

Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date:

17 June 2014

Meeting time:

09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Steve George

Committee Clerk

029 2089 8421

Petition@wales.gov.uk

Kayleigh Driscoll

Deputy Committee Clerk

029 2089 8421

Petition@wales.gov.uk

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Agenda Item 2.1

P-04-558 E-CIGARETTE BAN FOR UNDER 18s

Petition wording:

We the undersigned residents of Wales call on Welsh Government to ban E-Cigarettes for under 18s

E-cigarettes have become simple and easy to buy from shops or petrol stations and under 18s get addicted with nicotine. I believe this will create more under age smokers and increase smokers in Wales.

Petition raised by: Mohammed Sarul Islam

Date Petition first considered by Committee: 3 June 2014

Number of signatures : 11

Agenda Item 2.2

P-04-559 Secondary School Awareness of Self-Harm

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to put in place more educational programmes (specifically in Secondary Schools) to counteract many people's misunderstanding of self-harm.

A growing issue amongst teenagers in Wales, 43% of people know somebody who has self-harmed according to a BBC survey. In the same survey, it was reported that 41% think that self-harm is selfish.

Additional Information: Due to the sheer volume of occurrences in self-harm among teenagers in Wales, I feel that there should be more awareness and approachability of the subject. Why should a teenager suffer in silence? This is why I believe that as a country we should provide more substantial resources for a sufferer to find free assistance in battling self-harm.

Petition raised by: Eleanor Price

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 12

P-04-560 Provision of IBD Services in Wales

Petition wording:

We, the undersigned, call upon National Assembly for Wales to encourage the Welsh Government to continue its commitment to improving standards of treatment and care for people with Crohn's Disease and Ulcerative Colitis, through the development of a gastroenterology delivery plan. This will ensure that people with these conditions receive the highest standards of care wherever they are in Wales."

Additional information – Standards of care for people with Crohn's and Ulcerative Colitis have improved in Wales, following the launch of the Standards for the Healthcare of People who have Inflammatory Bowel Disease (IBD) in the Welsh Assembly in 2009. However, an independent audit of IBD care has shown that quality has not risen as quickly as other UK countries. There is therefore a need to encourage further improvement through the development of a Gastroenterology Delivery Plan, which will address variation and ensure that basic standards of treatment are being met.

Petition raised by: South Wales IBD Patient Panel

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 664

Agenda Item 2.4

P-04-561 Promotion of Grassroots Rugby in Wales to Encourage Take-Up of the Sport

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government to collaborate with the Welsh Rugby Union to encourage growth in the participation of the sport in Wales across all genders and age grades; to encourage partnerships with other relevant organisations to ensure maximum exposure to the sport at grassroots level and to demonstrate that the sport is not elitist but open to all.

Additional Information: There is virtually no coverage of rugby games below regional level in Wales. We know that clubs are struggling for players and funding and better coverage in all areas will encourage take-up of the game by people of all ages and across all genders, both prospective players and supporters. It will also give better coverage to sponsors and therefore make it easier for clubs to attract this kind of funding.

Petition raised by: Inside Welsh Rugby TV

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 334

P-04-562 Caernarfon Heritage Centre

Petition wording:

We the undersigned call on the Welsh Government to fund a Heritage Centre in Caernarfon. The town deserves a centre to display its history and the history of its people, its industries, its language and its arts in an engaging building purpose-built in Caernarfon as a home for the treasures taken from it.

Close to 1,000 people – residents of Caernarfon and district and visitors to the area are calling for a resource of this nature in what is one of Wales' most ancient and significant towns. Visitors who take one of my tours around Caernarfon www.drodre.co.uk ask, 'Where is the Town Museum?', to which the answer is that the town no longer possesses such a thing! This news is met with universal astonishment, given that history surrounds one at every turn.

Petition raised by: Caernarfon Civic Society

Date Petition first considered by Committee: 17 June 2014

Agenda Item 2.6

P-04-563 the Provision of Services at Pontypridd Fire Station

Petition wording:

PLEASE HELP SAVE OUR FIRE ENGINE! Due to public sector cut backs and a recent review carried out by the South Wales Fire and Rescue Service, we are faced with the prospect of only having one fire engine for the whole of the Pontypridd area.

The proposal is to get rid of a fire engine and the team that serve the growing population of Pontypridd

Petition raised by: Ben Croxall

Date Petition first considered by Committee: 17 June 2014

Number of signatures : Over 9000

Agenda Item 2.7

P-04-564 the Restoration of Inpatient Beds, Minor Injuries Cover and X-Ray Unit to the Ffestiniog Memorial Hospital

Petition wording:

Until the Health Minister has had time to consider Prof Marcus Longley's recommendations on rural healthcare in Wales – a study that was commissioned by the Minister himself in January of this year – we, the undersigned, call on the National Assembly of Wales to urge the Welsh Labour Government to delay decision on Betsi Cadwaladr University Health Board's Business Case aimed at downgrading our Memorial Hospital to a mere 'Memorial Centre'.

Petition raised by: Geraint Vaughn Jones

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 2,754

Agenda Item 2.8

P-04-565 Revive disused railway lines for leisure

Petition wording:

The Welsh Government should look turning the hundreds of miles of disused railway lines (axed under Beeching) into high quality cycle/walk ways. The lines cover the whole of Wales and this scheme would: encourage healthy activities and lifestyle; provide a safe way to travel for those who want a green alternative; provide safe cycling for children and encourage use for going to school, clubs etc; reduce traffic on our roads; boost Welsh tourism especially by cyclists and walkers; enable the establishment of a vast number of varied, small businesses along the routes – shops, B&B etc. Rural areas will benefit. The potential good for the health of the population of Wales and its economy is unlimited and the return in this investment can be understood before it even starts.

Petition raised by: Albert Fox

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 14

P-04-566 Review the School Admissions Code

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government to review the School Admissions Code as it is not fit for purpose.

The School Admissions Code is not fit for purpose because:

It plays lip service to the United Nations Rights of the Child as there is no requirement to consult with children in decisions that affect them;

It plays lip service to the Equality Act as there is no requirement to undertake an Equality Impact Assessment;

It is not prescriptive enough so leads to differences in implementation, some good, some bad;

There is very restricted rights of Appeal for Parents and Governing Bodies to Welsh Government in particular Governing Bodies who are considered statutory consultees and yet are restricted to very specific circumstances in which they can appeal;

The wording within the School Admissions Code is ambiguous and is not easy to penetrate by those who are forced to use it;

The School Admissions Code does not define “reasonable” with regards to Consultation periods;

The School Admissions Code, for all of the above reasons, is not appropriate when dealing with significant changes such as changes to catchment areas.

Petition raised by: Jane Chapman

Date Petition first considered by Committee: 17 June 2014

Number of signatures : 156

Agenda Item 3.1

P-04-536 Stop Factory Dairy Farming in Wales

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government to update Planning Policy Wales and other relevant planning documents such as Technical Advice Note 6: Planning for Sustainable Rural Communities, to ensure that large scale indoor factory dairy farms are not created in the pursuit of short-term economic gain and to the possible detriment of many small-scale run farms. The recent approval of the farm in Welshpool, Powys cited paragraph 7.2.2 of Planning Policy Wales specifically in saying that it “...recognise(d) that there will be occasions when the economic benefits will outweigh social and environmental considerations.” and we believe this must be urgently reviewed since the possible creation of a small number of new jobs should not outweigh the long term economic benefits afforded by the plentiful, efficient and sustainable asset of grazing which many Welsh dairy farmers fully recognise.

Large scale indoor factory dairy farms are designed to keep cows indoors rather than out on pasture, and have been shown to increase environmental damage, impoverish local communities, can severely compromise good animal welfare and become a financial drain on their surroundings. We believe that following the Welsh Government’s decision to approve the farm in Welshpool, a review of planning legislation is of critical importance to ensure Wales fulfils its aspiration to become a truly sustainable country.

Petition raised by: World Society for the Protection of Animals

Date Petition first considered by Committee: 18 February 2014

Number of signatures: 9246

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

Document is Restricted

Agenda Item 3.2

P-04-530 Bilingual Labeling

Petition wording:

Like all self-respecting officially bilingual countries, (such as Canada), Wales needs legislation to ensure that all food products sold in Wales be labeled in both Welsh and English. We therefore demand that the National Assembly for Wales to urge the Welsh Government enact said legislation without undue delay.

Petition raised by: Simon Foster

Date Petition first considered by Committee: 21 January 2014

Number of signatures: 98

P-04-492 Diagnosis of autism in children

Petition wording:

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

- ensure timely diagnosis for children with Autism Spectrum Disorder [ASD], regardless of where they live, so that children with autism can be supported and lead fulfilled lives; and
- review implementation of and ensure compliance with the NICE guidelines on recognition, referral and diagnosis of children and young people on the autism spectrum as part of the Welsh Government's refresh of its ASD Strategic Action Plan.

Supporting information:

Diagnosing can be a critical milestone for people with autism. For children, it can help ensure that the right support is put in place from an early age.

Diagnosing autism can be difficult because autism is complex condition that affects each person in a different way. We therefore support the view that a number of different specialists should be part of the process to ensure a correct diagnosis.

However a timely diagnosis is vital in order to minimise anxiety and stress for children with autism and their families. The Deputy Minister for Social Services supports this view and in response to a question from Rebecca Evans AM said: 'I fully recognise the importance of receiving a timely diagnosis.' We also know that early intervention for children with autism is crucial in their educational, emotional and social development and for their longer-term health.

While there are good examples of diagnostic and assessments services in Wales, we are very concerned that not everyone can access a timely diagnosis and that not every area is following the NICE guidelines on

recognition, referral and diagnosis of children and young people on the autism spectrum.

Our experience in Pembrokeshire has been particularly difficult, with some members of the branch waiting up to seven years for a diagnostic assessment. This lengthy wait for diagnosis is having a huge impact on families across Pembrokeshire.

We have tried on several occasions to engage with Hywel Dda Local Health Board. We have also met with local AMs Paul Davies and Angela Burns outlining our concerns. Paul Davies has written to Hywel Dda Health Board urging them to meet with the branch. We are still waiting for the Health Board to act on that request.

One of the branch members has 'waited over six years for my one son to get a diagnosis. Now I'm waiting for the other it's been about two years and it fills me with dread.'

We want to ensure timely diagnosis for all children with an Autism Spectrum Disorder across Wales so that they can be supported appropriately to lead fulfilled lives.

About autism

Autism is a lifelong developmental disability that affects the way a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share three main areas of difficulty, their condition will affect them in different ways. The three main areas of difficulty are:

- Difficulty with social interaction. This includes recognising and understanding other people's feelings and managing their own. Not understanding how to interact with other people can make it hard to form friendships;
- Difficulty with social communication. This includes using and understanding verbal and non-verbal language, such as gestures, facial expressions and tone of voice; and

- Difficulty with social imagination. This includes the ability to understand and predict other people's intentions and behaviour and to imagine situations outside of their own routine. This can be accompanied by a narrow repetitive range of activities.

Some people with autism are able to live relatively independent lives but others may need a lifetime of specialist support. People with autism may also experience some form of sensory sensitivity or under-sensitivity, for example to sounds touch, tastes, smells, light or colours. Asperger syndrome is a form of autism.

Research has shown that 1 in 100 people have autism. By applying the 1 in 100 figure we estimate that over 30,000 people in Wales have autism. Together with their families, they make up over 100,000 people whose lives are touched by autism every single day.

About the NAS and Pembrokeshire Branch

The National Autistic Society Cymru [NAS Cymru] is Wales' only member-led charity for people affected by autism. The National Autistic Society was founded in 1962 by a group of parents who were passionate about ensuring a better future for their children. In Wales, since 1994, we have been providing local support, services and actively campaigning so that people with autism get to lead the life they choose.

NAS Cymru believes that the right support at the right time makes an enormous difference to the lives of those affected by autism and we are committed to ensuring that their voices are heard.

Across Wales we have over 900 members and 11 local branches including the one in Pembrokeshire. Launched on the 1st April 2011, the branch is for parents of children with autism to provide a network of support for people connected through autism living in Pembrokeshire and surrounding areas. The branch meets on a regular basis holding formal and informal events, as well as campaigning and fundraising locally.

Petition raised by: National Autistic Society Pembrokeshire Branch

Date petition first considered by Committee: 18 June 2013

Number of signatures: 902



Eich cyf/Your ref P-04-492
Ein cyf/Our ref GT/00296/14

William Powell AM
committeebusiness@Wales.gsi.gov.uk

15 May 2014

Dear William,

Thank you for your letter of 30 April seeking an update on the actions the Welsh Government is taking to address the concerns raised by petitioners about Autistic Spectrum Disorder (ASD) diagnostic waiting times for children.

Since my last letter to the Committee in March I have written to both Abertawe Bro Morgannwg UHB and Cardiff and the Vale UHB to ask them to provide the waiting times information that was not included in their first response. I am pleased that both health boards have now provided further data on diagnostic waiting times which is summarised below. I also attach the full summary of the responses received to my original request for information, which can be shared with the NAS Pembrokeshire branch as they have requested.

Cardiff and the Vale UHB	ASD diagnostic waiting times for children are captured as part of the overall waiting times for community paediatrics, which currently stands at 20 weeks. A considerable amount of work has been undertaken to improve the ASD diagnostic pathway which should result in ASD specific waiting times being available shortly.
Abertawe Bro Morgannwg UHB	Average waiting times for ASD children's diagnosis referral to assessment are Swansea 15 weeks, Neath Port Talbot 17 weeks and Bridgend 13 weeks. There are different models of care in place based upon local arrangements for joint working.

I am grateful to the Petitions Committee and the parents group in Pembrokeshire for bringing this issue to my attention. Such is my concern that urgent action is required to address diagnostic waiting times I will be establishing a Task and Finish Group on children's diagnosis which will report to me with recommendations for actions to be taken forward in the implementation of the refreshed ASD Strategic Action Plan. I will ask this group to consider the points raised by the Pembrokeshire parents group in their letter to the Committee to which you refer. The refreshed ASD Strategic Action Plan will be published for consultation later this year and I do hope that members of the Pembrokeshire group will take the opportunity to respond.

Yours Sincerely

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

Gwenda Thomas AC / AM

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Local Health Board	Waiting times for children's diagnosis and Support, and compliance with NICE guidelines	Waiting times for Adults diagnosis and support and compliance with NICE guidelines
<i>Abertawe Bro Morgannwg</i>	<p>Swansea and Neath Port Talbot localities use the same diagnostic pathway, Bridgend have their ASD assessment co-ordinated by the local authority. Although there are different pathways, Child and Adolescent Mental Health (CAHMS) services are involved in a multiagency assessment of ASD across the health board. The pathway in Swansea and Neath Port Talbot for reception age (5) children and under, is that referrals are made to a consultant community paediatrician and referrals for children over five years old are sent to CAMHS. In Bridgend the consultant community paediatrician prioritises referrals for children aged 10 years and younger. CAMHS leads for children aged 11 and over. Because of the complexity of the diagnosis pathway, it is very difficult to provide an average length of wait between initial referral and diagnosis, but this could be provided through retrospective audit of patients assessed. This has been requested.</p>	<p>Waiting times for diagnosis are within the 12 weeks waiting time limit for individuals seen either in the Learning Disability Community teams or those referred to a specialist ASD diagnostic team, which is working to the standards agreed by the Adults ASD diagnostic network. An audit is also being undertaken to ensure that diagnostic standards are being adhered to. An action plan has been developed to raise levels of awareness and expertise within the local community learning disability teams, this includes a training plan.</p>
<i>Aneurin Bevan UHB</i>	<p>Current waiting times for ASD assessment by community teams is 12 months due to staff vacancies, reconfiguration of services and changes in referral criteria. A new multi agency neurodevelopmental service is being created. An assessment service for children with a complex presentation such as co-morbidity and differential diagnosis has a waiting time of 11 months. The assessment process is in accordance with NICE guidelines.</p>	<p>An extended ASD assessment service has been established as part of the All Wales ASD Pre/Post Counselling Network for Adults, the pathway is based on NICE guidelines. In the last 12 months the waiting list has reduced from 2 years to 12 months. A neurodevelopmental working group has been established to join up learning disabilities and mental health, and offer an ASD consultation service and peer support group for clinicians newly qualified Diagnostic Interview for Social and Communication Disorders (DISCO) assessors for ASD.</p>

<p><i>Betsi Cadwaladr UHB</i></p>	<p>Diagnosis undertaken by the Child and Adolescent Mental Health Service (CAHMS) teams across North Wales. The time taken from initial referral to completion of assessment varies across the health board area. The waiting time target for initial assessment is 4 weeks. However, current waiting time is between 6-26 weeks. The waiting time for completion of assessment ranges from 30 weeks in Conwy and Denbighshire, 73 weeks in Flintshire, 59 weeks in Gwynedd and Ynys Mon and 90 weeks in Wrexham.</p> <p>Reducing waiting times is an urgent priority across health board areas in particular in Wrexham where a recovery plan is in place. More generally, team and individual job planning across all teams has ensured that direct clinical contact time is maximised and that additional capacity can be re-directed as required. The CAMHS service has experienced an unprecedented increase in ASD referrals over the last 4 years and has had significant staffing issues over the last 12 months. However, a significant reduction in waiting times is anticipated during 2014 because of the actions listed above that are now being taken.</p> <p>The standards for ASD assessment has been developed by clinicians based on three documents, one of which is NICE.</p>	<p>The service has been established in accordance to the All Wales ASD diagnostic and pre/post counselling network. Current waiting times between the date of referral to offer of diagnosis is from 40 weeks, the average is 16 weeks.</p>
<p><i>Cardiff and the Vale UHB</i></p>	<p>Child and Adolescent Mental Health Services are provided by a regional network, managed by Cwm Taf Health Board. Cardiff and Vale did not therefore provide any information about children's diagnosis. It has subsequently been contacted to request individual health board data given that this has been provided by other members of the same regional</p>	<p>Waiting times for referrals for diagnosis are assessed within the medical outpatient waiting time target of 70 days, however as the lead clinician has suddenly and unexpectedly resigned, new referrals will not be accepted until February 2014. Adult ASD services are currently being re-designed, with a new service – the Cardiff and Vale Autism Project - currently being developed. It will</p>

	network (Cwm Taf and Aneurin Bevan)	provide specialist diagnostic support, pre and post diagnostic counselling and an expert resource for Community Mental Health Teams for second opinion services. Diagnosis is undertaken using the DISCO tool in accordance with NICE guidance.
<i>Cwm Taf UHB</i>	Current waiting times for commencement of Community Paediatric assessment from receipt of referral to initial assessment are approximately 17 weeks in North Cwm Taf but 52 weeks in south Cwm Taf . A multi agency task and finish group has been established to review and develop a local pathway for the recognition, referral and diagnosis of children and young people with ASD in accordance with NICE guidelines. Issues affecting waiting times include staff vacancies.	Diagnosis is undertaken in accordance with the diagnostic pathways and standards developed by the All Wales ASD Diagnostic, pre/post counselling network for adults. Current waiting time figures are not collected, but they are below the 14 weeks waiting time recommended by the pathway.
<i>Hywel Dda UHB</i>	<p>Waiting times for children including first assessment are in the region of two years in Carmarthenshire and Ceredigion and four years in Pembrokeshire.</p> <p>An action plan has been developed to address waiting times over the next year, which is based on NICE guidance and will require local authority collaboration. A dedicated clinical team to focus solely on ASD diagnosis has been created and recruitment has now been undertaken to fulfil the necessary roles. There is also a commitment to broaden expertise around diagnosis across the health board so that there is a consistent clinical approach. Strategic planning will be undertaken by the newly convened population health group for mental health and learning disabilities and the operational structures needed to deliver the ASD plan are now in place.</p>	The service was established in 2012, in accordance with the All Wales Autistic Spectrum Disorder pre/post counselling network, which takes account of NICE guidance. Over the 12 month period from December 2012 to November 2013, there were 83 referrals into the service. 24 people have been diagnosed, 50 are waiting and 6 people are on the pathway having received or been invited for pre-counselling are waiting diagnostic appointment. Of those diagnosed waiting time from referral to diagnosis varied from 2 months to 7 months with an average wait of four and a half months. For those people still waiting to enter the pathway waiting time to date ranges from 1 month to 10 months.

<i>Powys THB</i>	Waiting times calculated from the date the request for assessment was accepted by the Powys Social Communication Assessment Team to the date of the first assessment appointment. For 2013/14 (up to December 2013) maximum wait was 13 weeks 3 days (average seven weeks) . The assessment pathway has been developed in accordance with NICE guidance	The longest waiting time for adult's diagnosis is 16 months , from the date the request was received. It is anticipated that the majority of the waiting list (20 people) will be assessed by March 2014 as an ASD pre and post diagnostic counsellor has been appointed. Assessment is carried out in accordance with NICE guidelines.
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The National Autistic Society Cymru
Pembrokeshire Branch
C/O 6&7 Village Way
Greenmeadow Springs Business Park
Cardiff
CF15 7NE
11 June 2014

William Powell AM
Chair, Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear William Powell

The Pembrokeshire branch of the National Autistic Society Cymru [NAS Cymru] welcomes the latest correspondence from the Deputy Minister for Social Services on the waiting times for diagnosis of autism in children from Cardiff and the Vale, and Abertawe Bro Morgannwg Health Boards.

We are also pleased that the Deputy Minister acknowledges that urgent action needs to be taken to address diagnostic waiting times for children and, as a result, will be establishing a Task and Finish Group on children's diagnosis which will report back to her with recommendations. We also note that they will consider the points raised by NAS Pembrokeshire branch, which were to:

- ensure timely diagnosis for children with Autism Spectrum Disorder, regardless of where they live, so that children with autism can be supported and lead fulfilled lives; and
- review implementation of and ensure compliance with the NICE guidelines on recognition, referral and diagnosis of children and young people on the autism spectrum as part of the Welsh Government's refresh of its ASD strategic action plan.

As an NAS Cymru branch of parents and carers of children and young people with autism we are very proud of what our petition has achieved and how we have been able to directly engage with our politicians and our political system through the Petitions Committee.

Due to our close involvement and on-going interest in this issue we would ask the Deputy Minister to ensure that NAS Cymru is invited to be a member of the aforementioned Task and Finish Group. We would also seek assurances that the Task and Finish Group's report and recommendations are made public and published on the Welsh Government's website, for the benefit of people in Wales with autism, their families and carers.

Finally, we would assure the Deputy Minister that the Pembrokeshire branch is keenly awaiting the publication of the refreshed ASD Strategic Action Plan and will be responding to the consultation

Kind regards

Lisa Phillips
NAS Pembrokeshire branch



Accept difference. Not indifference.

Agenda Item 3.4

P-04-397 Living Wage

Petition wording:

We call on the Welsh Government to stand by their promise to work towards a living wage for every worker in Wales and tell us when and how they will make it happen.

No matter how hard they try the minimum wage simply is not enough for some parents to make ends meet and give children like us the best chance in life. The living wage means that parents who work would earn at least £7.20 an hour.

We are young campaigners working with Save the Children across the UK for change. We are campaigning for a living wage, representing the views of young people, families and communities in Wales.

Petition raised by: Save the Children

Date petition first considered by Committee: 19 June 2012

Number of signatures: 483

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref p-04-397
Ein cyf/Our ref LG/00545/14

William Powell AM

committeebusiness@Wales.gsi.gov.uk

2

June 2014

Dear Bill

Thank you for your enquiry seeking an update on the Living Wage in the public sector and the work of the Workforce Partnership Council (WPC).

Following my last update to you, the WPC meeting due to be held on 10 March was cancelled. The next meeting is scheduled to take place in September where this issue may be considered more fully.

Regards
Lesley

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business

Agenda Item 3.5

P-04-373 School Exclusion Zones for Mobile Hot Food Vans

Petition wording:

The Petitioners call upon the Welsh Government to consider legislation to exclude Mobile Fast Food Vans from operating within a 400 metre exclusion zone around all schools in Wales during the hours of 8am to 4.30pm weekdays during term time.

Petition raised by: Arfon Jones

Date petition first considered by Committee: 13 March 2012

Number of signatures: 43

Supporting information: Wrexham Council have recently agreed a Planning Guidance note which states that – New Hot Food Takeaways should not be located... within 400 metres of the boundary of a school or tertiary college. Planning conditions cannot be used to restrict use of mobile fast food vehicles and if they comply with highways and environmental health regulations they can operate unlicensed. It is therefore argued that to legislate as suggested will serve to promote a social objective of reducing the availability of cheap unhealthy foods to children, to reduce obesity and to promote healthy eating.



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-373
Ein cvf/Our ref

William Powell AM
Chair Petitions Committee
committeebusiness@Wales.gsi.gov.uk

17th February 2014

Dear William

I am writing further to my letter to you of 17 December about trading in lay-bys on the trunk road network.

As indicated, views from the social partners have been sought. However, I am now aware of recommendations on rest stops that are emerging from the Wales Freight Task & Finish Group, which I set up last year and is due to report next month.

Therefore, I will write to you again when I have received and considered the Task & Finish Group's report as the issues being raised may require further consideration before a decision is made on the licensing of trading from laybys.



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref EH/01254/14

William Powell AM
Chair Petitions Committee

committeebusiness@Wales.gsi.gov.uk

01 June 2014

Dear William

I thought it would be useful to update the Committee on the Welsh Government's consideration of trading in laybys on the trunk road network, in the context of the Committee's interest in ice cream vans trading from laybys near schools.

I mentioned in my last update the emerging recommendations of the Wales Freight Task & Finish Group. The group has now reported and I have accepted all of the recommendations that fall to my portfolio, as advised in my Written Statement of 9 May. A copy of the report can be found at:

<http://wales.gov.uk/topics/transport/freight/wales-freight-group/?lang=en>

As expected, there is a recommendation to gather more information about the need for and availability of suitable rest stops for freight road traffic in Wales.

I have asked officials to work with the freight associations to improve the evidence base, including the use of lay-bys on the trunk road network for rest stops.

We are also mapping detailed, up to date information of current trading activity on trunk road lay-bys, including any trading activity near schools.

Taking into account the work with the freight associations and the mapping exercise, I expect to make a decision on whether any further action is required to control trading from lay-bys on the trunk road network this Autumn.

A handwritten signature in black ink, appearing to be 'L. M.', is located in the upper left quadrant of the page. The signature is fluid and cursive, with a small mark to the right of the main strokes.

Agenda Item 3.6

P-04-496 Through Schools

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government to introduce guidance for local education authorities on school mergers and closures involving all-through schools (ie schools which provide primary, secondary and post 16 education on the same site).

We ask such guidance to:

- prevent the creation of dual/multi site schools, involving all-through schools, where school sites are more than 10miles travelling distance apart;
- prevent the creation of dual/multi site schools, involving all-through schools, as a precursor to relocation to a new single site school, unless the new single site schools is able to provide an all-through education;
- recognise parental and learner preference for all-through schools and require local authorities to meet demand for such schools where demand is sufficient;
- promote the establishment and continuation of all-through schools in Wales;
- ensure that no learners, as result of a school closure or merger involving an all-through school, should be forced to travel for more than 45 minutes to access suitable alternative faith education provision.

Petition raised by: Dawn Dox

Date petition first considered by Committee: 24 September 2013

Number of signatures: 10

P-04-511 Support for children and young people participation standards

Petition wording:

We call upon the National Assembly for Wales to urge the Welsh Government to provide support for the National Children and Young People's Participation Standards for Wales self-assessment process.

Additional Information:

The Participation standards were launched in 2007 after being developed by the Participation Unit. There are seven participation standards which are Information, It's your choice, No Discrimination, Respect, You get something out of it, Feedback and Improving how we work. The participation unit then developed a national standards kite – mark scheme based around the standards. The aim of the kite–mark was that the organisations would complete a self assessment and once it was complete a team of young inspectors would come and inspect the evidence the organisation had to see if they were up to the national standards. If they were seen as achieving they would be awarded the National Participation Standards Kit–mark. However the participation unit now no longer exists which means that's any organisation which does a self assessment now can only achieve a county level kite–mark which means that there is no national recognition and also there is no team co–ordinating the young inspectors.

Petition raised by: Powys Youth Forum

Date petition first considered by Committee: 11 November 2013

Number of signatures: 39

Jeff Cuthbert AC / AM
Y Gweinidog Cymunedau a Threchgu Tlodi
Minister for Communities and Tackling Poverty



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-511
Ein cyf/Our ref JC/00119/14

William Powell AM

Chair Petitions Committee

03 March 2014

Dear William

Thank you for your letter of 21 February regarding Support for Children and Young People Participation Standards.

I agree that the Participation Standards provide an excellent framework to take forward children and young people's participation and I am aware of many examples of good practice linked to the standards. I also recognise that this is an important issue for children and young people.

Please be assured that this is a matter that I am taking very seriously and am discussing with my officials. As I stated in my last letter, there is no new money and therefore we have to look at how we can support the standards using existing budgets. On the 3rd March 2014, I launched the new Children and Families Delivery Grant (CFDG) and have included in the requirement for bidders to 'consider their role in relation to promoting and driving these standards'.

The closing date for applicants will be 23 May with a view to inform them of decisions on 30 June. At that point I will be able to provide further clarity on the support the Welsh Government is providing for the Participation Standards.

Yours sincerely

Jeff Cuthbert AC / AM
Y Gweinidog Cymunedau a Threchgu Tlodi
Minister for Communities and Tackling Poverty

Tackling Poverty

From: Wendy Thomas
Ext 6002

cc: Martin Swain
Elin Gwynedd
Chris Roberts
Dan Balkwill
Laura Kennedy
Amanda Williams

Date: 26 February 2014

JC-00119-14: Letter from William Powell, Chair of the Petitions Committee- National Children and Young Peoples Participation Standards for Wales

1. William Powell, in his role as Chair of the Petitions Committee recently wrote to you on behalf of Powys Youth Forum with regard to the Welsh Government support for the National Children and Young Peoples Participation Standards (JC/00823/13).
2. Mr Powell has written asking for an update on the work Welsh Government officials are doing regarding ways of supporting the Participation Standards.
3. The reconfigured grant to the Third Sector – Children and Family Delivery Grant – is due to be launched Monday 3 March 2014 and it invites bidders to consider their role in in relation to promoting and driving these standards. This sits under the Priority Area –

Support for policy and strategic development in relation to children, young people and families. Systemic opportunities for children and young people to participate in decisions that affect them and have their voices heard.

P-04-511 Support for children and young people participation standards – Correspondence from the Petitioner to the Committee, 10.06.14.

Response from Powys Youth Forum

In response to the new correspondence Powys Youth Forum would first like to note that all members of the Welsh Assembly Government's Children and Young People's Cabinet Sub-Committee endorsed and launched these standards in 2007, which we believe means that is their duty to support these standards.

Young People are affected by how well these standards are carried out, while we appreciate that the financial climate is challenging, we believe that these mechanism are essential for promoting children and young people's participation in organisations.

As a Youth Forum we agree with the statement which was made in the Wales Non Government Organisation Interim Report; Rights Here Rights Now: Are children rights a reality in Wales? Which in chapter 3 states 'Following the participation unit closure, There is a danger that this will cause a vacuum in terms of Central and national support for the standards, kite mark and young inspectors team.

This report then further states in it that 'It is essential that after this time the Welsh Government takes a lead and works with partners in the sector to develop a national structure or plan to ensure continuity of the progress made and future consistency.'

We feel that there has been some well intended policy's. However we believe that there is a danger that some of them are made and not adhered to.

We believe that as there is already an effective assessment process and trained young inspectors for the kite mark, that it would not be difficult to provide support for the participation standards self assessment and kite mark and with very little financial outlay.

We believe that a possible solution for the Welsh Government to to make sure that they support the kite mark is by;

- 1) Centrally hosting a website with the self assessment form on it and once it is completed it is then sent to the local authority units which are responsible for the young inspector team in the county of the organisation which means that they can then carry out an inspection.

- 2) After the report is written, a Welsh Government Official receives the report and is then tasked to reading the report and then if they are happy with the contents to sign it off. By having a Welsh Government Official signing it off it will give the kite mark a national accreditation.

Agenda Item 3.8

P-04-522 Asbestos in Schools

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to put measures in place to ensure that parents and guardians of children across Wales can easily access information about the presence and management of asbestos in all school buildings.

Given the health risks associated with the presence of asbestos in public buildings, we believe parents and guardians across Wales have the right;

- to know if asbestos is located in their school;
- to know whether, where asbestos is present, it is being managed in line with the Control of Asbestos Regulations 2012;
- to access that information easily online

Petition raised by: Cenric Clement-Evans

Date Petition first considered by Committee: 10 December 2013

Number of signatures: 448

Acting Chief Executive

Kevin MyersRedgrave Court
Merton Road
Bootle
Merseyside L20 7HSTel: 0151 951 4701
Fax: 0151 951 3448
kevin.myers@hse.gsi.gov.ukWilliam Powell AC/AM
BY EMAIL

23 May 2014

<http://www.hse.gov.uk/>

Dear Mr Powell

Petition - P-04-522 Asbestos in Schools

Thank you for your letter of 30 April. I would like to offer some context before responding directly to the three questions you have posed.

HSE is a GB-wide regulator, and is responsible for enforcing the Control of Asbestos Regulations in schools in England, Scotland and Wales - as well as in most other workplaces. Whilst we produce guidance on how to comply with these regulations, and have policies on how we enforce these regulations, this should not be confused with HSE having responsibility for the policies adopted by those with duties under the regulations.

To illustrate this point - the regulations do not include any requirement to provide information to parents, or to provide access to such information online, but the Welsh Government could decide it wanted schools to do this. As long as asbestos is being managed effectively, in accordance with the requirements of the regulations, it is for the Welsh Government and the employers in individual schools to decide what more they want to do.

Turning to your specific questions:

- the work in England, led by DfE with support from HSE, has provided guidance to schools on managing asbestos which is relevant to schools and available through channels that schools regularly access. This seems to be an ideal route for getting important messages into schools, and could be adopted in Wales;
- there is no statutory requirement to inform students and parents about asbestos management in schools because the regulations are not school-specific and apply to all workplaces. There is, however, a statutory duty to

ensure that information about the location and condition of any asbestos is provided to every person liable to disturb it, and is made available to the emergency services; and

- as a regulatory body, HSE has no formal view on whether the Welsh Government should require such measures as a matter of policy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin Myers', with a stylized flourish extending to the right.

KEVIN MYERS
ACTING CHIEF EXECUTIVE

P-04-522 Asbestos in Schools – Correspondence from the Petitioner to the Clerking Team, 10.06.14.

Dear Kayleigh

Thank you for providing me with a copy of the Committee's letter to the acting Chief Executive of the HSE Kevin Myers, together with his letter of 23rd May 2014.

I very much welcome the response of the HSE which in effect confirms that policy with regard to asbestos in schools is a matter for Welsh Government. This is consistent with the statements made in Westminster (in both Houses) on behalf of UK Government. I refer for completeness to those statements which are set out in my article in clickonwales on 9 April

<http://www.clickonwales.org/2014/04/asbestos-ping-pong-between-cardiff-bay-and-westminster/>

I would be grateful if the Committee would consider referring the letter of the HSE to the First Minister and/or to the Education and Skills Minister for their response, in view of the contrary statements previously made by them.

On the face of it Welsh Government does not have a policy on the issue of asbestos in schools. It would appear that there is no better time to consider and formulate policy, bearing in mind that the Department for Education in England is to complete its review of policy on asbestos in schools by 30 June 2014. Its findings would no doubt be capable of informing the way forward in Wales. My response to the review on behalf of the "Right to Know" campaign is attached for completeness.

I would of course urge Welsh government to consider the present petition as being integral to any future policy in Wales. I would also ask that Welsh government takes the opportunity to consult now with interested parties such as the Unions here in Wales (who have made their position clear at the recent Wales TUC conference), Local Government and the Education Consortia. The fact that there is, on the face of it, no policy, provides a tremendous opportunity going forward and I hope that it will be seized upon.

I am also attaching for the information of the Committee and Welsh Government, a copy of the updated booklet "Asbestos In Schools– the Need for Action" produced by the All-Party Parliamentary Group on Occupational Health and Safety.

In view of the statements made by the HSE, I would limit my comment upon the evidence provided by my legal colleague to 2 matters. Firstly her advice is at odds with the HSE in so far as policy is concerned. Secondly she omits to refer to the EC Directive 89/391/EEC, "the Framework Directive" and the British transposing legislation, namely, the Management of Health and Safety at Work Regulations 1999 (as amended) particularly with regards to Risk Assessment (Regulation 3) and Principles of Prevention (Regulation 4).

I look forward to hearing from the Committee further and most grateful for the consideration that has already been given to the petition.

Kind regards

Cenric

Cenric Clement-Evans

Senior Solicitor

Dear Kayleigh

Apologies for the second e-mail. The Wales TUC 2014 Resolution was as follows:-

“Removal of asbestos from schools

Conference reaffirms the position of the Wales TUC that the only safe option in relation to the control of asbestos in school buildings is to remove and dispose of the risk.

Conference welcomes the clarity provided in the House of Lords on 14 January 2014 that the development of policies for the management and control of asbestos in schools is a matter for the Welsh Government.

Conference, therefore, calls on the Welsh Government to embrace this responsibility and work with local government and the Wales TUC to develop a policy for the progressive, safe and effective removal of asbestos from all schools in Wales. “

Kind regards
Cenric

Asbestos in schools

The need for action

**All-Party Parliamentary
Group on Occupational
Health and Safety**

Introduction

Exposure to asbestos fibres can cause both lung cancer and another fatal cancer of the lining of the lung called mesothelioma. Even low levels of exposure can cause mesothelioma and every year over 4,000 people die in Britain as a result of past exposure to asbestos. The disease is invariably fatal with most victims dying within 18 months of diagnosis. It often does not appear until around 40 years after the person first breathes in the dust.

However, it is not a problem that is confined to industrial workers, nor is it a problem of the past. More than 75 per cent of Britain's state schools contain asbestos. Much of that is badly maintained, meaning that children and staff are exposed to this killer fibre. Over 140 school teachers have died from mesothelioma in the past ten years. An unknown number of cleaners, admin staff and caretakers have also died. The number of children who have died as a result of exposure to asbestos while at school is unknown but evidence given to the Education Select Committee hearing on asbestos in schools estimated that up to 300 people a year could subsequently die from their asbestos exposure as a child at school.

While we cannot do anything about the past exposure, we can prevent any more children and staff being exposed to asbestos.

This report, from the All-Party Parliamentary Group on Occupational Safety and Health, investigates the scale of the issue and makes recommendations about stopping this time-bomb in our schools.

The scale of the problem

A report commissioned by the Medical Research Council (MRC) examined the extent, type and location of asbestos in schools and concluded that "It is not unreasonable to assume, therefore, that the entire school population has been exposed to asbestos in school buildings."

Of the 29,000 schools in Britain, more than 75 per cent contain asbestos. Fourteen thousand schools were built after the second world war and almost all those built before 1975 contain asbestos. Most of the other schools that were refurbished during this period also contain asbestos.

The materials of greatest concern are those that readily release asbestos fibres such as asbestos lagging, sprayed asbestos and asbestos insulating board (AIB), all of which are present in schools. Asbestos is not only found in lagging in pipes and boiler rooms, it was also sprayed on ceilings and structural beams or used extensively in the construction of schools in walls, ceilings, heating baffles, window and door surrounds, with much of it in locations that are vulnerable to damage by children.

The MRC report assessed lifetime asbestos exposures and estimated the numbers of asbestos fibres inhaled by a child during their time at school with the asbestos being in good condition. It concluded that every day, background asbestos fibre levels in schools are five to five hundred times greater than outdoor levels. The report stated "Children attending schools built prior to 1975 are likely to inhale around three million respirable asbestos fibres ... Exposure to asbestos in school may therefore constitute a significant part of total exposure."

In 2011 the Supreme Court accepted the Industrial Injuries Advisory Council's definition of a "significant" exposure as being "a level above that commonly found in the air in buildings and the general outdoor environment" and that an exposure above that would materially increase the risk of mesothelioma developing. Both the Supreme Court and the Government's Advisory Committee on Science also accepted

the expert medical, epidemiological and legal opinion that “there is no known threshold exposure to asbestos below which there is no risk.”

Many school staff and pupils have inhaled considerably more fibres than estimated in the MRC report as frequent asbestos incidents in schools have released dangerous levels of asbestos fibres into classrooms. Asbestos management concentrates on preventing maintenance work disturbing the asbestos; however, tests have shown that common everyday classroom activities can also release dangerous levels of asbestos fibres. It was discovered in 1987 that slamming a door just five times released levels of amosite fibres more than six hundred times greater than background levels, despite the fact that the AIB panels around the door appeared to be in good condition. As no warning was issued to the thousands of other schools with potentially the same problem, the release of asbestos fibres continued.

Twenty years later, in 2006, the problem was re-identified. When the doors were slammed and walls and columns were hit in system-built schools, the asbestos fibres ejected into the classrooms were at levels eight hundred times greater than background levels. Other tests have shown that removing books from a classroom stationary cupboard with an AIB back panel releases levels one hundred times greater than background levels, as does displaying the children’s work with drawing pins or staples, a practice that was common in schools. In some schools these releases of asbestos fibres have occurred every day over the course of many years so that the cumulative exposures of staff and pupils are considerable. The result is that the occupants of schools are at risk of dying from the asbestos-related cancer mesothelioma.

Britain’s death toll from asbestos

Britain has the highest mesothelioma incidence in the world, at more than twice that of France, Germany or the USA. An HSE report concluded that this is because of the quantity and types of asbestos that Britain imported, but all types of asbestos can cause mesothelioma.

The incidence of mesothelioma in the USA has stabilised at about 14 cases per million population per annum since 1999 whereas in Britain it has increased year on year and is presently 38.4 cases per million of the population per annum. Twice as many people die from the consequence of asbestos exposure in Britain than are killed on the roads.

As the asbestos materials deteriorate the number of school teachers dying from mesothelioma has increased, from three a year in the 1980s to 15 a year. More than 267 school teachers have died of mesothelioma since 1980, with 140 dying in the last ten years. School caretakers, cleaners, cooks, secretaries, teaching assistants and nursery nurses have also died of the cancer.

Schools are a special place because they contain children. In 2013 the Committee on Carcinogenicity (CoC) confirmed that children are more at risk from the dangers of asbestos than adults as they will live longer, providing greater opportunity for any asbestos disease to develop. The younger the child the greater the risk, with the lifetime risk of developing mesothelioma for a five year old child being about five times greater than an adult aged thirty. As the science is incomplete, the CoC were unable to conclude whether children are also more vulnerable because their bodies are still developing. The Government is reviewing its asbestos policy for schools in light of the CoC's conclusions.

Everyone attends school, so the numbers facing potential exposure are much larger than in any other workplace. Although it is known how many teachers have died, it is not known, because of the long latency, how many children have subsequently died. The teachers' deaths are therefore the tip of the iceberg.

In March 2011, the Supreme Court unanimously upheld a judgment in the case of Dianne Willmore that she had been negligently exposed to asbestos at school as a child. This is the first case successfully taken through the courts of a former pupil exposed to asbestos at school.

In 2013 a leading epidemiologist gave evidence to the Education Select

Committee that a reasonable estimate is that in Britain between 200 and 300 people will die each year of mesothelioma because of their asbestos exposure experienced as a child at school in the 1960 and 1970s. Over a twenty year period that means that between 4,000 and 6,000 former pupils could die. Although asbestos is generally managed better now it is also older and most of it remains in place, therefore increasing the risk of fibre release and exposure. So long as the exposures continue, then so will the deaths.

Managing asbestos in schools

UK Government policy is that, so long as asbestos is in good condition and is not likely to be disturbed, it is better to manage it for the remaining life of the school rather than remove it. Because of this policy most of the asbestos remains in our schools and will have to be managed long into the future. Although some schools and local authorities have effective systems of asbestos management, many do not. A nationwide survey published in 2010 of more than 600 school safety representatives showed that that only 28 per cent of respondents said the presence of asbestos-containing materials (ACM) was clearly marked in the workplace. When it comes to keeping an accurate register of where asbestos is, only one third of respondents were aware that a register was kept, and only 20 per cent of the total sample confirmed that the register was shown to contractors before they commenced work.

Inspections carried out over the last five years have found flaws in asbestos management in a number of schools that have required advice and enforcement action to be taken. Common faults include a lack of asbestos awareness and poor standards of training; asbestos management plans found to be ineffective; confusion over areas of responsibility; and the less accessible asbestos has frequently not been identified because of inadequate surveys. A report by the Asbestos Consultants Association, ATAC, concluded that the systems of asbestos management in many schools are ineffective and at times dangerous. They stated: "These are not minor problems that have crept in over recent years; rather they are fundamental problems that are endemic in schools in the UK."

The other problem with the policy is that the asbestos is often not in good condition, or it is unsealed and hidden. Tests have shown it can be disturbed by normal school activity and asbestos fibres released over the course of many years without anyone being aware of that. No doubt these schools thought that they were managing their asbestos safely, whereas in reality they were not.

Training

If headteachers, school business managers and other school staff are expected to be responsible for asbestos and to manage it, then they have to be trained. In addition all members of teaching and support staff need to be trained in asbestos awareness so that they can avoid disturbing asbestos in their schools and can also prevent pupils doing so. It is equally important that those officials who supervise and allocate resources are trained so that they are aware of their responsibilities under the law and aware of the level of resources that are needed to manage the asbestos safely. This includes the relevant officials in local authorities and school governors, particularly those in academies and free schools. Training should be in either asbestos management or asbestos awareness, dependent on the individual's role.

HSE commissioned a review of senior management of health and safety in schools. The review recommended a mandatory programme of health and safety awareness training and concluded that "It was not believed that anything other than a mandatory programme will ever sufficiently raise awareness of health and safety in schools for it to become a priority."

The necessity for governors to be trained in all aspects of their duties was further emphasised in 2013 in the conclusion of the Education Select Committee enquiry into the role of school governing bodies. They stated "However, too many governors have not received suitable training and we recommend that the Government require all schools to offer training to new governors..."

In 2012 the DfE published on-line basic asbestos awareness guidance for schools. It is a step in the right direction, however, it is not mandatory.

It is recommended that standards should be set and the training should be mandatory and properly funded.

Phased removal is necessary

Some schools do have well resourced systems of asbestos management, but even the best system can fail, and when it does, asbestos fibres can be released and the occupants exposed.

As well as the ever-present potential for fibre release, effective asbestos management in a school can be expensive, time-consuming and requires a sustained commitment. Even the most simple task such as cleaning a light fitting attached to a ceiling that contains asbestos has to be performed in controlled conditions with the person wearing protective overalls and a mask, as does painting a wall that contains asbestos or drilling a screw hole to hang up a picture.

In the 1980s, the Association of Metropolitan Authorities and ILEA had a policy of phased removal with priority being given to the most dangerous materials. It was because they considered it safer and, in the long run, also cheaper than the continual drain on resources that effective management requires. The practice stopped when the organisations ceased to exist; however, phased removal remains the policy of Nottinghamshire, which has a large number of schools containing asbestos.

In 2013 the Australian Government passed the Asbestos Safety and Eradication Bill. It underlines the Australian Government's commitment to solve their asbestos problem once and for all and represents the fundamental strategic thinking that is urgently required in Britain. It aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease and will achieve this by a number of means including the prioritised removal of all asbestos from public and commercial buildings. In introducing the Bill, the Minister agreed in

principle that removal of asbestos from schools will be prioritised, adding "Obviously, exposure to children is particularly repugnant..."

It is recommended that the phased removal of asbestos from schools is adopted as national policy in the UK with priority being given to the most dangerous materials. That will result in the problem being eventually resolved, whereas if it is not adopted as policy then asbestos will remain a problem in schools indefinitely. It will be a continual, and growing, drain on resources as the asbestos continues to deteriorate and there will be the ever present potential for the asbestos to be disturbed and fibres released.

Regulations

Twenty five years ago the US Government undertook an audit of the asbestos in their schools and assessed the risks to the occupants. Because of the particular vulnerability of children, they treated schools as special places and promulgated asbestos regulations specifically for them. The regulations and accompanying codes of practice clearly lay out what is required of school authorities, and because of their specific nature there is no ambiguity about what applies to schools and what does not.

The asbestos problem in UK schools is far greater than in the USA but despite the considerably greater risks, the issue is not seen as a high priority. Regulations have not been drafted specifically for schools, but instead they come under the generic regulations and Approved Codes of Practice (ACoPs) of all workplaces. It is right that the workers in schools have the same protection as other workers but regulations have mainly been drafted for people who work on asbestos, such as maintenance workers, and only by default apply to the occupants of the buildings. This has at times led to confusion and ambiguity so that government officials, local authorities and schools have been unsure what applies to schools and what does not.

Codes of Practice and guidance have to be clearly drafted so that a busy headteacher knows immediately which regulations apply to them and which do not, what they and their staff have to do to comply with the

law and what actions they need to take to keep the staff and pupils safe from the dangers of asbestos.

However it is not just the guidance on the regulations which need to be looked at but the actual regulations themselves.

If a school finds out that contractors, staff and pupils are being exposed to asbestos, they have to take certain actions depending on the level of exposure. There is the Control Limit and the Clearance Level. HSE state "The Control Limit is not a 'safe' level and work activities involving asbestos should be designed to be as far below the Control Limit as possible." Following work on asbestos, or a release of asbestos fibres in a school, staff and pupils are allowed back in the classroom when the airborne asbestos fibre levels are below the Clearance Level (a tenth of the present Control Limit.) However it is not a safe level either, as the occupants will inhale 6,000 fibres an hour. These are workplace levels designed for people working on asbestos for a limited period of time and yet they are applied to the occupants of schools. If the levels are not safe for adults, then they are certainly not safe for children who are more vulnerable.

As far back as 1983 the Department for Education considered a proposal for an 'environmental' limit specifically for schools, given that teachers and pupils could be breathing in raised levels of asbestos for six or seven hours a day. It recommended that, because of the particular vulnerability of children, a level 1/100th of the workplace control levels would not be unreasonable in schools. An environmental level has never been introduced, and instead workplace control levels are still applied to classrooms.

In 2014 the Netherlands will be introducing an environmental level for the occupants of buildings. It will be 3 fibres in a cubic metre of air compared to the UK Clearance Level which is 10,000 fibres in a cubic metre of air.

In reality many schools do not know the levels of asbestos fibres that people in their buildings are exposed to. The CoC were concerned at the lack of contemporary data on asbestos fibre levels in schools and

recommended that there “would be benefit in generating new exposure data.”

A system of widespread air sampling in schools would identify those schools and rooms where asbestos fibres are being released. It would also provide updated data on fibre levels in schools so that a more accurate assessment of the risks to staff and pupils could be made.

It is recommended that a trial is commissioned to perfect a system of widespread air sampling in schools.

Policy of openness

Most people are not aware of the presence and dangers of asbestos in schools and what measures should be taken to prevent fibre release. This is because the problem has been played down and when an incident does occur, unjustified assurances have been given. It is also common that parents are not informed of the presence of asbestos in their children’s schools, and a survey found that more than half of school staff were not informed either. In contrast, twenty five years ago laws were passed in the USA that parents and teachers must be given an annual report on the presence and condition of asbestos in their school and the measures taken to manage it. If the problem of asbestos in schools is to be properly addressed in this country, a policy of openness is essential and has to be adopted without further delay. It is not only ethically wrong that staff and parents are not informed of the presence of asbestos, in the case of the staff it is also contrary to good practice and against the law.

It is recommended that parents, teachers and support staff are annually updated on the presence of asbestos in their schools and the measures that are being taken to manage it.

Civil action and justice for victims

Another factor that militates against leaving the asbestos in place is that there is the ever present threat of the governors, headteacher or local authority being prosecuted for a failure in asbestos management,

as has happened on a number of occasions. In free schools and academies the responsibility rests with the governors who might be reluctant to take on the role if they fully realise the legal and financial implications.

Most mesothelioma sufferers, and their families, would like the HSE, or the police, to investigate how and why they were exposed and where there was negligence, to bring the full force of the criminal law against the people who caused the illness leading to their death. However none of the 40,000 mesothelioma deaths since records began in 1968 have been the subject of a criminal investigation. Neither has there been a single criminal prosecution brought against the individuals or organisations who caused the deaths.

As a result, when people are diagnosed with mesothelioma, they and their families seek to identify themselves how the exposure to asbestos occurred. If negligence is found then the only recourse to justice is through the Civil Courts, and the only remedy open to the Civil Courts is financial damages. While that can never compensate for the death of a loved one, it can provide some financial stability for any dependants.

It is particularly difficult to bring a successful civil action against a school for causing a death from mesothelioma, because in many cases staff and pupils have been unaware that asbestos exposure has taken place. In spite of that there have been a number of successful cases where substantial damages have been awarded to teachers and support staff whose mesothelioma was caused by asbestos exposure at school. So far the courts have only judged one case of a former pupil. There are, however, other staff and former pupils who are dying of mesothelioma who are presently embarking on civil actions. It is inevitable that this will continue as long as there is asbestos in schools.

There is a further problem of obtaining compensation for former pupils and non-employees who subsequently develop mesothelioma as most public liability insurance for schools specifically excludes asbestos exposure. Local authorities self-insure and can therefore meet future

claims, but schools outside local authority control do not necessarily have the means to do so, and this is a particular problem for the increasing number of academies and free schools. If there is no contingency to meet future claims the governors could be personally legally and financially responsible. The Mesothelioma Compensation Bill provides compensation for employees negligently exposed to asbestos where their former employer's insurance policy cannot be traced. However it does not include former school pupils as they are not employees.

It is important that the Government finds a solution and, in the interim, informs governors of their potential liabilities and the implications.

Removing asbestos eradicates ongoing costs as the continuing threat of litigation, the drain on resources in managing asbestos and the expense of insurance cover is also removed.

Why inspections are important

A few years ago very few pro-active asbestos inspections took place in schools and therefore the faults were not identified until it was too late as contractors, staff and pupils had already been exposed. After a number of serious asbestos incidents had occurred in schools, HSE initiated a series of proactive inspections, and advice was given so that standards could be improved.

Lord Young's report into health and safety regulation, 'Common Sense Common Safety', declared that schools were a low-risk environment, and this has been used as a basis for government policy. It appears that this definition was based solely on fatality rates from injuries, but totally ignored diseases caused by work, including cancers caused by asbestos exposure. Very few people would consider that schools are low risk when it is estimated that 6,000 former pupils will die from mesothelioma over a twenty year period. In addition, because asbestos is present in the majority of schools, many millions of vulnerable children and staff working in the schools will remain potentially at risk for the foreseeable

future. It is therefore unjustified to classify schools as a 'low-risk environment.'

In March 2011 the government announced that it will no longer undertake proactive inspections in workplaces it has defined as 'low risk.' These include offices, shops and local authority schools. This is a retrograde step and will mean that unsafe standards will again pass undetected in many schools, leaving staff and pupils at risk. A policy of cost recovery for inspections has also been introduced by the HSE where enforcement action is required; however, the HSE states that "law-abiding businesses will be free from costs and not have to pay a penny."

Schools would not therefore be charged for proactive inspections unless they fail to comply with the regulations.

It is recommended that pro-active inspections to determine the standards of asbestos management are reinstated. Without these, there is no safety net to pick up instances of poor management that expose staff and pupils to risk, and there is no wider intelligence about the success of the government's policy on the management of asbestos in schools.

Much better information is needed

Asbestos materials are part of the structure of a building and therefore if the building is in a poor state then it is likely that the asbestos will be as well. The Schools Capital Review published in April 2011 stated that "Significant parts of the school estate were and are in an unacceptable state." According to the Chief Executive of the Government's Partnership for Schools, 80 per cent of the school stock was beyond its shelf life, and a Financial Times report quoted DfE estimates of an £8.5bn backlog of repairs. But even the most basic repairs are impeded and made more costly by the presence of asbestos, and when schools are refurbished or replaced, considerable cost overruns have occurred through unexpected asbestos remedial and removal work, with at times the asbestos work costing a third or more of the refurbishment costs.

Despite asbestos potentially presenting one of the largest costs in refurbishment or maintenance, the government is unaware of the extent of asbestos in the nation's schools. However, each local authority already holds the data on the extent, type and condition of asbestos in their schools, and therefore it would be a relatively simple matter, and sound financial practice, to collate the data centrally. It would enable the government to make realistic funding estimates and to allocate proportionate resources. It would also enable the Government to produce a priority list for refurbishment or replacement of those schools presenting the greatest risk to their occupants.

The Government has prioritised 261 of the most dilapidated schools in England for refurbishment. However, this is a small fraction of the total number in need. The Schools Capital Review (2011) was critical that there is no centrally collated data on the condition of the school stock in England, and recommended that the DfE "urgently needs to build up a better picture of the condition of the educational estate that it funds the first step should be to collate all existing information sources and to establish a simple, well-designed database to manage this information." The government has accepted this recommendation but chosen to specifically exclude asbestos from the audit. Because of this it will not be possible to prioritise those schools containing the most dangerous asbestos, and any financial forecasts will be meaningless.

It is recommended that data is centrally collated on the extent, type and condition of asbestos and this is an integral part of the data collection of the condition of the nation's schools.

Conclusion

It is clear that, at present, there are serious deficiencies in the way that asbestos is managed in schools. In part this is because a number of different government departments are responsible for the issue, not all of which come under the remit of occupational safety in respect of workers. There is also a view that successive governments have seen the issue as 'too big to handle'. The longer the issue remains unaddressed the more people will be exposed. The long term cost to the state will continue to

grow and the bill will have to be picked up by future generations, just as we are now seeing the cost of what happened in the 1950s, 60s and 70s. There is a need for both greater coordination of work in this area, but more importantly a long-term strategy aimed at eradicating the problem once and for all.

Recommendations

The All-Party Group recommends that:

- The Government should set a programme for the phased removal of asbestos from all schools, with priority being given to those schools where the asbestos is considered to be most dangerous or damaged.
- Standards in asbestos training should be set and the training should be mandatory and properly funded.
- A trial should take place to perfect a system of widespread air sampling in schools.
- A policy of openness should be adopted. Parents, teachers and support staff should be annually updated on the presence of asbestos in their schools and the measures that are being taken to manage it.
- Pro-active inspections to determine the standards of asbestos management should be reinstated, with a view to reducing future costs.
- Data should be collected centrally on the extent, type and condition of asbestos in schools and this becomes an integral part of the data collection of the condition of the nation's schools.



Department for Education Policy Review: Asbestos Management in Schools
Right to Know: Asbestos in Schools Wales submission

Right to Know: Asbestos in Schools Wales campaign calls for the creation of a central accessible database that registers asbestos in schools throughout Wales, thereby enabling assessment of the extent of the asbestos issue in Welsh schools, management of the asbestos and planning for the future. The purpose of the database would be to provide easily accessible information as to the presence of asbestos and its management in all schools, for those working in schools together with parents and guardians.

Right to Know welcomes both the fact of the Department of Education Consultation to review its policy as to asbestos management, in particular in light of the report of the Committee on Carcinogenicity (CoC) and also the opportunity to respond to the consultation.

In particular Right to Know welcomes the opportunity to highlight the difference in approach between UK Government and Welsh Government with regard to the issue of asbestos in schools.

The Right to Know set up a petition on the National Assembly for Wales website https://www.assemblywales.org/epetition-closed-petition-signatories_all.htm?pet_id=814&prncl_ptnr=<p%20class="large">Clement-Evans</p>

The petition is presently under consideration by the Petitions Committee of the National Assembly of Wales

<http://www.senedd.assemblywales.org/ielIssueDetails.aspx?IId=8437&Opt=3>

In short as can be seen from the attached letters (2nd January and 3rd March 2014) of the Minister for Education and Skills Huw Lewis AM to the Chair of Committee William Powell AM, Welsh Government does not accept responsibility for the issue of asbestos in schools in Wales.

This is further evidenced by the replies of the First Minister Carwyn Jones AM in the Senedd to questions from a number of AMs

http://www.assemblywales.org/docs/rop_xml/140128_plenary_bilingual.xml#124641

at 13:55 on the issue of asbestos in schools on the 28th January 2014 when he stated:-

“The responsibility lies with the Health and Safety Executive; that is quite clear. As regards ensuring that things happen as they should, that is the responsibility of the executive and also of the local authority environmental health officers. Also, of course, some responsibility falls on the schools themselves, if they have to dispose of asbestos, to ensure that that is done properly and safely. Guidelines will be published before long, which will include details relating to the responsibilities of those who have various duties relating to the management and disposal of asbestos. However, in terms of the responsibility, it lies with the Health and Safety Executive, and, then, of course, in terms of ensuring that the responsibilities are progressed, that is also a responsibility of the environmental health officers.”

This is in sharp contrast to the position taken by UK Government.

Firstly reference is made to the responses provided to questions asked by Lord Wigley on 14th January 2014 in the House of Lords.

“Question

<http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140115w0001.htm#>

wa st 44

Asked by Lord Wigley

To ask Her Majesty's Government whether it is their intention that the asbestos awareness guidance for schools, issued by the Department for Education, be adopted in Wales.[HL4362]

15 Jan 2014 : Column WA26

The Parliamentary Under-Secretary of State for Schools (Lord Nash) (Con): The responsibility for the management of asbestos in schools in Wales is devolved to the Welsh Government and does not rest with the Department for Education. I understand, however, that the Welsh Government intends issuing similar guidance on asbestos management to schools in Wales shortly.

Schools: Asbestos

Questions

<http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140114w0001.htm#wast25>

Asked by Lord Wigley

To ask Her Majesty's Government whether they will clarify who has the overall responsibility for asbestos policy for schools in Wales.[HL4359]

To ask Her Majesty's Government whose responsibility it is to respond to the final report of the Committee on carcinogenicity insofar as schools in Wales are concerned.[HL4360]

To ask Her Majesty's Government whether there are any plans to conduct a review of asbestos policy in Wales; and whose responsibility it would be to undertake such a review.[HL4361]

The Parliamentary Under-Secretary of State, Wales Office (Baroness Randerson) (LD): The Health and Safety Executive has responsibility for regulations and guidance as it applies to the management and control of asbestos in all

workplaces in Great Britain, including schools. However, within this framework, the development of policies for the management and control of asbestos in schools is a matter for the Welsh Government.

The report by the Committee on Carcinogenicity was commissioned by the Department of Education. The report was a statement on the vulnerability of children to asbestos and made no recommendations; however, in England, the Department for Education is undertaking a review of its policy on asbestos management in schools. It is for the Welsh Government to decide whether they wish to review any policies as a result of the report.

14 Jan 2014 : Column WA12”

Secondly reference is made to responses provided to Hywel Williams MP in the House of Commons following a series of questions on 24th, 25th and 27th January 2014 regarding asbestos in schools

http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cmallfiles/mps/commons_hansard_4619_wad.html

On the 24th February the Minister of State for Schools stated as follows:-

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140224/text/140224w0008.htm#14022583001562>

“Schools: Asbestos

Hywel Williams: To ask the Secretary of State for Education which Government Department has responsibility for asbestos policy for schools in Wales. [188046]

Mr Laws: Responsibility for asbestos policy for schools in Wales is a devolved matter for the Welsh Government.

Hywel Williams: To ask the Secretary of State for Education which Government department is responsible for the management of asbestos in schools in Wales. [188123]

Mr Laws: Responsibility for the management of asbestos in schools in Wales is a devolved matter for the Welsh Government.”

In response to questions from Hywel Williams MP

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140227/text/140227w0001.htm#140227105001444> on the 27th February the Secretary of State for Wales stated as follows:-

“Mr David Jones: The Health and Safety Executive (HSE) has responsibility for enforcing legislation on the management and control of asbestos in all workplaces in Great Britain, including schools. The statutory responsibility for ensuring that risks from asbestos are managed, however, falls to the duty holder and to any employer undertaking work on asbestos containing materials in those premises. For schools this depends on its status and could be the local authority, the Board of Governors, the trustees or a proprietor.

The HSE produces general guidance on the management of asbestos and the precautions that need to be taken before work is undertaken on any property where asbestos is present.

It is for the Welsh Government to decide if it wishes to introduce overall policies for dealing with asbestos management across maintained schools in Wales.”

Thirdly the Minister of State for Schools David Laws MP (15th November 2013) in correspondence with the Chair of the Asbestos in Schools Group Annette Brooke MP (25th October 2013) has stated unequivocally “the management of asbestos in schools in Wales rests with the Welsh Government”.

In addition to the clear statements of difference between UK Government and Welsh Government as to where responsibility lies insofar as asbestos in schools in Wales is concerned, there is the further contrast provided by the actions of the respective Governments.

The Department for Education has taken the issue of asbestos in schools most seriously as evidenced *inter alia* by the following:-

- Setting up an asbestos in schools steering group

- Publishing Guidance on Asbestos Management in Schools in October 2012
- Asking the CoC to consider the relative vulnerability of children to exposure to asbestos
- In the light of the CoC carrying out a review of its policy with regard to asbestos in schools

In Wales other than in February 2014 publishing guidance largely replicating that given in England, Welsh Government does not accept that it has any responsibility over the issue. It is particularly surprising that Welsh Government has refused to even consider the findings of the CoC insofar as schools in Wales are concerned.

In summary therefore there is a significant difference between the position adopted by UK Government and Welsh Government over the issues of asbestos in schools.

The statements on behalf of UK Government make it plain, that it is its view that responsibility for the management of asbestos in schools in Wales and responsibility for policy relating to asbestos in schools are devolved matters for Welsh Government.

On the other hand Welsh Government makes it clear that its view is that it is not responsible for the issue of asbestos in schools.

Right to Know: Asbestos in Schools Wales is deeply concerned that the effect of the difference between UK and Welsh Governments is that neither Government is taking responsibility for management of and policy for asbestos in schools in Wales.

Right to Know: Asbestos in Schools Wales has had the benefit of having sight of the responses provided by the Joint Union Asbestos Committee (JUAC), the Asbestos in Schools Campaign (AiS), Unison and Voice, in addition to the author contributing to the submission on behalf of the Association of Personal Injury Lawyers.

In particular Right to Know supports the detailed responses of AiS and JUAC.

1.Purpose of policy and the role of DfE

Right to Know strongly disagrees with the statements

- **Asbestos management works well in schools**
- **The current policy offers the right level of support**

Right to Know would endorse the comments made by JUAC, adding that insofar as the Department for Education and Skills in Wales is concerned there would appear to be neither asbestos management in schools in Wales, nor would there appear to be policy. In particular Right to Know strongly supports the statement, “We believe that there should be national strategic plan for the management of asbestos in UK schools to include a plan for the eradication of asbestos from all UK schools.”

The different responses between UK and Welsh Governments as to responsibility, set out above, serve only to highlight the considerable confusion arising and capable of arising over management and policy, with the significant danger that schools in Wales will be overlooked entirely.

Right to Know supports the JUAC submission as to the short term, medium term and long term priorities for such a UK national strategic plan.

Right to Know would add that such a plan should include nursery education throughout the UK with an increasing demand for such provision, with UK Government’s commitment to increase support for childcare costs. The CoC conclusions make the consideration of yet younger children in nursery education an imperative.

Questions 2-17

Right to Know endorses and supports responses of AiS and JUAC and would highlight as follows:-

2. Are there other things the DfE could do to support the duty holders to fulfil their responsibilities?

Right to Know supports the recommendation of the All Party Parliamentary Group on Occupational Health that parents, teachers and support staff are annually updated on the presence of asbestos in their schools and the measures that are being taken to manage it. Right to Know also calls for a UK wide readily accessible Central Database.

3. Can any issues be resolved or fixed through government intervention?

UK Government must intervene to clarify beyond doubt where responsibility lies with regards to the management of asbestos and deciding policy for asbestos in schools throughout the United Kingdom. It cannot be satisfactory for these issues simply to depend upon statements made in Parliament in Westminster. UK Government must set the agenda and take a lead in resolving any uncertainty which exist in other parts of the UK, such as is clearly the case in Wales.

4. Is there a role for others in supporting schools to manage asbestos effectively?

Clearly subject to clarification beyond doubt as to the issues set out above, the DfES in Wales should be providing support for schools in Wales. Right to Know welcomes the fact that Welsh Government has provided guidance on "Asbestos management in schools"

<http://wales.gov.uk/topics/educationandskills/publications/guidance/asbestos-management-in-schools/?lang=en>

7. What Evidence is there that the current policy needs changing or that improvements need to be made

Right to Know observes that there would appear to be no policy with regards to asbestos in schools in Wales, despite the fact that 85% of schools in Wales contain asbestos. The health of a nation is truly at stake.

Cenric Clement-Evans

c/o NewLaw Solicitors Helmont House, Churchill Way, Cardiff, CF10 2HE cenric.clement-evans@new-law.co.uk

Rt. Hon David Laws MP,
Minister of State for Schools,
Sanctuary Buildings,
Great Smith Street,
London SW1P 3BT

25th October 2013

Welsh schools and asbestos

The issue of asbestos in schools in Wales has been raised with me by a member of the Asbestos in Schools Group, Cenric Clement-Evans, who is also a spokesperson for the Right to Know: Asbestos in Schools Wales Campaign.

His concern is that schools in Wales may be less well served than those in England and in particular that the Welsh Government does not accept that they have overall responsibility for the safety of children and staff in Welsh schools. This has been particularly highlighted by the circumstances relating to Cwmcarn High School.

As you are of course aware, in March the Commons Education Select Committee heard evidence on the issues relating to asbestos in English schools when you confirmed that the Department for Education (DfE) would review its asbestos policies for English schools on receipt of a report from the Committee on Carcinogenicity (COC). I understand that the terms of reference are now being set for the review which will begin shortly.

In June the CoC published its final report which concluded that children are at increased risk from asbestos exposure compared to adults. Although the assessment was requested by the DfE in England the findings equally apply to children in Wales, and in particular in Welsh schools. This matter is therefore directly relevant to the Welsh Department of Health and Social Services and Department for Education and Skills.

You may recall that in June you wrote to the Joint Union Asbestos Committee (JUAC) and stated;-

“As you will appreciate the responsibility for Cwmcarn High School rests with the Welsh Assembly rather than this Department. We are, however, keen to understand the situation at this school and establish if there are aspects of this case that can improve how we manage asbestos in schools in England.”

In August the Minister for Education and Skills Huw Lewis AM responded to a written question from Nick Ramsay AM asking whether Welsh Government intended to review its policy on Asbestos in Schools in light of the findings of the COC. The Minister's response was "As has been previously advised by the previous Minister for Education and Skills, Health and Safety policy is not devolved to this Government"

It would appear that these two statements (together with those of the previous Minister for Education and Skills) are contradictory, with neither Welsh Government nor the Welsh Department for Education and Skills accepting that they are responsible for asbestos in schools in Wales.

According to the Department for Education in the Welsh Government the responsibility for asbestos lies with the HSE. They stated in a letter to JUAC: "As you are aware asbestos is a non-devolved matter and responsibility for the subject lies with the Health and Safety Executive and not with Welsh Government."

This is at odds with the policy of the Department for Education in England who accept that they have overall responsibility for asbestos policy in English schools, and that HSE's role is to advise and act as regulators.

HSE's sponsor department, DWP, have classified schools as 'low risk' and therefore they are a low priority for the HSE. HSE also do not have the resources to effectively regulate the management of asbestos in schools, let alone make and oversee asbestos policy for schools in Wales and presumably Scotland.

If responsibility lies with the HSE then it raises a further anomaly in as much as the Secretary of State for Education in England has overall responsibility for asbestos policy in English schools whereas in Wales, apparently, the Secretary of State at the Department for Work and Pensions has overall responsibility for asbestos policy in Welsh schools.

Another example of action being taken in England and not Wales relates to asbestos guidance. As you are aware in October 2012, the DfE published asbestos awareness guidance for English schools. The previous Welsh Education and Skills Minister wrote to Nick Ramsay AM acknowledging that it does not apply to schools in Wales, but advised that his officials were working with DfE officials to see whether the guidance was suitable for adoption in Wales. A year has now passed with no

apparent action, when on the face of it there seems no reason why the guidance should not be simply adopted in Wales.

Mr Clement-Evans is concerned that in contrast with the positive actions of the DfE in England, neither the Welsh Department for Education nor Welsh Government accepts that the issue of asbestos in schools in Wales is their overall responsibility. Instead they consider it is HSE's – but their priorities are elsewhere and they do not have the resources to fulfil that role. The end result is that the whole issue of asbestos in Welsh schools appears to be sliding into a 'devolutionary crack' with no Minister positively taking control.

I would be grateful if you would please consider raising these concerns with the Minister for Education and Skills Huw Lewis AM, as I am sure that dialogue between Ministers would ensure that the issue of asbestos in schools receives the attention in Wales that it already deservedly does in England. I would suggest clarity is required on the following issues:-

- Who has the overall responsibility for asbestos policy for schools in Wales?
- Who is to respond to the conclusions of the CoC insofar as schools in Wales are concerned?
- Will a review of asbestos policy be carried out in Wales.
- If so who will be responsible for the review?
- Why has the DfE asbestos awareness guidance for schools not been adopted in Wales?
- HSE's role and responsibilities towards asbestos policy for schools in Wales and Scotland need to be clearly defined.

Yours sincerely,

Annette Brooke MP



20 NOV 2013

2013/0067951PODL

Rt Hon David Laws MP
Minister of State for Schools

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Annette Brooke MP
House of Commons
London
SW1A 0AA

Dear Annette 15 November 2013

Subject: Welsh schools and asbestos

Thank you for your letter of 25 October, on behalf of Cenric Clement-Evans, spokesperson for the Right to Know: Asbestos in Schools Wales Campaign.

I am pleased that you acknowledge the positive actions being taken by the Department for Education on this issue. However, the management of asbestos in schools in Wales rests with the Welsh Government. I can only advise that the best way to resolve these issues is by raising your concerns directly with the Welsh Government. Alongside this, I have asked officials in this Department to contact the Department for Education and Skills in Wales to discuss any information and further support on asbestos management in schools that it may find helpful.

The Health and Safety Executive (HSE) has confirmed that it is responsible for the enforcement of health and safety law in all educational establishments across Great Britain, including enforcement of the Control of Asbestos Regulations 2012. HSE's role is to make sure the risks from asbestos are controlled in premises across the three nations. HSE also responds to requests for advice on asbestos issues from all three education departments in Great Britain, and in this respect, I know it has provided authoritative advice to officials in this Department.

Although education policy is devolved, the requirements for managing the risks from asbestos are set out in legislation and guidance that apply across Great Britain.

Thank you for writing to me on this important issue. I hope this is helpful.

Yours sincerely,

David Laws

David Laws MP

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-522
Ein cyf/Our ref HL/02030/13

William Powell AM
AM for Mid & West Wales
(c/o Committee Clerk: Stephen.George@wales.gov.uk)
Chair Petitions committee

committeebusiness@Wales.gsi.gov.uk

2 January 2014

Dear William

Thank you for your letter of 16 December 2013, in respect of a petition from Cenric Clement-Evans, which concerns the provision of information about the presence and management of asbestos in schools.

It may be helpful if I begin by giving you some background about the management of asbestos. While devolution in 1998 brought about the transfer of responsibility for education and training to the Welsh Government, some topics remain reserved for central government. The Health and Safety at Work Act 1974 and legislation made under this Act, including the Control of Asbestos Regulations, is one such area of policy.

Responsibility for the enforcement of the relevant legislation in relation to control of asbestos falls to the Health and Safety Executive and not the Welsh Government, as does the remit for the provision of advice and guidance.

Responsibility for the management of asbestos lies with the duty-holder. In the school premises context, this can either be the local authority or the school governing body. All duty-holders in England, Scotland and Wales are required to comply with the same legislation and standards of compliance.

In practice a duty holder's responsibilities in a school include:

- Keeping an up-to-date record of the location and condition of asbestos containing materials (ACM);
- Assessing the risk from any ACM in the school;
- Having a written asbestos management plan with actions and measures necessary to manage the risks from ACM
- Putting those plans into action
- Making information available to workers who may disturb asbestos (e.g. contractors or maintenance workers).

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence: Huw.Lewis@wales.gsi.gov.uk

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As the management of asbestos plans is part of the health and safety function which is not devolved to the Welsh Government, I do not have the legislative powers to compel local authorities to make this information available to parents and guardians. You can, however, be re-assured that my officials will continue to work with local authorities to ensure the safety of pupils.

Yours sincerely

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

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-O4-0522
Ein cyf/Our ref HL/00378/14

William Powell AM

committeebusiness@Wales.gsi.gov.uk

3 March 2014

Dear William

Thank you for your recent letter regarding the Petition Committee's request to investigate an apparent inconsistency regarding the responsibility for development of policies for the management and control of asbestos of schools in Wales.

As I explained in my letter to you of 2 January, responsibility for these issues has not been devolved to the Welsh Government but lies with the Health and Safety Executive. The legislative competence of the National Assembly for Wales is set out in Schedule 7 to the Government of Wales Act 2006. You will note that in Part 1 of that Schedule in the "Health and health services" subject there is an exception to the legislative competence of the NAW in relation to Health and Safety Commission, Health and Safety Executive.

While my officials have prepared guidance on asbestos management in schools, this is to give school staff the information they need to fulfil their responsibilities effectively and thus reflects the legislative requirements and policy of the Health and Safety Executive. A similar approach has been adopted in England.

Yours sincerely

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Agenda Item 3.9

P-04-538 Involving lecturers to ensure a Further Education Inspection Framework that is fit for purpose

Petition wording:

We believe that: 1. The inclusion of the views of lecturing staff, in the early decision making process would be of great benefit to the development of an inspection framework that is fit for purpose; 2. Due to the increased emphasis there will be on soft skills, professional input from those who understand and work with the complexities of balancing pedagogy, with the demands of students, employers and Welsh Government priorities, it would seem prudent to include those that are at the heart of delivering this agenda; 3. Education services in Wales should be seen as part of a wider family, but are concerned that the FE sector and in this case in particular, FE lecturers are rather excluded from this family and are not being afforded the professional respect that they deserve.

Additional Information: 1. As the largest Union representing Further Education lecturers in Wales, the University and College Union has been excluded from the Estyn Advisory Group that has been set up to develop the new inspection framework for Further Education Institutions in Wales; 2. The Advisory Group currently consists almost entirely of Principals or Vice Principals and representatives of Estyn; 3. The University and College Union has been excluded from being involved in the Advisory Group despite making numerous requests to Estyn to be involved.

Petition raised by: Ian Whitehead-Ross

Date Petition first considered by Committee: 11 March 2014

Number of signatures: TBC



Eich cyf/Your ref P-04-538
Ein cyf/Our ref HL/00997/14

William Powell AM
Chair Petitions committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

20 May 2014

Dear William,

Thank you for your letter of 30 April on the petition you received regarding the involvement of lecturers in ensuring a further education inspection framework that is fit for purpose.

The UCU wrote to the Chief Inspector in December 2013, expressing disappointment that UCU was not directly informed of the decision to suspend FE inspections, and concern that lecturers were not directly involved in developing the new inspection model. The Chief Inspector responded and reassured UCU that lecturers would have their say in subsequent consultation on the framework.

Subsequently, the UCU then contacted me in January, in my capacity as the Minister for Education and Skills, to express concern over what they see as the 'exclusion' of lecturers from the Estyn Advisory Group on FE inspection. The Deputy Minister for Skills and Technology responded in February to advise that Estyn is an independent body and the membership of the advisory group is a matter for the Chief Inspector.

In his letter the Deputy Minister acknowledged that the Chief Inspector's 2012/13 Annual Report identified teaching and learning as a key area for improvement in post-16 learning, and that lecturers and practitioners must be at the heart of all our endeavours to address this.

I am confident that the structures Estyn are establishing to develop the inspection framework for further education will ensure proper engagement with all key stakeholders, including lecturers, and this will address points 1 - 3 in your letter.

I will also write to the Chief Inspector to seek her assurance on these matters and seek clarification on the parallel process for the wider education framework you raise in the penultimate paragraph.

Yours sincerely

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

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

William Powell AM
Chair of the Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

21 May 2014

Dear William

**Petition – P-04-532 Involving lecturers to ensure a Further Education
Inspection Framework that is fit for purpose**

Thank you for your letter dated 30 April 2014.

Firstly, it might be helpful if I explain the reasons we are adapting inspection practices in relation to the inspection of further education institutions (FEIs). The sector has changed significantly or is to change due to the mergers of FEIs, the introduction of new funding and governance arrangements and the introduction of learning area programmes (LAPs). Because of these changes, the current inspection framework needed to be refreshed. Neither were there FEIs due for inspection over the next period so we are able to take time to consult over the pattern for the future.

Although Estyn has begun work on the new inspection arrangements the outline plans are still at an early stage of development. Inspections under the new arrangements will begin in autumn 2015 with a pilot inspection in the spring of 2016.

In general and irrespective of changes to inspection arrangements, we consult widely with our stakeholders. We hold a national stakeholder event in February at which we discuss developments with key officers from representative organisations, including the professional associations and trade unions. Throughout the rest of the year we hold sector network meetings at regular intervals with representatives from each of the education and training sectors for more in-depth discussions. Further to this we offer to meet with representative organisations at their own events or to meet key officers to discuss any areas of mutual interest.

We do not normally use an advisory group as part of our planning of new inspection arrangements for providers. We normally only use stakeholder consultations in conferences and in stakeholder group meetings and we plan to use similar consultations for FEI inspections. However, major policy changes are happening in FE at a strategic level in relation to funding and governance arrangements which inspectors need to understand fully. That is why we have set up an advisory group comprising five senior representatives of ColegauCymru and one representative from Welsh Government (DfES) to advise and inform us about how these policy changes are likely to have an impact on strategic planning and governance and to discuss the implications for inspection. We do not consider it is relevant for UCU to be included in this particular group.

They will of course continue to be fully included in our wide-ranging consultations with all stakeholders who have an interest in new inspection arrangements, including practitioners.

The Association of Teachers and Lecturers have already indicated that they are content with these consultation arrangements for the development of FE inspection.

Even at this early stage, consultations have already included professional associations and trade unions. UCU attended Estyn's national stakeholder event in February 2014 and in the post-16 workshop provided some helpful comments on our proposals for the inspection of FEIs. Subsequently Lisa Edwards, an officer from UCU, contacted Estyn requesting information about the advisory group on 13 December 2013 and on 14 January 2014. We responded to Lisa Edwards on 14 January and 20 January 2014 confirming that UCU will have the opportunity to comment on the proposals after the initial drafting work has taken place as will ATL and any other professional association or union through Estyn's stakeholder network meetings.

In addition to this we have met twice with the UCU at their offices in Bridgend and another meeting with union officials and members is planned for Saturday the 21st June. We have listened to the points they raised in January about the issues facing lecturing staff in FE institutions and have invited the UCU to present further views. We have discussed with them how they will contribute to the consultation process.

We have also already held meetings and information sessions and led an open discussion in seminar group at the ColegauCymru annual conference on 13 May 2014. A consultation day is planned in July to meet college curriculum leaders and we will also consult more widely through our post-16 stakeholder network over the next few months as soon as we have outline proposals to discuss.

The petition raises concerns that the voice of the lecturer will not be heard in the consultation process. We believe that the processes we have put in place will give opportunities for lecturing staff to contribute their views to the process fully.

One of the significant developments associated with the new inspection arrangements will be the increased use on inspection teams of peer inspectors who have up to date, first-hand experience of classroom practices and the needs of learners. College lecturers are the key source of these peer inspectors. We intend to extend our 'pool' of peer inspectors for FE so that we create a cadre of specialist peer inspectors who will work with us to inspect the learning areas. The 'subject' specialist peer inspectors will be curriculum leaders and lecturers who can bring the learning area coverage that we will require. These are staff who are experienced in observing their peers teach and are aware of current classroom practice. We will also train a group of leadership peer inspectors, drawn from senior staff in FEIs to focus on governance and management.

Estyn puts the learner at the heart of the common inspection framework. All our inspection work focuses on the extent to which learners achieve and the overall education experience they receive from providers. We welcome the views of teaching professionals on the issues that will improve learner achievement.

Since you have noted that the Petitions Committee is writing to the Minister for Education and Skills, I am copying my reply to the Minister so that the way that Estyn approaches the planning of changes to the FEI and wider education inspection framework is clear.

Yours sincerely



Ann Keane
Her Majesty's Chief Inspector of
Education and Training in Wales

c.c. Huw Lewis AM, Minister for Education and Skills

P-04-538 Involving lecturers to ensure a Further Education Inspection Framework that is fit for purpose – Correspondence from the Petitioner to the Clerking Team, 06.06.14.

Dear Kayleigh

My initial response is that I am pleased that Huw Lewis expressed disappointment and concern that UCU have not been involved. I am also pleased that Ken Skates acknowledges that lecturers and practitioners must be at the heart of all endeavours to improve teaching and learning. Unfortunately I don't have a copy of the letter from William Powell to Huw Lewis, so I don't know what points 1 – 3 are, but with regard to proper engagement with all stakeholders, the date for the stakeholder forum keeps being moved (March then May, but this has now also been cancelled) Therefore the opportunity to consult on the development of the new framework has not yet arisen. It is noted that a consultation day is planned in July, but this is for Curriculum Leaders.

I think it should be noted that we applaud Estyn's decision to suspend FE inspections in order to develop a new system that is fit for purpose, in the light of the variety of new arrangements within the FE sector and we would welcome the opportunity to engage in constructive dialogue to help develop a system that promotes and supports the delivery of high quality teaching and learning. However our concern is still that, as stated in paragraph 2 of Ann Keane's letter, work has already begun and is at an early stage of development, but as yet we have had no opportunity to engage in this. From our point of view, involvement in the early planning stages would be beneficial in the development of the new framework, to help cover the range of perspectives from both data management and delivery points of view, to ensure that differing quality strands are not overlooked as the process develops. Again, it is stated in paragraph 9 in Ann Keane's letter to William Powell, that there will be wider consultation over the next few months to discuss outline proposals. This highlights exactly our concern that initial planning and development of the new FE inspection framework is taking place without practitioner input.

The point that advisory groups are not normally part of the process, is exactly why UCU has concerns as it does not follow the usual stakeholder engagement pattern. None of the correspondence UCU have received so far from Estyn attributes the impact that policy changes will have on 'strategic planning' as a reason as to why it is not considered relevant to include UCU in the group. If this were the only reason for the advisory group's existence, then it would seem reasonable that Estyn

only required the advice of college managers; however the Terms of Reference for the advisory group indicate that there is a much wider remit (see attached).

UCU welcomed the opportunity to engage in discussion at the Stakeholder event in February and are glad the comments were regarded as helpful, which would hopefully provide some reassurance that our intention is to engage constructively on behalf of our members. Please note that this event was after UCU's initial request for involvement in the advisory group and that it was the response to this initial request, which stated that UCU would have the opportunity to comment on proposals *after* the initial drafting work had taken place that prompted our concerns.

We welcomed the fact that staff from Estyn met with our Officials at the UCU office in Bridgend. This was to discuss our request to be part of the advisory group. The first meeting was constructive and it was thought that a way forward had been reached, with the suggestion that there could be a parallel practitioner advisory group; this suggestion was confirmed in an email but later appeared to be retracted. The second meeting was to discuss again the idea of a parallel group, where it became clear that this was not considered an option. We welcome the offer to present our views to the advisory group, but are concerned that this does not provide the opportunity for ongoing discussion of the initial development of the new FE framework. We have however acknowledged this offer and have requested that we may be able to take this opportunity at a later date if advised to do so by our members. The membership have accepted the invitation to meet with Liam Kealy of Estyn, on the 21st of June to discuss their concerns and we hope that this will help to pave the way forward. Unfortunately we have not been aware of other meetings and information sessions that have been held, but would like to invite Estyn to hold an open discussion with our members and to give the PowerPoint presentation that was delivered at the Colegau Cymru conference, if they so wish.

On a point of clarification, the petition does not raise concerns that the voice of the lecturer will not be heard in the consultation process; it raises the concern that lecturers are being excluded from the advisory group and therefore are not being included in the early decision making process in the development of a new inspection framework. A framework that will place more emphasis on teaching, learning and the curriculum; areas that have a direct impact on the day to day teaching and learning experience of both students and lecturers and areas in which lecturers have a great deal of expertise that they wish to share, in order to develop an improved and 'fit for purpose' inspection framework.

In summary, UCU still have concerns that practitioners are not represented in the advisory group, but that they should be, for the following reasons:

1. Advisory groups are not normally part of the Stakeholder Engagement process.
2. Work on the new inspection arrangements has already begun and is at an early stage of development.
3. There will be wider consultation over the next few months to discuss outline proposals, indicating that proposals are already being drawn up.
4. The date for the Stakeholder Forum has already been moved twice with no further date set, therefore removing the opportunity for wider stakeholder engagement at this time.
5. Some of the objectives of the advisory group will be to:
 - Help develop an inspection framework for the inspection of further education institution.
 - Identify a model for inspecting learning area programmes and the Welsh Baccalaureate.
 - Consider how best to use data including learner outcomes and destination data as evidence to support inspection judgements.
 - Develop options for identifying, training and using specialist peer inspectors.
 - Issues that directly affect the working practices of lecturers.

Therefore the issues raised by the petition have not yet been addressed and are still valid. We hope the Chief Inspector will adopt a commonsense approach in the best interests of raising standards.

Regards

Ian Whitehead-Ross

Estyn Advisory Group 2014

Inspection of Further Education Institutions

Terms of reference

1. Purpose: to help Estyn develop an inspection framework for the inspection of further education institutions (FEI), using a joint advisory forum consisting of relevant stakeholders.
2. The objectives of the Advisory group will be to:
 - help develop an inspection framework for the inspection of further education institutions;
 - respond flexibly as the structures and arrangements for further education develop in response to the Welsh Government policy and guidance on learning area programmes, mergers, governance and funding of FEI;
 - identify a model for inspecting learning area programmes and the WBQ and how that will inform a model for the inspection of institutional leadership and governance;
 - consider how best to use data including learner outcomes and destination data as evidence to support inspection judgments;
 - consider the logistical challenge of inspecting across multiple sites;
 - develop options for identifying, training and using leadership peer inspectors and specialist peer inspectors; and
 - consider the potential synergies between Colegau Cymru's self-regulation processes and Estyn's inspection framework.
3. Membership

The Estyn Advisory Group will comprise the following:

- Ian Dickson (Deputy Principal, Curriculum, Quality & Learner Experience)
- Rob Evans (Principal Bridgend College, Chair ColegauCymru Quality Network)
- Judith Evans (Principal, Coleg y Cymoedd)
- Dafydd Evans (Principal, Coleg Menai, Grwp Llandrillo Menai)
- Jim Bennett (Principal, Coleg Gwent, Chair of ColegauCymru Improving Quality Group)
- Mark Roberts (Vice Principal, Cardiff and the Vale College, Resources, Efficiency and Financial Planning)
- DfES representative

The following will attend from Estyn:

- Simon Brown (Strategic Director. Estyn): Chair
- Lin Howells (Assistant Director. Estyn)
- Liam Kealy (Project Lead. Estyn)
- Gill Sims (Group Manager. Estyn)

Observer: Katy Burns/Fran Hopwood.

The advisory group will meet with the project group manager and sub-group managers in March, May, July and October 2014.

A proposed forward work programme is:

Date	Activity	Outcome
Tuesday 4 March 2014	Initial advisory group meeting. Discussion of initial options for the new inspection model.	Clear strengths and weaknesses of various outline models.
May 2014	Update from the data sub-group.	
July 2013		
October 2014	Advisory group makes recommendations	Approval of training schedule for new LAPI and LaMPI roles
Spring 2015	Pilot inspection	

All relevant paperwork, including an agenda and a list of discussion points, will be sent to members of the advisory group in advance of the meetings.

Meetings will be held at Estyn's office in Cardiff or at a suitable location in mid-Wales. Video-conferencing will be used when appropriate.