

## Agenda – Petitions Committee

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Meeting Venue:

**Committee Room 1 – Senedd**

Meeting date: 22 September 2015

Meeting time: 09.00

For further information contact:

**Steve George** – Committee Clerk

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# Agenda Item 2.1

## **P-04-641 Owners of Un-developed Land.**

### **Petition wording:**

We the undersigned urge the National Assembly for Wales to urge the Welsh Government to compel the owners of un-developed or abandoned land to display their name, address and contact details somewhere prominent on the land.

**Petition raised by:** Paul Hunt

**Date petition first considered by Committee:** 22 September 2015

**Number of signatures:** 11 Online signatures



Eich cyf/Your ref P-04-641  
Ein cyf/Our ref LG/00673/15

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

SeneddPetitions@assembly.wales  
committeebusiness@Wales.gsi.gov.uk

9 July 2015

Dear Bill,

Thank you for your letter of 2 June, regarding New Petition P-04-641, Owners of Undeveloped Land. Please accept my apologies for the delay in responding, which is due to an administrative oversight.

Currently, individuals and organisations are obliged to register all land or property in their name with Land Registry if they have:

- bought it
- been given it
- inherited it
- received it in exchange for other property or land
- or mortgaged the property.

In addition, where land and property has not been transacted since the introduction of compulsory registration, the Land Registry is encouraging landowners to apply for voluntary first registration. While appreciating the petition covers all ownerships, I can add, the Welsh Government went through a process of registering all our property interests not previously registered in 2011. Registration brings with it a number of advantages, however, our proactive approach to registration gives clarity in terms of the assets we hold.

Anyone can apply to the Land Registry to find out the identity of the owners of any registered land and property in Wales for a small fee. It is estimated over 80% of land in England and Wales is registered.

The Local Planning Authority has powers relating to unregistered land where the identification of the owners is not known. A Requisition for Information Notice under Section 330 of the Planning Act 1990 gives the Local Authority power to require details of ownership and of those with interests in the property.

In addition, Section 219 of the Town and Country Planning Act enables Local Councils to take direct action and carry out any necessary works to abandoned land and to recover the costs by placing a charge on the land.


Land ownership can be complex, with a number of parties having rights and obligations over the land. The Land Registry maintains the Land Register where more than 24 million titles are documented. All changes in ownership, mortgages or leases are registered, as required by the Land Registration Act 2002.

To ensure accurate and up to date ownership information, any responsibility for maintaining records should remain with the Land Registry. However, the Welsh Government has no powers in relation to land registration. The Land Registry is a non-ministerial Government Department responsible to the Secretary of State for Business, Innovation and Skills.

Regards  
Lesley

**Lesley Griffiths AC / AM**  
Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty





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

Dear Mr Powell,

I am writing in response to the letter from the Minister for Communities dated 9<sup>th</sup> July 2015.

The petition was created to highlight an issue close to where I live (literally across the road) but also one affecting the wider communities of Abercynon and Mountain Ash where the sites of the former Ynysmeurig Hotel and Abercynon Workmen’s Hall have also fallen into disrepair. My local councillors are in touch with the owners of the above sites as well as myself for the old AB Metals site in Ynysboeth. All sites have planning consent and there are considerable anti-social behaviour and health concerns around the sites due to drug paraphernalia and regular refuse fires.

I appreciate that this is an area where the question over who has responsibility can be interpreted a number of ways, as was explained to me when I set the petition up. I accept that the Minister sees the issue as a land registry one. However I also see the issue as one affecting local authorities and the environment.

The idea behind the petition is to make the commercial owners of the sites more publicly visible by way of a sign so that communities can contact them directly in addition to the avenues that have been tried, tested and not worked in the past. It is much easier to find out who owns a site that is being rebuilt and actively developed because companies proudly display their logos. When a site has fallen into disrepair the public have to pay the land registry and often carry out more research in addition to that initial search. Companies benefit from the convoluted way we have to use to find out who they are. In what other area of complaint would the public have to pay in order to register a complaint with someone?

Whilst the owners of the land clearly cannot be held responsible for the actions carried out there by others, they should feel some sense of corporate responsibility to ensure the land they own is as secure as possible to stop illegal and disruptive activities from happening. Companies and communities benefit from development and regeneration but it is communities who suffer when land falls into disrepair.

For example, the former AB Metals site in Ynysboeth opposite my house has a fence that has fallen into disrepair, with several large gaps. In the two years since I have lived here residents and companies have used the gaps to dump furniture and

rubbish. Drug paraphernalia was found by a community group near the land and it is a regular spot for rubbish fires.

Last November a fridge was dumped on the land, knowing that it would soon be set on fire I contacted RCT Council, Natural Resources Wales and the owners of the land, Newbridge Construction Ltd telling them that the fridge and its hazardous contents would probably be set on fire unless it was collected.

The local authority and Natural Resources Wales told me that as it's privately owned they could not enter the land to remove the fridge. The owners did nothing until after the fridge had been set on fire, resulting in the fire brigade having to come out on one of their busiest nights of the year and costing the public money.

After six months of complaints between the council and the owners an knew height earth barrier was placed in the largest gap, rather than a fence (presumably the cheaper option). This means that would-be fly tippers and fire starters now have to climb a small incline before carrying out their actions and the fire brigade can no longer get an engine directly on site.

It has taken considerable time and correspondence to compel the company to act even in this ham-fisted way. The company clearly has no motivation to secure the site. Imagine if someone was to spray paint, in large letters the name of this company and how they could be contacted on the land, they may be embarrassed or shamed into action. That is the idea behind my petition, a sign facing the public that contains the company who owns that land's name and contact information.

It is simple, cheap option that may make the owners consider the security of such land as the public can clearly see their name.

I appreciate that the land registry is available for anyone to use but should the public have to pay to find out the owners of land that costs the public money and affects their communities? Even though the land registry gave me the name of the company who owned the former AB metals site it took considerable effort to then find an email address and the name of a person to contact. Even when I did make contact with one of the listed directors they claimed that the company was one of his 'clients' abdicating responsibility for the site. Put simply many companies don't want to be easily found by the public because it could affect their planning permission.

Companies are proud to share their name when the land is turned into housing, shops or involved in large-scale projects because they benefit. But with undeveloped or forgotten land it is the public who pays the cost, either through policing, fire services, council clean up crews or in by having to live with regular refuse fires. This petition suggests a simple step that may encourage companies to take responsibility and save public funds by making their name more publicly visible.

Kind Regards

**Paul Hunt**

**Pack Page 62**

# Agenda Item 2.2

## **P-04-648 Amendment to Unconventional Oil and Gas Direction 2015**

### **Petition wording:**

We the undersigned call upon the Minister for Natural Resources to amend the Unconventional Oil and Gas Wales Direction to call in all Planning Applications for Unconventional Oil and Gas development including exploratory drilling for Coal Bed Methane, to the Minister. At present the Direction only states that applications where the LPA is inclined to refuse the application should be referred to the Minister. A recent grant of an application shows that there is a loophole that needs closing.

### **Additional Information**

Oil and Gas companies when applying for planning consent for exploratory drilling for Coal Bed Methane regularly claim that it is not 'fracking' and often Planning Officers support this and recommend that LPA's grant the application.

These claims that CBM is not fracking is misleading and currently the Ministerial Direction contains a loophole which allows LPA's who intend to grant consent not to refer the application to the Minister.

This loophole should be closed forthwith and that is the purpose of this petition.

Further information on Coal Bed Methane extraction can be found following this link <http://frack-off.org.uk/coal-bed-methane-the-evil-twin-of-shale-gas/>

**Petition raised by:** Councillor Arfon Jones

**Date petition first considered by Committee:** 22 September 2015

**Number of signatures:** 362 Currently Online signatures

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-648  
Ein cyf/Our ref CS/01032/15

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

committeebusiness@Wales.gsi.gov.uk

29 July 2015

Dear William

Thank you for your correspondence regarding petition number P-04-648 which proposes an amendment to the unconventional oil and gas Direction.

The petition asks that a loophole relating to the application of the Notification Direction be closed. The perceived loophole is based on the understanding that the only applications caught by the Notification Direction and which should be referred to Ministers are those that the local planning authority is inclined to refuse.

This is not the case. The Notification Direction provides that where local planning authorities are minded to approve planning applications for the exploration, appraisal, or extraction of unconventional oil and gas which would utilise unconventional techniques (including hydraulic fracturing) they must be referred to the Welsh Ministers. The Direction does not include the making of exploratory boreholes which do not involve unconventional techniques such as fracking. The Direction was issued on 13<sup>th</sup> February 2015 and applies to any application for planning permission registered as valid on or after 16th February 2015.

Exploratory boreholes are not included in the Notification Direction because the process of drilling test boreholes is not the same as fracking. Drilling boreholes is a routine part of engineering works and is undertaken for a wide variety of different reasons, to underpin the construction of the built environment, forestry and agricultural operations and the work of utilities providers. Boreholes have been drilled for a long time with no long lasting environmental consequences.

The Direction would not need to apply to applications which are inclined to be refused. When a planning authority refuses planning permission an applicant has the right to appeal to Welsh Ministers. Most planning appeals are determined by Planning Inspectors under statutory powers transferred to them. Welsh Ministers, however, have the power to recover planning appeals from the Inspectorate and determine applications themselves.

Yours sincerely

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

**Carl Sargeant AC / AM**  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

# Agenda Item 2.3

## **P-04-649 Welsh Medium Education – Garland or Albatross**

### **Petition wording:**

The Welsh Government is rightly committed to achieving best value for money in all Public Services: sadly, the Department for Education and Skills spends £2billion each year only to provide the lowest standard of education in the UK. The Minister has said that “Education today is the Economy tomorrow”; if he is right, the outlook for Wales is truly bleak. When set against International PISA standards, the quality of Education in our Schools has been in catastrophic decline since Devolution. The Government says, in its defence, that delivering Public Services in Wales is hampered by poverty and by a dispersed population: but, GDP is lower in Northern Ireland and there are fewer people per square mile both in Northern Ireland and in Scotland. The Environment seems to be in safer hands. A derelict site cannot be developed without a prior Environmental Impact Assessment; no stone may be turned if there’s the faintest chance of a newt hiding under it or a migratory bird fossicking over it.

Our Children, it seems, don’t warrant such care – there being no corresponding Educational Impact Assessment before each new initiative further disrupts the classroom. Given that, for every aptitude and ability, 50% of the population is – by definition – below average; it was irresponsible of the Government to implement the Welsh Medium Education Policy without first having established that children with below average language skills have the capacity to be bilingual. In the absence of any contrary evidence, it seems entirely possible that it is this extra burden of the bilingual programme that is crippling our young people both for the PISA tests and for life.

We ask that the Welsh Medium Education experiment be abandoned – unless it can be clearly shown that its continuance is doing no harm.

### **Additional Information**

The Government, it seems, is unable to distinguish between MUST and WANT: it must manage the Economy successfully, it must deliver a first rate Education and it must achieve best value for money in all public spending; in addition, as a perfectly legitimate national aspiration, it may want to foster a

thriving Welsh language... but such whims cannot be allowed to interfere with absolute necessity. The execution of Policy is said to be subject to intense scrutiny both from the Assembly and from other, supposedly independent, Public Bodies: it is, then, astonishing – that neither Assembly Committees nor Estyn nor the Auditor General’s Office can produce any evidence to show:

- that Employers value and want workers who are bilingual in English and Welsh;
- that a person with below average language skills has the capacity to be bilingual;
- that it is NOT the extra burden of the bilingual programme that is crippling our young people in the PISA tests;
- that, with particular reference to our deteriorating PISA standings, the Government IS achieving best value for money with regard to its spending on Education;
- that the business of creating wealth is carried out in Welsh; or,
- that, in spite of all indications to the contrary, the DfES is fit for purpose.

As a further illustration of DfES folly, £12m is frittered away, each year, on the Welsh for Adults programme: not in the classroom, on “teaching”, but on administration. Worse, no-one can say how many (if any) learners have emerged fluent in Welsh.

**Petition raised by:** Norman Hudson

**Date petition first considered by Committee:** 22 September 2015

**Number of signatures:** 101 Current Online signatures

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-649  
Ein cyf/Our ref HL/01393/15

William Powell AM  
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

31 July 2015

Dear William

Thank you for your letter dated 16 July seeking my views on petition P-04-649 *Welsh Medium Education – Garland or Albatross?*

The petitioner is asking *for the Welsh Medium Education experiment to be abandoned – unless it can be clearly shown that its continuance is doing no harm.*

The Welsh Government is committed to seeing the Welsh language thrive. This is clearly set out in the Welsh language strategy *A living language: a language for living*. In addition, the Welsh Government published a Welsh-medium Education Strategy in 2010, outlining our vision to *have an education and training system ... that enables an increase in the number of people of all ages and backgrounds who are fluent in Welsh and able to use the language with their families, in their communities and in the workplace.*

The provision of Welsh-medium education is not an 'experiment'. Welsh-medium education has always existed in Wales and has become more evident since 1947, when the first state Welsh-medium primary school was opened, and the sector has grown rapidly since then, led primarily by parental demand. In 2014 around 30% of primary, middle and secondary schools in Wales were Welsh-medium or bilingual schools, with 22.2% of 7-year-old pupils assessed in Welsh first language.

Mr Hudson's rationale appears to be conflating two different considerations: the perceived negative effects brought about by Welsh-medium education, and the disadvantages faced by the school population as a whole (as evidenced, he claims, by low PISA results).

Some additional analysis of PISA 2015 results has been undertaken, including analysis of performance by medium of instruction and subject. The analysis showed that in reading and science, the performance of learners attending Welsh-medium and English-medium schools is comparable. However, in mathematics, learners attending the Welsh-medium schools outperform those in English-medium schools by 10 score points. There appears to be no



clear link, therefore, between the medium of instruction and performance in the PISA tests. There is also no evidence to support his assertion that 50% of the population with 'below average' language skills do not have the capacity to become bilingual. The processes involved in learners' acquisition of skills in more than one language are complex. At various stages of these processes learners will be at different levels of development in their ability to use both (or more) languages. In that sense bilingual learners will not necessarily display the same level or type of ability in their two languages at any one stage of their development.

Mr Hudson also suggests that there is no evidence that employers value and want workers who are bilingual in English and Welsh. A report published in April 2014 *Welsh language skills needs in eight sectors* found that over a quarter of establishments (28 per cent) believed that it would benefit them to have more staff able to communicate in Welsh, or more staff with a higher level of Welsh language skills.

He also suggests that *£12m is frittered away, each year, on the Welsh for Adults programme: not in the classroom, on "teaching", but on administration.* Of the £12m invested in the Welsh for Adults programme each year, approximately £10m of this is spent on the delivery of the courses themselves. The remaining £2m is spent on developing specific aspects of the programme e.g. tutor training, e-learning and improved marketing.

In summary, there is no evidence to suggest that Welsh-medium education has a detrimental effect on learners' attainment, and the Welsh Government has no intention of 'abandoning' the 'Welsh-medium experiment'. It is the provision of Welsh-medium education that has generated the greatest gains in the number of young people fluent and confident in their Welsh language skills, and there is no question that the education system has a vitally important role in securing the future of the language. As noted above, Welsh-medium education pre-dates the Welsh Government and the National Assembly for Wales, and is a key part of our education and training system in Wales, driven in the main by parental demand and specific local policies.

Yours sincerely



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

**P-04-649 Welsh-Medium Education – Garland or Albatross – Petitioner to Committee, 09.09.15**

Text of Petition P-04-649 “Welsh Medium Education – Garland or Albatross?”	<i>Text of Huw Lewis’s letter, dated 31 July 15, giving his views on the Petition.</i>	<b>The petitioner's response to the Minister's comments.</b>
<p>The Welsh Government is rightly committed to achieving best value for money in all Public Services: sadly, the Department for Education and Skills spends £2billion each year only to provide the lowest standard of education in the UK. The Minister has said that “Education today is the Economy tomorrow”; if he is right, the outlook for Wales is truly bleak.</p> <p>When set against International PISA standards, the quality of Education in our schools has been in catastrophic decline since the 1970s. The Government says, in its defence, that delivering Public Services in Wales is hampered by poverty and by a dispersed population: but, GDP is lower in Northern Ireland and there are fewer people per square mile both in Northern Ireland and in Scotland.</p> <p>The Environment seems to be in safer hands. A derelict site cannot be developed without a prior Environmental Impact Assessment; no stone may be turned if there’s the faintest chance of a newt hiding under it or a migratory bird fossicking over it. Our Children, it seems, don’t warrant such care – there being no corresponding Educational Impact Assessment before each new initiative further disrupts the classroom.</p>	<p><i>(no comment)</i></p> <p><i>Some additional analysis of PISA 2015 results has been undertaken, including analysis of performance by medium of instruction and subject. The analysis showed that in reading and science, the performance of learners attending Welsh-medium and English-medium schools is comparable. However, in mathematics, learners attending the Welsh-medium schools outperform those in English-medium schools by 10 score points. There appears to be no clear link, therefore, between the medium of instruction and performance in the PISA tests.</i></p> <p><i>(no comment)</i></p>	<p>The Minister does not deny that his Department spends £2billion each year only to provide the lowest standard of education in the UK. The outlook for Wales IS truly bleak.</p> <p>The Minister has given-up forecasting a “top twenty” finish in the 2015 PISA rankings and, from his complacent responses, it appears that he has also given-up on the children of Wales. He says that there is no clear link between our poor PISA performance and the unique burden of the bilingual experiment, but what alternative explanation is there? If not “poverty” or “population density”, then perhaps Mr Lewis blames “lower IQ”, “less supportive parents” or “poor teaching”. He ought to know - but he doesn't say.</p> <p>The Minister does not deny that, without the protection of an Educational Impact Assessment, the children of Wales are more endangered than our wildlife.</p>

## P-04-649 Welsh-Medium Education – Garland or Albatross – Petitioner to Committee, 09.09.15

Given that, for every aptitude and ability, 50% of the population is – by definition – below average; it was irresponsible of the Government to implement the Welsh Medium Education Policy without first having established that children with below average language skills have the capacity to be bilingual. In the absence of any contrary evidence, it seems entirely possible that it is this extra burden of the bilingual programme that is crippling our young people both for the PISA tests and for life.

*There is ... no evidence to support his assertion that 50% of the population with 'below average' language skills do not have the capacity to become bilingual...*

*...The processes involved in learners' acquisition of skills in more than one language are complex. At various stages of these processes learners will be at different levels of development in their ability to use both (or more) languages. In that sense bilingual learners will not necessarily display the same level or type of ability in their two languages at any one stage of their development.*

*The Welsh Government is committed to seeing the Welsh language thrive. This is clearly set out in the Welsh language strategy A living language: a language for living. In addition, the Welsh Government published a Welsh-medium Education Strategy in 2010, outlining our vision to have an education and training system ... that enables an increase in the number of people of all ages and backgrounds who are fluent in Welsh and able to use the language with their families, in their communities and in the workplace.*

*The provision of Welsh-medium education is not an 'experiment'. Welsh-medium education has always existed in Wales and has become more evident since 1947, when the first state Welsh-medium primary school was opened, and the sector has grown rapidly since then, led primarily by parental demand. In 2014 around 30% of primary, middle and secondary schools in Wales were Welsh-medium or bilingual schools, with 22% of 7-year-old pupils assessed in Welsh first language.*

The Petition does not assert that individuals with below average language skills DO NOT have the capacity to become bilingual. The allegation is, in fact, that it was irresponsible of the Government to implement the Welsh Medium Education Policy without first having established that children with below average language skills DO have the capacity to be bilingual.

It seems highly unlikely that the complexity, to which the Minister refers, makes language skills easier to acquire in two languages than in one; and, it remains entirely possible that it is the extra burden of the bilingual programme that is crippling our young people both for the PISA tests and for life.

Perhaps the Minister is untroubled by the medical maxim "first - do no harm": but even a mandated commitment to seeing the Welsh language thrive cannot be pursued at "all costs". Education today is the Economy tomorrow and Education today is in crisis. Welsh-speaking is a hobby; it is a skill without a benefit - and, so far as Tourism, Exports and Inward Investment are concerned, the language presents an obstacle where we should be building bridges.

That a mistake has a long history does not make it less of a mistake. Enthusiasts may want the language to survive but not even the most fervent enthusiasts can live their 21<sup>st</sup> century lives through the medium of Welsh. The modern day necessities of food labelling; instruction manuals for gadgets, appliances and vehicles; the internet; popular culture (film, literature, music) are all in English.

We ask that the Welsh Medium Education experiment be abandoned – unless it can be clearly shown that its continuance is doing no harm.

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## P-04-649 Welsh-Medium Education – Garland or Albatross – Petitioner to Committee, 09.09.15

The Government, it seems, is unable to distinguish between MUST and WANT: it must manage the Economy successfully, it must deliver a first rate Education and it must achieve best value for money in all public spending; in addition, as a perfectly legitimate national aspiration, it may want to foster a thriving Welsh language... but such whims cannot be allowed to interfere with absolute necessity.

The execution of Policy is said to be subject to intense scrutiny both from the Assembly and from other, supposedly independent, Public Bodies: it is, then, astonishing - that neither Assembly Committees nor Estyn nor the Auditor General's Office can produce any evidence to show:

- that Employers value and want workers who are bilingual in English and Welsh;

- that a person with below average language skills has the capacity to be bilingual;

*Mr Hudson's rationale appears to be conflating two different considerations: the perceived negative effects brought about by Welsh-medium education, and the disadvantages faced by the school population as a whole (as evidenced, he claims, by low PISA results).*

*(no comment)*

*Mr Hudson also suggests that there is no evidence that employers value and want workers who are bilingual in English and Welsh. A report published in April 2014 Welsh language skills needs in eight sectors found that over a quarter of establishments (28 per cent) believed that it would benefit them to have more staff able to communicate in Welsh, or more staff with a higher level of Welsh language skills.*

*(no comment)*

The DfES is failing and the Minister is defending that failure. By signalling a low skills workforce, low PISA scores deter inward investment: the causes of poor performance need to be identified and eliminated.

The Minister does not deny that a thriving Welsh Language **MUST NOT** be promoted at the expense of the absolute necessities (of a successful Economy, a first rate Education and best value for Public Money).

The findings of *Welsh language skills needs in eight sectors* are of limited value. Childcare; Social Care; Hospitality; Creative; Finance & Professional Services; Retail; Agrifood; and, Construction - do business largely in the Internal Wales Economy and the results reflect nothing more than the presence of Welsh speakers among the customer-care base. The needs of Inward Investors, Exporters and Wealth Creators, in the External Wales Economy, were simply not addressed.

The Minister offers no evidence to show that a person with below average language skills **DOES** have the capacity to be bilingual.

## P-04-649 Welsh-Medium Education – Garland or Albatross – Petitioner to Committee, 09.09.15

• that it is NOT the extra burden of the bilingual programme that is crippling our young people in the PISA tests;

*(no comment)*

• that, with particular reference to our deteriorating PISA standings, the Government IS achieving best value for money with regard to its spending on Education;

*(no comment)*

• that the business of creating wealth is carried out in Welsh; or,

*(no comment)*

• that, in spite of all indications to the contrary, the DfES is fit for purpose.

*(no comment)*

As a further illustration of DfES folly, £12m is frittered away, each year, on the Welsh for Adults programme: not in the classroom, on "teaching", but on administration. Worse, no-one can say how many (if any) learners have emerged fluent in Welsh.

*He also suggests that £12m is frittered away, each year, on the Welsh for Adults programme: not in the classroom, on "teaching", but on administration. Of the £12m invested in the Welsh for Adults programme each year, approximately £10m of this is spent on the delivery of the courses themselves. The remaining £2m is spent on developing specific aspects of the programme e.g. tutor training, e-learning and improved marketing.*

*In summary, there is no evidence to suggest that Welsh-medium education has a detrimental effect on learners' attainment, and the Welsh Government has no intention of 'abandoning' the 'Welsh-medium experiment'. It is the provision of Welsh-medium education that has generated the greatest gains in the number of young people fluent and confident in their Welsh language skills, and there is no question that the education system has a vitally important role in securing the future of the language. As noted above, Welsh-medium education pre-dates the Welsh Government and the National Assembly for Wales, and is a key part of our education and training system in Wales, driven in the main by parental demand and specific local policies.*

The Minister offers no evidence to show that it is NOT the extra burden of the bilingual programme that is crippling our young people in the PISA tests.

The Minister offers no evidence to show that the Government IS achieving best value for money with regard to its spending on Education.

The Minister offers no evidence to show that the business of creating wealth IS carried out in Welsh.

The Minister offers no evidence to show that the DfES IS fit for purpose.

The Minister is unable to say how many (if any) learners have emerged fluent in Welsh.

Compared to the other Regions of the UK, our GCSE and PISA results are in catastrophic decline. The single distinguishing feature of education in Wales is the Welsh-medium experiment but the Minister refuses to accept the possibility of a causal connection.

**In a deliberate snub to the Petitions Committee and regardless of the latter's consideration of these matters, the Minister declares that the Welsh Government has no intention of abandoning the Welsh-medium experiment.**

Dear Ms Driscoll

I attach a Data Sheet in support of " Welsh Medium Education – Garland or Albatross"

Pack Page 74

<b>PISA Results for Wales</b> (E) England : (S) Scotland : (NI) Northern Ireland						
2006		2009		2012		
Score	Rank	Score	Rank	Score	Rank	
<b>484</b> 495(E) : 506(S) : 494(NI)	33 <sup>rd</sup>	<b>472</b> 493(E) : 499(S) : 492(NI)	40 <sup>th</sup>	<b>468</b> <i>Shanghai 613</i> 495(E) : 498(S) : 487(NI)	43 <sup>rd</sup> 1 <sup>st</sup>	
<b>505</b> 516(E) : 515(S) : 508(NI)	22 <sup>nd</sup>	<b>496</b> 515(E) : 514(S) : 511(NI)	30 <sup>th</sup>	<b>491</b> <i>Shanghai 580</i> 516 (E) : 513(S) : 507(NI)	36 <sup>th</sup> 1 <sup>st</sup>	
<b>481</b> 496(E) : 499(S) : 495(NI)	29 <sup>th</sup>	<b>476</b> 495(E) : 500 (S) : 499(NI)	38 <sup>th</sup>	<b>480</b> <i>Shanghai 570</i> 500(E) : 506(S) : 498(NI)	41 <sup>st</sup> 1 <sup>st</sup>	
<b>5 GCSE A*-C</b> 62.1%(E) : : 71.7%(NI)		<b>65.5%</b> 66.9%(E) : : 75.1%(NI)		<b>65.8%</b> 69.5%(E) : : 75.6%(NI)		

## **P-04-651 To Work to Protect Local Government When Determining the Budgets this Autumn**

### **Petition wording:**

We petition the Welsh Government to work to protect local government when determining the budgets this Autumn.

Help protect the services we all rely on so much, services we need when we are struggling the most. Help protect our jobs that we are so proud to do to within our communities.

The Welsh Government **MUST** find other options to consider, options that would have considerably less impact on our local communities.

### **Additional Information**

Further budget cuts will devastate our communities. The services that local government provide are vital to us all.

Further local government budget cuts will devastate local jobs, services and communities.

As an example:- Neath Port Talbot County Borough Council is an authority that faces some of the highest levels of deprivation in the UK. To manage the recent £102 million budget cuts it has worked hard in a strong partnership with the trade unions to avoid compulsory redundancies and outsourcing of services. The cuts have had an effect on the services provided and the workforce.

Further cuts could mean job losses, including those of front line services, and the transfer of council services to the private sector. NPT UNISON has demonstrated that outsourcing of services does not work in the long term. When private sector companies are used, it results in disruptive, costly and sub-standard service provision, with the loss of jobs and employees terms and conditions.

**Petition raised by:** NPT UNISON

**Date petition first considered by Committee:** 22 September 2015

**Number of signatures:** 125 Online signatures



Jane Hutt AC / AM  
Y Gweinidog Cyllid a Busnes y Llywodraeth  
Minister for Finance and Government Business



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref JH/00430/15

William Powell AM  
Assembly Member for Mid & West Wales  
Chair - Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

31 August 2015

Dear William,

**New Petition P-04-651 - To Protect Local Government When Determining Budgets this Autumn**

Thank you for your letter of 12 August which asks for my views on a petition from NPT Unison about local government funding and the forthcoming Welsh Government budget.

The petitioner is right to point to the importance of public services, which are essential to many people's well-being and the sustainability of our communities. Welsh Government will work to support public services through the budget plans which I will set out later this year. The financial context within which the Welsh Government makes its budget decisions does, however, remain challenging. As a consequence of UK Government decisions, the Welsh Government Budget is now around 8% lower in real terms than it was in 2010-11. The Chancellor of the Exchequer has already made it clear that the forthcoming Comprehensive Spending Review will result in further reductions to public expenditure across the UK. In these circumstances it is not possible for the Welsh Government to maintain all its existing expenditure.


Despite this, the Welsh Government has sought to protect public services wherever possible. For example, since 2011 spending on schools has been protected at 1% above the overall Welsh Government's settlement, an additional £10m was set aside for social services in the Final Budget 2015-16, and significant additional resources have been put into the Welsh National Health Service. Despite the reductions made at a UK level, local government in Wales has received a degree of relative protection in Welsh Government

budget allocations. Neath Port Talbot Council received the smallest decrease in its settlement out of all twenty two Local Authorities in Wales for 2015-16.

Even though local government in Wales have been cushioned relative to their counterparts in England, the financial climate is such that the sector will need will to continue to innovate and adapt to a significant degree. In my recent Budget Tour I discussed with front-line public service staff, including many from local government, what we can do together to mitigate the cuts being passed to us by the UK Government.

The Budget Tour gives people and organisations the opportunity to express their views while we are formulating our plans. Once the Welsh Government has published its budget proposals for the coming period, there will be an opportunity for rigorous scrutiny through a number of channels. I intend to make an Oral Statement in the Senedd following the publication of the Draft Budget, and I will attend the National Assembly's Finance Committee during the period of scrutiny of the Draft Budget. Similarly my Ministerial colleagues will attend other National Assembly subject committees to discuss portfolio specific budget plans. In the case of local government, the Minister for Public Services will provide evidence to the Communities, Equality and Local Government Committee. As part of their scrutiny work, each subject committee is able to take evidence from a range of sources including from Trades Unions, and that may be an appropriate means of channelling the concerns raised in this petition.

I am copying this letter to the Minister for Public Services.

Best wishes,  


**Jane Hutt AC / AM**

Y Gweinidog Cyllid a Busnes y Llywodraeth  
Minister for Finance and Government Business

## **Agenda item 2.4**

### P-04-651 To Work to Protect Local Government When Determining the Budgets this Autumn

We look upon the Welsh Assembly Government to maintain the present level of funding for Local Authorities across Wales and to safeguard Neath Port Talbot Councils funding needs.

The Welsh Assembly Government need to go through their budgets line by line and eliminate wasteful spending to ensure that they protect public services in Wales. We understand that Local Authorities have a role to play in eliminating wasteful spending; but Local Authorities have largely done this and are now down to the bare bones and core services in terms of further cuts

The Welsh Government now need to spend smarter not spend less, without smart spending by Welsh Government communities across Wales will see key services scaled back or lost. Further Local Authority budget cuts will devastate local jobs, services and communities. We are hearing of more and more public services being closed or outsourced. Local authorities are major employers and any more reduction of funding will have a huge impact on the local economy. This will result in more deprivation in our communities.

Neath Port Talbot County Borough Council is one of the most deprived councils in Wales and requires additional funding to maintain the services provided to the most vulnerable within the Borough. NPT are the major employer in the area and any reduction in funding will have a detrimental impact on employment and the ability for these vital services to be sustainable and remain in-house.

Lack of funding to Neath Port Talbot County Borough Council and other Local Authorities in Wales results in: disruptive, costly and poor quality service provision, the loss of jobs and employees terms and conditions and most importantly the loss of democratic accountability if services are lost to the private or third sector. Currently the only solution to ensure current services and jobs are maintained, if funding continues to be cut from Welsh Government, is for local authorities to use their reserves to

plug funding cuts. If this happens then reserves will be spent within 3 years, there will be no money left to manage financial risk, this is not viable.

We agree with Welsh Governments vision that everybody in Wales should live in well-connected vibrant, viable and sustainable communities with a strong local economy and good quality of life. In order for this vision to succeed we must safeguard public services. This will ensure that the residents of Neath Port Talbot County Borough Council and the rest of Wales have a belief in a better future.

Wiser allocation of finances is essential, for example to ensure a vibrant integrated Social Care model fit for the 21<sup>st</sup> Century Neath Port Talbot County Borough Council require funding to be passported from Health to Local Government.

The Welsh Government must understand that leaving Local Authorities to pick up the bill for national policies is not an option. If our public services within Wales are to survive the next 5 years then the Welsh Government must ensure that all Local Authorities received fair funding.

# Agenda Item 3.1

## **P-04-523 Protect the elderly and vulnerable in care homes**

### **Petition wording:**

We, the undersigned, call upon the National Assembly for Wales to urge the Welsh Government to hold a Public Inquiry into the events that led to Operation Jasmine, which investigated alleged neglect of older people in nursing homes in Wales.

### **Additional information:**

With the collapse of Operation Jasmine, where the police investigated more than 100 cases of alleged neglect and spent more than £13 million, it has meant that those affected have had no justice and those responsible for the neglect have not been held accountable. We call for a Public Inquiry to take place to ensure that all aspects of the cause of neglect are fully investigated and that new legislation is passed to make certain that people in nursing homes will receive a higher standard of care and if they do not, that they can then obtain redress via the appropriate agencies and the legal system.

**Petition raised by:** Justice for Jasmine

**Date Petition first considered by Committee:** 10 December 2013

**Number of signatures:** 4216



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**        **The publication of the Flynn review**  
**DATE**        **14<sup>th</sup> July 2015**  
**BY**            **The First Minister**

I am today publishing an independent report by Dr Margaret Flynn following her review into events in care homes in South East Wales in the early part of this century, which came to be referred to by a police investigation into these matters, Operation Jasmine. Dr Margaret Flynn is the Chair of the Lancashire Adults' Safeguarding Board and author of the Serious Case Review at Winterbourne View Hospital.

In the absence of criminal proceedings in relation to these events I commissioned this review in December 2013. This decision was prompted by the clear seriousness of the events and the impact that they had on the families of those involved. I believe that the report is a thorough and detailed account of these events and I am grateful to Dr Flynn for her professional work over the past eighteen months. I am also grateful to those individuals and organisations that have contributed to Dr Flynn's work during that time.

The report, although recognising progress over the past decade, sets out a number of actions for consideration by a variety of organisations including the Welsh Government. I will be writing to each of those organisations to request a response that I will then publish on this website, alongside the report. The Welsh Government itself will make a statement on its response in the autumn.

<http://gov.wales/topics/health/publications/socialcare/reports/accountability/?lang=en>

## **P-03-240 Improvements to the A40 in Llanddewi Velfrey**

### **Petition Wording**

Due to the increasing levels of traffic, especially heavy goods vehicles, on the A40 and due to the inadequate provision of safe pavements and pedestrian crossings acknowledged by the Trunk Road Agency through research on behalf of the Welsh Assembly Government we, the undersigned, hereby demand the Welsh Assembly Government, as a matter of urgency, improve road safety in the village of Llanddewi Velfrey, Narberth, Pembrokeshire through implementation of the following measures:

1. Improve the inadequate pavement along the southern side of the A40 between Llandaff Row and the far eastern end of the village to ensure that it meets current safety standards, that it is sufficiently wide for the safe use of pedestrians, pushchairs and wheel chair users taking into consideration the proximity of heavy goods traffic passing by at speeds often in excess of the current limit of 40mph.
2. Install speed cameras at the eastern and western ends of the village.
3. Utilise the existing electrical installation for road crossing signs to provide flashing warning lights at times when children will be crossing the A40 to catch their school bus.
4. Install traffic calming measures at each end of the village and at road junctions to emphasise the need to reduce speed.
5. Reduce the speed limit to 30mph.

**Petition raised by:** Llanddewi Velfrey Community Council

**Date petition first considered by Committee:** September 2009

**Number of signatures:** 154

Edwina Hart MBE CStJ AC / AM  
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth  
Minister for Economy, Science and Transport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-03-240  
Ein cyf/Our ref EH/03029/15

William Powell AM  
Chair  
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

15 July 2015

Dear William,

Thank you for your letter of 3 July regarding the A40 at Llanddewi Velfrey.

On 12 June, I issued a written statement following the conclusion of the A40 Improvements Study. This statement confirms my intention to progress delivery of the A40 Llanddewi Velfrey to Penblewin scheme as soon as possible. You can access the written statement at the following link:

<http://gov.wales/about/cabinet/cabinetstatements/2015/a40/?lang=en>

An Employer's Agent will be in place by September with construction expected to start in Autumn 2017. European structural funds are being set aside to support delivery of the scheme, which will take two years to complete.

Speed enforcement is a matter for Dyfed Powys Police and I have asked my officials to pass on these concerns.

*Edwina Hart*



# Agenda Item 3.3

## **P-04-365 Protect buildings of note on the Mid Wales Hospital site**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to list or otherwise protect buildings of note on the former Mid Wales Hospital site. Unlisted but in the Conservation Area they are an invaluable part of the architectural and social heritage of Talgarth.

**Supporting information:** The Brecon and Radnor County Asylum had a Grand Opening in 1903. The souvenir booklet describes how □ thousands of people were present and every nook and corner of the huge building was inspected. □ Altogether the establishment was a wonder of its time. It is now in an appalling state of decay but this important example of an early Edwardian asylum of the compact arrow echelon style, designed by Giles, Gough and Trollope, noted by Pevsner and on SAVE Britain's' Heritage, Buildings at Risk register, is thoroughly worthy of conservation. Situated approximately half a mile from Talgarth in outstandingly beautiful countryside within the Brecon Beacons National Park, and Talgarth Conservation Area, it has a special relationship with Talgarth. Loss of any of the original/notable buildings would be an unacceptable loss of Talgarth's heritage assets.

**Petition raised by:** John Tushingham

**Date petition first considered by Committee:** 28 February 2012

**Number of signatures:** 206

**P-04-365 Protect buildings of note on the Mid Wales Hospital site –  
Correspondence from Members of the public to the Committee**

William Powell AM  
Petitions Committee  
National Assembly for Wales

Dear Mr Powell,

The petition P-04-365, lead petitioner John Tushingam, *“We call upon the National Assembly for Wales to urge the Welsh Government to list or otherwise protect buildings of note on the former Mid Wales Hospital site. Unlisted but in the Conservation Area they are an invaluable part of the architectural and social heritage of Talgarth.”* is still under consideration.

The committee has been extremely helpful in this matter for which I am most grateful. The Mid Wales Hospital is within the Talgarth Conservation Area and on the local list but I am wondering, in light of the renewed threat to the buildings, if it could be possible to ask Cadw to reconsider listing?

A statement written by Judith Alfrey of Cadw 16 July 2012, in response to a request from SAVE, gives a brief assessment of the historic and architectural interest of the former Mid Wales Hospital, Talgarth, explaining the basis of the decision not to list, but setting out the understanding of where its interest lies. Three years have passed since this statement was made and Cadw’s website tells me:

*A key element of Cadw’s heritage regeneration activity is action related to heritage assets in a deteriorating condition. We have been working to identify the number and type of listed buildings at risk in Wales.*

*Between 1840 and 1914, only buildings of a definite quality and character qualify (especially those which are the significant works of principal architects).*

*The focus for Cadw's future grant giving will be on historic building repair schemes which will help stimulate regeneration opportunities and/or which will help save listed buildings that are at risk.*

*A commitment to sustainability means making the most of all our resources, including our heritage, for the benefit of present and future generations. As part of this commitment, we want to make sure that regeneration is informed by heritage and a sense of place so that historic buildings can have a sustainable future.*

The original buildings of the Mid Wales Hospital are a heritage asset in a deteriorating condition. The architects Giles Gough and Trollope are principal architects in the history of asylum design. Listing might open the door for grants and demolition would hardly fit with 'making the most of all our resources'.

Yours sincerely,

Virginia Brown

Mrs Virginia Brown Rhydygarth Llandefalle Brecon Powys LD3 0NR Tel.  
01874 754270

### **Second response**

Mid-Wales Hospital, Talgarth

The buildings at the former Mid-Wales Hospital have been assessed on two occasions, but were felt to fall short of the high standard necessary for listing. They were assessed as part of a thematic survey of NHS hospital buildings which was undertaken to provide certainty about the listability of buildings on the NHS estate, and again when the community of Talgarth was surveyed. As part of the thematic exercise, some 230 structures on 35 sites were assessed for listing, and 42 structures on 11 sites met the listing criteria and were listed. These sites now set the bench-mark for listing.

Amongst the mental hospitals which have been listed, the earliest and most architecturally distinguished is the North Wales County Asylum at Denbigh (1846–8 by Thomas Fulljames), which is listed at grade II\* in recognition of its importance as a pioneering example of early Victorian asylum architecture. Also from the first generation of asylum buildings, Penyfal Hospital Abergavenny is listed grade II as one of the best C19 hospital buildings in Wales. The surviving original sections of 1851 are also by Fulljames, though with some remodelling by Giles, Gough and Trollope in the 1880s. By the early twentieth century, new thinking on hospital planning is best reflected in Wales at Whitchurch Hospital which is a close contemporary of the Mid Wales hospital, being built between 1902–1908. Like the Mid Wales hospital, Whitchurch uses the principle of echelon planning. It is considered to be the best example in Wales using this plan form, and is of exceptional architectural quality and character. When built, it was amongst the most modern of its period, offering provision for the latest treatment methods, and including facilities such as a large recreation hall.

Listing requires selectivity, particularly for buildings after about 1840, where it is necessary to identify the best examples of particular building types, selecting only buildings of definite quality and character. For twentieth century buildings, key examples are identified. As far as hospitals are concerned, Whitchurch Hospital has been selected as defining the standard for early twentieth century buildings.

Although the Mid Wales hospital does not meet the exacting standard required for listing, this should not be taken as meaning that it is of no value or interest, and its inclusion within the Talgarth Conservation Area would seem to be an acknowledgement of its local importance. Although when compared with Whitchurch Hospital, the buildings at Talgarth are stylistically conservative, they constitute a near-complete group in a harmonious style with good quality detailing (particularly in the use of materials), and a coherent plan: retention of its original echelon plan-form is probably the principal historic interest of this complex of buildings and although we have judged Whitchurch to be the key exemplar of this significant plan type, the buildings at Talgarth represent a good demonstration of similar principles. The relatively complete survival of the complex at Talgarth also enabling the

buildings to demonstrate approaches to mental health care in the early twentieth century.

Judith Alfrey  
16th July 2012

### Third response

#### Mid Wales Hospital, Expert Opinion.

Dr Jeremy Taylor who has written the most important history of the architecture of mental hospitals points to important innovative features in the layout of the hospital buildings.

Simon Bradley, the general editor of Pevnsers series of county volumes covering England and Wales has described the Mid Wales Hospital as a complex of high architectural quality and social interest.

Robert Scourfield the author of the revised Powys volume of Pevsner described the hospital as 'an incredibly complete site'.

Cadw acknowledges that the Hospital buildings are of value and interest and 'constitute a near-complete group in a harmonious style with good quality detailing (particularly in the use of materials), and a coherent plan: retention of its original echelon plan-form is probably the principal historic interest of this complex of buildings and although we have judged Whitchurch to be the key exemplar of this significant plan type, the buildings at Talgarth represent a good demonstration of similar principles. The relatively complete survival of the complex at Talgarth also enabling the buildings to demonstrate approaches to mental health care in the early twentieth century.'

#### Clem Cecil of SAVE Britain's Heritage

A model Edwardian hospital of 1900 designed by London architects Giles Gough and Trollope, with an unusual echelon plan set in rolling green fields on the lower slopes of the Brecon Beacons National Park, was saved from demolition in October last year by the unanimous vote of members of the

planning committee of the National Park Authority.

The hospital buildings have lain empty for over ten years and their treatment should be seen as a national scandal. They are not listed but last year the conservation area was extended to include it as an acknowledgement of its significance

What struck me on visiting the Hospital again is the beauty and potential of the site, but also the lack of responsibility of the present owner who has neglected to maintain the buildings since he acquired them. Despite this, much of the site is bearing up well. The buildings are in a conservation area and therefore constitute an important part of local and national heritage.

SAVE believes that the Mid-Wales Hospital site offers the opportunity to retain an important group of historic buildings in their original setting, whilst creating new homes and new jobs through the restoration and conversion of the site buildings.

SAVE has successfully worked in many sites all over the country bringing them back into use, often in desperate situations. Architect Graham Frecknall, who has substantial experience of working with mental asylums, including Pen-y-Fal in Abergavenny, is of the view that this site is eminently capable of reuse.

We beg to differ with Collins' comments that "the main ward buildings are well beyond a state of economic repair". A thorough structural survey is needed to come to such conclusions, and one has not been undertaken.

Mr Frecknall and SAVE both consider a successful scheme can be undertaken at Talgarth. He has prepared plans showing how the principal old buildings can be maintained. The scheme as shown contains 57 residential units created on the site, the majority in the old buildings, with a number of workspace units.

Some of the residential units can also make excellent holiday lets for National Park visitors. This will allow the old hospital to play a significant local role in tourism and local employment.

SAVE will continue to support local residents campaigning to get the best solution for this site.

# Agenda Item 3.4

## **P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32**

### **Petition Wording**

We call on the National Assembly for Wales to urge the Welsh Government to take action to reduce the noise from the M4 motorway to the west of junction 32 as it passes over the valley of the river Taff

**Petition raised by:** Margaret Watt

**Date Petition first considered by Committee:** 15 July 2014

**Number of signatures:** 19





Eich cyf/Your ref p-04-578  
Ein cyf/Our ref EH/03487/15

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

21 August 2015

Dear William,

Thank you for your letter of 6 August regarding petition P-04-578 Noise mitigation works on the west of junction 32.

My letter to you of 26 June outlined our current proposals for the M4 in this location.

It would not be feasible to produce noise reports for individual properties. The current priority list will be reviewed following the next noise surveying exercise of the motorway and trunk road network, which is programmed to start in 2017.

*Edwina Hart*

# Agenda Item 3.5

## **P-04-594 Cilmeri Community Council Appeal for The Prince Llywelyn Monument**

### **Petition wording:**

Due to the National importance of our Prince Llywelyn Monument we, the Community of Cilmeri call, on the National Assembly for Wales to urge the Welsh Government to:

- Install locational signage boards, incorporating a brown signage battlefield icon, to denote the historical significance of our village, on the A483 at both main road entrances to the village;
- Work in partnership with Powys County Council, Cilmeri Community Council and CADW to help maintain the famous monument, so that visitors can enjoy our national historical amenity in a safe and befitting environment;
- Help identify resources to implement, in a phased manner, the Lloyd Brown Interpretation Plan (January 2013), commissioned by CADW.

### **Additional Information:**

The interpretation plan highlights the fact that Llywelyn was the last native Welsh Prince to fall in battle, marking the effective end of the powerful dynasty of Gwynedd, which played an important role in forging a sense of Welsh nationhood and identity.

**Petitioner:** Cilmeri Community Council

**First considered by the Committee:** 23 September 2014

**Number of Signatures:** 305

Edwina Hart MBE CStJ AC / AM  
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth  
Minister for Economy, Science and Transport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-594  
Ein cyf/Our ref EH/02974/15

William Powell AM  
Chair  
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

21 July 2015

Dear William

Thank you for your letter of 1 July regarding petition P-04-594 in relation to Cilmeri Community Council's appeal for signing to the Prince Llywelyn Monument. This is also in response to your question in Plenary on 8 July.

Brown and white signs are generally provided for the purposes of traffic management. Tourist attractions need to meet specific visitor number thresholds before being eligible for tourism signing from the trunk road. We have produced guidance for the tourism industry which can be found at the following link:

<http://gov.wales/topics/tourism/grading1/brownandwhitesigns/?lang=en>

I have asked my officials to contact the Community Council directly so that they can discuss what help they can offer.

*Edwina Hart*

# Agenda Item 3.6

## **P-04-599 Impact of Domestic Rating on Self Catering Accommodation**

### **Petition wording**

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

1. Undertake a thorough review and impact assessment of the Non Domestic Rating (Definition of Domestic Property) (Wales) Order 2010, with particular reference to:

a. the potential for adverse impact on new self catering tourism businesses, as they develop their marketing strategies during the first two years of trading;

b. the critical impact of severe weather events on marketing strategies and hence occupancy rates during a particular calendar year.

2. Have regard to the findings of such a review, specifically by instructing the Valuation Office for Non Domestic Rates in Wales to adopt a flexible and business friendly approach, including potential for the retrospective waiving of Council Tax, where there is clear evidence of a genuine case.

3. Review its overall tourism marketing strategy, to ensure that Visit Wales registered self catering businesses are not disadvantaged by disproportionate emphasis upon coastal tourism and serviced accommodation, such as cruising and hotels.

As well as fostering a positive climate for new self catering business, this would also serve to create a level playing field for business with England and the other nations of the United Kingdom – and ensure that the self catering sector, so vital to the Welsh tourism economy, is no longer marginalised.

**Petitioner :** Chris Harris

**First considered by the Committee:** 23 September 2014

**Number of Signatures:** 27



Eich cyf/Your ref p-04-559  
Ein cyf/Our ref EH/03488/15

William Powell AM  
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

25 August 2015

Dear William,

Thank you for your letter of 6 August regarding Domestic Rating and Self Catering Accommodation.

The self catering legislation to which the petitioner, Mr Chris Harris refers is being revised and is planned to come into effect from 1 April 2016. It will apply to operating self catering businesses. Self catering premises will have to be operating as a commercial business for the legislation to apply and to fully meet the current required criteria set out below:

- properties will be available for letting commercially as self-catering accommodation for short periods totalling 140 days or more in the following 12 month period.
- in the 12 months prior to assessment it has been available for letting commercially as self-catering accommodation for short periods totalling 140 days or more.
- the short periods it has actually been commercially let total at least 70 days during that period.

From 1 April 2016 in Wales, the criteria above will continue to apply but there will be a new provision so that:

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

Current legislative provisions do not confer the powers to allow for regulations to apply retrospectively therefore, the new provision will only apply from 1 April 2016 onwards.

You will wish to note that a consultation which seeks the views regarding the proposed Order and associated Ratepayers' Guidance is currently open for 6 weeks and will close on 7 September 2015. I welcome the views of any interested parties.

*Edwina Hart*

**P-04-599 Impact of Domestic Rating on Self Catering Accommodation – Petitioner to Committee, 10.09.15**

Dear Kayleigh

I really can't believe the attitude and angle of the Welsh Assembly on Self Catering Cottages. There still seems to be very little help and after agreeing that the policy at the moment is wrong. I have shown as a business that we have acted honestly and run our business properly. Even when I went to my hearing I have in writing that I had a good claim, but it was not their place to say anything. So what did I go to the hearing for? Surely if you can prove that you run the business properly, this should all be taken into account.

This letter from Edwina Heart, if I understand it, I believe does not help us at all. The Welsh assembly for honest businesses who have a good case should be listened to and taken back retrospectively. Also why have the Welsh assembly only looked at businesses with 2 or more Cottages. What is this about? This does not help us or other businesses with one cottage.

Best Regards

Chris Harris



# Agenda Item 3.7

## **P-04-626 De-Trunk the A487 Road Through Penparcau, Trefechan & Aberystwyth Town Centre**

### **Petition wording**

We call on the Welsh Government to take all necessary action to initiate the 'De-Trunking' of the A487 (the removal of 'trunk road status") on a specific section of road that runs through the residential and urban communities of Penparcau, Trefechan, and Aberystwyth town centre. This action would encourage the alleviation of traffic congestion and enhance road safety within these communities and town centre, and as a consequence would facilitate wider social, environmental, economic and health & well-being benefits within an area that the Welsh Government has already deemed necessary of significant regeneration investment and support.

### **Additional Information**

Penparcau Community Forum, a community development partnership providing a strong collective voice for the community of Penparcau, are actively campaigning for the section of the A487 road running through Penparcau, Trefechan and Aberystwyth town centre to be removed of its 'Trunk Road' status. This would enable greater local accountability and provide enhanced flexibility for the provision of traffic calming measures and enhancements, which would promote a safer road and environment, and encourage alternative activities such as cycling and walking. The A487 'trunk road' currently runs through Great Darkgate Street, the main shopping street within Aberystwyth town centre, which is part of a Welsh Government, sponsored Strategic Regeneration Area.

### **Penparcau Community Forum**

**Lead petitioner** Dylan Jones

**First considered by the Committee:**

**Number of signatures:** 65 online signatures.

Edwina Hart MBE CStJ AC / AM  
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth  
Minister for Economy, Science and Transport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-626  
Ein cyf/Our ref EH/03024/15

William Powell AM  
Chair  
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

14 July 2015

Dear William,

Thank you for your letter of 3 July regarding petition P-04-626 to de-trunk the A487 through Penparcau, Trefechan and Aberystwyth town centre.

As I advised in my letter of 10 March, the draft National Transport Plan identifies the A44 and A487 in Aberystwyth as a potential de-trunking scheme.

The final version of the National Transport Plan to be published this summer, will provide the timescale for delivering the projects I will be taking forward.

*Edwina Hart*

## Agenda Item 3.8

### **P-04-333 Stop neglect and abandonment of horses and ponies by enforcement of microchipping laws**

**Petition wording:**

The Society for the Welfare of Horses and Ponies has been inundated with calls for assistance from concerned members of the public, horse owners and the Police for horses found abandoned, neglected and injured. Many have been injured from wandering on to the roads causing great risk to Motorists.

None of these horses are microchipped which has been a legal requirement for foals born after July 2009 which means the owners cannot be traced. We call upon the National Assembly for Wales to urge the Welsh Government to ensure effective enforcement of microchipping and Equine passports as laid down in the 2009 Legislation.

**Petition raised by:** The Society for the Welfare of Horses and Ponies

**Date petition first considered by Committee:** 11 October 2011

**Number of signatures:** 2114

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-333  
Ein cyf/Our ref RE/00440/15

William Powell AM  
Assembly Member for Mid & West Wales  
Chair Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

8 July 2015

Dear William,

Thank you for your e-mail of 10 June, which was forwarded to me via the Committee Business Manager, in respect of petition P-04-333 'Stop neglect and abandonment of horses and ponies by enforcement of micro-chipping laws'.

As you have identified, the introduction of the Control of Horses (Wales) Act 2014 has provided enforcement authorities with additional tools to address the issues of abandonment of horses and ponies across Wales. There was, as part of the Bill process, a public consultation on the legal framework available to enforcement authorities tasked with dealing with fly grazing and abandonment issues. A copy of the summary of responses is enclosed for information and it may be accessed from the Welsh Government website at:

<http://gov.wales/consultations/environmentandcountryside/fly-grazing-consultation/>

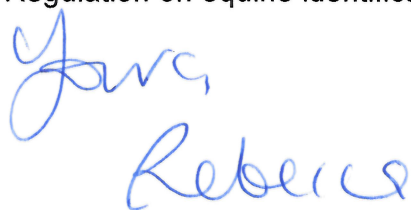
Many of the consultation responses included suggestions on how fly grazing and abandonment could be tackled, enforcement of the equine identification regulations being one such suggestion. In capturing the helpful ideas we received an equine action plan was developed to sit alongside the Control of Horses (Wales) Act 2014. The action plan provides a holistic approach to many of the issues raised and, when used alongside the Act, aims to provide enforcement authorities and all those involved in equine management with the relevant tools to deal with the issue of fly grazing and abandonment. A copy may be found at:

<http://gov.wales/topics/environmentcountryside/ahw/horses/control-horses-wales-act/>

The petition also sought greater enforcement of the micro-chipping laws to deal with the issues of neglect and abandonment. Equine identification is an issue that came to the fore in 2013 when the European Commission issued a 5 point plan in response to horse meat contamination within the human food chain. The plan included actions to tighten the requirements on equine identification and place a mandatory requirement for all Member States to record horse passports in a central national database.

A vote by EU Member States on 11 September 2014 resulted in the European Commission Regulation 504/2008 on equine identification being repealed and replaced. The new regulation will come into force on 1 January 2016 with the exception of the requirement for Member States to operate a central equine database which comes into force on 1 July 2016 for those Member States who do not currently have a database in place.

The Welsh Government will be holding a public consultation on transposing the EU Regulation on equine identification into domestic legislation later this year.



**Rebecca Evans AC / AM**  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food

Welsh Government

## **Consultation – summary of responses**

### **Fly Grazing and Abandonment of horses and ponies: Delivering a long term solution**

**Date of issue: July 2013**

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## **Overview**

Fly grazing is the term that has been adopted to describe actions by irresponsible owners who allow animals to graze on land where they do not have the consent of the landowner.

These actions often impact on public safety, on communities (public and privately owned land), the agricultural industry, the welfare of the animals concerned, as well as placing financial burdens on individuals and on the tax payer. Fly grazing is often accompanied by implied threats and intimidation as well as animal cruelty.

The Welsh Government vision is for a fly grazing free Wales. A zero tolerance approach to the practice that will ensure that the future sees Wales free from the unacceptable social, economic and environmental harm caused by the nuisance of fly grazing.

## **Introduction and background**

Fly Grazing, in simple terms, is the actions of irresponsible owners intentionally or negligently permitting their horses to graze on land where they do not have the consent of the landowner or where that consent has been withdrawn and the horse owner has refused to move them. In some cases the horses involved are unidentified in terms of ownership, appear suddenly, strip the land of available grazing and disappear as quickly as they appeared leaving the landowners with large bills to repair the damage caused.

Problems have been experienced over a number of years in South Wales in particular.

Reasons for the increase in the scale of the problem over recent years include the over production of horses, many of which are of poor quality, leading to a surplus of unwanted stock, a depressed market in horse sales, the high price of winter feed and the lack of available grazing land. All these factors have contributed to the fly grazing problems experienced across South Wales.

The main issues associated with fly grazing and abandoned horse and ponies are:

- a risk to public safety when stray horses are found on highways causing road closures and diversions to motorists and potential accidents;
- a nuisance to communities (on public and private land including parks, playgrounds and other public spaces);
- an impact on the agricultural industry when land and fencing is damaged leaving insufficient grazing for the landowners' own stock;



- an environmental impact when ground is overgrazed and land becomes poached;
- welfare concerns linked to the discovery of uncared for and dead and starving horses; and
- a considerable financial burden to those dealing with the problem. Current estimated costs to the enforcement authorities in Wales (Police, Local Authorities, RSPCA and the Fire Service) since November 2011 amount to some £1.2 million.

The horses involved are often left for long periods of time and with their ownership unknown or in doubt, leaving landowners in a very difficult position as they become responsible for the welfare of the animals and potentially for any damage the animals might cause if, for example, they escape from fields onto public highways and cause an accident.

### **Purpose of the consultation**

The purpose of this consultation is to look at the current legislative framework in order to determine whether it addresses the situation we are currently facing and to identify whether there are gaps and what if anything, the Welsh Government might do to provide enforcement authorities with more appropriate means of dealing with fly grazing and abandonment of horses in Wales.

Those authorities that have tackled the issue and seized horses have either had to re-home them via equine charities or sell them via auctions. Where they have been offered for sale, local authorities recoup only a tiny proportion of the costs incurred. These costs, which can run into several hundreds of pounds per horse, are a drain on local authority resources. The problem is often exacerbated as having taken action and incurred costs, the same horses have been found to reappear in “the system” perpetuating the cycle of nuisance and cost. The practice of re-homing horses, seized as a result of fly grazing or abandonment, with equine welfare charities has now become unsustainable due to the fact that the charities no longer have capacity to take the large numbers that are being reported.

Feedback received from some local authorities indicates that the current legislation available to them is inadequate to enable them to tackle this issue on this scale. The consultation sought the views of enforcement authorities, stakeholders and other interested parties on what the Welsh Government might do to find a sustainable response to the problem of fly grazing and abandonment of horses and ponies in Wales.

## Consultation period and distribution

The consultation ran for a period of 8 weeks starting on 4 March 2013 and closing on 29 April 2013. The consultation was published on the Welsh Government website, highlighted in Gwlad magazine, and e-mailed to major stakeholders, local authorities and individuals with an interest in horses and the fly grazing issue.

## Summary of responses

The Welsh Government would like to thank all those who responded to the consultation. The responses have been analysed and considered as part of the process of determining what measures need to be taken to ensure a robust and consistent approach to fly grazing across Wales. In total there were 602 responses. 77 of these responses were received via the official response form as published on the Welsh Government website, 505 responses were generic responses believed to have been circulated via social media. Of the 505, at least 60 were identified as being from countries outside the UK and as such have been excluded from this analysis. A further 20 responses were received as individual letters or included additional information or suggestions as part of the generic responses. A break down of respondents is shown at Table 1

**Table 1: Responses received split by sector**

Sector	Number of responses	Percentage of total respondents from each sector
General Public	500	92%
Local Government	13	2%
Emergency Services	3	1%
Welfare Charities	10	2%
Other Equine Related organisations	6	1%
Other organisations with an interest	7	1%
Farming Unions and CLA	3	1%
<b>Total</b>	<b>542 *</b>	<b>100%</b>

\* Excludes those 60 responses identified as coming from outside the UK.

## **Recurrent themes**

There were a number of recurrent themes throughout the consultation. There was criticism of the current equine identification regulations and resulting difficulties experienced by the enforcement authorities in identifying ownership of the horses involved. There was concern over the costs to authorities, the lack of resources and staff time to deal effectively with the issue and the difficulties and dangers faced by those left to deal with what in many cases are semi feral animals. The lack of truly secure facilities to hold horses was repeatedly mentioned and many had concerns about the dangers that the fly grazed horses pose to the public and the psychological impact on land owners and tenants and the public in general. It was also widely recognised that charities are not resourced to cope with the additional numbers and that fly grazing and abandonment is often accompanied by cruelty and serious welfare concerns. Those that had some experience of, or where aware of, the role of local authorities recognised that the majority of the horses involved are in poor condition which ultimately results in additional costs for authorities in meeting the health and welfare needs of animals seized.

An issue that came across very strongly was the impact that fly grazing and abandonment has on communities. Many of the responses received contained personal accounts and in some cases graphic details of the impact that the nuisance has on their daily lives.

Although certain consultation questions were perhaps more relevant for enforcement authorities as they addressed specific issues on the use of legislation, responses to these questions were also provided by charities and members of the public. The comments have been noted and although not always entirely relevant to the questions they do provide an understanding of how the situation has affected people and a realisation that urgent action is now needed to deal with the problem.

## **Responses by question**

A total of 542 responses were received. However, 445 of these were generic responses believed to have been circulated via social media. These responses covered the same issues and are dealt with separately at the end of this document. In addition, a further 20 responses were received as letters addressing specific areas or providing “add-on” suggestions to the generic response. The comments or suggestions from these responders are also recorded at the end of this document.

77 full or partial responses were received using the template issued. These responses are analysed as follows.

**Question 1: Do you agree with the Welsh Government definition of FLY GRAZING. If not what is missing and how would you define the term Fly Grazing?**

53 of those responding (69%) agreed or agreed in principle with the definition. However, 25 of these respondents went further and provided additional suggestions. 7 respondents (9%) did not agree with the definition whilst a further 6 respondents (8%) provided alternative suggestions. 11 respondents (14%) had no views and therefore did not answer the question.

Those agreeing in principle suggested that reference should also be made to keepers / anyone caring for the horse(s) or third parties acting as agents for owners which would help to avoid situations where people claim not to be “the owner”. It was further suggested that the term landowner should be replaced by ‘occupier’ to cover tenant farmers, those with commoners’ rights and the reference to ‘horse’ should be replaced by animal so it is not restrictive and species specific. It was considered that the environmental impact should be included to recognise the damage caused to land and the consequences for landowners incurring over-grazing penalties.

Those disagreeing were of the view that the definition did not go far enough and reference should be made to the illegality, dumping, welfare, economic, anti-social behaviour and the public safety impact resulting from poor animal husbandry.

Additional suggestion included extending the term ‘land’ to include, ‘Common Land’ and those with ‘Commoners rights’, public land including parks, housing estates and highways. Several respondents suggested that the definition should include animals tethered as well as free grazing.

Responses from those enforcing legislation requested that any definition should clarify the words ‘intentionally’, ‘negligently’, ‘consent’, ‘refused’ and ‘owner’. In addition it was suggested that irresponsible be removed as owners may not see themselves as behaving irresponsibly, particularly when acting to provide food for animals in their care.

**Question 2: Do you agree with the Welsh Government definition of ABANDONMENT. If not what is missing and how would you define the term abandonment?**

52 of those responding (68%) agreed or agreed in principle with the definition; however 14 of these respondents went further and provided additional suggestions. 11 respondents (14%) did not agree with the definition, 7 respondents (9%) provided alternative suggestions and a further 7 respondents (9%) did not answer the question.

As was the case in respect of Question 1, the majority agreed with the Welsh Government definition. However, there was some debate on how the definition could be improved.

Abandonment was considered to be where a horse is given up by its owner or someone with the owner's authority where he/she has no intention of reclaiming the horse either on a temporary or permanent basis and where no provision has been made by the owner for a suitable person to provide for that horse's welfare needs. The act of abandonment occurs when horses are left on land for which the owners have no ownership or tenancy rights (public, private, common land including the leaving of horses in livery yards without payment). With no owner/keeper to provide for the animal's needs, abandonment can compromise the welfare of a horse.

It was also suggested that abandonment applied to horses 'historically' living on land where there is very little chance of finding the original owner. In addition, it was also considered that there was an issue of temporary abandonment with owners / keepers returning at a later date when circumstances / weather improve. In addition there is the issue of abandonment when fly grazing 'goes wrong' and the owner would need to make themselves known to reclaim their animals resulting in the abandonment of whole groups of horses.

Those responsible for enforcing legislation had concerns that the definition as drafted could be ambiguous and as such suggested that an alternative definition might include leaving horses on land where they no longer have permission and with no intention of reclaiming them or where it would be reasonable for the land owner or authorities to assume that the horse owners have no intention of reclaiming them. The action of a horse owner or person acting on behalf of the horse owner in permitting their charges to roam at will, or range over and graze on land in the absence of specific and current consent of the landowner, tenant, agent or person lawfully empowered to give consent for the use of the land in this way.

Those disagreeing considered that the definition did not go far enough and reference should be made to the welfare of the animals concerned, along with providing a legal definition of the terms abandonment, temporary abandonment and dumping. It was also felt that the term 'intention' would be difficult to prove and therefore should be replaced with a time period in which owners should tend to their horses needs. Concern was also expressed that reference to Common Land and tethering were missing from the definition as was reference to any associated intimidation.

A number of respondents raised the repealed Abandonment Act 1960 with it being suggested that the Welsh Government should include the provisions that were previously set out under this Act in any new legislation. However, others considered that it would be a retrograde step to reintroduce the offence of abandonment unless it could be framed in the context of making adequate arrangements to meet the

needs of the animals. An additional suggestion was that reference be made to the definition of abandonment under the Animal Health and Welfare (Scotland) Act 2006

**Question 3: Have you experienced incidents of fly grazing / abandonment within your local area of Wales? If YES please provide details of how the incident(s) has/have affected you and your surroundings.**

Question 3 evoked the greatest number of responses with many respondents having personal experience of how fly grazing had impacted on their lives and the general public nuisance that fly grazing causes.

Intimidation, alleged threats and actual damage to property such as barns burnt down, tyres slashed, fences cut and gates and walls damaged were all reported. Many had witnessed horses loose in public places – schools, playgrounds, roads, housing estates, gardens, local nature reserve, community and sports fields and footpaths. There were reports of members of the public including children being forced into hedges, gardens and onto roads to escape loose horses. It was also recognised that fly grazing prevents legitimate graziers using the land, ruining farmland and putting livelihoods at risk.

Problems were reported as particularly acute on common land with cases often linked to serious welfare issues with emaciated animals left in unsuitable environments with little or no food and water. Diseases such as strangles are prevalent, ponies are worm infested and many horses are left dead or dying with carcasses dumped or left to decay.

Sites recorded as special areas of conservation have been damaged as a result of fly grazing; both poaching and overgrazing has led to sites failing to achieve favourable conservation status. In addition the unauthorised grazing of SSSI's has impacted on nesting birds and damaged important features through the poaching and trampling of ground.

Reports of horses left seriously injured or dead on roads were also highlighted as were reports of horses stuck in the tidal mud and mares with young foals drowning as a result of being cut off by incoming tides. Tethering was also noted as an issue of concern with many horses having no access to shelter, food or water and often subjected to acts of cruelty

Local authorities who have been at the forefront of the issue reported dealing with large numbers of fly grazed horses, all of which had come at a significant cost. Those dealing with the problem have had to put up with harassment and intimidation and have in the main had to rely on external parties and charities to assist as staff do not have the expert knowledge / skills to deal with the issue in house. The issue

has in many cases diverted officers away from other duties resulting in authorities not meeting their other key performance indicators.

The Emergency Services highlighted the amount of resources and officer time spent dealing with the issue and the serious risk it presents to both the public and service personnel dealing with large numbers of horses on roads.

Charities have borne the brunt of the issue having to pick up and deal with injured, sick and malnourished animals that they have taken into care. One charity has facilitated the removal of 329 equines from Wales during 2012 all of which were the subject of fly grazing. Other charities have acted in an advisory capacity responding to horse owners who find horses on their land and then have difficulties establishing if they have been abandoned.

One of the Farming Unions reported that a survey of their members had indicated that 5% had been directly affected by fly grazing with a similar number knowing of a neighbour affected.

Several respondents indicated that they had been personally financing help for many of the abandoned horses through the purchase of fodder and provision of water to both tethered and free grazing animals. A number of respondents used the opportunity to call for greater controls to be introduced including the castration of stallions / colts and commoners being required to move their animals off in the winter in order to identify those horses that are abandoned / fly grazed.

**Question 4: Have you used (or know of the use of) Section 7 of the Animals Act to find a solution to fly grazing / abandonment and if so did it provide an effective outcome? If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?**

56 (73%) of the 77 respondents provided a response or offered opinions on this question although many had neither used nor known of the use of this Act.

Many of the local authorities responding commented that they had used this legislation to deal with fly grazing / abandonment issues. However, concerns were raised over the legality of using the Act in that it applies to stray animals or the involuntary trespass of animals and is therefore not fit for purpose in dealing with the problem of fly grazing as the intentional and calculated exploitation of other's land for grazing. Horses found fly grazing often have not strayed onto the land, they have been placed there so it is believed that anyone using the legislation could be open to legal challenge by those deemed to be the owner of the horses if animals are sold, given away or destroyed.

Those who had used this Act, noted that it provided free grazing for a fortnight and, with a requirement on authorities to microchip and obtain passports before disposal, it was unlikely that there would be any form of cost recovery. Seizure and sale via an auction / market was noted as having the potential to fuel the abandonment / welfare problems as the low price seized horses sell for could result in them being bought by unscrupulous / inexperienced persons. Where authorities had seized and sold at auction there is evidence of owners buying the horses back for less than what authorities invested in them to make them saleable. It was considered that when authorities used the Act they were in fact doing owners a favour in removing and disposing of low value horses; in essence a loophole for getting rid of unwanted stock at no cost to the owner.

It was also felt that it was not practicable for use by private residents and would be both unjust and unrealistic to expect a householder who has horses abandoned in their garden to hold them for 14 days. It was noted that the average person does not have the knowledge of legislation to act to dispose of horses so the Act fails when the property owner / occupier is inexperienced with equines or does not have adequate facilities, finances or resources to cope. The civil recovery method appears to provide incentive for abandonment as regulators are limited in their response unless there are accompanying welfare concerns. It was also considered that the Act fails on common land where local authorities and commoners associations are disjointed and there is a lack of communication, policies and protocols and on tidal marshes where abandoned equines drown because authorities do not have the staff, knowledge or equipment for dealing with the issues in this environment.

Problems with the Act as it currently stands were sighted as favouring the fly grazer to the disadvantage of the landowner. Where 14 day abandonment notices are posted horses are often removed on day 13 following damage to fields, fences, gates etc. Following removal these horses are often replaced with others in an ongoing cycle. The Act takes no account of the low value of the majority of the animals found fly grazing / abandoned and the costs associated with keeping them for 14 days; impounding, transport, feeding, veterinary treatment, micro-chipping, passports and specialist handling costs all of which outweigh the value of most of the horses seized. Many are in poor condition which not only places responsibilities on the landowner who becomes responsible for their welfare but also adds to the landowners / authorities costs as they may not be fit for transport and require conditioning for sale. The Act requires that proceeds from any sale have to be returned to any owner subsequently coming forward.

In addition the lack of secure pound facilities was also considered an issue that makes it difficult to find a resolution to the problem. It was also considered that the time for holding horses (14 days) was far too long and should be amended with suggestions ranging from slaughtering immediately, within 48 hours as many are in



poor condition and not worth selling, to disposal after 7 days. It was also considered that if an owner could be identified they should be given the chance to reclaim the horse within 12 hours paying the local authority costs and a penalty. Failure to pay any costs and fee within 14 days should create an offence.

The law as it currently stands is viewed as ineffective as few horses are traceable to an owner. There is a need to remove the protection for those that fly graze by allowing landowners to prove that fly grazing has occurred rather than having to first establish the identity of the owner.

**Question 5: Have you used (or know of the use of) any of the provisions under the Animal Welfare Act (AWA) 2006 to find a solution to fly grazing / abandonment and if so did it provide the necessary outcome required? If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?**

50 (65%) of the 77 respondents answered this question providing a view or offering an opinion. Many responding on behalf of local authorities had used the Act to a greater or lesser degree to resolve situations of abandonment / fly grazing where welfare was the driver. Those Charities that responded had assisted the work of local authorities and as a result offer comments on the mechanics of the legislation.

The AWA was seen as an excellent tool for promoting and protecting the welfare of animals when the responsible person or owner is known. It was recognised that the Act was not designed to deal with vagaries of fly grazing and any amendments might undo real benefits the Act has brought to animal welfare since 2006.

The greatest difficulty with employing this legislation is the identification of the owner / persons responsible coupled with the resources needed to enforce it through the use of specialist and professional expertise. The fact that the legislation hinges on the identification of the owner being known and also only applies where there is a welfare issue confirms that it was never designed for dealing with large scale flagrant breaches and therefore was not considered a suitable vehicle for dealing with fly grazing.

A major problem of the Act was seen as being the fact that those who inadvertently become victims of fly grazing and abandonment, i.e. the landowner / occupier, then become responsible for the welfare of the animals simply by having animals on their land / premises. Many felt that the Act should be amended to remove the duty of care in these instances whilst others called for a system to identify owners from their animals so they can be held to account with responsibility only falling to others (whether on a temporary or permanent basis) if they have formally agreed to accept

such responsibility. It was also recognised that fly grazing presents a disease risk to in-situ livestock and as such landowners / occupiers should be able to make the decision to euthanize an animal that does not warrant the investment for veterinary care. Concerns were also raised that where landowners find themselves responsible it could provide an incentive to turn fly grazed or abandoned animals off their land on to the highway.

A number of authorities highlighted the significant time and costs involved in tracing owners and where expert witnesses were required Animal Health and veterinary Laboratory Agency (AHVLA) Vets were highlighted as being a resource that Local authorities would welcome to assist them in bringing prosecutions.

There was some criticism of various sections of the Act as the interpretation is variable. The justification for repealing the Abandonment Act was that abandonment would be covered by Section 9 in the case of needs not being met. Although this was considered logical it was unhelpful as many equine abandonment and fly grazing cases result in a situation that initially meets the need for a suitable environment and diet. However, other provisions, notably to protect equines from pain, injury disease for example, cannot be met if an owner is absent. It was noted that it is hard to prove that an owner does not attend (unless 24hour surveillance is carried out) so those working under the Act struggle to fully establish to what extent all needs are being met. The Act is silent on what time period is reasonable for owners to be absent and as a result equines invariably end up suffering. Those who took issue on this point felt it would be appropriate to stipulate the minimum period of a day or two before an owner is considered to be absent but a week or 14 days allows too much time in which there is a vacuum for action.

In summary, it was noted that the complexities of the Animal Welfare Act make it intimidating and costly to use, greatly complicates the process of addressing abandonment and fly grazing and as a result those knowingly practicing fly grazing will continue to do so knowing the window created by the protracted legal process will provide them with up to virtually two weeks of free grazing.

**Question 6: Do you have any further views on the provisions available under the Animal Welfare Act which might assist the Welsh Government in providing a solution to fly grazing / abandonment? Please provide details.**

43 (56%) responses were received to this question with suggestions ranging from licensing those wishing to buy a horse, the provision of centrally funded secure pounds / green yards, employment of additional welfare officers / horse wardens, the micro-chipping of all horses and the registration of all equine premises / establishments and owners as well as equine movements.

It was suggested that the Welsh Government codes of practice should be amended to include the issue of over-breeding and that in cases where there was a failure to meet any of the 5 needs (a suitable environment, a healthy diet, able to behave normally, has appropriate company, protected from pain, suffering, injury and disease) the codes be used to serve meaningful improvement notices.

Concerns were raised over the interpretation of some sections of the Act including Section 20, and the reluctance by Courts to utilize this section in the misconception that in order to use Section 20 and allow the disposal of the horse there needed to be a presumption of guilt. The costs to prosecuting authorities of retaining, rehabilitating and caring for the animals during the lengthy legal process can be prohibitive. The issue of how enforcement authorities might legally seize fly grazed horses which are placing an unfair and unnecessary burden on landowners when private vets are sometimes unwilling to sign a seizure notice was a point that it was considered needed addressing.

One group of respondents were of the opinion that the Act was suitable to deal with the practice of fly grazing and abandonment through the use of Section 3(3) and 9(1) and felt that authorities should be pursuing cases vigorously with a zero tolerance approach leading to disqualification from owning a horse.

**Question 7: Have you used (or know of the use of) provisions under the Equine Identification (Wales) regulations 2009 to find a solution to fly grazing / abandonment and if so did it provide the necessary outcome required? *If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?***

The questions on Horse Passports and their application drew a considerable response from both enforcement authorities and general stakeholders. Of the 77 responses 52 (68%) provided a response although 23 (30%) of these responses had neither used nor witnessed the use of provisions to deal with issues of fly grazing and abandonment.

Of those that expressed views, a number felt that the concept of passports and microchips was a good idea however the fact that there was a lack of enforcement meant that the regulations were ignored by certain sections of society. Others considered the system a farce as fly grazed or abandoned animals are not likely to be identified as irresponsible owners do not wish to be linked to their horses.

Suggestions included reducing the number of passport issuing organisations, micro-chipping all horses in the UK including those working under the terms of the semi-feral derogations, placing a greater onus on vets and auctioneers to assist in

compliance and requiring the police to play an active role in spot-checking animals in transit. In addition, the fact that the transfer of ownership is often ignored adds to the general confusion and lack of traceability of animals. A number of respondents criticised the loss of the National Equine Database (NED) and called for it to be reinstated along with a system similar to the one operated by the DVLA for notifying changes in ownership.

Those tasked with enforcing the legislation felt that the Regulations as drafted were not fit for purpose and in many instances did not provide the correct powers or offences. It was recognised that the legislation and regulations were being used for a purpose that was never intended. Effective enforcement required resources with the suggestion that there should be dedicated equine teams. The issue of stolen or invalid passports was also sighted as a problem along with the reported use of bogus or untraceable microchips.

It was considered that the legislation should enable the owner to be traced. In practice this fails as the horse is either not micro-chipped or the microchip has not been registered, horses do not have a passport or the microchip is not linked to the passport and as a result the Regulations cannot solve fly grazing or abandonment. However it was recognised that the legislation would assist if every horse and owner were identified.

**Question 8: Do you have any further views on the provisions available under the Equine Identification (Wales) Regulations 2009 which might assist the Welsh Government to provide a solution to fly grazing / abandonment? Please provide details.**

This question gave respondents the opportunity to explore the Regulations further and provide solutions for consideration in any future legislation. 46 (60%) of those responding provided further suggestions including moving to a single body issuing passports linked to a central database, inclusion of photographs within a horse's passport, a register of horse keepers, the retrospective micro-chipping of all equines and the removal of concessions allowing some native ponies to remain unidentified. The suggestion of a DVLA type system for recording change of ownership was proposed by a number of respondents to aid traceability as was a British Cattle Movement Society (BCMS) type system for the issue of identification documents.

Respondents also felt that in order to deal with fly grazing sufficient resources needed to be made available for seizure with trained staff being employed to enforce the regulations. Local authorities should be provided with the powers to immediately destroy unidentified abandoned animals. To combat the rapid movement of unidentified horses between authorities it was proposed that authorities should mark them with a visible dye to identify when movements are made.

Many felt that there should be a greater emphasis on checks and tougher penalties on those that break the law including custodial sentences for those who do not comply.

Those advocating a change to the Equine Identification Regulations suggested that there was a need for the removal of the words “who has primary responsibility” where it states who can apply for a passport, thus allowing landowners, commons associations to identify animals and dispose of them and tighten up issues in respect of territory so that the Regulations are enforceable across borders.

**Question 9: Many of the horses and ponies found fly grazing or abandoned have no way of being identified. Please provide your views on how you think this issue might be resolved.**

63 (82%) responded to this question. Many of the suggestions mirrored what had already been reported under the previous questions in relation to the Regulations. Those suggestions on how to identify those fly grazing owners and horses included a number of responses advocating strict enforcement, powers to seize non compliant horses (un-chipped) and powers to cull.

There was also a suggestion that there should be an amnesty so that unidentified horses could be identified and chipped without enforcement action being taken. Further suggestions included chipping foals at birth, licensing of stallions, recording DNA, tattooing, visual identification, and issue of tamper proof passports, micro-chipping of all equines in the UK, vets to supply microchips and be responsible for the register and recording of owner details.

**Question 10: Have you used (or know of the use of) provisions under the Highways Act 1980 to find a solution to loose or abandoned horses fly grazing and if so did it provide the necessary outcome required? *If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?***

43 (56%) of those responding provided comments to this question.

Some authorities had only used the powers under the Act for genuinely escaped animals. However, proving whether it was intentional or accidental was recognised as being particularly difficult. Others were reluctant to use the legislation as tracing owners was difficult and the fines under the legislation are minimal so do not act as a deterrent to owners to stop their horses straying and do not reflect the time or costs of bringing cases to court. The powers under the Act do not contribute to combating stray or abandoned animals as landowners lose out as they end up with

the horses in their fields which may not be adequately or suitably fenced and if the horses stray further and cause an accident the landowner may well find that they are ultimately responsible.

While it was recognised that it is necessary to remove horses to protect the public from danger, the police response of putting horses into the first available field was considered not always to be in the best welfare interests of the horse. The action can make the situation worse by passing the problem to the landowner or the local authority to resolve. Furthermore the police are often ill equipped to handle or safely remove horses.

The policy of developing 'green yards' in England was seen as a partial solution whereby third party organisations are responsible for the safe removal and detention of horses found loose on highways. A number of respondents called for access to a central secure impounding facility and the logistical support and transportation to seize and remove large animals straying on highways.

Where an animal is seized it was considered that local authorities should be able to recover all costs before the horse is returned and if it is not claimed it should be rehomed or euthanized.

Responders suggesting that amendments should be made to this Act considered that section 155 could provide the basis for the creation of a general offence. It currently provides for horses 'found straying or lying on or at the side of a highway'. The term 'straying' in this context is interpreted as being limited to 'at the side of a highway'. If 'straying' could be extended to include other land, this would create a specific offence which would incorporate fly-grazing wherever it occurred.

**Question 11: Have you used (or know of the use of) provisions under the Environmental Protection Act 1990 to find a solution to fly grazing / abandonment and if so did it provide the outcome required? *If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?***

39 (51%) of those responding commented on this question although very few had either used or witnessed the use of this Act.

None of the local authorities responding had used this legislation to counter abandonment or fly grazing. It was not seen as a practicable solution if the owner or persons responsible for fly grazed horses was unknown as the Abatement Notice would have to be served on the land owner. The Act requires someone to have the enjoyment of their property affected by the conditions arising from the way the

animals are being kept. Other legislation was therefore considered more appropriate as cases of fly grazing tend to take place away from places of residence where it could be regarded as a statutory nuisance. Further comments suggested that authorities might have difficulties in proving definitions for the words 'prejudicial', 'nuisance', 'likely', 'recur' all of which would require expert opinion for clarification purposes prior to serving a notice.

**Question 12: Have you used the seizure of stray animals provisions under the Local Acts (Cardiff, Mid Glamorgan, West Glamorgan) in your local authority area to address fly grazing / abandonment and if so did it provide the necessary outcome required? *If you have responded either 'No' or 'Partly solved the issue' please state what the problems were, what in your view prevented a resolution being found and what might the Welsh Government do to assist in providing an appropriate solution?***

This question was aimed at those Local Authorities covered by those Local Acts currently available. However, many individuals also responded sighting their own experiences or what they believed to be the problems relating to the use of such powers. 12 of the responses came from individual local authorities or groups representing all Welsh authorities. Many had no experience of the Acts but were aware of their use and used the opportunity to provide feedback and raise concerns. In total 34 (44%) responded to this question.

It was recognised that the Local Acts can alleviate problems but can also displace the problem to another authority and with no means of identifying offenders it does little to deter inconsiderate and irresponsible owners from continuing the behaviour. Those local authorities covered by the Local Acts recognised their importance in dealing with fly grazing.

Many authorities were concerned about the costs of seizure, transport, secure impounding / livery for 14 days as well as either micro-chipping and passporting or euthanasia. With no means of claiming costs back as owners are often unidentifiable, many authorities were reluctant to intervene and would leave the problem to the landowner to resolve.

Providing consistent powers across Wales was considered to have the potential over time to bring about changes in culture and behaviour. However, consideration would need to be given to providing additional support for the enforcement of any change to legislation or consolidation of current legal requirements. Any changes to legislation should clearly cover fly grazing as it was currently considered that the Local Acts may only be used for straying horses so therefore does not resolve incidents of fly grazing or abandonment.

Reference was made to the current 14 day time limit for disposal with a suggestion that this is too long and needs to be reviewed. The current procedure for disposing of seized horses via a sale often results in the original owner purchasing them back at minimal cost with the horses ending up back in the system. Other areas that required clarification were the level of proof of identity for those claiming horses, seizure where local authorities are not the landowners and where those who are affected by the problem are reluctant to give permission for removal due to intimidation. It was also suggested that any horse on land for which no permission to graze has been given should be removed and sold / euthanized. Local authorities should not have to prove ownership unless they wish to pursue costs.

Use of the Local Acts was seen to have a potentially negative impact on behaviour of those who fly graze their animals as the resulting outcome is that their unwanted horses and ponies are seized and disposed of for free to the owner but at cost to the taxpayer.

A number of respondents did not feel that destruction was the answer and should either not occur or only be considered as a matter of last resort. There was also concern that there would be mental pressures on those people who have to deal with and decide on the fate of the animals concerned.

**Question 13: Have you used the seizure of stray animals provisions under the Local Acts (Cardiff, Mid Glamorgan, West Glamorgan) to destroy horses found as a result of fly grazing / abandonment? *If you have responded No' please state why not? If you have responded Yes, please provide details***

This question was directed at those local authorities covered by the provisions of the 3 local Acts. Of these only two authorities had actually euthanized horses seized under these Acts. This had been a case of last resort and where animals were unable to be re-homed or where they had irredeemable welfare issues. Other authorities had only used the powers in respect of those equines found straying on the highway and had either returned animals to owners following payment of an impounding fee or disposed of them via private sale or re-homing through charities.

Authorities dealing with the issue recognise that the numbers involved mean that this approach is unsustainable – charities simply cannot cope. Destruction was seen as being a tragic outcome and one of last resort but one that was often unavoidable.



**Question 14: If you are responding on behalf of a local authority that does not currently have access to the Local Acts described or are responding as a non local authority consultee, please let us know what you think about the potential destruction of horses**

Despite the fact that this question was aimed at local authorities just under 50% of all respondents (36) provided comments on this issue. 26 respondents (72% of those responding) either advocated a cull or recognised that this might be necessary as a measure of last resort.

In recognition of the fact that there are currently too many low value equines in Wales, destruction was seen as being unsavoury but necessary. While re-homing was seen as being the best option available, availability of homes cannot keep up with the demand.

Those that advocated a cull felt that it was desperately needed as there is currently an over saturated market of unidentified horses and destruction was seen as being a preferable outcome to letting them suffer. Although many felt a cull was the right option it was recognised that it would be difficult for the general public to accept and should only be considered as a measure of last resort where no suitable homes can be found or the costs associated with seizing and caring for the horses concerned cannot be borne by local authorities.

Amongst those opposed to destruction there was concern that such action would do nothing to deter over breeding and nor would it encourage responsible ownership. Euthanasia of healthy horses would only encourage further abandonment and a view that horses are a disposable commodity. It was considered that authorities need to look at other measures such as identification, enforcement, education and interventions to stop inappropriate breeding. Castration of males was suggested.

Welfare charities recognised that the issue of destruction of abandoned / fly grazed horses is a particularly difficult subject. Destruction to end suffering is an integral part of welfare work but destruction as a result of callous and irresponsible actions of owners goes against the values that underpin the values of welfare charities and their supporters.

**Question 15: Do you think that the seizure of stray animals provisions under these Local Acts (Cardiff, Mid Glamorgan, West Glamorgan) are appropriate to deal with the issue of fly grazing / abandonment? If not what is missing and how do you consider the changes you suggest may affect the situation?**

48 (62%) respondents had a view on this issue. However, only 10 of these advocated euthanasia, 3 stated their opposition to the issue. The remaining 35 respondents although recognised that something needed to be done, fell short of

advocating that horses should be destroyed. The remainder had no views on the issue.

Recurrent themes included the issue of resources to tackle the issue at source, the costs to authorities once the horse(s) had been seized and the lack of equine expertise or facilities to enforce actions without assistance from the voluntary sector to which the cost and impact is considerable. It was also noted that the costs of keeping horses under the current 14 day requirements were prohibitive and with costs ranging from £150 - £250 for carcass disposal many authorities were not adequately resourced to deal with the scale of the problem.

Concerns were also raised about the intimidation and reprisals and fear of such against landowners who as a result are often reluctant to get involved and to report and pursue matters.

Those supporting a legislative mechanism to facilitate the removal of fly grazed horses suggested that it would be prudent to introduce a single Act that would apply the same powers to seize and destroy throughout Wales. A number of respondents felt that on occasions when animals were not easily identifiable action should be taken quickly, they should be promptly destroyed, providing a fairer less expensive solution for landowners and local authorities. This permanent removal would have the benefit of not adding to charities' burden and would ensure that animals were not simply purchased and simply go round the system again having enjoyed free health care and identification. It was considered that fly grazing should be treated similarly to other criminal offences and where owners are identified stricter fines and penalties should be imposed to act as a strong deterrent.

Those that did not agree with extending the Acts to the whole of Wales considered that destroying horses would be a public relations disaster. Others considered that such legislation would relinquish irresponsible owners / breeders of any responsibility, costs or accountability and provide a service for the disposal of unwanted stock at zero cost to the owners.

One respondent felt that the existing local Acts were either not fit for purpose or were not being used effectively by authorities as the worst problems appeared to be in those authorities covered by the local Acts. It was also noted that some local authority officers are reluctant to destroy horses because of alleged intimidation, reprisals and personal attacks.

**Question 16: It is recognised that the seizure of stray animals provisions under the Local Acts (Cardiff, Mid Glamorgan, West Glamorgan) are not available to all local authority areas across Wales. Should the Welsh Government consider extending those fly grazing provisions to the whole of Wales?**

47 (61%) of the 77 responders commented on this question with the overwhelming number, 39 (51%), supporting an extension of the local Acts across Wales. Of the 8 (10%) that did not support an extension to the whole of Wales, 4 (5%) of these responses came from local authorities or local authority groups who advocated amendments to existing legislation.

Of those that supported an extension it was suggested that in order to manage expectations the Welsh Government would need to provide adequate resources to meet legislative changes and direct authorities to enforce the laws. It was further suggested that new legislation, that complements current Animal Welfare legislation, should encompass all aspects of horse ownership including welfare, identification, straying and abandoned / fly grazed horses with tougher sentencing provisions for those who do not comply.

**Question 17: Do you consider that new or amended legislation is required or that it is sufficient that the Welsh Government issue detailed guidance to enforcement authorities. Please state your preference and why.**

54 (70%) of respondents answered this question with 41 (53%) advocating a need for either new or amended legislation with a greater emphasis on enforcement. It was felt that tighter controls should be introduced on ownership and breeding. Suggestions included aligning new legislation with the Animal Welfare Act, the Environmental Protection Act 1990 (stray dogs), or the Highways Act 1980 (stray horses) and adding enhancements to the identification requirements.

Other powers that were sought included those to promptly seize any unidentified horse and destroy it, lifetime bans for offenders and the provision of additional offences for obstruction and increased enforcement options to include prosecution. It was also suggested that legislation should be amended to alleviate the disproportionate protection to the owners of the stray animals through making fly grazing a specific offence with deterrent penalties.

Those responders that were of the opinion that existing legislation was adequate suggested that all that was required was proper and consistent enforcement. Many considered there was a need for detailed guidance to support both existing legislation and any new or amended legislation.

**Question 18: Do you have any alternative information / ideas that may help the Welsh Government to find a long term solution to fly grazing / abandonment?**

43 (66%) of those responding provided additional information which centred around greater enforcement of current laws, making fly grazing and abandonment a criminal

offence, initiating stricter passport controls and providing local authorities with Horse Wardens or appropriate equine training.

Although the consultation stated that it did not concern breeding / over breeding or general equine welfare issues, many used the opportunity to call for the castration of stallions, the issue of breeding licences and an assessment system before anyone should be permitted to keep horses.

A number of respondents confirmed their view that some form of cull was required including the immediate removal and euthanasia of stray or fly grazed horses. In addition, it was suggested that all stock needs to be removed from Commons for 1 month and where owners do not come forward, animals remaining should be classed as stray / abandoned and disposed of.

Other suggestions included greater use of CCTV, lifetime bans for offenders, the compulsory micro-chipping of all equines, making sellers responsible for notifying PIOs of the transfer of ownership, licensing of all colts over 12 months of age, restrictions on the number of stallions kept for breeding, introduction of a DNA database, a register of equine keepers, an education / awareness campaign and implement the Gate Safe scheme seen in the Vale of Glamorgan.

**Question 19: We have asked a number of specific questions in relation to the legislation which is currently available to assist in resolving the problem of fly grazing / abandonment of horses and ponies. If you have any related issues which we have not specifically addressed, please use this space to report them or provide comments.**

Less than half (43%) provided additional comments and those that did covered comments that had already been addressed in response to earlier questions.

Related issues included giving landowners the right to impound and dispose or sell horses dumped on their land after 7 days and providing a single point of contact when an animal is dumped, abandoned or fly grazed.

The issue of identification and the associated problems were raised repeatedly. The micro-chipping of all equines plus a move to a single Passport Issuing Organisation which would by default provide a national database was advocated. It was also considered that microchips should only be available through vets and should not be able to be sold unless inserted in the horse. It was further suggested that there needed to be a cross compliance matrix for equines and equine establishments requiring inspection and that cross compliance requirements in Glastir should include equine welfare.

Common land was also seen as another problem area with suggestions that legislation be introduced making landowners / Commoners Associations liable for all animals grazing on commons and to put management systems in place to control the number of ponies grazing, control the release of stallions and implementation of a castration programme. Furthermore there was support for chipping all commoners' ponies.

## **Summary**

In summary, it was recognised that the problems are caused by a small minority of people who have scant regard for people or equine welfare. There is a need for a better legal framework to tackle problems by more effectively linking equines to their owners. This would benefit the wider equine sector by providing the means to tackle other problems such as irresponsible breeding and trading.

## **Generic Responses**

445 generic replies (believed to be via a social media campaign) were received. These responses mirrored many of the comments made by those responding to the individual questions and included:

Strengthening the legislation around horses including improving traceability and extending the local Acts to cover the whole of Wales. Stronger and more consistent enforcement with dedicated resources for local authorities and a mechanism for sharing best practice.

There was support for the resurrection of the National Equine Database and for one central database that records horse passports and change of ownership (DVLA system) along with an amendment to the passport regulations so that all horses are chipped regardless of age.

It was also considered that the Welsh Government should develop guidance and contingency plans for those effected by fly grazing as well as statutory guidance and conditions for local authorities to aid enforcement with measures being backed by adequate resources.

A further 20 responses were received which either added to the generic responses or were submitted as individual letters, these responses also mirrored many of the comments made but also added support for the introduction of a straightforward, robust and consistent legal framework to address the issue across the whole of Wales. It was suggested that there was a need to define 'Owner' as this implies that it is their right to determine how they treat 'their' animal – 'Carer' was proposed as a more apt description.

Those commenting on identification felt that freeze branding or hoof branding should be considered in place of micro-chipping.

Many considered that the current laws encourage fly grazing as horse owners who flay graze their animals know they have a minimum of 14 days of free food before seizure of the horses concerned. It was suggested that legislative changes were required to allow authorities to seize, remove and destroy horses immediately on occasions when landowners had not given consent for the animals to be present.

It was also considered that destruction was now effectively the only option as homes are no longer available and such a policy will demonstrate that there is a zero tolerance approach to the problem. Powers of sequester should be applied for any horses confiscated and slaughtered as a result of fly grazing.

Those representing commoners called for a system (as used under the Animals Act 1971 pre equine passports) that allows commoners to remove horses and dispose of them through an appropriate method that ensures that horses cannot enter into the human food chain. It was recognised that stocking densities needed to be realistic and that a cull should be implemented for badly bred non-descript ponies leaving fit healthy native animals. Another correspondent considered that horses should be allowed to graze freely in the uplands.

Those not supporting a cull suggested that set aside land should be used to provide temporary grazing for abandoned horses until such time as charities can find them homes.

Tethering was also raised and the need for any new legislation covers this issue with a view to the possible future banning of the practice.

It was also deemed necessary to encourage greater throughput at slaughterhouses through the establishment of a safe period between the administration and admission to the human food chain of those horses treated with phenylbutazone.

## **Equine Conference**

The Welsh Government held an Equine Conference on 11 March 2013 as part of the Consultation process. The Conference was aimed at enforcement authorities and front line officials with attendees from Welsh local authorities, Equine welfare charities, and the 4 Police Services in Wales. Delegates were asked to respond to two questions to help inform the consultation process.

**Question 1 - What, from your own experiences, has prevented you from solving the problem? The biggest obstacles / challenges?**

**Identification**

Many had problems identifying horses, and therefore their owners. The loss of the National Equine Database had resulted in a lack of traceability with the system put in place by Defra being considered cumbersome and too slow. It was suggested that microchips were easy to obtain and very rarely registered to owners. Many passports did not match the horse it purportedly was issued to and it was considered that there were too many derogations with a lack of clarity over who had a derogation.

**Resources**

The lack of resources was a major concern, especially when the numbers of horses involved and the high number of incidents of fly grazing were taken into consideration. The seizing, transporting and holding of horses provides logistical problems as well as considerable costs to local authorities. In addition, many authorities do not have specialist staff able to deal with the issues around fly grazing. It was reported that the average cost to a local authority of addressing fly grazing was £1,000 per horse with the resale value being as little as £5.

**Managing expectations**

There is an expectation that local authorities will provide an emergency response to the problem of fly grazing.

In reality there had been a somewhat uncoordinated response to incidents although this had been addressed following the establishment of the All-Wales Equine Task Force. Some authorities sighted the issue of intimidation of landowners and enforcement authorities as an obstacle along with delaying tactics used at Court which added to the costs incurred.

**Legislation**

Many recognised that some legislation was out of date, some lacked relevance to the current situation whilst other legislation had gaps rendering it not fit for purpose.

Powers were at best disparate and different interpretations led to unclear resolutions.. It was suggested that there needed to be a quicker process for bringing offenders to Court and that penalties should fit the crime and act as a deterrent.

It was further agreed that 14 days was too long for any abandonment notice, that authorities should look at using Section 18 of the Animal Welfare Act more widely and that there was a need for Courts to be encouraged to grant Section 20 Orders under the Animal Welfare Act.

## **Imports**

The lack of Border Inspection Posts (BIPs) and full enforcement at ports was considered to contribute to the problems.

## **Common Land**

Problems often arose when authorities need to determine whether commoners have rights.

## **Education**

There is a perceived lack of education of horse owners along with a lack of understanding by the Courts and insufficient sentencing guidance.

## **Miscellaneous**

The issue of over breeding limited castration of poor quality colts were all sighted as issues that had contributed to the problem.

## **Question 2 – If starting again what would you introduce to solve the problem?**

### **Identification**

It was agreed that a single UK Passport Issuing Organisation providing a database and a tamper proof passport that was fit for purpose would be fundamental to solving the identification problems. In addition, all horses should be microchipped before 6 months of age and vets should be the sole stockists of chips which, when inserted, should be notified to the PIO by the vet responsible for inserting the chip. Those horses not properly identified would be subject to euthanasia / cull. A further suggestion was that both the buyer and seller should notify the change of ownership and that there should be a registration system similar to the one run by BCMS i.e. premises / keeper / owner especially those keeping over a certain number of horses.

The reintroduction of stallion licensing by local authorities and the removal of all derogations for ponies on commons were also seen as crucial to solving the problem.



## **Education**

Education of all horse owners was seen as a long term objective. In addition, it was also suggested that guidance/information should be openly provided to the public on any future euthanasia policy.

## **Resources**

There was a recognition that in order to enforce properly there was a need for adequate resources (both people and funding) and that training was a key part of any enforcement activity. A national network providing a knowledge base was also deemed to be essential to deal with issues as was an all Wales Local Authority Protocol / infrastructure for dealing consistently with fly grazing that enabled action to be taken quickly resulting in timely disposal either via sale or euthanasia.

## **Legislation**

New legislation needs to be subject to scrutiny to ensure that it is workable and enforceable. Any legal framework must have penalties to fit the. On the spot fines were suggested. In the case of consolidating legislation to deal with abandonment and fly grazing, it was suggested that consideration be given to tackling the ineffective time periods and notices, 14 days was considered too long between seizure and euthanasia.

It was considered that more needed to be done to make Courts aware of the associated criminal activity that accompanies fly grazing and abandonment and there needs to be a fast-track service for courts to deal with S20 of the Animal Welfare Act 2006.

## **Miscellaneous**

The requirement for horse wardens, transport and large, secure animal holding sites were all considered essential to solving the issue as was the creation of a horsemeat industry. Classifying horses as agricultural animals with farm to fork identification and opening links to the meat and pet food market were all seen as ways of disposing of surplus horses.

## **Next steps**

In providing this summary document, the Welsh Government has considered all the consultation responses. Advice and recommendations will be put to the Minister for Natural Resources and Food on the results of this consultation in order to determine how a robust and consistent legislative framework might be provided in Wales.

## **P-04-333 Stop neglect and abandonment of horses and ponies by enforcement of microchipping laws- Petitioner to Committee, 10.09.15**

Dear Kayleigh,

Many thanks for your email of 3rd Sept with the Summary Response of the Consultation on Fly Grazing and Abandonment of Horses and Ponies.

I understand our existing Petition P-04-333 calling for the Enforcement of Micro chipping laws is to be further discussed at the Petitions Committee on 22nd Sept.

I would be obliged if you would pass the following to the Petitions Committee.

### **To The Petitions Committee**

It was very good news that the Welsh Government introduced The Control of Horses Act Wales – Wales led the way and eventually Westminster followed. However the Act does not go far enough in that local authorities are not obliged to use it and so often Charities are called upon to deal with the issue of an abandoned equine.

Since this petition was first raised The National Equine Database (NED) has been closed down by DEFRA and there is no way of tracing equines. The fact that there are approximately 75 Passport issuing agencies and no central Database does not help and makes tracing a horse's owner virtually impossible.

There is still seems to be no enforcement of the Micro-chipping laws when an owner can be traced!

There needs to be mandatory passports and micro-chips for **all** equines including those born before July 2009 and which is overseen by one competent authority with more stringent checks on passports requiring the sale of an equine to be notified to the Passport Issuing body (as with Motor vehicles to DVLA) Not only would this make tracing equines more efficient but essential in the event of a disease outbreak.

As a charity we have come across some microchips that have been impossible to trace as the number does not exist therefore with any new legislation it needs to include that only vets are able to microchip an equine.

Often the cost of microchipping an equine and obtaining the passport far outweighs the monetary value of the animal, sadly some foals are being sold for as little as £5.

The Registration of Stallions would in effect protect Native breeds on Commons and reduce indiscriminate breeding by irresponsible individuals producing unwanted poor quality equines (many inter-bred) of no or little monetary value and causing massive welfare issues.

I believe that the UK Government is working towards forming a new Central Database with one single Passport issuing authority with the suggestion that there should be a central Database in every European country. This would appear to be the way forward and I would urge the Welsh Government to support this.

We have made great strides for equine welfare in Wales but there is still a long way to go and I thank the Petitions Committee for their continued interest.

Yours most sincerely,

Sian Lloyd  
Trustee  
SWHP

## Agenda Item 3.9

### **P-04-445 Save our Welsh cats & dogs from death on the roads**

#### **Petition wording:**

We, the undersigned, call on all Welsh Residents who own cats and dogs to support our petition to the Welsh Government to remove the ban on electronic collars linked with invisible boundary fencing/hidden fencing so that we can protect our companion pets from harm either from: a) Road Traffic b) Straying into Danger c) Causing accidents for which we owners of cats & dogs might legally be held liable.

**Petition raised by:** Monima O'Connor

**Date petition first considered by Committee:** 15 January 2013

**Number of signatures:** 10 – Associated petition collected approximately 500 signatures

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P04-445  
Ein cyf/Our ref: MB/RE/2484/15

William Powell AM  
Chair of the Petitions Committee  
National Assembly for Wales.

16 July 2015

Dear William,

I am writing to update you on the proposed review on the policy intent behind the Animal welfare (Electronic Collars) (Wales) Regulations 2010.

Such a review is part of good practice to ensure the policy intent is still valid and that the legislation is still fit for purpose and based on the latest available evidence. These Regulations were made in 2010 and because there has been research published since the making of those Regulations it is timely to begin this review work.

I stated in Plenary on the 18<sup>th</sup> June in response to a question raised by Simon Thomas AM that I had met with the Chair of the Animal Health and Welfare Framework Group and discussed this specific issue with him. The Framework Group have now considered the policy and agreed that further work should be undertaken through a literature review by an appropriate University Department or independent researcher. My officials are currently arranging this.

Officials have also met with two interested parties who have made their concerns known about these Regulations. Also you will be aware that a collective view of support for these Regulations was also made earlier this year via an alliance of the RSPCA, Blue Cross, Kennel Club, Battersea Dogs and Cats Home.

I will write further when progress has been made on this subject.

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food

Bae Caerdydd • Cardiff Bay  
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CF99 1NA

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Correspondence.Rebecca.Evans@wales.gsi.gov.uk



## Save Our Welsh Cats & Dogs from Death on the Roads

Reference: P-04-445

Dear Members

I have highlighted repeatedly over the years, the failure of the RSPCA to acknowledge the distinction between the human activated dog training collars (which should be banned) and the animal-activated boundary fencing collars but also to recognise that their own former Chief Veterinary Officer Chris Laurence was using the boundary fencing system to protect his own cat & dog legally in England for decades.

The same is now true of Blue Cross whose CEO Steve Goody I was in email discussion in June. However he has failed to reply to my email when I enclosed a copy of the Kennel Club's response to the 2007 Public Consultation as welcoming the Welsh Assembly's distinction between the two types of collars and saying that "*they did not consider a ban on boundary fencing collars as necessary as the other devices*".

Steve Goody also failed to respond and when I asked him to tell me where I could read for myself the 'adverse scientific studies' specific to boundary fencing collars.

The fact these Agencies are putting their names behind the deeply flawed RSPCA so-called "Scientific Evidence" is very disturbing.

Also the fact that some of these Agencies will not rehome healthy cats & dogs in homes situated on or near a road but have them destroyed after a period of time is a horrific, national disgrace.

It is my and many others' belief that their misplaced ideology ends the lives of more healthy cats & dogs than it saves.

Monima O'Connor

## **P-04-500 Call for Regulation of Animal Welfare Establishments in Wales**

### **Petition wording:**

We the undersigned, call on the National Assembly for Wales to urge the Welsh Government to regulate Animal Welfare Establishments and legislate for compulsory requirements be met by all animal rescue establishments in line with the report produced by the AWW Animal Welfare Establishments Working Group October 2012. The Welsh Government need to put in place legislation for Wales under the Animal Welfare Act(2006), to protect animals from neglect and abuse.

### **Additional Info:**

More and more animals are suffering abuse, neglect and are being bred from in unregulated establishment who advertise as a Rescue Center, and we call upon the Welsh Assembly to legislate under the Animal Act 2006 to try and stop this from continuing.

**Petition raised by:** Lisa Winnett

**Date petition first considered by Committee:** 24 September 2013

**Number of signatures:** 265

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-500  
Ein cyf/Our ref RE/00603/15

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

[committeebusiness@Wales.gsi.gov.uk](mailto:committeebusiness@Wales.gsi.gov.uk)

16 August 2015

*Dear William,*

I write further to your letter of 7 May as you requested we provide an update on progress of the review regarding Animal Welfare Establishments (AWEs) in Wales (Petition: P-04 -500 Call For Regulation of Animal Welfare Establishments in Wales) when relevant.

My officials met with the Chair of the Animal Welfare Network Wales (AWNW) to discuss this matter. Concern was expressed that the report was heavily reliant on subordinate legislation being the way forward, appearing to dismiss possible other outcomes such as self-regulation, voluntary registration and/or the development of an agreed code of practice. It was felt that these needed to be explored further by the AWNW.

The Wales Animal Health and Welfare Framework Group have also considered the report; indeed, I attended one of the meetings where this issue was raised. They held a positive view of working with the AWNW, especially on the development of a staged approach and in particular the publication of a code of practice on AWEs.

Moving forward, AWNW have agreed to revisit the findings of their report and have, once again, engaged Mike Radford from Aberdeen University to assist in its review. The first meeting date is scheduled for September. An official from the Office of the Chief Veterinary Officer will be in attendance as an observer.

I will continue to update you on progress.

*Yn,  
Rebecca*

**Rebecca Evans AC / AM**  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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# Agenda Item 3.11

## P-04-629 Review and Enforcement of Control of Horses (Wales) Act 2014

### Petition wording

The Control of Horses (Wales) Act 2014 is proving not fit for purpose and is doing nothing to improve the welfare of equines turned out to graze on common land. There is no satisfactory system of recording or controlling the numbers of horses and ponies left to suffer and die throughout the winter and early spring months, and those that survive are left to breed and compound the problems year on year. We, the undersigned feel that several additional measures need to be put in place:

- 1) Registration/freeze branding all equines belonging to those commoners with legitimate grazing rights
- 2) No colts to be grazed on common land if over 6 months old unless they are native and licensed (to preserve the Welsh Mountain Pony)
- 3) Registered charities to have the right to remove equines on welfare grounds by agreement with the police, and to place the ponies with pre-approved foster homes while owners are being traced. Where possible ponies to be re-homed after a given amount of time.
- 4) All equines that are "gathered" and found to be illegally grazed, if owners cannot be traced then an attempt should be made to re-home them in the first instance, before any decision to PTS (this is not the current procedure)
- 5) The entire procedure should be transparent and councils answerable to the public.

**Lead petitioner:** Lynne Tamblyn

**First considered by the Committee:**

**Number of signatures:** 502 online signatures, 660 paper signatures.

Total = 1,162 signatures

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-629  
Ein cyf/Our ref RE/00510/15

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

committeebusiness@Wales.gsi.gov.uk

15 July 2015

Dear William,

Thank you for your letter of 3 July, in response to my letter to you of 19 May, in which you seek views on further comments made by the Petitioner in respect of Petition P-04-629 - Review and Enforcement of the Control of Horses (Wales) Act 2014.

The Control of Horses (Wales) Act 2014 was introduced in order to respond quickly to the significant fly grazing problem being experienced by local authorities across Wales. The Welsh Government listened to the views and evidence provided by the third sector, enforcement authorities and stakeholders when developing the Act. The powers provided are just one of a number of tools available to local authorities to combat fly grazing, straying and abandonment of horses and ponies.

I note that the petitioner, Ms Tamblyn, suggests that freeze branding should be a condition of having grazing rights. There are no statutory duties placed on Commons Associations or commoners that would make this a compulsory requirement, however there is nothing stopping Commons Associations from introducing such a requirement at their discretion. The Equine Identification (Wales) Regulations 2009 require all equines born after 1 July 2009 or issued with a first passport to be identified by way of a microchip but owners may in addition identify their horses with other visible methods such as freeze branding.

The New Forest has its management laid down by statute which provides for the election of Verderers and the employment of Agisters with powers and responsibilities for the management of Commoners' stock in the Forest. During the introduction of the Equine Identification (Wales) Regulations 2009 my officials visited the New Forest and met with the Verderers and Agisters to view the management systems with the aim of applying best practice to the semi-feral derogation implemented in Wales. Many of the New Forest procedures were adapted for use in Wales.

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Under the Animal Welfare Act 2006, owners or people responsible for equines have a legal duty to take reasonable steps to ensure the animal's welfare needs are met. The message is very clear, ownership of any animal brings with it responsibilities and a duty of care which is embedded in legislation, and anyone considering breeding animals needs to factor in the immediate and long term costs before making such a decision, including the costs associated with disease prevention and control.

I am aware of the contraceptive programme undertaken by the Society for the Welfare of Horses and Ponies in collaboration with the Common Land owners on the Gelli Gaer and Cefn Golau Commons. The aim of the programme, which to date has seen 200 mares being treated, is to reduce overbreeding and limit the suffering caused towards the mares by colts and stallions that also occupy the common. I look forward to seeing what can be learnt from this approach after foaling season in the spring of next year when the affect of the programme will be known.

Partnership working is key to the success in raising standards and compliance in animal health and welfare. The Wales Animal Health and Welfare Framework sets out the Welsh Government plan for continuing and lasting improvements in standards of animal health and welfare. Engagement between local authorities and, in particular, equine charities continues to develop to good effect. Meetings take place between various interested parties, welfare charities, commoners association and local authorities. The Welsh Government continues to promote partnership working and the sharing of resources as the best way forward.

Humane destruction is very much the power of last resort and those local authorities that have seized horses under the Control of Horses (Wales) Act 2014 have I understand made every effort to either return them to their owners or rehome them through recognised welfare charities.



**Rebecca Evans AC / AM**  
Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food

## **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.



Eich cyf/Your ref P-04-373  
Ein cyf/Our ref MD/01858/15

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

05 August 2015

Dear William,

I was copied in to the response sent to you from the Minister for Economy, Science and Transport with regard to your petition P-04-373 on school exclusion zones for hot food vans.

There is no single answer to tackling the complex issue of obesity; however, the placement of fast food vans outside schools providing easy access to pupils may encourage the consumption of less healthy food and drink or subvert existing efforts aimed at improving nutrition within the school.

The Healthy Eating in Schools (Nutritional Standards & Requirements) (Wales) Regulations 2013 stipulate the kinds of food and drink which can, and cannot, be provided on-site by the school/local authority. They do not apply to food or drink brought in from home or off-site by the pupils themselves, but individual schools have the required autonomy to establish healthy eating policies going beyond the provisions of the regulations and restrict unhealthy food being brought onto the premises.

More than 99% of maintained schools in Wales are participating in the Welsh Network of Healthy School Schemes. Schools are supported to work towards a whole-school approach to health, which covers seven topics, including food and fitness. They can be independently assessed for the National Quality Award (NQA) after nine years' involvement. One of the criteria to be considered for the NQA, in the food and fitness category, is:

*'In secondary schools measures are in place to encourage pupils to stay on site and to effectively use facilities.'*

In addition, one of the NQA minimum requirements for food and drink provision is:

*'Schools actively discourage the efforts of fast-food vans/delivery services to sell food to staff or pupils during the school day, or immediately before and after the school day'*

To date, 79 schools have been awarded the NQA, with a further 267 actively working towards it.

In addition, local authorities have the ability to restrict mobile food traders, which are not governed by the planning regime. The Local Government (Miscellaneous Provisions) Act 1982 gives local authorities the option to regulate street trading in their area by designating streets as prohibited, consent or licence streets.

Consents provide a flexible means of controlling street trade and are not limited by statute in their refusal or revocation. This gives considerable scope to prevent unhealthy street trade or to promote healthier street trade, either by refusing consent to trade to fast food vans or by favouring traders who offer healthier options.

I would encourage all Welsh local authorities to consider using their licensing powers to support the work they already do within the school system by restricting access to unhealthy food from sales from fast food vans and delivery services.

I am copying this letter to Edwina Hart Minister for Economy, Science and Transport.

Best wishes,



**Mark Drakeford AC / AM**

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

# Agenda Item 3.13

## **P-04-408 Child and Adolescent Eating Disorder Service**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to fund the Child and Adolescent Eating Disorder Service in Wales to the same degree as the Adult Eating Disorder Service in Wales.

It has come to my attention that there is a disparity in funding between Adult Services and Child and Adolescent Services as regards funding for Eating Disorder Treatment. At the present time Adult Eating Disorder Services receive £1 million per year from the Welsh Assembly, as well as 4 specialist trained provider groups.

Sadly research points to the fact that Eating Disorders, especially Anorexia Nervosa, are predominantly first experienced around puberty. Historically puberty was around 12-15, however, puberty is becoming younger and therefore statistics are beginning to show the prevalence of Anorexia Nervosa starting at younger ages is apparent. Bulimia Nervosa is generally a disease with an onset age of 18-25, however as with Anorexia this may differ from person to person. The fact that in both disorders, and indeed all diagnosable Eating Disorders, early intervention is the key to a quick recovery, therefore preventing long term financial implications for the WAG, makes this plea more pertinent.

I therefore implore the Assembly to consider this a priority for debate and to mend this disparity by giving equal finances and services to the Child and Adolescent Eating Disorder service in Wales as already given to Adult EDS.'

**Petition raised by:** Helen Missen

**Date petition first considered by Committee:** 17 July 2012

**Number of signatures:** 246



Eich cyf/Your ref P-04-408  
Ein cyf/Our ref MD/02050/15

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

committeebusiness@Wales.gsi.gov.uk

24 July 2015

Dear William,

Thank you for your further letter of 3 July on behalf of the Petitions Committee in relation to petition p-04-408 about Child and Adolescent Eating Disorder Services (CAMHS ED).

You asked how my recent announcement of an extra £7.6m every year in mental health services for children and young people in Wales will improve the provision of services for children with eating disorders. The additional funding is not specifically for providing eating disorder services, though its impact will improve the provision of CAMHS for all children with mental health conditions, including eating disorders.

£2m of the funding will be devoted to developing services for those with neurodevelopmental conditions such as Autism Spectrum Disorder (ASD) and Attention Deficit Hyperactivity Disorder (ADHD). These currently make up a significant proportion of the referrals into specialist CAMHS services, though many of these young people do not subsequently require specialist CAMHS treatment. By ensuring these young people have their needs met elsewhere, this will free up specialist CAMHS staff time to devote to those with more complex mental illness, including eating disorders. Funding will also be available to improve provision at times of crisis and expand access to psychological therapies for young people. Both these initiatives will directly support young people with eating disorders, as will improving provision in primary care support services which will be able to support young people with very mild to moderate eating disorders.

I note the petitioner's continued concern regarding the funding disparity between adult and CAMHS services and our investment of £1m to improve specialist adult eating disorder provision. As I have stated previously, CAMHS has always seen the treatment of eating disorders as part of its core business and I used the 40% of CAMHS inpatient being treated for eating disorders merely illustratively. Of course, many more young people suffering an eating disorder will be treated by CAMHS as outpatients and the decision of health boards



earlier in the year to establish all-Wales coverage of CAMHS community intensive treatment teams will mean that many more young people will now be able to be treated in their community without recourse to hospitalisation.

With regard to the petitioner's comments regarding cost, I acknowledged the provision of CAMHS eating disorder services was inconsistent across Wales, with north Wales having a more developed service than south Wales. This is why I targeted the October 2013 announcement of an additional £250,000 a year towards the south, including southern Powys. It is not appropriate or helpful to compare the cost of CAMHS eating disorder provision with adult eating disorders for a number of reasons including the relevant size of the child and adult populations; differences in how clinical needs are met by both services; and the fact that eating disorders are often more enduring in adult life.

As the petitioner comments there is currently an NHS-led service change and development programme underway in CAMHS, which the Welsh Government is supporting, having asked Professor Dame Sue Bailey, chair of the Academy of Royal Medical Colleges, to provide advice and support. This programme is intended to make CAMHS more responsive to the needs of all its users, including those with an eating disorder.

I hope the committee finds my response helpful.

Best wishes,



**Mark Drakeford AC / AM**

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

**P-04-408 Child and Adolescent Eating Disorder Service – Petitioner to the Chair,  
10.09.15**

Dear Mr Powell

Mr Drakeford certainly writes a good letter! On reading it I almost believed that I should stop in my tracks and end all thought of argument.

I wonder if you and the committee are setting up a sweepstake as to how Mrs Missen will respond this time!

Part of me wanted to just copy and paste my last letter to you; as I'm not sure that much has been answered, except perhaps to applaud Mr Drakeford for providing specific monies for children with neurodevelopmental disorders such as Autism and ADHD.

If I were to split hairs some eating disorders are known to be biologically based brain disorders with genetic implications, much the same as Autism. Indeed, there is a grey area where the overlap of autism and anorexia is too close to define, and thus treatment of what is known as 'co morbidities' is within the cycle of treatment. Therefore, Mr Drakeford will be thrilled to know he has painted the picture well. Though his dot to dot approach has missed the colouring in of the issue: that more people die from an eating disorder than any other mental illness.

I think my real gripe is that he skirts the subject of the disparity between two areas of provision where money is concerned, in the only way a politician can. (No disrespect to you or the committee).

I agree the core treatment historically for CAMHS and AEDS has been and remains Eating Disorders.

Mr Drakeford seemingly apologises for his illustrative numbers of In Patients, but does not address the fact that AEDS have a tier 3 provision, within adult mental health services, specifically for Eating Disorders, which is where the £1 million is spent. He colours over the edges by implying that these are not in the community, which they are.

These are highly trained professionals specific to eating disorder treatment at that level which have been provided because of the Eating Disorder framework for Wales highlighting the void of care for anyone with an eating disorder in Wales, not just adults.

I'm fairly certain that the framework does not exclude people under the age of 18.

The fact is something had to be done for adults more quickly than for children; now unfortunately the reverse is in play.

Mr Drakeford alludes to North Wales having a robust and more stand alone service, excusing himself from providing funding for the whole of Wales.

Once again he has smudged the facts. The service he speaks of is an In Patient facility (the only one in Wales). Dr Glaze runs an exceptional CAMHS psychiatric unit with some specific beds for Eating disorders, which I know Mr Drakeford has visited and was apparently impressed by.

It is wonderful to have such a good clinician with a special interest in Eating Disorders, however, it is not the community service Mr Drakeford has implicated in his letter. I feel certain that Dr Glaze sees his patients in a clinic setting too, but this does not make it a community service.

If Dr Glaze and his team were provided with the same funding as South Wales were (should I be asking for the interest on top since 2013?) I am more than certain it would be of gold standard and wisely used for community treatment.

This really only leaves me the canvas to once again splash the colours that have not changed in my petition. The disparity of provision remains: children and adolescents with Eating Disorders are being sacrificed.

The adult services would (still) benefit better if Mr Drakeford really believed what he seemingly says. Provision at the first instance of an illness would mean less strain on an adult service.

To provide a specific and specialised tier 3 service (that being in the community and not in patient, which is tier 4) within CAMHS (or stand alone) for eating disorders would mean the cycle of these illnesses, in most instances, being reduced greatly in time and therefore resources would be saved.

Cynically, I also note that Mr Drakeford forgot to provide real numbers under the freedom of information act that I requested in the last letter, I wonder if they are not to his advantage?

I'm not sure if I look forward to the next instalment of the petition, though I am becoming older, wiser and still uncomfortable waiting for the outstanding resolution of the issue.

Helen Missen

# Agenda Item 3.14

## **P-04-501 Day Centres for the elderly in Wales to be made statutory**

### **Petition wording:**

We call on the Welsh Government to make Day Care Centres for older people a statutory requirement for the whole of Wales.

**Petition raised by:** Pamela Hughes

**Date petition first considered by Committee:** 24 September 2013

**Number of signatures:** 1240



Eich cyf/Your ref P-04-501  
Ein cyf/Our ref MD/02058/15

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

committeebusiness@Wales.gsi.gov.uk

16 July 2015

Dear William,

Thank you for your letter of 3 July concerning the proposal to make day centres for the elderly in Wales a statutory requirement.

My response echoes the previous response to the Petitions Committee made by Gwenda Thomas in her former role as Deputy Minister for Social Services. The Social Services and Wellbeing (Wales) Act 2014 makes provision for local authorities and health boards to undertake an assessment of the needs of their population and of service provision. This will inform the development of an appropriate range of services to respond to need more effectively, preferably with an integrated approach to provide more personalised care and support to individuals and their families. Individuals may have a range of needs which may be effectively addressed through the provision of day care facilities, which will be for the assessment to determine. The contribution of other services in providing day care will also need to be taken into account. These may include care homes and day hospitals. This will be a decision for health boards, local authorities and their partners to decide.

The new Act places a duty on local authorities to assess the needs of people in need of care and support. In carrying out this assessment the local authority must identify the outcomes the individual wishes to achieve in day-to-day life and to what extent the provision of care and support could contribute to the achievement of these outcomes. The outcome of these assessments should inform the solutions to address needs and the development of an appropriate care and support plan.

People have traditionally used day centres for a variety of reasons:

- Assistance with bathing – now usually provided in the individual's home;
- Rehabilitation – overlap with day hospitals;
- Social interaction for people who are isolated;
- Respite for carers.

There may be other ways of addressing these needs which match the preferences of the individuals concerned. Not everyone would wish to attend a day centre. If the provision of day centres were made a statutory requirement, we would also have to make a judgement about what would constitute compliance and non-compliance. What would a county the geographical size of Powys need to do to comply? What definitions would you apply to day care?

I consider it more important to define statutory responsibilities in terms of responding to the needs of individuals in need of care and support and their carers rather than in terms of prescribing specific service responses across the whole of Wales which may prove inflexible and wasteful.

Best wishes,



**Mark Drakeford AC / AM**

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

**P-04-501 Day Centres for the elderly in Wales to be made statutory – Petitioner to Committee, 09.09.15**

Dear Kayleigh,

Thank you for your e-mail of Sept. 3rd.

We appreciate all your efforts, to date, regarding our petition.

In making Day Centres a Statutory provision would ensure the standard of care throughout Wales would be maintained. In Aberystwyth, we have experienced deterioration in Day Care provision by the decision of the Local Authority. At present, the Residential Homes are under threat, – some have day care facilities. Day care facilities offer socializing, respite care, for the unpaid carer, in a safe environment, and a balanced meal. Medical issues could be addressed by medically trained staff in a friendly atmosphere. Caring in the home does not address loneliness, and does not encourage socializing.

Statistics show that Ceredigion have the highest Winter death rate in Wales.

Many thanks,  
Martin Shewring  
Chair SPADCC.

## **P-04-571 Treating Pernicious Anaemia**

### **Petition Wording**

We call on the Welsh Government to change the way Pernicious Anaemia is treated away from the current one-size-fits-all format towards a regimen based on the patient's individual needs and where the patient is offered a choice of how he or she receives their replacement therapy B12 including self-administered injections.

**Additional Information:** The usually prescribed treatment of Pernicious Anaemia is one injection every three months. For a great many patients this is totally inadequate. Some doctors will prescribe more frequent injections but where this isn't the case patients are sourcing B12 injections from various sources including the internet which is unsatisfactory. They then inject themselves without any training and without using antiseptic wipes or lockable sharps bins.

**Petition raised by:** The Pernicious Anaemia Society

**Date Petition first considered by Committee:** 15 July 2014

**Number of signatures:** 126



Mark Drakeford AC/AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: P-04-571  
Ein cyf/Our ref: MD/01359/15

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

20 July 2015

Dear William,

I have now received a response from Jane Ellison MP, Parliamentary Under Secretary for Public Health about the treatment of pernicious anaemia through a UK licensed oral preparation of adequate dose in a single tablet.

The Department of Health Medicines, Pharmacy and Industry Group (MPIG) is looking at the possibility of persuading pharmaceutical companies to introduce new formulations. I have been given no indication of when these discussions will be undertaken and it is likely to take some time. I will keep you updated on developments.

In the meantime, my officials will ask the Haematology National Specialist Advisory Group to write to the service emphasising the need for a collaborative approach for those patients who feel they would benefit from an increased frequency of dosing. They will also ask whether there is a need for additional guidance in Wales in addition to that provided by the British Committee for Standards in Haematology on pernicious anaemia and B12 deficiency.

Best wishes,

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

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Tel. 01656 769717

[www.pernicious-anaemia-society.org](http://www.pernicious-anaemia-society.org)

email: [chair@pasoc.org.uk](mailto:chair@pasoc.org.uk)

Mr William Powell AM  
Chairman  
Petition Committee  
National Assembly for Wales  
CARDIFF  
CF99 1NA

13/8/15

Dear Mr Powell,

**Re: Petition P-04-571 Treating Pernicious Anaemia**

Thank you for your correspondence of the 5<sup>th</sup> August regarding the above petition.

I offer the following observations on the points made by the Minister for Health and Social Services in his letter to you of the 21<sup>st</sup> May.

This society acknowledges that the new Guidelines on Cobalamin and Folate produced by the British Committee for Standards in Haematology is a thorough and in-depth analysis of the problems with the diagnosis of B<sub>12</sub> Deficiency and whether that deficiency is due to Pernicious Anaemia. The guidelines acknowledge that the current test to determine B<sub>12</sub> status in patients is flawed and that physicians should ignore the test results and treat the patient if he or she shows the symptoms of the deficiency. An alternative test – the ‘Active B<sub>12</sub> Test’ shows the promise for it to be a more reliable assay but is still being evaluated by clinicians some of whom are critical of it. Similarly the new Guidelines recognise that test used to determine whether the patient’s B<sub>12</sub> deficiency is due to Pernicious Anaemia (the inability to absorb B<sub>12</sub> from food due to intrinsic factor antibodies) is similarly flawed and testing negative for the antibodies means that the patient could have negative antibodies Pernicious Anaemia which, frankly, means that whatever the outcome of the test the patient should receive a diagnosis of having Pernicious Anaemia.

This society has been made aware of a new, more accurate assay that has been developed in Australia that addresses these problems by using other indicators of B<sub>12</sub> Deficiency other than the amount in the patient's blood. However, although this new test has shown exceptional promise in development trials it is still many years before it will be available. In my next book that is published in October I have consulted several experts on B<sub>12</sub> from many different parts of the world. B<sub>12</sub> Deficiency is a serious worldwide problem and if my calculations are correct around 300,000 people in Wales will have a B<sub>12</sub> Deficiency and, because we are a developed country, the biggest cause of that deficiency will be Pernicious Anaemia – and there is no accurate test available to allow doctors to produce a correct diagnosis. It is a serious problem that is, thankfully now being addressed.

The above is just background material mentioned by the Minister and I now turn to the second problem faced by this society's members – receiving adequate treatment for their condition and this forms the subject matter of this petition. Patients with Pernicious Anaemia will be unable to absorb vitamin B<sub>12</sub> from food. In the past this led to patients dying a slow death but, from the mid 1920's it was discovered that giving patients copious amounts of preferably raw liver or other offal meant that they could be kept alive. Liver extract injections were made available in the late 1940s and by 1960 'artificially produced B<sub>12</sub>' was made available which is injected and means patients should lead a more or less normal life. Unfortunately the injections that were given monthly in the 1960's was changed to every two months in 1974 and then to every three months in 1984. By far the biggest cause of complaint by this charity's members relates to their treatment. Whilst some of our members manage perfectly well on a three monthly replacement therapy injections others don't and feel a return of their symptoms sometimes well before their next injection is due. Nobody knows why this is so but I can report that we are about to embark on a small feasibility study led by Professor John Hunter to test his theory of why some patients need more frequent injections.

The new Guidelines as mentioned earlier are disappointing in relation to the treatment of Pernicious Anaemia in that they state quite early on that the question of treatment is a matter for the British National Formulary (BNF). I met with the Director of the BNF late last year and was told that if I was able to produce evidence that some doctors prescribe more frequent injections than one every three months that they might 'change the wording' of the instructions for treating Pernicious Anaemia. I am currently working on this.

Like the new guidelines NICE's Clinical Knowledge Summary of the management of Pernicious Anaemia is unhelpful in this respect stating:

*'Some experts acknowledge that there is a small group of patients who report a recurrence of their symptoms earlier than 3 monthly.*

*CKS could find no guidelines or evidence on the management of this group.*

*Feedback from expert reviewers differs with regard to whether or not more frequent intramuscular injections of hydroxocobalamin 1 mg are required, and if they are, what regimen to suggest'.*

Sadly no research has been conducted to explore and investigate this other than the programme we are about to embark on. In the meantime many of our members who are

unable to receive more frequent injections based on their individual needs are forced to pay for more injections from various sources: doctors, beauticians, hair dressers, the internet or from pharmacies in continental Europe where they are available 'over the counter'. What makes our members angry is the number of 'celebrities' who receive regular B<sub>12</sub> injections (mostly weekly) to help them with their energy levels and creativity while we, as patients, need the injections to stay alive. A recent survey of over 1,000 of our members published in the British Journal of Nursing in 2014 showed that:

*'When asked if they were satisfied with their treatment, 64% said 'No', 28% said 'Yes' and the remaining 8% did not provide an answer'.*

It's worth noting that of those 28% who answered yes some will be self-treating. Indeed 10% of those surveyed were self-treating with a form of B<sub>12</sub> that isn't licensed in the UK.

In a recent written answer to questions made in the House of Lords the Dept. of Health stated that the treatment patients' receive should be a matter decided by the patient and their doctor. This is what Lord Prior of Brampton stated:

*'When anaemia is diagnosed, most patients respond well to treatment through quarterly intramuscular injection of vitamin B12. Whilst some patients with Pernicious Anaemia might prefer to have more frequent injections, or for other forms of vitamin B12 to be self-administered, these are matters for individual patients to discuss with their general practitioners'.*

Unfortunately whilst some doctors are willing to depart from the guidance in the BNF most are not. This means that many of our members who cannot afford the often ridiculously high costs of injections given outside the NHS (one Harley Street clinic charges £148 for a 38p injection) are left to suffer a return of their symptoms often for many months before they feel well again. It is worth noting that often it is the patient's family, friends and work colleagues who notice the patient's deterioration in the run up to his or her next injection.

I note that the Minister's letter to you mentions that the Dept. of Health's Medicines Pharmacy and Industry Group are encouraging pharmaceutical companies to introduce 'new formulations' available. Such formulations already exist and are used by our members – nasal sprays, sub-lingual sprays, sub-lingual drops, skin patches etc. but none of these has been evaluated as to their efficacy and none have been licensed in the UK. There is only one other licensed product for treating B<sub>12</sub> Deficiency in the UK – oral tablets. There is always the option for our members to buy very high dose B<sub>12</sub> tablets from Amazon. The NHS currently does not provide the very high-dose tablets needed to hopefully treat any deficiency caused by Pernicious Anaemia – (remember, we cannot absorb B<sub>12</sub> in our stomachs but high dose tablets *might* work) but it is worth taking note of what the new guidelines have to say about oral treatment:

*'However, the efficacy and cost-effectiveness of oral treatment in wider population-based settings has yet to be established. There are arguments against the use of oral cobalamin in initiation of cobalamin therapy in severely deficient individuals who have poor absorption, especially due to Pernicious Anaemia'.*

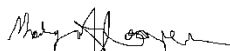
I met with Prof David Haslam, Chairman of NICE last year and he is fully aware of the problems faced by our members. I support his suggestion that this issue be referred to the Dept. of Health on an 'exceptional basis'.

I apologise for the length of this letter but I want you to be fully aware of what is happening to many of our members. There is a problem with a great many patients receiving adequate patient-centred treatment and that includes our members living in Wales. This lack of flexibility in treatment is causing serious problems in the domestic situation, in the workplace, in education and in social settings. Whilst there is acknowledgement that the way in which B<sub>12</sub> Deficiency and Pernicious Anaemia is diagnosed is, as one Professor of General Practice described it "a mess" there are also serious problems with the way in which Pernicious Anaemia is treated for a great many though not all of our members.

I do hope this helps. Should you require any further information please don't hesitate to contact me in order that I can be of help.

Thank you and your colleagues for taking an interest in this issue.

Yours sincerely



Martyn Hooper  
Chairman

## **P-04- 587 A Dedicated Support Team for Myalgic Encephalomyelitis (M.E.), Chronic Fatigue Syndrome & Fibromyalgia Sufferers in South East Wales**

### **Petition Wording**

We call upon the National Assembly for Wales to urge the Welsh Government to ensure that a dedicated Consultant/Clinic and medical support team for Myalgic Encephalomyelitis (M.E.), Chronic Fatigue Syndrome & Fibromyalgia sufferers is set up in South East Wales. I request that this petition be treated as an official voice of M.E. sufferers, their families, carers and interested parties.

Currently, sufferers of the above ailments are not being supported, with a few exceptions, by the medical profession. They are unable to work but the government bodies assessing them do not appear to understand their problems. This is the basis for this petition.

**Petition raised by:** M.E.S.I.G. (M.E Support in Glamorgan)

**Date Petition first considered by Committee:** 23 September 2014

**Number of signatures:** 368 electronic signatures and 826 paper signatures.  
1,196

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-587  
Ein cyf/Our ref MD/01904/15

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

committeebusiness@Wales.gsi.gov.uk

15 July 2015

Dear William,

Thank you for your letter of 18 June regarding petition P-04-587 requesting an update on the key actions from the all-Wales Myalgic Encephalitis/Chronic Fatigue Syndrome and Fibromyalgia Implementation Group.

At its meeting on 13 May, the group agreed the detail of its terms of reference and sought chair and vice-chair nominations. Professor Jonathan Richards, visiting Professor of Primary Care at Cwm Taf University Health Board, has since agreed to chair the group and Carol Ross from Fibromyalgia Wales will be vice-chair.

The next meeting is scheduled to take place on 22 July. The main focus of the meeting will be to discuss health boards' draft plans.

Best wishes,

**Mark Drakeford AC / AM**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Service



**GIG**  
CYMRU  
**NHS**  
WALES

Bwrdd Iechyd Prifysgol  
Caerdydd a'r Fro  
Cardiff and Vale  
University Health Board

**Ysbyty Athrofaol Cymru**  
**University Hospital of Wales**  
**UHB Headquarters**  
Heath Park  
Cardiff, CF14 4XW

Parc Y Mynydd Bychan  
Caerdydd, CF14 4XW

Eich cyf/Your ref: P-04-587  
Ein cyf/Our ref: AC-ns-08-5075  
Welsh Health Telephone Network:  
Direct Line/Llinell uniongychol: 02920 745681

**Professor Adam Cairns**  
**Chief Executive**

28 August 2015

Mr William Powell  
Chair of the Petitions Committee  
Welsh Government  
Ty Hywel  
Cardiff Bay  
CF99 1NA

Dear William

**Petition P-04-587 A Dedicated Support Team for Myalgic Encephalomyelitis (ME), Chronic Fatigue Syndrome & Fibromyalgia Suffers in South East Wales**

I apologise for the delay in replying to you. There has been further work and dialogue between our Medical Director (Dr Graham Shortland) and Director of Therapies (Fiona Jenkins). We are looking to appoint a medically qualified lead as ME champion and develop a coordinated approach between therapies and medical staff with colleagues also in Velindre NHS Trust. We should be in a position to formally advise of the outcome of that work in the very near future.

Yours sincerely

**Dr Sharon Hopkins**  
**Acting Chief Executive, on behalf of**  
**Professor Adam Cairns**  
**Chief Executive**







8 September 2015

REGARDING PETITION P-04-587

PETITION FOR A SPECIALIST SERVICE FOR PEOPLE WITH ME/CFS

The current situation for people with ME/CFS in Wales.

As you are aware, **MESiG** previously presented a Petition to the Assembly for a Dedicated Support Team for ME/CFS and Fibromyalgia Sufferers in South East Wales since there has been no-one to diagnose or confirm the condition beyond their GP, or to provide effective treatment. The all-Wales ME/CFS and Fibromyalgia Implementation Group and the appointment of ME Champions for each of the Health Boards in Wales is a sign that these conditions are being taken seriously and require quality medical intervention. We are very concerned that the process is very slow and the effect is not yet reaching the people who have ME/CFS, or medical staff who are in contact with them.

We understand that Cardiff and the Vale has not yet been able to fill the position of ME Champion/ Lead for ME.

**MESiG** is based in the Cardiff area but we have no-one to whom we can address our concerns and we continue to be contacted by people who have all the symptoms of ME/CFS but who have no diagnosis and GP services which have no training or knowledge of ME/CFS. Also there is still no-one to whom GPs can refer ME patients, even if they have been able to provide a basic diagnosis. Therefore the current plan for ME/CFS for Wales is not yet meeting any of the basic needs.

We note that Dr Graham Shortland, Medical Director and Fiona Jenkins, Director of Therapies are involved in dialogue. We would like to have further information about this as it is not clear to us exactly what is being planned and what the connection is with Velindre NHS Trust in regard to the appointment of a medically qualified lead as ME Champion. How is this person being sought? What are the criteria for the selection of this person? Will the suggested co-coordinated approach involve people who are specifically trained to cater for people with ME? Will anyone involved be looking at the latest research on ME or be open to looking at the latest findings?

We also remain unaware of the identity of the ME Champions for each of the Health Boards around Wales. Who are these Champions and what is their training in regard to ME? Because MESIG directly supports people who have ME, running Support Meetings every month, visiting them in their homes, assisting them with Benefit Claims etc, we have been asked by various Health persons, Social Services and Advocacy Groups in different areas of Wales to identify these Champions for them, since they cannot understand this complex condition or meet the needs of ME patients without input from the Health Boards. This has been the case in Torfaen, Haverfordwest and Tonypany. Lack of understanding has resulted in some severely sick people being bullied, and their actual medical needs being neglected since there is a lack of awareness of ME's various symptoms, the fact that it is a Neurological Condition, that it fluctuates and that it may affect people mildly, moderately or severely.

We have been called into emergency situations with people who are critically ill since there has been no-one medically qualified available with any understanding of their condition. The only 'treatment' offered to them has been 'rehabilitation' that when taken up has made them much worse. They are bed bound, incontinent, have difficulty taking nourishment yet are expected to respond to further periods of rehabilitation and denied such things as incontinence pads or even intervention by a Continence Nurse. They, their families and Carers are told that this is not necessary since they are able to get out of bed and use the toilet (i.e. their condition is not accepted and their inability is disbelieved).

MESIG is asked for input in a variety of situations including one Medical Practice where their GPs are not only not trained to diagnose ME/CFS, they also refuse to refer patients on to either Neurology or Rheumatology, because the Practice does not accept that the condition exists, let alone that it is a Neurological condition. One of their Doctors stated that the World Health Organisation is incorrect in saying that it is a Neurological condition and that Mark Drakeford is not a Doctor, hence they are not prepared to accept the condition. This has resulted in poor medical treatment, severe distress for patients, refusal by Capita to allow PIP Benefit for one woman because of the lack of medical confirmation/reports, and the necessity for her to move to another GP Practice further from home.

In Cardiff and the Vale, one person diagnosed with ME, who had previously attended a Neurological Clinic, asked to be referred back to a Neurological Clinic but their GP was informed that the clinic is no longer seeing people who have ME. Another person waited many months to attend a Neurological Clinic but when he attended he was told that the Neurologist was away and a nurse with no knowledge of ME was running the clinic that day. Later his GP was informed that he had been discharged from the clinic.

In an informal meeting with a Senior Neurologist in Cardiff, we were advised that what people with ME really need is a Specialist Clinic that offers the full range of services required by someone with ME since there are so many aspects to the condition. She herself runs a clinic but would not identify it as an ME clinic, since she would be over-run by people seeking help, even though she quietly sees people who have ME in that clinic (and she is asked to visit other areas of Wales to provide advice regarding young people

with ME because there is no-one in their locality to provide this). Despite her high position in Neurology in Cardiff and the Vale she had not heard of the Task and Finish Group or ME Champions, but said that whoever is put in place would need to be proactive not just in the position. This was striking for us, seeing that we have identified and repeatedly highlighted this need for a Specialist Service, as this medical professional suggests.

The model for an ME Clinic already exists in England. It works extremely well, providing co-coordinated support and treatment. One of our **MESiG** members had a very good service from it when he lived in England.

We at **MESiG**, and the members we are supporting, look forward to a positive outcome.

Regards

**MESiG**

## P-04- 588 Charter for Children and Fathers

### Petition Wording

We call upon the National Assembly for Wales to urge the Welsh Government to adopt all six points in the Charter for Action for Children & Fathers in Wales.

1. All Welsh Government funded programmes to record gender of parents / carers they work with.
2. Set S.M.A.R.T. targets to increase participation of fathers and all other Non Resident Parents with Welsh Government services.
3. First Minister to make annual statement on the importance of fathers AND what the Welsh Government has done to help them in the past 12 months.
4. Encourage improved shared care of children to allow more parents (particularly single parents) to take up training or employment programmes.
5. Recognition of Parental Alienation as a form of emotional abuse of children.
6. Establish a work group under the Family Justice Network for Wales to co-ordinate improved collaboration for those organisations who hold the DWP's Help and Support for Separated Families (HSSF) Mark in Wales

### Additional Information

1. Welsh Government has confirmed family support services are not currently asked to record the gender of the parents they work with.
2. Our research with parenting initiatives in Wales shows the average engagement level is between 3 and 11% of service users being male.
3. The precedent is from the USA: <http://www.whitehouse.gov/the-press-office/2013/06/14/weekly-address-celebrating-fathers-day-weekend>
4. Several US states require the 'right of first refusal' to non-resident parents and grandparents for them to undertake child care:  
<http://ilfamilylaw.com/new-law-right-first-refusal-child-care/> In Illinois

they equate 'the best interests of the child' with 'maximum time with both parents'.

5. The Family Justice Network for Wales rejected our call to recognise Parental Alienation as a form of emotional abuse of children in May 2014<sup>6</sup>. The DWP have confirmed their support for this proposal and Albert Heaney Chair of the FJN has also indicated his support.

**Petition raised by:** FNF Both Parents Matter Cymru

**Date Petition first considered by Committee:** 23 September 2014

**Number of signatures:** 653

Vaughan Gething AC / AM  
Y Dirprwy Weinidog Iechyd  
Deputy Minister for Health



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-588  
Ein cyf/Our ref MD/02387/15

William Powell AM  
Assembly Member for Mid & West Wales  
Chair - Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

28 August 2015

Dear William,

Thank you for your letter of 6 August on behalf of the Petitions Committee and addressed to the Minister for Health and Social Services. I am replying on the Minister's behalf.

You have sought views on two issues raised by the petitioner.

The first concerns the CAF/CASS Cymru Child and Adolescent Welfare Checklist (CC-CAWAC). The CC-CAWAC was developed by Professor Gordon Harold, Professor of Psychology, in collaboration with CAF/CASS Cymru for use by CAF/CASS Cymru in Wales.

As the CC-CAWAC is not currently used by Cafcass in England it would not be in a position to comment on its suitability for publication.

In response to the second issue, I can confirm Welsh Government officials have given detailed consideration on how to record individual parents' engagement with its Family Support programmes. There are, however, a number of difficulties associated with this. For example, in Flying Start, local authorities' recording mechanisms are set up to record information against the eligible child rather than their father or mother.

As a parent, step parent or live-in partner of one child could often be the same for a different child, it is difficult to record this information consistently, especially where grandparents and other relatives also play a parental role. In essence, to record accurately the number of mothers and fathers attending different courses, local authorities would have to manually scrutinise attendance lists to record relationship details.

While we fully expect local authorities to actively promote services to fathers and support their engagement, we would not burden them with time-consuming administrative tasks, such as manually scrutinising attendance lists, when their focus should be on the needs of the child.

Yours sincerely

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V'.

**Vaughan Gething AC / AM**  
Y Dirprwy Weinidog Iechyd  
Deputy Minister for Health



[www.fnf-bpm.org.uk](http://www.fnf-bpm.org.uk)

Dear Mr.Powell

### **Petition P-04-588 Charter for Children & Fathers**

Thanks for your letter of 6<sup>th</sup> August and apologies for the delay in responding. I have also reviewed the recording of the Petitions Committee of 30<sup>th</sup> June.

#### **CAWAC**

The CAWAC tool is NOT used in England. It was a specialist tool developed specifically for the Welsh Government by Professor Gordon Harold. Cafcass in England use a different diagnostic tool to assess the damage to children of conflict between parents. That tool is available here: <https://www.cafcass.gov.uk/leaflets-resources/policies-and-templates-for-secs/forms,-templates-and-tools.aspx> under the title Impact of Parental Conflict Tool.

Our concerns about the CAWAC tool are that it has not been peer reviewed and there continues to be a 'cloak of secrecy' about what it is and how it is used and interpreted. We fear that it may be used to justify the exclusion of one parent from the life of their child because in doing so conflict might be reduced. This latter point was confirmed to me at a Children's Rights conference in Swansea in 2013 by Professor Harold, although he said that in doing so it would be a perverse use of the tool.

I do appreciate that there is a sense of frustration from Welsh Government that we continue to question them on the use of CAWAC. The reason that we do is because there seems to be a complete failure by Welsh Government to understand the grave concerns that parents have about the use of a 'secret' assessment that may be used to justify the removal of them from the lives of the children they love and care about.

We feel that the Welsh Government's refusal to allow Members of the Assembly to scrutinise the detail of the tool is indicative of a closed approach which reflects poorly on the tool and its use by practitioners. We draw the attention of the Committee to the recently published 'research' underpinning the use of CAWAC which appeared on the Cafcass Cymru website earlier this year <http://gov.wales/docs/cafcass/publications/310315CAWACResearchReviewEn.pdf>. Page 78 of the document is headed 'Dealing with requests for disclosure'. In relation to Court Orders



for disclosures around the use of the tool practitioners are instructed to resist the Court's decision.

*'On occasions, the Court may request that CAF/CASS CYMRU serve the questions to be put to the child under the CC-CAWAC assessment with the Court and the parties. In such circumstances, it is strongly advised that practitioners (supported by their Area Directors) write to the Court along the following lines: **"In normal circumstances, CAF/CASS CYMRU would wish to resist providing the parties with actual copies of the assessment toolkit, preferring instead for parties to view the toolkit in the company of the CAF/CASS CYMRU practitioner and/or at the CAF/CASS CYMRU offices. There are sensible copyright and policy reasons for not wanting to make the toolkit freely available, not least to ensure that the toolkit is protected from inappropriate use. In these circumstances, I would be most grateful if the Court would consider modifying the Order to suggest that the parties view the CC-CAWAC and its related questionnaires in the company of the CAF/CASS CYMRU practitioner."***

This is hardly conducive to a feeling by parents that Cafcass Cymru are prepared to engage with openness and transparency.

#### **Gender Monitoring in relation to Parenting support and Children's services**

I am attaching a letter from the First Minister to the question of gender monitoring of those accessing parenting support services funded by Welsh Government. The First Minister repeats the assertion made to the Children & Education Committee by the Minister, Lesley Griffiths that services do try to engage with fathers and that when she has attended Flying Start venues she has met some fathers there.

It would seem that the settled view of the Welsh Government is that there is no need for any form of monitoring of the effectiveness of services engagement with men. I would draw the Committee's attention to the statement by the First Minister in the attached letter that to ask services to do so would be **'a disproportionate administrative burden'**.

Please let me know whether we can assist the Committee in any further way.

Regards



Paul Apreda

National Manager



Ein cyf/Our ref:FM -/00596/15

Paul Apreda

[paul@fnf-bpm.org.uk](mailto:paul@fnf-bpm.org.uk)

3 August 2015

Dear Paul,

I am writing in response to your question submitted at the recent Carwyn Connect event, regarding the engagement of fathers through Welsh Government funded programmes. May I take the opportunity to thank you for attending the session and for submitting a question.

All of our family support programmes emphasise the need to work holistically with the whole family, taking an individualised, tailored and flexible approach to support parents and promote engagement. Through our significant investment in the Families First and Flying Start programmes, we continue to develop effective, multi-agency support for families in order to improve their outcomes, particularly for those living in poverty, or at risk of poverty.

Local Authorities are expected to actively promote services to fathers and support their engagement. Our Parenting Support guidance highlights practical strategies for facilitating this engagement. The Minister for Communities and Tackling Poverty speaks to many parents and practitioners during visits to a wide range of organisations, projects and settings around Wales. As she said at the Children, Young People and Education Committee of 4 June, she has seen first hand how Local Authorities are encouraging and facilitating father engagement.

Many Local Authorities are providing dedicated support specifically tailored to the particular needs of fathers, including providing fathers groups. Many areas are also employing dedicated 'Dad's Workers'. One such 'Dad's worker' from Swansea was recognised at our Flying Start 'Stars in their Lives' Awards in January. Many areas are also training their staff on engaging with fathers and building relationships with them.

My officials have given detailed consideration on how to record individual parents' engagement with Flying Start services. There are, however, a number of difficulties associated with this. Local Authorities recording mechanisms are set up to record information against the child eligible for Flying Start services rather than their father or mother.

As a parent, step parent, live in partner of one child could often be the same for a different child, it is difficult to record this information consistently, especially where grandparents and other relatives also play a parental role. In essence, to record accurately the number of mothers and fathers attending different courses Local Authorities would have to manually scrutinise attendance lists to record relationship details. This would place a disproportionate administrative burden on them.

Thank you once again for taking the time to attend a 'Carwyn Connect' event.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones'. The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail on the 'j'.

**CARWYN JONES**

## P-04-630 Facebook Regulations for Looked after Children

### Petition wording

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

To update the "IRO Handbook: Statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children" to prevent children under the age of 13 being set up with Facebook accounts;

That concerns relating to social media be discussed as part of the Statutory Review;

That reporting provisions be made to the Welsh Government;

That the current guidance that "computer use should be monitored from time to time" be upgraded to a statutory requirement on (at least) a weekly basis.

### Additional Information

When individuals set up Facebook accounts, they are asked to certify that they are 13 or over by entering a date of birth. If the date of birth shows them to be younger they are prevented from continuing.

Concerns have been raised by David Cameron, NSPCC, Police and other organisations relating to underage children accessing Facebook.

Despite the above local authorities are knowingly allowing vulnerable children as young as 9 to be set up on Facebook and access other social media

- age falsified
- privacy settings are not set
- children posting contact details
- advertising whereabouts

- sexting
- friends are not age appropriate or known by the carers/family
- Like status friends and 1,000's of followers can result in postings of a crude/sexual nature

#### Risks

- Fake profiles
- Illegal/harmful content or advice
- Bullying, stalking, internet grooming, content sharing
- Information privacy – personal data collection from children
- Marketing of illegal and age restricted products, gambling, dating, food and drinks.

**Lead petitioner:** Christine Williams

**First considered by the Committee:**

**Number of signatures:** 11

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-630  
Ein cyf/Our ref MD/01903/15

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

committeebusiness@Wales.gsi.gov.uk

15 July 2015

Dear William,

Thank you for your letter of 18 June about petition P-04-630 concerning the monitoring and restriction of the use of social media (including Facebook) among looked after children, in which you shared the petitioner's further comments.

I understand Christine Williams' concerns. Protecting looked after children and young people and improving their outcomes is a priority of mine. It is clear the internet through social media channels plays an important part in how young people interact and keep in touch with friends and family. This can be particularly beneficial for looked after children and young people as a way of maintaining contact with people they have become close to through placements or foster care, and this contact, where safe, should be supported. With these benefits, however, come challenges which should not be ignored. This is the same for all children but it is clear those who are vulnerable are more at risk. There are additional issues for looked after children that need to be continually considered, for example, contact with people who may pose a risk to them.

While it may be tempting to restrict or forbid internet use, this would be difficult to enforce. The internet and mobile devices are too widespread and accessible. Instead the Welsh Government supports parents and carers in taking a risk management approach. When managing risks associated with internet use it is important not to disadvantage looked after children and ensure, where possible, they are afforded the same opportunities as other children. We support a number of interventions which promote this approach including, as mentioned previously, work underway with South West Grid for Learning. Further to my last letter I can confirm tailored e-safety training is now available for social workers through the South West Grid for Learning. Officials are now considering how this could be promoted and facilitated in Wales.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff

English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
Correspondence.Mark.Drakeford @wales.gsi.gov.uk

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

Page 179

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If Christine Williams would like to discuss this issue further, my officials Penny Hall (disability, children and family justice) and Andrew Wood (e-safety) would be happy to meet with her. To arrange a meeting please contact Sue Ellis 029 2080 1439 or Susan.Ellis1@wales.gsi.gov.uk.

Best wishes,

A handwritten signature in black ink that reads "Mark".

**Mark Drakeford AC / AM**

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

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

Document is Restricted



## **P-04-642 Save The Filter – An Established Youth Stop Smoking and Prevention Service**

### **Petition wording:**

We the undersigned call upon the Welsh Government to fund The Filter – an established youth stop smoking and prevention service.

### **Additional Information**

Almost 5,500 people in Wales die from smoking-related diseases each year and 21% of Welsh adults currently smoke. Smoking is an addiction of childhood – a classroom of young people take up smoking every day in Wales; more must be done to reduce this number.

The Filter project, funded by Big Lottery Wales for three years and delivered by ASH Wales Cymru, has been a huge success in educating young people in disadvantaged communities about smoking. But the service is under threat as its funding comes to an end in October 2015. The service offers:

- Face-to-face workshops with young people
- Training for professionals and young volunteers • Stop smoking support via social media
- A youth-dedicated website providing information and advice

The Filter's youth development team has worked with over 5,000 young people face-to-face at more than 200 sessions across Wales, all supported by a strong social media and online offering. The team has made crucial links in disadvantaged communities across Wales, where smoking rates are highest. The team has also trained over 750 professionals who work with young people.

Over the past 3 years this initiative has provided an invaluable service, tackling our biggest public health priority in Wales. Helping young people to quit, and preventing them from taking up smoking is a key priority for Welsh Government, outlined in the Tobacco Control Action Plan.

Cardiff University independently evaluated The Filter and concluded that all three strands of the project were feasible, flexible and adaptable to deliver.

The Big Lottery Wales grant comes to an end in October this year and without any further funding from Welsh Government or Public Health Wales, we will have no service working with young people outside of school settings. A service like The Filter is critical to securing a smokefree generation and tackling the biggest public health concern that we face in Wales.

**Petition raised by:** ASH Wales Cymru

**Date petition first considered by Committee:**

**Number of signatures:** 334 Online signatures

Vaughan Gething AC / AM  
Y Dirprwy Weinidog Iechyd  
Deputy Minister for Health



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MD/02423/15

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

committeebusiness@Wales.gsi.gov.uk

28 August 2015

Dear William,

Thank you for your letter of 6 August to Mark Drakeford AM, Minister for Health and Social Services, regarding Petition P-04-642 Save The Filter – a youth smoking and prevention service from ASH Wales Cymru. I am replying on the Minister's behalf.

A detailed proposal has now been submitted to officials and is currently being considered. A response will be sent to ASH Wales once consideration is complete and I will inform the committee of the outcome at that time, as requested.

Yours sincerely,

**Vaughan Gething AC / AM**  
Y Dirprwy Weinidog Iechyd  
Deputy Minister for Health

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.Vaughan.Gething@wales.gsi.gov.uk

# Agenda Item 3.20

## **P-04-422 Fracking**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Minister for Environment and Sustainable Development to produce a Ministerial Interim Minerals Planning Policy Statement as well as a new technical advice note to strengthen the precautionary principle with regard to planning applications for onshore oil and gas, including fracking. All reasonable scientific doubt that there is any risk of adverse impacts must be eliminated, and strongest consideration must be given to the urgent need to mitigate climate change.

**Petition raised by:** Friends of the Earth Cymru

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** Approximately 1000

**P-04-422 Fracking – Correspondence from the Petitioner to the Committee, 02.07.15**

“The Minister is correct to define a moratorium as a temporary prohibition of an activity. But what he goes on to describe is not a moratorium on fracking. It is a moratorium on planning authorities’ determination in favour of fracking. That is a wholly different thing. Any number of things could happen as a result of the Minister’s ‘moratorium’:

1. Planning authorities determine to reject an application for fracking
2. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers intervene within 21 days and reject the application for fracking.
3. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers intervene within 21 days and approve the application for fracking.
4. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers make no intervention within the 21 day period. Planning authority approves the application for fracking.

So it is absolutely clear that the Minister’s moratorium ‘on fracking’ is nothing of the sort, because fracking could be approved by either the Welsh Minister’s direct determination, or through the Welsh Minister’s decision not to intervene in a determination”.

# Agenda Item 3.21

**P-04-623 Improve the Provision of Disabled-friendly Housing in Wales'**

**Petition wording**

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to take action to ensure that all new homes in Wales are built to fully meet all the Welsh Housing Quality Standards ensuring they are as comprehensive as Lifetime Home Standards, with at least 10 per cent of new homes built to full wheelchair accessibility standards.

**Organisation:** Leonard Cheshire Disability

**Lead petitioner:** Rhian Stangroom-Teel

**First considered by the Committee:**

**Number of signatures:** 788 online signatures.

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref CS/01271/15

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

committeebusiness@Wales.gsi.gov.uk

1 September 2015

Dear William

Thank you for your letter of the 6 August regarding a request from the petitioner, Leonard Cheshire Disability, for further information relating to improving the provision of disabled friendly housing in Wales.

Following correspondence from the Leonard Cheshire organisation to the Minister for Health and Social Services, the Minister for Communities and Tackling Poverty, which was copied to you, officials from Planning, Housing Policy and Homes & Places Divisions met with representatives of the organisation and the College of Occupational Therapists on 18 August to discuss the matters included within the petition and those that were the subject of the further information request.

Leonard Cheshire has agreed to provide the Welsh Government with more information to support the points it has raised on the standards to which new homes are built and on associated matters, such as Accessible Housing Registers.

In relation to existing homes and adaptations, following research into the current system for delivering adaptations to people's homes, the Welsh Government is working with all the key stakeholders to develop an enhanced system. When finalised, it will improve the provision of adaptations to those who need the assistance. The College of Occupational Therapists, who have been working with the Leonard Cheshire Homes on this matter, are members of the Working Group developing the enhanced system and will channel their views into it.

From a Planning perspective we will look at the effectiveness of current planning policy by: firstly examining adopted Local Development Plans for effective policies which might seek to deliver Lifetime Homes, and; secondly trying to gain a better understanding of some of the information presented by Leonard Cheshire, so we will try to establish the quantum of Lifetime Homes delivered through the planning system by writing to Local Planning Authorities.

Yours sincerely

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

**Carl Sargeant AC / AM**  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

cc Minister for Communities and Tackling Poverty  
Minister for Health and Social Services





Leonard Cheshire Disability  
66 South Lambeth Road  
London SW8 1RL

T 020 3242 0200  
F 020 3242 0250

[www.leonardcheshire.org](http://www.leonardcheshire.org)

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

16<sup>th</sup> September 2015

Dear William,

### **P-04-623 Improve the Provision of Disabled Friendly housing in Wales**

Thank you for the opportunity to comment on the Minister's correspondence of 1 September 2015.

As the Minister outlines, representatives from Leonard Cheshire Disability and the College of Occupational Therapists recently had the opportunity to meet with officials from the Planning, Housing Policy and Homes & Places Divisions.

We are grateful for this initial discussion on the Provision of Disabled Friendly homes in Wales. We are in the process of providing officials with the information that we have gathered to date to support our Home Truths campaign, including examples of both best (and worst) practice. By way of illustration, I have attached at annex 1 a number of key statistics on the provision of Disabled Friendly housing in Wales, which we are in the process of sharing with the Welsh Government. We are happy to continue to work with the Welsh Government to develop an evidence base and welcome further meetings with them to establish what further information we collectively need to gather.

As outlined in the Minister's correspondence, we also understand that Welsh Government officials will try to establish the quantum of Lifetime Homes currently delivered through the planning system by writing to Local Planning Authorities. We believe this is vital, because in our experience the status quo is simply not providing enough disabled-friendly homes.

Although this dialogue has been very welcome, we recognise that it is also at an embryonic stage. For example, it is helpful that officials will examine "Local Development Plans for effective policies which might seek to deliver Lifetime Homes." However, we fundamentally believe that the solution to the horrific conditions facing disabled people in inaccessible homes is for the Welsh Government to explicitly direct planning authorities to normally require that all homes are built to Lifetime Home standards.

The deliberation given by the Committee to our petition has been vital in focussing attention on this issue, and we would be very grateful if the Committee agreed to continue such consideration. We would welcome, for example, the Committee seeking updates from both the Welsh Government and Leonard Cheshire Disability on the progress of this work before the end of the 4th Assembly.

Yours sincerely,

Rhian Stangroom-Teel

**Rhian Stangroom-Teel**

Policy and Public Affairs (Wales)

Leonard Cheshire Disability

Telephone: 07815 601445

Email: [rhian.stangroom-teel@leonardcheshire.org](mailto:rhian.stangroom-teel@leonardcheshire.org)

## Annex 1: Key statistics gathered on the provision of Disabled Friendly Housing in Wales



Our Freedom of Information requests have collected the following information:

- Of the 10 Welsh local authorities who responded to our FOI request, only one (Denbighshire) said that they had a Lifetime Homes policy for housing built in their area, while nine (Bridgend, Cardiff, Conwy, Merthyr Tydfil, Monmouthshire, Newport, Pembrokeshire, Swansea, Wrexham) said they did not.
- Only five local authorities (Bridgend, Cardiff, Conwy, Newport, Swansea) were able to tell us how many disabled people were on their housing waiting lists.
  - Between them, those five local authorities had over 2200 disabled people waiting for a home in their area.
  - If the rest of Wales had the same proportion of disabled people on their housing waiting list, we would expect there to be 7000 disabled people waiting for a home across Wales.
  - If, as seems likely, those local authorities who could not tell us how many disabled people were on their housing waiting list have a greater than average proportion of disabled people on their lists, the number would be even higher.
- Based on responses from fourteen Welsh local authorities (Blaenau Gwent, Bridgend, Cardiff, Carmarthenshire, Conwy, Denbighshire, Gwynedd, Monmouthshire, Neath Port Talbot, Newport, Pembrokeshire, Swansea, The Vale of Glamorgan and Torfaen) we have found that over the past three years:
  - At least 1,500 people in Wales have waited more than six months for a response to their DFG application;
  - Almost 300 people in Wales have waited more than a year for adaptations to be made to their homes following their application for a DFG being accepted;
  - If we scale up these results proportionately for the rest of Wales, we would expect 2350 people to have waited more than 6 months for a response to their DFG application, and almost 450 people to have waited more than 12 months for their DFG to be paid over the same period.
  - Two thirds (ten – Bridgend, Carmarthenshire, Conwy, Denbighshire, Gwynedd, Neath Port Talbot, Newport, Pembrokeshire, Swansea, Torfaen) of the local authorities who responded to us had examples of people waiting more than two years for adaptations after their DFG application had been approved, and two (Torfaen and Neath Port Talbot) had people waiting for more than three years.

We have recently worked with Landman Economics to estimate the social benefits of building all homes in Wales to Lifetime Homes standard. We expect to publish the full results before the end of the year.

Early results suggest that:

- Had all homes in Wales been built to Lifetime Homes standard, the Welsh Government would save around £98m every year in health and social care costs, saved benefit expenditure and increased tax revenue; and
- The cost of building all new homes in Wales to Lifetime Homes standard, and of adapting all those homes to meet the needs of their disabled residents would be paid back within 10 years.
- Over the lifetime of a home built to Lifetime Homes standard (estimated at 50 years) we would expect the Welsh Government to recover savings of £2886 per house, and to make a 160% saving on the initial investment.

# KEY FINDINGS AND RECOMMENDATIONS

There is a growing need for disabled-friendly homes in Wales:

- Almost three quarters (72%) of people in Wales report that they live in a home without an accessible front door<sup>1</sup> – meaning that of the tens of thousands of people who acquire a mobility impairment every year, most will have to move house or risk becoming trapped in their own home;
- 22% of disabled households in Wales are waiting for an adaptation to be made to their home;<sup>2</sup> and
- One in six disabled people in the UK and half of all disabled children are living in housing that isn't suitable for their needs.<sup>3</sup>

But many Welsh councils have no estimate of the number of disabled-friendly homes they need, or the impact the lack of disabled-friendly homes is having on health and care services:

- No Welsh councils have analysed the additional costs of inadequate housing to health and social care;<sup>4</sup> and
- A third (36%) of Welsh councils either do not have a housing plan, or their plan makes no reference to disability at all.<sup>5</sup>

Many councils also do not know where the disabled-friendly housing that they have is – only half (55%) of Welsh local councils have

an Accessible Housing Register or similar system.<sup>7</sup>

Despite the obvious impact of housing on a person's health and wellbeing, there is also a lack of integration between health, social care and housing. More than a quarter (29%) of Welsh local authorities do not have a housing representative on their Local Service Boards.<sup>8</sup>

**To secure the growth in disabled-friendly homes the country needs, we are calling for:**

- The Welsh government to make Lifetime Homes the minimum standards for all new-builds;
- All political parties in Wales should commit to introducing disabled-friendly standards to all housing in their 2016 manifestos;
- Local councils to ensure all large developments are built to Welsh Housing Quality Standards (WHQS), and at least 10% are built to full wheelchair accessibility standards;
- The development of an accessible housing register or comparable system across all of Wales, delivered and supported by local councils and the Welsh government;
- Private and social housing developers to build all large developments completely to Welsh Housing Quality Standards, with at least 10% of new homes built to full wheelchair accessibility.

<sup>1</sup> ComRes interviewed 2,006 GB adults aged 18+ online between the 4 and 6 June 2014. Data were weighted to be representative of all GB adults aged 18+. Welsh sample size: 108

<sup>2</sup> The Living in Wales Survey, 2008

<sup>3</sup> Joseph Rowntree Foundation, Housing and disabled children, 2008

<sup>4</sup> Based on responses from 14 Welsh authorities (64% response rate)

<sup>5</sup> Based on responses from 11 Welsh authorities (50% response rate)

<sup>6</sup> Based on responses from 11 Welsh authorities (50% response rate)

<sup>7</sup> Accessible housing registers bring together vital information about disabled-friendly homes such as whether a particular property is wheelchair accessible; the number of steps to the front door; and whether there is a stair-lift or walk-in shower.

<sup>8</sup> Based on responses from 14 Welsh authorities (64% response rate)

## The human misery of living in an inaccessible home

In our previous report, the Hidden Housing Crisis (2014), we revealed the human misery that results from the lack of disabled-friendly homes.

Almost three quarters (72%) of Welsh adults say that the door to their property is not fully accessible (for example because it has steps, or no ramp), while more than half (54%) say they do not have stairs big enough for a stair-lift to be fitted.<sup>9</sup>

That means that disabled people are stuck washing at their kitchen sink, sleeping in their lounge, and unable to get upstairs to tuck their kids into bed. For people like Ruby it means missing out on precious, irreplaceable time with their disabled children.

### CASE STUDY: RUBY NASH

Ruby lives in Barry in South Wales with her son Cody, who has the degenerative muscle condition Duchenne muscular dystrophy. Cody currently finds it difficult getting up the stairs on his own, and this will only get worse as time goes on and his illness progresses.

Ruby told us that: "I'm very worried about what will happen if we have to stay here once Cody has to use a wheelchair. He won't be able to sleep in his bedroom, or use the bathroom privately, and the impact on his life, our lives, will be enormous.

"There are new developments being built in Barry, but neither the council nor private developers are building enough homes to cater for families like us who need them.

"We are gold priority on the Homes 4U list (the local housing association), but there's not a single available home in the area which is suitable.

"The life expectancy for someone living with Duchenne is only 27 years. Our precious time together shouldn't be wasted struggling to get out of the front door, or get down the stairs, we should be able to enjoy our lives together while we can."

## What are national governments doing?

### The Welsh government

The Welsh government has made some positive steps towards delivering the disabled-friendly homes that people in Wales need. All new social housing is required to be built to Welsh Housing Quality Standards (WHQS), and all social landlords are required to upgrade their existing stock to WHQS by 2020.

However, social housing only makes up 17% of all Welsh housing.<sup>10</sup> That means that for every six new homes being built, only one is guaranteed to be disabled-friendly.

Further, the Welsh government has not set a minimum number of new homes to be built to fully wheelchair accessible standards. That means people like Ruby (left) are stuck waiting for a home for their disabled children that may never be built.

### The Westminster government

In Westminster, the situation is even worse. Not only is there no national requirement for any homes to be built to Welsh Housing Quality Standards (or the equivalent Lifetime Homes standards), but the government are now trying to make it **more** difficult to build disabled-friendly homes following extensive lobbying from developers.

The Deregulation Bill, currently in the House of Lords, plans to add costly and bureaucratic hurdles for local authorities to jump through before being able to insist on disabled-friendly standards.<sup>11</sup>

<sup>9</sup> ComRes interviewed 2,006 GB adults aged 18+ online between the 4 and 6 June 2014; including 238 who self-identified as having a mobility impairment. Data were weighted to be representative of all GB adults aged 18+. ComRes's polling. Welsh sample size: 108

<sup>10</sup> <http://wales.gov.uk/statistics-and-research/social-housing-stock-rents/?lang=en>

<sup>11</sup> <http://services.parliament.uk/bills/2014-15/deregulation.html>, clause 32 (4) accessed 08/10/14

It is a disgrace that the Westminster government is bowing to short-term opposition from some developers, rather than putting the needs of disabled and older people first. Developers are perfectly able to sustain a healthy profit while building the homes that Wales need. Last year, the top ten housing developers made combined profits of £1.6bn – that is 260 times the cost of building every new home built last year in Wales to be disabled-friendly.<sup>12</sup>

## The extra costs of unfriendly homes

### The NHS

Healthcare in Wales is facing increasing financial pressure. According to the Nuffield Trust, the NHS in Wales is facing a £2.5bn funding gap in the next 10 years.<sup>13</sup> As with care – it is absolutely vital that the NHS make any savings that it can, that won't endanger patients' health.

The cost to the NHS of unsuitable housing is enormous. Overall, the Building Research Establishment (BRE) estimates that poor housing costs the health service £600 million every year and that the total cost to society – including benefit expenditure and lost tax revenues from those left unable to work – could be as high as £1.5 billion.<sup>14</sup>

And a significant proportion of this cost relates to the lack of disabled-friendly housing. When people's homes are not adapted for their needs, it is often dangerous for them to live there. They risk slipping in bathrooms without grab rails and hoists, falling down stairs with no stair lift or scalding themselves in kitchens where they can't reach the kettle properly. And when these accidents happen, it is the NHS that picks up the bill.

Falls are one of the most common reasons disabled and older people are admitted to hospital. But they could be dramatically reduced by providing more disabled-friendly housing features such as stair lifts, grab rails and level access to buildings.

If more people who needed disabled-friendly housing had it, the NHS would save millions of pounds every year. The cost to the NHS of just one hip-fracture – perhaps caused by someone falling down the stairs - is estimated as £28,000.<sup>15</sup> In comparison, it costs only £1,100 extra to build new homes to Lifetime Homes standard.<sup>16</sup>

### Adaptations

As people become disabled, or get older, their housing needs may change. While some people will need to move to new, disabled-friendly properties, others will want to carry out adaptations to their current home to allow them to continue to live where they feel comfortable.

One way of paying for these adaptations is to apply for a grant from the local council. But the funding available for adaptations is simply not enough to meet demand. Under the current system, applicants are often left waiting years – sometimes more than a decade – to receive the funding they need to make the basic adaptations to their home.

Disabled-friendly homes are, by design, cheaper and easier to adapt than any other homes:

- Installing a stair lift in a Lifetime Home can cost as little as £2,500,<sup>17</sup> but if the wall by the stairs is not strong enough, the cost of replacing or reinforcing the wall could be five or ten times that.
- If a bathroom is big enough for a wheelchair to fit into by design (as they are in Lifetime Homes), the only cost to adapt the home may be around £300 to install grab bars.<sup>18</sup> Whereas, if the doorway needs to be widened and the wall needs to be strengthened, costs could easily be 30 times higher.

<sup>12</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>, Live Table 245, 5,610 new homes built in 2013, multiplied by £1,100 per home, total cost £6.17m <sup>13</sup> A decade of austerity in Wales? The funding pressures facing the NHS in Wales, Nuffield Trust, 2014

<sup>14</sup> Roys, M. Davidson, M. Nicol, S. Ormandy, D. and Ambrose, P. (2010) The real cost of poor housing. BRE

<sup>15</sup> Cabinet Office, Unit Costs Database.

<sup>16</sup> Estimates vary. The CLG Housing Standards Review Consultation Impact Assessment estimated the average cost as £1,100. A previous CLG estimate put the average cost at £547. DCLG The Future of the Code for Sustainable Homes, 2007.

<sup>17</sup> <http://www.rica.org.uk/content/how-much-will-stairlift-cost> accessed 08/10/14

<sup>18</sup> Better outcomes, lower costs, ODI, 2005 prices

## Conclusion

Disabled people are being let down by developers, their local councils and national government. All three are thinking short-term and being railroaded by the house building lobby's resistance to regulation, despite the obvious benefits.

Building more disabled-friendly homes will deliver better lives for millions of disabled people, their families, carers and friends, now and in the future. But it will also help the whole country by reducing the pressure on the NHS and social care systems and allowing disabled people to take up more jobs across the country.

National government, local government and individual developers all have a part to play. With an increasing number of disabled voters and customers, they must all seize this opportunity to build the homes we need.



# Agenda Item 3.22

## **P-04-619 LOCALISM IN PLANNING and COMPENSATION FOR THIRD PARTIES RE. INFRASTRUCTURE PROJECTS**

### **Petition wording**

We call upon the National Assembly for Wales to urge the Welsh Government during its reform of the Welsh planning system, to ensure/guarantee that planning decisions will be taken at the most local level as possible to enable sufficient community engagement and support. Moreover, it encourages the Welsh Government to examine in detail, the impact that major infrastructure schemes have on Third Parties in Wales and considers the implementation of legislation to properly protect and compensate all Third Parties suffering actual loss from the construction, commissioning and operation of major infrastructure projects.

**Lead petitioner:** Mr Michael Halsey

**First considered** by the Committee:

**Number of signatures:** 462

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-619  
Ein cyf/Our ref CS/01269/15

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

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1 September 2015

Dear Bill

Thank you for your letter dated 5 August asking for my views on comments made in response to a petition relating to “localism in planning and compensation for third parties re: infrastructure projects (P-04-619)” and the petitioner’s response to my letter dated 13 May addressed to your Committee.

### Economic, social, environmental and cultural well-being

The principle of sustainable development has been set out in planning legislation since the Planning and Compulsory Purchase Act 2004. The passing of the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015 strengthens this framework to ensure that the development and use of land contributes towards sustainable development by improving the economic, social, environmental and cultural well-being of Wales. We anticipate commencing those provisions in both Acts in 2016.

### Consultation

My full proposals as to how pre-application community consultation requirements and local impact reports are to be dealt with are contained in my ‘Frontloading of the Development Management System’ and ‘Developments of National Significance’ consultation papers. Links to those papers are contained below. I will be publishing the Government’s response to these consultations shortly.

<http://gov.wales/consultations/planning/frontloading-the-development-management-system/?lang=en>

<http://gov.wales/consultations/planning/developments-of-national-significance/?lang=en>

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Correspondence: Carl.Sargeant@wales.gsi.gov.uk  
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## Compensation

As I previously mentioned, the impact of major infrastructure schemes on communities was raised during the scrutiny process of the Planning (Wales) Bill ("the Bill"). These amendments were considered and opposed by the Environment and Sustainability Committee, of which you are part. The petitioner will appreciate that I cannot account for the voting patterns and will of the Assembly.

The Town and Country Planning Act 1990 contains a series of provisions in relation to planning blight for the uncertainty arising from land allocated for development in development plans. No evidence was received to inform the Bill and during its scrutiny by the National Assembly for Wales to suggest that these provisions do not strike the right balance in enabling compensation where it is due while not discouraging investment in infrastructure in Wales.

Yours sincerely



**Carl Sargeant AC / AM**

Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

# Agenda Item 3.23

## **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

**P-04-397 Living Wage - Welsh Government to Clerking Team, 06.07.15**

Kathryn,

In response to your email enquiry of 4 June, I attach the Programme for Government Annual Report: Update on key actions, as published by the Welsh Government. I would draw your attention to the update in relation to the Living Wage commitment on page 135, reference 9/008 which reflects progress to date and may be of interest to the Committee. Further information about the Programme for Government Annual Report can be found on the Welsh Government website.

Kind regards,

Richard Thomas

Number	Commitment	2014-15	Progress to Date
9/007	Actively promote the development of time-banking.	D	Welsh Government encourages Timebanking across Wales as a useful mechanism for supporting volunteering opportunities. This model has been explored in particular in several Communities First areas, including in Cardiff, Rhondda Cynon Taf and Carmarthenshire, where different models of time-banking have been developed and supported by the local CF Clusters.
9/008	Work with trades unions, employers and other stakeholders to explore ways of ensuring a living wage for every worker in Wales, given that low pay is a significant problem for many families and the challenges of in-work poverty remain.	W	The Welsh Government will continue to encourage public, private and third sector employers in Wales to consider becoming accredited Living Wage employers. The Welsh Government pays directly employed staff a Living Wage and is exploring how to meet formal accreditation requirements. A commitment to pay all NHS Wales employees a Living Wage from January 2015 formed part of the Agenda for Change pay award for 2014-15 and 2015-16.
9/009	Continue to support and expand the credit union network with over £3.4m of funding until 2013.	D	<p>From October 2010 to September 2013, over £4m was made available jointly by the Welsh Government and European Regional Development Fund to continue the Access to Financial Services through Credit Unions project. This funding was extended until March 2014 using Welsh Government funding only and additional funding of £1.2m was awarded to Credit Unions for a number of collaborative projects.</p> <p>The Welsh Government is also continuing to fund Credit Unions from April 2014 in order that they help individuals who are financially excluded. This funding is committed until March 2017.</p>

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Planned progress for each year is coded, as follows:

D = Delivered W = Will Deliver N = Won't Deliver S = Commitment Superseded

**P-04-397 Living Wage – update from the Minister for Public Services,  
14.07.15**

The Living Wage – as set by the Living Wage Foundation – was discussed at the December 2014 Workforce Partnership Council (WPC), and was also an item at the WPC meeting earlier this month. These agenda items offered the opportunity for the Minister for Public Services to update on progress in respect on the Living Wage, as referred to in the Programme for Government summary provided to you previously, and for wider discussion.

In light of those discussions with social partners, the Minister has invited trade unions and Local Authorities to work with the Welsh Government to consider, in detail, practical issues around how Local Authorities in Wales can adopt the Living Wage on a consistent basis.

Our focus remains on the Living Wage Foundation’s Living Wage and not the lower, alternative formulation referred to by the UK Government in its recent Budget.

# Agenda Item 3.24

## **P-04-485 Abuse of casual contracts in Further Education**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to use its influence to ensure that the use of hourly paid (zero hour) and fixed term contracts are not abused in the Further Education sector and only used when there is a genuine objective justification for a short term contract with flexibility.

**Petition raised by:** Briony Knibbs

**Date petition first considered by Committee:** 4 June 2013

**Number of signatures:** 674





Llywodraeth Cymru  
Welsh Government

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

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**TITLE**            **Publication of Research on the Use of Zero Hours Contracts in Devolved Public Services**

**DATE**            **7 July 2015**

**BY**                **Leighton Andrews AM, Minister for Public Services**

On 10 December I issued a Written Statement announcing research into the use of zero hours contracts in public services in light of concerns around their use and the impact on workers.

The completed research has been published today and is available on the Welsh Government website at: <http://gov.wales/statistics-and-research/research-use-zero-hours-contracts-devolved-welsh-public-services/?lang=en>

The research shows the varied circumstances in which zero hours contracts are used across public services and highlights issues associated with their use which warrant further consideration and action.

Issues include the impact of uncertain earnings on workers, suitable advance notice of work, sufficient notice and compensation for cancelling work, fair distribution of work, and access to employment rights such as annual leave, sick pay and redundancy pay.

The research also highlights specific concerns around the use of zero hours contracts in contracted out public services, in particular in relation to domiciliary care services which are already being considered by the Minister for Health and Social Services.

I therefore intend to ask the Public Services Staff Commission, when established this autumn, to develop guidance to address concerns identified on zero hours contracts. This will set clear expectations on practices we should expect of all public sector employers to ensure that zero hours contracts are not used inappropriately. Alongside this, it is also intended to issue a Procurement Advice Notice to set similar expectations for public service contractors. This action reflects our commitment to the public service workforce and will support the delivery of public services to people across Wales.

# Agenda Item 3.25

## **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



Eich cyf/Your ref P-04-522  
Ein cyf/Our ref HL/01182/15

William Powell AM  
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

15 July 2015

Dear William

Thank you for your letter of 26 June, where you asked me to expedite my reply to you with respect to asbestos management in schools for the Petitions Committee, and specifically address the key points raised by petitioner Cenric Clement-Evans, which are that:

- a. a Steering Group be set up to assist the Department for Education and Skills to inform policy development;
- b. there should be easy access to information around asbestos in schools; and
- c. that the Minister accepts responsibility for asbestos policy in schools.

I have recently met with my officials to discuss the complex issues around the management of asbestos in schools, and will now address the issues raised in turn:

The steering group in England was set up to review the policy of Asbestos Management in Schools in England following the statement of the Committee of Carcinogenicity in 2013. Following the publishing of these review findings we are satisfied that the work carried out by this group of experts will provide sufficient information for Welsh Government to deal with the issue of asbestos at this time. However, I will continue to maintain close contact with the UK Government Department of Education (DfE) as they develop their plan for improving their evidence base, and I will review our policy once these findings are made public.

In the meantime, my officials will, as with previous guidance development in this field, work with Health and Safety Executive Wales (HSE) and Public Health colleagues to ensure our guidance remains current. Easy access to information around asbestos in schools is paramount. My officials will remind duty holders of their requirement to maintain a clear asbestos management plan.

Local authorities can already undertake maintenance and repair works to support asbestos management in individual schools, using their Revenue Support Grant. I can also confirm that our 21<sup>st</sup> Century Schools and Education Programme represents a £1.4 billion investment over a five year period that will improve some of our poorest condition schools and will result in the reduction of the number of school buildings in Wales with asbestos-containing materials.

I wish to assure you of my continued commitment to this issue and of my support to both the HSE and duty holders through the provision of guidance on this subject matter.

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

## P-04-628 Access to BSL for All

### Petition wording

We call on the National Assembly for Wales to urge the Welsh Government to improve access to Education and services in British Sign Language to improve the quality of life for Deaf people of all ages.

Improve Access for families to learn BSL: When a child is diagnosed as being Deaf/hard of hearing parents should be offered free/subsidised BSL lessons (BSL level one costs approximately £300 per person). By using speech alone, Deaf children struggle/fail to develop communication skills missing important milestones. Learning other languages through BSL (English/Welsh) will improve the child's understanding and comprehension.

Introduce BSL on the National Curriculum: Deaf Children and young people who are taught BSL at an early age will have better access to their education and an improved wellbeing. BSL should be available in schools and taught by qualified Deaf teachers, for all to learn as this would achieve better access for all in society. We believe that BSL should be offered as a language for all learners as a qualification. GCSE Welsh (and other modern languages) are not always offered to Deaf students: this also needs to be improved.

Improving access to Education in BSL for Deaf Children and Young People: currently they have limited access to Education in BSL, and often experience under qualified support. There is a massive gap in the education of Deaf children, as many are wrongly treated as having a Learning Disability. This has a negative impact on their development in life, reducing independence with poor education, resulting in under-employment. They need adequately qualified Communication Support Workers available in school.

Making Services and resources accessible in BSL for Deaf young people: enabling BSL users to access information in their preferred language via digital resources to services such as Education, Health care, Social Services and public transport, giving them equality to access as an equivalent to Welsh Language access.

**Organisation:** Deffo!

**Lead petitioner:** Cathie Robins-Talbot

**First considered by the Committee:**

**Number of signatures:** 502 online signatures. 660 paper signatures . total  
=1162 signatures



Eich cyf/Your ref P-04-628  
Ein cyf/Our ref HL/01266/15

William Powell AM  
Chair - Petitions Committee

[committeebusiness@Wales.gsi.gov.uk](mailto:committeebusiness@Wales.gsi.gov.uk)

14 July 2015

Dear William

Thank you for your letter of 3 July seeking further comments regarding the petition: *P-04-628 - To Improve Access to Education and Services in British Sign Language (BSL)*.

In your letter you sought my views on the petitioners' correspondence, specifically that DEFFO's views are considered as part of the Great Debate and that they will be included in the next stage of the consultation. As you and Committee members will be aware, on the 30 June I announced my support for the development of a new curriculum by accepting, in full, the recommendations of the Successful Futures report by Professor Graham Donaldson. The Welsh Government is now in the process of developing a high level realisation framework which is due to be published in the autumn.

I am clear that we must build our new curriculum together to ensure that all our children and young people can become: ambitious and capable learners; enterprising, creative contributors; ethical, informed citizens; and healthy, confident individuals. Engagement with all stakeholders is going to be essential and we very much welcome DEFFO's expression of interest in this regard. Further information of how stakeholders can be involved will be communicated in due course and I will ensure that DEFFO is added to our stakeholder list so that we can keep them up to date with developments. Further information on curriculum reform can be found at the link below:

<http://gov.wales/topics/educationandskills/schoolshome/curriculuminwales/reform/?lang=en>

DEFFO have suggested that the needs of those seeking or needing BSL training are often unmet or unidentified due to BSL sometimes being a choice rather than a medical need. As I set out in my previous responses, under the Education Act 1996 the responsibility to provide suitable educational provision for all children rests with local authorities. This includes the identification and provision of any language support required, such as BSL, to assist them in achieving their educational potential.

Furthermore, in delivering the Families First Programme, local authorities should use a Team Around the Family (TAF) model that oversees the interventions families receive. This pulls together the right people from the right agencies to ensure that a family receives the right advice, help and support in a timely manner. If it is determined that support for BSL provision for the family is required, the local authority should put the appropriate arrangements in place.

We acknowledge that the current system for SEN can sometimes be challenging for learners and their families and we also appreciate there is pressure on mainstream services to deliver educational provision across a range of learning needs. To address these challenges, we are reforming the current legislative framework for supporting learners with SEN. On 6 July I published our draft Additional Learning Needs and Education Tribunal (Wales) Bill. The consultation document, draft Bill and supporting documents can be accessed at the link below:

<http://gov.wales/consultations/education/draft-aln-and-education-tribunal-wales-bill/?lang=en>

The draft Bill sets out our vision for improving the planning and delivery of additional learning provision and ensure it is much more focused on a child's or young person's individual needs. The consultation will run until 18 December and I would encourage DEFFO to feed in their views.

You also sought clarification on my previous statement that 'the National Assembly for Wales does not have the power to legislate about any language other than Welsh'. To clarify, this statement was made with reference to the specific Welsh Language subject heading in GOWA. I also agree with the points made at (1) - (6) of your letter of 3 July. As noted, for example, we legislate in relation to other languages within the curriculum.

Yours sincerely



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





Deffo!  
57a Neath Road,  
Hafod  
Swansea  
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SA1 2HW

The voice for Youth Deaf youth in Wales

William Powell AM  
Chair – Petitions Committee

29<sup>th</sup> July 2015

Dear Mr Powell

**Deffo! Petition – Access to BSL for All**

Many thanks for your letter dated 3<sup>rd</sup> July 2015 and we are pleased to hear the outcome from the action plans after your recent petition committee meeting.

With regards to the Donaldson's review of the curriculum and assessment in Wales, I would like to confirm that we have been looking for a key contact person who is leading the consultation. We made contact on the 19<sup>th</sup> May 2015 via email to the published email address on the Welsh Government website as per to the following link:-

<http://gov.wales/topics/educationandskills/schoolshome/curriculuminwales/reform/successful-futures/?lang=en>

Please find enclosed a copy of our email to the team as I am disappointed to say that we have not had a response from anyone, or been approached for our views on the consultation, as we feel that our input would be of value to the items considered in the consultation as this impacts on the delivery of Education for Deaf Children and Young People in Wales.

Yours sincerely

Cathie Robins Talbot

Deffo! Principal Petitioner



Cathie Robins-Talbot <crtconsultant@gmail.com>

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Cathie Robins-Talbot <crtconsultant@gmail.com>

Tue, May 19, 2015 at 6:52 PM

To: [CurriculumReview@wales.gsi.gov.uk](mailto:CurriculumReview@wales.gsi.gov.uk)

Cc: Deffo Cymru [deffocymru@gmail.com](mailto:deffocymru@gmail.com)

**Curriculum and assessment**

To whom this may concern,

May I introduce myself as a consultant, working with Deffo! Wales Deaf Youth Forum who are undertaking a campaign to make changes for Deaf/ Hard of Hearing Children and Young People in Wales. We are working with stakeholders to improve access for Deaf users using Signed or spoken Languages.

In a recent meeting that the Leader of Deffo! and I attended, we spoke about the consultation of the curriculum and the assessments made by Professor Donaldson. We believe that our views would be vital for consideration within this review and so we would like to request to meet with Professor Donaldson please, hoping that it is not too late to take part in the review and give our views.

Deffo! is a group of Deaf young adults who give their time volunteering to campaign for the rights of Deaf Children and Young People in Wales. There is no funding to run the group, and they solely rely on fundraising and working within services to raise awareness of the issues that Deaf people face daily. Deffo! would like to see changes within society to improve access, and want to ensure their views are listened to, as they are supported by an array of families who also struggle to get access for their Deaf children in Education. This is the reason for submitting the recent petition, to urge the Welsh Government to consider adding British Sign Language onto the National Curriculum of Wales and making provision accessible to Deaf Children and their families to learn sign language from an early age, which currently does not happen at a local level.

We look forward hearing from you,

Regards

Cathie

On behalf of Deffo!

**Cathie Robins- Talbot**

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**Consultant | MA, PGCE, BA Hons Youth & Community Practitioner**

**Mobile:** 07863174260 |

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The voice for Youth Deaf youth in Wales

William Powell AM  
Chair – Petitions Committee

14th September 2015

Dear Mr Powell

### **Deffo! Petition – Access to BSL for All**

Deffo welcomes the recent response from the Minister seeking to re-assure us of the fact that the education of Deaf young people, and the associated issue of BSL provision is high on the agenda. Whilst we welcome these re-assurances it feels pertinent to raise at this point evidence and observations of recent events which sadly do not re-enforce the assurances provided by the Minister.

It is at best frustrating that Deffo did not receive a reply to the request to be involved in the Donaldson Review. Deffo represents young people who have direct experience of the strengths and weaknesses of the education service in Wales from a Deaf users perspective. These young people have a right to be heard and to have their views taken seriously. This should have included participation within the Donaldson Review.

The Minister once again refers to the measures available in school to support Deaf children. Whilst we welcome in-school provision this sadly, in many areas falls short of expectations and fails to deliver equality of opportunity when compared to opportunities available for non-disabled peers. This week alone Deffo have provided support to three sets of parents who have been struggling to secure appropriate educational support for their children.

The Minister once again deflects responsibility for the education of Deaf young people to local authorities. This results in the present situation, which simply doesn't work. Just this week we have witnessed a parent querying the level of hours of support that was available to a Deaf family member, simply to be met with the response that 'support hours are allocated by a school'. With no national benchmarks, standards or framework the level of support provided is often dependent upon the understanding of those in the school on Deaf issues, and the other challenges being placed on support funds. Parents of Deaf children face barriers, and our experience tells us that they often feel drained and isolated in this process. They are confused by the system, the technical jargon and the legal process – and often have finite time and energy available to address these issues.

Equally many parents have limited availability for continued meetings at school due to their own work commitments. Sadly many of these parents are as such forced into accepting a second best arrangement for the education of their child.

Provision of support for learning activities to support Deaf people in the community is sadly no better. If Deaf people are to fully succeed in work, life and play it is critical that they can communicate, and as such that BSL is widely available. This is not the case. Deaf people cannot learn ESOL or similar, as such it is important that provision is made for their peer-groups (including family and friends) to be able to learn BSL to enable proper communication to take place.

We presently offer BSL courses, but we cannot afford to subsidise them for families on low income/ benefits etc. This includes the families of Deaf young people who are being forced to pay (often when they can't afford to) to learn how to communicate with their own child. We are advised that responsibility for funding community BSL provision is usually allocated to life-long learning. Our experience is that this creates further challenges –

- i. The BSL learning offered through this sources is at best limited, and is not reflective of the true need of the community – or often delivered in situations that meet the needs/ requirements of those wishing to learn.
- ii. Adult education / lifelong learning provision often prohibits the learning of other children / young people. This learning is essential if siblings and peers are going to learn BSL and be able to communicate with Deaf peers.

Deffo would welcome the opportunity to explore with the Minister how this may be redressed to ensure appropriate and accessible provision for all. As this is learning directly linked to equality of those with a protected characteristic we would argue that this provision should be ring-fenced to ensure effective provision, perhaps linked to individual budgets?

The membership of Deffo continually seeks to engage with the Minister and Welsh Government; through Tweets, other social media and submissions to the petitions committee. We hope that these are considered in totality, and whilst we appreciate that individual officers may not have the time to read each Tweet, the volume of this communication – often eloquently and passionately offered by our members – is reflective of the feeling amongst the Deaf community that something is not working in relation to present provision.

The way that Deaf young people learn both in school, and in the community; and the support (including ability to communicate) that is available from their peers and family networks to support them is vital to the social and emotional well-being of Deaf young people; and directly affects their potential to access their life chances in relation to education and employment.

I look forward to hearing from you.

Yours sincerely

Cathie Robins Talbot  
Deffo! Principal Petitioner

## **P-04-634 End Exclusion in Schools for Children with No Religion**

### **Petition wording:**

This petition seeks the support of the Minister for Education and Skills to provide a non-discriminatory education for children of no organised religion in Wales.

This petition has been prompted after personal experience sending my own child to an excellent community primary school in Pontypridd. This school has fantastically supportive teachers and high quality teaching. However, like all community primaries in Wales, it is legally obliged to provide sessions of collective worship and occasionally exceeds its legal obligations under the law by bringing worship into the classroom, the lunch hall and school trips (to places like the Creationist Zoo, Noah's Ark Farm (see existing petition under consideration here:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=10925> ).

In our instance parents have never been consulted on whether we wish our child taught a religion as truth, which we do not. Once I heard of the trip to Noah's Ark Zoo in particular, I called the headmaster who told me that I had the option to exclude my child from organised school activities, which I do not wish to as it would damage and reduce my daughter's role in the school community and generally discriminate against her on the basis of religion.

Afterwards, I searched for a nearby school to which I could send my daughter as an alternative and found that not only was there no option locally but, in fact, none in the whole of Wales. I was genuinely shocked to find that this legal imposition meant that there was no school in the country where my daughter could partake as an equal in school activities. In speaking to a number of other parents in the school, I found sufficient support among the religious and non-religious to put forward this petition.

The petitioner does not seek a petition to end religious practice in schools but to ask the Education Minister to ensure a viable, non-discriminatory education is accessible for children of no organised religion.

**Petition raised by:** Richard Martin

**Date petition first considered by Committee:** 14 July 2015

**Number of signatures:** 37 Online signatures



Eich cyf/Your ref P-04-634  
Ein cyf/Our ref HL/01549/15

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

[committeebusiness@Wales.gsi.gov](mailto:committeebusiness@Wales.gsi.gov)

7 September 2015

Dear William

Thank you for your letter of 6 August on behalf of the Petitions Committee seeking my further views on petition P-04-634 Exclusion in Schools for Children with No Religion.

As my previous correspondence, stated The Education Reform Act 1988, the Schools Standards and Framework Act 1998 and the Welsh Office circular 10/94 sets out the legal requirements for collective worship in schools in Wales, currently there are no plans for this legislative position to change.

Religious Education (RE) in the current curriculum is not intended to promote a particular faith or religion, but should explore a range of philosophical, theological, ethical, and spiritual questions in a reflective, analytical, balanced way that that stimulates questioning and debate. Schools have the flexibility to decide how the curriculum is implemented to suit their own local needs, therefore the delivery of the curriculum is delegated to schools and decisions on the precise content, materials and resources lie with head teachers and their governing bodies to ensure that it meets the needs of the children and local community.

Detailed arrangements for the provision of religious education and collective worship are a matter for local authorities. It is at local level that the syllabus for religious education is determined, and at local level that arrangements are made for collective worship by a schools head teacher or governing body. They have a role in promoting respect for and understanding of those with different beliefs, religious practices as well as non-beliefs. In this regard, it is important that schools create and maintain an effective partnership with parents.

As you may be aware, on 30 June, I announced my support for the development of a new curriculum by accepting, in full, the recommendations contained within the Successful Futures report by Professor Graham Donaldson - which is available to read in full at the following:

<http://gov.wales/topics/educationandskills/schoolshome/curriculuminwales/reform/successful-futures/?lang=en>

In line with Professor Donaldson's recommendations we will now set about the task of building a curriculum that supports our children and young people to be: -

- ambitious, capable learners ready to learn throughout their lives;
- enterprising, creative contributors, ready to play a full part in life and work;
- ethical, informed citizens of Wales and the world; and
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

Within this context I am considering how RE, philosophy and ethics might be strengthened within the context of the new Humanities Area of Learning and Experience.

Working with the sector, in line with the principles set out in the report, will be crucial. In supporting this I have invited regional education consortia to work with their schools – primary, secondary, special – to apply to become Pioneer Schools. These schools will work with experts and other key stakeholders as part of an all-Wales partnership to design and develop the new curriculum.

Changes to our curriculum going forward will be subject to full public debate and consultation. I will be announcing further plans in the autumn detailing how Professor Donaldson's recommendations will be taken forward.

Yours sincerely



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



## **P-04-636 Statutory Sex and Relationships Education (SRE) for all schools and educational establishments in Wales**

### **Petition wording:**

We ask the Welsh Government to make SRE a statutory subject in the curriculum for all schools and educational establishments in Wales. We submit this petition on behalf of the ABFABB project's service users and the Bridgend LGBT Forum. SRE is currently delivered as part of Personal and Social Education (PSE). Delivery is inconsistent and often non-inclusive of LGBT relationships. Evidence shows that 85% of young people are not taught the biological and physical aspects of same-sex relationships, while only 22% discussed LGB issues in SRE classes (Stonewall Cymru, 2012). Inclusive SRE allows a greater awareness of different families, relationships and feelings. It ultimately contributes to combat homophobic, transphobic and biphobic bullying and language in schools. It also favours a more transparent working environment for teachers and all staff.

Inclusive delivery can only be achieved if SRE is granted statutory status across Wales. We propose that a statutory status should allow for:

- A compulsory element to the subject which will ensure implementation.
- An inclusive, age-appropriate delivery with set learning expectation for each progression step.
- A comprehensive training programme for teachers and all staff.
- Information on both sexuality and gender identity; although these are distinct from one another, awareness of all positive relationships from an early age will benefit all children, regardless of identity or sexuality.

**Petition raised by:** Cristina Lepri

**Date petition first considered by Committee:** 16 June 2015

**Number of signatures:** 152 Online signatures

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-636  
Ein cyf/Our ref HL/01538/15

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

20 August 2015

Dear William

Thank you for your letter of 5 August on behalf of the Petitions Committee seeking my views on sex and relationship education in schools following your meeting on 16 June.

In response to the petitioners' comments on current arrangements for sex and relationship education, I should clarify that schools presently have the flexibility to decide how this element of the curriculum is implemented to suit their own local needs. The delivery of the curriculum is therefore delegated to schools and decisions on the precise content, materials and resources lie with head teachers and their governing bodies to ensure that it meets the needs of the children and local community. This gives schools flexibility to decide where the emphasis should be placed and to focus on issues that are particularly relevant to their learners. Where appropriate, it is for schools to plan and work with specialist providers to ensure they deliver relevant learning experiences.

Turning to the petitioners' points in relation to the review of the curriculum. On 30 June, I announced my support for the development of a new curriculum by accepting, in full, the recommendations contained within the Successful Futures report by Professor Graham Donaldson. I published the findings of the 'Great Debate' alongside my formal response to Professor Donaldson's report and a link to that document is enclosed below:

<http://gov.wales/docs/dcells/publications/150630-wavehill-e.pdf>

We will now set about the task of building a curriculum that supports our children and young people to become -

- ambitious, capable learners ready to learn throughout their lives;
- enterprising, creative contributors, ready to play a full part in life and work;
- ethical, informed citizens of Wales and the world; and
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society

In line with the recommendations in Professor Donaldson's report, I am determined that our schools and practitioners, as well as other key stakeholders, will be at the forefront of the design and development of our new curriculum. This is why I have invited regional education consortia to work with their schools – primary, secondary, special– to apply to become Pioneer Schools. These schools will work with experts and other key stakeholders as part of an all-Wales partnership to lead on design and development of the new curriculum.

Meaningful engagement with all relevant stakeholders will be essential to achieving the vision set out in Professor Donaldson's report – a vision that I share. We are currently developing a plan which will set-out how Professor's Donaldson's recommendations will be taken forward. This will be published in the autumn.

Further information on how stakeholders can be involved will be communicated in due course and I will ensure that the petitioners' details are added to our stakeholder list so that my officials may keep them up to date with developments.

Finally, may I take this opportunity to assure you that changes to our curriculum going forward will be subject to full public debate and consultation.

Yours sincerely



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

Dear

Mr. William Powell AM (Chair)

Mr. Russell George AM

Ms. Bethan Jenkins AM

Ms. Joyce Watson AM

10/09/2015

**REF.: P-04-636 Statutory Sex and Relationships Education (SRE)**

Thank you for the opportunity to respond to the Minister's correspondence dated 20/08/2015. We were very pleased with the outcome of the previous committee meeting on 16/06/2015. However, we would like to point out a few further considerations on the comments in the Minister's letter.

We appreciate the value of allowing schools the flexibility to decide how the curriculum content is delivered to suit the school's need. Indeed, this is a particularly valuable asset in the light of different cultural, religious and other circumstances which may vary in each individual school. Nevertheless, we re-assert the need to ensure the delivery of a minimum and age-appropriate content that is inclusive of LGBT topics; sexual orientation and gender identity are not variables to be allocated in the new curriculum, but subjects of over-arching relevance for all children, regardless of how they and their families identify.

It is right that head teachers and governing bodies have control over the allocation of their budget and resources; they are effectively best placed to identify the school's needs. However, we feel the benefit of an inclusive content need to be emphasised, as there is added value in a more inclusive and open school environment for both pupils and staff. The Pioneer Schools concept can be an effective way to encourage and deliver good practice but pupils and families present in the schools community (and organisations representing them) need to be involved. If the school environment is not as

conducive to openness as it could be, those pupils and families are unlikely to identify themselves and may miss the opportunity to add their voices to the process.

Regarding the '*Report on the Responses to the Great Debate*', we agree with the new curriculum's purposes and the emphasis on well-being as a comprehensive approach in which all types of relationships can be a complementary part. This gives an opportunity to address issues of both sexual orientation and gender identity. As we previously stated, we do recognise that these are two distinct characteristics; nevertheless, awareness of all relationships can only be beneficial to all children and young people.

We also take on board the concerns expressed over different interpretations of the statements. However, the recommendations allow for cross-curriculum teaching; in our particular case, this could take the form, for example, of LGBT topics taught in Science, History and/or Religious Education. Therefore, we are in agreement with the majority of the comments, and in favour of autonomy for the schools in choosing the best way to deliver their lessons, although we re-iterate the necessity of age-appropriate and inclusive instructions on the contents to be applied to all schools to guarantee consistency in the delivery of SRE.

The report also mentioned how this cross-curriculum approach will make learning more relevant for children and young people; our concern is that unless this minimum SRE delivery standard is specified and agreed, the quality of the teaching the children and young people receive will be depending on whichever school they happen to be enrolled in and may not be relevant to LGBT pupils and families, but may again reflect the view of the majority and fail to acknowledge and incorporate the diversity of individual and family life.

Please let us make clear that it is not our intention to advocate for a rigid framework but rather to use the flexibility offered in the recommendations to work towards recognition of LGBT relationships, identities and families.

We would also like to emphasise the commitment of many schools to work with third sector providers and other organisations to provide children and

young people with knowledge on specific issues. We are committed on working with education providers to support them to fill knowledge gaps, working with the young people and delivering appropriate training for teaching staff, in a way that is suitable for the school's community.

In order to achieve this, the subject of relationships needs to be approached with clarity and openness. Therefore, we welcome the Minister's commitment to public debate and consultation. We are also looking forward to the publication of the action plan in the autumn and to contribute as stakeholder to the development of an inclusive curriculum.

Thank you for your time and support.

Yours sincerely

On behalf of ABFABB's participants and the Bridgend LGBT Forum

Cristina Lepri  
ABFABB  
Project Co-ordinator  
46-48 Dunraven Place  
Bridgend  
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# Agenda Item 3.29

## **P-04-637 To Protect the Future of Youth Music in Wales**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to protect musical tuition in schools and in particular to:

- Reinststate central ring-fencing of budgets for professional instrumental tuition in schools;
- Implement a national strategy to reverse the decline of Youth Music in Wales;
- Offer the children and young people of Wales their right to receive an education that develops their unique personalities, talents and abilities to the full.

**Petition raised by:** The Friends of Bridgend Youth Music

**Date petition first considered by Committee:** 16 June 2015

**Number of signatures:** 1,363 Online signatures and 738 paper signatures  
=2,101 signatures

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-637  
Ein cyf/Our ref HL/01539/15  
William Powell AM  
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

19 August 2015

Dear William

Thank you for your letter of 5 August in respect of the work of the Music Services Task and Finish Group and the methodology utilised in compiling its report. You also asked for my views on the petition P-04-637 "To Protect the Future of Youth Music in Wales".

Following the publication of the report of the Music Services Task and Finish Group in June, I am allowing time for stakeholders to digest the report and will be responding to the recommendations after recess, in the autumn term.

Details of the methodology used, terms of reference for the group, key tasks and membership are included in the report.

A link to the report is attached:

<http://gov.wales/topics/educationandskills/publications/wagreviews/music-services-task-and-finish-group-report/?lang=en>

As outlined to you in my correspondence earlier this year, I am committed to improving opportunities for the arts in our schools through our 5-year plan *Creative Learning through the Arts - An Action Plan for Wales*.

The Arts and Education programme, to be developed later this year, will enable schools to draw on the knowledge and practice of artists and arts/cultural organisations to enhance and complement the teaching of the arts in schools and provide arts and cultural experiences for learners, both within and outside the curriculum.

Yours sincerely

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff

Page 231

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
Correspondence.Huw.Lewis@wales.gsi.gov.uk  
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2015-0036513POGibb

**Nick Gibb 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](http://www.education.gov.uk/help/contactus)

Mr William Powell AC/AM  
Chair, Petitions Committee of the National Assembly for Wales  
By email: [SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

*Dear Mr Powell*

27 August 2015

Thank you for your letter of 5 August, addressed to the Secretary of State, regarding the future of youth music in Wales. I am replying as the Minister of State for Schools.

As you may be aware, in November 2011 the Government published the National Plan for Music Education following an independent review by Mr Darren Henley. The Plan announced a new network of 123 music education hubs to take forward the work of local authority music services. You can view the Plan at: <https://www.gov.uk/government/publications/the-importance-of-music-a-national-plan-for-music-education>.

Music education hubs ensure that every child aged 5 to 18 has the opportunity to learn a musical instrument, with opportunities for pupils to play in ensembles and perform from an early stage.

Central ring-fenced funding for music education hubs over the last few years has been approximately £75 million for 2012-13 (including £25 million for the music services before the hubs took on their role in September 2012), £63 million for 2013-14, £58 million for 2014-15 and £75 million for 2015-16. Funding is allocated between the 123 music education hubs according to a formula which reflects the number of children in each hub area, with a weighting for disadvantaged pupils. In addition to ring-fenced funding, schools also receive an element of funding in their overall budgets to support the teaching of all curriculum subjects, including music.

If the Committee has any further queries on music funding in England, please contact Ms Jenny Curtis by email at: [jenny.curtis@education.gsi.gov.uk](mailto:jenny.curtis@education.gsi.gov.uk) or by telephone on: 0203408142.

With best wishes.

Yours sincerely,

Nick Gibb MP



8<sup>th</sup> September 2015

The Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Dear Committee Member

**Petition to Protect the Future of Youth Music in Wales**

Thank you, first of all, for your time and efforts and in allowing us to bring this issue into the public domain. Our grateful thanks also for giving us the opportunity of responding to the recent Task and Finish Group report.

We acknowledge that the Task and Finish Group was established and had completed the vast majority if not all of its work before this petition was presented. We ask, therefore, that this additional information is considered in the light of this disparity in timing.

We applaud the fact that the Petitions Committee has made contact with Nick Gibb MP at the Department for Education in order to gain a clearer impression of the situation in England. This was an important step for us as petitioners as the summary in Mr Gibb's letter highlights most of what we are requesting, namely:

- A funding formula for music education, based on pupil numbers, giving equality across all regions.
- The recognition of the additional needs of disadvantaged children in this respect, with corresponding additional funding.
- A ring -fenced budget purely for the work of music services / hubs.

The above information obviously arrived after the Task and Finish Group reported but we still wish this to be considered by the committee as it has the potential to allay many of our current concerns. We had hoped that the Task and Finish Group could have created a means of directing the funding directly to Music Services / hubs where, as financially independent organisations, they would be able to apply for additional funding from bodies such as, for example, the National Lottery. The Task and Finish report appears to have left the funding onus for such musical activities with the Local Authorities once more and even appears to be in favour of charging pupils. In our own area, introducing a greatly inflated charge (as opposed to a nominal contribution) has led to an overall drop of around 40% in the membership of our County Borough ensembles in the last academic year. The current arrangements have already opened up a “postcode lottery” with the level of music provision dependent entirely upon the authority in which individuals reside. The new recommendations do little to change this situation and can do nothing to halt the cuts or charges being imposed by authorities.

At a time when we are being reminded of the importance of raising standards, please consider the devastating effects the cuts are having on the young musicians of Wales. One Welsh authority recently slashed its music budget by around 50%, with the headline being that they had still saved the service. What actually happened was that more than twenty highly qualified and extremely experienced and dedicated staff left the employ of that authority at the end of the summer term. Replacing that level of experience is going to take many years and will certainly have a very negative effect on our current generation. This is just one example. The Minister for Education and Skills has reaffirmed his commitment to improving opportunities for pupils to experience the arts in schools. While we feel that this is good news in the short term (the 5 year plan) we question whether this is the most effective use of funding and also

express concerns as to what happens to the pupils after the proposed “outside providers” have left. A longer term strategy is obviously needed or, we fear, there may be little left to enhance.

In essence, we, as parents, friends and supporters are asking that action is taken now before it is too late. Many of our current parents are past products of the system themselves and constantly remind our staff of how diluted the provision is now when compared to the opportunities they received as pupils. We really cannot allow this to recede any further.

We are sure that you will give this issue your most earnest attention in committee and look forward to hearing from you further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeff Ryan', written in a cursive style.

**Jeff Ryan**

**President –  
for and behalf of the Friends of Bridgend Youth Music**

# Agenda Item 3.30

## **P-04-639 Save Further Education in Powys**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to reconsider the funding cuts that have been made to the NPTC group of colleges and to ensure that the educational futures of the students are safe.

We are students in NPTC Group, Newtown Campus. The Welsh Government have given NPTC group of colleges 12% less money for the next academic year, which equates to approximately £4 million. This means we have lost 50% of our part time courses and 80% of staff have been made redundant. This also means that the teaching we receive on a full-time course will be cut by 50 hours putting strain on the students and the staff. Many of our students depend on college to keep them going and without it we would have little hope and opportunities for the future. The mature students would have to pay an estimate of £400 to attend college which provides a great future for them rather than relying on the benefit system. These cuts are going to make it impossible for some people to make a future for themselves.

### **Additional Information**

In Powys there aren't many job opportunities, and going to college provides the knowledge, skills and experience needed to get a job or progress to university. A levels are not suitable for everyone. We need plumbers, hairdressers, carers, bricklayers etc to ensure the economy of Mid Wales is sustainable and can grow. We need your help to ensure our futures and yours.

**Petition raised by:** NPTC Group Students

**Date petition first considered by Committee:** 16 June 2015

**Number of signatures:** 2,047 Online signatures



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

19 August 2015

Dear Mr Powell

**Petition P-04-639 Save Further Education in Powys**

Thank you for the letter we received on 5<sup>th</sup> August 2015 regarding the petition from NPTC Group students.

As a sector, and as a Group of colleges, we support the statement, "We call on the National Assembly for Wales to urge the Welsh Government to reconsider funding cuts that have been made to the NPTC Group of Colleges and to ensure that the educational futures of the students are safe."

The main body of the information provided by the students is correct, although there are a few slight inaccuracies.

The initial cuts to the further education sector equated to an overall cut of 6.4%, which was the headline figure that was published. However, each college, depending on the extent of part-time provision, received a higher or lower cut. For example, the lowest cut was to St David's 6<sup>th</sup> Form College, they received a 2.6% cut in funding. The highest cut in funding was to the NPTC Group of Colleges, which received a cut of 8.42%, because we have been successful in addressing the Assembly's Skills agenda and attracting large numbers of part-time students. This 8.42% cut equates to a cut of £2,172,242.

However, this in no way shows the full picture. Last year college cuts were protected to a certain extent by the addition of £12.5m into the sector under the SPPFE fund. This fund was not guaranteed for the next academic year and for our group equated to an additional £1,005,256. Therefore the full cut was £3,177,498 or a cut of 11.85% of our core funding. It is true to say that very late in the academic year, some SPPFE money was allocated, but nowhere near the sums allocated in the previous year. Therefore the real cuts to the group amounted to £3.2m.

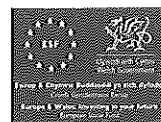
This still does not though provide the full picture for the sector. The majority of staff in the sector are on incremental salaries which annually cost the group anywhere between 1.5 and 2% increase on the salary bill. The Teachers' Pension employer contributions rising from 14.1% to 16.4% puts an additional burden on the college in 2015/16. In April 2016, this will be further exacerbated by an average increase in employer NI contributions of 30% due to the ending of 'contracting out'. We estimated that the total reduction to our core budget will equate to approximately £4M.

Neath Campus, Dŵr-y-Felin Road, Neath, SA10 7RF  
Campws Castell-nedd, Heol Dŵr-y-Felin, Castell-nedd, SA10 7RF  
Tel/Ffôn 01639 648000 Fax/Ffacs 01639 648009  
E-mail/E-bost [info@nptcgroup.ac.uk](mailto:info@nptcgroup.ac.uk)  
[www.nptcgroup.ac.uk](http://www.nptcgroup.ac.uk)

Mark Dacey BSc MSc DipBS MCI0B FBEEng AClarb FRICS  
CEO NPTC Group



Pack Page 237  
This is a Beacon  
Award Winning College



In addition, we noted an error in the funding calculation offered to this group and we were under allocated on our core funding for 2015/16 a sum of £489k. Welsh Government accepted this mistake, however this was after all of the announcements had been made.

It is now therefore more accurate to say that the cut faced by this group for the 2015/16 academic year is closer to £3.5M.

We plan to bring in £1m of additional non-core funding in 2015/16 and the large-scale redundancies have not resulted in any compulsory redundancies. This was as a result of the group and the trade unions working very closely together.


The students' statement also refers to losing 50% of our part-time courses and 80% of our staff. This statement is not completely accurate. Our funding for part-time courses (with the exception of Basic Skills, ESOL and LLDD) has been cut by 50%. It is expected that co-investment by employers will make up this shortfall. However, the majority of our part-time students pay their own fees, and therefore we have had to raise our enrolment fees, which in some cases could be as much as £400, in other cases the fees will be much more than £400. However, we have put together a monthly payment plan to help as much as we can, while still trying to meet the demands of our students and employers.

The figure of 80%, in relation to the number of staff we have had to lose is inaccurate. As part of the redundancy consultation process various "pools of staff", where people carried out the same or similar work, were informed that they were at risk of redundancy. However within these pools the reduction required may only have been one member of staff. Therefore 500+ staff were placed at risk of redundancy across the group, although ultimately there were approximately 100 staff who took voluntary redundancy across all of the College campuses.

The students also commented that all full-time courses will be cut by 50 hours. This is in the main factually correct, however course hours are made up face-to-face teaching and directed study. We are implementing a better approach to blended learning which will mean that 50 hours will be set aside for directed study. This does not mean a reduction in course hours, but does mean a different way of delivering the full programme content. We are not reducing the face-to-face contact time on our A level programmes as we already have a reduced academic year because exam boards have brought forward examination dates over the last ten years or so.

The last comment, "these cuts are going to make it impossible for some people to make a future for themselves", is a worrying statement. The group has access to a limited financial contingency fund in order to assist students in purchasing resources for their courses and other costs such as travel and childcare. We also apply a fee remission policy, linked to household income. However, it is inevitable that an increase in cost will make further education less viable to some potential students.

Yours sincerely



Mark Dacey  
CEO NPTC Group of Colleges

## **P-04-646 Petition against Welsh Draft Non-statutory Guidance for Local Authorities on Elective Home Education.**

### **Petition wording:**

In May 2014 the Welsh Assembly Government Minister for Education announced that new non-statutory guidelines would be drawn up for Elective Home Education, following consultation with home educating families.

Draft guidelines have been published for consultation which do not reflect the previously strongly stated views of those home educating families.

We believe that these draft guidelines are poorly written, misleading and likely to lead to further breakdown in relationships between home educating families and Local Authorities. We call upon the Welsh Assembly Government to retract the draft guidelines as not being fit for purpose.

Instead local authorities should work towards demonstrating their knowledge of the existing law on home education, and adhere to the existing, clearly defined guidelines.

**Petition raised by:** Lucy Bear

**Date petition first considered by Committee:** 14 July 2015

**Number of signatures:** 2,140 Online signatures



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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-646  
Ein cyf/Our ref HL/01548/15

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

committeebusiness@Wales.gsi.gov.uk

20 August 2015

Dear William

Thank you for your recent letter and petitioner's comments regarding the draft guidance for local authorities on elective home education.

I am very grateful for the additional comments from the petitioner and will, of course, ensure they are taken into account in developing the guidance. I will also ensure the Committee is informed when the guidance is published in the autumn.

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

**P-04-646 Petition against Welsh Draft Non-statutory Guidance for Local Authorities on Elective Home Education – Correspondence from the Petitioner to the Committee, 10.09.15.**

We would like to thank the Committee for meeting with us on July 14<sup>th</sup> for the hand over of the petition. We were pleased to be able to clarify our part of the campaign against the new Draft Non-statutory Guidance for Local Authorities on Elective Home Education which included submitting consultation responses and the Hands Up for Home Ed picnic on the steps of the Senedd.

In addition to our previous notes we would like to draw attention to the following:

1. The online consultation closed at 10:38am on July 3<sup>rd</sup>. It was assumed that the deadline would be midnight. We fear some potential participants may have been put off from trying to submit their response.

2. Wavehill, the company responsible for the draft, failed to keep at least one appointment with one home education group. Therefore we are concerned about the balance of opinions that were considered when drafting the guidance.

3. The children's consultation published online by the Welsh Government was ill suited for use by those who are colour blind, dyslexic or on the autistic spectrum. There was a delay of several weeks in publishing the documents in a text only format. We would urge the Committee to recommend that any further publications are fully accessible.

4. We would like clarification on what the Wavehill consultation is being used for as we have been informed by the Welsh Government civil service it is not a Welsh Government survey. We ask the Committee to seek clarification on how the consultation will be used to develop the new guidance further?

5. Has the Committee been informed on what date the Minister will submit a final draft copy for those with a stake in Elective Home Education so that it might be critiqued before publishing a final draft for review?

-----  
Included below are the notes from the meeting of the 14/7/2015 for your convenience.

1. We are concerned that areas of the new Guidance overlook part of the Education Act 1996 s436A:

**(2)In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State**

The relevant guidance is Statutory guidance to help prevent children and young people from missing education, Welsh Assembly Government Circular No: 006/2010 which states:

**1.22 The duty does not apply to children and young people whose parents have chosen to electively home educate them. There is no such duty to identify the suitability of the education.**

The parts of the new guidance which ignore this are as follows:

Page 7: *'Under section 436A of the Education Act 1996, local authorities have a duty to make arrangements to identify children not receiving education and the suitability of that education'.*

Page 9: *'The local authority should consider whether there is existing evidence to indicate a cause for concern over the withdrawal. Advice should be sought from education welfare services where there are concerns'.* There is no mention that local authorities should assume a suitable education is taking place.

Page 22: *'local authorities have a legal duty to establish the identities of children who are not registered at school and not receiving a suitable education'.*

Page 22: *'It is recommended that an initial meeting take place with families to discuss their provision and any advice and support needs they may have'.* This is monitoring. After the initial confirmation of EHE status local authorities should revert to the aforementioned guidance 1.22.

Page 22: *'Thereafter, it is recommended that the local authority should seek to make contact with home educating families on at least an annual basis. These meetings should be seen as an opportunity to provide information and support to home educating families, to listen and respond to any concerns that they may have, as well as considering evidence that a suitable education is being delivered'.* This is routine monitoring with no basis in law. Evidence should not be sought unless there are concerns a suitable education is not taking place.

Page 23: *'local authorities do not have the right to insist on observing education in the home, and where a parent elects not to allow access to their home, alternative arrangements should be made'.* This implies local authorities have the right to routinely

monitor. Evidence should only be sought where there are concerns a suitable education is not taking place.

2. Page 8 states *'Parents whose children are registered pupils at a school should ensure that their names are removed from the school admissions register when they withdraw them from school to home educate to avoid being liable to prosecution for failing to ensure their child's regular attendance at the school where they are registered'*. This contradicts the Education (Pupil Registration) (Wales) Regulations 2010 s8(1)(d) whereby it is the duty of the Headteacher to remove the name of the pupil from the school register.

3. Page 9 states *'Under section 437 of the Education Act 1996, where it appears to a local authority that a child of compulsory school age is not receiving suitable education, either by regular attendance at school or otherwise, the local authority may serve a notice on the parent requiring the parent to satisfy them (within a period of at least 15 days specified in the notice) that the child is receiving such education'*. This should specify that it is a period of 15 school days.

4. Flexischooling is not mentioned.

5. Page 2 states *'The overriding priority of this approach is to secure the best outcomes for children and young people who are electively home educated through developing constructive partnerships between EHE families and local authorities'*. The document is not laid out clearly and is likely to confuse both local authorities and EHE families. Such confusion is likely to cause conflict and will not help foster good relationships. The document need severe editing to ensure clarity.

6. Legal points needs to be accurate and clearly stated.

7. Page 2 states *'This new guidance has been developed through an extensive process of engagement. This process of engagement has taken on board the views of local authorities, the elective home educating community in Wales, and key strategic stakeholders'*. We would question how extensive this engagement has been. Many EHE families in Wales have reported they received no communication regarding this, despite being 'known' to their local authorities. Also stakeholders who were interviewed report that their views appear to have been ignored.

8. Page 11 draws attention to UNCRC: *'Article 12 provides that children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account'*. There is an incorrect implication here that parents and children are in conflict. Article 12 provides a right to express views and for due weight to be given to those views in accordance with the age and maturity of the

child, not a right to have opinions taken into account. It also ignores Article 5:

**'Parties shall respect the responsibilities, rights and duties of parents or, .... to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention'.**

It also appears to contradict page 19 of the Guidance: *'It is important to keep in mind that the decision to home educate rests with the parents. local authorities and schools should respect parental choice'.*

9. Page 12/13 states *'This should help to minimise the removal of children from education as an action of last resort by the family. Schools and local authorities should bear in mind that parents often opt for EHE as a last resort when such conflicts cannot be resolved.'* This implies EHE is regarded as second-class form of education and implies local authorities would prefer it if children were in school.

10. Page 15 mentions approaches adopted in Caerphilly. *'A special pre-Christmas event included a visit to the local zoo for the 'children who wouldn't get a school trip''.* This is exceptionally patronising to EHE families whose children regularly go out on visits. Many EHE families would reject the idea of a regimented 'school trip' which contrasts with the relative freedom EHE provides.

11. Page 15 states *'It is important to establish a consistent approach towards home educators across Wales. Many home educators will have moved from one local authority to another'.* Yet Page 16 contradicts this by stating *'Working on a regional basis, consortia could formulate their own regional responses to EHE tailored to the communities within their area, working with partners on a regional level'.* It is imperative that local authorities adopt a consistent approach to EHE across Wales.

12. Page 17 states *'In addition, it is recommended that local authority officers, in the course of their engagement with these groups, raise awareness of opportunities to undertake training on safeguarding and child protection that are already available to a range of practitioners working with children and young people'.* There is concern that training people who run local EHE groups in child protection is likely to break down their relationships with families who may feel they are now under suspicion simply for choosing EHE.

13. Page 22 states *'The views of home educated children and young people regarding the education they are receiving, their preferences, aspirations and ambitions should be discussed in these meetings'.* This implies children should be compelled to share their

views with local authorities – there is no legal requirement for this.

14. Page 24 states *'local authorities should also inform parents and, where appropriate, their children of possible problems that they might encounter if their qualifications are not sufficiently recognised by employers, or further or higher education establishments'*. Informing children is the role of the parent; this usurps that role.

15. Page 28 states *'It is of great concern to many local authority officers with responsibility for overseeing EHE that there are some children and young people living within their local authority area that they are either unaware of, or have been unable to see'*. Firstly there is no responsibility for the local Authority to 'oversee' EHE, that is the role of the parents. Secondly local authorities have no legal remit or duty to 'see' children.

16. Page 28 states *'Tracing children and ensuring that they are safe is a real challenge for local authorities'*. Local authorities have no proactive duty to make sure children are safe and no legal remit to do so.

17. Page 28 states *'It is the lack of visibility of some EHE children that often concerns many local officers that support the EHE community'*. EHE children are not invisible. They are often out in their local communities being seen by a wide range of individuals including – but not exclusive to – health professionals, tutors, neighbours, leaders of organised activities such as Scouts etc, staff at shops and educational facilities, and the wide network of other EHE families.

18. Page 32 states *'Home educating parents need to be made aware that professionals involved in truancy sweeps may need to verify any information given to them in these circumstances'*. If a child identifies themselves as EHE then no further information should be sought as there is no legal basis for verifying information during a truancy sweep. There is no legal right to demand information from the child unless an officer suspects that they may have committed an offence. Truancy is not an offence committed by the child.

19. Page 3 of the guidelines explains how they seek to 'build consensus and trust between local authorities and EHE families in Wales, and develop positive engagement and appropriate support'. However there is an overwhelming view that the thrust of the document is about local authorities establishing a hierarchical system of control and monitoring over EHE families. There is little to promote 'consensus' or 'trust'.

# Agenda Item 3.32

## **P-04-643 Save Croeserw Flying Start**

### **Petition wording:**

The undersigned residents object to any planned removal or reduction in services for the Flying Start programme in the Croeserw community. Any changes to this service will have an adverse effect on our children's education

**Petition raised by:** Donna Taylor

**Date petition first considered by Committee:** 30 June 2015

**Number of signatures:** 169 Online signatures

## **P-04-645 Save Glyncorrwg Flying Start**

### **Petition wording:**

This petition has been started to save Glyncorrwg Flying Start.

Parents of children who are in Flying start, or have children coming to the age they are able to attend Flying start have received letters stating Flying start will be taken away from our community in July 2015.

Why should our children miss out? Flying Start is a stepping stone for young children, to get them on the learning ladder and ready to start school. It is meant to be provided to those who are in 'deprived areas', which we are, and yet they are taking it away. It's wrong.

**Petition raised by:** Sophie-Kate Reacord

**Date petition first considered by Committee:** 30 June 2015

**Number of signatures:** 148 Online signatures and 343 paper signatures.

Total 491 signautes



**P-04-643 Save Croeserw Flying Start / P-04-645 Save Glyncorrwg Flying Start – Correspondence from Action for Children to the Chair, 19.08.15**

Dear Mr Powell

Further to your letter to me dated 6th August 2015, please accept my apologies for the delay in responding but I have been absent from work on sick leave.

To enable Action for Children to continue the above services we would need to cover a shortfall of approximately £12-20,000. The shortfall is dependent on the number of children we have in each group as this is what determines the level of staff. This amount is not to cover our management fee, but day to day running costs of the service.

Our staff are currently under notice of redundancy and are due to receive their redundancy payments next week. If a decision was made to pay this shortfall was agreed we would need to be informed of this without delay in order for us to stop the redundancy proceedings.

Yours sincerely

Jane Weeks

Operational Director of Children's Services

CEX.BLA

William Powell AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
(By email)

Dear Mr. Powell,

Thank you for your letter dated 6 July, but received on 6 August, regarding Flying Start provision in Croeserw and Glynorrwg (petitions P-04-643 and P-04-645). I would respond to your points as follows.

First, as things stand today, there is no guarantee that replacement child care provision will be provided at Croeserw and Glynorrwg in September. I return to the reasons for this situation below - and what the Council is doing about it.

Second, the petitioners' concerns that there may be a gap in provision locally are legitimate at one level; but the title of the petitions imply that the whole of the Flying Start provision needs saving, this is not the case. All Flying Start provision other than childcare will continue at Croeserw and Glynorrwg as the Council has repeatedly made clear. These include health visiting; parenting advice and speech and language provision. In addition the Council will continue to provide other services including midwifery and educational psychology (not available everywhere else in Wales). To put this in perspective, the current number of children aged 0-4 years living in Croeserw and Glynorrwg and benefitting from the Flying Start Programme is approximately 185 and there are 36 children aged 2 years who should have been attending the Flying Start Playgroups from September and the Council is actively making arrangements for alternative provision (again, see below).

Third, the petition asks why alternative provision was not put in place earlier given the amount of notice given by Action for Children (AfC). This is perhaps the key point and I must be quite blunt here. As I made clear to a number of Assembly Members during a recent meeting on this subject (and separately in correspondence with Welsh Government officials), it is my expectation that when a third party tenders for a service, they will deliver it – not subsequently revert to the Council for additional funding, effectively at the expense of others given the finite budgets within which we must operate. If any third party does not feel able to deliver the service for the quantum of funding available, they should not be bidding for it in the first place in my opinion.

Unfortunately, AfC appears to have something of a track record of accepting contracts and then at least threatening to pull out. This first happened as long ago as 2009 in the Upper Afan Valley when they gave us notice to quit requiring us to go through an expensive and unsuccessful tendering process. On that occasion, AfC then said they would continue to deliver the service. This happened again in 2014 when AfC indicated that they would be giving notice; but then pulled back again. In March of this year, we received a further letter regarding Croeserw and Glyncoedw indicating that they did not think they would be able to continue with the service; but the formal notice did not arrive until 29 April 2015. Initially at least the Council made the quite reasonable assumption that having pulled back twice before, AfC might do it again. So, the bottom line here is that this position is not of the Council's making and it is unfortunate to say the least that AfC persists with this administrative hokey-cokey rather than concentrating on providing the services which they contracted to deliver.

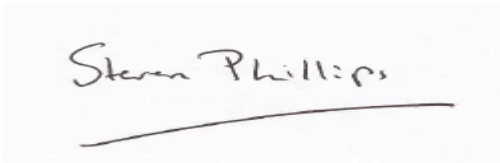
There are also other factors at work here. Any discontinuation of the service would lead to TUPE liabilities falling on an alternative provider or the Council. In terms of value for public money, the Council is obliged to take account of such considerations. More widely, there is no certainty from the Welsh Government that Flying Start funding will continue beyond the end of the current financial year (2015/16), so even if we had issued a new tender in May of this year, there would have been no guarantee that anyone would bid for such a short contract.

Taken together, the tendering requirement and the essential registration process with the Care and Social Services Inspectorate for Wales (CSSIW) could quite possibly have resulted in no provision being available this side of Christmas in any event. We also have concerns that the quality of tenders would have been affected in these circumstances. These are all very relevant considerations in terms of your first point about a replacement service from September. Against this background, I entirely reject the implication in the petition (and in recent media comment) that the Council has been slow off the mark here. Again, I stress that this is not a problem of our making.

In the circumstances that we find ourselves, the Council has been closely consulting with all parents affected (AfC has packed up and left). At the time of writing, 13 children have been placed in alternative provision and we are awaiting a response from the parents of the other 23. These are the essential facts in response to your second point.

In short this Council is doing its best to retrieve a situation which has been precipitated by the less than timely actions of a third party. I am also aware that other local authorities across South Wales are dependent upon AfC to deliver these services to a greater or lesser extent. I am therefore minded to share our experiences with my colleagues elsewhere.

Yours sincerely,

A handwritten signature in black ink that reads "Steven Phillips". The signature is written in a cursive style and is positioned above a solid horizontal line that spans the width of the signature.

**Steven Phillips**  
**Chief Executive**



Eich cyf/Your ref P-04-643, P-04-645  
Ein cyf/Our ref LG/00961/15

William Powell AM  
Chair - Petitions Committee  
Ty Hywel  
Cardiff  
CF99 1NA

7th September  
2015

Dear Bill,

Thank you for your letter of 6 August, regarding the petitions to Save Flying Start in Glyncorrwg (P-04-643) and Croeserw (P-04-645). You requested my response to information received from the petitioner and Action for Children.

I fully understand the concerns laid out in the petitioner's correspondence, however, Flying Start is not being removed from Glyncorrwg or Croeserw. The Flying Start Programme consists of four key elements and it is only the Childcare element currently being disrupted, whilst Neath Port Talbot Council seek to secure an alternative provider. The situation has been discussed at considerable length and my officials support the Council's approach to secure quality replacement childcare in the affected communities in the longer term, whilst offering a range of alternative provision in the short term. The Council intends to temporarily increase delivery of all other aspects of the programme in these communities.

Due to the timescale required to procure alternative childcare provision and to achieve registration by CSSIW, it is not practical for the Council to do this before confirmation of the Welsh Government's budget for 2016-17 and subsequently, the Flying Start budget allocation. As you will be aware, the Spending Review announcement by the UK Government will not be made until 25 November. This means the Welsh Government will not be advised of its budget consequential until this time and though we are hopeful of an earlier indication of overall allocations, it does mean I am unable, at this time, to give any Local Authority a firm indication of the level of Flying Start funding for 2016-17.

The Council has been exploring two different options for replacement provision, is continuing to do so and will be in a position to act as soon as they receive confirmation they have adequate budget to do so. In the meantime, the Council has written to the families affected and has offered the possibility of childcare provision in other Flying Start areas from September as a temporary replacement. A number of families have taken up this offer.

My officials have been aware of the information noted within Action for Children's correspondence for some time and have been in constant dialogue with the Council. It is unfortunate a situation has occurred where the Council and Action for Children were unable to reach an agreement on funding. The financial agreement between the Council and Action for Children would have been set out clearly and agreed by both parties when the childcare provision was initially procured.

I note Action for Children's comments about being unable to fulfil their childcare provision commitments in Glyncoirwg and Croeserw due to the amount of funding they received from the Council. The Local Authority operates consistent funding levels to all of its Flying Start childcare providers across the County.

Lastly, your correspondence asked me to explain how the funding for Flying Start is calculated and whether there has been a recent assessment to determine if the funding is sufficient to cover costs. The Flying Start Revenue Grant is allocated to each Local Authority on the basis of a formula. The grant allocation to each Local Authority is based on the number of 0-3 years olds in the most disadvantaged Lower Super Output Areas (LSOAs) in Wales. Each Local Authority is then allocated a quota of children (the Cap) based on this percentage figure applied to the number of children the Welsh Government wishes to include in the Flying Start programme each year (36,000 in 2015-16). It is for Local Authorities to determine how to utilise the funding available to deliver the four key elements of the programme within the budget available.

Regards

A handwritten signature in black ink, appearing to read 'Lesley Griffiths', written in a cursive style.

**Lesley Griffiths AC / AM**

Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty

# Agenda Item 3.34

## **P-04-607 Call for the welsh government to purchase Garth Celyn**

### **Petition wording**

This historic building and grounds are up for sale.

Such is the importance of this building/grounds to wales and its history we call upon the welsh government to do whats right and secure Garth celyn for the welsh people once and for all.

About the year 1200, Prince Llywelyn ap Iorwerth constructed a royal home on Garth Celyn. To the east of the Llys was the newly endowed Cistercian Monastery of Aberconwy; to the west the cathedral city of Bangor. Between Garth Celyn and the shore the fertile farmland provided food for the royal family, members of the court, and the local community. The sea and the river had fish in abundance and there was wild game to be hunted in the uplands.

The village of Aber Garth Celyn on the west side of the river was a bustling, thriving place. Travellers negotiating the dangerous Lafan Sands were given food and lodging in the valley. Goods brought by sea to the Port of Llanfaes were being distributed to other points on the mainland from here. Animals were herded along this routeway to and from the mountains. Grain was carted to the mill. The community came to attend services in the church. Pilgrims from far and wide walked the trackway and paused for refreshments. Bards came to recite poetry recalling the deeds of the heros, the great defenders.

### **Aditonal Information**

Part of a Letter from Llywelyn, Prince of Wales to John Peckham, archbishop of Canterbury. November 1282

Garth Celyn.

To the most reverend father in Christ, the Lord John, by the Grace of God, Archbishop of Canterbury, primate of all England, from his humble and

devoted son Llywelyn, prince of Wales, lord of Snowdon, greetings and filial affection, with all manner of reverence, submission and honour. For the heavy labours which your fatherly holiness has assumed at this time, out of the love you bear to us and our nation, we render you grateful thanks, all the more since, as you have confided to us, you come against the king's will. You ask us to come to the king's peace. Your holiness should know that we are ready to do so, provided the lord king will truly observe that same peace as is due to us and ours.

We rejoice that this interlude granted to Wales is at your instance and you will find no impediments placed in the way of peace by us, for we would rather support your efforts than those of any other. We hope, God willing, there need be no occasion for you to write anything to the pope concerning our pertinacity nor will you find us spurning your fatherly entreaties and strenuous endeavours, indeed we embrace them with all the warmth of our heart. Nor is it necessary for the king to weigh his hand yet further against us, since we are fully prepared to render him obedience, always saving our rights and laws, a reservation legally permitted to us.

**Petitioner:** Kevin Bates

**First considered by the Committee:** 9 December 2014

**Number of Signatures:** 650



Ken Skates AC / AM  
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref KS/00759/15

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

6 July 2015

*Dear William,*

Thank you for your letter of 18 June and the attached correspondence received by your Committee from Mrs Kathryn Gibson, owner of Garth Celyn/Pen-y-Bryn. Like your committee I have been impressed by the actions of Mrs Gibson, illustrated by the stories provided by petitioners, in opening her property Pen-y-Bryn free of charge to so many visitors over the years. The visits have clearly had a lasting impact on many people.

The issue raised by Mrs Gibson and the petition is for the Welsh Government to safeguard the future of Garth Celyn. A common suggestion is that the property should be purchased by the Welsh Government and converted into a Welsh Cultural Centre.

I am well aware of the importance of the historic landscape at Abergwyngregyn and its association with the princes of Gwynedd. This is reflected in the statutory designations that have been placed on key historic features within the village and landscape. The enclosure adjacent to Pen-y-Bryn and the castle mound known as y Mwd in the village centre have both been scheduled. In addition, Pen-y-Bryn house is listed grade II\* in recognition of its architectural importance. As I said in my previous letter to you, I am confident that these statutory measures can protect these precious remains from damage through unsympathetic development both now and in the future.

I can understand the petitioners' desire for Mrs Gibson's property to be purchased by the Welsh Government. They are undoubtedly concerned that a new owner may not wish to open a private house to visitors. However taking a property into State care would be an undertaking only of last resort for the Welsh Government. It could only be considered if a site of national significance was not capable of being used as a residence and was faced with a threat of some kind.

I would urge the local community and other interested parties to explore other options for the provision of public access. These could include working with or establishing a local preservation trust. This could work with the local authority or other public bodies to apply for grants from sources such as the HLF.

I am sympathetic to the views expressed by the petitioners, who have clearly enjoyed their visits to Pen-y-Bryn at the invitation of the present owner. The number of emails received highlights that many people in Wales and further afield have strong feelings about recognising the historic importance and cultural legacy of the medieval Welsh Princes.

It was in recognition of this that over the past six years the Welsh Government has supported a series of projects to conserve, interpret and provide public access to historic sites associated with the Princes of Gwynedd. In Abergwyngregyn this included funding excavations of the archaeological remains near y Mwd and a local community initiative to install an interpretative exhibition about the royal court of Garth Celyn in Ty Pwmp. Later this summer the existing interpretation will be further enhanced by the addition of a new touchscreen display providing access to comprehensive on-line bilingual information. This will be produced by Snowdonia National Park under the Welsh Government led Heritage Tourism Project. This interpretation will link to walking trails which encourage visitors to explore the landscape of the Royal Court so vividly described in the works of Saunders Lewis, Thomas Parry, Edith Pargeter and others.

In the circumstances, I am of the opinion that the immediate focus for the Welsh Government should be on working with partners. This needs to include the local community and public authorities, on continuing to raise awareness of the importance of the whole landscape in and around Abergwyngregyn and its strong royal association with the princes of Gwynedd.

*Yours ever,*



**Ken Skates AC / AM**

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism

**P-04-607 Call for the welsh government to purchase Garth Celyn –  
Correspondence from the Petitioner to the Committee, 07.09.15**

PETITIONS COMMITTEE

MEETING 22nd SEPTEMBER 2015

P-04-607 GARTH CELYN

I have read the letter from Ken Skates dated 6 July, and also correspondence on the subject from CADW.

I should like to point out that Ken Skates, Deputy Minister for Culture and Tourism has been invited to visit Pen y Bryn, Garth Celyn, Abergwyngregyn, and see for himself the potential that this unique and special site has to offer. To date, he has declined to accept the offer, and his comments, though polite, show that he has failed to understand what Garth Celyn means to people who truly care about Welsh history, and the Flagship project that with help and encouragement from the Welsh Assembly Government, this could become.

A 'new touchscreen display' in the Public Toilet adjacent to the carpark in the village, does little to fulfil the wishes of the people who signed this Petition.

The director of CADW has written to myself and others stating that members of staff visited Garth Celyn last year in response to an Application by the owner. I am informed by Ms Gibson that she made no such Application, and that no one from CADW has been through the door since 1994.

The whole matter needs to be brought under a public spotlight, and the substantial amounts of public money spent on two futile excavations of what experts believe to be a barn / workshop in the village, the 'touchscreen display' and the rest needs thorough independent scrutiny.

Garth Celyn has been ignored and marginalised for reasons many of us sadly understand only too well.

Documentary and building evidence, combined with longstanding local tradition, has proved beyond any reasonable doubt that the promontory overlooking the village alongside the river on the valley bottom, was the site of the home of the Princes of Gwynedd prior to the Edwardian conquest.

We want to celebrate that fact by creating a garden of remembrance – a place where we can celebrate and share our heritage. We want to keep the buildings on the site open for school visits and the rest. Each year students studying the play 'Siwan' by Saunders Lewis have come here to gain an experience that no amount of 'touchscreen displays' can provide. People want to experience the real thing.

Public walking trails in the valley are commendable, but where apart from Garth Celyn itself, can people appreciate the meaning of the place that was the thirteenth century Welsh royal home? Does CADW want people to glimpse something through the trees on the hillside that they will be prevented from entering?

This is our last chance to do something positive. And we need to act now. The property will be auctioned in November unless the Welsh Assembly Government sees the Light as we have pleaded for months. If the Assembly provides the funding to purchase the property in the first place, interested people can then at that stage work with the various public local and national bodies, charities and Heritage Lottery Fund to take this project forward for public benefit. Ownership of the property has to happen FIRST before that can take place.

This is not a political football. Work together and make it happen for all our benefit. Wales needs this, and what a wonderful project for us to be able to share.

all the best

kevin Bates

### **Unsolicited correspondence received from interested party**

To the Members of the Petitions Committee

22nd September 2015

**NATIONAL ASSEMBLY TO BUY GARTH CELYN– THE HOME OF THE PRINCES OF GWYNEDD**

On behalf of many others, I should like to thank the Members of the Petitions Committee for their work in highlighting this issue.

We understand that Ken Skates, in his role as Minister for Culture and Tourism, has not accepted the offer to visit the site and make his own judgement.

Ask yourself this with an open mind.

1. If you were the Prince of Wales, with family, ministers, advisers and guests, would you chose to live on a strategic promontory overlooking the Menai Strait, the Lafan Sands walkway to Anglesey, the port of Llanfaes on the opposite shore and your demesne farmland. Or on the valley floor in the centre of the bustling village, between the mill and the noisy smithy where the community and travellers come to draw water from the river? One place is safe, secure, sunlit and offers privacy. The other just the opposite. So there you have it. Garth Celyn has been reused for over 4000 years for that very reason.

2. There are the clear remains of early medieval structures on Garth Celyn. What is below ground has never been fully explored and analised, but that does not matter at this stage. The documentary evidence is perfectly clear– Garth Celyn was the home of the Prince of Wales and his ancestors prior to 1283.

Huw Edwards in the BBC 'Story of Wales' described it as "In all likelihood the most important site in the history of Wales". Having studied the documentary evidence alongside Paul Remfry and other scholars we have reached the same conclusion.

Gwynfor Evans said that Garth Celyn "...holds the Soul of the Nation." " I respect Gwynfor's view on this and much else. The late John Davies described Garth Celyn as "the one time capital of independent Wales."

3. Saunders Lewis explored the site in the early 1950s and rightly set his play 'Siwan' here. That play is studied in schools throughout Wales.

Thomas Parry set his play 'Llywelyn Fawr' here. Edith Pargeter set her novels 'The Bothers of Gwynedd' and 'The Green Branch' here. Sharon Penman set her novels 'Here Be Dragons' and 'The Reckoning' here. Barbara Erskine set her novel 'Child of the Phoenix' here. Need I go on? If Ken Skates and his advisorscannot see the literary potential alone in Garth Celyn, they are missing the key that offers visitors to the area something really special. Those novels are read worldwide, and have put north Wales on a map for many people who would not have considered visiting otherwise. Add history, culture and landscape into that literary mix and you have a powerful draw.

4. Students from all parts of Wales have visited Garth Celyn over the years years and their letters show what that visit has meant to them. To deny students this opportunity would not be helpful.

5. Tourists visit Chester and Shrewsbury, but they need something that draws them to come further. Garth Celyn , alongside the A55 with easy access, offers so much potential in so many ways.

6. We are not asking for CADW to take Garth Celyn into care. We continue to ask that the Welsh Assembly Government buy this landholding and then place it into the hands of independent Trustees. Those Trustees can then, and only then, apply for grants to take the project forward. As we are well aware, the purchase of Garth Celyn has to happen first. We ask the Welsh Assembly Government to see this as a local, National and international project for the greater public good and benefit. Garth Celyn is Our Heritage, something so many of us treasure.

7. The idea of installing a touchscreen display in the public toilet in the village does little to respect the memory of the men and women who made such a heroic stand to keep Wales independent. Their memory deserves better. Stand outside that public toilet, and look up. When you do, all becomes clear.

We ask that you dont sit back and let Garth Celyn go to public auction. Find the way to take this forward.

Dr John C. Davies.

Conwy

## **P-04-577 Reinstate Funding to the Real Opportunities Project**

### **Petition Wording**

We call on the National Assembly for Wales to urge the Welsh Government to reinstate funding to the Real Opportunities project previously funded by the European Social Fund in Wales, or some new similar project that has the same values as Real Opportunities. The project is vital to helping 14-19 year olds with a learning disability or autistic spectrum disorder to gain life skills and independence.

### **Additional Information:**

The Real Opportunities project enables 14-19 year olds with a learning disability or Autism Spectrum Disorder to develop skills vital for their transition into a college education as well as enabling them to transition into the world of work and develop basic life skills vital to their independence. The project has helped over 1700 young adults with learning disabilities or Autism Spectrum Disorder and has helped train over 1000 peer mentors with the intention of increasing the levels of integration between mainstream school pupils and those in a special needs unit. The values of this project are vital to these young people who at the start may have little or no awareness of personal hygiene etc and at the end are self aware of their personal hygiene and have completed Agored Cymru qualifications that they would otherwise be unable to do.

**Petition raised by:** Aled Davies

**Date Petition first considered by Committee:** 15 July 2014

**Number of signatures:** 25 - An associated e-petition collected 226 signatures.



Eich cyf/Your ref P-04-577  
Ein cyf/Our ref JH/00416/15

William Powell AM  
Assembly Member for Mid & West Wales  
Chair - petitions committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

3 September 2015

### **Petition P- 04- 577: Reinstate Funding to the Real Opportunities Project**

Thank you for your letter of 5 August 2015 regarding the petition and further correspondence the Committee has received from Mr Aled Davies about future funding for the Real Opportunities project.

As highlighted by the Minister for Finance and Government Business in previous correspondence on the issue, the Welsh European Funding Office (WEFO) is the designated 'Managing Authority' for the development and delivery of EU Structural Funds programmes in Wales. WEFO is responsible for the implementation of programmes agreed with the European Commission and is operationally independent of Ministers in terms of the funding decisions it makes. These decisions are made on the basis of selection criteria agreed by the Wales Programme Monitoring Committee and in accordance with EU legislation.

EU Structural Fund programmes in Wales place a strong emphasis on increasing the employability and employment of young people. This includes reducing the number of young people who are NEET (Not in Education, Employment or Training) or who are at risk of becoming NEET. Amongst these young people are those with a range of learning disabilities and difficulties.

As part of a portfolio of projects aimed at supporting young people under the 2007–2013 programmes, WEFO awarded EU funds for the Real Opportunities project. This project helped

young people aged 11–19 with learning disabilities, including those with an Autism Spectrum disorder, to make the transition from school into further learning or training. The £9m EU



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funded project delivered across 9 local authority areas in south Wales from October 2010 to September 2014, providing work experience placements, vocational training, mentoring and advice and support for families. The project helped support over 1700 young people, with 1000 of these training as peer mentors and 246 gaining a recognised qualification. The primary purpose of the project was to support transitions between school and learning, rather than to deliver employment outcomes, although a small number of young people were transitioned into employment with the project's support. Otherwise most of the outcomes achieved were defined as 'soft outcomes' (confidence building etc).

With the 2014-2020 EU funding Programmes now underway, there is a stronger emphasis on delivering qualification and job outcomes for young people who are NEET or at greatest risk of becoming NEET. This is very much in line with the expectations of the European Commission that we should maximize impacts from our Structural Funds investments. WEFO will therefore be focusing and integrating resources to support those at greatest risk, including young people with learning difficulties and others with multiple barriers to engagement and participation. We also want to ensure that this support is available in all parts of Wales. The Welsh Government, through its Youth Engagement and Progression Framework, has set core standards for the early identification of those most at risk of becoming NEET and in the delivery of services to those who are NEET. The 2014-2020 programmes reflect these standards and are very much in line with Welsh Government policies for tackling poverty, placing employment, employability and skills at the center of our strategy for implementation.

EU funds are not intended as a permanent source of funding for individual projects. We expect all projects to have sustainability or exit proposals in place when the period of funding comes to an end. These in turn can help to inform and influence future mainstream provision or projects under subsequent EU Programmes. For example, the Real Opportunities project itself evolved out of the earlier Trinity School ESF project funded under the 2000-2006 Objective 1 Programme, which provided support across the Caerphilly local authority area.

WEFO has been working for a number of months with interested stakeholder organisations, including those who participated in the Real Opportunities project, to encourage the development of collaborative proposals which integrate the type of activity delivered through Real Opportunities with other interventions as part of a broader package of support. The aim is to better respond to the often complex and multiple barriers facing some young people and to reduce their risk of becoming NEET. I am pleased that Caerphilly County Borough Council is working with other regional partnerships in Wales to develop proposals which build on the lessons learned in Real Opportunities and which have a stronger focus on qualifications and job outcomes. The aim is to also extend the breadth of provision available throughout Wales for those at greatest risk of becoming NEET, including those with learning disabilities/difficulties. This provision will be geared to the needs of young people and will include life skills as appropriate. It is my expectation that these regional proposals will come forward for funding decisions in September or October of this year.

I can assure you that the Welsh Government is committed to meeting the educational needs of all children and young people in Wales in order that they reach their full potential. As part of this commitment it is currently undertaking a review which identifies arrangements for transition from school to further and higher education and training for young people with learning difficulties and/or disabilities (LDD). This review is intended to provide information on current arrangements across Wales for transition from school to FE, HE and work-based learning (WBL), in order to identify what works and where improvements can be made. The

findings, case studies and recommendations should provide local authorities and post-16 providers with a benchmark for their own transition arrangements and inform discussions with the Welsh Government.

In addition, you may be interested to know that the Welsh Government is seeking to introduce new legislation on Additional Learning Needs (ALN) that will replace the current legislative framework for special educational needs and post-16 learners with learning difficulties/disabilities. A draft Additional Learning Needs and Education Tribunal (Wales) Bill has been published for consultation and an early draft of a new ALN Code and outline of our plans for implementation will also be published in the autumn term. Consultation on the draft Additional Learning Needs and Education Tribunal (Wales) Bill was launched on 6 July and can be accessed at the following link.

<http://gov.wales/consultations/education/draft-aln-and-education-tribunal-wales-bill/?lang=en>

Yours sincerely



**Damien O'Brien**  
Chief Executive  
Welsh European Funding Office

# Agenda Item 4.1

## **P-04-459 A direct rail connection from Cardiff Airport to Cardiff central and west Wales**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government develop a direct rail connection from Cardiff Airport itself to Cardiff central and west Wales.

There is a substantial need for a fast direct rail route straight from the actual Cardiff International Airport itself directly into Cardiff Central train station (and westwards to west Wales) so that national and international visitors are properly serviced and catered for at our National Airport. There is already a railway stop at Rhoose which is less than a mile away from the airport. It is a wasted opportunity not to extend this line to Cardiff International Airport itself so that travellers from all over the world, straight from their flight, can jump straight on to a train that takes them to the capital city of Wales and beyond.

**Petition raised by:** Sovereign Wales

**Date petition first considered by Committee:** 19 March 2013

**Number of signatures:** 39

Edwina Hart MBE CStJ AC / AM  
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth  
Minister for Economy, Science and Transport



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref EH/03490/15

William Powell AM

committeebusiness@Wales.gsi.gov.uk

20 August 2015

Dear William,

Thank you for your letter of 6 August advising me that the Committee has agreed to close Petition P-04-459.

I have noted the petitioner's comments and I will continue to press the UK Government for the devolution of rail infrastructure.

*Edwina Hart*