

## Agenda – Petitions Committee

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Meeting Venue:

Video Conference via Zoom

Meeting date: 9 June 2020

Meeting time: 09.00

For further information contact:

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health.

This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

- 1 Introduction, apologies, substitutions and declarations of interest  
(Pages 1 – 37)
- 2 Covid-19 petitions
  - 2.1 P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance  
(Pages 38 – 64)
- 3 New petitions
  - 3.1 P-05-947 Make GP letters for Students gratis  
(Pages 65 – 70)
  - 3.2 P-05-950 Agriculture and Countryside Education for 4-16-year olds in our schools  
(Pages 71 – 77)
  - 3.3 P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales  
(Pages 78 – 86)



3.4 P-05-953 Ban Single Use Plastic Milk Bottles in schools  
(Pages 87 – 96)

3.5 P-05-957 “Next Stop St Clears” – Support the bid for a railway station in St Clears  
(Pages 97 – 105)

## **4 Updates to previous petitions**

4.1 P-05-798 Male domestic violence victim support services to be independently run & funded  
(Pages 106 – 112)

4.2 P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action  
(Pages 113 – 124)

4.3 P-05-826 Pembrokeshire says NO!! To the closure of Withybush A&E!  
(Pages 125 – 129)

4.4 P-05-893 Save Our Parks In Wales  
(Pages 130 – 135)

4.5 P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals  
(Pages 136 – 144)

4.6 P-05-929 Encouraging the use of “Cymru” and “Cymry” when referring to ourselves in Welsh and English  
(Pages 145 – 148)

4.7 P-05-778 Protect the Razor Clams on Llanfairfechan Beach  
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4.8 P-05-803 Our natural world is being poisoned by single use plastics...it's time to introduce a tax!  
(Pages 155 – 158)

4.9 P-05-868 Water Safety/Drowning Prevention and the effects of Cold Water Shock to be taught in all Schools in Wales

(Pages 159 – 162)

4.10 P-05-911 Protect Wales' Ancient Yew Trees

(Pages 163 – 167)

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# Agenda Item 2.1

**P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance**

This petition was submitted by Mike Charles having collected a total of 537 signatures.

## **Text of Petition**

We call upon the Welsh Assembly to direct our Government to urgently amend the Learning and Skills Act to allow for funding within specialist colleges to be extended from the age of 25 to 26 for those affected by the Covid19 pandemic and to urgently scrap or amend its guidance document no: 221/2017 November 2017 so that the Covid19 crisis is defined as an exceptional circumstance.

## **Additional Information**

The ALN Act 2018 will in time change the law but young people with complex needs cannot wait. Decisions about how long they may be supported in specialist colleges are being made today. Vital time is being lost by schools and colleges which may have closed or may be operating in a very limited way. For those with complex needs their critical access to learning resources are restricted. People with complex needs often learn from being out in the environment to develop critical life independence and employability skills. Outside is a classroom yet this is now being heavily restricted. Covid19 is altering this ability to learn in a material way.

Many parents and young people are fearful that this is one year open to them out of the 2 maximum. Although the guidance allows for exceptional circumstances it is interpreted in practice as limiting provision to two years and does not define adequately what would amount to an exceptional circumstance. The law however only allows for support up to 25 and this needs to urgently change to give those affected during this pandemic another chance. A chance for another less interrupted year.

This will otherwise manifest into skills being lost and consequent greater reliance on the state. That is not desirable for so many reasons not least the

fact that the loss of critical skills will be devastating for the individual involved.

We call upon our Government to help those most vulnerable. To support them for what they may have lost and give them another chance. A chance for an opportunity not to be missed. For many it is a difference between a life of dependence and independence.

**Senedd Constituency and Region**

- Cardiff South and Penarth
- South Wales Central

# An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

Reference: RS20/12730

**Petition Number:** P-05-962

**Petition title:** An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance

**Text of petition:** We call upon the Welsh Assembly to direct our Government to urgently amend the Learning and Skills Act to allow for funding within specialist colleges to be extended from the age of 25 to 26 for those affected by the Covid 19 pandemic and to urgently scrap or amend it's guidance document no: 221/2017 November 2017 so that the Covid 19 crisis is defined as an exceptional circumstance.

The ALN Act 2018 will in time change the law but young people with complex needs cannot wait. Decisions about how long they may be supported in specialist colleges are being made today. Vital time is being lost by schools and colleges which may have closed or may be operating in a very limited way. For those with complex needs their critical access to learning resources are restricted. People with complex needs often learn from being



out in the environment to develop critical life independence and employability skills. Outside is a classroom yet this is now being heavily restricted. Covid 19 is altering this ability to learn in a material way.

Many parents and young people are fearful that this is one year open to them out of the 2 maximum. Although the guidance allows for exceptional circumstances it is interpreted in practice as limiting provision to two years and does not define adequately what would amount to an exceptional circumstance. The law however only allows for support up to 25 and this needs to urgently change to give those affected during this pandemic another chance. A chance for another less interrupted year.

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We call upon our Government to help those most vulnerable. To support them for what they may have lost and give them another chance. A chance for an opportunity not to be missed. For many it is a difference between a life of dependence and independence.

## 1. Specialist provision

The Learning and Skills Act 2000 deals with the planning and funding of post-16 education. The Welsh Ministers currently have a general duty under the Act to secure proper provision (for those aged between 16 and 19) and reasonable facilities for education and training for learners over the age of 19.

The Welsh Government also has a power under section 140 of the Act to arrange for an assessment to be conducted of any person under the age of 25 where it appears they have learning difficulties and where they are receiving, or are likely to receive, post-16 or higher education or training. Currently, these assessments are conducted by Careers Wales through an annual contract with the Welsh Government. An assessment results in a report setting out a person's educational and training needs, the post-16 education or training required to meet those needs and the provision required.

Specialist further education (FE) establishments are available to support young people to access mainstream FE provision or to specifically deliver specialist educational provision. Specialist FE establishments are mainly found in the independent sector and do not routinely receive recurrent funding from the

Welsh Government. Funding is therefore provided by the Welsh Government to secure provision for individuals at these establishments.

## 2. Welsh Government Guidance

The Welsh Government's published guidance, Securing provision for young people with learning difficulties at specialist further education establishments in April 2017. This states that, for 16-25 year olds with learning difficulties who wish to undertake post-16 education and are not able to access the provision at mainstream FE in order to meet their identified educational and training needs:

The Welsh Government's policy is to fund the duration required based on the young person's capability to progress and achieve against their education and training outcomes. For the majority of young people accessing specialist provision, the duration will be comparable with the duration of provision available within mainstream FE establishments, i.e. two academic years.

The guidance states that specialist FE establishments are responsible for assessing a young person's progress against their agreed programme of study and giving consideration, in conjunction with the young person, their parent/carer and Careers Wales, as to whether a request for **an extension to the agreed programme is necessary**. The FE establishment is also responsible for submitting a request to the Welsh Government for an extension of time to complete the original programme of study that the Welsh Government agreed to fund. The guidance states:

Requests to extend a young person's placement beyond the programme's original agreed end date will only be agreed in exceptional circumstances. The Welsh Government will need to be satisfied that the circumstances giving rise to the need for the extension were unavoidable and that the extension is objectively necessary to ensure that the young person's identified educational and training needs are met.

### 3. ALN Act

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 establishes a new statutory framework for supporting children and young people with Additional Learning Needs (ALN), from birth; whilst they are in school; and, if they are over compulsory school age, while they are in further education. The Act also transfers the responsibility for specialist post-16 provision from the Welsh Ministers to local authorities. The Act will be implemented from September 2021.

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



Eich cyf/Your ref P-05-962  
Ein cyf/Our ref KW/01308/20

Janet Finch-Saunders MS  
Senedd Cymru  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

20 May 2020

Dear Janet,

Thank you for your letter of 5 May regarding the ongoing Petition submitted by Mike Charles, that seeks the Welsh Government to amend the law to extend age of entitlement to additional educational support from 25 to 26 years of age, and to define within Government guidance the COVID-19 pandemic as an exceptional circumstance.

The Welsh Government recognises the importance of ensuring suitable educational provision is made available to all learners. At this unprecedented time, we understand how disruptive the coronavirus outbreak has been for the delivery of education across all sectors. This is unsettling, particularly for some of our most vulnerable learners who may not respond well to sudden changes in routine or to periods of time away from a familiar environment.

In response to this challenge, the Welsh Government has made clear its position that special schools and special settings should, where safe to do so, continue to care for children where possible. Special settings include specialist further education (FE) establishments who are funded to deliver education, training and in many cases, also care, to young people with severe and complex learning difficulties.

To ensure young people can continue to be cared for in specialist FE establishments, now and in the future, the Welsh Government has agreed to continue funding until the end of this academic year (July 2020) for those programmes of study already agreed which are disrupted by COVID-19. This funding will be provided even where a young person is not attending due to COVID-19 and even if a specialist FE establishment temporarily closes or reduces its services, in response to the coronavirus outbreak.

The Welsh Government guidance referred to in the petition is our policy '*Securing provision for young people with learning difficulties at specialist further education establishments*'. The policy is clear that most young people that apply to Welsh Government for support are able

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

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

to have their identified needs met through a programme of study delivered over a two year period. Our policy does however provide flexibility in considering a longer duration if appropriate. Where the education and training needs of a young person requires a programme of study longer than two years, which is supported by the outcome of the Careers Wales assessment process, then an appropriate decision will be made by the Welsh Government, which could result in a specialist placement being secured based on a three year programme of study.

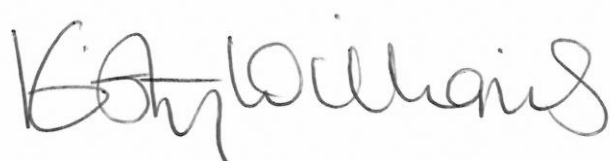
Furthermore if a young person is unable to complete their agreed programme of study, then a request for an extension to the young person's agreed programme of study can be made. The guidance to support this is contained within the policy and associated technical guidance documents for Careers Wales and specialist FE establishments. Requests to extend a young person's placement beyond the programme's original agreed end date will be considered on a case-by-case basis. However, the length of time required must be proportionate to what remains to be completed within the young person's agreed programme of study.

In light of the flexibility the policy already provides, I am not convinced that the policy needs to be amended in light of COVID-19. If the circumstances relating to COVID-19 were evidenced to support an application for a programme of study longer than two years or to support a request for an extension to an agreed programme of study, then these can be considered accordingly against the policy as it stands.

The Welsh Government continues to consider applications for September 2020 start dates. Therefore currently there is no disruption to programmes of study beginning from the next academic year. As a consequence, I see no reason at this time to extend age of entitlement to additional educational support from 25 to 26 years of age.

The Welsh Government continues to monitor the impact of COVID-19 on the delivery of education across Wales and will continue to respond to challenges as they emerge. In the meantime, I hope you agree that the announcements we have made demonstrates our commitment to supporting our most vulnerable learners during this challenging time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

**Kirsty Williams AS/MS**

Y Gweinidog Addysg  
Minister for Education



**P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance, Correspondence – Petitioner to Committee, 01.06.20**



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Dear Petitions Committee,

I apologise if this reply is above the standard sized reply. It is necessary for me to explain it in detail.

### **PART 1 : INTRODUCTION**

I intend to demonstrate three primary reasons why I am extremely disappointed by the Minister's reply to the petition which in light of Covid19 calls for:-

1. The raising of the age of entitlement from 25 to 26 for those disadvantaged by the Covid19 pandemic and
2. An amendment to guidance that influences funding decisions to afford special needs support, so that Covid19 is treated as an "exceptional circumstance" warranting departure from a practice to allow only 2 years specialist funding support for the most complex disabled learners which appear to generate on average around 110 applications in Wales each year.

In her letter dated 20<sup>th</sup> May the Minister states that she "*recognises the importance of ensuring suitable educational provision is made available to all learners*" but insofar as guidance she considers:-

- a. as the Government has "*agreed to continue funding until the end of this academic year (July 2020) for those....disrupted by Covid19*" and
- b. because the existing policy provides "*flexibility*" (*an exceptional circumstance test*) to consider a longer duration of study where an application is supported by a Carers Wales assessment (A section 140 Learning and Skills Act 2000 assessment) -

she states she is "*not convinced that the policy needs to be amended in light of Covid19.*"

In regard to the petition which requests the raising of the age of entitlement for special needs support she similarly states that because

- a. That described above and

b. as she states *“there is no disruption to programmes of study beginning from the next academic year”*

she can see *“no reason at this time to extend the age of entitlement to additional educational support from 25 to 26 years of age”* (section 41(4) of the 2000 Act).

I will set out why the Minister is wrong to have reached this conclusion and why I believe there is a moral, political and legal case for her to act.

There are a number of things that are wrong about the Welsh Government (“The WG”) Guidance generally such that I provide a more detailed analysis of this within appendix A below. I think it generates unacceptable barriers for those burdened by severe disability. I select the passages which I believe are pertinent to this petition immediately below;

### **The guidance:**

There are two documents of particular relevance. Firstly, policy document 196/2017 and 221/2017. The first is said to set out WG “policy and process” by which the Government will make decisions about funding placements for young people aged 16-25 with learning difficulties who require access to specialist provision and the second said to be principally setting out “advice and guidance” on the WG’s expectations for the role of specialist FE establishments.

Dealing with the assessment the technical guidance states:

*In exceptional circumstances, the Welsh Government may specifically arrange for an educational psychologist (EP) to undertake the section 140 assessment of a young person.*

Dealing with the duration of study that a disabled learner may envisage within the specialist sector it states:

*For the majority of young people accessing specialist provision, the duration will be comparable with the duration of provision available within mainstream FE establishments. However, the Welsh Government will consider applications for a longer duration than two years on an exceptional basis*

But as for those who may be able to demonstrate an exceptional basis it states:

*Even in these cases, funding is unlikely to be offered for more than two years in the absence of objective evidence demonstrating that the provision identified as necessary to meet the young person’s established needs cannot realistically be provided by a study programme of two years*

and insofar as three year courses it states:

*The Welsh Government will not normally accept an exceptional reason to justify a duration where the programme is described /considered to be a three year ‘standard’ offer.*

and if a mistake may have been made so as to call for a change of educational programme it states that changes should be brought up as early as possible within the first year as the WG - *will not normally accept any requests to significantly change a provision if it is received after this time in any academic year. The Welsh Government will however consider minor changes to support provision where it is considered necessary throughout the academic year”.*

Insofar as listening to the pleas of parents or young disabled people the policy states:

*While the Welsh Government will take account of the wishes of the young person, their families and/or carers, it does not have a legal duty to fund the specialist provision of their choice; nor does it have a legal duty to fund their programme duration of choice."*

The policy goes on to describe that an assessment of a disabled learner will be undertaken "to understand the young person's educational and training needs and the provision required", in the last year of compulsory schooling (aged 16) whereupon these longer term decisions will be made.

Further if a disabled learner needs to learn life skills beyond merely the school day they must leap over the obstacle of para 50 and 51 of the policy which includes:

*The Welsh Government will fund a placement for a young person at a specialist FE establishment on a day basis where they are satisfied that such provision is necessary.....The Welsh Government will only fund boarding accommodation if without it the young person would be denied effective access to the specialist provision established as necessary to meet the individual's identified educational and training needs"*

Importantly at paragraph 84 the policy reads:

*Requests to extend a young person's placement beyond the programme's original agreed end date will only be agreed in **exceptional circumstances**. The Welsh Government will need to be satisfied that the circumstances giving rise to the need for the extension were unavoidable and that the extension is objectively necessary to ensure that the young person's identified educational and training needs are met."*

and at para 92 of the policy it states:

*"In certain circumstances it may be necessary for a young person to undertake additional specialist provision over and above, and following completion of, the young person's original agreed programme of study. It is not the Welsh Government's policy to routinely fund continuous education and training up until the age of 25. The Welsh Government will not, therefore, usually fund a second/additional programme of study at any specialist FE establishment unless the previous funded programme of study cannot fairly be said to have afforded the young person effective access to further education, or unless **very exceptional circumstances** have resulted in the young person being objectively deprived of the educational value of the previous funded programme"*

## **PART 2 – MY RESPONSE :**

### **A. The Moral Case**

1. Unlike a person without disability, a disabled person with highly complex needs does not have the same choices. Courses of study for them are generally far more expensive than those open for non disabled persons as a disabled person will often require additional facilities and services. Accordingly, suitable educational provision is not in reality so readily available to those with disability.
2. A person with highly complex disabilities requiring for example specialist support will often need to be taught skills that so many of us without disability take for granted. Many will need to generalise skills that they learn in the classroom into other contexts in order to be able to

live more independently and become less reliant upon state help. They may for example need to learn:

- i. How to apply mathematical skills in a shop when purchasing food and other essentials.
  - ii. How to travel independently on a bus, train or car.
  - iii. How to cope with lining up in queues.
  - iv. How to tolerate and manage normal societal demands.
  - v. To develop basic functional skills not merely within the classroom but into their residence and every day life.
  - vi. Road safety
  - vii. Internet safety
  - viii. How to cope with other serious dangers (strangers etc).
  - ix. How to be safe when taking medication including dosages, handling everyday household items and chemicals (weed killers, sink unblocking chemicals etc).
3. These are examples and are in no way exhaustive. Disabled people may have sensory processing difficulties and feelings of serious isolation which might require them to have access to open space. Being out in a social context alongside others in society is part of their learning process. Being in a social context may therefore be extremely important and indeed critical.
4. All of these facilities and opportunities are lost during the COVID19 pandemic as
  - a. They have had to socially isolate.
  - b. They have not had access to shops as they would have otherwise.
  - c. They would not have been so able to become travel trained. Buses, trains etc are all restricted.

### **The arguments**

5. In essence, society which for them is their critical classroom is so restricted. It is like removing all or at least most of their learning resources. It is tantamount to a student being expected to learn without books.
6. For now 10 weeks have already passed and the restrictions remain and as of today a further three weeks of restrictions will continue to apply taking this to at least 13 weeks. That is at least 13 weeks out of a typical 38 week placement. Over a third of their entire year has been affected by these restrictions and their learning opportunities severely compromised. Indeed, which can be expected, the restrictions continue throughout much of the summer this figure will soon become half of what may be the otherwise last year of their entitlement. To argue that these lost opportunities this year, is met by a Government agreement to fund provision until the end of this academic year, is misguided to say the least. It fails fundamentally to address the impact that this has all had upon them this year in particular. It is tantamount to ignoring the needs of the disabled.
  - i. Recognition of “*disruption*” without accepting the limited quality of the provision that these most deserving people have received this year fundamentally misses the point.
  - ii. The argument that the policy affords “flexibility” looks like a reasonable argument at first glance. Yet it fails to stand up to moral scrutiny when comparing this to actual practice. In 2018 I made a freedom of information request to the Welsh Government in which I asked some basic questions and the answers were telling;-

i. In 2015/16 there were 118 applications for specialist college placements and of those 60 were granted a three year period of study. Yet after this guidance the number of those granted a three year programme dropped to only 17 out of a total of 116 applications that year. In the year of 17/18 97 people were awarded instead a 2 year programme. It would be very interesting to know the numbers for 2019 and 2020. Plainly the guidance has been interpreted in practice to seek to limit the study opportunity from 3 to 2 years (leaving aside the fact that there is no good reason to limit a person's learning opportunities at all in this way – England unlike Wales does not seek to do it, as those in England can actually secure support from the state up to and including the year in which they turn 25. Therefore, unlike Wales there is a real opportunity to learn for more than 2 years after school.

ii. The Minister refers to the possibility for those with an assessment to receive extra years of support, yet in the freedom of information answers provided back in 2018, the number people with complex difficulties who had in fact received any assessment throughout a total of three years 2015-18 in support of an application for an extension was in fact an extraordinary zero. Nobody at all received that which the Minister placed emphasis upon. Furthermore only 5 received a further assessment but only when asking for an additional programme of study. Therefore, those who needed to remain on their course for an additional year had received an assessment to support their application. That is deeply unreasonable.

iii. Further given the sizeable population of Wales, and given that the numbers of those who appear to have needed specialist support is on average around 112 each year it appears shameful that no people whatsoever appeared to have been granted an extension under the Welsh Government appeal system. Out of those who might have needed an extension only 13 in 2017/18 were granted. In essence it appears that less than 12% of the complex special needs population in Wales received actual support beyond two years. This, with respect is the exceptional circumstance proviso failing to provide real benefits in practice.

7. The argument presented that extensions are available if supported by an assessment is accordingly extinguished by the reality that rarely if ever are assessments actually delivered (never mind the highly unsatisfactory method adopted in any event (see below)). Neither does it address the reality that assessments undertaken at the age of 16 without any obligation to do one again leaves open the injustice caused to someone who would otherwise be assessed as a late developer, or a person who later discovers they can do things that because of unmet need in the past, they never thought that they could have done. It is frankly immoral to refuse to seek affording such people a chance.
  8. The argument that the Minister is unconvinced to change the policy when she has available to her the same facts as I is deeply disappointing.
  9. The argument that there is no disruption to programmes of study beginning from the next academic year as justification for not being persuaded that there is a need to increase the statutory age of entitlement misses the point entirely. Those aged 25 this year, who may have only discovered within what would have otherwise been their final year, a skill previously masked but never permitted to flourish and who may have entered a specialist college belatedly for perhaps a number of good reasons will face exclusion. They may have only had this year within which to derive any benefit – yet this year is polluted by the dilution of opportunities created by Covid19 as described above. That is no justification for ignoring the needs of the population who are being impacted now.

## **B. The Political Argument**

Parents and lawyers who may help them can only work with the tools that Government may provide by passing laws. I truly believe that when considering the guidance and policy documents in detail can a reader properly understand the many hurdles that must be overcome before a disabled learner can access proper support in Wales.

To assess the likelihood of real benefits around the corner we must look at the present stance of our decision makers. Scrutiny of this guidance and policy provides an insight into the thinking and priorities of those who are entrusted to do so. It is only after considering this in detail that we are able to see hope held by so many evaporating and replaced by pessimism. I have set out in appendix A a more detailed appraisal of the guidance document primarily to highlight further obstacles it creates for disabled learners in Wales. Please also see Appendix B for a few real life examples. Please seize this moment to provide hope to so many who may have already too many hurdles in their lives.

### **(3) The Legal Argument**

The purpose of the Equality Act 2010 was to break down barriers by requiring public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. The UK Government advocated that the *“aim is for public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees”*.

Integral to good policy making and in *“having due regard”*, the Welsh Government is expected to listen to the people affected by its decisions and policies and to listen to and understand their views as part of the decision making.

The Additional Learning Needs and Tribunal Wales Act will change things as the idea is to improve learning opportunities for all albeit the extent by which this will be achieved is yet undetermined. The most vulnerable in Wales still wait for this change but this latest letter refusing to accept an urgent need for change in light of Covid19 is deeply disappointing. Change is needed now as the existing guidance documents are being applied now by officers who seek to use them to inform their decisions in regard to real people who are often in desperate situations.

I intend to show within this response not only why this policy and guidance documents are generally cruel to disabled people but also why failing to embrace the need for change now may in fact be unlawful. I of course appreciate that the Court of Appeal considered the guidance in the context of the particular facts in the case of R (DJ) -v- Welsh Ministers' [2018] EWHC 2735. The court was considering the longstanding argument that a public body must never surrender or ignore their powers and duties nor fetter its discretion by over committing itself to a particular course or approach. The Court was dealing with the well-known public law principles which govern decision making when considering whether the policy should be declared inconsistent with the Learning and Skills Act 2000. The court merely considered two matters. First, whether the application of an exceptional circumstances test amounted to evidence of an unlawful fetter of discretion and second, whether on the facts of the particular case the decision should be quashed due to the policy being rigidly and inflexibly applied. The case was not argued in terms of the truly unique circumstances that apply to us all, and neither was the case argued in terms of the Equality Act 2010 or the Human Rights Act 1998.

The Equality Act provides

At section 1 -

### **1 Public sector duty regarding socio-economic inequalities**

(1)An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2)In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued **[F1**in accordance with subsection (2A)]. .....

**[F3**(aa)in the case of a duty imposed on an authority in relation to devolved Welsh functions, guidance issued by the Welsh Ministers;] .....

(b)in any other case, guidance issued by a Minister of the Crown.]

**[F4**(3)The authorities to which this section applies are—

(a)a Minister of the Crown;

(

At section 149 –

### **149Public sector equality duty**

(1)A public authority must, in the exercise of its functions, have due regard to the need to—

(a)eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b)advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c)foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2).....

(3)Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a)remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b)take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c)encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4)The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5)Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a)tackle prejudice, and

(b)promote understanding.

(6)Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7)The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;

- *pregnancy and maternity;*
- *race;*
- *religion or belief;*
- *sex;*
- *sexual orientation.*

*(8) A reference to conduct that is prohibited by or under this Act includes a reference to—*

*(a) a breach of an equality clause or rule;*

*(b) a breach of a non-discrimination rule.*

*(9) Schedule 18 (exceptions) has effect.*

A sufficient summary of the requirements of section 149 for present purposes is that set out in *R (Bracking) v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345 [2014] Eq. L.R. 60 at [25]:

“(1) As stated by Arden LJ in *R (Elias) v Secretary of State for Defence* [2006] 1 WLR 3213; [2006] EWCA Civ 1293 at [274], equality duties are an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation.

(2) An important evidential element in the demonstration of the discharge of the duty is the recording of the steps taken by the decision maker in seeking to meet the statutory requirements: *R (BAPIO Action Ltd) v Secretary of State for the Home Department* [2007] EWHC 199 (QB) (Stanley Burnton J (as he then was)).

(3) The relevant duty is upon the Minister or other decision maker personally. What matters is what he or she took into account and what he or she knew. Thus, the Minister or decision maker cannot be taken to know what his or her officials know or what may have been in the minds of officials in proffering their advice: *R (National Association of Health Stores) v Department of Health* [2005] EWCA Civ 154 at [26 – 27] per Sedley LJ.

(4) A Minister must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy and not merely as a “rear guard action”, following a concluded decision: per Moses LJ, sitting as a Judge of the Administrative Court, in *Kaur & Shah v LB Ealing* [2008] EWHC 2062 (Admin) at [23 – 24].

(5) These and other points were reviewed by Aikens LJ, giving the judgment of the Divisional Court, in *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin), as follows:

i) The public authority decision maker must be aware of the duty to have “due regard” to the relevant matters;

ii) The duty must be fulfilled before and at the time when a particular policy is being considered;

iii) The duty must be “exercised in substance, with rigour, and with an open mind”. It is not a question of “ticking boxes”; while there is no duty to make



express reference to the regard paid to the relevant duty, reference to it and to the relevant criteria reduces the scope for argument;

iv) The duty is non-delegable; and

v) Is a continuing one.

vi) It is good practice for a decision maker to keep records demonstrating consideration of the duty.

(6) “General regard to issues of equality is not the same as having specific regard, by way of conscious approach to the statutory criteria.” (per Davis J (as he then was) in *R (Meany) v Harlow DC* [2009] EWHC 559 (Admin) at [84], approved in this court in *R (Bailey) v Brent LBC* [2011] EWCA Civ 1586 at [74–75].)

(7) Officials reporting to or advising Ministers/other public authority decision makers, on matters material to the discharge of the duty, must not merely tell the Minister/decision maker what he/she wants to hear but they have to be “rigorous in both enquiring and reporting to them”: *R (Domb) v Hammersmith & Fulham LBC* [2009] EWCA Civ 941 at [79] per Sedley LJ.

(8) Finally, and with respect, it is I think, helpful to recall passages from the judgment of my Lord, Elias LJ, in *R (Hurley & Moore) v Secretary of State for Business, Innovation and Skills* [2012] EWHC 201 (Admin) (Divisional Court) as follows:

(i) At paragraphs [77–78]

“[77] Contrary to a submission advanced by Ms Mountfield, I do not accept that this means that it is for the court to determine whether appropriate weight has been given to the duty. Provided the court is satisfied that there has been a rigorous consideration of the duty, so that there is a proper appreciation of the potential impact of the decision on equality objectives and the desirability of promoting them, then as Dyson LJ in *Baker* (para [34]) made clear, it is for the decision maker to decide how much weight should be given to the various factors informing the decision.

[78] The concept of ‘due regard’ requires the court to ensure that there has been a proper and conscientious focus on the statutory criteria, but if that is done, the court cannot interfere with the decision simply because it would have given greater weight to the equality implications of the decision than did the decision maker. In short, the decision maker must be clear precisely what the equality implications are when he puts them in the balance, and he must recognise the desirability of achieving them, but ultimately it is for him to decide what weight they should be given in the light of all relevant factors. If Ms Mountfield's submissions on this point were correct, it would allow unelected judges to review on substantive merits grounds almost all aspects of public decision making.”

(ii) At paragraphs [89–90]

“[89] It is also alleged that the PSED in this case involves a duty of inquiry. The submission is that the combination of the principles in *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1977] AC 1014 and the duty of due regard under the statute requires public authorities to be properly informed before taking a decision. If the relevant material is not available, there will be a duty to acquire it and this will frequently mean that some further consultation with appropriate groups is required. Ms Mountfield referred to the following passage from the judgment of Aikens LJ in *Brown* (para [85]):

‘....the public authority concerned will, in our view, have to have due regard to the need to take steps to gather relevant information in order that it can properly take steps to take into account disabled persons' disabilities in the context of the particular function under consideration.’  
[90] I respectfully agree....”

Article 8 of the European Convention incorporated into UK law by the Human Rights Act 1998 provides

### **Right to respect for private and family life**

*1 Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

### Points to consider about the Equality Act

1. Education for young people with disabilities is one of the most major ways to tackle economic and social disadvantage.
2. It is irrational to promulgate guidance and policy without input from bodies with specialist knowledge of child welfare and disability. Has the Minister consulted disabled groups about the impact of Covid19? I would be interested to see the responses she might have received.
3. People with disability in Wales rarely, if ever, secure an assessment from experts such as educational psychologists as practice appears to be against this. Thus the likely benefits of specialist provision is rarely, if ever, properly appraised and neither is the likely full psychological and educational impact of denying specialist help properly appraised or understood.
4. Unlike in England and other parts of the UK, people with disabilities who may have a need for specialist support post school are assessed in a particular way and involve a prescribed process of assessment by a range of experts entrusted to report on “need” without regard to a course duration or time limits. The decisions, if challenged, are scrutinised through a legal process that is designed to provide proportionate checks and balances. No such checks and balances apply here in Wales. Decisions are made by the very body that is required to fund and thus have arguably a financial vested interest in the outcome. To put it succinctly, the very fact that time limits are referred to in the document demonstrates the constraints applied in practice that should never exist and

which are unrecognised by Equality legislation. In essence, there is no justification, when tasked with eliminating inequality to erect obstacles in the form of time limits.

5. Proper compliance with the public law equality duty begs the question why anyone should advocate for an exceptional circumstance test let alone a very exceptional circumstance test which appears from the policy at para 92.
6. Restricting the provision for disabled persons to two years is fundamentally discriminatory in itself when the same limitation does not apply to those without disabilities. Indeed applying criteria to determine what should be the duration of study afforded to the most disabled learners based on the expectation of what a mainstream population will receive is discriminatory in itself. A mainstream population may need to take a resit year. A disabled learner does not get the chance.

### **Points to consider under the Human Rights Act**

1. There is a clear and consistent line of Strasbourg jurisprudence to the effect that, although Article 8 contains no explicit procedural requirements, the decision-making process which leads to measures of interference with an individual's right to private life must be fair and such as to afford due respect to the interests safeguarded by Article 8. The purpose of implying a procedural obligation is to ensure "effective" respect for the right. Thus in *Tysiac v Poland* (2007) 45 EHRR 42, the ECtHR said at §115 (emphasis added):  
*"Finally, the Court reiterates that in the assessment of the present case it should be borne in mind that the Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective. Whilst Art.8 contains no explicit procedural requirements, it is important for the effective enjoyment of the rights guaranteed by this provision that the relevant decision-making process is fair and such as to afford due respect to the interests safeguarded by it. What has to be determined is whether, having regard to the particular circumstances of the case and notably the nature of the decisions to be taken, an individual has been involved in the decision-making process, seen as a whole, to a degree sufficient to provide her or him with the requisite protection of their interests."*
2. The current guidance appears to hide behind a clause that it does not have to consider all of the particular circumstances or the needs, wishes and feelings of the disabled learner let alone a proper consideration of the particular circumstances that they find themselves in. An assessment is rarely if ever commissioned in practice after a person's 16<sup>th</sup> birthday let alone an assessment that advocates usage of expertise from people with specialist knowledge in the field.

### **Conclusion**

The Decision to refuse to make an emergency change to the current guidance in light of the pandemic, when that guidance does little to promote confidence in it being properly Equality Act compliant in the first place is deeply worrying. It offers insight into thinking which appears to disregard the impact that this covid19 pandemic is actually having on this group of some of the most vulnerable people in society.

The current trend appears to advocate, and indeed promote, the fact that the state should not be bound by the wishes and feelings of a family who would often be in the unique position to be best informed as to the needs of a young person and the impact that this is having on a particular disabled person.

The numbers of updated assessments in Wales beyond the 16<sup>th</sup> birthday merely reiterates this and is deeply worrying never mind the likelihood of future assessments not being delivered to those who are in need this year.

The application of what is said to be an exceptional circumstance test is merely to impose another hurdle for disabled people when the state should be doing all that is possible to eliminate prejudice and promote equality of opportunity. The very fact that only about 0.003% of the population of Wales are in actual need for this level of support should be considered exceptional enough. The fact that so few are granted either a three year period on entry, or an extension of their two year course of study or an additional programme of study is frankly shameful and representative of a Government content to focus on finance rather than need. This should not influence the Minister to reject the request but to promote the request.

I am left with an overwhelming urge to ask- Why do these people burdened by the most exceptional disabilities, still have to prove an exceptional circumstance.? Is not their disability exceptional enough? Why should exceptional people be so shamelessly ignored by the unexceptional ordinary world? Doing that which the general law requires at its most basic which is thus the least that the law expects is hardly a triumph to be proud of. For injustice, social and economic inequality to thrive, good politicians need only do nothing.

Yours sincerely

Michael Charles  
SOLICITOR

**sinclairs**law

**P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance – Petitioner to Committee, Appendix A, 31.05.20**

**APPENDIX A**

It is necessary to consider in careful detail the wording of the policy and guidance documents. From these documents we can develop a political case for change not least due to the fact that the both guidance documents are ambiguous, contradictory and unnecessarily complex such that it is difficult to derive any sense of certainty over what would amount to an exceptional circumstance in a particular case. There are of course multiple paragraphs but I will highlight a few which perhaps exemplify the extent of the barriers in the way of disabled learners in Wales;

- a. *The transition planning and/or annual review process must be undertaken in an impartial, unbiased, person-centred way. These meeting(s) for that young person should therefore only involve those as identified within the SEN Code of Practice. The Welsh Government would not normally expect specialist FE establishments to be actively involved in review meetings as it would be difficult to maintain impartiality when discussing appropriate and available options for that young person*
- b. *The specialist FE establishment should consider the information provided and undertake their own initial assessment of the young person in order to establish the provision they can cater for.*

Surely if the college is unable to make all the provision that a learner may need, it should be involved in the critical transition planning and this would involve at the critical transitional review understanding what the learner can and cannot do, what progress needs to be made in what key areas. If needs are likely to be unmet a discussion should be had as to how they can be addressed through perhaps a more bespoke approach. Surely it is not simply a case of trying to force a square peg into a round hole.

- c. *'17.The Welsh Government consider it good practice for mainstream and specialist FE establishments to engage with each other regarding those young people with complex needs who are seeking post-16 education, to ensure the necessary provision to meet their identified education and training needs can be established and realistically delivered.'*

Yet In practice we have seen that the assessment is done at the outset prior to the young person starting at college which indicates that the longer term needs are considered determined as at the age of 16 and rarely, if ever, updated. The guidance states that The Learning and Skills Assessment is *an assessment that should result in a Learning and Skills Plan (LSP) which identifies the following:*

- *the young person's educational and training needs; and*

*· the reasonable and realistic provision and duration required to meet those needs, along with any additional holistic support required, where it is needed;"*

Contrast that with England where the courts have stated that the education and health care plans are evolving documents. For example, the DfE guidance on transport states:

*"The DfE's statutory guidance ('Post-16 transport to education and training (October [2017](#)')) sets out: (1) the LA should consider the impact of a learning difficulty or disability on the young person's ability to walk the distance [18], (2) the LA should take account of its duty to encourage, enable and assist the participation of young people with learning difficulties and disabilities up to the age of 25 in education and training pursuant to Education and Skills Act [2008](#) s68*

*[22], (3) it is good practice to account for the fact a learner with a learning difficulty or disability may take longer to complete a particular programme and should consider extending travel arrangements for that period [23]."*

It is misguided to believe that outcomes set for a child at the age of 16 should be carried through without regard to changing needs which may be exposed later. Some children learn at different rates and achieve things later in life that were never previously thought possible. To set the goal at 16 without considering the need to review them again is deeply unfair. The critical role, long recognised in the world of special needs, is that of the Educational Psychologist. The psychologist gives advice to schools and colleges in regard to approaches to adopt, the progress made, outcomes achievable and over what period. Yet the guidance states that the involvement of such expertise in the case of those with special needs should be limited...

- d. [25.1n](#) *exceptional circumstances, the Welsh Government may specifically arrange for an educational psychologist (EP) to undertake the section 140 assessment of a young person."*

Contrast this with regulation 6 of the English Special Needs Regulations that requires in all cases of assessment up to the age of 25 the involvement of an educational psychologist.

When it comes to determining duration of study the guidance states that those with complex needs have an additional hurdle when seeking support beyond two years of post 16 schooling. They must establish the extent of their disability determined at a frozen point in time without regard to the fact that needs may evolve. They also have the higher hurdle of establishing an exceptional circumstance

*(e) Where specialist provision is being sought, this should include consideration of the duration required based on the young person's capability to progress and achieve against a proposed programme of study. For the majority of young people accessing specialist provision, the duration will be comparable with the duration of provision available within mainstream FE establishments. However, the Welsh Government will consider applications for a longer duration than two years on an exceptional basis"*

Further at para 92 of the policy document it states:

*In certain circumstances it may be necessary for a young person to undertake additional specialist provision over and above, and following completion of, the young person's original agreed programme of study. It is not the Welsh Government's policy to routinely fund continuous education and training up until the age of 25. The Welsh Government will not, therefore, usually fund a second/additional programme of study at any specialist FE establishment unless the previous funded programme of study cannot fairly be said to have afforded the young person effective access to further education, or unless very exceptional circumstances have resulted in the young person being objectively deprived of the educational value of the previous funded programme*

Why should the most disadvantaged be treated so unfavourably? Why must they be expected to jump an even higher hurdle than merely demonstrating the difficulties they have encountered and continue to encounter throughout their lives?

- f. *.Where a programme of study lasting more than two academic years is proposed exceptional reasons relating to the individual's capability to learn will need to be demonstrated. Even in these cases, funding is unlikely to be offered for more than two years in the absence of objective evidence demonstrating that the provision identified as necessary to meet the young person's established needs cannot realistically be provided by a study programme of two years"*

This paragraph makes clear that even those who may need the help should not expect it, unless there is "objective evidence". What does that mean? Firstly it gives the impression that college evidence is not impartial, and then goes on to say that educational psychology evidence is only for exceptional cases. So how on earth can a person of moderate means secure any evidence that is objective especially when they are unlikely to secure an up to date learning assessment under section 140. The Act leaves this as a discretionary rather than an obligatory matter. In practice, this means there is no realistic way of achieving it other than by mere good fortune.

If that is not confusing enough let's see the next paragraph:

- g. *"[32.It](#) is the Welsh Government's expectation that 'objective evidence', as referred to in the paragraph above, would be (but not limited to) evidence of how the programme of study would generally be delivered over a two year duration. It is also our expectation that 'exceptional reasons', in this case, would normally relate to (but not limited to) why that young person (for whom the placement relates to) could not undertake that provision within the normal timescales for delivery. The Welsh Government will not normally accept an exceptional reason to justify a duration where the programme is described /considered to be a three year 'standard' offer."*

In other words, unlike a person without a disability who seeks to secure a level of skill in their life that requires them to enrol on a three year programme, the person with complex needs

must generally live with a two year period. Skill development opportunities are thereby cruelly limited by the state.

What if a person with complex needs identifies a new programme because of discovering new talents that they never knew they had? What if they, perhaps, change direction academically to that which they followed when they left school?

The guidance states

- h. *"33.Specialist FE establishments must identify a clear and reasonable programme of study that meets the young person's identified education and training needs, linked to their future aspirations, as part of the section 140 assessment process..."*

Yet this is a college that the Welsh Government promote as potentially lacking objectivity at this stage such that they should not be involved in the critical transition review for the child at 16. How do they derive any clear understanding of the future training aspirations of a young person who they are restricted to getting to know at the annual review? This seems irrational to me.

Some people who enrol at specialist colleges do so with the objective that they may be able to identify the capacity to learn new things or break down some of the barriers that have restricted their desired progress in the past. For those with complex difficulties that might take time. For example, a person with a mental health difficulty, such as acute anxiety, might take a year or longer to resolve the symptoms so as to identify new ideas or new programmes based on academic potential never previously identified as possible. Yet the Guidance expects colleges to identify changes in a programme of study within only the first term of the academic year.

The guidance states

- i. *[64.It](#) is the Welsh Government's expectation that where changes to a young person's provision significantly impacts on the agreed programme of study, e.g. change of programme or course of study, this should be identified as early as possible within their academic year. Therefore, all requests to make a 'significant' change to an agreed provision will need to be submitted within the young person's first term of study in any academic year. The Welsh Government will not normally accept any requests to significantly change a provision if it is received after this time in any academic year. The Welsh Government will however consider minor changes to support provision where it is considered necessary throughout the academic year."*

In the guidance document "securing provision for young people with learning disabilities" no [196/2017](#)

At para 2 it states:



- j. *"The Welsh Government believes, in regards to post-16 education, that all young people who have a learning difficulty (see 'Statutory context' section on page 5 for a definition) should be provided equitable access to further education at a mainstream FE establishment, through the delivery of inclusive options available locally to meet their needs"*

Unlike the case in England where the council is obliged to take into account a placement of the parent or young person's choice (section 39 Children and Families Act [2014](#)) no such right exists in Wales.

The guidance states:

- k. *"22. While the Welsh Government will take account of the wishes of the young person, their families and/or carers, it does not have a legal duty to fund the specialist provision of their choice; nor does it have a legal duty to fund their programme duration of choice."*

How to start the process.

- l. *"24. In order to determine whether to fund a placement, the Welsh Government first needs to understand the young person's educational and training needs and the provision required to meet them. The Welsh Government will generally commission an assessment to be undertaken, and have arranged for Careers Wales to conduct these assessments on their behalf. This usually forms part of the transition process during the last year of compulsory schooling for the young person. In making decisions about securing and funding a placement, the Welsh Government will take the report (LSP) of the assessment into account, together with all other relevant matters, including any information or evidence collated by Careers Wales throughout the assessment process"*
- m. *"27. For young people who are in school, section 140 assessments are carried out on behalf of the Welsh Government by Careers Wales during the last year of compulsory schooling for the young person. Careers Wales will automatically provide an assessment where the young person has a statement of SEN and where a young person is supported by School Action or School Action Plus and has been subject to an annual and/or transition review process consistent<sup>11</sup> with that undertaken for those with a statement of SEN."*
- n. *31. Where arrangements for an assessment have been made, that assessment should be completed as quickly as is reasonably possible in order to assist the young person to consider their options for further learning and to ensure appropriate arrangements can be arranged. It is expected that section 140 assessments will be completed by the end of the spring academic term for those young people expecting to commence post-16 education and training at the start of the next academic year, i.e. the following September. "*

Disabled people are not really given any priority to establish life skills beyond the school day in Wales. This is because of the operation of the guidance which states:

*(o) "50. The Welsh Government will fund a placement for a young person at a specialist FE establishment on a day basis where they are satisfied that such provision is necessary to enable the individual to participate in education and training. Specialist provision will usually be necessary, in the Welsh Government's view, only where there is no other realistic means of providing the young person with effective access to the provision established as necessary to meet the individual's identified education and training needs.*

*(p) 51. The Welsh Government will only fund boarding accommodation if without it the young person would be denied effective access to the specialist provision established as necessary to meet the individual's identified educational and training needs."*

It is noteworthy that boarding is only considered necessary to enable a person to "access specialist provision" rather than because boarding itself may be considered as constituting specialist educational provision itself. Contrast this with the legal approach seen in various cases. A waking day curriculum (which in practice is likely to lead to a requirement for a residential school placement) may be justified if the pupil needs to "translate into his home and social and indeed all areas of his life and functioning, the skill which he learns within the school and school room": *S v Solihull MBC* [\[2007\] EWHC 1139](#).

To conclude, only politicians can direct the amendment of these guidance documents and thereby influence the decision makers. Only politicians can extend the law to give those with disabilities another chance this year. They have enough hurdles to overcome and I respectfully suggest that now is the time to start removing them. I urge you not to forget what is identified within the freedom of information material provided in 2018.

**P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance – Petitioner to Committee, Appendix B, 31.05.20**

**APPENDIX B**

J has highly complex needs. He lives in London and is aged 21. He has already received 5 years post 16 provision. He still receives highly specialist support because a tribunal determined so. J has been given another year. It is fortunate that J lives in England.

D has complex difficulties and has been at a Specialist College in Southern England. D has achieved his aspirations and is now doing things that he never thought possible at school. He excels in music and his life skills have developed such that he is no longer dependent on the state to support him. He can work and thereby gain employment. D has been at the college for three years. He is given a fourth. D lives in England.

S has been in post 16 specialist college for the past 4 years. She is now finishing her first mainstream year. Her mother states “without this specialist none of this would have been possible”. S lives in England.

T aspires to work in performing arts. It was the professional opinion of the team of experts contributing to his annual review that he needs access to highly specialist and bespoke provision. He is able to get direct therapy which was not available at school. T is thriving. T lives in England.

B lives in Wales. He had been in specialist college for a duration of time permitted by the Welsh Government. B applied to extend his time at the college. B was refused.

# Agenda Item 3.1

## **P-05-947 Make GP letters for Students gratis**

This petition was submitted by William Bremner having collected a total of 144 signatures.

### **Text of Petition**

Currently when requiring a letter from the GP to back up an extenuating circumstances claim or for evidence for a DSA application the GP will charge the student around £35 (surgery dependent). This means that on top of the difficulty that a student may be having with their health, learning difficulties, and/or disabilities, they will then have to pay to have a document that shows this. This means that many students (especially those from poorer backgrounds) will have trouble with receiving the support that they need to not only complete their degree, but in some cases survive.

### **Senedd Constituency and Region**

- Cardiff Central
- South Wales Central

# Make GP letters for students gratis

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

Reference: RS20/11947-2

Petition Number: P-05-947

Petition title: Make GP letters for students gratis

Text of petition:

Currently when requiring a letter from the GP to back up an extenuating circumstances claim or for evidence for a DSA application the GP will charge the student around £35 (surgey dependent). This means that on top of the difficulty that a student may be having with their health, learning difficulties, and/or disabilities, they will then have to pay to have a document that shows this. This means that many students (especially those from poorer backgrounds) will have trouble with receiving the support that they need to not only complete their degree, but in some cases survive.



# 1. Background

The British Medical Association (BMA) website provides a **guide** for doctors to share with their patients explaining why they charge fees for certain requests.

Not all of the work doctors are asked to do is paid for by the NHS and many GPs are self-employed. This means they must cover their time and costs - staff, buildings, heating, lighting, etc - in the same way as any small business. **The NHS only pays for NHS work, any work outside of the NHS must be funded by other means and this is why fees are charged.**

When a doctor signs a certificate or completes a report, it is a condition of remaining on the Medical Register that they only sign what they know to be true.

When a doctor is asked to give medical information about a patient in the form of a report, letter or certificate, the ensuing process can be lengthy and is not always straightforward or simple to complete.

In order to complete even the simplest of forms, they may have to check a patient's entire medical record (some of which may not be accessible on a computer or on site). Carelessness or an inaccurate report can have serious consequences for the doctor with the General Medical Council (the doctors' regulatory body) or even the Police.

Although there are no set fees, the BMA website provides **guidance** for medical practitioners about common fees, including **what and when to charge**.

# 2. Welsh Government action

The Minister for Health and Social Services stated in correspondence to the Committee on 16 March 2020 that **A Healthier Wales** sets out the Welsh Government's plan for health services based on the principles of prudent healthcare, with the right person providing the right care at the right time. In many cases a GP will not be the best placed person to provide support to a student - welfare support officers or counsellors may be better able to support students when making cases for extenuating circumstances.

The Minister goes on to say that GPs provide NHS services free of charge to patients within the parameters of the **general medical services contract**. However, as independent contractors they may elect, in some circumstances, to charge for

the completion of forms or reports for third parties that are not in connection with the provision of NHS health care.

In relation to the fees suggested by the BMA (as mentioned above), the Minister highlights that these are intended for guidance only and are not recommendations and a doctor is not obliged to charge the rates the BMA suggests. This is in order to comply with legislation preventing anti-competitive practice. This means that the decision and amount to charge for such services will vary from practice to practice and sometimes will not be imposed at all.

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



Ein cyf/Our ref VG/00497/20

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

16 March 2020

Dear Janet,

Thank you for your e-mail of 11 February regarding Petition P-05-947 regarding charging for GP letters.

A Healthier Wales sets out our plan for health services based on the principles of prudent healthcare, with the right person providing the right care at the right time. In many cases a GP will not be the best placed person to provide support to a student - welfare support officers or counsellors may be better able to support students when making cases for extenuating circumstances.

GPs provide NHS services free of charge to patients within the parameters of the general medical services contract. However, as independent contractors they may elect, in some circumstances, to charge for the completion of forms or reports for third parties that are not in connection with the provision of NHS health care.

The BMA suggests fees that GPs may charge their patients for non-NHS work (i.e. work not covered under their contract with the NHS) in order to help GPs set their own professional fees. However, the fees suggested by the BMA are intended for guidance only and are not recommendations and a doctor is not obliged to charge the rates the BMA suggests. This is in order to comply with legislation preventing anti-competitive practice. This means that the decision and amount to charge for such services will vary from practice to practice and sometimes will not be imposed at all.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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



I hope this is helpful.

Yours sincerely,

A handwritten signature in black ink, reading "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AC/AM**

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

## Agenda Item 3.2

### **P-05-950 Agriculture and Countryside Education for 4-16-year olds in our schools**

This petition was submitted by Osian Hedd Harries having collected a total of 93 signatures.

#### **Text of Petition**

We call on the Welsh Government to provide Agriculture and Countryside Studies in our schools.

#### **Additional Information**

It is important that young people learn how the process of producing food works and learn about the relationship between Food and Agriculture. It is also important that they learn about the basic skills involved in producing our food products. This will also promote respect and understanding of the work of farmers.

#### **Senedd Constituency and Region**

- Preseli Pembrokeshire
- Mid and West Wales

## Agriculture and Countryside Education

Y Pwyllgor Deisebau | 9 June 2020  
Petitions Committee | 9 Mehefin 2020

### Research Briefing:

Petition number: P-05-950

Petition title: Agriculture and Countryside Education for 4-16-year olds in our schools

Text of petition: We call on the Welsh Government to provide Agriculture and Countryside Studies in our schools.

It is important that young people learn how the process of producing food works and learn about the relationship between Food and Agriculture. It is also important that they learn about the basic skills involved in producing our food products. This will also promote respect and understanding of the work of farmers.

### Welsh Government action

In her letter to the Committee, Kirsty Williams, the Minister for Education states that the **current curriculum** provides flexibility within Personal and Social Education for teaching and learning about topics relating to agriculture, the environment and food. Also, learners may carry out cooking tasks and understand a healthy diet in Design and Technology.

### The new curriculum for Wales

Following a [feedback exercise](#) on a [draft version of the new curriculum](#), the Welsh Government published the final Curriculum for Wales on 28 January 2020. The documentation on the new curriculum is available as either a [series of web pages](#) or a [single PDF](#).

The Welsh Government has emphasised that the new Curriculum for Wales is **purpose-driven rather than content-driven**. Specific learning content is not stipulated in the same way as under the current national curriculum.

The Welsh Government has adopted the six Areas of Learning and Experience (AoLEs) for the new curriculum:

- Expressive Arts
- Health and Well-being
- Humanities
- Languages, Literacy and Communication
- Mathematics and Numeracy
- Science and Technology

The new age 3–16 Curriculum for Wales will be introduced in all maintained schools and publicly funded nursery settings **from September 2022 on a phased basis**.

In her letter to the Committee, the Minister states that the AoLEs relating to Health and Well-being, Humanities and Science and Technology include learning and guidance which support learners' understanding of food and its production. Schools will have flexibility to determine how their curriculum can reflect their locality, community and the issues relevant to their learners.

The guidance for the **Health and Well-Being AoLE** states:

An understanding of diet and nutrition could be enhanced by a knowledge of food supply both within Wales and internationally, and how it has changed over time.

The guidance for the **Humanities AoLE** (which includes geography; history; religion, values and ethics; business studies and social studies) states that, for geography, the school curriculum should:

[...]

provide a rich context for exploring the issues of sustainability, climate change, energy choices, nature, natural hazards and disasters and hazard risks, pollution, scarcity of natural resources, food security, population, identity, ethnicity, migration, settlements, globalisation, consumerism and trade, initiatives to tackle poverty, inequality and injustice, contrasts between countries at different levels of development.

## Review of Learning Report

In 2014, the [Welsh Government commissioned](#) Professor Wynne Jones OBE, former Principal and Chief Executive of Harper Adams University College, to carry out an independent review. Professor Jones' final report, [Review of Learning Delivered by Further Education Colleges and the Relevance of that Delivery in Supporting Farm Businesses](#) (January 2015) recommended that a group should be established to develop an Agricultural Education and Development Strategy for Wales. It also recommended:

that the strategy group engages in an informal discussion to establish momentum within the school curriculum for a more widespread adoption of a GCSE in Agricultural Science. Moreover, it is recommended that teachers in Wales should be given the opportunity to embrace examples from agriculture, food and natural resources more broadly in school curriculums. The profile of staff development in agricultural education should be reviewed within the school and FE sectors.

This was [accepted in principle by the Welsh Government](#) who said:

The development of a new GCSE needs to be taken up by Qualifications Wales. Qualifications Wales will be reviewing the whole of the GCSE science suite in 2016. This will ensure that there is a relevant and coherent suite of science GCSEs available to learners in Wales. The strategy group should engage in this activity to establish the need for an Agricultural Science GCSE.

Qualifications Wales has held an [initial consultation](#) regarding the qualifications that will be needed alongside the new Curriculum for Wales. This centred on high-level issues such as whether the GCSE brand should be retained and whether qualifications at age 16 were still needed. Qualifications Wales is undertaking further development work and will hold additional consultations in the future on more detailed design principles for qualifications.

## UK Government

On [7 February 2018, a debate in Westminster Hall](#) led by Jim Sturdy MP called for there to be a GCSE in agriculture in England and Wales. He argued that such a course would help equip GCSE pupils for a career in agriculture and support the farming sector by providing a better and larger pool of young, educated and skilled workers. In response, Anne Milton, Minister for Apprenticeships and Skills said that a number of subjects taught at key stage 4 and earlier include some core knowledge about food production and the environment.

She also stated that the agriculture, environment and animal care T level will be rolled out in 2022. In England, T Levels are new courses which will begin in September 2020. They follow on from GCSEs and will be equivalent to 3 A levels. The 2-year courses have been developed in collaboration with employers and businesses so that the content should meet the needs of industry and prepare students for work.

The Debate Motion lapsed, and sitting adjourned without the Question being put.

## Northern Ireland

The Council for the Curriculum, Examinations & Assessment in Northern Ireland introduced a [GCSE in Agriculture](#) in 2013. The qualification has been revised for first teaching from September 2019 and includes units on Soils, Crops and Habitats; Animals on the Land; and Contemporary Issues in Agriculture and Land Use.

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



Eich cyf/Your ref: P-05-950  
Ein cyf/Our ref: KW/00467/20  
Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

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

18 March 2020

Dear Janet,

**Petition P-05-950 - Agriculture and Countryside Education for 4-16-year olds in schools**

Thank you for your letter of 9 March regarding a petition that your Committee has received supporting the provision of teaching about agriculture and countryside issues within the Curriculum for Wales. I note from the additional information that there is a strong emphasis here on raising awareness about the approaches to food production.

The current National Curriculum for Wales provides the flexibility for teaching and learning about topics relating to agriculture, the environment and food within Personal and Social Education. This includes, for example, provision to enable learners to explore a wide range of issues related to the sustainability of food production, as well as supporting them in developing practical cooking skills. In addition, through Design and Technology, learners are able to use a broad range of skills and techniques to carry out practical cooking tasks and to develop an understanding of what constitutes a healthy, balanced diet.

These opportunities will be expanded through our new Curriculum for Wales, the refined guidance for which was made available in January, ahead of first teaching under this new framework from September 2022.

One of the four purposes of the new curriculum is that learners progress as healthy, confident individuals. One of the characteristics of that purpose is learners who can apply knowledge about the impact of food and diet on physical and mental health in their daily lives.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

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

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

Enabling learners to embody the four purposes will be the central concern of every school's curriculum. The new curriculum will encompass six Areas of Learning and Experience and those relating to Health and Well-being, Humanities and Science and Technology include learning and guidance which support learners' understanding of food and its production. The new curriculum allows practitioners to develop a more integrated approach, drawing across different disciplines and areas to consider issues like food production, more holistically.

It is also important to add that schools will have the flexibility to determine how their curriculum can reflect their locality, community and the issues relevant to their learners. This is likely to lead to a greater focus on agriculture and countryside studies, in some cases. The new curriculum guidance provides schools with support on drawing on a range of local factors and contexts in developing their curriculum, supporting them to develop learning most relevant to their learners.

I hope this information is helpful to the Committee.

Yours sincerely,

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

**Kirsty Williams AC/AM**  
Minister for Education

## Agenda Item 3.3

### **P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales**

This petition was submitted by Dinah Mulholland having collected a total of 229 signatures.

#### **Text of Petition**

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 has imposed the requirement for a breeder with 3 or more breeding bitches to be licensed as a breeding establishment. However, no maximum limit has been placed on the number of breeding bitches that can be kept in a licensed dog breeding establishment. There are therefore licensed dog breeding establishments in Wales that are breeding dogs on an industrial scale, with some establishments licensed to breed from 90 or 100 bitches on a single premises. Even if licensing conditions are met in these mass breeding establishments, the breeding of dogs on such an industrial scale is a highly questionable practice and needs to be reviewed. This petition therefore requests that Welsh Government hold a public consultation into defining a maximum limit on the number of breeding bitches in licensed breeding kennels. Included in this consultation should be a review of whether or not the Welsh public and Welsh organisations consider that the mass breeding of dogs is acceptable. The consultation also needs to consider whether the licensing local authorities in Wales have fulfilled their requirement to inspect and where necessary revoke dog breeding licenses, as if we are to permit the mass breeding of dogs then Welsh Government must ensure that local authorities enforce licensing conditions and fulfil their obligations as laid out in the 2014 Regulations.

#### **Senedd Constituency and Region**

- Ceredigion
- Mid and West Wales



# P-05-951: Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

**Reference:** RS20/12390-1

**Petition Number:** P-05-951

**Petition title:** Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales

**Text of petition:** The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 has imposed the requirement for a breeder with 3 or more breeding bitches to be licensed as a breeding establishment. However, no maximum limit has been placed on the number of breeding bitches that can be kept in a licensed dog breeding establishment. There are therefore licensed dog breeding establishments in Wales that are breeding dogs on an industrial scale, with some establishments licensed to breed from 90 or 100 bitches on a single premises. Even if licensing conditions are met in these mass breeding establishments, the breeding of dogs on such an industrial scale is a highly questionable practice and needs to be reviewed. This petition therefore requests that Welsh Government hold a public consultation into defining a maximum limit on the number of breeding bitches in licensed breeding kennels. Included in this consultation should be a review of whether or not the Welsh public and Welsh organisations consider that the mass breeding of dogs is acceptable. The consultation also needs to consider whether the licensing local authorities in Wales have fulfilled their requirement to inspect and where necessary revoke dog breeding licenses, as if we are to permit the mass breeding of dogs then Welsh Government must ensure that local authorities enforce licensing conditions and fulfill their obligations as laid out in the 2014 Regulations.



## Background

### Current regulation of dog breeding establishments

Dog breeding is currently regulated under the *Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014* ('the 2014 Regulations'). The 2014 Regulations require that licenses are needed for breeders who keep three or more breeding bitches, breed three or more litters of puppies in a 12-month period and supply or sell puppies from these litters. Enforcement of the 2014 Regulations is undertaken by local authorities. The 2014 Regulations replaced the *Breeding of Dogs Act 1973* in Wales and introduced stricter welfare criteria for dog breeding.

As the petition states, there is no maximum limit on the number of breeding bitches that can be kept in a licensed dog breeding establishment.

In 2019 there were 260 dog breeding licences in operation in Wales, three of which were licensed for more than 100 breeding bitches.

### Concerns around the current Regulations

There have been calls to improve animal welfare at dog breeding establishments across the UK. In Wales, there have been appeals to the Welsh Government to review and strengthen the 2014 Regulations. Examples include from *RSPCA Cymru*, the *Kennel Club*, and the *Dogs Trust* (PDF: 2.97MB).

Respondents to a Welsh Government's consultation on *Third-Party Sales of Puppies and Kittens* (February 2019) referred to the 'inability' of local authorities to 'properly inspect' licenced breeding establishments because of a 'lack of resources and limited training'.

There have been renewed calls for further regulation of dog breeding following a *BBC documentary* which highlighted poor welfare in some breeding establishments.

## Welsh Government action

Following the aforementioned BBC documentary, in October 2019 the *Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM*, ('the Minister') set out urgent action to regulate the industry. This included commissioning a review of the 2014 Regulations by the Wales Animal Health and Welfare Framework Group.

The issue was raised again in Plenary on 29 January 2020. Following consideration of the Animal Health and Welfare Group's review, the Minister committed to legislating in this area during this Assembly. However at the time of writing, the Welsh Government is reprioritising its legislative programme in light of its response to the coronavirus emergency.

The Welsh Government commissioned the Wales Animal Health and Welfare Framework Group to review the 2014 Regulations at the end of 2019. The Group's report was published on 4 March 2020 alongside a written statement from the Minister. In her statement, the Minister committed to dedicated funding to improve delivery of the 2014 Regulations.

With regards to the maximum size of breeding establishments the review report states (page 33):

The current regulations allow breeders to license any size of breeding operation, provided that the regulations, including the licence conditions, are met. All stakeholders agreed that socialisation and enrichment was difficult to undertake on a large scale in any dog breeding establishment. It has been reported to the group that there is very little evidence of successful socialisation and enrichment programmes being undertaken at large scale private breeding establishments. However, stakeholders hold different opinions on whether there should be a cap on the number of breeding animals at a single premise. Some stakeholders believe that the largest establishments have better welfare provision than some medium-sized establishments. Many stakeholders consider that staffing ratios, and effective socialisation and enrichment plans are of more importance than overall dog numbers.

R9. The group recommends that further research is necessary in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single breeding establishment. Without this it is not possible to determine whether there should be a limit on breeding unit size, or what that limit should be.

In her statement the Minister said that some of the recommendations could be adopted within the scope of existing legislation but that new regulations would be required to implement others.

In a letter to the Petitions Committee, regarding this Petition, the Minister said:

The suggested action would require legislative change. I made clear in my Written Statement for new regulations to be effective we must also tackle the barriers to enforcement Local Authorities are facing before proposing amendments to the current Breeding Regulations.

A number of recommendations from the recent review of the Animal Welfare (Dog Breeding) Regulations 2014, by the Wales Animal Health and Welfare Framework Group, have been made and these will now be taken forward by officials.

## National Assembly for Wales action

The Committee has received several petitions regarding animal welfare at dog breeding establishments during this Assembly:

- P-05-915: Call for better enforcement of puppy farms in Wales. This petition was submitted by Laura Clays, having collected 112 signatures;
- P-05-939 Immediate embargo on new dog breeding licences, licence renewals and planning applications until regulations are fit for purpose and enforceable. This petition was submitted by C.A.R.I.A.D. having collected a total of 1,738 signatures; and
- P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales. This petition was submitted by Dinah Mulholland having collected a total of 229 signatures.

The Assembly's Climate Change, Environment and Rural Affairs Committee questioned the Minister on this policy area most recently during its draft budget (2020-21) scrutiny session on 16 January 2020. The Minister recognised there could be additional financial implications for local authorities in the enforcement of further regulations. She suggested this could be mitigated through collaboration by local authorities in order to maximise resources and expertise. The Minister acknowledged that additional funding for local authorities might be necessary eventually, after other opportunities had been exhausted.

In response (PDF: 425KB) to the Committee's report on the draft budget (2020-21) (PDF: 254KB) the Minister referred to a scoping project being carried out by the local authorities to determine how much additional resource is needed:

Officials have met with Local Authority representatives to discuss barriers to enforcement and issues surrounding licencing breeding establishments. Further to those discussions a scoping project is underway by the Local Authorities to determine what additional resource is necessary to maximise the use of existing structures and ensure a consistent approach to licensing breeding establishments across Wales.

On 12 December 2018 there was a short Assembly debate on dog breeding, during which some Assembly Members argued that poor breeding practice was disproportionately high in Wales.

Since then, dog breeding has been the subject of debate in Plenary several times. This has included calls from Assembly Members for the Welsh Government to review the 2014 Regulations. Welfare at dog breeding establishments was recently debated in Plenary on 29 January 2020. Members urged the Minister to take action in this policy area and introduce legislation. The Minister said that the Welsh Government was investigating barriers to enforcement of the current Regulations and also gave 'the cast-iron guarantee that we will have ... legislation in place in this term'.

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



Eich cyf/Your ref P-05-951  
Ein cyf/Our ref LG/00650/20

Janet Finch-Saunders AM  
Chair of the Petitions Committee

17 March 2020

Dear Janet

Thank you for your letter of 9 March regarding Petition P-05-951 Impose a Legal Limit on the Maximum Number of Breeding Bitches.

The suggested action would require legislative change. I made clear in my Written Statement for new regulations to be effective we must also tackle the barriers to enforcement Local Authorities are facing before proposing amendments to the current Breeding Regulations.

A number of recommendations from the recent review of the Animal Welfare (Dog Breeding) Regulations 2014, by the Wales Animal Health and Welfare Framework Group, have been made and these will now be taken forward by officials.

The report and its recommendations can be found in the below link:

<https://gov.wales/written-statement-animal-welfare-dog-breeding-wales-regulations-2014-review>

Please be assured we are not ignoring evidence presented. I am sure you appreciate any changes to the legislation or to enforcement must be proportionate and evidence based. It is essential any future regulatory changes have no loopholes and do what is intended, and this takes time.

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

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

Regards

A handwritten signature in cursive script, reading 'Lesley Griffiths'.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

**P-05-951 Impose a legal limit on the maximum number of breeding bitches in licensed dog breeding establishments in Wales – Petitioner to Committee, 01.06.20**

Dear Petitions Committee

In response to the Minister's letter I would firstly like to say that I commend the comprehensive nature of the recent review of the Animal Welfare (Dog Breeding) Regulations 2014, by the Wales Animal Health and Welfare Framework Group, and welcome its recommendations.

At the time that I started the petition I was not aware that a review of the regulations was underway.

The only point I would like to make concerns Recommendation 9 in the review:

*'...further research is necessary in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single breeding establishment. Without this it is not possible to determine whether there should be a limit on breeding unit size, or what that limit should be.'*

*' ....R9. Further impact assessment, and examination of the evidence, should be carried out in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single establishment.'*

My petition calls for a public consultation to be held by Welsh Government on placing a cap on the number of breeding bitches in a single breeding establishment and I would like to stress that the views of the people of Wales, and particularly the views of residents in my region of West Wales - the heart of the puppy farming industry - are vital to this impact assessment and evidence gathering process. The residents of West Wales, who are in population terms possibly the largest group of 'stakeholders' here, have lived with the negative impacts of large-scale dog breeding for too long. This is evidenced by the number of locally raised petitions and their signatories in the West Wales area, and the number of planning objections to applications to build or expand large scale breeding establishments on the grounds of excess noise, environmental pollutants, and distress to the dogs. Our reputation as a region, and in a larger sense our reputation as a progressive nation, is soiled by this shameful activity.

Finally, I would like to say that the primary motivation of large-scale dog breeders is to make money. They create a market for puppies in order to do this. They will always find loopholes in regulation and legislation unless it is so cut and dried, so black and white, that there is no wiggle room. The pragmatic and humane solution, in my opinion, is to legislate to place a very low cap on the number of breeding bitches in any licensed breeding kennel. I think you will find that if the Welsh Government were to consult with the Welsh public on this proposal, they would agree.

Best wishes

Dinah Mulholland



# Agenda Item 3.4

## **P-05-953 Ban Single Use Plastic Milk Bottles in schools**

This petition was submitted by St Aidan's Church in Wales VA School having collected a total of 369 signatures.

### **Text of Petition**

We, children of St Aidan's Church in Wales VA School call on the National Assembly of Wales to change the way we use plastic milk bottles in schools. Each day in Wales we use approximately 300kg of plastic milk bottles which are used as part of the free milk scheme in schools. We think it is portraying a negative view towards sustainability, because more people are buying more plastic. The amount of plastic bottles we use is outrageous.

Plastic is made out of natural gas, crude oil and coal. We are using about 4,000 plastic bottles nearly every year for this free milk scheme. We want you to ban single use plastic milk bottles in school. We suggest that all schools in Wales purchase big bottles of milk and pour it in plastic cups which we can use again. We are using the fossil fuels faster than we can develop it. Thank you for reading this petition and for hopefully helping the country sort this mass of waste.

### **Senedd Constituency and Region**

- Preseli Pembrokeshire
- Mid and West Wales

# Ban single use plastic milk bottles in schools

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

**Reference:** RS20/12392-1

**Petition Number P-05-953**

**Petition title:** Ban Single Use Plastic Milk Bottles in schools

**Text of petition:** We, children of St Aidan's Church in Wales VA School, call on the National Assembly of Wales to change the way we use plastic milk bottles in schools. Each day in Wales we use approximately 300kg of plastic milk bottles which are used as part of the free milk scheme in schools. We think it is portraying a negative view towards sustainability, because more people are buying more plastic. The amount of plastic bottles we use is outrageous.

Plastic is made out of natural gas, crude oil and coal. We are using about 4,000 plastic bottles nearly every year for this free milk scheme. We want you to ban single use plastic milk bottles in school. We suggest that all schools in Wales purchase big bottles of milk and pour it in plastic cups which we can use again. We are using the fossil fuels faster than we can develop it. Thank you for reading this petition and for hopefully helping the country sort this mass of waste.



# 1. Background

Single use plastics, or disposable plastics, are designed to be used once and thrown away or recycled. They are typically items such as plastic bottles, drinking straws, coffee cups and take-away food packaging. Media coverage, notably the [BBC Blue Planet II series](#), has highlighted the scale of plastic debris in our oceans as a result of our 'throw-away' culture. The impact of single use plastic on the marine environment is evidenced by its prevalence in beach litter surveys. The Marine Conservation Society's [2019 Great British Beach Clean Report](#) showed "plastic and polystyrene pieces [are] the most common litter items found" on UK beaches.

A 2018 report by Eunomia, commissioned by the Welsh Government, [Options for Extended Producer Responsibility in Wales](#), found that plastic bottles make up 4.2% (by weight) of all litter in Wales. The report modelled estimated waste flows for beverage containers, estimating the waste generated from plastic bottles at 29,629 tonnes, with an estimated recycling rate of 64.8%.

[Extended Producer Responsibility \(EPR\)](#), as introduced by the [EU Waste Framework Directive](#), is a way of encouraging producers to consider the post-consumer phase of a product's lifecycle, by giving them responsibility for the product's collection, sorting, treatment, disposal etc.. Applying an EPR approach to school milk supply would involve encouraging producers to minimise waste in packaging design.

A 2019 study undertaken by WRAP Cymru, [comparing milk packaging options for primary schools](#), investigated the environmental impact in terms of greenhouse gas (GHG) emissions and costs associated with the different packaging types for milk being supplied to schools in a pilot area in Pembrokeshire. The packaging types investigated were:

- a plastic bottle (the current packaging format that acted as a baseline);
- a glass bottle alternative; and
- a pergal alternative (bulk storage of milk in a container that fits in a refrigerated dispenser).

The study found:

... that both glass bottles and pergals have the potential to deliver cost savings in the region of 15-20% over the current plastic bottle used, with pergals offering the greatest cost-saving opportunity.

When looking at the environmental impact of the different packaging types, the study found that the 'proximity of the supply chain had a significant influence', concluding that:

Where the impacts of supply chain logistics are the same then pergalas, followed by glass bottles, offer lower environmental impacts, potentially leading to a 25-30% reduction of GHG emissions.

## Mechanism in Schools

Local authorities are responsible for procuring milk (and its packaging) for schools from suppliers.

Schools participating in the free school milk scheme can offer free milk to Foundation Phase children and subsidised milk to learners in Key Stage 2. At Foundation Phase, the European Community pays a subsidy and the Welsh Government pays a top-up subsidy. For pupils at Key Stage 2, the Welsh Government subsidises the cost of school milk alongside the European Community. Schools, local authorities, suppliers or other organisations can claim the subsidy. Eligible pupils may receive up to 250ml of subsidised milk products each school day.

School milk suppliers may provide milk to schools in large bottles which the school would then distribute to pupils (in beakers), or it may be provided in individual portions which may be packaged in cartons which often have a straw, in a plastic sleeve, attached, or straws may be provided separately by the supplier.

## 2. Welsh Government action

In a written statement on 27 September 2017, the then Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, stated that 'as a Government we accept more needs to be done to improve our recycling rate still further and tackle litter and the issues associated with a 'throw away' society and 'disposable' culture'. She suggested that, in order to address this issue, the aim should be to 'prevent litter entering the environment in the first place', and 'to value the resources we all too often take for granted'.

In a Welsh Government statement delivered in Plenary on 8 May 2018, the then Minister for the Environment, Hannah Blythyn AM, announced 'that the Welsh Government has signed up to WRAP UK's Plastics Pact', which aims to eliminate single use packaging by 2025.

On 18 March 2020 the Welsh Government announced its intention to ban single use plastics in Wales, as 'part of a wider, integrated approach to address the problems created by excess plastic and litter in communities'. The Deputy Minister for Housing and Local Government, Hannah Blythyn AM, confirmed that a consultation on the proposals will take place 'in the coming months', with 'restrictions due to come into force in the first half of 2021'.

Alongside this announcement, the Welsh Government is currently consulting on 'Beyond Recycling'; a circular economy strategy setting out proposals that include a 'move towards zero waste by 2050'. The consultation was launched on 19 December 2019, and is due to close on 24 April 2020.

The UK Government has introduced the Environment Bill 2020-21, which legislates in a number of areas within the competence of the National Assembly for Wales. These include provisions to introduce a revised EPR scheme; powers to regulate for eco-design standards and resource efficiency information across a wider range of products; and provides a framework for a deposit return scheme (DRS).

The Welsh Government laid the Legislative Consent Memorandum (LCM) for the Bill before the National Assembly on 26 February 2020. In relation to the provisions being made for EPR waste management and single use plastics, the Welsh Government views the Bill as a 'timely opportunity to progress key features of its circular economy strategy'.

In her response to this petition, the Deputy Minister for Housing and Local Government said that the Welsh Government:

... have been speaking to children and young people from across Wales as part of the consultation and the issue of how we use plastic is an important theme that has arisen across the country.

She highlighted that the Welsh Government has been working with WRAP Cymru on the 2019 study comparing milk packaging options for primary schools (discussed above), and encouraged the petitioners to raise their concerns with Pembrokeshire County Council 'who are responsible for deciding how services in their area are delivered'.

### 3. National Assembly for Wales action

The Climate Change, Environment and Rural Affairs Committee briefly discussed replacing plastic milk bottles with glass as part of the Committee's inquiry into reducing plastic waste. The Committee Chair, Mike Hedges AM, highlighted the 'huge movement away from glass to plastic' and asked whether this was a problem. Giving evidence, David Jones from Just One Ocean, drew attention to how plastic has 'enhanced our lives as well as' having done harm, stressing how a balance is needed:

If you were to weigh up the cost of replacing all our plastic bottles with glass, you then have an increase in transportation of that product because of the increased weight. That's going to increase the amount of fuel you use and that's more emissions into the atmosphere

The Petitions Committee has considered a similar petition - P-05-822 Ban plastic straws (when drinking milk) in our schools. The petition was closed in February 2020 following

correspondence from WRAP Cymru highlighting the Welsh Government's intention to eliminate the use of plastic straws by 2020.

In addition, the Committee has previously considered and completed the following related petitions, aimed at reducing plastic waste:

- P-05-874 Ban the sale of goods packaged in single use plastics on Transport for Wales services
- P-05-750 For single use items: introduce a Deposit Return System for drink containers and make fast food containers and utensils compostable;
- P-05-829 Ban Single Use Plastic Items in Wales; and
- P-05-847 Create water fountains in the centre of cities and towns to eliminate plastic waste.

The Committee is currently considering related petition P-05-803 Our natural world is being poisoned by single use plastics...it's time to introduce a tax!

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



Ein cyf/Our ref HB/00175/20

Janet Finch-Saunders AM  
Chair, Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA  
[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

1 April 2020

Dear Chair,

Thank you for your letter of 9 March on behalf of the National Assembly for Wales' Petitions Committee and St Aidan's Church of Wales VA School regarding the use of plastic milk bottles in schools. I have been asked to reply as I have responsibility for waste and recycling.

I welcome the interest in and challenge from young people on the materials we use and how we can keep resources in use for as long as possible. We are currently consulting on our new circular economy strategy '*Beyond Recycling*' which sets out our aim to move to a circular economy in Wales, where waste is avoided and resources are kept in use. A range of documents are available on our website including an easy read version and a downloadable presentation.

We have been speaking to children and young people from across Wales as part of the consultation and the issue of how we use plastic is an important theme that has arisen across the country.

One of the headline actions in the strategy is to phase out single use plastic and we also want to make Wales the first country to send zero plastic to landfill. Following a consultation last year, we are also pressing ahead with game-changing reforms which will change how we use, collect and reuse plastic by introducing Extended Producer Responsibility for packaging, a Deposit Return Scheme for drinks containers, and applying bans or restrictions to phase out the use of unnecessary, highly littered, single use plastic.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

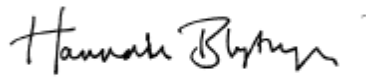
[Gohebiaeth.Hannah.Blythyn@llyw.cymru](mailto:Gohebiaeth.Hannah.Blythyn@llyw.cymru)  
[Correspondence.Hannah.Blythyn@gov.wales](mailto:Correspondence.Hannah.Blythyn@gov.wales)

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

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

In terms of making a change to the use of plastic milk bottles in schools, we have worked with Wrap Cymru on a research study specifically looking at this issue. The details of the work can be found [here](#). St Aidan's Church of Wales VA School may also wish to raise their concerns about milk bottles with Pembrokeshire County Council, who are responsible for deciding how services in their area are delivered.

Yours sincerely,

A handwritten signature in black ink, reading 'Hannah Blythyn'.

**Hannah Blythyn AC/AM**

Y Dirprwy Weinidog Tai a Llywodraeth Leol  
Deputy Minister for Housing and Local Government



## ST AIDAN'S CHURCH IN WALES V.A. SCHOOL

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Wiston, Haverfordwest, Pembrokeshire, SA62 4PS  
Telephone: 01437 731449  
Email: [admin.staidans@pembrokeshire.gov.uk](mailto:admin.staidans@pembrokeshire.gov.uk)  
<http://www.st-aidans.pembrokeshire.sch.uk/>



**Headteacher: Mrs. S. James**

*Our school is a welcoming, warm hearted place and a bubble of trust where we can feel safe to talk to God and follow the Christian values. We are encouraged to become independent and confident in ourselves as well as in society. We are challenged to reach our highest potential and climb the ladder of life because we **'Believe and Achieve'**.*

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

1<sup>st</sup> June 2020

Dear Chair

Thank you for your email of 18<sup>th</sup> May 2020 asking for our views on the attached letter from Hannah Blythyn AM. The pupils are very proud that their petition will be considered, despite being very disappointed that they were not able to present it on the steps of the Senedd due to the lockdown.

I have explained the contents of the letter from Ms Blythyn and the findings from Wrap Cymru to the children through our digital learning platforms and have had responses from them which I have included in the points made below. The pupils welcomed the comments made by Ms Blythyn and can see she is clearly very supportive of the petition. They feel that their ideas and thoughts have been taken into consideration.

1. The pupils are extremely positive about Wales becoming the first country to send zero waste to landfill. They clearly understand how damaging it is to the environment and feel that this move would make Wales a *'great place'* and also *'it is amazing because anything to try and reduce global warming is an excellent idea'*.
2. They feel that a Deposit Return Scheme would be an excellent incentive to encourage people to recycle their waste and this is something that would have impact on the wider community, not just schools. In general, pupils are often more ecologically aware than adults as it is something that is discussed and taught on a regular basis.
3. They are very supportive of the applying a restriction on Single Use Plastics as hopefully in the future this will lead to *'no product [being] produced in a container'*

*that can't be recycled'*. This would certainly have an impact on schools. Many pupils bring water and food in plastic containers that are single use and through research they have found out that the extent to which all plastics can be recycled is limited. The pupils have previously made comments after inspecting rubbish in the school and after lunchtime and realise that although recycling facilities are available, they are not used consistently. They are also aware that only about a third of plastic pots are ever recycled and just over half of all plastic bottles.

4. The findings from Wrap Cymru were very interesting. Before lockdown, as a class we had investigated the potential of having a Pergyl unit in school to dispense milk. This was greeted by the pupils as an excellent idea. Discussion was had around the need for hygiene and the washing up of cups, but it was agreed that the extra time that was needed for this would be worth it. The pupils looked at the costs of purchasing a unit and were quite shocked. They appreciated that it was a one off cost, but also realised that as a small school, we run a very tight budget. The price of a unit equated to double the cost of classroom consumables for this last academic year. The pupils felt that in the interests of equality and fairness for all schools that the one off cost for purchasing a Pergyl unit should be met by the Welsh Government. Previously there had been a great debate in class on the introduction of glass bottles as this was something being trialled in other schools in the county. Looking at the findings from Wrap Cymru it was clear that transportation is the main cost when comparing all 3 systems in school. Given that Wales has a history of innovation in many industries, would making glass bottles be an area to develop with entrepreneurs, thus reducing transportation costs across the country?

Class 4 are fully appreciative of the support they have had for their petition as well as advice from Amber Lewis from the Assembly Commission Staff. They feel proud that their petition has reached its current stage and feel very excited that their views and ideas could be instrumental in changing policy in Wales.

I will certainly make the link to Senedd TV available to the children on 9<sup>th</sup> June so that they can see the final outcome of their petition.

Yours sincerely,



Wendy MacGarvie

Class Teacher and on behalf of all the pupils in class 4, St Aidan's Church in Wales VA School

# Agenda Item 3.5

## **P-05-957 “Next Stop St Clears” – Support the bid for a railway station in St Clears**

This petition was submitted by St Clears Town Council having collected 562 signatures online and 701 on paper, a total of 1,263 signatures.

### **Text of Petition**

We the undersigned call on the National Assembly for Wales to urge the Welsh Government to recommend St Clears to Network Rail as a location for a new railway station in Wales. St Clears and the surrounding communities will benefit greatly from reopening the railway station, closing the gap in the West Wales line and enabling more people to use the train. We believe a station in St Clears would bring many benefits including social inclusion, reducing carbon footprint and increased tourism in the area.

### **Senedd Constituency and Region**

- Carmarthen West and South Pembrokeshire
- Mid and West Wales

# “Next Stop St Clears” Support the bid for a railway station in St Clears

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

Reference: RS20/12645-1

Petition Number: P-05-957

Petition title: “Next Stop St Clears” Support the bid for a railway station in St Clears

**Text of petition:**

We the undersigned call on the National Assembly for Wales to urge the Welsh Government to recommend St Clears to Network Rail as a location for a new railway station in Wales. St Clears and the surrounding communities will benefit greatly from reopening the railway station, closing the gap in the West Wales line and enabling more people to use the train. We believe a station in St Clears would bring many benefits including social inclusion, reducing carbon footprint and increased tourism in the area.

## 1. Background

St Clears station in Carmarthenshire opened in the 1850s and served the town of St Clears until it closed in 1964 following the Beeching Report.

Unlike in Scotland, responsibility for rail infrastructure is not devolved to Wales. Rather, funding rail infrastructure investment and Network Rail operations in both England and Wales is a matter for the Secretary of State for Transport.



While the Welsh Government has powers to invest in rail infrastructure, it does not receive a block grant allocation for this and is classed as a “third party promoter” of infrastructure projects. Nevertheless, the Welsh Government has invested significantly in rail infrastructure since devolution.

The UK Government provides funding via Network Rail to part fund new stations in England and Wales through its New Stations Fund (NSF). Currently, £20m is available through NSF 3 which is open to any third party promoter meeting the conditions of the fund. The closing date for applications was 5 June.

This is the third iteration of the NSF. The competition for NSF 1 ran in January and February 2013 and funded five stations, including Pye Corner in Newport. The NSF 2 competition ran between August and November 2016, with Bow Street Station in Ceredigion receiving funding.

NSF 3 will fund up to 75% of the capital cost of construction of new or previously closed stations. The number of stations funded “will depend on how many can be shown to represent good value for money as well as their cost”.

NSF 3 was announced by the Secretary of State for Transport in January 2020 as part of a wider “Restoring Your Railway” fund of £500m to “drive forward reversal of the Beeching era cuts”.

## 2. Welsh Government action

The Welsh Government’s 2015 National Transport Finance Plan (NTFP) committed to develop assessment criteria to produce a “a prioritised list of new station proposals for further consideration” and identified a long-list of 46 candidate stations, including St Clears.

Subsequently, the Welsh Government developed a three stage assessment process, which was described in a June 2017 letter from the then Minister for Economy and Infrastructure to all Assembly Members (PDF, 448KB).

In August 2019 the Minister provided an update on the process in responding to a written question from Mark Isherwood MS:

From an original list of 46 possible new stations considered by the assessment process, twelve were prioritised for stage 2 assessment and four of these 12 have been selected to be taken forward to a Stage 3 assessment. This will include undertaking a WelTAG Stage One Report.

business case and Network Rail’s Governance for Railway Investment Projects (GRIP) process.

The four station proposals taken forward were: Carno (Montgomeryshire); Ely Mill/Victoria Park (Cardiff); Deeside Industrial Park / Northern Gateway (Flintshire); and St Clears.

In an October 2019 response to a written question from Russell George MS, the Minister indicated that the St Clears proposal “is being taken forward through work on the South West Wales Metro. Funding has been allocated for this via the Local Transport Fund”.

The South West Wales, or Swansea Bay, Metro is in the early stages of development, with Transport for Wales working in conjunction with the Welsh Government and relevant local authorities.

The letter from the Welsh Government’s Deputy Director for Transport Strategy and Policy to the Chair of the Committee, responding to this petition, gives the latest update on the development process for new station proposals:

The Minister wrote to the Secretary of State for Transport on 2 March about the UK Government’s “Restoring Your Railway investment” funding. The letter sets out Welsh Government’s priorities for the UK Government’s New Stations Fund (NSF) 3 these being Deeside, Carno, St Clears and Ely Mill/Victoria Park. Each of these has further feasibility assessment under way – assessment of development options for the South West Wales Metro in the case of St Clears.

In light of the unforeseen short NSF application window set out by the UK Government – the deadline is 5 June - Transport for Wales (TfW) have been commissioned to undertake further independent assessment and evaluation aiming at getting each of the four shortlisted priorities application-ready. The Minister has also requested that the report should identify solutions to timetabling and other operability issues identified to date by the rail industry, which will be asked by the UK Government to provide views on applications submitted to them.

The letter notes engagement by TfW with “the constituency MP and the St Clears Town Council” in early April. It continues:

The terms of reference for the TfW study include a requirement for engagement with stakeholders. In terms of St Clears, TfW’s independent

advisers have been told this should include the County Council, Town Council and elected representatives.

### 3. Welsh Parliament action

Proposals for new stations in general, and St Clears in particular, have been discussed in Plenary on a number of occasions during the Fifth Senedd.

Most recently, on 26 February 2020 the Minister for Economy, Transport and North Wales, Ken Skates, responded to a question from Angela Burns MS on the St Clears station proposal, which referenced this petition. He said:

I can assure the Member that I am supportive of the application for St Clears station. It's one of four shortlisted across Wales for further assessment and potential nomination as a priority for UK Government investment. I think that it would assist in the UK Government showing that it is willing to invest more heavily in rail infrastructure in Wales, and, so, the project is being progressed under the south-west metro programme.

The Petitions Committee has also considered a number of other petitions calling for new or reopened railway stations:

- Include a Mynachdy and Talybont Station as Part of the Cardiff Metro Proposal (completed September 2017);
- Reopen Carno Station (completed in July 2018); and
- Reopen Crumlin Railway Station (completed November 2018).

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

# Adran yr Economi a Thrafnidiaeth Department for Economy and Transport



Ein cyf/Our ref TO/KS/01442/20

Janet Finch-Saunders MS  
seneddpetitions@assembly.wales

Llywodraeth Cymru  
Welsh Government  
6 May 2020

Dear Janet Finch-Saunders MS

Thank you for your letter of 2 April regarding Petition P-05-957 "Next Stop St Clears" - Support the bid for a railway station in St Clears.

Given the current crisis, and the volume of correspondence that the Minister for Economy, Transport and North Wales is receiving, he has asked me to respond to you on this occasion.

The Minister wrote to the Secretary of State for Transport on 2 March about the UK Government's "Restoring Your Railway investment" funding. The letter sets out Welsh Government's priorities for the UK Government's New Stations Fund (NSF) 3 these being Deeside, Carno, St Clears and Ely Mill/Victoria Park. Each of these has further feasibility assessment under way – assessment of development options for the South West Wales Metro in the case of St Clears.

In light of the unforeseen short NSF application window set out by the UK Government – the deadline is 5 June - Transport for Wales (TfW) have been commissioned to undertake further independent assessment and evaluation aiming at getting each of the four shortlisted priorities application-ready. The Minister has also requested that the report should identify solutions to timetabling and other operability issues identified to date by the rail industry, which will be asked by the UK Government to provide views on applications submitted to them.

Welsh Government officials and TfW's Chair and Chief Executive met the constituency MP and the St Clears Town Council on 3 April to discuss the new phase of study, and the meeting was very positive. The terms of reference for the TfW study include a requirement for engagement with stakeholders. In terms of St Clears, TfW's independent advisers have been told this should include the County Council, Town Council and elected representatives.

I would stress that the sole responsibility for investment under the NSF programme rests with the UK Government, and that we are very pleased to have the support of St Clears Town Council to secure funding for the proposals we will be putting forward.

Yours sincerely,

**Dewi Rowlands**

Deputy Director Transport Strategy and Policy

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

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Y Bwyllgor Ddeisebau / Petitions Committee  
Senedd Cymru  
Caerdydd  
CF99 1NA

28/05/2020

Annwyl Bwyllgor / Dear Committee,

**Petition 1721 'Next Stop St Clears'**

Thank you for the opportunity to provide a statement in support of the petition noted above. In total, the petition attracted 1144 supporters (562 online and 582 on paper). It is also worth noting that there are still some paper petitions remaining in the community. Unfortunately it hasn't been possible to collect all copies of the petition during lockdown, the true number of signatures is unknown but higher than the number reported above.

While it is acknowledged that the final decision on this matter will be taken by the UK Government, the community wished to demonstrate its support to the Welsh Government ahead of the NSF3 application deadline. As one of four shortlisted stations, I'm sure you will agree that a demonstration of support, and information regarding likely usage of a new station is crucial at this time. The petition was one part of a wider public engagement exercise. A report summarising the public engagement, carried out between February and March this year can be found on St Clears Town Council website.

<https://www.stclearstowncouncil.co.uk/2020/05/28/next-stop-st-clears-report/>

The report been sent to the Welsh Government, Transport for Wales, and the UK Government. It is hoped that the clear demonstration of support and potential

46 St David's Avenue, Caerfyrddin / Carmarthen, SA31 3DN  
07468 456077; [clerk@stclearstowncouncil.co.uk](mailto:clerk@stclearstowncouncil.co.uk)

economic, environmental, and social benefits of a station will be conveyed in the NSF3 application to Network Rail.

Your support in this matter, would be greatly appreciated.

Yours sincerely



Emma Smith  
**Town Clerk**

# Agenda Item 4.1

## **P-05-798 Male domestic violence victim support services to be independently run & funded**

This petition was submitted by FNF Both Parents Matter Cymru and was first considered by the Committee in February 2018, having collected 138 signatures online.

### **Text of Petition**

Male domestic violence victim support services to be independently run & funded separately from Women's Aid Cymru & all associated.

The cross-government definition of domestic violence and abuse is: "Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality."

Domestic Abuse can effect anyone. With more Male victims/survivors seeking help, advice, support & safety than ever before. It is important that Male victims deserve independent support & funding from such gender bias groups as Women's Aid Cymru & all associated.

Male victims/survivors deserve support/help specific to their needs, while still maintaining their dignity, & providing them and their children safety equal & parallel to that which women currently receive.

### **Additional Information**

Current Domestic Abuse statistics across Wales & England, indicate that Domestic Abuse will affect 1 in 4 women and 1 in 6 men in their lifetime.

Domestic Abuse/Violence is a problem that can effect anyone so surely it should be:

"Putting people & their children first."

There is no greater gap in availability of services & support just based on someone's gender across Wales & UK.

Attitudes need to change because no person (& their children) should continue so publically & shamefully be denied safety & support because of their gender in Wales, in this day & age.

Please support this to help support others.

**Senedd Constituency and Region**

- Cardiff West
- South Wales Central

**10th March 2020**

**RE: YML/FW: P-05-798 Correspondence from the Chair of the Petitions Committee**

The Safer Wales Dyn project is the only dedicated service that provides the following for Gay, Bisexual, Heterosexual and Transgender men who experience domestic abuse and/or sexual violence in Wales;

- Dedicated Dyn Wales Helpline and Independent Advisor Service
- Awareness raising and training

The Safer Wales Dyn project receives referrals to the project which include the following;

- Police
- Self referrals
- Housing
- Third Sector organisations
- Violence Against Women, Domestic Abuse and Sexual Violence sector

All men accessing the Safer Wales Dyn project are assessed according to; risk of harm from domestic abuse and sexual violence levels, emotional support, wellbeing, signposting to agencies and advocating for men who experience domestic abuse and sexual violence.

The Safer Wales Dyn project only works with men and does not support women who experience domestic abuse and sexual violence. Safer Wales does not currently deliver a dedicated Wales helpline and Independent Advisor Service to women.

In line with the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act, all people accessing Safer Wales Services who disclose domestic and/or sexual violence will be supported and appropriately referred to relevant multi-agency safeguarding and support services, such as MARAC (Multi-Agency Risk Assessment Conference) or SARC (Sexual Assault Referral Centre) following agreed assessment, such as Safe Lives DASH/RIC (Domestic Abuse, Stalking and Harassment Risk Indicator Checklist).

**Simon Borja**  
**Director of Project Development**  
**Safer Wales**



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CARDIFF  
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paul@fnf-bpm.org.uk

P-05-798 – Male domestic violence victim support services to be independently run & funded

#### RESPONSE FROM FNF BOTH PARENTS MATTER CYMRU TO SAFER WALES SUBMISSION

We thank the Committee for their interest in these important and difficult issues for male victims of domestic violence and abuse.

We believe that male victims of domestic violence and abuse are being failed by Welsh Government, Local Authorities and service deliverers who adopt a perspective that marginalises or denies the experience of men and funds ‘support’ that is not grounded in the experience of men. Welsh Women’s Aid rightly campaign for services that are ‘by and for’ women – grounded in their experience and responsive to their needs as women.<sup>1</sup> We understand and support the need for women only services – primarily because evidence shows that this is what women experiencing abuse want. However, in relation to male victims the National Quality Service Standards for specialist Domestic Abuse Services (funded by Welsh Government) states that:

***1.9. Services for male service users are tailored to their needs and are delivered safely, using a recognised assessment tool to review risk and needs, which is aligned with the Safer Wales Dyn Project assessment toolkit or ‘Respect Toolkit for work with male victims of domestic violence’ and associated standards for supporting male victims.***

This is a different approach to that stipulated for female service users.

We note the response from Safer Wales – a member organisation of Welsh Women’s Aid<sup>2</sup>  
The assessment process used by Safer Wales for men is fundamentally different to that used

<sup>1</sup> [https://www.welshwomensaid.org.uk/wp-content/uploads/2018/06/Welsh-Womens-Aid\\_Service-Standards-Final.pdf](https://www.welshwomensaid.org.uk/wp-content/uploads/2018/06/Welsh-Womens-Aid_Service-Standards-Final.pdf) p7

<sup>2</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/11/Annual-Membership-Report-2018-19-FINAL.pdf> p2 footnote



by themselves and other member organisations of Welsh Women's Aid with female service users presenting as victims of VAWDASV.

The Dyn Project assessment tool seeks to determine the extent to which an individual is a 'genuine' victim of abuse on a continuum from pure victim to pure abuser with bi-directional violence at the mid point. It does this by asking individuals accessing their service a series of around 40 questions about their experience. These questions include a set asking the caller to reflect upon the answers that their 'partner' or alleged abuser might give. We know of no assessment tool used with female victims that uses a similar approach.

Safer Wales do not explain to callers that their assessment tool is used to determine whether or not they are 'genuine' victims of domestic abuse. We believe therefore that any consent granted by callers to process their information is not a valid consent. It is our view that the Safer Wales Dyn Project assessment tool discriminates against men seeking help and support. The Safer Wales Dyn project is funded by Welsh Government to provide a service to male victims of domestic violence and abuse.

There is no external assessment or validation of the use of the assessment tool. This was confirmed by James Rowlands, who developed the tool, in an email recorded by Dr Sarah Wallace in her PhD thesis<sup>3</sup>

Mrs Anne O'Regan – Vice Chair of our charity raised the discriminatory practice of the Safer Wales Dyn Project assessment tool with the Equality and Human Rights Commission. Their initial response was:

***'It is our view that the practice of screening men is unlikely to amount to direct discrimination because of sex. ....it is our view that there is a material difference in circumstances between a man and a woman seeking support from a similar helpline. Women constitute the overwhelming majority of victims of domestic abuse and it is not possible to rely on this statistical probability when dealing with complaints from men. In our view, it is not possible to make a 'like for like'***

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<sup>3</sup> [https://pure.southwales.ac.uk/files/2792531/Sarah\\_Wallace\\_PhD\\_thesis\\_May18.pdf](https://pure.southwales.ac.uk/files/2792531/Sarah_Wallace_PhD_thesis_May18.pdf) Appendix 39 p558



***comparison in the context of the screening of male / female callers which will make it difficult to establish less favourable treatment because of sex.’<sup>4</sup>***

This position was later overturned – with the assistance of Mark Drakeford AM – the constituency Member for Mrs O’Regan – following the EHRC decision to commission an external independent legal opinion.

In later correspondence from EHRC to Mark Drakeford AM it was stated:

***‘The question we asked Counsel to consider is whether screening male, but not female, callers to domestic violence services constitutes direct discrimination.***

***I am writing to advise that we have now received that advice. Counsel’s advice is that screening male only callers to domestic violence helplines does constitute direct discrimination so we have revised our initial view about the legality of these policies and will be writing to the service provider.’<sup>5</sup>***

We understand that the Safer Wales Dyn Project continues to use the discriminatory assessment tool with male callers relying on the fact that the service only engages with male callers and therefore cannot technically be in breach of s13 of the Equality Act 2010 because it does not provide an equivalent service to women. This is an important point and may indicate why in the response from Safer Wales they seek to point out to the Committee that:

***‘Safer Wales does not currently deliver a dedicated Wales helpline and Independent Advisor Service to women.’***

The purpose of this Petition was to draw into question the appropriateness of funding organisations grounded in a feminist perspective to provide support directly to male victims of abuse. The Welsh Government legislated in 2015 to Domestic Violence and abuse is a gendered issue. In that context it is difficult to understand why organisations grounded in a feminist perspective are felt to be appropriate as a service deliverer to male victims of domestic violence and abuse.

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<sup>4</sup> Extract from letter dated 5<sup>th</sup> April 2017 to Mark Drakeford AM from EHRC Wales

<sup>5</sup> Letter from EHRC to Mark Drakeford AM dated 26<sup>th</sup> October 2017





In the delivery of our dedicated domestic violence support service for men – Aegis DV – we are increasingly seeing men being signposted or directed to feminist organisations for help and support. Two specific examples in the last week of May 2020 involve men being contacted by Welsh Women’s Aid member organisations – both of whom have attained the WWA Quality standard – following a referral from a statutory agency. Neither service explained that they were a member organisation of WWA nor that their ethos is feminist. Both have been awarded the WWA Quality Standard that requires that ***‘The organisation promotes a gendered understanding of domestic abuse as a cause and consequence of women’s inequality in all its publicity and promotional material.’***<sup>6</sup>

We therefore call on the Petitions Committee to hold the Welsh Government to account in the commissioning of services for men and women who experience domestic violence and abuse by ensuring that men are treated in an equal and appropriate way – based on the level of need - ensuring that funding to support male victims is only granted to organisations that can provide a service that is grounded in the experience of men and delivered by men. This is no more than any women should expect from services commissioned to support her.

Yours sincerely,

NATIONAL MANAGER, BOTH PARENTS MATTER / IDVA, AEGIS DV

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<sup>6</sup> [https://www.welshwomensaid.org.uk/wp-content/uploads/2018/06/Welsh-Womens-Aid\\_Service-Standards-Final.pdf](https://www.welshwomensaid.org.uk/wp-content/uploads/2018/06/Welsh-Womens-Aid_Service-Standards-Final.pdf) standard 7.2

## Agenda Item 4.2

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

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

#### **Text of Petition**

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

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

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

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

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

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

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

### **Additional Information**

Do older people seek help?

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

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

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

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

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

#### **Senedd Constituency and Region**

- Ceredigion
- Mid and West Wales

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JH-/00111/20

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

Dear Janet,

22 February 2020

Thank you for your latest letter of 12 February relating to petition P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action. I have outlined responses to both your requests below.

Members requested that my officials directly engage with petitioners, Dewis Choice in relation to training and service provision. I have asked my officials to make direct contact with Dewis Choice representatives and I am informed introductions have been made. I am confident that mutual priorities can be agreed through direct engagement and discussion.

I'm also assured that VAWDASV officials have been engaged with the work of Dewis Choice indirectly, with attendance at the 'Transforming the Response to Domestic Abuse in Later Life' launch event this month.

Members of the Committee also enquired about funding allocations of outreach services available for victims of violence against women, domestic abuse and sexual violence (VAWDASV). The Housing Support Grant supports vulnerable people over the age of 16 to address the, sometimes multiple, problems they face, such as debt, employment, tenancy management, substance misuse, violence against women, domestic abuse and sexual violence, and mental health issues. The Grant is disseminated to local authorities and through local needs assessments and needs-led commissioning to develop a Housing Support Programme (HSP) Strategy every four years.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Jane.Hutt@llyw.cymru](mailto:Gohebiaeth.Jane.Hutt@llyw.cymru)  
[Correspondence.Jane.Hutt@gov.wales](mailto:Correspondence.Jane.Hutt@gov.wales)

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

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

Through the Housing Support Grant in 2018-19 we provided £9,808,784 to fund support to victims of VAWDASV, this amounted to 1,397 units of support, 73% of these units (1020) were dedicated to Outreach support for victims of VAWDASV.

We also provided £10,018,187 of housing-related support for older people provision (over 55), a total of 14,316 units of support was offered and 50.6% of these units (7,248) were dedicated to outreach support for older people provision.

The Well-being of Future Generations (Wales) Act 2015 ('the Act') shares seven well-being goals detailing the ways in which public bodies must work, and work together to improve the well-being of Wales and to create a more equal Wales. This goal is supported through the VAWDASV National Strategy, where we have committed to provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales.

I hope this reassures you that needs led commissioning of Services is happening throughout Wales.

I also wish to update the Committee on equipping staff in VAWDASV specialist services with appropriate skills, knowledge and confidence to respond to older victims of domestic abuse. I referred to this in my previous response to you on 3 December 2019.

We have commissioned a four-day specialist course, 'Responding to Older People Affected by Domestic Abuse' through our National Training Framework. The course is due to begin next month and will improve specialist workers' understanding of the particular forms of abuse that older people can experience and the best ways of providing support in order to create an age-inclusive service.

Best Wishes



**Jane Hutt AC/AM**

Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip

**P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action, Correspondence – Petitioner to Committee, 01.06.20**

Thank you for email and attached documentation outlining Jane Hutt's AC/AM response to our community-led petition, **P-05-882 Transforming the response for older people experiencing domestic abuse – a call for action.**

Dewis Choice is a practice-based Welsh initiative designed and implemented by older people to deliver support to older victims –survivors of domestic abuse. The Initiative provides the first dedicated service for all older people aged 60 years and over; it provides the first global longitudinal study of older people's help seeking and justice seeking in the context of coercive control.

Since 2012, our work in communities<sup>1</sup> and our research has identified that there are insufficient specialist services available in Wales to ensure equality in provision to support and protect older people. The responses available are also not equipped to address older male victim-survivors, older LGBTQ+ groups and the most high-risk group where domestic abuse co-exists with a diagnosis of dementia.

The response by Jane Hutt AC/AM discusses the following areas:

1. VAWDASV Officials engagement with Sarah Wydall and the team from Dewis Choice;
2. Funding allocations of outreach services available for victims of violence against women, domestic abuse and sexual violence (VAWDASV);
3. The additional fund for housing support provision aimed at older people;
4. The VAWDASV 2015 Strategy and the National Training Framework, including Ask and Act;
5. Appropriately resourced, high quality need led, strengths based, gender responsive services cross Wales;
6. The initial funding for training ' Responding to Older People affected by Domestic Abuse'.

We will take the opportunity to respond to the six areas above identified by the Deputy Minister. We propose a transformative response is required based on our extensive knowledge both in terms of our practice and research evidence in Wales and globally and the stakeholder response to the community-led Dewis Choice service. We are concerned that none of the six points provides evidence of an appropriate level of service provision and the training will not address the significant gap in responses for older victim-survivors, who are more at risk of harm than other age groups from domestic abuse, because of the service, guidance and policy gaps.

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<sup>1</sup> The Dewis Choice community engagement programme, involving nearly five thousand people in the last four years, provides evidence that older people do not feel current services are suitable for them because awareness-raising material, guidance, risk assessments and service provision is aimed as younger women with families.

## **1. VAWDASV Officials engagement with Sarah Wydall and the team from Dewis Choice**

Amy Jones, a Senior Policy lead representing the VAWDASV team, attended the launch event, 'Transforming the Response to Domestic Abuse in Later Life,' held in Cardiff on 19<sup>th</sup> February 2020 and offered to meet with Sarah Wydall and the team to discuss how the learning from Dewis Choice can be embedded into VAWDASV work. We welcome this meeting as a positive step forward.

## **2. Funding allocations of outreach services available for victims of violence against women, domestic abuse and sexual violence (VAWDASV).**

Clients engaging with the Dewis Choice service have reported a significant lack of access to appropriate specialist outreach domestic abuse services. Recovery programmes are often designed for younger women in heterosexual relationships and involve attending group sessions. Older women who have attempted to engage with group recovery programmes have reported that they are not relevant to their needs or circumstances. There are also no current recovery programmes designed for older males and older people who are LGBTQ+ or those where domestic abuse and dementia co-exist, or physical disability.

## **3. The additional fund for housing support provision aimed at older people.**

Housing related support for older people - the majority of clients are unable to use Refuge, as Refuge does not meet a range of complex needs associated with people aged 60 years and over. Furthermore, older victim-survivors who are owner-occupiers face additional barriers, including having to fund a Refuge space whilst keeping up payments on jointly owned property.

## **4. The VAWDASV 2015 Strategy and the National Training Framework, including Ask and Act.**

*'The Well-being of Future Generations (Wales) Act 2015 ('the Act') shares seven well-being goals detailing the ways in which public bodies must work, and work together to improve the well-being of Wales and to create a more equal Wales. This goal is supported through the VAWDASV National Strategy, where we have committed to provide victims with equal access to appropriately resourced, high quality, needs led, strengths based, gender responsive services across Wales.'* Section 4 of the Act: Equality of Health outcomes, signposts resources and provision in relation to improving the VAWDASV response. Resources include a 'Manual for Health Managers' and the 'Ask me' Scheme and 'Trusted Professionals' that form part of the Welsh Women's Aid 'Change that Lasts' programme.

There is very limited provision of specialist training around identifying, appropriately risk assessing and supporting older victim-survivors of domestic abuse with the exception of Dewis Choice. **Older men** the 'Manual for health



managers' explicitly states the guidance does not include a response to male victim-survivors of domestic abuse; thus, the response excludes older men. Older men comprise a third of our client base. Our current longitudinal study also confirms this fact, as male clients do not feel able to access current VAWDASV services and tend to form a higher risk group within our client base as they have delayed help-seeking for many years.

**Non-engagement with current VAWDASV services** We have strong evidence from a decade of research focussing on domestic abuse and older people, and from running our dedicated service for older people that our clients do not engage with VAWDASV support for a range of reason outlined in our previous responses. Instead, older people are 'welfarised' and referred into social care routes. When reviewing more generalist training, it is worth noting that the Auditor General for Wales Report (2019) highlighted that the training rolled out under the Social Services and Wellbeing Act ***is a 'tick box' exercise and is not effective at equipping frontline staff with the confidence and skills to identify and respond to potential cases of harm or abuse.***

Drawing on the Ask and Act guidance, we illustrate an example of a missed opportunity to highlight older victims of VAWDASV. Although across the guidance it does not give an upper age limit for victimisation, there is no specific reference given to older people. Instead, older people's needs are assumed to be encapsulated within the general approach to Ask and Act. Whilst specific reference is made to training 'maternal health services' and 'hospital-based specialists' where it is noted that younger victims are being identified. The absence of specific reference to older people is surprising given that research has found higher levels of victimisation in later life (Fisher, 2006; Bonomi, 2007). It is important to recognise that the subtlety of language that omits to mention services commonly occupied by older people, reinforces the view that VAWDASV is a younger person's problem. We recommend that particular reference should be made within the guidance that makes a direct link to older victim-survivors.

**Welsh Language Provision:** when responding to the needs and rights of this age group - very few services are able to recruit practitioners especially Independent Domestic Violence Advisors who are first language Welsh speakers. These are specialists who deal with high risk crisis intervention, thus for an older survivor living in fear, or someone with fluctuating capacity, using their first language to disclose is /will be significant. This deficit in service provision reflects **a failure to meet the needs of the Welsh speaking population**; Furthermore, provision rarely includes adult-child to parent abuse which is a significant feature of older people's experience of domestic abuse;

## **6. The initial funding for training 'Responding to Older People affected by Domestic Abuse.'**

We are pleased to learn that options are being explored to provide enhanced training to the VAWDASV specialist sector. Especially given that people aged 60 years and over may have additional needs than younger cohorts. The material rarely addresses older people's experience of the abuse. Typically,

guidance and research are based on white, middle class, heterosexual, female victim-survivors under 70 years of age, who experience intimate partner violence, not adult family violence. Adult family violence is as common as intimate partner violence in people aged 60 years and over.

We call for a more inclusive approach to training that encompasses the diversity of people aged 60 years and over. We welcome the commissioning of a four-day specialist course 'Responding to Older People Affected by Domestic Abuse' however, Dewis Choice is the only initiative available with the skills to be able to deliver this and this initiative ends in 2020. It is essential that practitioners working with older victim-survivors identified as high-risk have access to specialist training to respond to the specific needs of this demographic, particularly as there is a lack of training available specialising in responding to victim-survivors of abuse from adult family members, male victims, LGBTQ+ groups and people experiencing domestic abuse whilst living with dementia.

### **How Dewis Choice are supporting training and further training needs.**

Dewis Choice co-delivered specialist training with SafeLives as a pilot in England & Wales during 2018 and 2019. Dewis Choice have agreed to partner to co-deliver the four-day specialist training to be held in Wales in April 2020. The training is targeted at accredited Independent Domestic Violence Advisors (IDVA's) working with victim-survivors identified as high risk using the DASH Risk assessment tool.

However, SafeLives (2018-2019), found only 3% of those accessing IDVA services supported by the MARAC model, were over 60 years of age, suggesting a lack of identification of older victim-survivors of domestic violence by statutory services.

Current domestic abuse risk assessments are based on research from the study of, and designed for, younger women experiencing intimate partner violence from men who have young families.

Taken together, the six points show a general commitment to addressing the needs and rights of a demographic group that fall into the 'public story of domestic abuse. However, for the diverse range of people aged 60 years and over we can evidence in Wales that they do not receive sufficient protection and support. As a result, as researchers with significant experience in this area we feel that there is a significant well-being and human rights deficit with regard to protection, private life, and justice.

### **Covid-19 context**

In response to the Covid-19 crisis, Dewis Choice have adapted their training to provide free online training to services and practitioners in contact with older people during Covid-19 restrictions. A wide range of organisations and individuals have registered for training including domestic abuse, police, social care, health, older person's mental health professionals and volunteers. The Older People's Commissioner for Wales issued a press release urging key workers across Wales who engage with older people to

undertake the training. Feedback from individuals who have undertaken the training included:

*"As a specialist domestic abuse worker, I did not feel I had the necessary skills to respond to cases where dementia also existed. I attended the training to gain more information on what support was available. After attending the course, I feel more confident responding to dementia and domestic abuse and have a better understanding of how I can work with other organisations to better support clients."*  
(Domestic abuse worker)

Comments from those attending the training course demonstrate the need for specific training related to the diverse and multiple needs of victim-survivors aged 65 years and over.

Compared to other services responding to domestic abuse in Wales, Dewis Choice have received an increase in referrals for older people experiencing domestic abuse. The complexity of these cases has further magnified the ageism older victims face, for example:

- There is a lack of safe accommodation for older people at the point of fleeing abuse, particularly if they have care and support needs. Adapted, ground level refuge spaces are limited and not equipped to accommodate an older person with care and support needs, therefore, there is a reluctance by domestic abuse services to accept referrals where a victim-survivor has care and support needs. Alternative local authority housing is not readily available immediately at point of fleeing.
- Providing services via phone only and not face-to-face has added challenges working with older people who are not digitally connected. Assistance in accessing information about rights and entitlements, filling in online applications, for example, applying for an occupation order, requires face-to-face support. This further highlights the need for adequately resourced outreach provision, alongside the research findings from Dewis Choice that older people value face-to-face contact with a support worker they can build a relationship of trust with.

1<sup>st</sup> June 2020

Response provided by Sarah Wydall, Elize Freeman, Rebecca Zerk, 'Dewis Choice – Transforming the response to domestic abuse in later life' The Centre for Age Gender and Social Justice, Aberystwyth University.

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

Natalie Hancock  
Mid and West Wales  
Regional VAWDASV Adviser  
Carmarthenshire County Council,  
5 Spilman Street,  
Carmarthen,  
SA31 1LE

28<sup>th</sup> June 2019

To whom it may concern,

I have worked within the field of Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) for over a decade and my current role has strategic responsibility for the implementation of the Mid and West Wales (MWW) Regional 'Safer Lives, Healthier Families' VAWDASV Strategy.

My first introduction to the Dewis Choice Project was at a professional development training conference run in partnership with the Office of the Older Peoples Commissionaire and Social Care Wales. Professor John Williams spoke at the conference and I was struck by the wealth of expert knowledge and awareness within the project for this area of work, where previously so little was known or understood.

Immediately I was able to make links with the project and the work of the MWW Regional VAWDASV Strategy. There has recently been a Domestic Homicide Review completed within the MWW Region, where key learning identifies the need for work around raising awareness of adult to parent abuse and the support mechanisms currently available.

The MWW Regional VAWDASV Strategy also identifies the need to further understand the needs and experiences of older people who have experienced all forms of VAWDASV. The contributions made from the project in the development of the Welsh Government and Older People's Commissioner for Wales' information and guidance document on domestic abuse: Safeguarding older people in Wales is just one example of the essential work the project is doing to address this.

I work very closely with Adult Safeguarding within my role and this document is instrumental in the development of services and the awareness of practitioners, to better support and respond to older people experiencing abuse, in achieving better outcomes for themselves and their families.

When I visited the project and met with John Williams and Sara Wydall, I was amazed at the extent to which survivor engagement and participation is core and imbedded within the project. Within the MWW Regional Strategy survivor engagement is identified as a priority. The work that the Dewis Choice Projects does to engage with survivors, will be key learning for us to develop and embed a

meaningful framework for the engagement of survivors throughout Mid and West Wales.

The impact that the Dewis Choice Project has had for older people who have experienced abuse and their families is unmeasurable. The project has also agreed to be part of the Regional VAWDASV Partnership responsible for the implementation of the MWW VAWDASV Strategy. This input is invaluable with the comprehensive data and information the project's research has to inform and design the regions approach to supporting older people within our communities.

As I mentioned earlier, the project also has considerable knowledge and learning for us as a region to imbed within our workforce development and the design of key interventions including how this work is specified and commissioned.

The project has already designed and delivered specialist Independent Domestic Violence Advisor training on working with older victims of domestic violence (OPVA) which included members of our MWW Regional IDVA Team.

It is my observation that the work and research the project is producing has and will continue to have, a profound and ground breaking impact on the understanding and awareness of the abuse experienced by older people, as well as the development and improvement of the responses and support available to the older people and their families within our communities.

Yours sincerely

Natalie Hancock  
Mid and West Wales Regional VAWDASV Adviser

## Agenda Item 4.3

### **P-05-826 Pembrokeshire says NO!! To the closure of Withybush A&E!**

This petition was submitted by Myles Bamford-Lewis having collected 40,045 signatures.

#### **Text of Petition**

We the undersigned are calling on the Welsh Government and Hywel Dda Health Board to reverse their decision to downgrade our county hospital and to remove our A&E.

The Hywel Dda Health Board has proposed drastic changes to how hospital services are provided in West Wales. They propose a downgrading of our county's Withybush general hospital and Carmarthenshire's Glangwili general hospital, both to community hospital standard and a new general hospital to be built around the Whitland area. But this also means that we will no longer have a fully functioning A&E department within our county as it will be replaced by a minor injury unit at the Withybush site. In doing so patients who require emergency care in our county will be faced with traveling for up to an hour, possibly even more if you live in our county's more rural areas just to have that life-saving emergency care in a hospital that will be outside the county. A time scale that not only is putting Pembrokeshire lives at risk but doesn't even factor in that added time of having to wait for an ambulance to get to where a patient may be, stabilising the patient, then transporting that patient to a hospital that is beyond the borders of our county. Crucial minutes lost in a situation where time is already not on your side.

Having no A&E department within our county is completely unacceptable and is all in the name of cutting costs but more importantly cutting corners. Well Pembrokeshire is one corner of Wales that we will not let them cut us off the map!

Please sign and share, we can't let the Welsh Government and the Hywel Dda Health Board take our county's greatest asset away from us. They've already taken our SCBU, our Consultant led maternity and our 24 hour paediatric care away from us.. already putting our babies, children and mothers at great risk! Now they are coming to finish off the rest of our county's hospital services. Please don't let that happen!

Together we will send Steve Moore and Vaughan Gething a message that they can think again if they think Pembrokeshire will go down without a fight while they strip our hospital away from us!

Save Withybush A&E! Save Withybush Hospital!

**Senedd Constituency and Region**

- Preseli Pembrokeshire
- Mid and West Wales



GIG  
CYMRU  
NHS  
WALES

Bwrdd Iechyd Prifysgol  
Hywel Dda  
University Health Board

Eich cyf / Your ref: P-05-826  
Ein cyf/Our ref: CEO 1671  
Gofynnwch am/Please ask for: Katie Jenner  
Rhif Ffôn /Telephone: [REDACTED]  
Dyddiad/Date: 5 March 2020

Swyddfeydd Corfforaethol, Adeilad Ystwyth  
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job  
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

Corporate Offices, Ystwyth Building  
Hafan Derwen, St Davids Park, Job's Well Road,  
Carmarthen, Carmarthenshire, SA31 3BB

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

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

Dear Janet

**Re: Petition P-05-826 Pembrokeshire says NO!! To the closure of Withybush A&E!**

I apologise for the delay in providing the Committee with an update on our Health and Care Strategy.

Hywel Dda University Health Board (the Health Board) has the opportunity to advance transformation in community services over the next two years, by accessing the Transformation Fund, which makes £100m available for projects across Wales. The Health Board is working closely with partners to develop services and support in key areas.

The three areas being progressed locally, which will have an impact on delivery of local services and support are:

Help to Help Yourself: Delta Connect (Proactive, Technology Enabled Care) – in the delivery phase

- Proactive, responsive care – early intervention, proactive response if required, ongoing monitoring of condition
- Digital system
- Individualised well-being plan – keeps people connected
- Appropriate response – localised and within own home
- Provision of technology to develop virtual communities
- Key staff have been recruited in both Pembrokeshire and Carmarthenshire.
- The App designed to alleviate loneliness based on the 'vincles' work in Spain, provisionally called 'link' in West Wales, has been built and is ready for roll-out.
- A bespoke assessment, planning and evaluation tool has been designed, which is being used as the standard tool to evaluate personal impact of programmes. This tool is called 'The Wheel of Wellbeing' and a bespoke App is being built to roll-out across the whole county – with a paper-based version being used until the app is fully operational.

Swyddfeydd Corfforaethol, Adeilad Ystwyth,  
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job,  
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

Corporate Offices, Ystwyth Building,  
Hafan Derwen, St Davids Park, Job's Well Road,  
Carmarthen, Carmarthenshire, SA31 3BB

Cadeirydd /Chair  
**Miss Maria Battle**

Prif Weithredwr/Chief Executive  
**Mr Steve Moore**

Bwrdd Iechyd Prifysgol Hywel Dda yw enw achrddig Bwrdd Iechyd Lleol Prifysgol Hywel Dda  
Hywel Dda University Health Board is the operational name of Hywel Dda University Local Health Board

Mae Bwrdd Iechyd Prifysgol Hywel Dda yn amgylchedd di-fwg Hywel Dda University Health Board operates a smoke free environment



### Help When you Need It: Crisis Response Service (Fast tracked, consistent integration) – in the delivery phase

- Focus on development of Fast Access Community System – multi-agency crisis response service – professional response
- Care in home setting
- Aim to have the model in place across the whole area – currently in Carmarthenshire
- The Crisis Response Service has been fully recruited – the service builds on the good practice of the Acute Response Team (ART) and Transformation Fund monies have more than doubled capacity of the team. The service has also successfully recruited two clinical leads (GPs) to the service, who will be in post by February 2020.
- Crisis Response Service has been operational since the second week of November 2019, with a significant escalation in activity to support winter pressures. Focus is currently on reducing Length of Stay in the acute sector with efficient pull into the community.

### Helping Strong Communities: Communities for All

- Community connectors model
- Promotion/support of volunteering – developing connectivity and resilience
- Intergenerational buddying – developing IT skills
- West Wales is Kind Programme
- These include consideration of a series of bids against a regional investment fund to support inter-generational working.
- *West Wales is Kind* steering group established, with review of materials and an engagement and marketing campaign planned to coincide with national and international events, such as National Kindness Day and Loneliness Awareness Week.
- Appointment to regional and local Community Connector Plus posts.
- Appointment of local Volunteering Officers by County Voluntary Councils to take forward a programme of promotion and support within selected communities.

All of these programmes are interconnected and will support patient flow through our system and enable key changes to our hospital system in Withybush General Hospital (WGH).

Other local initiatives include:

- WGH is looking to introduce an A&E screening service to assess patients as they present in the department, ensuring that patients are being assigned to the correct workstream e.g. A&E, GP, minor injuries.
- Implementation of the Frailty Pathway, which includes admission avoidance and falls clinic.

WGH forms an integral part of the Transforming our Hospitals (TOH) programme, which will deliver the changes required to transform our hospital model to provide the most specialist health and care support, via a network of hospitals across Mid and West Wales.

As part of the TOH programme, initial work to develop the capital estate has involved the production of a Pre-Programme Business Case (PPBC). The PPBC highlights the context and high-level need for the resources to support capital and estates planning for the delivery of the first stages of our Health and Care Strategy: *A Healthier Mid & West Wales*. This will deliver the essential estates infrastructure, including the re-purposing of WGH to provide continued delivery of care to the population of Pembrokeshire.

The PPBC also includes information relating to the development of a new purpose built planned and urgent care hospital, and the re-purposing of Glangwili General Hospital, so as to provide care for the entire population of Hywel Dda. This is the subject of an ongoing discussion with Welsh Government colleagues.

I trust this provides you with the update you required on the ongoing work being undertaken as part of our transformation programme. Please accept my apologies for the delay in providing this information.

Should you have any further enquiries please do not hesitate to contact me.

Best wishes  
Yours sincerely

A handwritten signature in black ink, reading "Steve Moore". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

**Steve Moore**  
**Chief Executive**

# Agenda Item 4.4

## **P-05-893 Save Our Parks In Wales**

This petition was submitted by Crispian Huggill having collected a total of 244 signatures.

### **Text of Petition**

Parks and play areas are falling into disrepair or are under threat of being built on or sold to developers.

This is despite the vital health and social benefits that our much-loved green spaces provide.

This petition is to galvanise support to save our parks, playgrounds and open spaces from being lost forever, to serve the needs of today's and those of future generations and to uphold the obligations councils in Wales have under the Well-being Of Future Generations Act 2015 and the Environment Act 2016.

We want:

- 1) A statutory requirement for councils to ring-fence funding for parks at £30 per household per year.
- 2) There to be a legal duty for all green space to be managed to a good standard.
- 3) New rules banning the development on, selling off or the inappropriate use of, parkland.
- 4) A new Welsh Government fund to provide emergency help for parks most at risk and ensure the long-term future of Wales's green open spaces.
- 5) A legal requirement for all councils to operate an Open Spaces Strategy in accordance with the Fields In Trust Standards, the Well-being of Future Generations Act 2015, and the Environment Act 2016 and to work with Fields In Trust to protect and enhance all public green open spaces in Wales.

### **Senedd Constituency and Region**

- Gower
- South Wales West

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

4 March 2020  
D Hopkins



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

Dear Ms Finch-Saunders,

### **Petition P-05-893 Save Our Parks in Wales**

Please accept my apologies for the delay in responding to your letter of 30th September, 2019, on this matter.

The Welsh Local Government Association (WLGA) understands the value of parks, play areas and green spaces, and these are important assets for the people of Wales. These facilities add value to local communities and support their health and general wellbeing.

There are excellent examples of well maintained parks and other open spaces in many local authority areas in Wales, and these exemplars have been maintained against a background of austerity in public sector budgets over some years. The entire local authority estate including parks, open spaces, playing fields and footpaths is substantial and generally well used.

However, it is important to understand that not all parks and open spaces are the responsibility of the twenty two local authorities in Wales: These Councils work closely with community groups, town and community councils, and third sector organisations across Wales. This collaboration is valuable when considering new models for sustainable service provision which can support community wellbeing. This may include community asset and service transfer programmes, for example, designed to enable communities to enhance or maintain community facilities and services. This approach is being supported by a number of national grant programmes from the Welsh Government and Big Lottery aimed at supporting citizens and communities to become actively engaged in shaping and developing their localities.

The approach of the WLGA generally, however, is to support fundamentally the principle that decisions on spending by local authorities should be determined by them, taking account of local need and funding available. That means that where any additional

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Prif Weithredwr  
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**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

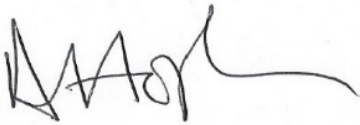
**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

**Welsh and English correspondence will respond to correspondence in the same language.**  
**Use of either language will not lead to a delay.**

duties or requirements are placed on local authorities, these should be clearly defined and fully funded.

So whilst the WLGA would promote the idea that the maintenance of green spaces to a standard appropriate to their intended use, the ring-fencing of funds for managing green spaces is not something that local authorities would wish to see. Rather, overall funding for public services at a level that enables the local distribution of resources across all services in accordance with each local authority's needs and plans is preferred to specific or targeted funding.

**Yn gywir / Yours sincerely**



**Pennaeth Addysg dros dro  
Interim Head of Education**

**P-05-893 Save Our Parks In Wales, Correspondence – Petitioner to Committee,  
01.06.20**

FOR THE ATTENTION OF THE MEMBERS OF THE PETITIONS COMMITTEE, JUNE 9 2020

Petition: Save Our Parks In Wales

This petition was originally launched in response to two matters. Firstly, the nationwide 'Save Our Parks' campaign appeal and petition launched by the Mail On Sunday in the autumn of 2018. And secondly, in response to a campaign that a group of dedicated local residents here in Gorseinon had been running, to protect our one and only recreational park in the town, namely Parc y Werin ('The Peoples' Park') from a development by Swansea Council; as the chosen site for a much needed replacement primary school.

Despite there being a far superior site for this school, and one that was and still is existing Education land, Swansea Council's plans have won through; a narrow one vote majority on the Planning Committee December 2015, two failed village green applications November 2015 and October 2017, and a failed Common Land Application May 2019. School construction started within two weeks of the Common Land application being filed with the Commons Registration Authority, Swansea Council, and was not halted for the duration of the consideration of this application by the Planning Inspectorate.

In the light of the current coronavirus emergency, and the lockdown restrictions that we in Wales, as well as everyone across the whole UK have had to live in these past ten weeks (and counting), the benefit of our parks and green open spaces is self evident. Who amongst us has not taken a walk in a park or an open space in these past weeks? And consequently, who has not appreciated the benefit of these facilities? Wonders of our urban and wider environments! Physical health and mental health providing benefits, contact with nature, and some peace and tranquillity.

It might be the case that national governments and some local authorities are now recognising the existence, value and benefit of these resources. But this in itself is not sufficient to ensure that we as a nation, indeed the whole of the UK, strive with positive vigour to safeguard the very existence of our parks and open spaces.

With all the good intent of the Wellbeing of Future Generations Act 2015, the Environment Act 2016, both from Welsh Government, and the Biodiversity Protection Policy from Swansea Council, these laudable statements of intent and policy projection lack teeth when they run up against economic development. As with Parc y Werin, it appears all too easy for an authority to go with the lowest cost/easiest solution, and skew the argument to suit. Such developments do nothing to safeguard our biodiversity, our natural and tended green

open spaces. Spaces which NHS and other commentators define as the lungs of the community; and our 'natural health service'.

It is therefore a necessity that Government seeks to put flesh on the bones of these protective measures, to ensure that they have a chance to succeed in their stated aims of safeguarding these gems of our natural environment. For today, and for future generations. For once these sites are lost or developed on, they are lost for ever. It's a one way street!

To enable this safeguarding in Wales, it is essential that Welsh Government adopt a proactive strategy of financial support for our parks and open spaces.

The Mail on Sunday's campaign asked for the following:

1. a statutory requirement for councils to ring fence funding for parks at £30 per household per year,
2. there be a legal duty for all green space to be managed to a good standard,
3. new rules banning the development on, or the inappropriate use of, parkland,
4. a new central Government fund to provide emergency help for parks most at risk and ensure the long term future of Britain's green spaces.

These are also the aims of the 'Save Our Parks In Wales' petition. And I commend them to the Committee.

In conclusion. I strongly urge the Committee to give favourable and positive consideration and to recommend that this petition be referred to the Assembly for inclusion as official policy. Such a move will be seen a clear recognition that Welsh Government is serious about safeguarding the wonderful assets that our parks and open spaces are. For today's generation, and for the foreseeable time while we remain under some form of covid lockdown. Together with the benefit in following years and for future generations, who will still be able to use, enjoy and have all the health benefits from our parks and open spaces.

Yours sincerely,

Crispian Huggill  
Gorseinon,  
Swansea

# Agenda Item 4.5

**P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals**

This petition was submitted by Louise Davies having collected 1,109 signatures.

## **Text of Petition**

More people of all ages are making the decision to live vegan, with the number in the UK doubling twice in the last 4 years. More people are also choosing plant-based food for health, environmental and ethical reasons.

Vegans have the same legal protections as people with religious beliefs, because our moral conviction that it is wrong to use and kill non-human animals unnecessarily is protected under law. Service providers have an obligation to provide for vegans and to avoid any discrimination on the grounds of veganism. Sadly, despite this, provision for vegans in the public sector is often lacking, with hospital patients, prisoners and school children often going hungry. The Welsh Government is responsible for ensuring that the Welsh public sector provides for vegans and the proposed legislation would assist in fulfilling that obligation.

Plant-based food can be enjoyed by everyone. The British Dietetic Association recognises that well-planned totally plant-based diets are suitable for every age and life stage. A substantial body of research has linked plant-based diets with lower blood pressure, lower cholesterol, lower rates of heart disease, type 2 diabetes and some types of cancer.

Plant-based diets are better for the environment and can reduce our food related carbon emissions by up to 50%. The UN has urged a global move towards a meat and dairy free diet for the benefit of our planet, and Wales has the opportunity to lead the way.

We would like to see all Welsh public sector institutions providing at least one plant-based food option on every daily menu to ensure vegans' rights are met and to maximise the ethical, environmental and health benefits of vegan diets.

## **Additional Information**

Veganism is defined as a way of living which seeks to exclude, as far as is possible and practicable, all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose.



The Vegan Society's 'Catering For Everyone' campaign has been encouraging public sector institutions (schools, hospitals, councils and prisons), to increase their plant-based options.

The campaign has been well received with many public sector institutions recognising that improvements can be made and agreeing to increase their provision for vegans.

An English county council, universities in Manchester and London, and a Welsh health board are among the many public sector institutions making positive changes to their menus due to this campaign.

Both the British Dietetic Association and the American Academy of Nutrition and Dietetics recognise that totally plant-based diets are suitable for every age and life stage.

To get the most out of a plant-based diet, it should include plenty of whole grains, fruit, nuts, seeds and vegetables, which are packed full of beneficial fibre, vitamins and minerals.

It's easy to produce tasty options that include these foods, which are rich in fibre and low in saturated fat. The Vegan Society have lots of resources and recipes on their website, which can help organisations ensure they are offering healthy, balanced and tasty plant-based food.

<https://www.vegansociety.com/resources/nutrition-and-health>

Portugal have introduced legislation compelling all public sector canteens to provide a strict vegetarian (vegan) option on their daily menus. This followed a campaign and petition promoted by the Portuguese Vegetarian Society, see: <https://www.vegansociety.com/whats-new/news/new-law-makes-vegan-option-compulsory-portuguese-public-canteens-%E2%80%93-britain-next>

### **Senedd Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales

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

Document is Restricted



Eich cyf/Your ref P-05-865  
Ein cyf/Our ref LG/00546/20

Janet Finch-Saunders AM  
Chair of the Petitions Committee

Government.Committee.Business@gov.wales

4

March 2020

Dear Janet

Thank you for your letter of 26 February, regarding the petition seeking to ensure that there are plant based options on every public sector menu to protect the rights of vegans.

The Welsh Government recognises that there are health & well-being arguments with respect to the consumption of plant based products. In sourcing produce for menus public sector establishments must take into account a number of considerations such as choice, locally sourced produce and dealing with waste.

People will make better choices when the choices are easier to make and the industry has been quick to respond to consumer demand by bringing more plant based products to market. Establishments take sensible decisions in considering consumer demand for plant based products at individual locations and respond accordingly.

The Welsh Government has established guidelines and regulations for the public sector in relation to nutritional standards, and steps are taken to ensure that all parts of the public sector are aware of their responsibilities in providing for all dietary choices.

These guidelines and regulations are reviewed periodically, for example, the Welsh Government has made a commitment to review the current Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 in light of changes to nutritional recommendations since they were introduced six years ago. We will be considering the latest research and information concerning nutritional standards when undertaking this task, including whether additional guidance needs to be provided for vegan diets.

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

Pack Page 141

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

We have also recently developed best practice guidance for food and nutrition in care homes for older people, which encourages residents to eat well and have positive health and well-being outcomes. The guidance includes a specific section on catering for vegan diets, highlighting the importance of talking to residents and their families to devise a suitable menu, seeking advice from dietitians if required.

This approach of review and improvement where necessary will allow the relevant guidance to be relevant to the needs of its target cohort and ensure food meeting all nutritional requirements can continue to be provided.

Regards  
Lesley Griffiths

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

**P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals, Correspondence – Petitioner to Committee, 01.06.20**

We thank the Minister for Environment, Energy & Rural Affairs for their response to the letter provided by the Committee.

Whilst we welcome the Minister acknowledging the health and wellbeing arguments of plant-based foods, it's concerning to note that the Minister has completely disregarded the environmental arguments we keep presenting regarding this petition.

**Environment**

Chatham House research states that 'the public want government intervention on climate change issues' and the Committee on Climate Change have explicitly stated that the 'public sector take a strong lead by providing plant-based options in schools and hospitals'.

- Plant-based diets are better for the environment and can reduce an individual's food-related carbon emissions by up to 50%.
- Researchers from Oxford University have concluded that eating a plant-based diet could be the single biggest way to reduce an individual's environmental impact on the planet.

**The benefits are clear - mandating a vegan option on all public sector menus would be a simple way of tackling the climate crisis effectively;** it would familiarise the public with sustainable and nutritious foods, and would therefore encourage a transition towards better consumption habits in the wider population. Implementing our ask would assert that the Welsh government take the public demand for government intervention seriously.

**Demand**

The Minister has stated that 'people will make better choices when the choices are easier to make' – the only way to do that however, is to ensure accessibility. Mandating a vegan option available on all menus, every day, expands choice and encourages consumers to opt for food options they may not have otherwise considered.

The Minister also claims that industry has responded to demand by bringing more plant-based products to the market, and yet, the reality contradicts this statement. Response to demand has predominantly been from the private sector, whilst we continue to campaign public sector institutions through this petition, to ensure that a single plant-based option is even available to consumers.

The number of vegans in the UK has quadrupled in the last five years, and continues to rise, as more people become mindful of their consumption. What this means is that a rising number of people find themselves unable to be catered to in many public sector settings.

**Inclusivity**

We welcome that The Vegan Society are referenced in the care home guidance but we would like to assert that there is nothing within many of these regulatory guidance documents which reinforce the need to have vegan options available in the first place.

What this means is that procurement of foods with animal products generally gets favoured over vegan-friendly options. This therefore leads to a form of indirect discrimination as vegans are often left with very basic options which do not constitute a nutritious meal - such as a single jacket potato

or a piece of fruit - and miss out on key nutrients within their meals. Our petition seeks to counter this by ensuring that at least one vegan option is mandated on all menus, which by default will be suitable for people of all backgrounds and beliefs.

It's evident that our petition isn't for the sole benefit of vegans, but also for the planet. In light of the climate crisis, **it is the responsibility of the government to accelerate a change which encourages the public to adopt more sustainable consumption habits for the benefit of the planet**, and it is imperative for the government to act now.

## Agenda Item 4.6

### **P-05-929 Encouraging the use of “Cymru” and “Cymry” when referring to ourselves in Welsh and English**

This petition was submitted by Mair Edwards having collected a total of 127 signatures.

#### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to refer to our country as Cymru, and the nation as Cymry, in Welsh and English in all official statements. The origins of the terms "Wales" and "Welsh" refer to us as foreigners and vassals in our own country. It is time for us to define ourselves rather than being defined by another nation – and a symbol of this would be to refer to ourselves as Cymry and our country as Cymru.

#### **Senedd Constituency and Region**

- Ynys Mon
- North Wales

Eluned Morgan AC/AM  
Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol  
Minister for International Relations and the Welsh  
Language



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-929  
Ein cyf/Our ref EM/00099/20

Janet Finch-Saunders AM  
Assembly Member  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

2 March 2020

Dear Janet,

**Petition P-05-929 Encouraging the use of “Cymru” and “Cymry” when referring to ourselves in Welsh and English**

Thank you for your letter of 7 February, which included a copy of the petitioner's further comments on the above matter.

As I indicated in my previous letter on this matter, I support the idea of encouraging people to use "Cymru" and "Cymry" in English language material in a way that strengthens our message: but it is also important that we continue to be flexible and do so in a way that is appropriate to the context and our audience. I therefore do not support the introduction of a general policy to use these terms in all situations without exception.

Yours sincerely,

**Eluned Morgan AC/AM**  
Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol  
Minister for International Relations and Welsh Language

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[Correspondence.Eluned.Morgan@gov.wales](mailto:Correspondence.Eluned.Morgan@gov.wales)

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

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



**P-05-929 Annog y defnydd o 'Cymru' a 'Cymry' wrth gyfeirio atom ein hunain yn y Gymraeg a'r Saesneg, Gohebiaeth – Deisebydd at y Pwyllgor, 16.03.20**

Rwyf wedi darllen ymateb Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol.

Tra'n falch o weld bod y Gweinidog o blaid annog pobl i ddefnyddio "Cymry" a "Cymry" mewn deunydd Saesneg rwy'n nodi nad ydi'r Gweinidog am i hyn fod yn bolisi cyffredinol ym mhob sefyllfa yn ddiau. Tybed er hynny fyddai modd bod fymryn yn fwy cadarn ac chael polisi cyffredinol bod y termau "Cymru" a "Cymry" yn cael eu defnyddio gan amlaf - ac felly bod y defnydd yn dod yn fwy-fwy cyffredin ac yn y pen draw (mewn rhai blynyddoedd o bosib) yn dod yn naturiol a di-eithriad.

Rwy'n derbyn na fyddai modd newid popeth dros nôs a dyna pam bod y ddeiseb wedi ei geirio fel annog yn hytrach na gorfodaeth - ond mae angen lefel uchel o ewyllys da ac ymarfer da gan Lywodraeth Cymru yn y lle cyntaf er mwyn normaleiddio'r defnydd.

Yn gywir

Mair Edwards

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# Agenda Item 4.7

## P-05-778 Protect the Razor Clams on Llanfairfechan Beach

This petition was submitted by Vanessa L Dye and was first considered by the Committee in December 2017, having collected 459 signatures.

### Text of Petition

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

- commission a research study to ascertain the state of the health of the razor clam beds and their viability as a long term natural resource, and put in place a moratorium for fishing of razor clams until the research can report its findings;
- ratify a 'closed' season for the harvesting of razor clams aligned to the spawning season i.e. May to September;
- draw up regulations in addition to the minimum landing size of 10cm to include set quotas that individuals are allowed to take; and
- bring forward legislation and regulations to protect the razor clams on Llanfairfechan beach.

"The mass harvesting of razor clams on Llanfairfechan beach has been a matter of concern for many residents and conservationists for a number of years." (Ref: letter to Cabinet Secretary Lesley Griffiths AM from Janet Finch Saunders AM 28th July 2017.

Currently the only regulatory control on razor clams is that they must have a legal minimum landing size of 10cm, and there are checks relating to the control of clams ending in the food chain. Many residents are concerned about the apparent lack of procedures and/or regulations governing the taking of razor clams particularly in respect of designating a 'closed' season during spawning, quotas allowed, and the need for research evidence to be conducted on the razor clams to ascertain the impact on the local environment and ecosystem.

Since 2013 it has been noted by several sources that razor clams are being harvested in great numbers from Llanfairfechan beach. Evidence to support this claim has been documented on numerous occasions on social media. A recent request on the Llanfairfechan Noticeboard for any pictures or video

footage of those gathering the razor clams clearly shows that there are large numbers of people involved in this activity. The gathering of the razor clams generally takes place after a high tide.

### **Additional information**

Just to provide some historic background about this issue. In 2013 the harvesting activity was brought to light by the Weekly News newspaper by Tom Davidson when it was noted that there was “A gang of more than 100 people harvesting huge amounts of razor clams.....” There were also concerns that illegal workers were being exploited and that the clams were being fished for commercial purposes. At the time, one resident said “they had seen similar scenes involving an increasing number of gatherers over the last few weeks. Residents are angry at the sheer number of harvesters with fears the local habitat could be damaged irreparably, with hundreds of clams taken off the beach regularly.” Whilst fears about the gatherers being used as part of modern slavery and the shellfish ending up in the food chain have been allayed by the ongoing efforts of the police and Food Standards Agency. The environmental consequences of this sustained and systematic removal of razor clams remains a major issue, which may impact on the other marine and bird life within the area, along with causing possible changes in the density of sand on the beach. There are some fears regarding the sand being unstable in places and people unfamiliar with the beach could easily get into difficulties e.g. some gatherers harvest the clams some distance away from the safety of the land. It has been quite disempowering and frustrating for ordinary citizens to watch the pillaging of an environmental resource and question why organisations who's remit is to protect the environment appear to be hamstrung because of the lack of appropriate procedures/laws. This is surprising given that Llanfairfechan beach is designated as a Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC). 2013. Surely there must be regulations within these bodies of knowledge to tap into as a source to protect this imbalance in such an ecosystem?

### **Senedd Constituency and Region**

- Aberconwy
- North Wales



Eich cyf/Your ref P-05-778  
Ein cyf/Our ref LG/00518/20

Janet Finch-Saunders AM  
Chair of the Petitions Committee

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3 March 2020

Dear Janet

Thank you for your letter of 24 February, regarding consideration of new regulations for governing razor clam harvesting at Llanfairfechan beach.

My letter of 14 January (LG/0021/20) provided information on ongoing and proposed scientific studies into razor clams. Such studies include genetic profiling and work to improve our understanding of harvesting levels.

Any conclusions from the studies will inform management responses for Llanfairfechan and other areas supporting razor clam beds in Wales.

Officials will consider a closed period, daily quotas and a total allowable catch as part of any future management measures and legislation. Such future measures will help improve the management and sustainability of the fishery.

Regards  
Lesley

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

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

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

**P-05-778 Protect the Razor Clams on Llanfairfechan Beach, Correspondence –  
Petitioner to Committee – two responses**

**14.03.20**

Dear Petition Committee Members

**Re: Protect the razor clams on Llanfairfechan Beach**

Thank you once again for the ongoing work of the Petition Committee members in respect of this petition and for the opportunity to comment on the letter dated 3<sup>rd</sup> March from Lesley Griffiths AC/AM. The Minister for Environment, Energy and Rural Affairs.

It is pleasing to note in the Minister's letter that once the assessment of the razor clam beds is complete and information about the extent and viability of razor clam beds is available that *"Officials will consider a closed period, daily quotas and a total allowable catch as part of any future management measures and legislation .....to help improve the ....sustainability of the fishery"*. The point about individual *"daily quotas"* may need to take account of the fact that in the past; there is verifiable evidence; that the number of people visiting the beach for the purpose of collecting the clams, has on some occasions been between 50 - 100 people. Clearly: such numbers: even over only a few occasions is likely to have a profound affect on the health and sustainability of razor clam beds. Therefore, in line with the initial premise of the petition the officials drawing up any legislation may need to look to the *"total allowable catch"* for each individual over/within the agreed open season to ensure legislation protects the environment and aids the sustainability these razor clam beds for the future, whilst simultaneously providing clear and equitable rules for those managing and monitoring the harvesting and those engaged in the harvesting.

I also wish to inform the Petition Committee Members that despite the current ban on harvesting razor clams that some people are still coming to the beach to collect clams, particularly after big tides.

I hope these comments may be included/raised at the March Meeting of the Petition Committee.

Once again thank you for your ongoing interest and actions on resolving this important local issue.

Yours sincerely

Vanessa L Dye(Mrs)

Petitioner for Protecting the Razor Clams on Llanfairfechan beach

**23.05.20**

Thank you for the opportunity to make additions to the attached letter dated 14th March. The only thing I would like to add is that there have been at least three further violations of the Harvesting ban. This has involved people arriving in cars together, which may also be in breach of the social distancing laws.

## Agenda Item 4.8

**P-05-803 Our natural world is being poisoned by single use plastics...it's time to introduce a tax!**

This petition was submitted by Friends of Barry Beaches and was first considered by the Committee in March 2018, having collected 102 signatures online.

### **Text of Petition**

The evidence is there for those who want to see...our addiction to single use "throw away" plastic is poisoning our natural world.

Sea birds are eating plastics, fish are eating plastics, shell fish are eating plastics and we, therefore, are eating plastics.

The production of single use plastics are increasing year upon year, yet only 9% of plastics are recycled in the world.

Since large scale production of plastics began in the 1950's, we have produced 8.3 billion tonnes...equivalent to the weight of one billion African elephants! And that figure is expected to reach 34 billion tonnes by 2050!!

None of this plastic has biodegraded over this time, its just got smaller and smaller, making it nearly impossible to remove!

We urge the Welsh Government to introduce a tax on all single use plastics similar to the very successful 5p charge on single use carrier bags.

It's time to take action.

### **Additional Information**

Friends of Barry Beaches are a voluntary group, set up seven years ago, who's aim is to remove litter, much of it plastic, from Barry's five main beaches. We strive to recycle as much as we can.

We need to design our packaging and single use containers so that they biodegrade easily within our environment.



### **Senedd Constituency and Region**

- Vale of Glamorgan
- South Wales Central

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



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref RE/00030/20

Janet Finch-Saunders AM  
Chair, Petitions Committee

2 March 2020

Dear Janet,

Thank you for your letter regarding the petition P-05-803 related to taxing single-use plastics.

The Welsh Government continues to engage with the UK Government on their proposals for a UK-wide plastic packaging tax. The UK Government is planning to launch a technical consultation on the design and operation of the tax in the next few months. We will work with key Welsh stakeholders, as part of this next round of evidence gathering, to ensure Welsh views are fed into the detailed design and implementation aspects of any tax in this area.

Welsh Government is also actively considering a Welsh-specific tax or charge on single-use plastic cups. We are currently building an evidence base to assess the merits of introducing such a measure. I am mindful that the decision to introduce a tax should be considered in light of the expected impact of forthcoming changes to Extended Producer Responsibility schemes and proposals for a deposit return scheme, to ensure that any additional measures are fair and proportionate, in line with our tax principles set out in the Tax Policy Framework.

Yours sincerely,

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

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

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

**P-05-803 Our natural world is being poisoned by single use plastics...it's time to introduce a tax!, Correspondence – Petitioner to Committee, 18.03.20**

Dear Assembly Member,

Our members are extremely frustrated that some politicians make public statements about tackling the rising tide of single use plastics, but then fail to take any real action.

We also believe that after 20 years of devolution, we should have the ability and confidence to develop our own policies to tackle this plastic emergency.

We therefore welcome the proposal to introduce a charge on single use cups but believe that polystyrene single use cups and food containers are a much bigger threat to the environment and should be included.

The threat from new streams of plastic waste such as pet food pouches and crisp packets must also be added to the agenda, along with micro plastics.

We fully appreciate that at the moment priorities will be diverted to tackling the Corona virus threat, but the plastic pollution crisis cannot be ignored indefinitely.

Yours faithfully,

Rob Curtis

Friends of Barry Beaches

# Agenda Item 4.9

## **P-05-868 – Water Safety/Drowning Prevention and the effects of Cold Water Shock to be taught in all Schools in Wales**

This petition was submitted by Carmarthenshire Water Safety Partnership having collected 394 signatures online and 502 on paper – a total of 896 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to include – Water Safety/Drowning Prevention and the effects of cold-water shock to be taught on the national curriculum in Wales.

In 2016 we saw the launch of the first ever water safety strategy in the UK, which aims to reduce water related fatalities by 50% by 2026. Collaboration, awareness, education and prevention are the main focuses. Wales needs to respond in support.

The families of Cameron Comey, Luke Somerfield, Kieran Bennett-Leefe, Robert Mansfield and Jem Pendragon all support this petition in memory of their sons lost to water.

### **Additional Information**

Several hundred adults and children drown accidentally every year in the UK & Ireland, and Wales – having a considerable number of rivers, lakes and a wild coastline is not immune. Education and prevention are key to safeguarding our communities from needless drowning.

This petition also has its aims focused on healthy, educated interactions with our many open waterways in Wales, by promoting events nationally and locally where young people and the public can access organized events where they engage with social, active and safe events with clubs/organisations concerned with water based activities.

We also recognise that local authority cuts to swimming accessibility for all pupils (through central government pressures) and a new Welsh Baccalaureate on water safety is too wide a gap to ensure a consistent

education message for all. Wales has three broad strategies (our Healthy future, Building a brighter future and Well-being of Future Generations) and have links to injury prevention and, therefore, to reducing drowning.

This petition is supported by many partners including; five families of young men lost to drowning in West Wales, Ferryside Inshore Lifeboat, Jonathan Edwards MP, South Wales Fire & Rescue Service, Rebecca Ramsey (campaigner for England water safety education), All Wales Water Safety Group, Mid & West Wales Fire and Rescue Service, Simon Hart MP, Carmarthen Town Council, The Coracle & Netsmans Association, Gwendraeth Valley Paddlers Canoe Club, Ammanford Police Station, Carmarthen Boat Club, Brecon Mountain Rescue Team, Llansteffan Coastguard, Angela Burns AM, Carmarthen Bay Ferries, Llandysul Paddlers Canoe Centre, to name a few.

**Senedd Constituency and Region**

- Carmarthen East and Dinefwr
- Mid and West Wales

**P-05-868 Water Safety/Drowning Prevention and the effects of Cold Water Shock to be taught in all Schools in Wales, Correspondence - Royal Life Saving Society to Chair, 05.03.20**

Dear Janet,

Firstly, thank you so much for giving me the opportunity to respond. I am very sorry for the delayed response.

Our role as an organisation is to actively educate, campaign and prepare the Welsh public to enjoy the water safely, in a safe environment. This includes all water usage whether it be at inland, open water sites in the pool. We support the intended efforts of The Carmarthen Water Safety Partnership to lobby for such issues. Water safety and especially education about 'cold water shock' should, without doubt, be communicated to all young Welsh citizens.

We, within our membership of the All Wales Water Safety Group, are currently planning a holistic, strategic approach to being in, on or near water safely.

The group, chaired by the Fire and Rescue Service and supported by RLSS UK, MCA and RNLI are currently drafting an all Wales Water Safety Strategy. As a crucial stakeholder, we plan to actively engage with the Welsh Assembly to ensure that it meets the needs of all Welsh citizens and that the strategies reach, and distribution is empowered to all that are responsible. A key part of the strategy will include how children are proactively educated to enjoy the water, get out and see their beautiful country but to do so with knowledge and with responsibility. A draft strategy will be released for consultation in summer of 2020.

We are confident that the All Wales Strategy will effectively empower and support the number of passionate local groups, such as the Carmarthen Water Safety Partnership to deliver the outcomes that they so desperately desire.

I hope that provides effective insight into our current approach. Please get in touch if you have any further enquiries

Yours Sincerely

Robert Gofton

**P-05-868 Water Safety/Drowning Prevention and the effects of Cold Water Shock to be taught in all Schools in Wales, Correspondence – Petitioner to Committee, 16.03.20**

Shwmae,

We are pleased to finally see a response from RLSSUK on this matter. As the only independent Welsh water safety charity, we wish to make our final points in relation to this subject.

» As Carmarthenshire Water Safety Partnership (CWSP) has been a member of RLSSUK since 2015, we would have appreciated it if we were addressed by the right title in the letter.

» CWSP is the only Welsh organisation providing bilingual water safety education information via PDF and hard copy leaflets to schools in Wales. It recently delivered 13,500 leaflets to every secondary school in Dyfed. All self funded. These are supported in the leaflet by adverts from the RNLI and National Fire Chiefs Council.

» RLSSUK attended the 2019 Royal Welsh Show without any bilingual drowning prevention literature. Not acceptable. Much work is needed to deliver effective interventions for Wales which is currently sorely underrepresented, which is very frustrating to see.

» The Water Safety Wales group is still not actively delivering any interventions to the general public in Wales. It has been in a setting up phase since 2017. Delivery of a robust WHO national water safety plan should be driven by Welsh Government.

» CWSP are pleased to be supported as a key lobbyist to increase awareness of the issues of cold water shock, as per the UK National Drowning Prevention Strategy 2016-2026.

Diolch pawb,

Adam Whitehouse

Chair

Carmarthenshire Water Safety Partnership

## **P-05-911 Protect Wales' Ancient Yew Trees**

This petition was submitted by Janis Fry having collected a total of 77 paper signatures.

### **Text of Petition**

Please sign my petition call for ancient Yew trees to be protected by law.

Currently there is no legal protection for these beautiful trees. It's urgent that we protect this vital part of our heritage with specific legal protection before we lose any more. These Yew trees have been a part of Britain for thousands of years. They are our ancient living monuments, our ancient living witnesses to the history of our ancestors and our civilisation. We must protect them as a matter of urgency before any more are lost.

### **Senedd Constituency and Region**

- Carmarthen East and Dinefwr
- Mid and West Wales





Eich cyf/Your ref P-05-911  
Ein cyf/Our ref DET/00170/20

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

05 March 2020

Dear Janet Finch-Saunders AM,

**Petition P-05-911 Protect Wales' Ancient Yew Trees**

Thank you for your letter of 17 February requesting details from Cadw about:

1. any protections afforded to ancient trees, such as yews, in Wales, and any schemes which could be used for this purpose; and
2. references made by the petitioner to actions taken by English Heritage in relation to yew trees in England.

I will address these points in order.

1. The Petitions Committee has already received information on Tree Preservation Orders and other possible measures of protection administered by other Welsh Government departments and local authorities.

I note that the petitioner specifically asks about the possibility of protection through scheduling such trees as ancient monuments. As the Welsh Government's historic environment service, identifying monuments that meet the scheduling criteria is one of Cadw's responsibilities.

Scheduling is the way that a monument or archaeological site of national importance is recognised by law through the Ancient Monuments and Archaeological Areas Act 1979.

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

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

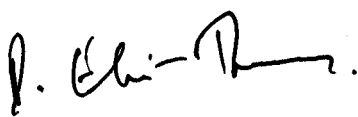
Scheduling is used to protect unoccupied historic ruins and archaeological sites. Some scheduled monuments contain standing buildings or ruins and others have no visible remains above ground, but their buried archaeology is of national importance. Sites that are underwater can be scheduled too, such as submerged lakeside settlement sites or historic wrecks.

Cadw participated in a task and finish group that was established to look at the protection of ancient / veteran trees. The group looked at the viability of using scheduling to protect ancient / veteran trees, but concluded in early discussions that this was not the most effective way forward. The main reason for this is that trees do not fall easily within the definition of a monument because of their wider habitat and biodiversity interest, and indeed scheduling might compromise the ability to manage them effectively as any management of the trees would require scheduled monument consent. However, I understand from the response to the Petitions Committee from the Minister for Housing and Local Government dated 18 December 2019, that other, more appropriate, options for providing improved protection are being considered.

2. The petitioner states that English Heritage has taken a significant step in making the Ankerwycke Yew at Runnymede a scheduled monument. We have investigated this and established that the Ankerwycke Yew is not a scheduled tree; it is a tree situated within the boundary of a scheduled monument. The scheduled monument designation is for Ankerwycke Priory (a Benedictine nunnery founded in the late twelfth century) - Scheduled Monument List Entry Number: 1007943 <https://historicengland.org.uk/listing/the-list/list-entry/1007943>. Historic England is the body within England currently responsible for scheduling. Historic England states that there is a great variety of over 200 categories of monuments on its schedule but notes that 'only deliberately created structures, features and remains can be scheduled'.

3. For the reasons outlined earlier, Cadw does not regard scheduling as an appropriate mechanism for the protection of ancient trees and, like Historic England, it would not apply the designation to specific ancient yews.

Yours sincerely,



**Yr Arglwydd Elis-Thomas AC/AM**

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaet  
Deputy Minister for Culture, Sport and Tourism

**P-05-911 Protect Wales' Ancient Yew Trees – Petitioner to Committee, 19.03.20**

Thankyou for keeping me informed. At this stage I have no further comments to make except to reiterate that it simply does not make sense that we do not have any legal protection for what is the largest collection of ancient yews on earth, the oldest living trees, here in the UK. It also makes no sense that we are not celebrating the fact that Wales's most important accolade is as the Land of the Yews as we have more of these ancient trees here than in the rest of Britain. This is Wales' true importance in the world. My online petition now has 263,000 signatures and if you were able (after the virus) to arrange for me to come and make a presentation at the Senedd I would be happy to do so.

Yours sincerely,

Janis Fry

**P-05-911 Protect Wales' Ancient Yew Trees, Correspondence – Petitioner to Committee 28.05.20**

Dear Petitioners Committee,

I can assure you that English Heritage has indeed made the Ankerwycke Yew a Scheduled Monument. I can understand the Deputy Minister believing that just Ankerwycke Priory is one because it was deemed too sensitive for the public to discover that there were 2 scheduled monuments at the site one being the Yew tree and the other the Priory as the National Trust were not ready security wise and so it is not easy to find but it is most certainly in place and the National Trust before the virus were beginning to have boat trips run for tourists to visit the tree.

The rest of my petition representation still stands and I have nothing to add except to reiterate that Wales has the largest collection of ancient yews on earth. Yews are the oldest living trees. Don't you think the nation should protect and flag up this amazing asset? If you are not in the know with the tree world you will not know that this is Wales' true importance internationally. People come from all over the world to see these ancient trees and if you go to Defynnog near Brecon you can see just how many people come from right across the world from the visitors book! The Defynnog Yew is probably the oldest tree in Europe (in excess of 5.000 years) yet it has no legal protection. Most modern countries would give it that protection.

Best wishes,

Janis Fry