing cancer services in Wales. The scale and complexity of the challenges being managed by health boards also has implications for the pace at which they can deliver a new set of national pathways.

Thank you for writing to me on these matters.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

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

Agenda Item 3.2

P-06-1350 Re-open Dyfi Ward at Tywyn Hospital now

This petition was submitted by Jane Eleanor Seddon Barraclough, having collected, 1,314 signatures online and 4,214 signatures on paper, making for a total of 5,528 signatures.

Text of Petition:

We are devastated by Betsi Cadwaladr's decision to 'temporarily' close the inpatient ward at Tywyn Hospital. We want it reopened now.

The action to close this ward without any consultation or notice is premeditated and lacks transparency; it is a misappropriation of our community's public service.

Please show us support by signing the petition. Diolch am eich cefnogaeth.

Additional Information:

Staff and patients were told on Thursday that they would be moved to Dolgellau hospital by Tuesday.

No notice, no consultation, no discussion, no rationale.

If staff didn't want to move to Dolgellau they would not have a job. Tywyn is a new hospital which has excellent equipment and facilities. Our hospital has superb staff working there. Our relatives and friends have been provided with the best possible care you could wish for.

The health board have said that it is unable to recruit sufficient staff to fill posts. We want to see what evidence the health board have to show that they ever actively recruited staff for our hospital.

This hospital is a vital resource in our community. Please support our cause.

Senedd Constituency and Region

- Dwyfor Meirionnydd
- Mid and West Wales



Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

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

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

Jack Sargeant, MS,
Chair,
Petitions Committee,
Welsh Parliament,
Cardiff Bay,
CE99 1SN

Ein cyf / Our ref: CS/EG (CE24/0211)

☎: 01745 448788 ext 6382

Gofynnwch am / Ask for: Emma Hughes

E-bost / Email: emma.hughes19@wales.nhs.uk

Dyddiad / Date: 8th February 2024

Sent by email – petitions@senedd.wales

A hard copy will not follow

Dear Mr. Sargeant and Committee members,

Re: Petition P-06-1350 Re-open Dyfi Ward at Tywyn Hospital now.

Thank you for your letter dated 19th December regarding the above petition.

In response to your request for an update on Dyfi Ward and what actions have been taken to recruit staff, I am pleased to report further progress has been made. We have recently appointed an additional two Internationally Trained Nurses (ITN) to join the Tywyn ward team. Both nurses are currently deployed to work in Dolgellau Hospital in a supernumerary capacity until they have gained the required clinical competencies, including passing OSCE (Objective Structured Clinical Examination) which will then enable them to work independently within the Tywyn team. In total we have deployed 6 ITNs to the Meirionydd area, four to Dolgellau Hospital and two to Tywyn Hospital vacancies. Availability of suitable accommodation in the Tywyn area has at times been problematic, however the town Council has helped here, and the two new ITN recruits have successfully secured accommodation.

Further to the withdrawal of the newly appointed Band 7 Ward Manager, the post was re-advertised and successfully appointed to from within the current workforce which has meant a Band 6 Deputy Ward Manager post become vacant which is currently out to advert. We are hopeful that we will attract suitable candidates for this post and that interviews will be held in the coming weeks.

This will leave one Band 5 nurse vacancy for the ward establishment, and we continue recruitment efforts to fill this vacancy.

We will be able to provide a date for the reopening of Dyfi Ward in Tywyn Hospital once our new recruits have been fully signed off as competent to work independently and the remaining vacancies are filled. Our priority remains patient safety and we require a full complement of staff to be able to provide safe staffing levels to our inpatients at all times.

In respect of the unanswered questions submitted to the Health Board by the Hospital Action Group on 24.11.23, I apologise we were unable to provide the response in readiness for the Board meeting held 30.11.2. Please find the response annexed, which the Hospital Action Group has also received.

Cyfeiriad Gohebiaeth ar gyfer y Cadeirydd a'r Prif Weithredwr / Correspondence address for Chairman and Chief Executive:

Swyddfa'r Gweithredwyr / Executives' Office

Ysbyty Gwynedd, Penrhosgarnedd

Bangor, Gwynedd LL57 2PW

Pack Page 114 www.pbc.cymru.nhs.uk / **Web:** www.bcu.wales.nhs.uk

Mae Swyddfa'r Prif Weithredwr yn croesawu gohebiaeth yn Gymraeg a bydd yn sicrhau y darperir ymateb yn Gymraeg heb oedi.

The Chief Executive's Office welcomes correspondence through the medium of Welsh and will ensure that a response is provided in Welsh without incurring a delay



Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

We trust this information provides reassurance of the Health Board's commitment to supporting the Tywyn community.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carol Shillabeer'.

Carol Shillabeer
Prif Weithredwr/Chief Executive

Annex 1 – Copy of the questions received from the Tywyn Hospital Action Group and BCUHB’s responses

- 1. Following up from the answer provided at the last meeting, in reference to the appointment of overseas nurses to Dolgellau, and not to Tywyn, why weren't more nurses employed there and then to fulfil all the vacant roles at both Tywyn and Dolgellau?**

Attempts to secure international nurses for Tywyn have been ongoing for some time. Due to the rurality of the Meirionnydd area we have been advised to deploy 2 nurses at a time and support them to secure suitable accommodation, which can be a challenge. We are very pleased to be able to confirm that 2 new international nurses have now arrived and are currently based at Dolgellau Hospital gaining their competencies on the inpatient ward which will then enable them to work independently within the Tywyn team. The Tywyn Hospital flat is available for use by these nurses and we have helpfully received a list of potential accommodation from the town council.

- 2. How many nurses from overseas have been appointed to Betsi Cadwaladr health board's facilities in total in 2023, and when, and where were those nurses deployed?**

To date BCUHB has deployed the following to the Community in 2023:

| | | |
|----------------------------|---|---|
| Dolgellau Hospital | - | 4 |
| Tywyn Hospital | - | 2 |
| Llandudno General Hospital | - | 1 |
| Colwyn Bay Hospital | - | 1 |

- 3. We note that at the meeting of Tywyn Town Council in May, attended by BCUHB, the concept of building a community of overseas nurses in Tywyn, offered by BCUHB as a means to alleviate staffing issues at Tywyn hospital was enthusiastically received by locals. If the two overseas nurses were offered the choice to come to Tywyn or Dolgellau, as stated, then were those nurses invited to Tywyn to meet locals and look at the facilities, which BCUHB staff said would happen at the meeting in May?**

The international nurses are provided with information and choose which hospital vacancy they are interested in before they arrive in the country and are deployed to that hospital on arrival. The information provided has now been reviewed to include information about the support available to find suitable accommodation and the offer from the community to meet and showcase the area.

- 4. Lack of accommodation continues to be used by BCUHB as a barrier to recruitment. However, up to date lists of suitable, affordable and available accommodation have been shared with BCUHB. Why is the health board still saying that accommodation is a problem? At the meeting in May, BCUHB staff also stated that the health board would consider renting properties on behalf of employees, as we know other health boards do. Why is the health board now saying that is not an option?**

Finding suitable accommodation in the Tywyn area has been problematic for some candidates, especially those who don't drive or have access to a car. The Health Board does

provide some accommodation in the area; a 2 bedroom flat on the Tywyn hospital grounds as well as 2 rooms in Dolgellau Hospital. This accommodation has supported new staff on a temporary basis until they find their own accommodation locally. The town council has been particularly helpful in providing a list of suitable accommodation and we will continue to work with them to keep this updated to attract staff.

- 5. Please can you confirm up to date lists of dates of adverts for posts from the last closing date listed in the answer at the last board meeting, which was: 'July 23 - closing date of 16/08/23 - no suitable candidates'.**

Following a number of unsuccessful recruitment attempts the registered nurse post was advertised again in October 2023 and closed on the 23rd November 2023 with no suitable applicants. The post was advertised again with a closing date of 12th December, with no suitable applicants, and is currently back out to advert. The candidate appointed to the Band 7 Ward Manager post withdrew at the beginning of October 2023 and the post was subsequently re-advertised. Interviews were held and we are pleased to confirm the appointment of a new Band 7 Ward Manager, however this means that we are now back out to advert for a Band 6 Deputy Ward Manager, having recruited the current Band 6 to the Band 7 post. The advert for the Band 6 post will close 7th February 2024.

- 6. You mention flyers, posters and banners being distributed locally, please can you tell us where these are located. In your reply you also state that leaflets were distributed at the Race the Train event in Tywyn which was held on 18/08/23, when it appears that there were no live adverts?**

The advert closed 16/08/23, with an immediate request made same day to re-advertise the posts. There is a time delay from request being made to adverts going live, and there were no live adverts for the vacant ward posts on 18/08/23 but there were shortly afterwards. Numerous leaflets and posters have been distributed and displayed around the Tywyn area, the distribution supported by staff and local Councillors. Health Board banners were provided for the Race the Train event as it was recognised that it attracted many visitors, however the organisers advised against erecting the banners due to the weather conditions. There is a banner outside the main entrance of the hospital and staff have also distributed small cards to tourists and visitors during the holiday season. There is an open day planned for 14th March 2024 and as well as showcasing what services are available we will also use the event to showcase the career opportunities offered by the health board in the area.

- 7. The health board say that they wish to work with the local population on recruitment, and up to date adverts and any other initiatives which were suggested at the meeting in May, need to be shared and implemented. When and how will this happen?**

Regular meetings between the health board and local councillors, MSs and MPs have been taking place since April where discussions around recruitment progress and sharing the service model have been happening. The Health Board has attended council and public meetings and local elected members also have a role to represent and feed back to the wider population. We will work with the local town council to look at how we can involve the wider population.

8. What training is in place for current staff at bands 2 and 3 to fulfil the roles of higher bands? BCUHB stated in May that they were working on this.

All staff are offered the opportunity to complete QCF level 3 & 4 and to apply for nurse training. We encourage and strongly support career development for our staff. We are also linking in with Aberystwyth University to support the recruitment of student nurses and placements in South Meirionnydd, and have attended their open days to promote job opportunities. We will also attend their career opportunities day planned for the new year for the 1st student nurse cohort due to graduate.

9. In addition, what is the board doing to ensure that the staff they already have are retained at Tywyn? Nurses and doctors, who are still living locally, have gone to work for other health boards.

Opportunities for all staff groups to develop their careers and enhance their skills are offered and supported. Staff workshops are being held regularly to support staff develop and explore options for development on a personal and service delivery level.

10. Please provide the answer to the question posed at the last meeting, referring to the chart showing the differences in health services in Dolgellau and Tywyn in 2017 to 2023, based on data from Cyngor Gwynedd Scrutiny Committee and Community Healthcare Services from BCUHB, and asking for dates for their reinstatement. You said you would respond in full.

The time between 2017 and 2023 has seen many changes in service delivery across specialties and sites. Various factors impact the need for change including staff resource, with other drivers such as technology and specialty guidelines and recommendations based on evidence and best practice. From the information you refer to/have provided, there are two service areas which are no longer operational from the Tywyn site at this time. These are the General Surgery clinic, provided by Hywel Dda Health Board, which ceased during covid and has yet to recommence, and the GP Out of Hours service, which has changed the service model to operate from Alltwen Hospital and Ysbyty Gwynedd, servicing the whole of the West region including Tywyn. The lack of telemedicine clinics has also been noted and we have contacted service leads within both Hywel Dda and BCUHB to remind them of the availability of telemedicine technology across all our community sites, including Tywyn, so that patients can attend clinic appointments virtually, without the need to travel to respective District General Hospital sites such as Bronglais or Bangor for their appointments. It should be noted that not all clinical conditions are suitable for remote consultations, but it remains an option for patients to access services where clinically safe and appropriate.

There have also been several new service developments in Tywyn since the temporary ward closure in April 2023, which have been very well received by the local population who are able to have care closer to home as well as in their own home via the development of the Tuag Adref service. This service has supported 79 patients providing 3,500 home visits since May 2023. Tuag Adref is providing support for patients to remain at home when previously they would have been admitted for social reasons, as well as supporting patients to return home with ongoing low level support following a stay in hospital. Tuag Adref has reduced the numbers of delayed hospital discharges, releasing beds for other patients who require rehabilitation in a community hospital.

The development of the Treatment Room has also resulted in improved access to service locally, supporting patients to be seen as part of an integrated service model, as well as releasing capacity in the GP practice and District Nursing services.

We are very proud of our staff for rising to the challenge of developing new services to the area in the interim period of the temporary ward closure and remain committed to continuing these services once the inpatient ward reopens.

Please see attachment with details/notes.

11. *The group have been asked often about the employment of permanent Doctors at Tywyn Health Centre. This was also a subject asked about at the meeting in May. Please can you confirm the current up to date position regarding Doctors at Tywyn Health Centre?*

There is currently one GP employed full time at the Tywyn practice, supported by the wider multidisciplinary team. They are supported by a number of regular locums. We are very pleased to have recently appointed to one vacancy, with a provisional start date in May 2024. We are also hopeful of appointing another GP to the remaining substantive position in the near future, with the interview date being arranged. In addition to this we are in discussion with a GP trainee, who qualifies later this year and is interested in joining the Tywyn practice. To mitigate the challenges of recruiting to the South Meirionnydd area, we offer an attractive relocation package to support individuals wishing to move into the area and have worked closely with our colleagues in the Primary Care Academy to offer participation in the GP Plus scheme, a comprehensive training program which allows GPs to develop and enhance specialist skills.

12. *In addition, what plans do you have for Doctors covering the inpatient ward?*

We are exploring how the health board can contract with doctors to provide medical cover for community hospital in-patient beds. The cover provided could be via the managed practice, co-located on the Tywyn Hospital site, or be via invitations to tender for the provision of this service.



25th February 2024

Glan Eifion
Seaview
Borth-Y-Gest
Porthmadog
Gwynedd LL49 9TP

Mr Jack Sargeant MS
Chair –Petitions Committee
Senedd Cymru.
Cardiff
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e-mail: tom@communityhospitals.net

P-06-1350 Re-open Dyfi Ward at Tywyn Hospital now

Dear Mr Sargeant,

The Tywyn Hospital Action Group has been informed by your Committee's deputy clerk that their petition, as above, is to be considered once again by your Committee on Monday 4th March and invited me to provide an opinion on Ms Shillabeer's letter to the Committee of February 8th.

The Community Hospital Association is asked by community hospital supporters, three or four times each year, for advice and assistance when local health services are unavailable for unreasonable lengths of time. The ward in Tywyn has now been closed for more than 9 months,

The evidence is overwhelming that community hospitals play a crucial part in delivering patient pathway care that maximises the patient's outcome prospects and minimises their subsequent readmissions to acute care. Residents of Tywyn, Meirionnydd, consider that they have suffered for much too long with inadequate healthcare service provision.

In this letter, I concentrate on the actions that Betsi Cadwaladr have taken to seek to be able to reopen the ward. I reflect upon the Board's failure to succeed in their endeavours and their dim prospects given their current limited approach.

BETSI CADWALADR LACK OF SUCCESS.

Ms Shillabeer describes the Board's lack of success in the paragraph in her letter which reads:

" We will be able to provide a date for the reopening of Dyfi Ward in Tywyn Hospital once our new recruits have been fully signed off as competent to work independently and the remaining vacancies are filled. Our priority remains patient safety and we require a full complement of staff to be able to provide safe staffing levels to our inpatients at all times."



This has been drafted in a somewhat disingenuous way. Ms Shillabeer is unable to offer a date for the reopening of Dyfi ward or any assurance that it will reopen. She states that she has one available nurse, who has been promoted to the Band 7 post. She plans to relocate two “Internationally Trained Nurses (ITN) to Tywyn, when they are suitably qualified at some undisclosed date. When this has been achieved, the Board still has to recruit a band 6 and a band 5 nurse in an area where there is dire shortage of nurses.

There is common ground between Betsi Cadwaladr UHB and the Tywyn community that there isn’t a pool of nurses available in the South Meirionnydd area from whom to seek to recruit. During the past 18 months, Betsi Cadwaladr has advertised for staff to fill at least 12 types of nursing posts in South Meirionnydd and their success rate has been disappointingly low.

Ms Shillabeer confirms the gross shortage of nurses in the locality when she writes, *“In total we have deployed 6 ITNs to the Meirionnydd area, four to Dolgellau Hospital and two to Tywyn Hospital vacancies”* and despite deploying six “Internationally Trained Nurses” the Board still has unfilled nursing vacancies.

Sadly, the Community Hospitals Association is not persuaded by Ms Shillabeer’s closing sentence, *“We trust this information provides reassurance of the Health Board’s commitment to supporting the Tywyn community”*. We trust that the Committee will challenge this assertion.

Betsi Cadwaladr faces the same problem that other health bodies supporting rural healthcare have faced, a severe shortage of locally resident nurses. In several rural areas with the need to fill key nursing vacancies, recruitment from ‘out of area’ has proved to be the only viable approach.

A WAY FORWARD

Some people has asserted that there is a “national shortage of nurses”. The recently published staff statistics in England challenge that view. The English Health Minister, Andrew Stephenson, summed the situation up succinctly *“It’s fantastic that there are over 370,000 nurses and midwives looking after patients in the NHS – 21,000 more than last year.”*

The Community Hospitals Association knows of examples in both England and Scotland where “key nursing staff” have been recruited from urban conurbations to relocate to rural areas through health body and local authority joint working.

Placing local adverts for nursing staff for Tywyn has failed for more than 9 months, and it would appear that there are negligible prospects of success in the next 9 months. But targeted recruitment from a large conurbation like the West Midlands could well succeed.

Many nurses working in the West Midlands will be familiar with South Meirionnydd from having visited on holiday. They may be encouraged to consider relocation if they know that



vacancies exist, and that support in terms of relocation costs, plus as necessary also affordable housing, access to schooling etc., is being taken care of. We have seen elsewhere that when a local authority has worked closely with the healthcare body, and they have retained a recruiting organisation in an urban area with a promise of relocation help, numbers of suitable candidates have shown interest.

The Tywyn Town Council has assisted in identifying accommodation possibilities for the two “Internationally Trained Nurses”, to be relocated from Dolgellau. Social Media records the tremendous generosity of local Tywyn people in offers to donate items to the two ITNs for their prospective new home.

The Community Hospitals Association would welcome Gwynedd Council being actively engage in the out of area recruiting since relocating established families can involve both housing and schooling requirements.

No community deserves sub-standard healthcare as Tywyn is experiencing. Betsi Cadwaladr have done little more than hope that one day the Board might find suitable staff. I trust that the Petitions Committee will address the plea from Tywyn and press Betsi Cadwaladr to actually deliver the necessary nursing staff.

Yours sincerely

Tom Brooks

Committee Member for Wales
Community Hospitals Association

P-06-1350 reopen Dyfi Ward at Tywyn Hospital now

The health board do not have a date for the reopening of the inpatient ward at Tywyn Hospital. The beginning of April 2024 will be a whole year since the health board formally closed the ward. This is the third reply to the Petitions Committee by Tywyn Hospital Action Group. This reply focuses on: the evidence the group has obtained for the reasons why the inpatients ward at Tywyn Hospital was closed; the matter of the board withdrawing the right for public questions to be asked at the health board's general meetings and those answers which have finally been provided to the questions asked of the board in November; the lack of communication of the progress Betsi Cadwaladr University Health Board (BCUHB) have made in reopening the ward.

BCUHBs own documents show that in February 2023 they were considering the closure of the inpatients ward at Tywyn Hospital, due to staffing shortages which had been ongoing for years. At that stage the documents show that the board were comparing Dolgellau and Tywyn Hospitals and considering the reasons for keeping one open over the other. The health board chose to close the inpatients ward at Tywyn Hospital, but to keep the inpatients ward open at Dolgellau. A key factor repeatedly cited to the general public was that there were more beds available at Dolgellau:

In April this year the decision to consolidate ward staff on the Dolgellau site was based on the ability to maximise the number of beds for the south Meirionnydd area. The Dolgellau site provides the biggest inpatient bed capacity, currently at 18 beds with an option for further increase in bed numbers. The maximum number possible in Tywyn would be 16 beds, thus the Dolgellau option provided the better option in terms of maximising bed capacity and mitigating the overall risk of the reduction of beds due to the temporary loss of bed capacity in Tywyn. (answer from BCUHB - Public Questions pre-submitted to Health Board 28 September 2023).

Evidence from the board's own documents from the 20/2/23 'Executive Summary' show that in fact only an equal number of beds were ever considered at both hospitals, that is 15, and that only 11 beds were open at each hospital, having been reduced over the years due to funding and staffing problems; '...option A and option B offer a total of 15 beds, this would be a reduction of six compared to the current 22 (11 per site)'. Facilities at Tywyn Hospital were brand new and up to date; the public meeting in November 2023 refers to 'the pioneering work of the late Morgan Vaughan, a renowned councillor from Tywyn, who fought tirelessly for millions to be raised and spent on the hospital to be refurbished and extended, which was opened in 2016'; whereas facilities at Dolgellau Hospital are very outdated. Note Tywyn Hospital also has capacity to further increase the number of beds.

As stated in our last reply to the petitions committee 'factors we see that the board looked at were availability of doctors, the distance to and from where staff would have to travel, which of the board's own main hospitals would be affected (Ysbyty Gwynedd Bangor and Wrexham Maelor), the political impact, and the fact that patients being returned to Tywyn come from Bronglais, Abersytwyth, which is in a different health board' (Hywel Dda). Tywyn is not within BCUHB's catchment, and therefore does not alleviate bed blocking in the health board's own hospitals.

As stated previously, 'no real analysis or references to matters on the effects impacting actual patients were considered' regarding the closure, neither does Ms Shillabeer's latest reply refer to the impact on patients, relatives or on the health service provided for the Tywyn area. The impact of closing the ward for patients and relatives is a cause of severe upset and concern. In Tywyn we have elderly relatives of patients in Dolgellau Hospital, who are unable to use public transport, who have been paying for private taxis to visit their loved ones in Dolgellau. This is only one tragic example of

the impact of this closure and almost a year since the excellent facilities available in Tywyn were closed.

On 28/04/23 BCUHB notes '*Enhanced Services Action Plan*' show that '*End of life and hospice care to be considered as an option for beds at Tywyn Hospital, and 28/04/23 - to discuss Hospice Dewi Sant and Marie Curie Service in the area to follow up on previous conversations, status in progress*'. No more information or details have been provided or any of the '*previous conversations*' shared with the public, but shows that BCUHB had been considering other plans for our hospital. Ulterior plans that the health board have for Tywyn Hospital need to be made public. Considerable funding from donations was provided to enable the hospital to be refurbished, and the hospital is part of the public health service meeting the needs of all the people of Tywyn and surrounding areas. Additionally, the appropriate use and management of donations is a serious concern, because in March 2023, only a few weeks before it's closure, over £10,000 from the Tywyn Hospital donations fund was authorised to pay for an updated patient kitchen for the inpatients ward, when in February 2023, the health board had begun planning its closure.

The matter of the public now being prevented from asking questions of the health board, the previous '*public questions*' for which answers were recorded in the public domain on the board's website, to be accessed at any time by anyone, remains a serious issue and we trust that the Petitions Committee is able to question the veracity of this action. BCUHBs website now says '*we welcome questions from the public at any time which will be answered on an individual basis*'; this approach not only lacks transparency, it obstructs the right of individuals to question the board within an open forum. When questions were asked, last November, the board then took 2 months to answer. There is no facility or method for tracking whether or how the board answers the questions honestly and with integrity on an individual basis such as they are now supposedly doing. In fact, although it was a useful vehicle for opening up the issues, disappointingly and far too often, the answers to the questions lacked the sincerity, accuracy and honesty expected. Nevertheless, this opportunity for openness and accountability of BCUHB has now been closed down.

BCUHBs response to the questions asked at the meeting of 30/11/23 have now been provided and here are our comments:

Regarding the matter of staffing, the health board have stated that they have finally deployed two international nurses to Tywyn, and that the nurses are undergoing the training required to work at Tywyn Hospital. Meanwhile four international nurses have been employed at Dolgellau Hospital. The board was asked how many international nurses have been employed to the board's facilities in total in 2023, but the answer only included numbers in '*the Community*'. Ms Shillabeer's letter to the petitions committee maintains that there are still insufficient numbers of staff to reopen the ward. The board continually change the number of vacancies and bandings of nurses they say are required to reopen the inpatients ward at Tywyn; for instance, in July 2023, in answer to a question to the board, the answer was stated as '*3 WTE Band 5 nurses short of the required number*'. By now, the number and levels of vacancies have changed yet again. Adverts are erratic; in answer to one of the latest questions, where BCUHB had stated that posts were being advertised at the Race the Train event in Tywyn, the board now states that '*...there were no live adverts for the vacant posts on 18/9/23 but there were shortly afterwards*' – which was actually '*October 2023*'. The board continues to prevaricate on answers to questions about '*adverts, sharing flyers, posters and banners*' - there is

no evidence to support anecdotal statements such as *'numerous leaflets and posters have been distributed in the Tywyn area'*. BCUHB continually tell us how they can't open the ward; they do not tell us how and when they will open it.

The original question of the board on 28/9/23 about the loss of health services in Dolgellau and Tywyn between 2017 and 2023 and asking for a full response has taken almost 4 months to be answered. However, the board's answer to question 10 says *'please see attachment with details/notes'* – this is missing. The answer states that two services are no longer operational. One is the general surgery clinic provided by Hywel Dda; no explanation of if that service will be reinstated is given. Out of hours is the other service that has been withdrawn from our locality, and the board states that a new *'service model'* operates from Ysbyty Alltwen, Tremadoc, (over an hour's drive away), or Bangor, (which is almost two hours drive away). The health board have noticed that telemedicine clinics are missing from Tywyn and are now reminding their own services to provide these clinics, but do not give any dates or real detail of when or how these will be put in place. The other services lost from 2017, detailed in the original chart we provided, have not been mentioned. *'New service developments'* referred to in their reply, that is *'Tuag Adref'* and a *'treatment room'*, do not mitigate against the closure of the inpatients ward or the closure of other services. Tuag Adref is no substitution for an inpatients ward, and a treatment room which is only open during the day, is certainly no substitution for the GP out of hours service or 24 hour onsite medical service, all provided in 2017.

BCUHB documents show that they contacted the Welsh Government about the closure of the ward, and yet Eluned Morgan, the Minister for Health and Social Services department states in a reply to the group of 15/6/23 that *'We can therefore confirm that the Minister for Health and Social Services played no role in the decision in regard to the temporary closure at Tywyn Hospital. We have however contacted the health board and we have been assured this decision is for inpatient services only and was made due to the significant staffing challenges being experienced and, ultimately, to ensure those needing inpatient hospital care can continue to receive the care they need in a safe clinical environment. The health board has also confirmed that the other services provided at Tywyn Hospital will continue to run as usual.'* The Welsh Government uncritically reiterate what BCUHB tell them.

Communication by the health board with the public about improvements and progress regarding health services in Tywyn has remained poor. For example, still no feedback is being circulated publicly from the meetings between the health board, councillors and MEP/MP about staffing or any other developments if they are still going ahead. Only through asking questions do we ever receive information. There is no proactive approach to sharing information, and yet the board has said:

In answering our question on 25/05/23 on steps being taken to restore public confidence in the health board following the mishandling of the closure of Dyfi ward, the board replied: 'we work with the local population to understand the health service needs for Tywyn and the surrounding area'.....'regular communication and mutual support from partners including the public will be required moving forwards to ensure the right service and service models are provided'.....'we will be looking to extend the scope of and membership of (these) meetings as we progress to include the patient voice through patient representative options to the future'.....and the health board 'are keen to see ...trust restored through continued communication'. (answer from BCUHB - Public Questions pre-submitted to Health Board 31 July 2023).

The group has endeavoured to demonstrate in our replies to the Petitions Committee how BCUHB have mismanaged our facilities and health service. There is no reinforcement of the standards and attitudes required and the continued obfuscation is a serious matter of concern. One year on, the health board do not have the aptitude to reopen the inpatients ward again.

As stated in our previous reply 'BCUHB need to be accountable for the decisions they make on providing healthcare in the Tywyn area. We trust that the petitions committee appreciates the legitimacy of our campaign and uses its influence to ensure that our health services are reinstated to a high standard. We have a right to an efficient and effective health service, which puts patients first'.

Yours sincerely

Jane Barraclough

Tywyn Hospital Action Group

Agenda Item 3.3

P-06-1380 Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis

This petition was submitted by STAND NW CIC, having collected a total of 1,618 signatures.

Text of Petition:

Not all disabilities are the same, some are life long, meaning they do not change over time.

Unfortunately, current guidelines require individuals with lifelong diagnoses, which include learning disabilities or profound and complex needs, to reapply for a blue badge every three years. This process can be very frustrating and time consuming for both individuals and their caregivers and focus heavily on the negative aspects of an individual's abilities.

Additional Information:

The Equality Act 2010, states, a disability is a physical or mental condition that has a substantial and long-term impact on a person's ability to do normal day-to-day activities, it states it allows for the better or more favourable treatment of people with impairments based on the evidence given, to provide equality of opportunity.

We believe that the process should be updated to better support those with disabilities by making life easier for those with lifelong conditions.

We are therefore proposing a change, we are calling for the Welsh Government to change their current process when applying for blue badges, to give what's right and to support disabled people.

The change would be, that if a person applies for a blue badge due to a lifelong medical condition that is not expected to change, and their supporting health notes confirm this, then a blue badge should be granted for their lifetime.

Senedd Constituency and Region

- Vale of Clwyd
- North Wales



Eich cyf/Your ref P-06-1380
Ein cyf/Our ref LW/03253/23

Jack Sargeant MS
Chair - Petitions committee

23 January 2024

Dear Jack,

Thank you for your letter of 1 December requesting additional information in relation to petition P-06-1380 ('Make Blue Badge applications lifelong for individuals who have a lifelong diagnosis'). Please find my response to the questions below.

Have the Welsh Government undertaken any research as to whether... training in relation [to the] social model of disability is working?

The Welsh Government's guidance for local authorities on how to deliver the Blue Badge scheme recommends that all members of staff who deal regularly with applicants and badge holders should receive disability and equality awareness training, which should include the social model of disability: <https://www.gov.wales/sites/default/files/pdf-versions/2023/6/4/1686820783/blue-badge-scheme-wales-guidance-local-authorities-2021.pdf>

However, this guidance is non-statutory and we are unable to direct local authorities to provide specific training for individual staff. In 2020, my officials held a workshop on the social model of disability for local authority staff dealing with blue badge applications, led by a trainer who shared their own personal experiences of daily life living with an impairment.

Can the system be simplified for those who are reapplying who have lifelong conditions?

Eligibility for the Blue Badge Scheme is based on mobility and not on specific medical conditions. For all eligibilities it is based on permanent and substantial impairments apart from under the temporary eligibility criteria, which is for a 12-month period to help mobility recovery.

The Blue Badge Digital Service (BBDS), launched in February 2019, has already delivered a significantly faster, simpler experience for most blue badge applicants and reapplicants. In the first four months of the BBDS' operation, digital take-up across the UK rose from 37 per cent to 57 per cent and processing time was reduced from 29 to 19 days.

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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.

Back Page 128
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 continue to work with our partners at the Department for Transport, the Scottish Government and the BBDS contractor to refine the operation of the digital service. The contractor has hosted a series of innovation workshops to understand what would improve users' experience and they are working with us and the local authorities to further streamline the application and reapplication process.

What assessments have been carried out to ensure that there is [consistency] within local government in processing blue badges?

Local authorities administer the Blue Badge scheme and are responsible for deciding who is eligible for a badge in their area. The Welsh Government provides non-statutory guidance to promote consistency across Wales and funds an independent assessment service (IAS), to which local authorities can refer more challenging cases. We also maintain a regular dialogue with local authorities through frequent working group meetings, which provide an opportunity to share knowledge and best practice.

Over the last 20 years the Blue Badge scheme has been subject to a number of reviews looking at various aspects of the programme including eligibility, administration and enforcement. As a result, we have made a number of changes in conjunction with stakeholders and healthcare professionals. We remain committed to ensuring that disabled people with the greatest need can benefit from parking concessions and that the process of obtaining a badge is as efficient, effective and stress-free as possible.

The legislation is broadly worded in relation to cognitive disability and will often depend upon the individual's own interpretation of 'danger' etc. What training is provided to ensure that councils have real life understanding of what this means to individual families whose children have learning difficulties?

As noted above, our Blue Badge guidance for local authorities recommends that members of staff who deal with applicants and badge holders should receive disability and equality awareness training. However, local authorities are responsible for providing their officers with suitable training.

Blue badge applications should where possible include supporting information from healthcare professionals involved with the applicant's care. Local authorities can seek advice from health professionals in determining applications and can refer an application to the IAS, which can carry out a further assessment if necessary and provide a recommendation to the local authority.

I hope this information is helpful.

Yours sincerely



Lee Waters AS/MS

Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

P-06-1380 Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis - Petitioners to Committee, 23rd January 2024

Good afternoon

We are writing to give feedback on the reply received from Lee Waters MS regarding the Blue badge 'Life Award'. We learned about the 'Life Award' shortly before our petition came to an end. Please see attached

We appreciate the feedback on this matter. However, we are concerned that Lee Waters reply has revealed some gaps and inconsistencies in the information we have received. We too have been looking into the life award blue badge scheme, which we only learned about in the final days of our petition. We have also consulted with many of our families and none of them had been informed that such a scheme existed.

Through the FOI Act 2000, we requested from 6 Local Authorities in North Wales the following information

1. Are you aware that there is an option for lifelong blue badges?
2. How many individuals have been awarded lifelong blue badges? If so, could you provide us with a breakdown for the last 5 years?
3. What qualifications or training do desk-based assessors have in health, ALN or disability

The responses confirmed what we said in our previous letter, that some local authorities were either unaware of the life award or had a different understanding of what it meant. Please see attached.

Further points

- The 'Lifetime award' does not apply if the route you apply is PIP/DLA based, many apply through this route
- The majority of the counties in North Wales haven't issued any life awards, except if they have gone through Independent Assessor (IAS) (We are waiting for further information from Gwynedd)
- Desk-based assessors do not hold any qualifications in Health, ALN or Disabilities, Parents from our STAND for Change groups have raised a serious concern about the lack of qualifications of desk-based assessors. They believe that anyone who makes such a decision about Health/ALN/Disabilities should have relevant expertise in those areas. Otherwise, how can they ensure a fair and accurate assessment?
- *According to the guidance, the local authority must conduct a thorough assessment based on the evidence from healthcare professionals, such as reports, letters (not appointment letters), summaries and assessments by relevant healthcare professionals involved in an applicant's care.*

- We understand the need to maintain the scheme's integrity and avoid misuse, but we are concerned about the excessive focus on preventing fraud over the benefits of a blue badge and reasons why someone would apply. We question how making people reapply every three years reduces fraud. We suggest that updating information could be done less frequently, for example every 5 or 10 years, like a driving licence. The software already exists. We question Lee Waters statement saying the requirement of renewing 3 years is to monitor applications eligibility? The scheme needs to have an understanding of what a lifelong disability means, their needs are not going to improve, and therefore should not have to face the stress of renewing their badges. This would also reduce costs and workloads for the Local Authorities.
- The application process can also be a barrier, they are long and intrusive. For users that are required to update their information, a better alternative would include providing a different form that only asks for the information that is needed, instead of requiring them to fill out the entire form again.
- On all Local Authorities websites, it states that there is no appeal process, this can cause people to feel helpless and confused when they don't agree with decisions made.
- We have found that there are variations of the IAS process, some stating that it is an appeal process and others stating it is part of the application process.

There is a need to ensure consistency and quality in the services provided by all counties. Local Authorities should also provide clear and accessible information on their websites which includes a much needed Appeal process.

Our petition is to change the way blue badges are awarded to people who need them for life. We would like the opportunity to meet with the Petitions Committee and Lee Waters, to explain our reasons and answer any questions you may have. We hope you will consider our request and give us a chance to share our views.

We understand that the Petition is under consideration with the Petitions Committee, do you have any update on this.

Many thanks

Julie Meese

Community, Engagement and Participation Officer - Conwy and Denbighshire

P-06-1380 Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis - Correspondence from Mark Isherwood MS to the Deputy Minister for Climate Change, 23 January 2024

Dear Lee,

Further to your attached 23rd January 2024 to Jack Sargeant MS, in his capacity as Chair of the Petitions Committee, my constituent has contacted me as follows:

"Would it be possible to find out the following information.

"The letter states that the Government recommends (not statutory) that all members of staff who deal regularly with applicants and badge holders should receive disability and equality awareness training which includes the social model of disability. It also states that in 2020, the Deputy Minister's officials held a workshop on the social model of disabilities, facilitated by a person with an impairment,

- How many staff from each LA attended workshops?
- Please clarify who attended the training workshops, how many from each Local Authority?
- Do you think it is enough for one workshop in 3 yrs ?
- Do you think awareness training is sufficient? as some disabilities are quite complex?
- Why is training not a requirement?"

I would therefore be grateful if you could give this your attention and confirm your intended course of action accordingly.

Thank you.

Regards

Mark

| | | |
|---|---|--|
| Mark Isherwood MS Member of the Welsh Parliament for North Wales Welsh Conservative Party | Mark Isherwood AS Aelod Senedd Cymru dros Gogledd Cymru Plaid Geidwadol Cymru |  |
| 0300 200 7217 | |  Senedd Cymru Welsh Parliament |

P-06-1380 Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis - Petitioners to Committee, 19 February 2024

Please see email that I sent to petitions committee on 23/01/24 which includes our FOI findings

We received a response from Lee Waters answering questions from Jack Sargeant letter dated 23rd January 24,

Mark Isherwood MS wrote to Lee Waters on 6th February 24 on our behalf requesting further information, please see below. We are still waiting for a response

The letter states that the government recommends (Not statutory) that all members of staff who deal regularly with applicants and badge holders should receive disability and equality awareness training which includes the social model of disability. It also states that in 2020, his officials held a workshop on the social model of disabilities, facilitated by a person with an impairment,

How many staff from each LA attended workshops?

Could you clarify who attended the training workshops, how many from each Local Authority ?

Do you think it is enough for one workshop in 3 yrs ?

Do you think awareness training is sufficient? as some disabilities are quite complex?

Why is training not a statutory requirement?

Further response to Lee Waters letter

Have the Welsh Government Undertaken any research as to whether .. training in relation to social model of disability is working

Lee claims that the training is only a recommendation and that the training is just 'awareness' training. ALN and disabilities can be complex, and we feel that an awareness training cannot equip someone to make such crucial decisions

Lee Waters has not confirmed to whether research has been carried out, we too would like to see the outcome of this research, please provide

We have carried out our own FOI investigation across North Wales and found inconsistencies among the counties. We also discovered that the desk based assessors lack medical expertise or training in ALN or disabilities.

In response to simplifying those who are reapplying, please see previous email dated 23rd January.

As stated from our findings across North Wales counties there are very mixed views on the 'Life award 'and 'Life Awards are only mentioned once in the Local Authorities Guidance.

There is no clear header 'Life Award'. We believe that it is being referred to in the section 'Streamlined processes'

This will be the case where a person clearly meets the criteria and their impairment will not improve, such as a double amputee. In such cases the applicant will have a simplified renewal process, only needing to supply evidence of their identity, residence and a photograph. They will still be expected to sign the declaration form.

This isn't happening, and the process needs to be in a simpler format, for example, when we are renewing a driving licence you do not have to complete lengthy forms to prove who you are or where you reside

A concerning statement within the Local Authority Guidance is 'The provision of parking for disabled people is limited and if Blue Badges are issued to people who do not meet the criteria, that limited provision will be in greater demand' A limited provision should not be in question if an individual requires a blue badge

Please see below link, these recommendations were put in place 2019 it shows the lack of progress made since the task and finish group highlighted such problems in its 2015 report.

Have any of these recommendations carried out?

<https://senedd.wales/laid%20documents/cr-ld12631/cr-ld12631-e.pdf>

- Highlighted concerns about the inconsistencies across counties
- Highlighted concerns that assessors are not qualified to make medical assessments and they lack knowledge about the effect of certain medical conditions on everyday life
- It stated more could be done to "raise the profile" of
- Concerns raised at the lack of a legal requirement on local authorities to have an appeals process procedure and recommended that one should be introduced. Welsh Government Leaflet states "The local authority's decision on eligibility is final. There is no appeals process.
- It proposed that the renewal process for individuals with life-long or deteriorating conditions should be a paper-based exercise and that badges should be issued for longer than three years, decreasing the burden on assessors and avoiding causing distress to individuals.
- Missuse/abuse, we did not receive strong evidence of such problems from stakeholders. Whilst it is important to maintain the integrity of the system by reducing misuse, it is crucial that this does not lead to those with hidden disabilities being targeted because their disability or impairment is not obvious

Lee states 'Eligibility for the Blue Badge is based on mobility and not on specific medical conditions, yet an extension of the policy is to include people with cognitive impairments. Is

there sufficient awareness of this change and should more be done to raise the profile of this?

Please see supporting letter from MS Gareth Davies with information requested from Lee Waters

As stated in previous communications parents would be happy to share their stories and experiences and what having a blue badge means to the individuals and families



Lee Waters MS
Deputy Minister for Climate Change
Welsh Government
Via Email.

15th February 2024

Our Ref: VA340
Re: Blue Badge Applications

Dear Deputy Minister, Lee,

I hope this finds you well. I am getting in contact regarding required changes to the delivery of the blue badge application process and eligibility criteria in Wales. Following receipt of concerns from residents that the current system does not allow flexibility and additional support for those living with a lifelong condition, I am writing in support of the rising numbers of Welsh residents who have a permanent and substantial disability or condition.

Please kindly note that I previously requested a statement regarding the blue badge application process on 23rd January. Further to this, I'm writing today to request your response on the consideration of adjustments to the present system to introduce permanent blue badges.

Having met with constituents in the Denbighshire region to discuss their experiences at length, I am aware that many residents and families with a permanent condition or impairment are required to repeat the application process, despite the basis of their claim and their personal condition remaining constant. Further to this, I understand that many feel disappointed by having to repeatedly prove their requirement for a badge. Whilst I understand there is no charge for applicants submitting multiple blue badge applications, many subsequently feel that the application process for a permit via the Blue Badge Digital Service at present, lacks flexibility for those with permanent conditions.

It has additionally been brought to my attention that some with severely limiting mobility conditions have experienced their claims being denied. Separately, I'm given to understand that there is currently no appeals system in place for Welsh residents where they feel disappointed or dissatisfied with the outcome of a blue badge application request from their local authority, and am told that this has often made applicants feel extremely helpless, particularly those who have dedicated significant time and effort to an application and for those who may require a permit more urgently.

Given that 26% of residents in Wales have a limiting long-standing illness or disability, and are more likely to have one of these conditions than those living in other regions of Great Britain, I would be grateful for your department's consideration of the potential to introduce long-term permits, as a necessary improvement to the present system and eligibility criteria for automatic, temporary, and discretionary blue badges.

Further to this, given that eligibility for blue badges in Wales is based on mobility conditions and not specific medical conditions, I would be grateful for your response on measures being taken to enable a wider range of permanent and substantial impairments to be accepted as eligible, where these do not currently meet an automatic permit qualification. I understand that added flexibility here would be of great assurance to the many individuals and their families in my constituency and others across Wales who presently have no option than to reapply for a new permit after a 12-month period.

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Page 136

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GarethDaviesVoC





Member of the Welsh Parliament for **Vale of Clwyd**
Aelod Senedd Cymru dros **Dyffryn Clwyd**

Finally, in advance of the Petitions Committee's consideration of petition P-06-1380 ('Make Blue Badge applications lifelong for individuals who have a lifelong diagnosis'), I would be grateful for your response on the steps being considered by the current administration to make relevant logical adjustments to the application process, to support those with permanent conditions and impairments.

I thank you for your consideration of this important matter and I look forward to receiving the department's reply.

Yours sincerely,

Gareth Davies MS
Vale of Clwyd

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Pack Page 137





Blue Badge Petition - Make Blue badge Applications Lifelong for individuals who have a lifelong diagnosis

1. Are you aware that there is an option for lifelong blue badges?
2. How many individuals have been awarded lifelong blue badges? If so, could you provide us with a breakdown for the last 5 years?
3. What qualifications or training do desk-based assessors have in health, ALN or disability

| | RECIEVED | |
|-------|----------|--|
| Conwy | 19/01/24 | <ol style="list-style-type: none"> 1. We are unable to award a lifelong badge. “Indefinite or “life” awards are not available as all badges are valid for 3 years. Some people refer to applicants being given an award for life but that this really is a marker that no further assessment is required. This means that when re-applying in three years’ time no further medical evidence is needed to support the application – only proof of ID and residency in Conwy. 2. None -As mentioned in the previous question we do not award lifelong blue badges to applicants 3. Local authorities are responsible for the day-to-day administration and enforcement of the scheme. They are responsible for determining and implementing administrative, assessment and enforcement procedures in accordance with the governing legislation. All staff complete the local authority’s disability and equality awareness training programme. This includes information on the social model of disability. <p>All administrators of the Blue Badge scheme follow processes on how to administer the scheme, including policy on circumstances when local authorities will charge for a Blue Badge in the case of a replacement or organisational badge, as well as procedures for reviewing decisions. When they are unable to come to a clear decision to award a Blue Badge they can refer to an Independent Advisory Service for further assessment.</p> |

| | | |
|--------------|----------|--|
| | | <p>If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this response and should be sent to the Council's Information Governance Unit.</p> |
| Denbighshire | 09/01/24 | <ol style="list-style-type: none"> 00001967 - As per the Welsh Government guidelines, Local Authorities can 'mark' a customer account with 'not for reassessment' - if submitted based on 'walking ability'. This means – on expiry - the badge can be reissued automatically on presentation of a photo, proof of id and address without evidence. This does not apply to DLA, PIP applications. 31 badges - 2018 – 18, 2019 – 12 badges, 2020 - November 23 – 1 Badge, Until November is as far as report go. 2023 – This is because most applicants use their DLA / PIP award as evidence for their application - which cannot be marked 'not for further assessment' <p>Using the 'walking ability' option on the application form (not DLA / PIP award as the reason for their application) the badge holder will have to continue to reapply every 3 years using the online application form and can attach photos of all the evidence required to the online application with a request for it to be marked as 'not for reassessment' (first time only)</p> <p>Once this is processed, the 'not for reassessment' will be in place for all future applications (stays on the account permanently) – a 'life award' is not a term used by LA administrators.</p> |
| | 09/01/23 | <ol style="list-style-type: none"> 00001975 - I can confirm that staff: complete the Welsh Government (Blue Badge Local Authority Verification Toolkit) training; complete intense job shadowing training exercise with experienced and knowledgeable staff members, attend benchmarking groups meetings with other LA's to discuss potential complex 'loss/lack of mobility' cases. seek specialist advise from the Welsh Government Independent Assessors/Advisors Able 2 |
| Flintshire | | <ol style="list-style-type: none"> F00021931 – Yes 428 issued between 01/01/19 to 01/01/24 by the Independent Mobility Assessor (IAS). We are unable to give you a breakdown, the team are presented with an overall total. F00021933 - Our assessors do not hold health, ALN or disability qualifications. Blue Badge applications are assessed based on the blue badge Local Authority Toolkit which has been |

| | | |
|----------|--------------------------|--|
| | | prepared by the Welsh Government to help local authorities manage the application and verification process for a Blue Badge across Wales. |
| Anglesey | 03/01/24 | <ol style="list-style-type: none"> 1. Yes, we are aware that LAs can flag on the Blue Badge Digital System (BBDS) if they have assessed someone for a Blue Badge or have referred an application to the Blue Badge Independent Advisory Service and they have recommended to the LA that the applicant is eligible and should be awarded a badge for life. By flagging this on the system we will then know that the BB holder will still have to re-apply for a BB every 3 years before their existing badge expires but We would still however need to check their identity, address etc to ensure against fraudulent applications. 2. None 3. Desk based assessors abide to the Local Authority verification toolkit that is provided by the Welsh Government.” |
| Gwynedd, | 16/02/24 18/01/24 | <ol style="list-style-type: none"> 1. We do have some applications that are recommended to be awarded for life. Which means they do not require reassessment when re-applying for a blue Badge at the end of the three year validity period. 2. How many individuals have been awarded lifelong blue badges? If so, could you provide us with a breakdown for the last 5 years? We have 69 applications that have been recommended to be awarded for life by the IAS (Independent Assessment Service) . 3. All our desk based assessors are trained to use the Welsh Government Blue Badge Assessment Tool Kit. If we are unable to come to a decision on an application using the Welsh Government desk based assessment toolkit, applications are forwarded to the Independent Mobility Assessors, who are contracted by Welsh Government to carry out further desk based assessments and face to face assessments. I am unable to comment on what training the Mobility Assessors have, as they are not employed by Cyngor Gwynedd”. |
| Wrexham | 15/01/24 | <ol style="list-style-type: none"> 1. 4035 - Blue Badges are issued for a period of 3 years in Wales and we are not aware that there is an option for lifelong badges, as part of our process we record if a customer has benefits or condition that are unlikely to improve so that the process is extremely straightforward when they reapply. 2. How many individuals have been awarded lifelong blue badges? If so, could you provide us with a breakdown for the last 5 years? Nil |

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| | 15/01/24 | 3. 4040 –Desk based Advisors are not trained in Health, ALN or disability, if there are cases which is not straight forward then the application is referred for an independent assessment to a qualified Occupational Health officer. |
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