

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Hybrid

Meeting date: 18 March 2024

Meeting time: 14.00

For further information contact:

Gareth Price – Committee Clerk

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1 Introductions, apologies, substitutions and declarations of interest

2 Evidence Session – Free public transport for young people

(Pages 1 – 5)

Carole Stewart, Transport Scotland

Confederation of Passenger Transport Scotland (CPT)

3 New Petitions

3.1 P-06-1395 Halt significant new development on the Gwent Levels SSSIs

(Pages 6 – 19)

3.2 P-06-1404 Increase clarity and rights for people on direct payments or WILG to live independently

(Pages 20 – 31)

3.3 P-06-1406 Financial penalties for Local Education Authorities who do not comply with timeframes for ALN

(Pages 32 – 38)

3.4 P-06-1408 Make safe the access to the Secret Garden A4042 Goytre Fawr for both pedestrians and vehicles

(Pages 39 – 44)

4 Updates to previous petitions



- 4.1 P-06-1326 The Senedd should scrutinise the prepayment meter scandal in Wales
(Pages 45 – 57)
- 4.2 P-06-1359 Offer Welsh working parents the same financial support for childcare as England
(Pages 58 – 65)
- 4.3 P-06-1362 Match the new childcare offer in England of 15 hours for 2 year old's from April 2024
(Pages 66 – 73)
- 4.4 P-06-1369 Use only Welsh names for places in Wales
(Pages 74 – 77)
- 5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**
- 6 Discussion of evidence**

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P-06-1395 Halt significant new development on the Gwent Levels SSSIs

Y Pwyllgor Deisebau | 18 Mawrth 2024
Petitions Committee | 18 March 2024

Reference: SR24/7850-1

Petition Number: P-06-1395

Petition title: Halt significant new development on the Gwent Levels SSSIs

Text of petition: The Gwent Levels is an ancient landscape, rich in culture and important for biodiversity, recreation, flood alleviation, carbon storage and food production. It is now facing multiple, adjacent, enormous solar proposals amongst other development proposals. The Welsh planning system in its present form is unable to control development, and the destruction which these will cause under present arrangements would mean the end of this beautiful, fragile and complex wetland.

There is growing pressure for further, vastly accelerated solar and other development (such as business parks) on the Gwent Levels SSSIs and a systemic and longstanding failure to control it. For example, efforts to remove or even mitigate for serious damage from the only constructed solar farm there (Llanwern), via the use of planning conditions, have failed. Pollution levels in and near the site may well have increased. Lapwing, a scarce and declining breeding bird in Wales have been driven to extinction there. Climate change is the main threat to biodiversity globally. Concerted action is needed in all policy areas, including renewable energy – but this mustn't



come at the expense of biodiversity. SSSIs are jewels in our nature crown: UK-nationally important sites, statutorily designated for wildlife. Covering just 12% of Wales, they should not be targeted for major built developments, when thousands of hectares of land and rooftops throughout Gwent and Wales are much more suitable.

1. Background

Natural Resources Wales (NRW) states that SSSIs are “the most important sites for Wales’ natural heritage”. These sites are described by NRW as being “highly protected to safeguard the range, quality and variety of habitats, species and geological features” found within them.

Each SSSI has a site management statement which sets out why a site is special and how it should be managed.

The Gwent Levels

The Gwent Levels is the collective name given to a number of different SSSIs situated to the south of Newport, lying north of the Severn Estuary. The petitioner calls for no further significant developments to take place on the Levels and suggests that current planning policy is unable to control such development.

Perhaps the most high profile development proposal relating to the Gwent Levels was the M4 relief road scheme. In this case, in 2019 the First Minister, Mark Drakeford MS decided against the scheme, despite the independent inspector’s recommendation to proceed with it. The First Minister stated:

I attach very significant weight to the fact that the Project would have a substantial adverse impact on the Gwent Levels.

In 2021 the Minister for Climate Change, Julie James MS issued a written statement on action to better protect and manage the Gwent Levels. The statement referred to the M4 relief road decision and outlined Welsh Government action to protect the Levels including that a Gwent Levels working group has been established. The statement outlined key priorities identified by the group.

Planning policy

Planning applications are determined in accordance with national and local planning policy unless material considerations indicate otherwise.

The Welsh Government's **national planning policy framework** consists of **Planning Policy Wales** (PPW), the National Development Framework (NDF) – **Future Wales**, and a series of **Technical Advice Notes (TANs)**. There are a number of policies aimed at protecting SSSIs.

Section 6 of PPW, was updated in October 2023 and states:

Development in a SSSI which is not necessary for the management of the site must be avoided...What may be necessary for the management of a site will need to be considered on a case by case basis but it is likely to be limited to activities needed to meet its conservation objectives...

...There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI...

...In wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan should development be proposed.

In her letter to the Chair dated 4 March the Minister for Climate Change makes clear that planning decisions and planning policy development relating to the Gwent Levels must adhere to the above principles.

In addition to PPW, **policy 9 of the NDF** specifically refers to the Gwent Levels. The NDF sits alongside PPW and sets out a 20 year land use framework. It has development plan status.

Policy 9 of the NDF identifies national natural resource areas including the Gwent Levels. It states that “planning authorities should include these areas...in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide”.

Developments of National Significance (DNS)

The campaign group [Friends of the Gwent Levels](#) says it is “currently fighting” a number of [Developments of National Significance \(DNS\)](#) proposed on the Levels.

Certain categories of development are [classified as DNS](#) and are consented by the Welsh Ministers as opposed to the local planning authority (LPA). The petitioner specifically refers to solar farms. The construction, extension or alteration of an electricity generating station (other than an onshore wind generating station) expected to have capacity (or increase of capacity) of 10 – 350MW falls within the DNS regime.

Solar projects with a capacity under 10MW would be decided by the LPA whereas projects over 350MW would be decided by the UK Government under the [Nationally Significant Infrastructure Project \(NSIP\) regime](#). There is no such upper limit for onshore wind projects – all projects over 10MW are decided by the Welsh Ministers.

If passed, the [Infrastructure \(Wales\) Bill](#) currently making its way through the Senedd would introduce a new unified consenting regime known as an Infrastructure Consent for ‘Significant Infrastructure Projects’. This would replace the existing DNS regime and other consents.

The Bill would also change the threshold for energy generating stations (other than onshore wind generating stations) to 50-350MW meaning some projects under 50MW that would have previously fallen into the DNS regime would return to the LPA.

Senedd research has [published a range of resources on the Bill](#).

2. Welsh Government action

In her letter to the Chair dated 4 March the Minister for Climate Change highlights changes to national planning policy in relation to SSSIs outlined above. The Minister says the changes “will directly influence any proposed future development on the Levels”. In relation to policy 9 of the NDF (see above), the Minister says she has:

...approved the development of further planning guidance specifically for the Levels to help put this national policy into practice...Work on scoping the delivery of this guidance has now commenced with specific staff resources secured as of late 2023 to bring forward this guidance.

3. Welsh Parliament action

In June 2022 the Minister for Climate Change gave a statement to the Senedd updating on action being taken to protect the Gwent Levels.

The Climate Change, Environment and Infrastructure Committee undertook stage 1 and stage 2 scrutiny of the Infrastructure (Wales) Bill. During scrutiny the Committee heard evidence from the Welsh Government that it was working with Arup to look “at post-construction monitoring on the Gwent levels”. It outlined that:

...on the Gwent levels, there has been a solar farm and other developments. [We’re looking at] has that enhancement that has been put in as part of those schemes actually happened or not?

Stage 3 proceedings are due to take place in Plenary on 19 March.

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.

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-06-1395
Ein cyf/Our ref JJ/00118/24

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

04 March 2024

Dear Jack,

Thank you for your letter of 18 January regarding the petition P-06-1395 which calls for a Halt regarding significant development on the Gwent Levels.

As a government, tackling the climate and nature emergencies is very much at the heart of everything we do. The Gwent Levels are of national importance for their biodiversity and landscape, being designated by a series of sites of special scientific interest, as well as being a landscape of outstanding historic interest. Their location, adjacent to Cardiff and Newport, and into Monmouthshire, also make them a valuable cultural and recreation asset for locals and visitors. It is also a living landscape and open to many on-going pressures and change. A number of recent planning policy changes which we have brought forward will directly influence any proposed future development on the Levels.

Firstly, in October 2023 we updated chapter 6 of 'Planning Policy Wales' (PPW) to include a stronger protection for all Sites of Special Scientific Interest, those changes came in with immediate effect. PPW clarifies that 'Development in a SSSI which is not necessary for the management of the site must be avoided' and it goes on to say that 'There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions'. The revised PPW also clarifies the position in relation to areas outside SSSIs that may impact those SSSIs, in that 'There is also a presumption against development not within a SSSI but likely to damage a SSSI'. We have also strongly mainstreamed biodiversity into this amended PPW to clarify our approach to achieving a net benefit for biodiversity by emphasising the importance of ecosystem resilience and the need to both avoid damage to biodiversity and ecosystems and secure enhancement. Planning decisions and planning policy development relating to the Gwent Levels are now required to adhere to these updates. The updated guidance can be accessed at the following location https://www.gov.wales/sites/default/files/publications/2024-02/planning-policy-wales-edition-12_1.pdf

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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.

Secondly, 'Future Wales - The National Plan 2040' introduces Policy 9 – 'Resilient Ecological Networks and Green Infrastructure'. This national planning policy highlights the importance of embedding biodiversity and ecosystem resilience into the planning process. The Gwent Levels are specifically named in Policy 9 as a national natural resource area – these are areas where collaboration is needed across administrative boundaries and beyond designated site boundaries to strengthen ecological networks and ecosystem services and achieve net biodiversity benefit. I have approved the development of further planning guidance specifically for the Levels to help put this national policy into practice. The guidance will be a pilot of the 'Future Wales' policy 9 approach with the aim of proactively embedding biodiversity considerations into planning policies within the wider landscape. Work on scoping the delivery of this guidance has now commenced with specific staff resources secured as of late 2023 to bring forward this guidance.

Yours sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

BRIEFING NOTE : PETITION : HALT MAJOR DEVELOPMENT ON THE GWENT LEVELS

Dear Committee Members,

Thank you very much for considering our petition. We would be grateful if you could read this briefing note in conjunction with the FAQ provided.

The Gwent Levels is a beautiful mosaic of habitats that nurture a rich diversity of wildlife throughout the year. It is designated at the UK for its importance to nature conservation, and is a registered historic landscape. The distinctive, familiar but increasingly rare sound of cuckoo calling heralds the fact that spring is in full swing, while the reeds and scrub house the elusive Cetti's Warbler, its wonderful call piercing the air. In summer, wildflowers carpet the meadows, and the air is full of insects as they feed on the nectar-rich flowers. As autumn approaches, it is the best time to see a brilliant flash of colour as kingfishers dart along the waterways. Flocks of teal and shoveler make the ponds their winter home. Throughout the year, the waterways known as reens are frequented by water voles (one of the UK's fastest declining mammals) and otters. All this is threatened by a huge wave of damaging development proposals, including industrial, office and solar development

We wish to make a positive contribution to your consideration of this urgent issue, which represents an existential threat to the Gwent Levels, their wildlife and communities. For this reason, we supply some suggested minor amendments to the Welsh town and country planning system which would go a very long way towards establishing a de facto moratorium on major development on the SSSI.

Given the gravity of the situation and the wider implications for wildlife across the whole of Wales, we respectfully request that you :-

1. Initiate a short scrutiny session into this matter, either under the auspices of the Petitions Committee, or under another Committee of the Senedd, and

2. Request that the Minister immediately releases the documents referred to below (the guidance on Chapter 6 of Planning Policy Wales, and the Welsh Government's post-construction monitoring study)

Background:

SSSIs are the jewels in Wales' nature conservation crown. Only 12% of Wales' land and coastal areas are covered by SSSIs, and we consider it obvious that they should be sacrosanct from major development, as they are UK-nationally designated nature conservation sites.

It is very important to note at the outset that moratoria are not new to our planning system. To our knowledge, there are already at least two de facto moratoria in our system - unconventional gas (fracking) and waste to energy development. These have been in place for several years now, and have been completely successful.

Secondly, the spatial restriction of certain development types is also firmly established in our planning system. TAN 8, although controversial, established a set of strategic search areas (SSAs) on a Wales-wide scale and thereby constituted a spatially-expressed moratorium outside those areas. Welsh Government data shows that, counterintuitively, this resulted in a greater deployment of onshore wind in Wales, to the degree that at one point, Wales' onshore wind generational capacity exceeded that of England, in spite of the latter having approximately seven times the land surface of the former.

Thus, our proposals do not seek to frustrate the Welsh Government's Net Zero targets, and would in fact be a significant contribution towards them.

It is quite possible that in addition to the following suggestions, there are further means of achieving the desired aim, which might include for example a study of the way in which the existing moratoria work, and we are open to any proposals from any quarter to this effect.

Our Proposals:

Please note that :-

- The following suggestions are set out in order of preference and ease of quick achievability, given the immediate threat which the Gwent Levels face.
- More than one of the suggestions would need to be implemented in order to fully protect the Gwent levels from damaging development.

1. Welsh Government Guidance on the New Chapter 6 of Planning Policy Wales in Relation to SSSIs:

The new Chapter 6 of Planning Policy Wales is very laudable in its attempts to considerably strengthen the degree of protection given to SSSIs by the planning system. The new policy states that development proposals in an SSSI are not acceptable in principle, would only take place in "wholly exceptional circumstances" and subject to further restrictive criteria.

Guidance on how "wholly exceptional circumstances" should be defined, evidenced and measured by decision-makers, and on the further restrictive criteria is promised by the Welsh Government, but unfortunately, due to understandable pressures of work, this has not materialised. This means that it is open to a very wide range of interpretations, and this vacuum is what developers, lawyers are exploiting in planning cases on the Gwent Levels SSSI.

Clear and unequivocal guidance is urgently needed, in the very near future. This guidance should take the form of a set of clear, stepwise criteria, rigorously and carefully set out, each of which a developer would have to comply with before moving on to the next one and finally on to obtaining planning permission. We can provide suggestions as to what should be in the guidance.

2. The Urgent Release of the Welsh Government's Post-Construction Monitoring Study:

In response to the widespread concerns about the failure of "mitigation" and "compensation" measures to remove damaging impacts resulting from development on the SSSI, the Welsh Government initiated a study looking at actually-constructed developments on or near the SSSI. The final results of this study have not yet been released, but we know that it does confirm our worst fears - that there is a catastrophic and systemic failure of "mitigation" and "compensation".

It is essential that this study is immediately released by the Welsh Government as a matter of urgency, because it is proof, from the Welsh Government itself, that the approach used so far - "mitigation" and "compensation", do not and cannot work on the Gwent Levels SSSI.

3. Future Wales:

Future Wales is our national strategic development plan. It includes a number of policies and provisions, which, if amended, could control renewable energy development in the SSSI. It is very important to note that these amendments will, in any event, need to be introduced to bring Future Wales into conformity with the new Chapter 3 of Planning Policy Wales with regard to SSSI protection, so this proposal is neither new nor controversial.

3.1 Policy 18 of Future Wales 2021:

Criterion 4 of Policy 18 of Future Wales 2021 states that there must be :-

“no unacceptable adverse impacts on SSSIs” (emphasis added)

This wording is a significant weakening qualifier, and provides a loophole to developers seeking to develop large scale renewable energy developments on the Gwent Levels SSSI. It is weak because it begs the questions of how to measure unacceptability in the context of SSSIs, and to whom does the damaging proposal have to be acceptable?

Simply changing this criterion to ***“..will not be appropriate in SSSIs”*** would remove that loophole, and establish clearly that SSSI development will not take place. The wording we suggest here is drawn directly from TAN 8, which was wholly successful in precluding onshore wind development in SSSIs, so this is a practical and workable step, for which a precedent already exists.

Please note that similar wording was indeed present in the 2020 version of Future Wales, which stated at criterion 3 that there should be :-

“No adverse impacts on nationally-designated sites” (ie SSSIs)

This wording disappeared from the 2021 version of Future Wales, thus this would be merely a matter of reinserting pre-existing policy.

3.2 Future Wales: Preferred Areas for Renewable Energy:

Policy 10 of the 2019 version of Future Wales established the concept of Pre-Assessed Areas (originally called Preferred Areas) (PAs) for solar and onshore wind. Like the old TAN 8 Strategic Search Areas (SSAs) (see above), these areas are zones established throughout Wales where there is a general presumption in favour of wind and solar development applications, and conversely a higher bar for development proposals outside those areas. In the formulation of these Pre-Assessed Areas, SSSIs were “sieved out” for wind and solar and therefore the Gwent Levels were therefore not in any Pre-Assessed Area. However, between the 2019 and 2020 versions, solar was removed from the Pre-Assessed Areas, leaving them applicable to onshore wind only. This resulted in a wholly uncontrolled, “scatter gun” approach to large solar energy development throughout Wales, with projects appearing many kilometres from any Pre-assessed Area, in locations which could not possibly have been in the minds of plan-formulators at the time of the formulation of Future Wales.

Simply reinstating solar as an energy type covered by the Pre-Assessed Areas, and raising the bar for areas outside Pre-Assessed Areas would be a very effective way of controlling solar development on the Gwent Levels SSSI. Again, it is important to learn from the TAN 8 experience that this would have no negative impact on Wales’ total solar resource - indeed, it is quite possible that it would speed up the deployment of solar in Wales, as it would reduce the potential for costly and confrontational public inquiries, and/ or the threat of legal challenges.

4. Local Development Plans:

Local development plans (LDPs) are statutory plans, which every local authority in Wales must produce and adopt. At present, there are several development sites suggested for allocation in various of the three LDPs covering the Gwent Levels, in the form of candidate sites. Some of these have already gained at least partial approval by the local authorities concerned.

A simple way of controlling such development on the Gwent Levels SSSI not involving solar but being captured by LDPs would be for the Welsh Government to commit to exercising its power of veto over any LDP on the Gwent Levels which proposes to allocate a site in the SSSI. Welsh Government and the Minister could make it clear in its regular correspondence with the three local authorities over LDP formulation that it will require, through its legal powers, the removal of proposed allocations in SSSIs.

5. Extremely Large Scale Solar Farm Applications:

We are now starting to be threatened by solar farm proposals which are so big that they are even larger than the “Developments of National Significance” development size set out in Future Wales, which is itself very large indeed. They therefore fall into the category of UK-Nationally Significant Infrastructure Projects (NSIPs). It seems unfair and counterintuitive to us that such enormous projects are not decided upon by our Minister appointed by our First Minister, both of whom are elected representatives in our Senedd. Indeed, it creates an incentive for developers to submit enormous schemes in the hope of obtaining a better hearing in London than in Cardiff, the 1000 acre Llanwern Future Energy project being an example of this.

A simple remedy would be for the threshold for solar energy development size to be raised above that level, in the forthcoming infrastructure Bill, thus ensuring that it is captured by our system in Wales, although we recognise that that would involve discussion with the UK government.

We would be very interested to hear your views on this briefing note. Please do not hesitate to contact us if you require more information, or wish to discuss the content in more detail.

Many thanks,

Mike Webb BSc MSc MRTPI

Planning Manager Gwent Wildlife Trust

Petition: Halt Major Development on the Gwent Levels

Briefing Note

Frequently Asked Questions

What are the Gwent Levels SSSIs?

The Gwent Levels SSSIs are an iconic, wetland landscape of national significance. Reclaimed from the sea in Roman times, the Gwent Levels are a criss-crossed network of fertile fields and historic watercourses, known locally as reens.

The Gwent Levels is home to an incredible diversity of wildlife..

What is a SSSI?

Sites of Special Scientific Interest (SSSI) are sites statutorily-designated at the UK level for their national, natural heritage because of the rare and important plants and animals that are found on them.

Why can't the wildlife of the SSSI coexist with development on the Gwent Levels ?

Studies have shown that attempts by developers to "mitigate" or "compensate" for the damage that their developments have caused have been largely unsuccessful. The Gwent Levels SSSI is a complex and fragile wetland ecosystem, which is wholly reliant on very high water quality for example. It is impossible for large developments not to damage that.

Some of the developments currently proposed are solar farms. Wouldn't a halt in development on the Gwent Levels affect our Net Zero targets?

No. Past experience in Wales has shown that deploying development to its most sustainable locations on a Wales-wide scale, and excluding areas where it is not appropriate, is actually the best way of delivering renewable energy quickly . For example, Wales has more installed onshore wind developments, having followed that approach, than England, in spite of having approximately seven times less land than England.

Wouldn't it be complicated and difficult to change the planning system to bring about a halt in development on the Gwent Levels?

No. Most of the suggestions in the briefing note could be achieved relatively quickly and easily, for example speeding up the release of certain documents pending with the Welsh Government. (see briefing note for more detail on this)

Why are you calling for a short inquiry?

These are matters of national importance, and the gravity of the issue merits a thorough examination. This does not mean however that the easier elements should not be delivered as a matter of urgency, such as the release of pending planning documents.

Increase clarity and rights for people on direct payments or WILG to live independently

Y Pwyllgor Deisebau | 18 Mawrth 2024
Petitions Committee | 18 March 2024

Reference: SR24/7850-10

Petition Number: P-06-1404

Petition title: Increase clarity and rights for people on direct payments or WILG to live independently

Text of petition: There's a power imbalance against disabled people. LA's are failing to provide services focusing on well-being, voice and control and co-production- core principles of the Social Services and Well-being Act 2014. We need fairness and

- Better advocacy support & a national organisation to represent the voice of Direct Payment users
- Dispute resolution process
- Better communication channels
- LA complaints panels to have knowledge of Welsh law & policy
- Re-training LA staff in the spirit & intent of the Act

To quote the Final Evaluation Report on the SSWBA 2014 para 6.60: "For the majority of service user & carer respondents interviewed for this evaluation, their experience was one of frustration. Against the hope offered by the Act, they perceived a series of barriers. These included a relatively 'tokenistic'



approach to listening, power imbalances between themselves & professionals, the need to constantly chase professionals for support, and a lack of recognition of their rights especially around issues of cultural sensitivity among others. These barriers served to work against the experience ‘offered’ and ‘promised’ by the Act’s underlying principles.”

Disabled people face a postcode lottery with regards to the information and services they can expect. Action is needed now.

Surely the Welsh Independent Living Grant is ring fenced money not subject to clawback at the whim of the Council? Where’s co-production?

See legal precedent of R (BG) V Suffolk County Council 2021 [EWHC] 3368 (Admin)

1. Background

The core principles of the [Social Services and Well-being \(Wales\) Act 2014](#) include voice and control for the individual; a focus on their wellbeing and personal outcomes; and co-production (involving the individual as an equal partner).

Direct payments are monetary amounts made available by local authorities to individuals, or their representative, to enable them to meet their care and support needs, as an alternative to local authority-arranged care or support. This can give the individual much more flexibility and control over their care and support package, for example they could employ a personal assistant of their choice. Further information on the offer and scope of Direct Payments can be found in the [Part 4 Code of Practice \(meeting needs\)](#) for the Social Services and Well-being (Wales) Act 2014.

According to the Code, a local authority must provide appropriate, accessible information and support to enable people to decide whether they wish to receive direct payments. If direct payments are the preferred choice, they must be made available in all cases where they enable personal outcomes to be achieved.

The Welsh Independent Living Grant (WILG) no longer exists. [In November 2016](#), it was announced that the WILG would close in March 2019 following a transition period, and that all recipients would be assessed by their local authority for care and support under the Social Services and Well-being (Wales) Act (SSWBA) 2014.

The full funding of £27 million a year transferred into the local authority Revenue Support Grant from 2018 onwards.

Information on rights to advocacy is available in [Part 10 Code of Practice \(Advocacy\)](#) in relation to Part 10 of the Social Services and Well-being (Wales) Act 2014.

An [independent evaluation of the Social Services and Well-being \(Wales\) Act 2014](#) was published in 2023. The evaluation concludes that there is a growing sense of divergence in practice and outcomes away from the Act's original vision and principles. It found that overall, people felt that their experiences under the Act had not met their expectations of what they hoped it would do.

The final report makes a number of recommendations, for example it says "making voice and control a 'reality' for everyone should be prioritised, which could be addressed through investing in advocacy, alongside working with and investing in, the expertise of community-anchored organisations".

In 2022 Audit Wales published a [report on local authorities provision of Direct Payments in Wales](#). It found that the systems to manage and support people to use Direct Payments vary widely across Wales with service users and carers receiving different standards of service. The report concludes that people in Wales are not consistently supported to take up Direct Payments.

The [Welsh Government intends](#) to bring forward new legislation to allow direct payments to be used for Continuing NHS Healthcare. The Welsh Government consulted on proposed changes to primary legislation, including [introducing direct payments for Continuing NHS healthcare](#) in 2022.

2. Welsh Parliament action

On 25 May 2023, the Health and Social Care Committee and the Public Accounts and Public Administration Committee held an [evidence session with academic experts to discuss the evaluation of the Act](#), next steps and any areas in need of further attention.

Following the meeting, [the Committees wrote jointly to the Deputy Minister for Social Services](#) to highlight issues raised during the evidence session.

During draft budget scrutiny in Health and Social Care Committee on 17 January 2024, [the Deputy Minister for Social Services said](#):

We're addressing direct payments for continuing healthcare, for example, particularly for individuals who are transitioning from social care to a healthcare-funded package to be able to access direct payments. That is a big issue for disabled people and that is one of the things that we're in the process of looking at now, and we hope to bring in legislation about that. So, that will be a great help, I think, to disabled people in a social care Bill.

3. Welsh Government response

The Welsh Government says transferring funding for the Welsh Independent Living Grant funding in 2019 to the Revenue Support Grant “allowed local authorities greater flexibility to deliver those services and align requirements about engagement and coproduction with the principles of the Act, a move welcomed by the #saveWILG campaigners”.

The Deputy Minister for Social Services says it's vital that more people are made aware of the benefits of Direct Payments, and that access and delivery are consistent across Wales. She says the Welsh Government has liaised with the Auditor General for Wales and local authorities to embed the recommendations from Audit Wales' report into Statutory Guidance.

The Deputy Minister mentions the Welsh Government's forthcoming Social Care Bill which will contain a measure to improve the interface between Continuing Health Care and Direct Payments. She says the Welsh Government will also be introducing new guidance for Local Authorities that will require them to self-assess their performance and delivery against eight quality standards. This includes demonstrating, with evidence, how they promote voice and control of individuals needing care and support and help them live as independently as possible. Local authorities will need to demonstrate how the views of service users and carers are reflected in the authority's assessment of its performance. The Deputy Minister concludes that she expects to see clear progress on the outlined commitments this year.

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.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref JMSS/00058/24

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
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05 March 2024

Dear Jack,

Thank you for your letter regarding petition P-06-1404 and the demand for greater clarity and rights for people on direct payments or the *Welsh Independent Living Grant (WILG)* to live independently. I welcome the opportunity to set out the Welsh Government's views as you consider your response and am copying my reply to the clerking team of the Petitions Committee as requested.

I support the right of disabled people to live fulfilled lives and to control how they are supported wherever possible. The 2014 Social Services and Wellbeing (Wales) Act 2014 and the associated Codes of Practice set out a clear and consistent approach local authorities must follow to meaningfully engage and involve individuals in the planning and provision of services to meet their needs.

WILG ended as grant funding in 2018-19. All funding (£27 million) was transferred into the Revenue Support Grant allowing local authorities to continue to provide support to recipients, either by maintaining payments to individuals in 2018-19 in advance of their transfer to support under an authority's social care provision, or by providing support under those arrangements where a transfer of support has occurred. From 2019-20 onwards all support to recipients was to be provided through a local authority's social care provision.

Direct Payments are helping many disabled people live as independently as possible. It is vital more people are made aware of their benefits and that access and delivery are consistent across Wales. We have liaised with Auditor General for Wales and Local Authorities to embed the recommendations in the 2022 [Direct Payments for Adult Social Care](#) report into Statutory Guidance. We are also using the report's findings and broader evidence to better understand the personal assistant workforce and to develop a co-

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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 42
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.

ordinated set of actions to secure rights and improve consistency of experience and support for both direct payment recipients and personal assistants.

Our forthcoming Social Care Bill contains a measure that will improve the interface between Continuing Health Care and Direct Payments. It will allow people to control their own life and align the expectations with duties that local authorities have for social care.

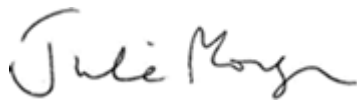
More broadly, we are taking forward the programme of work set out by our Disability Rights Taskforce. It brings together people with lived experience, Welsh Government Policy Leads and representative organisations. The work of the Taskforce is based on a common understanding of the Social Model of Disability, human rights, and co-production.

We will also be introducing new guidance for Local Authorities that will require them to self-assess their performance and delivery against eight quality standards. This includes demonstrating, with evidence, how they promote voice and control of individuals needing care and support and help them live as independently as possible. They will need to demonstrate how the views of service users and carers are reflected in the authority's assessment of its performance.

My officials are working with individuals across the sector to ensure these commitments are delivered in a timely manner. I expect to see clear progress to be made on them during this year.

Thank you for writing to me on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Morgan'.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

cc: petitions@senedd.wales

P-06-1404 Increase clarity and rights for people on direct payments or WILG to live independently - Correspondence from the Petitioner to the Committee, 11.03.24

Update for Senedd Petition Committee

I am only able to speak about my own experiences with Wrexham CBC. This is a notoriously difficult Local Authority (LA) to work with, but my fear is that if Wrexham Council can treat a well known disabled activist, like myself, like this then I dread to think what difficulties other disabled people are suffering at the hands of other LA's across Wales. Action is required to shift the balance in favour of disabled people who are often powerless in the face of LA's

1. **#SaveWILG (Welsh Independent Living Grant) campaign:** When I was fighting the #SaveWILG campaign in 2016-19 I feared the transfer of rights, power and resources to LA's, who seem to be unaccountable for what they do and how they treat disabled people. My worst fears have come true.
2. **Need for an Advocate for Disabled People:** Please recognise it is crucial that disabled people need someone to speak/advocate for or on their behalf against difficult LA Social Services Departments. This was always the case with the Independent Living Fund that worked well until it was closed by the UK Government.
3. **Juxtaposition:** The LA is very quick to chase me by email for funds & details of my finances, but they are very slow and poor when it comes to engaging with me about my Care and Support Plan.
4. **Failure to "Co-produce":** Co-production is a one of 5 key principles of the Social Services and Well-being (Wales) Act 2014 (SSWBA 14). There is a fundamental failure by the LA Social Services Dept to "co-produce" the Care and Support Plan with Nathan.
5. **Failure to encourage Voice and control:** This is a fundamental principle of the SSWBA 14, but the LA seeks to minimise it in respect of Nathan. This is an essential building block of the SSWBA 14. For example, Nathan has no control over the way his Care and Support Plan is drafted.
6. **Lack of Support for Nathan's Well-being:** This is the third key principle of SSWBA 14 which again Wrexham LA are failing to prioritise in respect of Nathan. Yet Nathan has just 3 well-being outcomes in the Care and Support Plan drafted by the LA social worker, whereas Nathan's Plan has 14 outcomes planned for the year 2023-24.

7. **Local Authority Failure to Comply with their Own Paperwork:** The LA failed to apply their own guidance in the use and drafting of Nathan's Care and Support Plan. For example, the "Baseline self-assessment measure and the failure to draft any aspect of the Plan in Nathan's own words. Finally, there is no record of Nathan's disagreement with the Care and Support Plan as drafted by the LA social worker.
8. **Failure to Engage and Apply SSWBA 14:** It is Nathan's perception that many LA's are not properly engaging with both the SSWBA 14 specifically and disabled people generally. Through this petition we are seeking to spotlight shortcomings or deficiencies in this process, which currently disadvantage disabled people especially if they are isolated. Nathan wants to put that right and feels that greater training is needed for Social Care staff working for LA's.
9. **Final Evaluation Report of the SSWBA 14:** The Final Evaluation Report of the SSWBA 14 published in 2023 reinforces what we know, understand and suspect. It isn't just Nathan facing these difficulties but a lot of disabled people in various LA's. Nathan feels that he is speaking up for many disabled people.
10. **Independent Assessors from Outside Wales:** Nathan's Complaint submitted in October 2023 was passed by the LA to an "independent" assessor who lived and worked outside of Wales. We suspect that he did not appreciate and understand the different Welsh legislation namely SSWBA 14. This legislation promotes co-production, voice and control and well-being. This is fundamentally different from the English legislation.
11. **Need for a Bespoke Welsh Complaints Process:** We need a bespoke complaints process which would be fair to all disabled people across Wales and which would give them hope when dealing with robust LA's and they find the cards are stacked against them.
12. **Veto:** The LA seems to have a veto over Nathan's Direct Payments, which largely undermines the basic principle of independent living. Further the LA don't seek to facilitate Nathan's wishes, they seek to undermine and frustrate every independent action he takes.

13. **Clawback:** Nathan's virtue of saving money has turned into a vice, as the LA have "clawed back" £33,000 of Direct Payment funds between October-December 2023.
14. **No Pension:** Bear in mind Nathan doesn't have a pension. He survives on a combination of benefits and Direct Payments – which includes legacy WILG money.
15. **Removal of "safety net":** The Local Authority has taken Nathan's accumulated "safety net" of funds which enabled him to employ a team of Personal Assistants (x 9). The uncertainty has made it difficult for Nathan to deal with staff pay, pensions and employer insurance issues.
16. **Query:** Can you accumulate Direct Payments for something you want/need? (Big ticket items such as bike exercise equipment). The guidance suggests you can, otherwise the implication is that a DP recipient must always exist on the breadline. But what if the LA disagrees?
17. **GoFundMe:** Nathan was forced to fund a "short break" with a charity crowdfunder request to the public during this cost of living crisis. Is this how disabled people should be treated in the 21st century?
18. **Unique Circumstances:** Nathan's situation and circumstances are unique; the label "disabled" doesn't make Nathan the same as every other disabled person. Nathan emphasises that all disabled people are different, not the same and so deserve bespoke and personalised care and support.
19. **Nathan's Appeal Ignored:** The LA have appeared to completely ignore Nathan's appeal against the "clawback" of £33,000 of his Direct Payments money. The appeal was submitted in September 2023. The LA did not respond in detail even if they disagreed with Nathan, failing to give full reasons for why they were going to "clawback" £33,000 of his Direct Payment money.
20. **Subject Access Request (SAR):** Nathan submitted a SAR in October 2023 to the Wrexham Social Services Dept to see what information was being held about him. This revealed a few points of frustration, as follows:
21. **Subject Access Request (SAR):** The spelling of Friedreich's Ataxia in the SAR's is incorrect on numerous occasions, not just a typo. The Social worker / staff show either lack of knowledge or respect.

22. **Subject Access Request (SAR):** There is confusion revealed by SAR paperwork over what DP's can be spent upon. See Bundle 9 Page 17 Note 21 of SAR paperwork – reference to a "T bar" to aid Nathan's sleeping being an anomaly as to who should pay for it; either health department or social services department?).
23. **Subject Access Request (SAR):** The Social workers have just cut and pasted (or auto populated) from old Care and Support Plans without thinking about the evolving needs Nathan has now/today?
24. **Increased cost of the "Short Break" Due to Council Opposition:** If Nathan had been allowed to pay for the "short break" in July 2023 it would have cost £3000. However due to LA opposition; when Nathan finally booked it in October 2023 the price had increased by over £2000. Nathan also lost an original deposit for the trip of £600.
25. **Clarification required in Respect of the status of WILG?** There needs to be clarification in respect of the "legacy" WILG money, the way it may be spent and the entitlement of LA's to clawback such funds. Question: How much of the £27 million WILG money is left? Is it an annual figure or a declining lump sum?
26. **Fighting for Nathan's Human Rights:** Given Nathan's likely shorter lifespan, it is extremely distressing that he is engaged in a constant fight with the LA to assert his human rights. It seems like Nathan must fight the LA for even the most menial or derisory items to make his life and that of his PA's more manageable and comfortable as they work for Nathan. Nathan has to fight to live on a level playing field to exist on the same terms as the rest of society. Nathan has had to be prescribed beta blockers by his GP to help deal with the stress.
27. **Disabled People are an Easy Target:** It is our perception that Nathan and many other disabled people across Wales are perceived by LA's as an easy target, who will not be able to fight back and defend themselves. As a result, they suffer a lack of social care, a lack of provision, and a lack of resources, or a cynical "clawback" as in Nathan's case. Would society allow any other segment of the population to be treated or abused in such a way?

28. **Social Care Ombudsman:** Nathan is minded to present a complaint about his treatment to the Social Care Ombudsman in due course. This is a never-ending process of struggle, which threatens to overwhelm Nathan and his voluntary, informal care co-operative team.

Nathan Lee Davies

11-3-24

P-06-1406: Financial penalties for local education authorities who do not comply with timeframes for ALN

Y Pwyllgor Deisebau | 18 Mawrth 2024
Petitions Committee | 18 March 2024

Reference: SR24/8142-2

Petition Number: P-06-1406

Petition title: Financial penalties for local education authorities who do not comply with timeframes for Additional Learning Needs (ALN)

Petition text: Additional Learning Needs (ALN) Reform Wales has identified significant failures by local education authorities when complying with the timeframes for

- 1) ALN determination
- 2) Finalising Individual Development Plans
- 3) Complying with tribunal orders

We believe local education authorities should be held accountable for these failings. We believe there should be financial penalties to the local education authority for these failings.

1. Introduction

The Committee received a briefing on 4 March for its consideration of petition P-06-1392 Reform of the Additional Learning Needs (ALN) Code. That briefing provided background information on the ALN reforms and issues that have come up during the Senedd's scrutiny. Rather than reiterating all of that information



here, Members may wish to refer to the previous briefing provided earlier this month for general information on ALN reform.

The Minister for Education and Welsh Language's letter regarding this petition acknowledges that "there is a lack of consistency in the application of the ALN Act and Code" but says "**financial penalties [for local authorities] are not under consideration**".

2. Required timescales for decisions to be taken about ALN and IDPs to be issued

In terms of information specific to this petition, section 4(6) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 requires that the ALN Code (issued in 2021) sets timescales within which schools, further education institutions (FEIs) and local authorities must take decisions about whether a learner has ALN and, if applicable, prepare and issue an Individual Development Plan (IDP).

2.1. Timescales for schools and FEIs

The ALN Code requires schools to either decide that a learner does not have ALN or issue them with an IDP within **35 school days** (paras 12.12 and 12.21 of the ALN Code). There is a similar required timescale for FEIs of **35 term time days** (paras 16.16 and 16.26).

Schools and FEIs need not comply with this timescale if it is impractical to do so due to circumstances beyond their control.

2.2. Timescales for local authorities

Where it is brought to the attention of a local authority that a child/learner may have ALN, for example if the child is below compulsory school age and not in school, or a school refers the case to the local authority due its complex nature, the **local authority has 12 weeks** to decide that the learner does not have ALN or issue them with an IDP (paras 11.17, 11.24, 12.63 and 12.75 of the ALN Code).

This period is **7 weeks** if the local authority is reconsidering a school's decision about ALN, for example if a parent has requested it to do so.

The local authority may also direct a school to prepare and maintain an IDP for a learner, which must all happen within 12 weeks (para 12.96).

2.3. Exception to timescales

Local authorities need not comply with this timescale if it is impractical to do so due to circumstances beyond their control. The Minister's letter says that "where the local authority has decided that the exception to the timescale applies, it should explain this in writing to the family at the earliest opportunity" (as per para 1.51 of the ALN Code).

Paragraphs 1.41 to 1.51 in the introductory chapter 1 of the ALN Code give some guidance on how timescales are to be interpreted. In particular, paragraphs 1.48 to 1.51 give guidance on how the exception to the timescales should be applied.

3. Appeals to the Tribunal

The Education Tribunal for Wales (the 'Tribunal') hears appeals from learners and families against decisions taken under the ALN system. The Tribunal also operates under its former name, the Special Educational Needs Tribunal for Wales (SENTW), in respect of appeals under the SEN system, which is not being fully phased out until August 2025.

In respect of the new ALN system, the Tribunal **hears appeals against decisions by local authorities and FEIs** (not schools as families would ask local authorities to reconsider schools' decisions and then appeal against local authorities' action or lack of action).

The Tribunal may dismiss appeals, or uphold appeals by ordering that a learner does have ALN, order that an IDP be prepared or an existing one be revised, or order that a decision be reconsidered with regard to the Tribunal's observations. The Tribunal **can also make recommendations to health boards** who have to respond explaining whether they will follow them and if not, why not.

Information about the appeals process is available on the Tribunal's website, including specific guidance.

3.1. Timescales for complying with Tribunal orders

Tribunal Orders are legally binding, although the Tribunal does not enforce them itself. Families will have to go through the courts or complain to the Welsh Government.

Most time limits for carrying out a Tribunal Order are 7 weeks for local authorities, and 35 term time days for FEIs (although some orders must be followed immediately). The [Tribunal's guidance on Appeal Orders](#) explains further.

Health boards have six weeks to respond to Tribunal recommendations

4. The Senedd's scrutiny

As explained in our [previous briefing](#), 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.

In the Committee's [discussion on 4 March of the petition calling for reform of the ALN Code](#), reference was made to other petitions regarding ALN which have been under consideration. The Committee agreed to request a Plenary debate on the petition in respect of the ALN Code, which may also be able to refer to the other petitions on 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.



Eich cyf/Your ref: P-06-1406
Ein cyf/Our ref: JMEWL/00324/24

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

28 February 2024

Dear Jack,

Thank you for your letter of 9 February regarding petition P-06-1406: Financial penalties for local education authorities who do not comply with timeframes for Additional Learning Needs (ALN).

Last September marked the start of the third year of implementing the ALN Act. We recognise that this is a systemic change, requiring time and commitment and it is vital for our learners with ALN that we implement this legislation in an effective way. Since introducing the legislation in 2018, the education landscape has undergone significant reform, against a backdrop of running a dual system (SEN and ALN), and a pandemic that has impacted on all parts of society and touched on almost all aspects of the education environment.

The ALN Code sets out clear timescales on local authorities for making decisions about ALN and preparing IDPs. There may be situations where it is impractical to take the necessary action before the end of the specified time period due to circumstances beyond the local authority's control. In these cases, the timescales will not apply, however, the local authority must still complete the action promptly.

Where the local authority has decided that the exception to the timescale applies, it should explain this in writing to the family at the earliest opportunity. Over the past year, we have commissioned and analysed a range of valuable evidence, feedback and data from all parts of the system, and it is clear that the sector is united in their enthusiasm and commitment to work together.

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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.

In September 2023, Estyn reported on a [thematic review](#) of the progress of schools and local authorities in supporting pupils with ALN. It highlighted that local authorities plan to achieve their plans and conclude the implementation of ALN reform (transitioning from SEN to ALN) within the timescales provided. It also identified recommendations for action by local authorities in particular to continue to quality assure and review practice and additional learning provision to ensure funding and professional learning supports roll out effectively for: person centred practices, individual development plans, Welsh-medium services, resources and provision.

In November 2023 I made an [Oral Statement](#) to update on the implementation of Additional Learning Needs reforms.

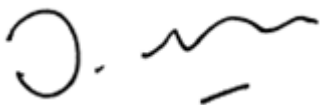
In December 2023, the [Evaluation of the Additional Learning Needs system: scoping report](#) was published. The evaluation will assess implementation of the ALN system and the realisation of policy objectives. The scoping report presents the findings of the first phase of the four-year evaluation of the ALN system and includes the emerging issues and themes that should be the focus of further research as part of this evaluation, as well as providing the Welsh Government with key insights and evidence to enable us to monitor and identify emerging impacts of the new ALN system on learners with ALN/SEN, and the impact of curriculum reform upon it.

As implementation progresses it is evident that there is a lack of consistency in the application of the ALN Act and Code. There are areas in the system that need to be improved upon and we are working collaboratively with the education sector to take action.

Our priority is to support and challenge local authorities and their partners to deliver high quality services. We will be strengthening our monitoring and delivery infrastructure through the recruitment of National Implementation leads who will work directly with local authorities, drawing on intelligence from a range of sources, including feedback from families and partners, surveys, data and local area self-assessment and evaluations. In addition, the review of roles and responsibilities of education partners in Wales and delivery of school improvement arrangements seeks to strengthen school improvement arrangements at local, supra-local and at a national level. Financial penalties are not under consideration.

We will continue to monitor implementation and work with statutory bodies, schools and settings to realise the ambitions of ALN reforms.

Yours sincerely,



Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

P-06-1406 Financial penalties for Local Education Authorities who do not comply with timeframes for ALN - Correspondence from the Petitioner to the Committee, 11.03.24

Dear Mr Seargent,

Thank you for the review of our petition regarding the lack of penalties for LA's missing out on the legal timeframes for ALN consideration.

I have read Mr Miles' response. There is no need for a lengthy reply to this situation. The issue is clear and simple. LA's allow themselves 'extensions' on the time scales of completing the process. There is no penalty to them for not meeting these legal time frames and this leaves families with no support and no ability to further appeal to Education Tribunal Wales in a timely manner should they need to do so. There was a similar issue with the SEN process and therefore this is not an issue with the implementation phase of a new system, but a lack of care for the children and families going through the process. It makes no difference to the LA's whether they meet the deadline or not as 'nothing' happens to them. For the families and children, however, this causes further delay in support. In my own case it was 8 months from ALN determination to decision for my daughter.

We request that there are penalties to the LA's for not meeting the timeframes.

Regards

Victoria Lightbown on behalf of the members of ALN Reform Wales.

P-06-1408 Make safe the access to the Secret Garden A4042 Goytre Fawr for both pedestrians and vehicles

Y Pwyllgor Deisebau | 18 Mawrth 2024
Petitions Committee | 18 March 2024

Reference: SR24/8173-1

Petition Number: P-06-1408 Make safe the access to the Secret Garden A4042 Goytre Fawr for both pedestrians and vehicles

Petition title: Make safe the access to the Secret Garden A4042 Goytre Fawr for both pedestrians and vehicles

Text of petition: This is a popular garden centre with busy tea rooms. Access to the centre off the A4042 (50 mph here) is badly marked with two lanes north-bound reducing to one. Collisions are frequent.

Leaving the Garden Centre drivers are free to turn in either direction. Cars often come out too slowly or stall with traffic bearing down on them; another source of incidents.

There is no pedestrian access here for the people of the nearby village of Little Mill. The junction does not support Active Travel.

Collisions are frequent and unreported near misses more frequent. There is a catalogue of collisions here.

Yesterday 9 August two cars collided at around 5:25pm with the road closed in both directions and diversions through Little Mill. Prior to that on 4 June 2023, two cars collided at c. 7:00 am during morning rush hour causing delays in both directions. Happily no serious injuries on either occasion, just traumatised passengers and drivers. This is putting unnecessary pressure on our emergency services which are stretched enough as it is.



I feel sure road statistics will confirm just how much of a black spot this site is. Rush hour collisions cause misery for all and extra air pollution.

1. Background

The Welsh Government is the highway authority for the A4042 trunk road in south Wales. The South Wales Trunk Road Agent has responsibility for the day to day operation and maintenance of the road.

The petition refers to frequent collisions, and “unreported near misses” on the A4042 at the Secret Garden garden centre – located between Pontypool and Abergavenny.

Senedd Research analysis of the Welsh Government’s [road accident level data](#) shows that between 2012 and 2022 (the most recent year for which data are available) there were four collisions, resulting in six casualties, along the stretch of road outside the Secret Garden garden centre - two were “serious” injuries and four “slight” injuries. None was fatal.

However, it is important to note that the data used in official reporting of road accidents in Great Britain are taken from the [police STATS19 statistical returns](#). These report road traffic accidents that resulted in a personal injury and were reported to the police within 30 days of the accident. Data on wider collisions are not routinely collected or reported.

2. Welsh Government policy and action

The Welsh Government published its [Road Safety Framework](#) in 2013. This set three targets to improve road safety so that by 2020, compared to the baseline average for 2004-2008, there would be:

- 40% fewer people killed and seriously injured on Welsh roads;
- 25% fewer motorcyclists killed and seriously injured on Welsh roads; and
- 40% fewer young people (aged 16-24) killed and seriously injured on Welsh roads.

The road safety framework was reviewed in 2018. The current [National Transport Delivery Plan](#) commits to:

... review our road safety framework to support our Vision Zero approach to road safety, based on the belief that no death or serious injury is acceptable on roads. This will support the delivery of our legal obligations on accessibility and safety as a highways authority and complement our work on active travel, road space reallocation and speed limits.

The timescale for the update is given as “2022 to 2024”. [A Welsh Government consultation](#) on the new strategy closed on 31 January 2024.

The Welsh Government is currently updating its 2009 guidance on [Setting Local Speed Limits in Wales](#) in light of its [20mph speed limit policy](#) as well as other policies such as [Net Zero Wales](#) and the [Wales Transport Strategy](#).

The Welsh Government has also introduced a new [Roads Policy Statement](#), implementing the recommendations of [the roads review panel](#). Its conclusions and the Welsh Government response [are summarised in this Senedd Research article](#).

The policy statement makes clear that future purposes for road building will be limited to supporting modal shift, climate adaptation, supporting sustainable access to economic development sites, and to “improve [road] safety through small-scale changes”.

The letter from the Deputy Minister for Climate Change, Lee Waters, to the Chair on this petition says:

Following the implementation of a 50mph speed limit on the A4042 link past the Secret Garden, options have been explored, at preliminary stage, to improve the safety for the travelling public around the point of access.

Investigations have recently taken place to ensure these options are deliverable in terms of the land take required for the associated junction improvements that include active travel provision. We expect to receive the draft feasibility report imminently.

Subject to a favourable review at this feasibility stage and the availability of funding, the scheme would then progress to detailed design during the 2024/25 financial year.

3. Welsh Parliament action

The issue of road safety on this section of road does not appear to have been raised in the Senedd.

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.

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-06-1408
Ein cyf/Our ref LW/00349/24

Jack Sargeant MS
Chair - Petitions committee

05 March 2024

Dear Jack,

Thank you for your letter of 19 February enclosing petition P-06-1408 regarding safe access for both pedestrians and vehicles to the Secret Garden from the A4042 Goytre Fawr from Janet Elizabeth Butler.

Following the implementation of a 50mph speed limit on the A4042 link past the Secret Garden, options have been explored, at preliminary stage, to improve the safety for the travelling public around the point of access.

Investigations have recently taken place to ensure these options are deliverable in terms of the land take required for the associated junction improvements that include active travel provision. We expect to receive the draft feasibility report imminently.

Subject to a favourable review at this feasibility stage and the availability of funding, the scheme would then progress to detailed design during the 2024/25 financial year.

Yours sincerely

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

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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-06-1408 Make safe the access to the Secret Garden A4042 Goytre Fawr for both pedestrians and vehicles – Correspondence from the Petitioner to the Committee, 11 March 2024.

Hi, Further comments I wish to add:

1. I note that recent investigations have taken place at the site. I am also aware that draft plans were shared with Goytre Community Council prior to Covid. The draft feasibility report needs to be shared with the community council who have not had further feedback.
2. The two bus stops on either side of the road need appropriate footpaths to allow access – currently pedestrians have to walk on the grass verges.
3. There is no warning that pedestrians might be crossing here.
4. In the long term an active travel footpath alongside the A4042 must be considered.
5. There is a public right of way from the village of Little Mill to the back of the Garden Centre – could improvements be sought to this?
6. I am pleased to note that should there be a favourable review at this feasibility stage and funding be available that the detailed design might progress in the 2024/2025 financial year.

Kind regards,

Jan Butler,

County Councillor

Agenda Item 4.1

P-06-1326 The Senedd should scrutinise the prepayment meter scandal in Wales

This petition was submitted by Bethan Sayed, having collected a total of 299 signatures.

Text of Petition:

We call on the Senedd to undertake an inquiry into the prepayment meter scandal.

Over the last two months evidence has emerged that thousands of people have been switched to prepay meters without the required checks as to whether they are vulnerable.

We at Climate Cymru and other campaigners have been exposing this scandal.

Additional Information:

Please see links to stories by campaigning journalists like Dean Kirby at the i Newspaper.

- Forced installations of prepayment meters to stop as courts ordered to end issuing warrants (inews.co.uk)
- Prepayment meters must be removed for vulnerable families as compensation is not enough, Grant Schapps told (msn.com)
- i morning briefing: How the prepayment meter scandal was uncovered, and forced change (msn.com)
- Prepayment meters: Grant Schapps gives energy firms until Tuesday to consider compensation (inews.co.uk)
- Prepayment meter investigation – inews.co.uk.

Senedd Constituency and Region

- Cardiff Central
- South Wales Central

Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: P-06-1326
Ein cyf/Our ref: Petitions Committee Report - A Warmer Winter

Jack Sargeant MS
Chair
Petitions Committee

18 January 2024

Dear Jack,

I have read with interest the report of the Petition's Committee entitled: "A Warmer Winter", produced as a result of your inquiry following the scandal of the forcible installation of prepayment meters last winter. Thank you for the work of the committee in carrying out the inquiry and for your recommendations.

I am determined to do everything within my powers to ensure no such scandal happens again. Please find attached a written response to this report addressing each of the 8 recommendations that the Committee has made.

Yours sincerely

Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip

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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.

Written Response by the Welsh Government to the report of the Petitions Committee entitled A Warmer Winter - P-06-1326 The Senedd Should Scrutinise the Prepayment Meter Scandal in Wales

I would like to thank the members of the Petitions Committee for their report on the prepayment meter scandal in Wales, which has made a number of important recommendations. I am particularly pleased to see the Committee's recommendations are in line with our policy positions and actions. I have set out my response to the Report's individual recommendations below.

The Welsh Government has made clear its concerns over the use of prepayment meters for some time. I wrote to energy suppliers as far back as November 2022, and subsequently met with them, to highlight that we were finding the increasing use of forced installations of prepayment meters unacceptable. We objected on the grounds that the practice removes the ability of households to spread the cost of their energy needs evenly over a 12-month period and on the basis of overall cost as, at the time, prepayment tariffs were the most expensive methods of payment. It was clear many households would be self-disconnecting as a consequence. I was given assurances at the meeting that they would support households in Wales during the winter of 2022/23.

The prepayment scandal that arose that winter devastated households and added to the pressures families were already experiencing through the cost-of-living crisis. I was shocked and disappointed to hear the disturbing press reports of debt collectors breaking into homes, including those occupied by vulnerable people, to force-fit prepayment meters.

Following Ofgem's announcement on 10 January that three suppliers have provided evidence and assurances that they have met the regulator's conditions to restart involuntary installations, it is imperative suppliers adhere to the rules set by Ofgem and vulnerable households are protected from unscrupulous practices.

Recommendation 1

The Welsh Government should support the creation of a new social tariff for vulnerable people to provide greater support to those in the greatest need.

Response: Accept

Welsh Government has consistently and repeatedly called on the UK Government to introduce a social tariff to protect the most vulnerable householders. We call on them to follow the example set by the water industry, where companies are prohibited by law from disconnecting or restricting water supplies to households who owe them money.

When the Chancellor made a commitment in his Autumn Statement in 2022 to develop a new approach to consumer protection, including the option of a social tariff to apply from April 2024, we were cautiously optimistic that things would finally

change. We are now in another challenging winter, and it is very concerning that we have yet to see anything further on this commitment. I met the UK Minister for Energy Consumers and Affordability in November to discuss this issue and despite warm words, there was no firm commitment on a consultation or announcement.

The Welsh Government believe a social tariff can be funded in a progressive way that supports our most vulnerable without having significant negative impacts on other households. Heat and power are vital services and vulnerable people should be offered a social tariff to ensure an affordable supply.

Financial Implications – None

Recommendation 2

Welsh Government should look at how it can enhance advice services this winter, particularly those aimed at the most vulnerable in society. This could involve providing additional funding, and/or a more visible advertising campaign signposting people to advice.

Response: Accept

In response to the cost-of-living crisis, we increased funding to the Nest advice service in the winter of 2022/23. Demand for support through the freephone advice line increased from 15,000 per annum to 22,000 per annum. As the cost of energy remains a key concern to Welsh households, we have continued to fund the enhanced service this year.

We will be actively signposting to the Nest advice service through the Here to Help¹ cost of living campaign this winter.

We have also recently launched our Climate Action Wales² website, which contains tips on home energy use alongside other action people can take to reduce their impact on climate change. These include actions to reduce fuel bills and use energy more efficiently as well as installing renewable energy technologies and energy efficient appliances.

In terms of wider support, this year over £11m has been made available for Welsh Government's Single Advice Fund services. These services are a lifeline for people struggling with the cost of living, helping them to maximising their income and deal with their debts.

The Single Advice Fund is a specific project that targets advice at those in the greatest need. We continue to work closely with Single Advice Fund providers to ensure people from the most marginalised and disadvantaged population groups in Wales are getting the debt advice they need as early as possible. I am pleased the

¹ [Here to help with the cost of living | GOV.WALES](#)

² [Government Policies: Climate Change - Climate Action Wales](#)

Single Advice Fund delivery model has proven very effective at reaching people earlier, with 55% of people getting help before they are in a crisis.

I know the cost-of-living will continue to increase the demand for access to advice services and it is important that we maintain our collaborative work with key stakeholders to ensure the policies are in place that will meet the challenges that lie ahead. I welcome Ofgem's recent publication [Get help if you cannot afford your energy bills | Ofgem](#) which sets out protections they have asked energy suppliers to have in place for vulnerable households this winter and will signpost householders to this site.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 3

Welsh Government should explore with utility providers whether it would be possible – within the limits of data protection rules – to ensure that where one organisation is aware that a customer is vulnerable, they are automatically given greater protection by other suppliers.

Response: Accept

We are very supportive of this approach, as confirmed by the First Minister in the Committee for the Scrutiny of the First Minister in December. Data sharing should be used to the advantage of the customer and every effort should be made to develop a robust and customer-focused approach, co-produced with representatives of those impacted.

My officials have discussed this with Ofgem, who are also very supportive on this type of data sharing. Ofgem held a vulnerability summit in the summer to explore the possibility of data sharing between regulators and are considering how best to resolve data protection issues.

The Department for Business & Trade's wide-ranging consultation on Smarter Regulation³: Strengthening the economic regulation of the energy, water and telecom sectors, which closes 28 January, includes a section on supporting consumers. It includes a proposal to help vulnerable customers by having a single, multi-sector Priority Services Register to enable data sharing between service providers where a customer has already informed one of them of their need for additional support and is content for their information to be shared with other providers. Welsh Government will be responding formally on this issue to register our support for the proposal and offer to co-ordinate input of Wales based stakeholders into its design.

Financial Implications – None

³ [Smarter Regulation: Strengthening the economic regulation of the energy, water and telecoms sectors \(publishing.service.gov.uk\)](#)

Recommendation 4

WG should work with the UK Government and Ofgem to ensure there is greater clarity about who has the power to instigate a freeze on fitting prepayment meters. That power should sit with a named individual (in Ofgem, and/or the relevant Minister in the UK Government).

Response: Accept

There would need to be legislation in the UK Parliament in order to ban suppliers fitting prepayment meters. Responsibilities around prepayment meters lie with the Secretary of State for Energy Security and Net Zero.

Ofgem do not have the power to ban prepayment meters, but they influence suppliers through codes of practice and the conditions attached to supplier licence agreements.

Financial Implications – None

Recommendation 5

Ofgem should monitor the impact of the Code of Practice – with particularly focus on those at the upper and lower age limits. Specifically, we are concerned the 65-75 age group who do not enjoy the maximum protection afforded to those over 75, and households with pre-school children older than the 2 years old cut off. The Committee was surprised and disappointed that these age-based limits were not more generous.

Response: Accept

The Welsh Government have called for a ban on prepayment meters. While this is still our preference, I am pleased Ofgem have incorporated the requirements originally set out in their Involuntary Prepayment Meter Code of Practice into each energy suppliers' licence. This is something I called for when the Code was announced in April.

When the code was originally announced, householders in the highest risk included people over the age of 85 years of age and no reference was made to children. Lowering the upper age limit from over 85 to over 75 and including provisions for pre-school children under the age of 2 is a step in the right direction.

Ofgem believe the age groups have been set appropriately, following consultation and input from clinicians. People in the 65-75 age group will be taken into consideration if they have health conditions. Suppliers must also assess the suitability of a prepayment meter where there are children aged 5 and under.

I have advised Ofgem that Welsh Government will monitor the situation closely over the winter to ensure the rules are working and eligible households are protected.

Ofgem have confirmed they will review the policy and amend if it proves to be ineffective in protecting the most vulnerable in society.

Financial Implications – None

Recommendation 6

Welsh Government should review whether they have any evidence which might support amending the code to lower the older age cut-off and/or increasing the age for households with children to include all pre-schoolers.

Response: Accept

We do not currently have substantive evidence to recommend amendments to the decision of Ofgem, which were changed from the original proposals to take account of consultation responses and input from clinical specialists. We are, however, committed to work with Ofgem to monitor the situation and to challenge their position as appropriate, if such evidence comes to light.

Unfortunately, the cost-of-living crisis means that people of all ages are now more likely to be struggling to meet their energy costs. We are calling on suppliers to support their customers through this period, using prepayment meters only as a last resort or where customers request them.

Financial Implications – None

Recommendation 7

Ofgem should work with energy suppliers to monitor how decisions on vulnerability are made, and by whom. Debt-collection companies, whose primary interest is the recovery of debt, should not be the decision makers when it comes to deciding who is vulnerable.

Response: Accept

Ofgem are clear that decisions on vulnerability is the responsibility of the energy suppliers, and no action should be taken until suppliers are confident that they have assessed and correctly identified any vulnerabilities.

Each supplier must pass Ofgem's Market Compliance Review, amongst other checks, before they can re-start the process of installing prepayment meters. There are also strict rules suppliers and debt collection companies must adhere to including making at least 10 attempts to contact a customer, carrying out a site welfare visit and refraining from installations for the highest risk customers.

Suppliers must follow this process and should not pass on any customers to debt collectors who are in the vulnerable categories.

I met Ofgem in November to discuss winter planning for vulnerable customers and raised the issue that we had been informed by stakeholder groups of instances

where people are being threatened with future prepayment installation even when it is clear they would fall within an exemption.

Ofgem confirmed that behaviour of that kind is unacceptable, and that action can, and will, be taken against suppliers who do not protect vulnerable customers. I will be working with charities and consumer groups to monitor the situation.

Financial Implications – None

Recommendation 8

The Welsh Government should explore how the newly established Ynni Cymru can encourage the development and uptake of local social tariffs.

Response: Agree in principle

As part of the Cooperation Agreement, Plaid Cymru and the Welsh Government share an ambition to establish a publicly owned energy company for Wales, Ynni Cymru, to expand community owned renewable energy generation. Ynni Cymru will work with both community and public sector partners to both optimise and make existing renewable energy assets 'smarter' across Wales. This work will include the possibility of developing approaches to secure cheaper energy bills within communities alongside enhancing wider economic and social benefit. We are in the early stages of establishing Ynni Cymru and are developing a solid business case for the organisation including the approach to benefits realisation.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

**Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip**

Jack Sargeant

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Tim.Jarvis@ofgem.gov.uk

13 March 2024

Dear Mr Sergeant,

Re: Petitions Committee report "A Warmer Winter P-06-1326"

I am writing to you regarding the recent Petitions Committee report "A Warmer Winter" that concerns the use of involuntary prepayment meters (PPMs). We are grateful to the Committee for undertaking this work and have addressed each of the recommendations that concern Ofgem in the response appended to this letter.

I would like to apologise for the delay in responding to this report and would be happy to discuss these recommendations further if required by the Committee.

Kind regards,



Tim Jarvis
Director General, Markets

Petitions Committee report "A Warmer Winter P-06-1326"

Ofgem Response

This response addresses the Ofgem recommendations contained in recent Petitions Committee report "A Warmer Winter". We are grateful to the committee for undertaking this work. Protecting the most vulnerable from unfair practices goes to the heart of our work, and we welcome this report.

Ofgem regards the use of involuntary PPMs as an intervention of last resort. We have taken action to protect the most vulnerable by expanding the categories of customers for whom a PPM must never be installed, in addition to strengthening the protections for customers who do not fall into these categories.

The protections in the Involuntary PPM Code of Practice – initially a voluntary interim measure – are now a mandatory part of the supply licence, and if breached can lead to enforcement action and fines. In addition to these increased protections, we are adjusting standing charges for PPM customers to be aligned with standing charges paid by DD customers which would mean that PPM customers do not face additional costs for their use of energy just because they use a PPM.

We also regularly meet with Welsh Government and a wide range of other stakeholders and will continue to listen to concerns that may be raised about this and other issues related to the energy market.

Our response to the recommendations that concern Ofgem is as follows:

Recommendation 4. WG should work with the UK Government and Ofgem to ensure there is greater clarity about who has the power to instigate a freeze on fitting prepayment meters. That power should sit with a named individual (in Ofgem, and/or the relevant Minister in the UK Government).

Response: Accept in principle

The current legislative framework means that Ofgem cannot completely ban PPMs or ban them indefinitely. That power is a matter for the UK parliament, as it requires changes to legislation. Suppliers have the statutory power to install PPMs granted under the Gas Act 1986 and the Electricity Act 1989 and can secure rights of entry under warrant granted by the Rights of Entry (Gas and Electricity Boards) Act 1954. The legislative framework gives Ofgem broad licence modification powers to introduce conditions we consider requisite or expedient (whether or not relating to the activities authorised by the licence), having regard to our principal objective and general duties. The legislative framework also gives Ofgem very broad licence modification powers which we have used in various ways to control how and when suppliers install PPM.

However, Ofgem does not think a universal and absolute ban would be in customers' best interests, as many customers find PPMs a helpful and effective way of managing their spend on energy. Smart PPMs can also help suppliers identify customers that are self-rationing/self-disconnecting, allowing them to offer support more quickly. Ofgem must also balance competing priorities – PPMs can play a role

in preventing excessive debts, which would if not repaid would be passed on to all energy consumers.

Recommendation 5. Ofgem should monitor the impact of the Code of Practice – with particularly focus on those at the upper and lower age limits. Specifically, we are concerned the 65-75 age group who do not enjoy the maximum protection afforded to those over 75, and households with pre-school children older than the 2 years old cut off. The Committee was surprised and disappointed that these age-based limits were not more generous.

Response: Accept

Ofgem's development of the Code of Practice was undertaken with extensive engagement with a variety of stakeholders and balances our responsibilities to protect the most vulnerable consumers with our responsibilities to ensure that debt levels do not reach excessive levels that would risk suppliers failing (with the costs of this falling on all energy consumers). The committee should also be aware that as well as the groups for whom no involuntary installations of PPMs should ever be undertaken, the new rules also include further protections for additional groups of consumers. These are set out in the 'further assessment needed' (FAN) category.

These include, but are not limited to:

- Households with children 5 and under.
- Other serious medical/health conditions (such as neurological diseases (Parkinson's, Huntington's, Cerebral Palsy), respiratory conditions, nutritional issues (such as Malnutrition) and mobility limiting conditions (Osteoporosis, Muscular Dystrophy, Multiple Sclerosis).
- Serious mental/developmental health conditions (such as clinical depression, Alzheimer's, dementia, learning disabilities and difficulties, Schizophrenia).
- Temporary situations (such as pregnancy, bereavement).

Suppliers must assess the ability to pay of any household they know or have reasonable cause to believe has a personal circumstance or characteristic that falls under the requirement for FAN, to understand if the customer will be unable to afford their ongoing energy needs.

If a supplier concludes (considering meter type, aftercare support and reasonable energy saving assumptions) that the household will, frequently or for prolonged periods self-disconnect and there is a risk of causing significant consumer harm, then the supplier must consider PPM to be not safe and reasonably practicable.

Suppliers are also encouraged to ensure that PPM installation is safe and reasonably practicable for any household with adults over 65 and/or children under 16.

Ofgem intends to periodically review the rules to check that they are succeeding in their objective of protecting the most vulnerable without unsustainably increasing bad debt, which would add to customer bills. We are approaching supplier restart cautiously and have been explicit about the rules in place and our expectations on suppliers. Our market compliance review work is ongoing and enhanced monitoring

is in place for suppliers that have been allowed to restart the process for Involuntary PPMs.

We will work closely with stakeholders, including consumer groups and charities, to ensure that we continue to receive evidence on any breaches of the supply licence and the consumer outcomes of the PPM protections.

Ofgem will also continue to monitor suppliers' behaviour closely to ensure they are complying with the spirit and letter of these rules. If that is not the case, we will not hesitate to take action.

We have always been clear that the moratorium was voluntary and temporary, and that there are instances where involuntary PPMs are a legitimate last resort for energy suppliers to recover debt from customers, which would otherwise have an impact on everyone's bills. Suppliers have a statutory right to apply for a warrant of entry to install PPM meters for collection of outstanding debt. However, the involuntary installation of PPMs is a difficult decision and one where we've strengthened the rules to balance our statutory objective to protect consumers, suppliers' ability to manage debt, and the possibility of increased bad debt that other consumers would need to pay for.

Recommendation 7. Ofgem should work with energy suppliers to monitor how decisions on vulnerability are made, and by whom. Debt-collection companies, whose primary interest is the recovery of debt, should not be the decision makers when it comes to deciding who is vulnerable

Response: Accept in principle

Ofgem's Consumer Vulnerability Strategy sets out our priorities until 2025, which includes improving identification of vulnerability and the support services that must be offered to those identified as vulnerable. For energy suppliers, we have introduced a vulnerability principle, which makes delivering fair outcomes for vulnerable consumers an enforceable obligation.

We conducted a market compliance review on how suppliers support customers in vulnerable situations in 2022/23. Suppliers need to have clear governance, policies, procedures, and training in place to ensure they meet their obligations under their Supply Licence. These conditions include proactively identifying and recording customers who are in a vulnerable situation, and offer services to support them, within a Priority Services Register (PSR).

We reviewed suppliers on information they provided to us on how they manage customers in vulnerable situations as part of the review. Where we identified weaknesses in the governance, policies, and procedures, or where there was not adequate information provided in response to our request to assure us, we have required suppliers to take action to address this.

Suppliers are required to make every effort to identify vulnerable customers before applying for and seeking to exercise warrants for involuntary PPM. Suppliers are also required to assess for vulnerability in customers in the 'further assessment needed' category outlined in our response to the previous recommendation.

Suppliers are also required to attempt contact with the customer via multiple channels and conduct site welfare visits.

In circumstances where suppliers have attempted contact via multiple channels and conducted a site welfare visit but have been unable to establish with certainty the level of detriment in association with medium risk characteristics and/or financial assessments, suppliers should apply their own discretion on progression to involuntary PPM, noting that any move to PPM may need to be reversed if vulnerabilities are subsequently discovered in the household.

If the customer has not engaged despite several attempts at contact, a debt collection agency may visit the household and identify any vulnerability. In those circumstances a debt collection agency is required to cease any actions being undertaken should they discover circumstances that a reasonable person would consider demonstrate the customer is vulnerable (and the non-engagement could itself be considered evidence of vulnerability). Energy companies are responsible for the actions of such agencies, and we would expect them to emphasise this when engaging with such agencies.

In instances where a supplier has made the commercial decision to write off unrecoverable debt, the debt collection agency who has purchased the debt will manage consumer vulnerability in line with relevant industry Codes of Practice. Ofgem does not regulate debt collection agencies, but we encourage suppliers to use FCA-authorized debt collection agencies and use Enforcement Conduct Board accredited agents.

Ofgem continues to work with other regulators and engage with stakeholders on our protections for vulnerable customers and welcomes the wider debate on how to drive-up standards in debt collections across the board.

In addition to these recommendations, we are also aware that many stakeholders have asked questions about how customers using PPMs can switch back to other payment methods and the role that credit checks can play in this process.

Our licence conditions (27.1) require a supplier to offer a range of payment methods once a debt has been repaid. Suppliers can run a credit check and are able to request a security deposit (which must be a reasonable amount) from customers with low credit scores. Suppliers must behave in a fair and transparent manner, making this process easy for customers.

I hope the committee finds this information helpful, and once again would like to thank you and the committee for this work.

Agenda Item 4.2

P-06-1359 Offer Welsh working parents the same financial support for childcare as England

This petition was submitted by Jade Lily, having collected a total of 10,820 signatures.

Text of Petition:

In England from April 24 all working parents of 2 year olds get 15 hours free childcare. From September 24 this will be extended to parents of 9 months old +. From September 25 the free hours will be extended to 30.

In comparison Wales will take until September 25 to provide 12.5 hours to all 2 year olds. With no plan in place for 9 months + or increasing the hours to 15 or 30.

We're in a cost of living crisis where the Welsh Gov have the ability to support working parents but aren't.

Additional Information:

The Welsh Government are choosing not to roll out the 12.5 hours to 2 year olds like the current 30 hours free childcare for 3 year olds scheme. Instead they're getting Flying Start to lead. This is more complicated because it means you have to wait for your postcode to be eligible rather than it being universal. And childcare providers have to register with Flying Start before they can receive the 12.5 hours.

The thinking behind this is that Flying Start will make childcare providers provide higher quality care to produce better outcomes for all children. But all registered childcare providers have regular inspections and the outcomes are available online, so you can find out about the quality before applying to the setting.

Additionally children from "disadvantaged" areas of Wales that need it have always been covered by Flying Start and therefore eligible for the childcare offer when 2 to help improve their outcomes.

Senedd Constituency and Region

- Vale of Glamorgan
- South Wales Central

Agenda Item 4.3

P-06-1362 Match the new childcare offer in England of 15 hours for 2 year old's from April 2024

This petition was submitted by Madelaine Hallam, having collected a total of 407 signatures.

Text of Petition:

The UK Government have announced that from April 2024 all working parents of two-year-olds will be able to access 15 hours of free childcare.

However, this benefit will not apply to all working families in Wales, as the equivalent "flying start" program will not expand to all areas. This leaves Welsh families thousands of pounds worse off than English counterparts, despite claims from the first minister that the welsh offer is "better" as its 48 weeks instead of 38 for 3 and 4 year olds.

Additional Information:

A link to the English offer;

<https://educationhub.blog.gov.uk/2023/03/16/budget-2023-everything-you-need-to-know-about-childcare-support/>

When Mark Drayford was questioned on the topic

<https://www.bbc.co.uk/news/uk-wales-politics-65026019>.

Senedd Constituency and Region

- Clwyd South
- North Wales



Eich cyf/Your ref P-06-1359 / P-06-1362
Ein cyf/Our ref JMSS/00117/24

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

05 March 2024

Dear Jack,

P-06-1359 Offer Welsh working parents the same financial support for childcare as England

P-06-1362 Match the new childcare offer in England of 15 hours for 2 year old's from April 2024

Thank you for your letter dated 20 February 2024 regarding the debate on these petitions on 31 January 2024.

As requested, please find below a response to the four specific points outlined in your letter.

Q1 & Q2. What childcare support is currently available and to whom? How can parents access this support?

| Childcare Support Funding | Summary of Support and how to access this support |
|----------------------------------|--|
| Flying Start | Flying Start provides fully funded quality childcare which is offered to parents of all eligible 2-3 year olds for 2 and a half hours a day, 5 days a week for 39 weeks a year. Children living in Flying Start areas become eligible for free childcare the term after their 2nd birthday until the term after their 3rd birthday. Flying Start childcare helps to prepare children for entry to learning within the Curriculum for Wales at age 3. |

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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>Get help from Flying Start GOV.WALES</p> <p>More children are now eligible for funded Flying Start childcare services under the expansion of early years provision. The roll out of phase one of the expansion commenced in Sept 2022 and concluded in March 2023. Phase 1 included all Flying Start services being offered to around 2,500 additional children under four.</p> <p>Delivery of Phase 2 began in April 2023. We aim to extend the childcare element of Flying Start to 9,500 more children by the end of 2024/25.</p> |
| <p>Childcare Offer for Wales</p> | <p>The Childcare Offer, which has been available across Wales since April 2019, provides 30 hours a week of government-funded early education and childcare for eligible parents of 3 and 4 year olds for up to 48 weeks a year. During term time (39 weeks of the year) the Offer builds on the existing universal commitment to early education which provides all 3 and 4 year olds with a minimum of 10 hours per week of provision. For the remaining 9 weeks the Offer funds 30 hours of childcare per week. To be eligible for the offer, a parent must:</p> <ul style="list-style-type: none"> • Have an eligible child aged 3 or 4 years old • Meet the definition of a working parent or a parent in education or training; and • Live in Wales <p>Childcare Offer for Wales Help With Childcare Costs Wales GOV.WALES</p> |

| | |
|--|---|
| Tax Free Childcare | <p>Tax Free Childcare is a UK government scheme where working parents can get up to £500.00 every 3 months (up to £2,000 per year) for each child. If a child is disabled the amount increases to £1,000 every 3 months (up to £4,000 per year).</p> <p>Tax-Free Childcare - GOV.UK (www.gov.uk)</p> |
| Child Care Grant (CCG) - HE | <p>Undergraduate parents can apply for the CCG, administered by Student Finance Wales, to help cover childcare costs while they are studying. The grant covers 85% of childcare costs, up to a maximum of £189.00 per week for 1 dependent child and £324.00 per week for 2 or more dependent children. Funding is means tested based on household income. Parents are reimbursed for childcare costs based on evidence of payments made to their childcare provider on a termly basis.</p> <p>Extra help available if you are a full-time undergraduate student with children Student Finance Wales</p> |
| Financial Contingency Fund (FCF) - FE | <p>The FCF provides childcare support for further education students who are resident in Wales. This is a discretionary fund managed by individual further education (FE) institutions but funded by the Welsh Government. Funding generally covers around 85% of childcare costs and is targeted towards learners who are experiencing financial hardship and provides help for eligible learners who might otherwise be unable to attend college. Funding is means tested based on household income. Costs for childcare covered by the FCF is paid direct to the childcare provider by the FE institution.</p> <p>Parents would have to apply directly to their further education (FE) institute.</p> |
| NHS Wales Student Bursary – Childcare Allowance | <p>NHS students who are in receipt of, or who will be applying for an NHS Wales Student Bursary, can apply for financial help to pay for registered childcare. The NHS Wales Childcare Allowance pays up to 85% of actual registered or approved childcare costs to a net maximum amount of £128.78 per week for one child and £209.95 per week for two or more children.</p> <p>Student Awards Services - NHS Wales Shared Services Partnership</p> |
| ReACT Plus: | <p>To be eligible, an individual must be under formal notice of redundancy or be within 12 months of being made redundant. If aged between 18-24 and not in education, employment or training you can also access support. Up to £4,500 can be claimed to help with childcare or other care costs.</p> <p>The New ReAct Plus Funding in Wales - CCW-Training Academy (careerchangewales.co.uk)</p> |
| Universal Credit – Childcare costs | <p>Working parents claiming Universal Credit can get up to 85% of childcare costs paid back. The maximum amount per month is:</p> |

| | |
|---------------------------|--|
| | <ul style="list-style-type: none"> • £950.92 for one child • £1,630.15 for 2 or more children <p>Eligible parents claiming Universal Credit are also able to get additional help paying their childcare costs upfront when moving into paid work or increasing their working hours. Individuals should speak to their work coach to make arrangements for their childcare to be paid in advance.</p> <p>Universal Credit childcare costs - GOV.UK (www.gov.uk)</p> |
| Communities for Work Plus | <p>Communities for Work Plus (CfW+) supports individuals over 20 years old who are not in employment, education or training and who are disadvantaged or under-represented in the labour market, these include women (especially lone parents), carers and parents with childcare as a barrier to employment. Childcare support is provided on a short-term basis covering such activities as attending training, interviews or employment, as well as being available for when childcare provision has broken down during the first four weeks of employment on leaving the programme (the programme is able to support a maximum of 3 months childcare). This short-term childcare support would allow the necessary steps to be taken to ensure employment is sustainable.</p> <p>For further information please contact the Communities for Work Plus team within your Local Authority or refer to the Working Wales website Working Wales Working Wales (gov.wales)</p> |
| | |

Q3. How childcare support will be rolled out to other families in the future including specific timescales?

- Our Programme for Government commits us to continue our support for our flagship Flying Start programme. And, in line with the Co-operation Agreement with Plaid Cymru, we have extended this commitment to deliver a phased expansion of early years childcare provision to include all two-year-olds, with a particular emphasis on strengthening Welsh-medium provision.
- Delivery of Phase 2 began in April 2023 and spans two financial years (2023-24 and 2024-25). We expect to support more than 9,500 additional two-year-olds across Wales to access quality Flying Start childcare during Phase 2, and we are well on track to deliver that. The Welsh Government has achieved its latest target for Phase 2 with an extra 4,500 childcare places offered during 2023-24.
- The funding for Phase 2 will increase from £21.65m in 2023-24 to £24.3m in 2024-25, which will allow even more children to benefit from the high quality childcare provided by the expansion programme.
- The Welsh Government is facing the toughest financial situation we have faced since devolution. As a result of these pressures, we are not currently in a position to confirm any new developments to childcare beyond 2024-25. However, we will

continue to review the Childcare Offer and the Flying Start programme and we remain committed to making further progress on our commitment to extend early years provision, as resources allow.

Q4. How the Childcare Offer is promoted to encourage eligible parents to access this support?

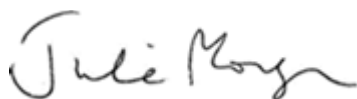
- The Welsh Government has developed a national marketing campaign promoting the Childcare Offer for Wales in partnership with SBW. The aim of the campaign is to promote the Childcare Offer to parent and providers, encouraging take up from parents and providers to sign up to deliver the Childcare Offer.
- The national campaign raises awareness of the Offer through various social media platforms which include targeted advertising for parents and Providers. This includes Radio Advertising, Google Adverts, TikTok, Facebook and a Welsh Government Communications Media Toolkit for local authorities to use to raise awareness through their own social media.

Each of the 22 local authorities receives funding for the Childcare Offer for Wales via an administration grant. Part of the remit of the grant is to promote the Offer through marketing and communications messaging to all potentially eligible parents within their local authority area. This includes:

- Ensuring that staff working in the Family Information Service team are able to provide information on the Offer.
- Raising awareness of the Offer via tweets/Facebook posts issued their own channels, which the Welsh Government can then share more widely
- Face to face contact with parents – for example, stalls at shows, events, etc, in order to promote the Offer locally.
- The creation of leaflets and posters using the Childcare Offer communications media toolkit which is provided by the Welsh Government.
- Local advertising via billboards, bus shelters/sides of buses, train stations, stadium advertising etc.
- Raising awareness of the Offer via childcare providers, schools, GP surgeries and libraries.

I hope you find this information useful.

Yours sincerely,



Julie Morgan AS/MS

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

P-06-1362 Match the new childcare offer in England of 15 hours for 2 year old's from April 2024 - Correspondence from the Petitioner to the Committee, 11 March 2024

My response to the Deputy Minister is short as there is nothing in her letter that I did not already know, and it is not remotely relevant to the original petition.

The English funded childcare hours for 2 year olds come into affect next month and so it is clear that Wales are **not** going to match the offer and purposefully withhold money allocated from westminster from working parents.

In the 5 years I've lived in Wales I've now seen enough in relation to the atrocious nationalism demonstrated by the Welsh Government Agenda. The scariest part being the failure of the education system with declining PISA scores.

Personally I will be looking to relocate my family over the border to England where I will be financially better off and my children will be better educated. Then I can watch the ship sink safely....

Thanks for all your help Kayleigh.

Kind Regards

Madelaine

Agenda Item 4.4

P-06-1369 Use only Welsh names for places in Wales

This petition was submitted by Mihangel ap Rhisiart, having collected a total of 1,397 signatures.

Text of Petition:

In a spirit of respect for Wales as its own nation with its own history and culture; and as a mark of acknowledgement concerning some of the cultural oppression that has historically been inflicted on Wales and her language and culture.

English names might initially continue to be used by some out of habit but in all official avenues and in both spoken and written media, the original Welsh names for places in Wales should be used.

Additional Information:

Following moves concerning the names of Eryri and Bannau Brycheiniog, we consider it an opportune moment to move to using only the Welsh names for places in Wales.

Senedd Constituency and Region

- Neath
- South Wales West



Jack Sargeant MP
Chair of the Petitions Committee
deisebau@senedd.wales

05/03/2024

Dear Chair,

Petition P-06-1369 Use only Welsh names for places in Wales

Thank you very much for inviting me to provide an update on the Commissioner's work in this field. As your comprehensive research brief emphasises, the Senedd has considered several petitions relating to Welsh place-names in the last few years. My predecessor, Aled Roberts, wrote to you on this subject in [December 2021](#) and the then Deputy Commissioner, Gwenith Price, along with Dr Eleri James, who leads my office's work on place-names, had the opportunity to give evidence to you in [March 2022](#). I do not wish to repeat the comments they made at the time. Rather, I think it would be more beneficial to update you on three significant pieces of work that have been accomplished in the interim:

1. Lake Names Standardisation Pilot Project in collaboration with Eryri National Park

When Aled Roberts wrote to you in 2021 he emphasised that standardising Welsh settlement names was our main area of work. The situation has developed significantly since then and we have gradually begun to extend the terms of reference for our Place-name Standardisation Panel as a result of a demand from organisations for guidance in relation to landscape names. Eryri National Park approached us to ask for specific help in this area, and this has led to a new relationship of collaboration with the Park to standardise the names of features in the landscape. A successful pilot project on lake names was completed last year and, following the Park Authority's unanimous vote to accept our Panel's recommendations, Ordnance Survey has agreed to update their maps with those forms, thereby correcting names that have been misspelt on maps for many years. We have now moved on to work on projects to standardise the names of waterfalls and passes. Working on collections of names in turn in this way allows us to see patterns and ensure a measure of consistency in our handling of different topographic features and

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Correspondence welcomed in Welsh and English



we have enhanced our [National Standardisation Guidelines](#) as a result of the work. You can read more about our collaboration with the Park here: [Article - Eryri National Park \(gov.wales\)](#).

2. Re-establishing the List of Standardised Welsh Place-names

Following the serious cyber attack suffered by my office in late 2020, the infrastructure and content of the place-names database which supported the List of Standardised Welsh Place-names on our website was lost. As a result the data published on our website is currently rather elementary: [Standardised Welsh Place names \(welshlanguagecommissioner.wales\)](#). Nevertheless, it remains an extremely popular resource with well over a thousand users consistently accessing it each quarter. We have made great strides over the past year in developing and repopulating a new database and we are now in the process of designing a new user interface that will allow us to share a wealth of additional information with the public, including links to external resources such as Wikipedia and the List of Historic Place Names. We look forward to launching the new resource in the next financial year.

3. Advising Natural Resources Wales and others on site names

Writing and spelling names correctly from the start is far easier than correcting mistakes and changing habits after names have gained traction, of course. As such we welcome the recent opportunities to advise Natural Resources Wales on new site names, including the names of new car parks and forests. Natural Resources Wales' internal naming guide provides sound guidance to officers regarding their statutory duties in relation to the List of Historic Place Names but also emphasises that names need to follow the principles of our Standardisation Guidelines. As this work involves creating 'new' names, it has allowed us to creatively tap into our Panel's expertise beyond orthographic issues. We have also carried out similar work on behalf of Cadw providing them with advice on standard forms to adopt on their sites in Wales.

The need for further resources to achieve change

Beyond these developments many of the frustrations and challenges identified in the context of the previous petition remain. There is no statutory basis for my office's work in this area to date – we look forward expectantly to the proposed role we will have in the wake of the Senedd Cymru Bill, of course – and therefore providing advice and using the powers of persuasion are the only means we have of promoting standard forms. It was an encouragement to read in the Minister's letter to you [in October](#) that he also supports the [principle established by](#) our Place-names Standardisation Panel that if the difference between the Welsh form and the 'English' form consists of only one or two letters, the use of a single form is recommended, with preference being given to the Welsh form. This is a timely question as evidenced by the discussion about the Aberdyfi/Aberdovey forms last month: [Written Question - WQ91418 - Welsh Parliament \(senedd.wales\)](#). If organisations in Wales and beyond were to adopt this principle without fail it would be a significant step towards removing unnecessary dual forms on signs and promoting Welsh names. But until local authorities and other agencies are required to adopt standard forms, the status quo is unlikely to change.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

What has gradually changed, however, are attitudes towards adopting only Welsh names. The petition in question refers specifically to decisions by two of our own national parks, and there is little doubt that these strategic decisions have again placed place-names firmly in the headlines and reinforced and normalised the idea that Welsh names are to be protected, celebrated and promoted. It is clear that there is a growing appetite among the Welsh public to see Welsh names given greater prominence by public institutions, including [mapping agencies](#). But investment in this area will need to be increased to achieve that ambition. My office has begun to undertake a number of projects looking at landscape names, but it is fair to note that our current resources limit our ability to do justice to the field and to move this important agenda forward quickly enough to meet public aspirations and expectations.

I've selected a few highlights of the work for the purposes of this letter – and chosen examples that are directly relevant to the subject matter of this petition. There have been a great many other interesting developments in this field in recent years – including the extension of our role to advise the Foreign Office on standard Welsh forms of foreign names: [International place-names \(welshlanguagecommissioner.wales\)](http://welshlanguagecommissioner.wales). I would be very happy to meet with you if you would like to find out more about our work or to discuss any aspect of this update, of course.

Yours sincerely,

Efa Gruffudd Jones
Welsh Language Commissioner