

## Agenda – Petitions Committee

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Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 25 September 2018

Meeting time: 09.00

For further information contact:

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### 1 Introduction, apologies, substitutions and declarations of interest

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### 2 New petitions

#### 2.1 P-05-827 Roads surrounding Trago Mills/ Cyfartha Retail Park

(Pages 85 – 91)

#### 2.2 P-05-829 Ban Single Use Plastic Items in Wales

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#### 2.3 P-05-830 Reopen St David's Medical Centre, Pentwyn Full Time

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#### 2.4 P-05-831 End the unfairness and discrimination in the financial support for victims of the contaminated blood scandals who were infected in Wales

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#### 2.5 P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children

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### 3 Updates to previous petitions

#### 3.1 P-05-794 Lowering the Voting Age to Sixteen

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

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

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## **Environment**

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- 3.4 P-04-433 CCTV in Slaughterhouses

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- 3.5 P-05-717 Establish Statutory Public Rights of Access to Land and Water for Recreational and Other Purposes

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- 3.6 P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales

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**The following two petitions are grouped together for consideration**

- 3.7 P-05-809 Proposed New Fishing Bylaws and Failings of NRW

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- 3.8 P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

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- 3.9 P-05-813 Ban the USE of LARSEN TRAPS (Multi Corvid Traps)

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- 3.10 P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales

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## **Economy and Transport**

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3.12 P-05-767 A487 Trunk Road Through Tre-Taliesin: Urgent Need for Effective Speed-Calming Measures

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3.13 P-05-792 Petition to extend the 40mph speed limit in Blaenporth.

(Pages 252 – 255)

3.14 P-05-820 Don't take Neath off the main railway-line

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3.15 P-05-823 Reduce the speed limit on the A487 in Penparcau

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3.16 P-05-732 Unacceptable Waiting Times for NHS patients in A & E  
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- 3.22 P-05-805 Fair Deal For Supply Teachers

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- 3.23 P-05-821 Reintroduce educational support funding to MEAS and the TES to  
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## **Finance**

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

(Pages 320 – 324)

- 3.25 P-05-822 Ban plastic straws (when drinking milk) in our schools

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- 4 Motion under Standing Order 17.42 to resolve to exclude the  
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- 5 Draft report – P-05-690 Resurfacing of the A40 Raglan–  
Abergavenny Road**

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# Agenda Item 2.1

## **P-05-827 Roads surrounding Trago Mills/ Cyfartha Retail Park**

This petition was submitted by Rowan Powell having collected 141 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to look at the issue of the build up of traffic on the A470 around the vicinity of Trago Mills and Cyfartha Retail Park and put in place a new traffic system to alleviate the amount of traffic seen at peak times, which can then resolve the constant ongoing issues residents are facing.

Trago Mills opened its doors around two weeks ago to the public, Ever since Trago Mills has opened, there have been constant issues of traffic build up within the local vicinity of Trago Mills and Cyfartha Retail Park, not only is this happening on the weekends but it's also happening mid week.

When this issue was originally brought to the attention of the Cabinet Secretary for Economy and Transport some time ago before Trago Mills opened, he stated personally in a letter that the A470 would be able to take the pressures of the traffic in and out of the area but sadly this isn't the case, The build up of traffic on the main roundabout of the A470 isn't able to withhold the traffic load going directly into Cyfartha Retail Park and Trago Mills, not only is this an inconvenience to the residents that already live close to the area it is also affecting local businesses within the area and its having a knock on effect to the economy due to visitors avoiding the area.

Please could you look at the matter in question again as direct action is needed to resolve this problem.

### **Assembly Constituency and Region**

- Merthyr Tydfil and Rhymney
- South Wales East

## Petition: Roads surrounding Trago Mills/ Cyfartha Retail Park

Y Pwyllgor Deisebau | 25 Medi 2018  
Petitions Committee | 25 September 2018

### Research Briefing:

Petition Number: P-05-827

Petition title: Roads surrounding Trago Mills/Cyfartha Retail Park

Text of petition:

We call on the National Assembly for Wales to urge the Welsh Government to look at the issue of the build up of traffic on the A470 around the vicinity of Trago Mills and Cyfartha Retail Park and put in place a new traffic system to alleviate the amount of traffic seen at peak times, which can then resolve the constant ongoing issues residents are facing.

Trago Mills opened its doors around two weeks ago to the public, Ever since Trago Mills has opened, there have been constant issues of traffic build up within the local vicinity of Trago Mills and Cyfartha Retail Park, not only is this happening on the weekends but it's also happening mid week.

When this issue was originally brought to the attention of the Cabinet Secretary for Economy and Transport some time ago before Trago Mills opened, he stated personally in a letter that the A470 would be able to take the pressures of the traffic in and out of the area but sadly this isn't the case, The build up of traffic on the main roundabout of the A470 isn't able to withhold the traffic load going directly into Cyfartha Retail Park and Trago Mills, not only is this an inconvenience to the residents that already live close to the area it is also affecting local businesses within the area and its having a knock on effect to the economy due to visitors avoiding the area.

Please could you look at the matter in question again as direct action is needed to resolve this problem.

## Background

### Welsh trunk road and motorway network

The Welsh Government is the highway authority for the Welsh trunk road and motorway network. It is responsible for the maintenance and improvement of the network, including the A470 which the [Welsh Government describes](#) as ‘our main trunk road linking north and south Wales.’ A map of the Welsh trunk road network is [available online](#).

While statutory responsibility for the trunk road network rests with the Welsh Ministers, two Welsh Trunk Road Agents are responsible for the day to day operation, maintenance and minor improvement of the network:

- the [North and Mid Wales Trunk Road Agent](#); and
- the [South Wales Trunk Road Agent](#).

### Cyfartha Retail Park and Trago Mills Location

[Cyfartha Retail Park](#) and the [Trago Mills store](#) are located in Merthyr Tydfil with the entrances to both sites accessed from the Swansea Road roundabout on the A470.

Cyfartha Retail Park first opened to the public in 2005 whilst Trago Mills opened in 2018.

### Cyfartha Retail Park

Planning permission for Cyfartha Retail Park was granted in 2003 for the development of the site which opened in 2005.

In 2012 an application to expand the retail park was submitted to Merthyr Tydfil County Borough Council. A [report was considered by the full Council in 2013](#) (PDF, 3.91KB) and planning permission was granted.

A Transport Assessment submitted alongside the application to extend the site considered the potential impact of increased traffic and stated:

the proposed development would be open in 2015 and the junction capacity analysis considers the highway impacts up to 2030, to ensure there is sufficient capacity to accommodate any growth in the existing traffic flows. It is acknowledged that in this assessment regard has been given to other committed development, namely Trago Mills.

The initial application to extend the site included highway works to the A470 Swansea Road roundabout which the Welsh Government, as the highway authority for the trunk road network, refused. However, [as reported in the media](#), a revised application was submitted and approved. As stated in the Council report, following the submission of plans for the revised highways works:

any highway safety concerns or impact to the junctions on the A470(T) roundabout [have] been considered in detail by the Welsh Government. It is acknowledged in [the] Welsh Government

Highway Division's response to the application, that they are satisfied with the proposed scheme and have raised no objections, subject to appropriate conditions.

The highway improvements to the roundabout were subsequently implemented in 2014 and included additional approach lanes plus additional signs and lines to improve the flow of traffic.

## Trago Mills

The land upon which the Trago Mills site is situated was acquired by the developer in the 1990s. Outline planning permission was granted in 1995 by the local planning authority (at that time Mid Glamorgan planning authority) and ground works [initially began on the site in 2005](#). In 2010, the local planning authority (Merthyr Tydfil County Borough Council) [considered and granted an application to extend the building](#) (PDF, 1.42MB) to include an:

additional storage and retail area, garden centre, loading building and plant house together with minor alterations to roof detail and accessibility improvements.

The Welsh Government's Transport Division were consulted on the the plans to extend the proposed site and initially raised concerns regarding the Transport Assessment which accompanied the plans. The Welsh Government subsequently undertook testing of traffic volumes on the roundabout used to access the site itself and concluded that:

the safe and free flow of Trunk Road traffic would not be compromised. As a result [there is] no objection to the proposed extension to Trago Mills.

Work on the structure of the building began in 2016 and in April 2018 the store opened to the public.

As [reported in the media](#), the opening weekend of the Trago Mills site resulted in congestion as people visited the new store.

## Welsh Government and National Assembly Action

As outlined, the Welsh Government's Transport Division was consulted on the transport impacts of expanding both sites as part of the relevant planning applications.

The Welsh Government's [National Transport Finance Plan 2015](#) (the NTFP) sets out how the Welsh Government proposes to deliver the outcomes identified in the [Wales Transport Strategy](#) between April 2015 to March 2020 (short term) and beyond (medium term). The Plan provides timescales for the financing and delivery of schemes to be undertaken by the Welsh Government, identifies potential funding sources and lists projects which will seek funding under the European Regional Development Fund. The [NTFP 2017 update](#) (PDF, 1.05MB) outlines a 'pinchpoint programme' which includes considering options and solutions for 'A470 Corridor Taff's Well to Merthyr Improvements'.

Following the opening of the Trago Mills site, the issue of traffic congestion in the area was [raised in Plenary on 1 May 2018](#). The Leader of the House and Chief Whip, Julie James AM, advised that studies in relation to traffic on this section of the A470 were being undertaken by the Welsh Government. It was stated that the:

section around Trago Mills is currently being investigated and appraised to the requirements of the Welsh transport appraisal guidance, known as WelTAG. Studies are on hold at the present time whilst the unsettled traffic patterns and demand return back to average conditions following the opening of the Trago Mills store, which we know increased demand considerably.

The bedding-in period is expected to last about six months, by which time the study will recommence by testing projected trends with those known post-opening of Trago Mills. The sensitivity testing will better inform the appropriateness of the longer term solutions that are proposed. Once the stage 2 studies along the corridor have been completed and appraised, transport interventions to address congestion will be addressed. That's expected to be completed by early 2019, and in the meantime there are medium-term measures to be progressed.

The Cabinet Secretary for Economy and Transport, Ken Skates' letter to the Chair of the Petitions Committee also outlines the points made by the Leader of the House that the Welsh Government is undertaking a study to investigate levels of congestion in the area. The letter states that

Appraised Transport interventions to address congestion on the A470 will be known once the Stage 2 studies along the corridor have been completed. Stage 2 is expected to be completed by early 2019.

In relation to planning permission for the Trago Mills site, the Leader of the House and Chief Whip also [acknowledged in Plenary](#) that:

the decision for planning consent was made in 1994 by the Mid Glamorgan planning authority and included highway improvements appropriate to the scale of development at that time, but...that situation has changed very much. The studies [being undertaken by the Welsh Government] will inform improvements in the road once the traffic has settled again.



Eich cyf/Your ref Petition P-05-827  
Ein cyf/Our ref KS/02309/18

David John Rowlands AM  
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

25 August 2018

*Dear David,*

Thank you for your letter of 25 July regarding P-05-827 Roads surrounding Trago Mills/  
Cyfartha Retail Park

Welsh Government are currently undertaking a study to investigate the levels of congestion on the A470 around Swansea Road Roundabout. The study will take into account the impact of the recently opened Trago Mills Store. The study involves stakeholder liaison with organisations such as Merthyr County Borough Council, who are the responsible Highways Authority for the local road network.

Appraised transportation solutions that are considered necessary and offer best value will be progressed in line with Welsh Government processes.

Multi-agency planning took place prior to the opening of the Trago Mills store on 21 April, in view of the anticipated visitor numbers to the area. We have installed temporary message signs and utilised existing variable message signing to inform drivers of expected delays on this section of the A470. Traffic information has also been publicised via the Traffic Wales web site and social media to assist drivers in planning their journeys. We have extended the Traffic Officer service and there has been a police presence in the area to assist with managing traffic flows during peak times.

Unfortunately there was insufficient time to finalise a temporary Park and Ride solution before the store opening and I appreciate the concerns raised. However, I can assure you my officials are working with the local authority to look at feasible short to medium term solutions.

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

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

The section of A470 around Trago Mills is currently being investigated and appraised to the requirements of the Welsh Transport Appraisal Guidance (WelTAG). Studies are on hold at the present time whilst unsettled traffic patterns and demands return back to average conditions following the opening of the Trago Mills Store. The 'bedding in' period is expected to last some 6 months, at which time the study will recommence by testing projected trends with those known post opening of Trago Mills. This sensitivity testing will better inform the appropriateness of the longer term solutions.

Appraised Transport interventions to address congestion on the A470 will be known once the Stage 2 studies along the corridor have been completed. Stage 2 is expected to be completed by early 2019. Short to Medium term measures will be progressed in the meantime.

*Yours ever,*



**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport



# Agenda Item 2.2

## **P-05-829 Ban Single Use Plastic Items in Wales**

This petition was submitted by Ban Plastic Straws Wales having collected 161 signatures.

### **Text of Petition**

We call on the Welsh Assembly to ban all single use plastic items within Wales; It is estimated that the UK and US alone throw away around 550 million plastic straws every day. Although each one is used for an average of just 20 minutes, they take centuries to break down. During a clean-up organised by the Marine Conservation Society last year, an average of 138 pieces of food and drink-related waste were found on every 100m of UK beaches.

This needs to stop and the environment needs to become a priority.

### **Assembly Constituency and Region**

- Montgomeryshire
- Mid and West Wales

## Ban Single Use Plastic Items in Wales

Y Pwyllgor Deisebau | 25 Medi 2018  
Petitions Committee | 25 September 2018

### Research Briefing:

Petition number: P-05-829

Petition title: Ban Single Use Plastic Items in Wales

Text of petition: We call on the Welsh Assembly to ban all single use plastic items within Wales; It is estimated that the UK and US alone throw away around 550 million plastic straws every day. Although each one is used for an average of just 20 minutes, they take centuries to break down. During a clean-up organised by the Marine Conservation Society last year, an average of 138 pieces of food and drink-related waste were found on every 100m of UK beaches. This needs to stop and the environment needs to become a priority.

### Background

Single use plastics, or disposable plastics, are designed to be used once and thrown away or recycled. They include items such as plastic bottles, drinking straws, coffee cups and take-away food packaging. Recent 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](#) 2017 [Beachwatch](#) Report showed "tiny bits of plastic were the most commonly found item" on beaches across the UK.

A 2017 report [Single Use Plastic and the Marine Environment](#) by [Eunomia](#) for [Seas at Risk](#), calculated the quantity of 'on-the-go' single use plastic waste. Key findings from the research include:

- many of these items either do not need to be made from plastic (e.g. glass and paper alternatives exist), while others are used unnecessarily e.g. drinking straws;
- measures to reduce plastic consumption enjoy a high level of public support, which increases after the measures are implemented;
- solutions to reduce consumption of single-use plastics exist, and have been running in multiple places around the world; and

- drastically reducing consumption of key single-use plastic items would effectively eliminate a major source of marine pollution in all of Europe's seas.

A 2018 report by Eunomia, commissioned by the Welsh Government, on [Options for Extended Producer Responsibility in Wales](#), estimates that “a total of 404 million straws [are] consumed annually” in Wales, and “this is equivalent to waste arisings of approximately 150 tonnes of material.” It continues:

Drinking straws are typically constructed from polypropylene, which is recyclable, however very little separation of these items for recycling takes place. Without further data we have made the assumption that the recycling rates for these products is similar to that for disposable cups at 5%, and therefore 7.5 tonnes of straws are recycled per annum in Wales.

The report estimates the end of life costs of a number of single-use items in Wales. The ‘Total Municipal Residual Cost’ of plastic straw use in Wales is estimated at £22,566, a cost of 0.01p per item. However it also says that due to the ‘on-the-go’ nature of straws, an estimated 13 tonnes of plastic straws are littered per annum. This is estimated to cost £29,430, a cost of 0.08p per item.

### Single use plastic tax

The [aim](#) of a tax on single use plastic would be to encourage a reduction in its use. Waste policy (including recycling) is a devolved issue. As such, the UK Government develops policy for England and it is for the devolved administrations to develop and implement their own policies and approach, within the framework of the EU requirements. The Welsh Government's [Towards Zero Waste strategy](#) (2010) sets out its policy in this area.

A tax on single use plastic would be in keeping with Welsh Government's Towards Zero Waste Strategy by delivering on ministerial priorities toward developing a ‘[circular economy](#)’, where plastics never become waste and contribute positively to the economy.

### Carrier bag charge

Reducing consumption of single use plastic through taxation has already been delivered in Wales through [The Single Use Carrier Bags Charge \(Wales\) Regulations 2010](#). On 1 October 2011 Wales became the first country in the UK to introduce a statutory requirement to charge on most single use carrier bags. Since then, Scotland, Northern Ireland and England have brought in similar approaches of charging shoppers a minimum of 5p per carrier bag used.

Originally the Welsh Government published a voluntary agreement which encouraged retailers to donate their net proceeds to good causes. However the [Environment \(Wales\) Act 2016](#) now requires retailers to donate their net proceeds from the sale of carrier bags to charitable organisations which relate to environmental protection or improvement and, which directly or indirectly benefit the whole or any part of Wales. This is intended to mitigate against the impact of the use of the carrier bag.

## Developments in England

On 11 January 2017, the UK Government published its [25-Year Environment Plan for England](#), outlining ten goals for improving the environment using a 'natural capital' approach, including:

Work towards eliminating all avoidable waste by 2050 and all avoidable plastic waste by end of 2042.

A recent Research Service [blog](#) provides an overview of the plan, and discusses how it might impact Wales.

## 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”. She announced the Eunomia study into [Extended Producer Responsibility](#) (EPR), to assess possible options, saying:

I have commissioned a study to assess possible interventions to increase waste prevention, increase recycling and reduce land and marine based litter. Producer responsibility schemes such as the current schemes in place in the UK will be included in the research. Deposit Return Schemes will also be included. The research will also assess the likely environmental, economic and social impacts of potential extended producer responsibility (EPR) schemes, including any potential unintended consequences

The Cabinet Secretary for Finance and Local Government, Mark Drakeford AM, announced in a [Plenary statement](#) on 13 February 2018 that the disposable plastic tax would not be taken forward, a ‘vacant land tax’ having been chosen instead. He said:

UK Government will launch a call for evidence about how it will address the issue of single-use plastics, including through the use of tax. Whatever its merits, that announcement creates, I believe, a roadblock in the path of any Wales-only proposal.

In a Welsh Government statement delivered in [Plenary](#) on 27 February 2018, the Minister for the Environment, Hannah Blythyn AM, discussed the Welsh Government’s action on single use plastics:

... we have secured Wales’ involvement in the UK Government’s call for evidence about how it will address the issue of single use plastics, including through the use of tax.

Alongside this, we will continue to work on a potential standalone disposable plastics tax for Wales.

In a further Plenary statement on [27 February 2018](#) she also discussed the Welsh Government’s action on single use plastics:

And we have secured Wales’ involvement in the UK Government’s call for evidence about how it will address the issue of single use plastics, including through the use of tax.

Alongside this, we will continue to work on a potential standalone disposable plastics tax for Wales.

In Plenary on [8 May 2018](#) she announced the outcomes of the EPR study. She said:

I am considering amendments to the Producer Responsibility Obligations Regulations so that producers and retailers pay a larger share of waste management costs.

... We continue to work with HM Treasury on a UK single-use plastics tax.

...I can announce that the Welsh Government has signed up to WRAP UK's Plastics Pact.

She also announced a number of ways in which the Welsh Government is working to "practice what we preach":

I am committed to ensuring Welsh Government offices are single-use plastic free by the end of this Assembly term...

...We do not use plastic straws, stirrers or cutlery in our canteens. In addition, Welsh Government will continue to influence the broader public sector in Wales – for example through 'catering disposables' procurement contracts across the Welsh Government estate, working with Value Wales.

In Plenary on [13 June 2018](#), in response to a question from the Conservative Party spokesperson David Melding AM, the Minister said the Welsh Government was working alongside the National Procurement Service to:

develop a range of measures that allow us to identify trends and actions to help reduce the use of plastics, including things like straws within the public sector, particularly within schools

## National Assembly for Wales action

On 5 April 2017, Simon Thomas AM led a [Members Legislative Proposal debate on a Waste Reduction Bill for Wales](#). The motion focused on deposit return schemes, a ban or levy on polystyrene (non-recyclable) packaging and placing new requirements on food producers and retailers to reduce unnecessary packaging.

The proposal received cross-party support, and the motion passed with 34 for, 0 against and 12 abstentions.

The Petitions Committee considered a [previous petition](#) on banning polystyrene packaging. Following the response from the then Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM, the Committee agreed that there was little more that it could do to take the issue forward and agreed to close the petition.

The Petitions Committee is currently considering the following related petitions:

[P-05-750 For single use items: introduce a Deposit Return System for drink containers and make fast food containers and utensils compostable](#)

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

[P-05-822 Ban plastic straws \(when drinking milk\) in our schools](#)

In Plenary on [23 January 2018](#), in response to a statement from the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, on the food and drink industry, Joyce Watson AM highlighted the [‘Ditch the Straw’](#) campaign. The Cabinet Secretary responded:

The plastic straws initiative is so simple, but it's so important... So, just small things like changing from plastic to paper—because we know people want to use straws—could save so much.

In Plenary on [12 June 2018](#), Joyce Watson AM asked “whether the Welsh Government would consider looking at stopping or indeed reducing the supply of those types of straws through its public procurement policy”.

In response, the Leader of the House, Julie James AM replied:

We have got Value Wales and the National Procurement Service working closely with the Future Generations Commissioner for Wales's office and WRAP to develop and deliver several pilots in conjunction with local authorities and partners across Wales to demonstrate new approaches in procurement that fully embrace the Well-being of Future Generations (Wales) Act 2015, and one of those pilots covers the plastic straws issue. Officials are looking to see what we can do to develop a range of measures to identify trends and implement actions to reduce or eliminate the use of plastics, including food packaging and straws, in our contracts in the future.

On 30 June 2018 the [Environmental Protection \(Microbeads\) \(Wales\) Regulations 2018](#) came into force in Wales, banning the manufacture and sale of products containing plastic microbeads. In response to the laying of the regulations in [Plenary](#) on 06 June 2018, David Melding AM said;

I do believe this is a welcome and significant step, but it is only the first step. We need a shift in public policy towards the responsible use of plastic products and the banning of single-use plastic products.

The [Climate Change, Environment and Rural Affairs Committee](#) is currently undertaking an [inquiry](#) into microplastic pollution in welsh rivers.

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-05-829  
Ein cyf/Our ref HB/00756/18

David John Rowlands AM

government.committee.business@wales.gsi.gov.uk

24 August 2018

Dear David,

Thank you for your letter of 25 July regarding Petition P-05-829, which calls for a ban on all single use plastic items in Wales. The Welsh Government recognises the growing concern around single use plastic and welcomes the steps being taken by citizens, businesses and the public sector to address it. We recognise that to be successful, change must happen at the community level.

The Welsh Government is working to reduce the unnecessary use of plastic where alternatives exist. For example, the National Procurement Service (NPS) is collaborating with Waste and Resource Action Programme (WRAP) and the Future Generations Commissioner's office to develop a range of measures to allow us to identify trends and implement actions to help reduce the use of plastics (including straws) in the future. Pilot projects are currently underway with several councils to look at the issue of plastic waste reduction in relation to procurement. The Welsh Government and NPS are happy to work with councils and companies on ways to avoid it.

Plastic is ubiquitous in modern life and has many useful applications, for example in medical environments where it can provide safe and sterile, single-use equipment which guards against contamination. Much of what we use in our homes every day is made of, or packaged in, single use plastic and sometimes there are good reasons for this. Fresh food, for example, can have a much longer shelf life if it is wrapped in plastic. Food waste, which has a significantly higher carbon footprint than its packaging, is therefore reduced.

Whilst it is clear that we need to reduce unnecessary plastic consumption, the key to addressing this challenge is the development of new business models to retain plastic in economic use for as long as possible and avoid its escape into the environment. We need to make sure that we have the infrastructure needed to keep plastic recycle in Wales so that more Welsh manufacturers will use recycled materials. We also want to encourage designers to create products and packaging with waste minimisation and circularity in mind. The publication of WRAP Cymru's ['Towards a Route Map for Plastic Recycling'](#) demonstrates the scale of our ambition, and our commitment to making it a reality. To support this aim, I am focusing new capital funding in 2019/20 on businesses working towards a more circular plastics economy in Wales through our £6.5 million Circular Economy Investment Fund.

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

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

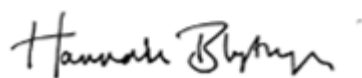
In Wales, we have long been taking steps to reduce plastics in our environment and improve the way we deal with plastic waste. In 2011, we were the first in the UK to introduce a charge for single use carrier bags, and we have continued to lead the way with ground-breaking legislation in the form of the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.

We have identified plastic as a priority waste for action. Wales' recycling rate is already the best in the UK, second in Europe and third in the World and we are always looking at how we can do more. Our long-term goal is zero waste (100% recycling) by 2050, with an interim target of 70% by 2025. We have set out a wide range of actions to achieve this and I am keen to keep Wales at the forefront of efforts to reduce and recycle all types of waste. It is also my ambition for Wales to become the first 'Refill Nation' in the World. Within a year, we will deliver a drinking water refill scheme into every community along the Wales Coastal Path. We want to make it easy for people to get fresh drinking water in more places, whilst reducing plastic.

I am also considering the possibility of a UK-wide Deposit Return Scheme for drinks containers and I met my counterparts from the UK and Scottish Governments to discuss this issue in July. I am keen to ensure that any scheme delivers optimum benefits for Wales and that we take account of risks and benefits to existing provision and recycling levels here, including the possible effect on Local Authorities' statutory recycling targets. We are also seeking to work closely with the UK Government in relation to any action to ban specific single use plastic items.

In addition, the Cabinet Secretary for Finance is currently considering a potential disposable plastics tax. I am pleased that HM Treasury is also looking at this issue and we are working with them to help devise the best way forward over the coming months. We are also considering the possibility of a Welsh tax, levy, or charge on single-use drinks containers. Above all, the Cabinet Secretary for Finance has been clear that any potential tax in this area needs to be fair and proportionate, in line with the principles set out in the tax policy framework.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Hannah Blythyn'.

**Hannah Blythyn AC/AM**  
Gweinidog yr Amgylchedd  
Minister for Environment



# Agenda Item 2.3

## **P-05-830 Reopen St David's Medical Centre, Pentwyn Full Time**

This petition was submitted by Joe Carter, having collected 380 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge Cardiff and Vale University Health Board to reopen St David's Medical Centre, Pentwyn full time and invest in this well used centre. We call on the health board to conduct an assessment of patient need in East Cardiff in light of recent housing developments.

### **Assembly Constituency and Region**

- Cardiff Central
- South Wales Central

## Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 25 Medi 2018  
Petitions Committee | 25 September 2018

**Petition number:** P-05-830

**Petition title:** Reopen St David's Medical Centre, Pentwyn Full Time

**Text of petition:**

We call on the National Assembly for Wales to urge Cardiff and Vale University Health Board to reopen St David's Medical Centre, Pentwyn full time and invest in this well used centre. We call on the health board to conduct an assessment of patient need in East Cardiff in light of recent housing developments.

### Background

#### *Reduced opening hours*

St David's Medical Centre in Pentwyn, Cardiff is a branch surgery of the Pontprennau Medical Centre and a Wales Online [news article](#) on 23 May 2018 reported that St David's Medical Centre which has 10,000 registered patients would only be opening in the mornings in future due to major staffing problems.

The article highlights that the announcement comes as Cardiff Council, as part of its [Local Development Plan](#), intends to increase the population of north Cardiff by as many as 13,000 over the next few years. Councillor Joseph Carter, of the Liberal Democrats, said in the article that reducing the hours would have a negative impact on residents living in his constituency of Pentwyn. In a letter to Councillor Carter the Health Board's head of primary care contractor services said plans were in place to develop the more modern Pontprennau Medical Centre to "absorb" 8,000 more patients.

Following approval from the Welsh Government, the Health Board was said to have set aside funding to increase the capacity at the Pontprennau site to accommodate those moving into new housing developments.

### *Closure of the branch surgery*

Following the reduced hours being put in place at the branch surgery, its closure was then announced on the [Pontprennau Medical Centre website](#)<sup>1</sup>:

#### **Branch Surgery Update**

We currently provide services for all our patients at 2 sites, the main surgery at Pontprennau Medical Centre and the branch surgery at St David's Medical Centre.

The Practice have a number of concerns over the continued running of the branch surgery, including but not limited to the condition of the building, leasing arrangements and accessibility issues.

Due to these concerns, we have made the difficult decision to apply to close the branch surgery at St David Medical Centre.

We would like to assure you that a full range of services will continue to be available, to ALL our patients, from the main surgery at Pontprennau Medical Centre and hope that you all continue to access services from us. There will also be no reduction in the number of appointments available.

We have engaged with the Cardiff and Vale University Health Board and Cardiff and Vale of Glamorgan Community Health Council, and they wish to hear YOUR VIEWS on this proposal.

If you would like to comment on this application, please contact your CHC using the details below. Comments are required before Friday 24<sup>th</sup> August 2018.

Further to the above information, the Pontprennau Medical Centre website provides an update stating that a patient meeting will be held on 18 September 2018 and the practice team will be present to discuss their rationale for the proposed closure of the St David's Medical Practice. All patients are invited to attend and will be given the opportunity to ask questions. The meeting will be facilitated by representatives of the Cardiff & Vale Community Health Council.

### **Correspondence on the petition**

Correspondence from the Cabinet Secretary for Health and Social Services dated 21 August 2018 highlights that neither he, nor his officials, are able to intervene in relation to the closure of St David's Medical Centre as it is a contractual matter between Cardiff and Vale University Health Board and Pontprennau Medical Centre.

The Cabinet Secretary states that the practice has made a formal application to the Health Board to close the branch surgery, which is believed to be due to the poor physical state of the St David's premises and expiry of the current lease with the landlord. The Cabinet Secretary refers to the formal process being in place for consideration of the branch closure application

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<sup>1</sup> No dates are provided for the updates on the website.

and patients having the opportunity to express their views on the proposed plan at a public meeting being organised by the Community Health Council.

The correspondence notes that significant improvement grant funding has been secured to develop the Pontprennau main surgery premises to provide additional capacity for patients to receive care.

The Cabinet Secretary has written to the Chair of Cardiff and Vale University Health Board, asking her to ensure that the issues raised are addressed and to reply directly to the petitioner.

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.

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau  
Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/02614/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

[government.committee.business@gov.wales](mailto:government.committee.business@gov.wales)

21 August 2018

Dear David,

Thank you for your letter of 25 July regarding a petition aimed at reopening St David's Medical Centre in Pentwyn.

I appreciate the concerns of patients about the future provision of services in this area of Cardiff. However, I hope you will understand that neither I, nor my officials, are able to intervene as these are contractual matters between Cardiff and Vale University Health Board and Pontprennau medical practice.

I understand Pontprennau medical practice has historically provided services from both their main surgery in Pontprennau and the St David's branch surgery. The practice have made a formal application to the health board to close the branch surgery, and I believe this is because of the poor physical state of the St David's premises and expiry of the current lease with the landlord. There is a formal process for consideration of the branch closure application and patients will have the opportunity to express their views on the proposed plan at a public meeting being organised by the Community Health Council.

I understand significant improvement grant funding has been secured to develop the Pontprennau main surgery premises to provide additional capacity for patients to receive care.

Whilst I am sure all local politicians will have been briefed by the health board, in view of the concerns that you have shared with me, I have written to Maria Battle, Chair of the Cardiff and Vale University Health Board, asking her to ensure that the issues raised are addressed and to reply to you direct. I would expect you to now receive a satisfactory reply which fully addresses the concerns.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

I hope you find this response 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**

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services

**MEMBERS ROOM  
YSTAFELL YR AELODAU**

**Our Ref: VG/02614/18**

**01 September 2018**

**David John Rowlands AM  
Chair – Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA**



Dear Mr Rowlands,

**St David's Medical Centre petition, Cardiff**

Thank you for your email and for considering our petition. The decision to close a well-used medical centre in my community of Pentwyn was a huge shock and we felt the issue should be brought to the attention of Assembly Members through our petition.

We first became aware of a proposal to reduce the opening hours of St David's Medical Centre in April 2018. There was no public consultation and this led to us setting up this petition and first approaching the health board.

**Background to the petition**

Approximately 10,000 people live in Pentwyn in North East Cardiff, with most of these people being registered at St David's. A medical centre has existed in this community since the 1980s and the current building was opened in the mid-1990s owned by the partners. Starting in the 1990s, the new community of Pontprennau started to emerge and the partners established a branch surgery for that new expanding community.

Over the years, the area continued to expand, patterns of working changed, and some of the original partners retired. At some point the former branch surgery in Pontprennau became the main surgery and St David's Medical Centre was reclassified as the branch surgery. By 2014 the present partners owned the former branch surgery in Pontprennau, whilst the retired partners owned the St David's Medical Centre.

Over the last 5 months the proposals concerning St David's medical centre have changed twice and we have been told different rationales.

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Phone / Ffôn: **07976 440380**

**Twitter:** @joseph\_carterUK

**Facebook:** /PentwynandLlanedeyrn

Originally patients were told that the hours at St David's Medical Centre were being reduced due to staffing issues. This prompted our original letter to Cardiff and Vale University Health Board to find out what was happening.

In June 2018 we met with officials from the health board and were told that the situation had now changed. The partners had applied for an Improvement Grant to invest in the Pontprennau site and had decided to temporarily reopen St David's full time and move the Pontprennau patients there as well. This was communicated to all patients by letter. Local councillors had not been consulted or approached in anyway by the partners, but the Health Board and CHC had been told.

At the end July, the partners revealed their intentions to close St David's medical centre. They handed out leaflets to patients when they attended clinic, put a poster outside the practice, but did not write out to all patients. As local councillors we felt we had a duty to let our community know. We encouraged people to sign the petition and raise their objections with the Community Health Council.

### **What is the issue?**

There are significant pockets of deprivation in Pentwyn the location of St David's medical centre was picked so that it could easily serve these patients. There are high numbers of people with chronic conditions such as asthma, COPD and diabetes, and they need access to a GP. Many of our residents can't drive, so whilst they could theoretically access the Pontprennau surgery, we know in reality many will simply call 999 and rely on higher cost hospital services.

Even before the changes in April, patients regularly complained to us that it was difficult to see a nurse or a GP. Both surgeries were designed to serve approximately 5,000 patients each and yet Pontprennau is now set to support 14,000 people as that community expands further. Their concern and ours, is that it will be even more difficult to see a health care professional.

Finally it feels like the wishes of our community are being ignored and these proposals are being rushed through. Patients were not asked their opinion on options before the partners embarked on these plans, and the information they have received has only come late in the day.

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Phone / Ffôn: **07976 440380**

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**Facebook:** /PentwynandLlanedeyrn



### **Response from the Cabinet Secretary**

We are grateful to the Cabinet Secretary investigating the issue and responding to the committee. We know that primary care officials in the health board are aware of our concerns, but we are pleased that he has raised the issue with the chair of the health board. We look forward to his response.

We would like to respond to some of the comments.

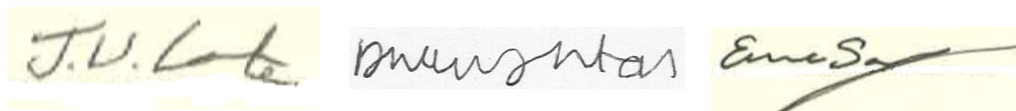
In the second paragraph he states that this is a contractual matter between the health board and the partners. I think this oversimplifies the situation as the community health council and Welsh Government have a role to play. If the single practice at Pontprennau is unable to serve the whole population, then the proposal to close St David's medical centre should be rejected, and I understand that at this point, Welsh Government would be involved.

In the third paragraph, Mr Gething talks about the Pontprennau surgery serving Pentwyn for a number of years. Whilst this is not inaccurate, it fails to take into account the fact that St David's Medical Centre was the larger main surgery until the partners recently changed the status.

In the fourth paragraph, Mr Gething raises the issue of the grant funding from the health board. As mentioned earlier this was only revealed to councillors in June at a time when the plan to close St David's Medical Centre hadn't been announced. We believe that the future plans to close the surgery should have been revealed by the partners when they applied to the health board for the improvement grant.

We hope that our letter provides some background and context around the St David's medical centre petition. If you or any member of your committee, would like any further information, please feel free to contact us.

Yours sincerely,



**COUNCILLORS JOE CARTER, DAN NAUGHTON & EMMA SANDREY  
WELSH LIBERAL DEMOCRAT COUNCILLORS FOR PENTWYN AND  
LLANEDEYRN**

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Phone / Ffôn: **07976 440380**

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**Facebook:** /PentwynandLlanedeyrn

## Agenda Item 2.4

### **P-05-831 End the unfairness and discrimination in the financial support for victims of the contaminated blood scandals who were infected in Wales**

This petition was submitted by the Contaminated Whole Blood UK Group, having collected 159 signatures.

#### **Text of Petition**

This petition calls on the Welsh Assembly to end the unfairness and discrimination in financial support for all victims of the infected blood scandal for those infected in Wales, by changing the scheme to at least mirror the provisions for those infected in England.

Many categories of victim infected in Wales are potentially worse off under the scheme by £20,000 or more. Thousands of people were infected as result of receiving infected blood or infected blood products given to them by the NHS until at least September 1991. Over two thousand people have already died.

Following devolving of powers, the responsibility for support of victims and their families, for those infected in Wales, sits under the Welsh Assembly. The schemes for support are operated by the Welsh Infected Blood Support service (WIBSS) which is administered by Velindre NHS Trust and NHS Wales Shared Services Partnership (NWSSP) who are ultimately accountable to the Welsh Assembly.

For those infected in England, the comparable scheme is run by EIBSS, ultimately accountable to parliament in London. Even though the victims were all infected by the NHS pre – devolution, the EIBSS and WIBSS have vastly different provisions in financial support. The determining factor as to which scheme you fall under is where the victim was infected not where they live. There are two schemes that those under the WIBSS cannot access. They are called the 'Special Category Mechanism' and 'The discretionary top up scheme'. The net effect of all this is that many categories victim infected in Wales are potentially worse of under the scheme by £20,000, more if they have children, irrespective where of where they live. Two people living in say Cardiff, both infected by the NHS, both with the same impact might receive £20,000 difference in support simply because one of the two had the 'good fortune' to be infected in England.

We call on the Welsh Assembly to intervene end this injustice now.

### **Additional Information**

Who are we: we are an self organised peer support group that has victims of the infected blood scandal right across the uk

<https://www.facebook.com/groups/ContaminatedWholeBloodUK/> Where can details of the comparative schemes for those infected in England and those infected in Wales be found: For Wales infected people it is here <https://wibss.wales.nhs.uk/> For those infected in England the comparable scheme is found here <https://www.nhsbsa.nhs.uk/england-infected-blood-support-scheme>

What has happened so far:

A number of attempts from various organisations have tried to raise the issue through the inquiry being led by Sir Brian Langstaff and by making the press aware such as this piece which is focussed on the differentials between Welsh and Scottish schemes <https://www.bbc.co.uk/news/uk-wales-politics-43898899>

### **Assembly Constituency and Region**

- Clwyd West
- North Wales

## P-05-831 End the unfairness and discrimination in the financial support for victims of the contaminated

Y Pwyllgor Deisebau | 25 Medi 2018  
Petitions Committee | 25 September 2018

### Research Briefing:

**Petition number:** [P-05-831](#)

**Petition title:** End the unfairness and discrimination in the financial support for victims of the contaminated

**Text of petition:**

This petition calls on the Welsh Assembly to end the unfairness and discrimination in financial support for all victims of the infected blood scandal for those infected in Wales, by changing the scheme to at least mirror the provisions for those infected in England.

Many categories of victim infected in Wales are potentially worse off under the scheme by £20,000 or more. Thousands of people were infected as result of receiving infected blood or infected blood products given to them by the NHS until at least September 1991. Over two thousand people have already died.

Following devolving of powers, the responsibility for support of victims and their families, for those infected in Wales, sits under the Welsh Assembly. The schemes for support are operated by the Welsh Infected Blood Support service (WIBSS) which is administered by Velindre NHS Trust and NHS Wales Shared Services Partnership (NWSSP) who are ultimately accountable to the Welsh Assembly.

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people living in say Cardiff, both infected by the NHS, both with the same impact might receive £20,000 difference in support simply because one of the two had the 'good fortune' to be infected in England.

We call on the Welsh Assembly to intervene end this injustice now.

## Background

During the 1970s and early 1980s, thousands of UK patients contracted hepatitis C, HIV, or both, from contaminated blood or blood products. Most of those affected were haemophilia sufferers, whose treatment relied on repeated intravenous infusions of blood clotting factors extracted from donor plasma. At the time, batches of clotting factor concentrate were manufactured from pooled donations of blood, potentially mixing blood products from thousands of donors. This placed a heavy demand on blood supplies and also greatly increased the risk of contamination. Because of local shortages of clotting concentrate, the UK imported supplies derived from paid-for blood donations in the United States. In some cases, these may have been sourced from groups at high risk of carrying hepatitis C/HIV.

A January 2017 [plenary debate](#) highlighted that 273 patients in Wales acquired HIV or hepatitis C through contaminated blood/blood products, and 70 of these people have died as a result.

## Financial support

Responding to that debate, the Cabinet Secretary for Health, Well-being and Sport highlighted work underway to reform the system of financial support provided by the Welsh Government to those affected by hepatitis C and HIV through treatment with contaminated blood. He said:

We would have preferred to have done this on a consistent UK-wide basis, but this is where we are. The five infection-specific schemes established since 1988 have evolved in an ad hoc manner, and over time the system has become complex.

In March 2017, the Cabinet Secretary announced the [new support arrangements](#) for affected individuals and their families – ‘a single streamlined scheme for Wales to be administered by Velindre NHS Trust through the NHS Wales Shared Services Partnership’.

In his response to the Petitions Committee (August 2018), the Cabinet Secretary said:

Whilst it remains an important consideration that beneficiaries in Wales are not significantly financially worse off than those elsewhere in the UK, the Welsh Infected Blood Support Scheme (WIBSS) does, however, offer a more balanced package of overall support to its beneficiaries compared to that available through some of the other UK schemes.

My officials are currently considering a number of options for overall scheme benefits for 2018–19 that are fair, transparent and offer the best overall package of support within the available resources. One of these options could be to adopt a similar approach to England in relation to Special Category Mechanism but while this work is in progress it is not yet possible to offer you a clear answer on this.

## UK Infected Blood Inquiry

A key development to be aware of is the independent public [Inquiry into the use of infected blood](#), chaired by Sir Brian Langstaff, which is now underway. Preliminary hearings are taking place towards the end of September.

The Inquiry's [terms of reference](#) include consideration of the nature and adequacy of the treatment, care and support (including financial assistance) provided to people who were infected and affected, including **the extent of any differences in the arrangements made for financial assistance between England, Wales, Scotland and Northern Ireland.**

[Haemophilia Wales](#), which campaigns for haemophiliacs infected with contaminated blood products, is a core participant in the Inquiry.

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau  
Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Your ref/Eich cyf P-05-831  
Ein cyf/Our ref VG/02615/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

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

16 August 2018

Dear David,

Thank you for your letter of 25 July regarding Petition P-05-831 about financial support for people in Wales infected by contaminated blood.

Each of the four UK countries has adopted different arrangements for provision of benefits and other support for their infected blood scheme beneficiaries. Regrettably, it has been difficult in consequence to establish a consistent and equitable UK approach and model for payments.

We are aware that the adoption of the Special Category Mechanism (SCM) as part of the scheme in England has generated a perception amongst some beneficiaries across the rest of the UK that the English arrangements are more flexible and favourable. This has heightened the sense of inequity and inconsistency regarding certain aspects of the schemes.

Whilst it remains an important consideration that beneficiaries in Wales are not significantly financially worse off than those elsewhere in the UK, the Welsh Infected Blood Support Scheme (WIBSS) does, however, offer a more balanced package of overall support to its beneficiaries compared to that available through some of the other UK schemes.

My officials are currently considering a number of options for overall scheme benefits for 2018-19 that are fair, transparent and offer the best overall package of support within the available resources. One of these options could be to adopt a similar approach to England in relation to Special Category Mechanism but while this work is in progress it is not yet possible to offer you a clear answer on this.

Bae Caerdydd • Cardiff Bay  
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[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

I appreciate that this issue is a source of considerable concern to many of our beneficiaries and we are committed to keeping all scheme beneficiaries promptly informed of any changes to the WIBSS.

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**

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services



Dear Committee Members,

**Re: P- 05-831 Infected Blood Scheme petition**

Thank you for communication from Vaughan Gething for which we are very grateful. We would be grateful also to consider representations made in this document in considering any next steps.

The petition was developed and done for a group called Contaminated Whole Bloods UK (CWB).

Looking at the response from the Cabinet secretary, we want to ensure that the purpose and hoped outcomes are understood clearly. The petition:

- Is asking for those infected in Wales receive the same financial support as those infected in England as a MINIMUM. The ideal is that there is equality for all victims, in terms of financial support, across the United Kingdom
- The petition is not requesting that the Special Category Mechanism is simply adopted for those infected in Wales- but that that the scheme is amended to ameliorate the position for those infected in Wales

To illustrate the differential, here is a REAL position of 2 infected people to compare. Both parties would be happy to come and speak the committee or other group directly:

	<b>A (infected in England)</b>	<b>B (infected in Wales)</b>
<b>Date of infection</b>	1991	1980
<b>Location of infection</b>	England	Wales
<b>Current Hep c status</b>	SVR	Hep C virus still active
<b>Support scheme level</b>	Stage 1	Stage 1
<b>Relevant blood support scheme</b>	EIBSS	WIBSS
<b>Treatment</b>	2012 – virus cleared	Health means that not yet possible
<b>Current living location</b>	NW England	NW England
<b>Current Hep C related Impact</b>	Every day significant fatigue, brain fog, unable to live normal life	Every day significant fatigue, brain fog, unable to live normal life
<b>Ability to work</b>	Still able to work full time (with adjustments)	Unable to work due to health (as defined by DWP**) and determined that in the group that unlikely to be able to work even with help
<b>Income from non-blood support schemes</b>	Wages, working FT	Employment support allowance
<b>Income from blood support schemes:</b>		
<b>1) Regular payments scheme pa</b>	£18500	£4500
<b>2) Discretionary schemes top up</b>	£4000	£2000***
<b>Total in Blood Support payments</b>	£22500	£6500

\*Sustained Virological response – term used to describe when the virus count is negligible because of ‘successful’ treatment

\*\* Department of work and pensions work capability assessment

\*\*\* Person B receives this money from the ‘Caxton Fund’. The fund is historical and doesn’t appear to be available to newly discovered infected people <https://wibss.wales.nhs.uk/eligibility/>

Key points:

- As you can see from the comparison table person A is better off from blood support schemes **by £16,500 per year.**
- If Person B was a new registration not an existing beneficiary, there appears to be no scheme that a lay person can find to receive the £2k discretionary scheme payment. The differential in blood support payments would be **£18,500**
- Person A is arguable in better health because:
  - They have cleared the virus
  - They are still able to work full time
  - The virus was in their system for less time
  -
- Person A is in this advantageous position because of the EIBSS scheme offers far more all-round financial support than WIBSS for some groups of beneficiaries – this is particularly accentuated for those classed at stage 1 with ongoing problems
- Based on the data we have received from EIBSS, we believe that approximately 70 people infected in Wales are impacted in a similar unfair way. Based on this example – and taking the difference as an average, the cost of equalisation would be a mere £1.1m (or 0.01% of what I understand to be the Health budget for Wales (£7.2bn))

CWB UK works to support people across all the schemes in the UK. The ideal position is that all infected people across the UK are supported consistently and effectively.

I would be happy, if needed to meet (or correspond further) the committee or other decision-making body to help with potential options and solutions on behalf of CWB UK. It’s important the assembly hears from ALL voices of those infected in Wales not just the more recognised groups as is the suggestion here <http://record.assembly.wales/Plenary/4912?lang=en-GB#A42264>

Richard Wilkinson/Michelle Tolley

Contaminated Whole Bloods UK



# Agenda Item 2.5

## **P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children**

This petition was submitted by Flexible Admissions Wales Group, having collected 241 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to consider amending the School Admissions Code where it relates to admission outside the normal age group, in respect of summer-born children(1 April – 31 August).

Owing to the timing of school entry points, summer-born children are put at a significant disadvantage compared to their peers. They may suffer adverse emotional and educational impacts as they start their formal education at a much younger age. As such, parents may choose to defer their summer-born child's entry into school until they reach compulsory school age, as is their legal right. However, most find that their child is put straight into Year 1, missing the crucial Reception year, which research shows to be the most important year in education.

Most parents prefer their child to enter the Reception year at compulsory school age rather than Year 1. Under the School Admissions Code, this is theoretically possible. In principle, the Code gives parents the ability to request that their summer-born be educated outside their normal age group. In practice, the wording of the Code has proven to be extremely problematic: case studies have shown that the provision is inconsistently applied by Local Education Authorities and requests have rarely been granted.

The following amendments should be considered by the Welsh Government:

- (1) As the first option, requests to defer children with birthdays in summer months should be automatically approved (as is the case in Scotland);
- (2) Alternatively, the wording of the existing provision should be amended to strengthen the rights of parents to choose when their child enters Reception class, also emphasising that Local Education Authorities must fully consider requests and issuing Governmental guidance to this end;

(3) In either case, provision should be made for children educated outside their age group to remain with their adopted cohort throughout their school life.

### **Additional Information**

A recent study conducted by the Department for Education aimed to show that delaying entry to primary school has little impact on attainment. This study should be consulted by the Welsh Government with caution. This study was very limited, measuring ONLY academic attainment and excluding all children with special or additional needs. Academic attainment is very unlikely to be the main reason that parents choose to decelerate their child's entry into primary education.

School readiness is not about a child's academic ability, but about emotional and social maturity. It is these skills that will help a child to make friends, to deal with their emotions, to follow instructions and concentrate and to foster good mental health. The attainment of these skills cannot be measured with a phonics test.

The Foundation Phase curriculum in Wales will not meet the needs of every child in Wales; it cannot. This must not be given as a reason for refusing such requests. A more flexible admissions policy is needed to take children's individual needs and their best interests into consideration. The UN Convention on the Rights of the Child (UNCRC) emphasises that the education of the child shall be directed to the development of the child's personality, talents and physical abilities to their fullest abilities (Article 29(1)(a)). By putting summer-born children at a disadvantage, this School Admissions Code does not achieve that.

Other devolved countries within the UK are already ahead of Wales in this respect. Nick Gibb, Minister of State for School Standards, has made a commitment to amend the School Admissions Code for England to reflect this parental choice. In Scotland, children of equivalent age are automatically granted a deferral if their parents request it and will not miss any school years in doing so.

### **Assembly Constituency and Region**

- Cardiff Wes
- South Wales Central

## Summer born children

Y Pwyllgor Deisebau | 25 Medi 2018  
Petitions Committee | 25 September 2018

### Research Briefing:

Petition number: P-05-832

Petition title: To Amend the School Admissions Code Relating to Summer-Born Children

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to consider amending the School Admissions Code where it relates to admission outside the normal age group, in respect of summer-born children (1 April – 31 August).

Owing to the timing of school entry points, summer-born children are put at a significant disadvantage compared to their peers. They may suffer adverse emotional and educational impacts as they start their formal education at a much younger age. As such, parents may choose to defer their summer-born child's entry into school until they reach compulsory school age, as is their legal right. However, most find that their child is put straight into Year 1, missing the crucial Reception year, which research shows to be the most important year in education.

Most parents prefer their child to enter the Reception year at compulsory school age rather than Year 1. Under the School Admissions Code, this is theoretically possible. In principle, the Code gives parents the ability to request that their summer-born be educated outside their normal age group. In practice, the wording of the Code has proven to be extremely problematic: case studies have shown that the provision is inconsistently applied by Local Education Authorities and requests have rarely been granted.

The following amendments should be considered by the Welsh Government:

- (1) As the first option, requests to defer children with birthdays in summer months should be automatically approved (as is the case in Scotland);
- (2) Alternatively, the wording of the existing provision should be amended to strengthen the rights of parents to choose when their child enters Reception class, also emphasising that Local Education Authorities must fully consider requests and issuing Governmental guidance to this end;

(3) In either case, provision should be made for children educated outside their age group to remain with their adopted cohort throughout their school life.

## Background

A child does not have to attend school until the beginning of the term following their fifth birthday. Under Section 8 of the [Education Act 1996](#) and the [Education \(Start of Compulsory School Age\) Order 1998](#) a child reaches compulsory school age in **the term following their fifth birthday**. The term dates are prescribed as 31 August, 31 December and 31 March.

Each local authority will have its own policy which will form part of its admissions arrangements, and in accordance with the Welsh Government's [School Admissions Code](#) (June 2013).

## Welsh Government Action

### Deferred entry to primary school

The Welsh Government's [School Admissions Code](#) contains practical guidance and imposes requirements, on local authorities and admission authorities, regarding the discharge of their duties in respect of admissions. The Code states that 'each of the bodies or persons covered must 'act in accordance' with the Code'. In relation to deferred entry to primary schools, the Code states:

#### Deferred entry to primary schools

2.61 The law does not require a child to start school until the start of the term following the child's fifth birthday. Where the admission authority for a primary school offers places in reception classes to parents before their children are of compulsory school age, they must allow parents the option of deferring their child's entry until later in the same school year. The effect is that the place is held for that child and is not available to be offered to another child. The parent would not however be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the school year for which the original application was accepted. This must be made clear in the admission arrangements for the school.

The Welsh Government School Admissions Code does provide for the admission of children outside their normal age group in certain circumstances, although this does not specifically mention the issue of summer born pupils. The Code states:

#### Admission outside the normal age group

3.30 Although most children will be admitted to a school with their own chronological age group, from time to time parents seek places outside their normal age group for gifted and talented children, or those who have experienced problems or missed part of a year, often due to ill health. **While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities should consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation with the parents and the school, and specifically in relation to what is most beneficial to the child.** Due

regard should also be given to the Educational Psychologist's report where available, and clear reasons ascertainable for such a decision to be made. [my emphasis]

3.31 If it is decided that there are grounds to consider an 'out of year' application, parents refused an application for a place at a school have a statutory right of appeal. However, there is no right of appeal if a place has been offered but not in the desired year group.

## National Assembly for Wales action

In evidence to the [Children, Young People and Education Committee on 28 June 2018](#), Kirsty Williams, Cabinet Secretary for Education said in relation to summer born children and the School Admissions Code:

My expectation, Chair, would be that local authorities should follow the guidance that already exists in the schools admissions code. So, the current status quo, the current position would be that the code is clear that admissions authorities should consider requests for admissions outside the normal age group very carefully, and make a decision on individual children's needs and what is best for those children. So, the code already allows for flexibility in this regard, and our expectation would be that local authorities would take what's written in the code seriously, and look to apply it consistently and fairly.

With regard to the evidence around changes to admissions, there's not a huge amount of evidence, I should say, that delayed admissions improve outcomes for summer-born children. I think sometimes we're conflating summer-born children with perhaps a child that has additional learning needs or other issues. So, we need to understand and unpick some of the anxieties that parents have, and clearly those are real concerns, those are real worries, and it's highly emotive, but sometimes I think we need to be clear about whether we're talking about worries about inadequate support for additional learning needs as opposed to necessarily schools admissions. **However, having said all of that, it is our intention to review the admissions code in the autumn term.**

At the same meeting, the Committee received [a paper to note on behalf of the Flexible Admissions Group, Wales](#). This sets out their views on the issues surrounding school admissions and summer born children.

## Position in England

In December 2014, the Department for Education (England) revised their [School Admissions Code](#) so that all decisions must be made in the child's best interests and that, in doing so, admission authorities should take account of the parents' views and information about the child's development. The Code states:

2.17 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.



2.17A Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.

The Department Education has published **non-statutory advice** on the [admission of summer born children](#) (December 2014). Its key points are:

- School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for children whose parents do not feel they are ready to begin school before they reach compulsory school age.
- Where a parent requests their child is admitted out of their normal age group, the school admission authority is responsible for making the decision on which year group a child should be admitted to. They are required to make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- There is no statutory barrier to children being admitted outside their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group.

The Department for Education has published a research report, [Delayed school admissions for summer born pupils](#) (May 2018) which includes evidence on admissions policies gathered from local authorities in England. Amongst its findings were:

- The number of requests for delayed school entry increased significantly over the two-year period covered by the survey of local authorities (2015–2017).
- In general, it appears that fewer requests are received in local authority areas where the policy is only to grant requests that are supported by strong evidence.
- Analysis by the study of the only data available so far on these pupils (phonics data) finds an increase in phonics scores of 0.87 marks for delayed entry summer-born children between 2014/15 and 2015/16, but that is not a statistically significant improvement. This implies that there is not a significant impact of delaying admission to Reception on the performance of pupils in the Phonics Screening Check.

On 8 September 2015, Nick Gibb, Schools Minister in England, [announced](#) the UK Government's intention to give summer-born children the right to start in reception at the age of 5. He wrote [an open letter](#) to encourage schools and local authorities to take immediate action, in advance of proposed changes.

In answer to a [Written Parliamentary Question on 4 June 2018](#), Nick Gibb said:

The Department remains committed to amending the School Admissions Code to ensure summer born children can be admitted to reception at age five where this is what their parents want.

## Position in Scotland

The [school system in Scotland operates with a different timeframe to that Wales](#), so the children affected are not ‘summer-born’. However, similar provisions on deferring school entry are in place for the children who would be younger than their school year group peers.

The school year begins in mid-August. Any single school year group consists of children born between the beginning of March in one year and the end of February the following year. Children born between March and August start school in the August of, or following, their fifth birthday. Those born between September and February start school in the August prior to their fifth birthday. As such, children in Scotland usually start school between the ages of 4.5 and 5.5 years old.

However, parents of children born between September and December can request to defer their child's entry to the following August. These deferrals are not automatic and are subject to approval by the local education authority. Parents of children born in January and February may also choose to defer their child's entry; these requests are automatically approved. Children with birthdays in January and February and whose entry to school is deferred are eligible for a further year of funded pre-school education whereas those with September to December birthdays who are deferred are not. Children whose entry is deferred will tend to be aged between 5.5 and 6 years old at the time they start school.

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-05-832  
Ein cyf/Our ref KW/01860/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

6 August 2018

Dear David

Thank you for your letter dated 25 July asking for my opinion on the issues raised in the petition to amend the *Schools admissions code* relating to children born in the summer.

By law, children in Wales must be in school full time in the term after their fifth birthday. However, all local authorities in Wales offer places in reception classes for parents before their children reach compulsory school age in accordance with their published admission arrangements. Children are also offered free part-time nursery education the term after their third birthday if parents wish to take advantage of this.

The responsibility for admissions to community and voluntary controlled sits with local authorities; they are responsible for the vast majority of schools in Wales. Welsh Ministers do not normally intervene in individual school admissions decisions. In carrying out their statutory responsibilities in relation to school admissions, admission authorities must act in accordance with the school admissions code.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

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

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

The current options for parents in Wales who wish to apply for a school place outside their children's age group is to defer entry or make a request to the authority for admission outside the normal year group.

Deferred entry is where a parent can ask for their children to go to school part-time or put off starting school until later in the school year. A child will have to go to school before the end of the summer term or they will lose their place in the class and parents will have to reapply for a place. If a parent does not take up the place offered in the same school year, the child would not normally join the next reception class but would join the class in which they were originally offered a place. The parent would not be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the school year in which the original application was accepted.

While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities should consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation with the parents and the school, and specifically in relation to what is most beneficial to the child. Due regard should also be given to the Educational Psychologist's report where available, and clear reasons ascertainable for such a decision to be made. The Welsh Government expects the admission authority to apply this requirement conscientiously.

The petition mentions other administrations within the UK, but it is difficult to compare like for like because the education systems provide for different age ranges and children will begin more formal elements of education at different stages of child development.

So far, I am not convinced on the basis of their claims in respect of the Foundation phase. The Foundation phase in Wales offers a unique educational experience for our children of 3 to 7 years. It is an innovative framework designed to meet the diverse needs of each individual child, regardless of their stage of development. It is intended that this framework for our youngest learners is appropriate to their stage of learning rather than focusing solely on age-related outcomes to be achieved.

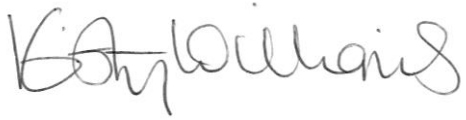
One of the key principles of the Foundation Phase is that children move on to the next stages of their learning when they are developmentally ready and at their own pace. This type of provision can assist all children who enter school with a wide range of maturity and developmental needs, over a longer period before they enter the more formal stage of schooling in year 3 (key stage 2). The Foundation Phase Profile is an assessment framework which supports the identification of children's developmental and learning needs – including personal and social development. This supports practitioners in providing a curriculum that is appropriate to each child's stage of development.

I recognise that the provision in England and Scotland are different, but their education systems for early years are different as well. It does not necessarily mean that Wales should follow the same provision. I want to be assured that they understand Welsh context in full, including the approach to the early years, the curriculum and accountability in reaching its conclusions. I have a sincere interest in the evidence they have to support their claims.

I have noted the three points in the petition they have asked to be considered in relation to amending the *School admissions code* for children born in the summer. The Schools admissions code will be reviewed later this year. In conducting the review I can assure you that consideration will be given to the question of strengthening the Code in relation to children who are born in the summer. Any changes to the code will be subject to full consultation where everyone interested can express their views on any aspect of the code.

I trust that this information will be useful to you as you consider the petition.

Yours sincerely

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

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

## **P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children – Correspondence – Petitioner to the Committee, 18.09.18**

To the Members of the Committee,

We are grateful to you for considering our petition, and wish to submit the following supplementary information to highlight some of the key points.

### **1. Necessity of Flexible School Admissions**

Currently in Wales, the age at which a child should legally be in formal education is the term after their fifth birthday. However, generally, children start formal education in Reception at age four. Reception has been argued to be the most important school year (Ofsted, 2017), where the basics of literacy, rules, new routines and socialising take place. If children enjoy this important transition into education and are given the opportunity to thrive, this sets them on a positive journey for the years to follow. If this is not the case, children can disengage with the learning process, which has long-term impacts for them.

Owing to the timing of school admissions, summer-born children are put at a significant disadvantage compared to their peers. When applying for a full-time Reception place, many parents must do so for children who are still only three years of age, some of which who will not, for various reasons, be ready for such a big transition, e.g. premature birth, developmental delays and late summer-born children. In such cases, delaying a child's start would allow their problem(s) to improve or be resolved over the additional year. Such children would then start Reception rather than Year 1 at compulsory school age. It is noted that there is no advantage to be gained from deferred entry to later in the 'expected' cohort year (Crawford, Dearden & Meghir 2010).

The debate on flexible school admissions for summer-born children thus far has been erroneously focussed on attainment, with Government responses centring on how the Early Year Foundation Phase (EYFP) is flexible enough for every child to achieve such attainment. However, parents' real concerns at this stage are their child's physical, cognitive, emotional, and social readiness for school: e.g. making friends, communicating needs, toileting, ability to be attentive, self-care, and their child's current and future mental wellbeing. A number of studies have shown that starting formal education at an older age is of great benefit to children, particularly in terms of inattention, hyperactivity and emotional wellbeing. The concern of attainment comes later, where many younger children will struggle in comparison

with their older peers (almost a year older), particularly in tests from Year 2 National Assessments to GCSEs and A-Levels.

## 2. Reasoning for Amending the Code

Although, as the Cabinet Secretary for Education identifies in her letter, the responsibility for admissions for the vast majority of schools in Wales sits with local authorities, they must act in accordance with the School Admissions Code (2013). Currently, the Code provides that (emphasis added),

3.30 Although most children will be admitted to a school with their own chronological age group, from time to time parents seek places outside their normal age group for gifted and talented children, or those who have experienced problems or missed part of a year, often due to ill health. While it would not normally be appropriate for a child to be placed in a year group that is not concurrent with their chronological age, admission authorities **should** consider these requests carefully and make decisions on the basis of the circumstances of each case and in consultation with the parents and the school, and specifically in relation to what is most beneficial to the child. Due regard should be given to the Educational Psychologist's report, where available, and clear reasons ascertainable for such a decision to be made.

Such wording has been interpreted very narrowly by local authorities. Stating that 'it would not normally be appropriate' for a child to be educated out of cohort suggests to an authority that it should be a rare occurrence. References to a psychologist's report and clear reasons for a decision also create a preconception that a delayed start should only be granted for extraordinary reasons, and so parents may not be able to successfully request delayed admission if they simply feel their summer-born child is not ready. Above all, it should be highlighted that the Code does *not* mention summer-born children. This provides that local authorities refer to their 'out of cohort' policies when dealing with such requests, designed to address completely different issues to those of the admission of young children at the *start* of their school journey. In most cases, this results in a blanket 'no' approach to summer-born requests, even discounting relevant medical and developmental information, and resulting in stressful conflict with the authority for parents or having to seek legal counsel. A sample of case studies are provided as an Appendix (1) to this note.

The key aspect of the Code is that the decision is made on the basis of what is most beneficial to the child; this should be at its core. It must be amended to ensure that requests for the delayed admission of summer-born children are met where the parent believes it is in the best interests of the child.

In a June 2018 Open Question session with the Chair of the CYPE, the Cabinet Secretary for Education referred to a recent study relating to the deceleration of summer-born children. This study was extremely limited and flawed. Here is the link to the report highlighting its failings:

<https://summerbornchildren.org/2018/05/18/dfes-new-report-on-summer-born-admissions-excludes-sen-benefits/#more-6924>

### 3. Comparison with Other Administrations

It is appreciated that other education systems within the UK are different, but it is a reality that Scotland and England are more understanding of the issues facing summer-born children and make express provision for this. So that the Committee may compare admissions procedures:

*England (emphasis added where relevant)*

2.17 Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a **summer born child** may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.

2.17A Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.

Although somewhat better than the Welsh Code, it is still not ideal. However, this has been recognised by Schools Minister Nick Gibb, who has stated the government's intention to change the admissions rules so that summer-born children cannot be forced to go straight into Year 1 if they wait to start school until they turn five. He has written an open letter to encourage local authorities to take immediate action in advance of the proposed changes.



*Scotland (summary taken from Scottish Borders Council; note variance in Scottish 'summer-born' dates)*

In Scotland almost all children aged between 4 and a half and 5 years old enrol in primary school at the start of the autumn term. However you can delay entry if:

- your child's **5th birthday is in January or February** the same year as they would start school (you will be offered a free part time nursery place for an additional year.)
- your child's **5th birthday is between 1 September and 31 December** of the year before they would start school (a free nursery place is not automatic and is at the discretion of the local authority.)

#### **4. The Early Years Foundation Phase as a Resolution to Summer-Born Concerns**

In respect of the Cabinet Secretary's comments on the EYFP, it should be noted that whilst the curriculum may well be theoretically innovative and play-based, its practical application has been shown to be substantially different. The most recent Estyn Annual Report (2016/17) notes that 'where the [EYFP] is applied as intended, pupils make good progress', however, it is identified that only a *quarter* of schools deliver the EYFP well, with headteachers in *three-quarters* of schools *not* understanding the principles and pedagogy of good EYFP practice. Estyn also notes that three-quarters of schools have struggled to adapt their provision for pupils in Year 1 and 2, with many reverting to more formal approaches, particularly following the introduction of national testing for reading and numeracy. In many of these classes, Estyn found that teachers spend most of their time delivering focused teaching to groups of children, only occasionally interacting with children involved in child-initiated tasks. Summer-born children (especially those with developmental delays) would struggle in schools that adopt such a formal learning environment, and undoubtedly fall behind in large classes.

This has been the experience of many parents and teachers, who state that the pressures of formal learning in preparation for the Year 2 National Assessment are evident from Reception onwards. Until the EYFP can be delivered consistently in schools, it cannot be described as meeting the diverse needs of each individual child, and it cannot be viewed as a resolution to the concerns of parents of summer-born children.

#### **5. Desired Outcomes**

It is recognised that delayed entry will not be appropriate for every summer-born child, and not every parent will request it. However, the option must be available to children that would benefit from it.

Given this, we ask that the following amendments to the Code be considered:

- (1) As the first option, requests to defer children with birthdays in certain summer months should be automatically approved (following Scotland's example);
- (2) Alternatively, the wording of the existing provision should be amended to strengthen the rights of parents to delay the admission of their summer-born child, emphasising that local authorities must fully consider such requests on an individual basis. Governmental guidance should also be issued to ensure accurate interpretation of the code and the consistency of its application;
- (3) In either case, provision should be made for children educated outside their age group to remain with their adopted cohort throughout their school life (primary and secondary). Any testing should also be done with their adopted cohort, rather than by age.

Yours sincerely,

Flexible School Admissions Group Wales

## Appendix 1

### Snapshot of Case Studies Around Wales

Please note that no names of councils, schools or individuals are given

1. From one council – 3 experiences within the same academic year of applying for a Reception place at CSA

**Child One – a great deal of background is necessary to highlight the issues of this case:**

Summer-born by C- Section; difficulties during birth resulting in delays, epilepsy, deafness and feeding issues. Additionally, needed to withdraw from birth mother's alcohol and drugs habit. Placed for adoption at two weeks of age; difficult start to life.

After enjoying the small nursery environment, a house move resulted in a change of setting to a much busier nursery environment, which catered for forty children. It was at this point, Child One regressed. Hearing loss was also diagnosed, speech was limited to vowel sounds, from being fully toileted, the child became incontinent – this June-born child's school start was fast approaching (at four years of age). With all of these factors, Child One's mother sought to delay her child's entry into formal schooling until Compulsory School Age (CSA), believing that being allowed an extra year to develop physically, emotionally and socially would be a huge benefit to her son, but clearly, Child One would need to start school in the all-important Reception; this request was denied, despite the circumstances – the parent was informed that Child One would be fine because Wales's Early Years Foundation Phase caters for every child's individual needs. No additional support was offered, despite supporting medical reports. The mother declined the child's Reception place at four years of age; Child One was placed in a private nursery, the result being an improvement in behaviour, happiness and the child absolutely thrived in this smaller, supportive setting.

Child One's parent started researching options for schooling at CSA. A local head teacher stated that the child could be supported in Reception at age four and if needs be, could repeat Reception. Such was the reassurance, the mother decided to send Child One on a part time basis, three mornings per week. Again, being in a busy setting, Child One found this difficult and behaviour deteriorated. Speech difficulties

made it very difficult socially. At this point, the parent sought support from social services to assist with the difficult behaviour. CAHMS believed that Child One was struggling / reacting due to frustrations and a lack of support at school. The parent was being pressurised to send Child One to school on a full-time basis, this, despite not being of CSA. In light of the difficulties, the parent sought a different school for Child One's entry into school at CSA. The council upheld its view that Child One would not be offered a Reception place at CSA, therefore, the mother became resigned to a Year One start to formal full-time school. A school was found and it offered warmth, recognising the difficulties, but as was the council's ruling, a Year One place.

The current situation is that Child One is half way through term three of Year One. The school is helping the child as much as is practically possible, but there is an obvious gulf between Child One and the other Year One children; Child One has received no meaningful Reception in-put – along with developmental struggles, Child One has been forced to play 'catch up' from day one and the gap between this young child and peers, grows ever greater.

The mother feels strongly that her child has been let down, from before birth; with all of the issues, highlighted earlier in this case study, but most of all from being summer-born and struggling to catch up with children, older, stronger, more physically and socially developed. It is the mother's belief that a delayed start would have afforded Child One the much-needed extra time to mature and grow stronger, to be supported with speech and language, a Radio Aid could have been issued in a less pressurised environment and become a normal 'tool' to support the child's hearing.

It must also be noted that the manner in which the parent was treated by the LEA was referred to the Ombudsman, who investigated the process. This resulted in a payment of £250 because it was deemed that the council failed to follow the appropriate processes including the Appeals Process. The Ombudsman told the council to re-write the policy, as it was unclear. The mother believes that at this point in time, the policy remains the same.

#### **Child Two:**

Very late summer-born. Mother requested delayed start for her child, to Reception at CSA; no obvious delays, merely the feeling that the child would benefit from extra time to grow, develop and mature, before the demands of full-time school.

Over several months, the mother met with council officers, had the support of her local Councillor and Assembly Member, both of whom contacted the council and Education Minister on her behalf. Until the final hour – the first week of September, 2016, when child would be expected to start school at, just turned age four, the request for a delayed start was denied. Out of the blue, Child Two's mother received a letter, granting permission for Child Two to start Reception at CSA, citing the reason being related to the Welsh Language; the council believed that because the child was from a non Welsh speaking family, in the event that Child Two started her school journey in Year One, it would be necessary for her to attend an Immersion Unit, which it was believed would be too disruptive for the child. This was a welcome, but shock turnaround, after rejecting the mother's request so vehemently, up until this point. Child Two commenced state Reception at CSA in September, 2017 and is doing very well.

### **Child Three:**

Very late August born and three weeks early. Child Three suffered from a developmental bowel condition and was in nappies / pull-ups until two weeks before fifth birthday and remained under the care of a hospital paediatric team until December 2017. At the point where Child Three had just turned four, (September 2016), the bowel issue was still acute, problematic and distressing. In light of the Intimate Care Policy and the birth date of Child Three, the parents considered that a delay of a year would allow their child more time to overcome the developmental problem, seamlessly and without any added pressure, as was the advice from Wales' Senior Paediatric Gastroenterologist. The child continued to attend a private nursery over three days, where the nappy issue was dealt with, seamlessly.

Appeals for the council to support the parents' request were made over many months by Child Three's local councillor and local Assembly Member and cabinet minister. As the council appeared to be applying a blanket approach, and on advice of the council barrister, legal counsel from an education-specialist lawyer was sought and Child Three was granted a Legal Aid certificate. Weeks of misinformation from the council ensued with a complete failure to provide the lawyer and parents with full and detailed reasoning, why granting a Reception place, at CSA was not in Child Three's best interests, despite the head teacher and governors of the chosen school being supportive of such an application. Despite never meeting Child Three or speaking with the child's nursery and despite medical support for a delay, the council stuck to the line that an out of cohort place would not be in Child Three's best interest and

actually, the reasons for such an application failed to meet the council's criteria for out of cohort applications (this statement was later amended when the lawyer pointed out that this was proof of the council applying a blanket policy, despite being required to look at each case on individual merits). The council felt that missing a whole year of Reception would not be problematic, but offered no support to assist Child Three to catch up on the work that had been missed, merely an Early Years Team, covering a huge area, would keep a check on the child.

Child Three's parents approached a neighbouring council, who applied a similar blanket policy, more appropriate for an out of cohort application, much later in a child's education and wholly inappropriate for early years.

In desperation, Child Three's parents sought availability at three local independent schools. All three agreed to offer Child Three a much-needed Reception place at CSA and were dismayed at the stance held by the council. Child Three's grandfather is paying half of the fees for the infant years, in order to assist his grandchild. The child is now doing well in Reception but it is utterly clear from the teaching staff that both emotionally and academically, the council's stance, to force Child Three straight into Year One would have been hugely problematic, difficult and likely to have been damaging.

### **Council X**

Family currently battling with LEA for child born very prematurely (three months early), at the end of August. On approach to the LEA, regarding the possibility of deceleration of their child to a Reception start at CSA, they were at best, unaware of the summer-born issue, at worst, not at all concerned with the evidence. The family has been advised to provide a developmental report on their child and they are being advised by an education-specialist lawyer.

\*Recently granted a Reception place at CSA

### **Council X**

Late August-born child (born three months early) moved to Wales from England aged Four and a half, where a Reception start at CSA had already been agreed. With paediatric consultant support for allowing the child to start full-time formal schooling in the year above, what would be the child's so-called cohort. The LEA declined to make a decision, thus in breach of the Code. The parents approached a local school

directly, who turned down their request. The child's needs were only met when the parents approached a Voluntary Aided school, where the child has now attended for a couple of years and is doing well. The child requires some support with certain aspects of learning. The child's parents are dreading the application to high school. The situation in Wales, as it currently stands means that although CSA is five and parents have a legal right to decelerate their child to the term after their child's fifth birthday, the Wales Admissions Code does not address the situation, where some councils / schools allow an out of cohort application at age five merely, resulting in the likelihood of a battle for out of cohort high school places, depending on the will of the LEA / headteacher at that time, meaning that parents and more importantly, such children, are at the mercy of these people. It cannot be right to expect children to skip a year of learning, in order to be placed with their so-called 'natural cohort' and it most certainly is not in the child's best interests.

The parent of this child has made it known that an Occupational Therapist has stated that premature born children in Wales are not given the same flexibility of school admissions, as their England counterparts and evidence of such children, despite being diagnosed with resultant developmental delays, being forced into school too soon. Often, such children would not need support, given extra time to develop, mature, catch up and grow.

## **Council X**

Despite a very inclusive admissions policy, mentioning summer-born children, the parent of summer-born child, wishing to start child X in Reception at CSA. Outright rejection from the council, citing reasons of such a strategy being "highly intrusive". The same council sent the same letter out to another parent, proving a blanket approach to this issue. In a telephone conversation between the parent and council (which I have been assured can be verified), the council informed the parent that a Reception place at CSA would never be granted, because every other parent of a summer-born child would want it - unprofessional comments and factually incorrect.

The parent of this child has also approached schools regarding the issue of a Reception start at CSA and the possibility of sending the child part-time, from age 4. Again, the parent has been treated with disdain and given factually incorrect information.

Within this council, the group is aware of at least two children who have been granted Reception places, as a last resort by Voluntary Aided schools and are doing well, within their so-called adopted cohort.

#### **Council X**

Primary school teacher in Wales of more than ten years. Wishes their summer-born child to start Reception at CSA. This person's experience of summer-born's struggles have been seen first-hand; the general struggles experienced by many summer-born children means that by the end of the Early Years Foundation Phase, such children find the transition to Year 3, more formal learning, the longer days, fewer breaks and higher academic expectations of work and maturity. Whilst teachers differentiate individually, assessments and levelling statements do not. This primary school professional believes that by the end of KS2, many summer-born children are conscious that they are behind the other children, taken out for 'extra activities' which has an impact on their confidence and engagement in learning. This individual also makes the point that when Estyn Inspectors visit schools, one of the requests they make is to see data and evidence of work of the summer-born children.

#### **Council X**

Despite a very inclusive admissions policy, this council has expressed an extremely strong stance against Reception at CSA for a child, with some developmental delays. Whilst it has recognised the parent's right to delay the child to CSA, the council stated it would not allow a Reception start, despite a belief that a delay to Reception at CSA would most certainly benefit the child, from experts who know child X, it was clear from all contacts that the council would not support this. Child X was offered special needs support at a specialist unit with the aim of the child moving to Year One after a year in this unit. The parent believes that the child, even at this stage, after several months within the unit, will struggle to cope with Year One from September 2018. The parent is dismayed, but feels powerless and daunted at a challenge with the Council, she feels sure that she will lose.

#### **Council X**

Will not allow Reception at CSA, despite medical / developmental reasons. Is allowing at least two children to attend on a part-time basis, from age 4.

#### **Council X**



Has taken on board the medical reasons for a child born prematurely, to start Reception at CSA and it has been granted, without any issues.

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On a general note, we know that some parents have simply decided to home school their child / children, others on the North Wales border have opted to school their child/ren in West Cheshire Council, for a more supportive approach to meet their child's needs. Others are considering flexi-schooling, which appears to be slowly growing. Others simply give up and reluctantly send their child into the system, one they feel unable to beat!

As a group, we do not feel that an amendment to the Admissions Code would 'open the flood gates', in terms of applications to decelerate, this is mainly due to the socio-economic composition of Wales. However, offering the parents of summer-born children the choice and flexibility would mean giving these children, many of whom are developmentally struggling in some way, a kinder, positive and more supportive start to their school journey, impacting positively on their mental health. It would also mean parents / guardians not having to face months of stressful, time-consuming and deeply unpleasant battles. We recognise that many will argue that there has to be a youngest in every class, of course, we recognise this, but at such a young age, development is so variable, these extra months absolutely do make all the difference to many children, in every aspect of their development and their ability to cope with the physical, mental, emotional and cognitive demands placed upon them by compulsory full-time learning.

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# Agenda Item 2.6

## **P-05-828 Presumption in favour of rural schools**

This petition was submitted by Rhagdybiaeth o blaid Ysgolion Gwledig having collected 945 signatures.

### **Text of Petition**

We call on the Government to take steps to ensure that local authorities follow the guidelines within the current School Organisation Code and the new version of the Code (when it comes into force), including that they operate in accordance with the presumption in favour of rural schools. We accept that this does not mean that a rural school will never close, but the recent decision by Anglesey Council's Executive Committee to close Ysgol Bodffordd demonstrates that local authorities are free to ignore the new Code (that they are supposed to act in accordance with its spirit) and close even full and popular schools.

### **Assembly Constituency and Region**

- Ynys Mon
- North Wales

## Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 25 Medi 2018

Petitions Committee | 25 September 2018

### Research Briefing: Presumption in favour of rural schools

Petition number: [P-05-828](#)

Petition title: **Presumption in favour of rural schools**

#### Text of petition:

We call on the Government to take steps to ensure that local authorities follow the guidelines within the current School Organisation Code and the new version of the Code (when it comes into force), including that they operate in accordance with the presumption in favour of rural schools. We accept that this does not mean that a rural school will never close, but the recent decision by Anglesey Council's Executive Committee to close Ysgol Bodffordd demonstrates that local authorities are free to ignore the new Code (that they are supposed to act in accordance with its spirit) and close even full and popular schools.

### 1. Summary

- The Cabinet Secretary for Education has prioritised creating a **presumption against the closure of rural schools**. This is **not yet in force** and local authorities are only required to follow the existing School Organisation Code, issued in 2013.
- A **proposed new School Organisation Code** designates approximately **200 schools (including Ysgol Bodffordd)** as 'rural schools' which would be covered by a presumption against closure. This does not mean these schools will definitely not close but there must be a stronger case for doing so, including consideration of all other viable options.
- The Welsh Government **laid the new Code** before the Assembly on 17 September 2018. The new Code is currently undergoing the Assembly's **Negative procedure for subordinate legislation**, subject to which it will **come into force on 1 November 2018**.
- In the meantime, the Cabinet Secretary for Education has **asked local authorities to 'take the spirit'** of the draft Code into account. However, they are under **no obligation to comply** with it and there is **no statutory barrier** to Isle of Anglesey County Council taking forward the proposal referred to by the petition, providing it has complied with

the current 2013 Code. The **new Code will not apply to proposals which have already undergone consultation** as is the case in this proposal. Such proposals must therefore be considered under the existing 2013 Code.

- On 17 September 2018, Isle of Anglesey County Council launched a pre-planning application consultation regarding the proposal. However, as at the time of writing (18 September), it has not issued the statutory notice to take the proposal to the next stage. The local authority will need to do so by 2 October 2018, otherwise it will have to commence a new consultation exercise.

## 2. Priority for the Cabinet Secretary for Education

One of the [ten education priorities agreed by Kirsty Williams with the First Minister](#) upon her appointment as Cabinet Secretary for Education in June 2016 was a:

- Review of current policy of surplus places with an emphasis on rural schools and taking account of future growth trends.

During summer 2017, the [Welsh Government consulted](#) on introducing a presumption against the closure of rural schools through revising the School Organisation Code. The Code provides statutory guidance to local authorities on how to exercise their functions under the [School Standards and Organisation \(Wales\) Act 2013](#), in respect of closures and amalgamations of schools.

In the [consultation document](#), the Cabinet Secretary for Education said:

I know, and parents across rural communities know, that small and rural schools play an important role in raising standards and extending opportunities for all. Indeed, they are often critical in engaging pupils and families from the most disadvantaged backgrounds in rural areas and raising pupil aspirations. I also know that maintaining the provision of an accessible school in some small, rural communities can make a **significant contribution to the long-term sustainability of the local community**.<sup>1</sup>

## 3. The current School Organisation Code

The [School Organisation Code \(2013\)](#) sets out the process local authorities must follow when considering amalgamating or closing schools and is subordinate legislation made under the *School Standards and Organisation (Wales) Act 2013*. The Research Service published a [Quick Guide to School Organisation Proposals](#) in 2015, which sets out the current position.

The 2013 Code remains in force until any new Code passes through the Assembly's legislative process. Relevant bodies (predominantly local authorities) are required to comply with the existing 2013 Code and are under **no obligation to comply with any proposed successor Code** before this point in time.

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<sup>1</sup> Cabinet Secretary for Education, Kirsty Williams, Foreword to [Consultation Document 'School Organisation Code'](#), June 2017

The new legal framework introduced by the 2013 Act and detailed in the 2013 Code represented a shift away from the previous system, where any formal registered objection to a school organisation proposal resulted in it being referred to the Welsh Ministers for determination. Under the post-2013 system, proposals can be decided upon by the relevant body (usually local authorities) other than in stated exceptions and as long as relevant bodies comply with a stipulated process.

The exceptions in which school closure proposals are to be determined by the Welsh Ministers are:

- The proposals affect sixth form education;
- The proposals have been made by a body other than the relevant local authority and that local authority objects to the proposal;
- A decision made by the local authority on a proposal is referred to the Welsh Ministers by one of the following eligible persons:
  - Another local authority affected by the proposals;
  - Where the school is a faith school, the appropriate religious body;
  - Where the school is a voluntary or foundation school, the governing body or a trust holding property on the school's behalf;
  - A further education institution affected by the proposals.

### 3.1 Proposal in Isle of Anglesey

On 30 April 2018, [Isle of Anglesey County Council's Executive resolved](#) to close two community primary schools, Ysgol Bodffordd and Ysgol Corn Hir, and build a new replacement school. This is the proposal which the petition refers to and has been reported on by [BBC Wales](#).

The new school will either be on one site to replace Ysgol Bodffordd and Ysgol Corn Hir, or be located across two sites following amalgamation with Ysgol Henblas although this is dependent on a future assessment on whether standards at Ysgol Henblas have improved.

The proposal **does not appear to fall under any of the exceptions for referral to the Welsh Ministers** stated in the School Organisation Code (2013) and set out above. It can therefore be determined by the local authority without referral to the Welsh Ministers. As the Cabinet Secretary's letter states, Isle of Anglesey County Council is **required to publish the statutory notice** taking forward its decision taken on 30 April 2018 within 26 weeks (**by 2 October 2018**) otherwise the local authority will have to undertake a new consultation process, details for which are set out in the Code.

On 17 September 2018, Isle of Anglesey County Council launched a [pre-planning application consultation](#) regarding the construction of a new Primary School in Llangefni to replace Ysgol Corn Hir and Ysgol Bodffordd. At the time of writing (18 September 2018), the local authority

has **not yet issued a statutory notice** to take forward its Executive's decision of 30 April 2018.

Under the current Code (chapter 4), the statutory notice must provide for a **28 day period for persons to register objections**. If any objections are received, the local authority must publish an Objection Report summarising the statutory objections and its response to those objections. This must be published within seven days of the date of determination.

Once a local authority **determines its proposal** and publishes an objection report (which itself **must not take place before 28 days after publication of the statutory notice**), the local authority can only delay or bring forward implementation from the date specified in the statutory notice, or abandon the proposal, with the agreement of the Welsh Ministers.

## 4. Proposed new School Organisation Code

The Welsh Government [consulted during summer 2017](#) on proposals to revise the School Organisation Code and introduce a presumption against the closure of rural schools. The consultation sought views on a number of proposed changes to the Code following three years of operation based on feedback and learning over that period. The only substantial changes proposed were to 'strengthen' the Code in respect of a **presumption against closure of rural schools** and a means of **compiling a list of what constitutes a 'rural school'**.

### 4.1 Presumption against closure of rural schools

The proposed new Code will introduce a specific presumption against the closure of rural schools. This will require proposers to follow a **more detailed set of procedures and requirements in formulating a rural school closure proposal** and in consulting on and reaching a decision as to whether to implement a rural school closure proposal. As the Cabinet Secretary for Education said in her Foreword to the [consultation document](#):

A presumption against the closure of rural schools **does not mean that rural schools will never close**. However, it does mean that the **case for closure must be strong and not taken until all viable options to closure have been conscientiously considered, including federation**. [our emphasis]

Paragraph 1.8 of the [draft School Organisation Code consulted on in summer 2017](#) provides the detail for how local authorities would have to apply the presumption against closure of rural schools, including specific further steps they would have to take if formulating such a proposal.

### 4.2 Designating rural schools

The other main proposal in the consultation document was to introduce a means of designating rural schools. The Welsh Government proposes an approach which uses a generic definition of rural areas so that any school within those areas would be automatically designated as rural for the purpose of school organisation proposals.

A **proposed list of 191 rural schools** was included in Annex F of the draft version of the School Organisation Code which was under consultation. The consultation document states that this would be the minimum number of schools which should be designated as rural.

The list of 191 schools consulted on in summer 2017 to be designated as rural schools and therefore covered by the presumption against closure, **includes Ysgol Bodffordd and Ysgol Henblas**. If the proposed new Code were to be in place before Isle of Anglesey County Council's proposal was finalised, whilst not necessarily preventing the school's closure, the local authority would have to demonstrate a strong enough case to overcome the presumption against closure.

The Welsh Government published a [summary of the 2017 consultation responses](#) on 2 July 2018. The Cabinet Secretary for Education told the Children, Young People and Education (CYPE) Committee during a [general scrutiny session on 28 June 2018](#) (paras 60–76) that the consultation had given rise to calls for the definition of a rural school to be widened, which would take in a **further 28 schools, bringing the total up to 219**. The Welsh Government has consulted those additional local authorities who would be affected, which it says has delayed the introduction of the new Code.

#### **4.3 Laying of the new Code and timescale for coming into force**

The Cabinet Secretary also told the CYPE Committee in June 2018 that there was insufficient time to lay the new School Organisation Code before the Assembly ahead of the summer recess and that it would be laid 'as quickly as we can in the new [autumn] term'.

On **17 September 2018**, the [Cabinet Secretary issued a statement](#) announcing the [laying of the draft School Organisation Code](#). Under the Assembly's **Negative procedure** for subordinate legislation, Assembly Members have 40 days (excluding any recess period of longer than 4 days) to annul the legislation, otherwise the new School Organisation Code can come into effect. Subject to this, the Cabinet Secretary's statement says it is expected the new Code will **come into force on 1 November 2018**.

**However, the new Code will not apply to proposals, which have already undergone a statutory consultation under the existing 2013 Code. Page 3 of the new Code states:**

If a proposer has commenced consultation before 1 November 2018 the proposal **must** be published and determined in accordance with the first edition of the Code. Consultation will be considered to have commenced where a consultation document, required by section 3.2 of the first edition of the code, has been published.

#### **5. What happens in the meantime?**

When asked what would happen to schools (such as is the case with Ysgol Bodffordd) whose status would be protected to a greater extent under the new Code but are faced with closure

in the meantime under the existing Code, the Cabinet Secretary said in [Plenary on 25 April 2018](#) (paras 18–23):

What I would say to local authorities that are considering this matter at the moment is that I have been very clear about my direction of travel and my policy intention, and **I would urge them to take the spirit of that into consideration** between now and any formal publication of the new organisation code. [our emphasis]

The CYPE Committee [wrote to the Cabinet Secretary on 6 June 2018](#) expressing concern at the continued uncertainty this poses to schools who are faced with possible closure. The CYPE Committee asked how the Welsh Government is ensuring local authorities are considering ‘the spirit’ of future policy into account and what is being done to **protect schools from long-term decisions** being made while the Code is not finalised.

The Cabinet Secretary [responded to the CYPE Committee on 29 June 2018](#), saying:

I have been very clear in respect of the direction of travel of this policy and **my expectation that local authorities act in the spirit** of the proposed changes. However, I have also pointed out on a number of occasions that the **statutory Code is not retrospective** and that any changes to the existing Code will not have effect until the second version of the Code comes into force. With that in mind, whilst I have made my expectations clear, there is **no statutory requirement** on local authorities and other proposers to **comply with provisions in the second version of the Code until it comes into force**. [our emphasis]

In terms of the petitioners’ specific case, there are **no statutory barriers** to Isle of Anglesey County Council going ahead with its decision to close the schools, provided it has not contravened the existing School Organisation Code (2013). Complainants could mount a judicial review of the decision (which is an expensive option) or complain about maladministration to the Public Services Ombudsman although this relates to the process followed, not the decision’s merits.

The local authority is under no requirement to conform with any stated policy intention of the Welsh Government or prospective Code in draft form. Furthermore, as stated above, **the new Code will not apply to proposals which have already undergone consultation prior to the new Code coming into force**. Therefore, the fact that Isle of Anglesey County Council might not have determined the proposal before 1 November 2018 will not in itself prevent it from going ahead with the proposal. However, the local authority will need to issue a statutory notice by 2 October 2018 otherwise it will need to undertake a new consultation exercise due to 26 weeks having elapsed since the end of the previous consultation period.

The Committee may wish to note that Isle of Anglesey County Council’s [report accompanying its Executive decision on 30 April 2018](#) indicates that the **financing of the replacement school building(s) is reliant on Welsh Government funding** (see section 11 of report).



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-05-828  
Ein cyf/Our ref KW/01859/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

6 August 2018

Dear David

Thank you for your letter of 25 July seeking my views on Cymdeithas Rhieni ac Athraawon Ysgol Gymunedol Bodfford's petition calling on the Welsh Government to ensure that local authorities follow the guidance in the School Organisation Code including the presumption against the closure of rural schools.

I gave a commitment to consult on strengthening the School Organisation Code in respect of a presumption against the closure of rural schools and take a number of other actions to support rural schools in an Oral Statement in Plenary on 15 November 2016.

I would briefly like to explain the procedures which have to be undertaken before the presumption against the closure of rural schools can come into force. The Code has applied to all school organisation proposals since 1 October 2013 and a review was being considered. Following three years of operation a draft Code was prepared reflecting on feedback received over that period. A number of changes were proposed including the introduction of procedures for a presumption against the closure of rural schools. The draft Code was published and the consultation period ran from 30 June 2017 to 30 September 2017.

The summary of consultation responses with the list of schools designated as rural for the purposes of the presumption against the closure of rural schools was published earlier this month. The Code has been revised to reflect consultation responses.

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

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

The Code must be laid before the National Assembly for Wales for 40 days prior to coming into force, unless the Assembly determines not to approve it. I expect the Code to be laid in September, in the week that Assembly Members return after the summer recess and unless the Assembly determines not to approve it, for it to come into force before the end of the year.

Any amendments to the first edition of the Code, including the presumption against the closure of rural schools, will not take effect until the second version of the Code comes into force. It is also important to note that the Code is not retrospective.

As noted in the petition, a presumption against the closure of rural schools does not mean that rural schools will not close. However, it does mean that the case for closure must be strong and not taken until all viable alternatives to closure have been conscientiously considered, including federation.

I am aware that from 20 February to 3 April the Isle of Anglesey Council conducted consultation on a proposal to close Ysgol Bodffordd and Ysgol Corn Hir and establish a new school. On 30 April the Executive of the Isle of Anglesey Council decided to proceed with the proposal and to publish a statutory notice. The Code requires that unless proposers have applied for and been granted a time extension by the Welsh Ministers, proposals must be published (by means of a statutory notice) within 26 weeks of the end of the period allowed for consultation responses, otherwise the proposals will lapse and a new consultation document must be issued to revive them. The proposal in this instance must be published by 2 October.

The statutory notice must set out the details of the proposal and invite anyone who wishes to do so to object in writing within a period of 28 days. Any matters raised as objections in the objection period of the statutory notice must be addressed in an objection report which will be considered prior to a final decision on the proposal.

Under the School Standards and Organisation (Wales) Act 2013 most proposals which receive objections will be decided by the local authority. However, a proposal approved or rejected by a local authority can be referred to the Welsh Ministers for consideration if certain limited parties decide to take this step within 28 days of the date of the local authority's determination.

Given the potential role of the Welsh Ministers in the statutory process, I am unable to comment on the merits or otherwise of proposals which I may later be required to determine.

Yours sincerely

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

**Kirsty Williams AC/AM**  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

**P-05-828 Presumption in favour of rural schools – Correspondence from the Petitioner to the Committee, 17.09.18**

Hear on anglesey every community/ villages are worried about our schools especially their are schools that are community schools where we will lose our school and our community halls. My children go to ysgol gymuned bodffordd where the school caters for 85 children and every morning the Mudiad cylch meithrin uses the school hall/community hall to hold their nursery. This nursery has been known one of wales best we strongly believe children come on leaps an bounds at a young age if the get the best education and this is what happens in this building. They move forward to their school years where they are familiar with everyone as the school works with the nursery. In the school they are taught good education and taught how to help one another they are a family they really are its an amazing school I have never known children to respect one another like they do and they all play to gether big kids with the youngest an the youngest with the oldest. All we as parents want for ysgol gymuned bodffordd is to keep the doors open and use federation have the first school on anglesey working side by side but on two different sites.

On a personal note my boys love the school my eldest loves learning he Evan thanked god in thanks giving for Bodffordd School. I have no doubt that he has the ability to survive in a bigger school. But my youngest so which has only turned 4 last month has started full time school yes he goes each day with the same morning routine the same snack and the same lunch. He loves his routines and we are going through the process of trying to get him assessed for quiet different things. I 100% believe big schools of 120-150+ is for everyone when you have a child with special needs you worry every minute of the day you look at the clock thinking are they ok or are they having a melt down. I know every parent have their worries but if they child need extra bit of attention they are petter in a small school. Bodffordd school have 15% of children with special needs ask your self why in such a small school because their families are comfortable and happy with how their children are progressing in the school. I'm on my hands an knees make anglesey county council use ysgol gymuned bodffordd and ysgol con hir and ysgol henblas to work together an try federation with our schools they have not tried this way before. Please please federation we need on anglesey if the schools have more than 60

thank you for your time  
Llinos roberts

## **P-05-828 Rhagdybiaeth o blaid Ysgolion Gwledig – Gohebiaeth – Deisebydd at y Pwyllgor – 17.09.18**

Dyma beth ddwedais o flaen y senedd yn caerdydd wrth gyflwyno yr deiseb I rhun ap iorweth.

Dw i yma heddiw i gyflwyno'r ddeiseb hon ar ran Cymdeithas Rhieni ac Athrawon Ysgol Gymuned Bodffordd.

Mae Cyngor Sir Ynys Môn wedi penderfynu cau Ysgol Gymuned Bodffordd, yn groes i ddymuniad y rhieni, ac yn groes i farn y bobl leol. Mae'r ysgol yn llawn gyda dros wyth deg o blant. Mae hi'n ysgol deuluol, gartrefol a gofalgaf, ac mae ymdeimlad cryf o berthyn iddi. Bwriad y cyngor ydy ymuno'r ysgol wledig hon i greu ysgol drefol o dros dri chant a hanner o blant.

Onid ar ôl dros ddwy flynedd o ymgynghori a chyfarfodydd gyda'r cyngor, ma na dal gwestiynau heb eu hateb. Beth fydd yn digwydd i'r Ganolfan, sy'n gartref i lawer o gymdeithasau lleol? Beth fydd yn digwydd i'r Cylch Meithrin rhagorol sy'n bwydo'r ysgol? Pam nad ydy'r Cyngor wedi ystyried ffederaleiddio gydag ysgolion eraill, neu roi estyniad ac addasu'r ysgol bresennol?

Da ni'n derbyn fod yr ysgol drefol angen adeilad newydd gan eu bod yn llawn. Da ni'n cytuno'n llwyr efo symud efo'r oes. Da ni'n hefyd am sicrhau'r addysg orau i'n plant. Ond does dim rhaid cau ysgol wledig ac anghofio am y gorffennol. Mae gan gymuned Bodffordd hanes a diwylliant cyfoethog, a thrwy gau yr ysgol, bydd y pentref yn colli ei galon. A beth fydd effaith hyn ar yr Iaith Gymraeg yn y pentref?

Mae angen cyfuno'r hen a'r newydd drwy foderneiddio beth sydd gan bob ysgol wledig yn barod, a ffederaleiddio gydag ysgolion eraill er mwyn cynnal a chodi safonau. Dydy Cyngor Sir Ynys Môn ddim wedi ystyried yr holl bosibiliadau, ac mae hyn yn mynd yn groes i ysbryd Côt newydd Kirsty Williams. Dyna pam rydan ni'n cyflwyno'r ddeiseb yma heddiw..

Diolch yn fawr

Llinos roberts

Document is Restricted

**P-05-828 Presumption in favour of rural schools – Correspondence from the Chair of Governors, Ysgol Gymuned Bodffordd, 18.09.18**

As Chair of Governors for the above school I write to fully support the above petition.

As a County Councillor for the Canolbarth Mon ward I support the County Council's Schools Modernisation Programme. However, every case has to be treated on its merits and I am strongly of the opinion that the the case to close Ysgol Gymuned Bodffordd does not hold water.

To date the main driver on Anglesey resulting in school closures has been the high number of surplus places in a number of rural schools. However this is not the case in this instance. Ysgol Gymuned Bodffordd only has 1.6% of surplus places and there is no indication that future numbers are likely to fall. The primary reason for closing the school is because Ysgol Corn Hir, Llangefni is full to overflowing and therefore it is proposed that a new school should be built to accommodate the pupils of Ysgol Corn Hir and Ysgol Gymuned Bodffordd.

In the report presented to the Executive reference was made to other less compelling reasons for closing Ysgol Gymuned Bodffordd such as increased repairs and maintenance costs which I accept. However it was also stated that moving to a new school would also help to raise pupil performance, a view that is strongly refuted by the school governors.

The current School Organisation Code 2013 refers in section 1:7 of specific factors to be taken into account in the consideration of school closures:

**"...in some areas, a school may also be the main focal point for community activity, and its closure could have implications beyond the issue of the provision of education. This may be a particular feature in rural schools if school buildings are used as a place to provide services to the local community".**

This is certainly the case with Ysgol Gymuned Bodffordd as there is no community hall anywhere in the village other than the school hall ("Y Ganolfan") which is regularly used for various community activities. The Council has acknowledged that if the school closes there would be a need to collaborate with the community in order to identify a solution that would allow community activities to continue. However, it is not clear how that will be accomplished, especially given the fact that any business case would need to include proceeds from the sale of the site.

The aim of the Well-Being of Future Generations Act 2015 is to improve the economic, social, environmental and cultural well-being of Wales and a key goal to fulfil this aim is to build "cohesive communities". Ysgol Gymuned Bodfordd is the glue that binds the local community together and the fact that so many people have signed this petition is evidence of that fact. Yes we need a new primary school in Llangefni (and the Welsh Government should provide the necessary funds in full), but that should not mean closing this invaluable rural school.

Diolch/Thank-you.

Councillor Dylan Rees  
Chair of Governors, Ysgol Gymuned Bodffordd



# Agenda Item 3.1

## **P-05-794 Lowering the Voting Age to Sixteen**

This petition was submitted by Sgiliau, having collected 87 signatures online.

### **Text of Petition**

We call on the National Assembly for Wales to lower the voting age to sixteen for those elections where they have the powers to do so.

### **Additional information:**

We live in a democratic society in which all members should have the ability to be responsible for their choices in our country. At sixteen you can get married, have a baby, and pay tax. At sixteen you can contribute to the country's economy but are yet to be able to decide how this public money is spent.

### **Assembly Constituency and Region**

- Islwyn
- South Wales East

## WRITTEN STATEMENT

Title: The Commission's Assembly Reform priorities following the outcome of the public consultation, "Creating a Parliament for Wales"

Date: 18 July 2018

By: Elin Jones AM, Llywydd, as Chair of the Assembly Commission

The Wales Act 2017 gave the National Assembly the power to make decisions in relation to our size, name and electoral arrangements.

We now have the opportunity to make our parliament a more effective, accessible and diverse legislature; to forge the national parliament that the people of Wales deserve to champion their interests and hold the Welsh Government to account.

Last week, the Assembly Commission met and discussed the findings of its public consultation on electoral reform, "Creating a Parliament for Wales" and agreed the next steps for this programme of work.

The Commission consulted previously on the name of the institution and Members are already aware of the intention to legislate to change the Assembly's name to the Welsh Parliament/Senedd Cymru.

Assembly Members mandated the Commission to hold a public consultation on matters relating to increasing the size of the Assembly and associated electoral and operational arrangements. The consultation took place between 12 February and 6 April 2018. At the heart of the consultation were the recommendations of the Expert Panel on Assembly Electoral Reform, which provided us with robust, impartial advice on the number of Members the Assembly needs, suitable electoral systems, and the minimum voting age for Assembly elections.

The Panel provided a clear message about this organisation's capacity to deliver for the people of Wales and concluded that with only 60 Members, the Assembly is too small to carry out its functions effectively. Its report proposed suitable voting systems that should be considered in order to deliver that larger, more diverse institution and also recommended that the minimum voting age should be lowered to 16.

The public consultation began a conversation with the people and communities of Wales, about how they should be represented and served by this parliament in future. There was a considerable effort to make that consultation process as accessible as possible. As well as online promotion and more traditional publicity, we held a series of public meetings across Wales which allowed for constructive debate and challenge. I am grateful to all those who participated and those who helped host the meetings. We also engaged directly with over 400 children and young people.

In total, over 3,200 submissions were received to our consultation, including 37 submissions from organisations. I am grateful to everyone who has responded for taking the time to turn their thoughts to the effectiveness, resilience and sustainability of this institution and the opportunity to reform Assembly elections.



We will publish a detailed report on the results of the consultation in the autumn when there will also be an opportunity for Members to make their views known in the Siambr.

In the meantime, we are today publishing the summary of the main findings which indicate that of the more than 1,800 responses to questions about the size of the National Assembly, a majority thought that the institution needs more Members to carry out its role effectively.

The Single Transferable Vote system was the clear preference of those who responded to questions about how Assembly Members should be elected. It was supported by 54 per cent of those who responded to questions about the systems recommended by the Expert Panel, compared with 17 per cent for Flexible List Proportional Representation and 16 per cent for the Mixed Member Proportional system currently used. 13 per cent of responses did not support any of the three systems put forward by the Expert Panel.

59 per cent of responses in relation to the minimum voting age for National Assembly elections stated that it should be 16, compared with 39 per cent who said it should be 18 years of age.

The vast majority of those who responded to a question about whether the same people should be allowed to vote in National Assembly elections and in Local Government elections in Wales either agreed or strongly agreed.

Among those who responded to a question on diversity, there was clear support for the proposal that changes to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales. 52 per cent of responses to the separate question on job sharing for Members did not agree that people should be able to stand for election on this basis.

During this process, there has been ongoing engagement with political parties. I would like to pay tribute to the way in which they have participated constructively in these discussions. It is to the credit of the political parties that they have given the time and space to work through some of these important issues and to present ideas on how these matters can be taken forward and win the support of at least a two thirds majority of Members of the National Assembly.

I would also like to thank all our other key stakeholders—the electoral community, universities, voluntary organisations, businesses and others—who have not only engaged enthusiastically with the process but who have also helped facilitate a wider debate on these matters.

Ensuring a broad degree of support in each of the reform areas is critical before we, as an Assembly Commission, seek a mandate to legislate on these matters. With all this in mind, the Assembly Commission has agreed to a two-phase approach to Assembly Reform.

On the first key area for reform—the size of the Assembly, how Members should be elected and the approach taken to improve diversity, for example through gender quotas—it is clear that there needs to be more time for discussions to take place. Although I am confident, from conversations to date, and from the response to the public consultation, that there is sufficient support for the proposal to increase the number of Assembly Members, there is not yet consensus on the voting system that should be used to elect that larger institution.



As we cannot make a decision on electing more Members without also deciding how they are to be elected, we have to allow time for those discussions to continue over the coming months. With the ever-increasing pressure and additional responsibilities of this parliament, it is my view that we need to take action as soon as possible. As the Chair of the Expert Panel concludes in the report, the Assembly cannot continue as it is without risking its ability to deliver for the people and communities it serves. I will therefore be continuing my discussions with the parties around these issues and will provide further updates to Members as this work progresses.

We have a great opportunity to bring about the change this Assembly needs. I urge all parties to pour their efforts and courage into making this happen now. The only alternative is to accept that our Welsh parliament will face almost another decade of being underpowered.

The second key area for reform is who can vote in Assembly elections. The Expert Panel's report makes it clear that a reduction of the minimum voting age to 16 for Assembly elections would be "a powerful way to raise political awareness and participation among young people". I am reasonably confident at this time that legislation to implement the Panel's recommendation would secure the support of a comfortable majority of Members in the Assembly.

It is also clear from the public consultation that members of the public want the franchise for National Assembly elections to match the franchise for local government elections.

Members will be aware that it is the intention of the Welsh Government to lower the minimum voting age to 16 for the next local authority elections in 2022.

It is the Commission's view that in order to ensure the highest level of participation possible, that this should be implemented for the elections to our national parliament in the first instance. This reflects the conclusions of the Expert Panel that it is "desirable that if the franchise is to be extended in Wales, it should first take effect at the higher salience Assembly election" in 2021.

In order to ensure young people are encouraged and supported to exercise their right to vote, votes at 16 would have to be accompanied by appropriate, political and citizenship education and public awareness-raising. We will work with the Welsh Government, Youth Parliament and other partners to determine how best to meet this need.

I can therefore announce today our intention to legislate to reduce the minimum voting age, to change the name of the National Assembly to the Welsh Parliament, to address issues around disqualification and to bring about other organisational reforms. In the autumn, the Commission will make a decision on the scope of a Bill with the intention to legislate to implement these changes before the 2021 elections.

In the meantime, the Commission will continue to work with stakeholders and with the Welsh Government in order to deliver a coherent framework for Wales in relation to the franchise for elections. I am grateful to the Cabinet Secretary for Local Government and Public Services and the First Minister for their willingness to work together with us on this.

There are three other areas which were included in the consultation upon which I can outline a decision made by the Commission.



First of all, there is the question of our human rights obligations under international law in relation to votes for prisoners. The legal, ethical, democratic, practical and human rights issues relating to prisoner voting require thorough political consideration and judgement. We believe that further work is needed in this area to consider further evidence and this requires more time than we have to be able to properly consider it for inclusion in the Commission's legislation. As a legislature, we must take our obligations seriously. As such, the Commission believes that the right approach in the first instance is to invite the Equality, Local Government and Communities Committee to consider holding an inquiry to examine the issue of whether prisoners from Wales should be allowed to vote in elections to the National Assembly.

The next matter is in relation to the voting rights of EU citizens. The franchise for the Assembly currently allows a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union to vote. While the details of the Brexit deal in relation to voting rights for EU citizens are not yet clear, the European Union (Withdrawal) Act 2018 preserves the entitlement of EU citizens to vote in Assembly and local government elections after exit day. The Assembly Commission is therefore satisfied that no further action is needed at this time to protect EU citizens' right to vote in Assembly elections, although we will continue to monitor the situation. The Welsh Government has previously indicated that it is also considering whether the right to vote in local elections should be extended to all legal residents in Wales, regardless of their citizenship or nationality, with effect from 2022. These are complex matters, engaging fundamental constitutional principles about what it means to be a citizen, as well requiring detailed consideration of the administrative arrangements required to give effect to any such reform. On that basis, the Assembly Commission has decided not to legislate at this time to implement equivalent arrangements for Assembly elections, although we will watch with interest the development of the Welsh Government's proposals.

Finally, the other matter upon which the Assembly Commission feels that it should not legislate at this time is the recommendation of the Expert Panel that individuals should be permitted to stand for election on the basis of job sharing. This hasn't been an easy decision because we accept that there are a number of factors which make this an attractive idea—not least the potential it has to improve diversity within our parliament. We feel that there are several reasons why we cannot proceed to include this proposal in legislation. We believe that there is insufficient support for this idea at the moment within the Assembly and among the public, and that those in favour require more time to make and build their case. This is a complex policy area that requires a good deal more work in order to ensure that it could be implemented effectively. In addition, the legal advice I have received casts doubt on the competence of this Assembly to make the changes needed to implement this policy, specifically in allowing a job sharing Member to become a Minister or a Cabinet Secretary. I would have grave reservations about introducing a system which created two tiers of Assembly Members.

To conclude, I would once again like to thank all those who have engaged so constructively and positively on these matters, knowing that it is in the interest of everyone the National Assembly represents to increase participation in our institution as well as to strengthen scrutiny and representation. I am confident in pursuing this reform strategy that we can continue to build support and confidence in our parliament, whilst fulfilling our responsibilities to the people of Wales.



## Agenda Item 3.2

### **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.

**Assembly Constituency and Region**

- Bridgend
- South Wales West

Julie James AC/AM  
Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-798  
Ein cyf/Our ref JJ/00748/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
government.committee.business@wales.gsi.gov.uk

7 August 2018

Dear David

Thank you for your letter of 23 July regarding the Petitions Committee - P-05-798 Male domestic violence victim support services to be independently run and funded.

A task and finish group of key stakeholders was set up to develop the commissioning guidance. Stakeholders on the group included Survivors Trust, which represents both male and female survivors of rape and sexual violence; and the umbrella organisation, Women's Aid. Women's Aid includes amongst its members Project Dyn, which supports male victims of domestic abuse. All members of the Task and Finish Group were encouraged to respond to the consultation on the commissioning guidance and Welsh Women's Aid actively encouraged all its members to respond, either collectively through Welsh Women's Aid or individually.

The consultation was also published online to encourage a wider response. My officials directly invited the male advocacy organisation, Families Need Fathers, to respond to this and another consultation on survivor engagement and this invitation was taken up.

The consultation, which ended on 22 June 2018, sought views for opportunities to improve arrangements for the prevention of violence against women, domestic abuse and sexual violence (VAWDASV); protection of victims of VAWDAV; and support for victims of VAWDASV. My Officials are currently analysing the responses, and will publish this analysis, which will inform a revision of the Regional Commissioning Guidance.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@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.



I remain committed to supporting all victims of domestic abuse, regardless of their gender or sexuality as set out in the Act.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

**Julie James AC/AM**

Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



FNF BOTH PARENTS MATTER CYMRU  
61 COWBRIDGE RD EAST  
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CF11 9AE

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

18<sup>th</sup> September 2018

David Rowlands AM  
Chair- Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear David

**Petition P-05-798 – Male domestic violence services**

We are grateful to the Committee for allowing our charity to take over this petition. We are also grateful to Tom Embling who has now become a volunteer for our charity for agreeing to work with us on this important issue.

We have read the letter from the Leader of the House to the Committee dated 7<sup>th</sup> August 2018. We are grateful for her acknowledgement of our charity's role as a 'male advocacy organisation' in contributing to the development of a holistic strategy to counter VAWDASV

**ABOUT US** – Our charity has developed as a specialist DV support service for men over the past 18 months. We have initially focused on supporting men who face child contact difficulties as an aspect of the abuse they are suffering – helping more than 120 men to acquire Legal Aid to access the Family Court effectively.

**WHAT WE'VE DONE** – We have undertaken two consultation events with male victims in Carmarthen as part of the development of the Mid & West Wales VAWDASV strategy under the leadership of Rhian Bowen-Davies. We have also undertaken a wide ranging online consultation entitled 'Understanding Men' which received 728 responses from across the UK. Our referral forms completed by individuals accessing our support services across 10 locations in Wales from Carmarthen to Mold and Bangor to Newport enable individuals to identify whether they believe they

are suffering domestic abuse. Currently more than 60% of our male service users identify as 'victims' in this way.

In partnership with Swansea Council and the People's Postcode Trust we have launched a drop-in service for male victims in the Council offices – which we are delighted to say has been supported by the Leader of the House indicating that she will attend the official launch.

We have – through these channels – identified the following elements that we believe are central to ensuring appropriate and effective support for male victims of abuse and which inform and underpin the principles of this petition.

### **A focus on protecting women may have a negative impact on support for men**

There is an almost total lack of information and understanding of the needs and experiences of men as victims of domestic violence and abuse in Wales. The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 has – perhaps understandably – had the effect of focusing work on domestic violence towards the experience of women.

The National Strategy produced in November 2016 identifies several priority groups – including women serving prison sentences, BME women and others. It fails to acknowledge the specific needs of men and may have inadvertently contributed to the problems.

Regional VAWDASV strategies seem to have almost completely ignored the needs of male victims of DV despite evidence produced by those bodies that identify a significant need and a very low rate of support for men (see later section on N.Wales and Gwent data)

### **Lack of engagement with male victims to inform service provision**

Welsh Government funded 2 major pieces of work on understanding the experience of survivors – an important first step.

In 2016 Welsh Women's Aid were commissioned to undertake a major piece of work to understand the experience of survivors – entitled 'Are you listening and am I being heard?' This engaged with 66 survivors in focus groups and individual interviews across Wales. Just one of the individuals engaged was male – and he only took part by way of interview.

In 2017 Welsh Government made available funding to a range of local organisations to facilitate engagement with survivors. In this work 60 survivors were engaged – none of whom was male.

### **Lack of appropriate support services for men proportionate to their needs**

Our charity sought to engage with as many of the regional collaborations to produce VAWDASV strategies as required by the VAWDASV (Wales) Act 2015. Data about the prevalence and experience of male victims was sketchy and inconsistent

#### **North Wales (2015/16 data)**

**9177 women (77%)– 2694 men (23%)**

were identified as victims of DV by North Wales Police

**2401 women (98.7%) – 32 men (1.3%)**

were supported by services in the area

SOURCE – North Wales VAWDASV Strategy 2017–2022 – Early 1<sup>st</sup> draft – Rhiannon Edwards

#### **Gwent (2015/16 data)**

**14,500 women (64%)– 8,000 men (36%)**

recorded by Gwent Police as victims

**2478 women (97.3%) – 69 men (2.7%)**

were supported by services in the area

SOURCE – Gwent VAWDASV strategy Needs Assessment – Nov. 2017

This data demonstrates that male victims are a significant proportion of the total who have reported AND been recorded by the Police yet they represent a tiny proportion of those supported. This seems to highlight a colossal gap in provision which doesn't appear to have been focused on in the final regional strategies.

### **Services for male victims must be grounded in their experience and safely separated from services for women.**

The National Strategy –Objective 6 – states '**Provide victims with equal access to holistic, appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales'**

We warmly welcome the aspiration set out in this Objective – specifically

highlighting the importance of gender responsive services. We have engaged with Welsh Government officials, a number of Local Authorities and with Third Sector organisations who currently provide DV support services and who are grounded in the experience of women and are members of Welsh Women's Aid.

Data from Live Fear Free helpline – run by Welsh Women's Aid on behalf of Welsh Government shared with our charity at the Male Victims Workshop in Bridgend on 25<sup>th</sup> April showed that men were just 4% of the total calling the service

2014/15 – 234 male callers

2015/16 – 214 male callers

2016/17 – 216 male callers

This would seem to indicate that Welsh Women's Aid have not been successful in reaching men in proportionate numbers, and may indicate that services that attempt to provide a gender neutral approach are unlikely to be effective.

We respectfully suggest that 'Women's Aid' organisations are not best placed to be a credible representative provider of support for male victims. This is because of the gendered nature of Domestic Violence and Abuse which has been almost universally accepted by academics, organisations and service providers. We remain concerned that commissioning such organisations to provide support to men fails to take account of the needs and wishes of male survivors and has the unintended consequence of preventing services grounded in men's experience from developing. We are also concerned that allowing 'feminist' organisations to use public funds for work with male victims may represent an inappropriate use of public funds and also undermine their focus and credibility with female survivors who still represent the majority of those experiencing abuse.

Our 'Understanding Men' survey (n728) asked the question of male survivors *'How important is it that services for male victims should be grounded in the experience of men and separated from services primarily designed for women?'* This question was answered by 559 individuals.

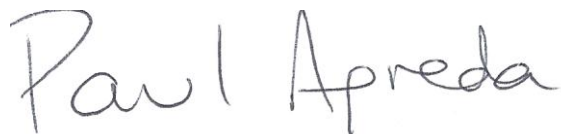
82.3% (n.460) stated that this was Essential or Very Important

11.8% (n.66) stated that they Don't Mind

5.9% (n.33) stated it was Not Important

We believe that the Petitions Committee can significantly contribute to ensuring that gender specific services are developed and funded for male victims that also recognise the value of the excellent work currently being undertaken by organisations who are members of Welsh Women's Aid or contribute to a feminist perspective of domestic violence and abuse when supporting, helping and advocating for the interests of female survivors. We would welcome their contribution to the debate on this Petition in terms of why some of them feel that they are best placed to also support male victims. We also wish to acknowledge the initiatives from Cardiff, Vale of Glamorgan and Bridgend to commission dedicated services for male victims of abuse.

We would be happy to work with the Committee and provide any further information Members require.

A handwritten signature in black ink that reads "Paul Apreda". The script is cursive and fluid, with the first name "Paul" and last name "Apreda" clearly distinguishable.

Paul Apreda

National Manager

FNF Both Parents Matter

## Agenda Item 3.3

### **P-04-399 Slaughter Practices**

This petition was submitted by Royce Clifford and was first considered in June 2012 having collected 400 signatures.

#### **Text of Petition**

We call upon the National Assembly to urge the Welsh Government to ban the practise of slaughtering animals without pre-stunning them.

# Agenda Item 3.4

## **P-04-433 CCTV in Slaughterhouses**

This petition was submitted by Animal Aid and was first considered in November 2018 having collected 1,066 signatures.

### **Text of Petition**

We call on the National Assembly to urge the Welsh Government to introduce mandatory CCTV in slaughterhouses to help vets with better regulation and monitoring, to provide footage for training and retraining, to deter some of the animal welfare abuses filmed by Animal Aid, and to provide evidence for prosecutions should they be necessary.



**Lesley Griffiths AC/AM**

**Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig**  
**Cabinet Secretary for Energy, Planning and Rural Affairs**



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

Eich cyf/Your ref P-04-399  
Ein cyf/Our ref LG/01473/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

government.committee.business@wales.gsi.gov.uk

18 August 2018

Dear David

Thank you for your letter of 30 July, regarding petitions on the installation of CCTV in Welsh slaughterhouses. I appreciated the opportunity to attend the committee on 3 July, to discuss the petitions and answer the questions presented to me.

I can confirm that I am happy to reference the good practice guidance on installing CCTV in Welsh abattoirs produced by the Food Standards Agency in future correspondence and it will be associated with the Food Business Investment Scheme and used by the business partners working to support that scheme.

In March I issued a letter to all Food Business Operators of small and medium sized slaughterhouses, informing them of the Food Business Investment Scheme and the support that will be made available for the installation of CCTV. Abattoirs that do not apply for grant funding will continue to be monitored closely through the controls already in place which ensure animal welfare standards remain high in Welsh slaughterhouses.

Regards  
Lesley

**Lesley Griffiths AC/AM**

**Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig**  
**Cabinet Secretary for Energy, Planning 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.

**Pack Page 173**

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.



September 18<sup>th</sup> 2018

Dear Petitions Committee,

Thank you for your continued interest in the campaign for CCTV in Welsh slaughterhouses.

Since we were last in touch, Animal Aid has placed fly-on-the-wall cameras inside another (English) slaughterhouse – PJ Hayman in Devon. This is a small, low-throughput abattoir which was found to have considerable welfare problems, including:

- failure to secure the heads of cows in the stun box, which increases the risk of the captive bolt missing its target and the animals needing to be shot more than once
- a worker hitting a cow with a pipe and trapping the head of another in a doorway to try and prevent her from entering the box
- workers checking for signs of consciousness only when the vet is present

We have reported these issues and handed over our footage to the Food Standards Agency (FSA). At this time, we understand that the FSA are investigating with a view to a potential prosecution.

**These problems came to light only as a result of Animal Aid's cameras, which are – to all intents and purposes – independently monitored CCTV cameras. This is further proof of their value in driving up standards and driving out cruelty.**

That the Minister in her most recent letter to the Committee is encouraging small and medium-sized slaughterhouses to install cameras is most welcome. Over the years, we have been assured by regulators that welfare is generally better in small slaughterhouses but evidence obtained by Animal Aid's fifteen undercover investigations does not bear this out. And while we thank the Minister for her actions to promote voluntary uptake for CCTV, we should remind her that the voluntary system did not work in England, which is why Defra finally acted to make cameras mandatory.

And finally, there is an inherent contradiction in the Minister's letter. She wrote that: 'Abattoirs that don't apply for grant funding will continue to be monitored closely through the controls already in place.' Our investigations have revealed that without independently monitored cameras, close monitoring of behaviours and processes is simply not possible.

Animal Aid will continue to press for mandatory cameras in all Welsh slaughterhouses, with independent monitoring of the footage.

Kind regards,  
Kate Fowler

**P-04-433 CCTV in Slaughterhouses – Correspondence from David Grimsell to the Chair, 05.09.18**

Mr David Rowlands  
Chair  
Petitions Committee  
Welsh Assembly

By email 5<sup>th</sup> September 2018

Dear Mr Rowlands

**re Petition concerning mandatory CCTV in slaughterhouses (Petition P-04-433)**

At the Petitions Committee meeting of 3<sup>rd</sup> July 2018 the Committee discussed the above petition. In attendance were Lesley Griffiths, Cabinet Secretary, and Christianne Glossop, Chief Veterinary Officer, and I believe the session was referred to as an ‘evidence’ session. However, there was little evidence presented by either in my view to support the Government’s current position of not requiring mandatory installation of CCTV in Welsh slaughterhouses.

The Cabinet Secretary implied that the majority of slaughterhouses in Wales have CCTV. It is important to note that this far from guarantees that such CCTV is effectively and comprehensively located to detect welfare problems, or that footage obtained is accessible to relevant officials.

Ms Griffiths also sought to imply that only a minority of animals are slaughtered in premises without CCTV. Even were CCTV to be effectively sited and used where it is held, this is hardly an argument not to require installation of CCTV in all, as the ‘minority’ still constitutes many tens of thousands of animals even within Wales – and each deserves protection.

The Cabinet Secretary has also sought to imply that she has no evidence of welfare at slaughter issues. She referred at the meeting to there only being ‘some speculation’, yet this is very disingenuous indeed. In England thorough undercover investigations revealed that in 13 out of 14 slaughterhouses investigated there were serious and widespread breaches of welfare regulations and, in many cases, overt cruelty. This evidence was supplied to the Food Standards Agency and prosecutions have followed from it. While it is true that similar undercover investigations have not been undertaken in Wales, it is overwhelmingly likely that similar problems exist here too. After all Welsh slaughterhouses process very large numbers of animals,

they do so using plants that operate as those in England do, they have the same purported 'controls' administered by the Food Standards Agency, and they are even often run by the same companies.

Lesley Griffiths has presumed to date to ignore this evidence (as has the Welsh abattoir industry which simply disregards it), as well as the collective views of the Food Standards Agency, Official Veterinarians working in slaughterhouses, the British Veterinary Association and the RSPCA that CCTV is a very useful tool to prevent welfare abuses in slaughterhouses and should be a requirement.

It is not acceptable that animals in Wales at the time of slaughter are not offered the maximum protection. It is also not acceptable that the Cabinet Secretary should presume to collude with industry interests alone – ignoring public concern and that of the agencies above, at the expense of animal welfare.

The Committee will be aware that compulsory CCTV is now a requirement in England, and is very likely to become so in Scotland too once their consultation is finalised.

Some funding to be used or not to facilitate CCTV, without requirements relating to siting and usage, without requirements relating to access and monitoring of footage and on a voluntary basis avoids the issue and fails to comprehensively protect the welfare of animals at slaughter in Wales.

I urge the Committee not to close this petition, and to remain alert to the need to apply pressure for Wales to actually adopt high animal welfare standards rather than simply to claim this. Wales is already well behind England and Scotland in this regard.

Thank you for your attention.

David Grimsell  
Welsh citizen

# Agenda Item 3.5

## **P-05-717 Establish Statutory Public Rights of Access to Land and Water for Recreational and Other Purposes.**

This petition was submitted by Waters of Wales – WoW, having collected 3,045 paper signatures and 433 paper signatures – Total = 3,478

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to implement a Bill to establish statutory public rights of access to land and water for recreational and other purposes. The bill should enshrine access rights and responsibilities for the public in the same way that the 2003 Land Reform (Scotland) Act encourages co-operative use of the outdoors for healthy, low impact recreation. This Bill must enshrine public rights of navigation for inland water, and permit access to and along water. It must remove the lack of legal clarity and restrictions which act as a barrier to sport and recreation and the promotion of Wales as a welcoming place for healthy recreation, tourism and adventurous activity at all levels of participation and enjoyment.

### **Additional information**

The Countryside and Rights of Way (CRoW) Act 2000 (i) was intended to deliver much-needed public access to the countryside. Before CRoW was enacted, however, it had already been stripped of many of its intended public benefits. For example, it sought to exclude the public from inland water. CRoW was complicated, expensive, and fails to deliver the access to land and water needed by the wider public. The CRoW mapping exercise alone cost nearly £8m, to address the needs of the small percentage of the public who want to access upland areas. Welsh Government took ownership of this issue in 2009 (ii), yet at the end of 2015, recreational access to land fails to meet the needs of the wider public, and the issue of access to water has not progressed. To the contrary, costly initiatives endorsed and supported by Welsh Government have led in some cases to reduced access to inland water. Two successive Welsh Governments have acknowledged the need for change, but instead chose a process which serves only to maintain the status quo. Welsh Government's 3-year process costing at least £2.4m has, by their own admission, not delivered. Rather, it has demonstrably reduced access opportunities, for example to inland

water. Scotland implemented a permanent solution through land reform legislation (iv) for the legislative cost of £200,000, with a final cost of approx. £3m including the cost of television campaigning and public education (v).

(i) Countryside and Rights of Way Act(2000)

<http://www.legislation.gov.uk/ukpga/2000/37/contents/enacted>

(ii) Report of the Petitions Committee's Short Inquiry into Access along Inland Water, March 2009 (iii)

[https://dl.dropboxusercontent.com/u/62377602/Welsh\\_Government\\_Letter\\_RefTOJG0126513\\_16Oct2013.pdf](https://dl.dropboxusercontent.com/u/62377602/Welsh_Government_Letter_RefTOJG0126513_16Oct2013.pdf) (iv) Land Reform (Scotland) Act 2003

<http://www.legislation.gov.uk/asp/2003/2/contents/enacted>

(v) LAND REFORM (SCOTLAND) BILL–EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS)

[http://www.scottish.parliament.uk/S1\\_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s](http://www.scottish.parliament.uk/S1_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s)



Eich cyf/Your ref P-05-717  
Ein cyf/Our ref HB/00752/18

David John Rowlands AM

government.committee.business@wales.gsi.gov.uk

24 August 2018

Dear David,

Thank you for your letter dated 27 July regarding the Petition P-05-717 Establish Statutory Public Rights of Access to Land and Water for Recreational and Other Purposes.

The proposals on access within the Sustainable Management of Natural Resources consultation generated a lot of interest and initiated wider debates across different sectors.

Rural areas and interests are facing significant changes and uncertainty as a result of the UK's decision to withdraw from the European Union. I do not intend to add further uncertainty and complexity to what may be a difficult transition for all concerned which is why I have said now is not the right time for substantive access reform. The consultation has been an extremely valuable exercise to inform the direction I want to take with regard to access, both through legislation and other means. I will provide further detail on the reform and the approach I believe is necessary when I formally respond to the consultation later this year.

My officials will continue their engagement on the access proposals through established groups such as the National Access Forum. The nature of future engagement will be shaped by my response to the consultation. However, I expect the need to draw on the valuable knowledge and experience of the National Access Forum to shape the best ways of utilising and also protecting our countryside will continue.

Yours Sincerely,

Hannah Blythyn AC/AM  
Gweinidog yr Amgylchedd  
Minister for Environment

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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.



18<sup>th</sup> September 2018

Dear Petitions Committee Members

We welcome the opportunity to respond to the letter from Hannah Blythyn AM, Minister for Environment, dated 24 August 2018, in which the Minister states: **“Rural areas and interests are facing significant changes and uncertainty as a result of the UK’s decision to withdraw from the European Union. I do not intend to add further uncertainty and complexity to what may be a difficult transition for all concerned which is why I have said now is not the right time for substantive access reform.”**

This is strangely discordant with the statement made earlier this year by Carwyn Jones AM and Lesley Griffiths AM: **“Leaving the EU presents significant challenges, but we have a unique opportunity to put in place bespoke Welsh policy which delivers for our economy, society and natural environment. We must take it.”**<sup>i</sup>

By failing to recognise the part that legislation to open up access to the countryside has to play in the bigger picture of the relationship between agriculture, wider society and government as we approach Brexit, Welsh Government is in danger of missing a generational opportunity to comprehensively and sustainably meet the needs of the public, the environment and land managers. Far from adding complexity and uncertainty, the legislation called for in our petition will remove the complexity and uncertainty which has, to date, prevented progress in addressing the needs of society, and hampered land managers in their work.

Comprehensive, future-proof, access legislation, will complement the aspirations expressed by Carwyn Jones AM and Lesley Griffiths: **“There is an overwhelming case for supporting land managers and this paper puts forward our proposals for ambitious reform”**<sup>1</sup>.

...contd/

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy'n corffori hawliau cyhoeddus i fynedol cyffwrdd i ddyfrffyrdd mewndirol yng Nghymru.**





/contd...

The potential contribution of the legislation called for in our petition goes beyond supporting land managers, in terms of “delivering Wales’ unique legislative framework in the Well-being of Future Generations (Wales) Act 2015<sup>ii</sup> and the Environment (Wales) Act 2016<sup>iii</sup>”. The ‘Bluespace Antidote’ to the stresses and pressures of modern life is well documented. Almost everyone enjoys and derives benefit from being in, on or near water. The potential economic importance of outdoor/activity/adventure tourism is equally well documented. The appendix to this letter summarises the potential of access reform to enhance and strengthen current and future initiatives towards compliance with Wales’ Future Generations and Environment legislation.

Finally, the Minister’s letter goes on to say: ***“The consultation has been an extremely valuable exercise to inform the direction I want to take with regard to access, both through legislation and other means. I will provide further detail on the reform and the approach I believe is necessary when I formally respond to the consultation later this year.”***

In response to this element, we can only re-iterate that the Minister’s written statement dated 19 June 2018, totally fails to take on board the needs of the petition, or to address any aspect of access to and along inland water. Furthermore, there is nothing in the Minister’s June statement or subsequently, which gives any cause for confidence that access to inland water will be addressed in the foreseeable future.

It is our view that the petition has yet to be addressed in any meaningful way.

Yours sincerely

Pam Bell, Bob Mackay, Andy Quick  
for Waters of Wales – WoW.

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy’n corffori hawliau cyhoeddus i fynedlaet cyffwrdd dyfodol yn Nghymru.**

## Appendix – The relationship between access legislation and Brexit legislation

Recognising that “It may not be possible for every farm business to be economically resilient in every post-Brexit trade scenario”<sup>1</sup>, Welsh Government are proposing the creation of a new income stream through the **Public Goods Scheme**.

Welsh Government says it will consider supporting six public goods, one of which is ‘Heritage and Recreation’. The consultation document also illustrates the high proportion of GVA generated in Wales by tourism<sup>1</sup>, and the role of physical activities in generating employment and reducing long-term health costs<sup>1</sup>. Surprisingly, the consultation document has little to say on Heritage and Recreation, compared to the other five public goods.

Public access, *per se*, is a public good. Furthermore the health and well-being benefits of recreation near, on and along water are acknowledged and well documented.

Addressing the need for public access to water and waterside **equally** alongside other public goods will:

- Enable the public equitably to enjoy the health and well-being benefits of recreation in, on or beside water;
- Maximise the potential for recreational access to drive public engagement in the protection and preservation of our natural environment;
- Empower Welsh Government to create, enhance and increase opportunity for rural business to develop new income-streams, based on provision of public goods such as are associated with access to water;
  - Increased opportunities for diversification, enabling landowners and/or tenants to benefit directly from initiatives to provide facilities for recreational access users e.g. parking or camping.
  - Considerable potential for opportunities arising from public access, including accommodation, food provision, boost to local retailers and development of facilities and amenities which can be enjoyed by local residents as well as tourists.
  - Creation of opportunities for production of public goods, in terms of health, well-being and environmental benefits of public recreation, ownership and stewardship of land and water.

Progress to date has been hampered by conflict, challenges and ‘red tape’ arising from the complexity, constraints, and lack of clarity in the law relating to access to inland water. For optimum provision of public goods relating to outdoor recreation, Welsh Government needs to address the uncertainty, lack of clarity, and resultant potential for conflict.

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy'n corffori hawliau cyhoeddus i ynnwyl cyffwrdd i ddyfrffyrdd mewndirol yng Nghymru.**



Waters of Wales – WoW formally asked Welsh Government, in 2015, to obtain a definitive statement of the legal position, and they replied that they are unable to do so<sup>iv</sup>. While continuing to state that the law is unclear, Welsh Government predicates its strategy on one interpretation; namely, that there is no general public right of navigation on inland water, while ignoring the alternative view, based on a wealth of historical evidence, that there is, at common law, a public right of navigation on all rivers which are physically capable of navigation<sup>v</sup>.

The stalemate makes a fair and equitable solution impossible to achieve.

The Welsh Assembly Petitions Committee acknowledged in 2009<sup>vi</sup> that comprehensive legislation for open access, could provide a solution for Wales. Given that so much time has been lost already, within the timescale of the Brexit legislation, Welsh Government could now take the following interim steps to redress the inequality and maximise the ‘Public Goods’ attached to open access.

- (i) make an unequivocal policy statement that Wales’ waters need to be shared on an open and equal basis;  
and
- (ii) require that all publicly-funded arrangements relating to access to water are made on the assumption of a general public right of navigation.

The above would empower Welsh Government to make available ‘Public Goods’ funding to land managers who facilitate access to/egress from the water.

***“Land managers can adapt but it is government’s role to support change”***

*WG Consultation: Brexit and our land: Securing the future of Welsh farming*

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<sup>i</sup> Welsh Government 2018 consultation document ‘Brexit and our land: Securing the future of Welsh farming.

<sup>ii</sup> <https://futuregenerations.wales/about-us/future-generations-act>

<sup>iii</sup> <http://www.legislation.gov.uk/anaw/2016/3/contents/enacted>

<sup>iv</sup> A petition urging the Welsh Assembly Government to obtain a definitive legal declaration in relation to the existence of the Public’s Rights to Navigate the inland waters of Wales, was submitted but not accepted.

<sup>v</sup> The Common Law Public Right of Navigation: <https://1drv.ms/b/s!AvvhfAJqO9K8go5dUpYVQGxLVn-4cA>

<sup>vi</sup> Access Along Inland Water. [https://1drv.ms/b/s!AvvhfAJqO9K8gdNGVhyWxU6\\_ppkwcg](https://1drv.ms/b/s!AvvhfAJqO9K8gdNGVhyWxU6_ppkwcg)

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy’n corffori hawliau cyhoeddus i fynedlaeth y cyffwrdd mewn dirol yng Nghymru.**

# Agenda Item 3.6

## **P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales**

This petition was submitted by Linda Joyce Jones and was first considered in January 2018, having collected a total of 6,398 signatures.

### **Text of Petition**

We call on the Welsh Assembly to ask the Welsh Government to ban the use of wild animals in circuses in Wales. Animal Welfare (except hunting and animal experimentation) is a devolved matter in Wales.

In December 2015 Rebecca Evans AM (then Deputy Minister for Farming and Food) said "The Welsh Government believes there is no place for the use of wild animals in circuses".

Under her instructions the WG commissioned a independent report which took evidence from over 600 experts in the field. This report was published in July 2016, and the conclusions it reached were clear.

The report stated "The scientific evidence indicates that captive wild animals in travelling circuses do not active their optimal welfare requirements set out under the Animal Welfare Act of 2006". The report also stated" Life for wild animals in travelling circuses and mobile zoos does not constitute either a "good life" or a "life worth living".

In December 2016 Lesley Griffiths AM (Cabinet Secretary for Environment and Rural Affairs) stated that the WG were working towards a licensing system , similar to the one currently operated by DEFRA in England. It should be noted that this system was put in place by the UK Government in 2011 as a temporary measure until a ban was put into place.

It can clearly be shown by the licensing documents available in the public dominion that this licensing system fails the animals. The two animal circuses currently licensed by DEFRA have repeatedly breached the conditions of their licenses, and had them suspended at one time or another.

In a poll carried out by RSPCA Cymru 74% of the Welsh public wanted this outdated practice banned. They also submitted a petition to The Petitions Committee of the Welsh Assembly in 2015.

### **Assembly Constituency and Region**

- Arfon
- North Wales

# **STATEMENT BY THE WELSH GOVERNMENT**

**TITLE**     **The Legislative Programme**  
**DATE**     **17 July 2018**  
**BY**       **Rt. Hon. Carwyn Jones, the First Minister**

Llywydd, it is with pleasure that I can today announce the Bills which this government will bring forward over the next 12 months.

The year ahead will be one of the busiest in legislative terms since Wales gained primary law-making powers. As the UK prepares to leave the European Union, there will be a significant amount of work for this Assembly to undertake between now and March if we are to have a fully-functioning statute book at the point of exit.

This will be a challenging time and the legislative workload associated with leaving the EU should not be underestimated.

The Assembly will need to deal with a substantial programme of correcting regulations under the EU (Withdrawal) Act between October and March. We will continue to keep under review the need for Brexit-related Bills over the coming 12 months and it is likely that a number of UK Brexit Bills will require the consent of this Assembly.

As far as possible, we must not allow this Brexit workload to limit our legislative ambitions. But we must be flexible and be ready to adapt our legislative programme, should the need arise.

Llywydd, the Welsh Government has taken the lead in protecting children's rights. We have enshrined the United Nations Convention on the Rights of the Child in the landmark Rights of Children and Young Persons Measure.

We will continue to act to protect children and children's rights and will introduce a Bill to remove the defence of reasonable punishment.

This legislation will support children's rights by prohibiting the use of physical punishment. We have consulted widely and the responses from the public, parents and young people will help to shape our proposals.

Llywydd, this government believes that Welsh law should be clear and accessible; not just now but in the long term. We have started a programme to consolidate and codify Welsh law but this will be a long journey.

Achieving a clear, available and well-organised statute book will take many years – we must ensure we make steady and enduring progress.

We will therefore bring forward a Bill that commits the government to improve the accessibility of Welsh law and make provision about how Welsh legislation is to be interpreted.

Llywydd, I announced last year that we would bring forward a local government Bill. This Bill will be introduced in the coming year and will include the reform of local authority electoral arrangements, including extending the franchise to 16 and 17-year-olds.

It will also include legislation related to the outcome of our recent local government Green Paper consultation. The Cabinet Secretary for Local Government and Public Services will make a detailed statement about this and the Bill later this afternoon.

Llywydd, this government wants to ensure that quality is at the heart of our NHS. In the rare event that something goes wrong – and unfortunately in a system which relies on people working under intense pressure occasionally things will go wrong – we want a health service which is open and transparent and able to learn from its mistakes.

We will therefore bring forward legislation to establish a duty of quality for the NHS in Wales and a duty of candour for health and social care.

A duty of candour would place statutory obligations on all health organisations in Wales to be open and transparent, set out a process which must be followed when things go wrong and people suffer harm.

This Bill will also establish a new independent body to represent the citizens' voice, ensuring people have a stronger, voice that reflects their experiences of health and social care services. It will also include proposals to require NHS trust boards to appoint a vice chair.

Finally Llywydd, we will bring forward a Bill to ban the use of wild animals in travelling circuses.

Animal welfare is a priority for this government and the way we treat animals is an important reflection of the values of our society. Circuses are legitimate businesses and it is not our intention to outlaw all forms of circus entertainment in Wales.

But the use of wild animals in this context is outdated and ethically unacceptable. We will prohibit their use in travelling circuses in Wales.

Llywydd, I delivered my first legislative statement as First Minister a little over eight years ago. This statement will be my last. I trust you will allow me to reflect on what this government has achieved in that time.

Housing has been – and continues to be – a priority for the Welsh Government. We have taken measures to protect tenants and prevent homelessness. We have ended the right to buy in Wales, protecting our stock of social and council housing.

The Renting Homes (Fees) Bill, which is currently being scrutinised by the Assembly, will, if passed, ban letting agents from charging fees to tenants, removing barriers to entering and moving within the private rented sector.

We have undertaken major reforms of the social care system in Wales. We have legislated to drive up hygiene standards by making it compulsory for food businesses to display their scores on their doors, and the Active Travel Act will reform how we plan and build infrastructure for walking and cycling in Wales.

Wales has a long and proud tradition of radical action in public health – this institution was the first in the UK to vote to ban smoking in public places and we were the first to ban smoking in cars when children are present.

Llywydd, I'm proud of what we have achieved by working together in this Assembly to protect public health in Wales – improvements in the provision of public toilets; a licensing regime for tattooing and piercing; a ban on intimate piercing for under 18s; a ban on unmanned sunbeds and a minimum unit price for alcohol.

The Human Transplantation Act was truly groundbreaking and is saving lives. It's another example of how Wales has led the way in the UK, changing the system of consent for organ donation to increase the number of organs available for transplantation.

But this is not the only new ground we have broken. The Violence against Women, Domestic Abuse and Sexual Violence Act is improving protection and support for victims.

And the Wellbeing of Future Generations Act is driving public bodies, including government, to plan and deliver in a sustainable way to improve the social, economic, environmental and cultural wellbeing of Wales.

Llywydd, when necessary we have used our legislative powers to protect devolution.

Through the Agricultural Sector Act, the Trade Union Act, and most recently the Law Derived from the European Union Act – this government has ensured that when the interests of Wales are threatened by the actions of the UK Government, we have deployed the tools at our disposal to stand up for Wales.

During my time as First Minister our devolution settlement has not stood still. Using our legislative programme, we have delivered our new Welsh taxes – the first for almost 800 years – and the Welsh Revenue Authority.

Llywydd, there are many more Acts that I could mention, but what is clear is how much has been achieved in that time. All the Acts I have mentioned may have been proposed and introduced by government but they have been shaped by stakeholders and improved by the scrutiny of this Assembly.



We have always worked across this Chamber to ensure our legislation is the best it can be and to ensure it improves the lives of the people of Wales. We will continue to do that on the government Bills currently before the Assembly, and those I have announced today.

This may be my last legislative statement but a full legislative programme delivering on this government's commitments, including a Bill in relation to the Welsh language, will be announced next year,

Llywydd, I commend this legislative programme to the National Assembly.

**P-05-796 Calling on the Welsh Government to Ban The Use of Wild Animals in Circuses in Wales – Correspondence from the petitioner to the Committee, 17.09.18**

**To the Members of the Petition' s Committee of the Welsh Assembly.**

**My petition calling on the Welsh Government to ban the use of wild animals in circuses in Wales.**

Firstly may I thank you for having my petition as an agenda item this morning. I am sure you are all aware of the statement the First Minister Carwyn Jones AM made on the 17th July 2018 in the context of announcing what legislation the Welsh Government was intending to bring forward.

"Finally Llywydd, we will bring forward a Bill to ban the use of wild animals in traveling circuses.

Animal welfare is a priority for this government and the way we treat animals is an important reflection of the values of our society. Circuses are legitimate businesses and it is not our intention to outlaw all forms of circus entertainment in Wales.

But the use of wild animals in circuses in this context is outraged and ethically unacceptable. We will prohibit their use in traveling circuses in Wales."

I greatly welcome this statement, in fact I think it's fair to say I was utterly delighted by our First Minister's words! I know many "ordinary" people who worked alongside me with my campaign where too. Including Lynne Hughes-Williams, Kirsty John and Jayne Dendle.

My Assembly Member Sian Gwenllian , MP Hywel Williams, together with their team here in Arfon also welcomed this statement.

When Lesley Griffiths AM Cabinet Secretary for Environment Planning and Rural Affairs responded to the debate in March that my petition triggered. It wasn't clear how the Welsh Government would bring legislation forward. As this is quite a complex matter (as can be seen by the routes other countries have taken ) I would therefore like to know:

1. How exactly the Welsh Government intend to bring this legalisation forward. Will it be via the Animal Welfare Act of 2007 or by primary legislation ? I favour the second option.

2. A firm timescale for when legislation will be introduced in Cymru.

I have emailed the Cabinet Secretary's office many times, asking if she will discuss this issue with me, as has my AM Sian Gwenllian. Sadly without any success. I feel that my extensive knowledge on this subject will aid the Welsh Government in bringing forward the most appropriate robust legislation forward.

The whole system as I understand it is to ensure the small voices of the ordinary people of Wales are heard in relation to issues that concern them. I always sought to ensure those who had no voices of their own (the wild animals) were listened to. This hasn't always been easy especially in the light of this being a very high profile subject. However the fact that a gray haired ordinary lady from Gwynedd with few resources achieved what she did. Is great testament to your system, and those who listened and supported her along the way.

In conclusions may I just place on record my heartfelt thanks to the Chair of the committee David J Rowlands AM, together with all it's members. For all the support they have given me and the careful and diligent manner in which they have dealt with my petition. This extends to the team of Clark's who work with you. Diolch o galon.

Linda Joyce-Jones Caernarfon.

17/9/18 .

# Agenda Item 3.7

## P-05-809 Proposed New Fishing Bylaws and Failings of NRW

This petition was submitted by Sian Godbert and was first considered by the Committee in having collected 1,070 signatures.

### **Text of Petition**

As a matter of urgency, the Cabinet Minister of the Welsh Assembly investigate the conduct of the Natural Resources Wales Executive during the consultation process and recommendation for changes to rod and line fishing bye-laws at the (NRW) Board Meeting held at Bangor University on the 18th January 2018, before accepting any proposals to change existing fishing bye-laws.

1. The NRW Executive failed to follow democratic procedure by refusing the NRW Board members to vote on new proposals to new fishing Bye-laws by rod and line fishermen. The NRW Executive adopted a draconian stance and ignored the concerns of, the stakeholders during the consultation process and NRW full board members at the meeting.

2. The NRW Executive recommended changes to the Bye-laws to the Welsh Assembly having endorsed at the board meeting that the proposals will have little, to no effect on reducing Salmon and Sea Trout stocks within the Inland River catchments throughout Wales.

3. The NRW Executives having recognised “other issues” contributing to reduction in Salmon and Sea Trout stocks, failed to prioritise and take action on these “other issues” and have done so, over a number of decades with no future planning. The NRW Board are therefore in breach with Section 6 (6) Environment (Wales) Act 2016 and failing to achieve its objective in reducing risk to Salmon and Sea Trout stock levels in Welsh Rivers, particularly with:

- (a) Pollution prevention, monitoring, effective enforcement and prosecution.
- (b) Wildlife predation monitoring and recommending proportional controls.

### **Additional information**

4. The NRW Executives at the board meeting openly accepted that they failed to effectively communicate and adopt a policy of implementing agreements with stakeholders, who are expected to monitor and report on

behalf of Natural Resources Wales and voluntarily enforce the proposed changes to bye-laws, which many disagree with.

5. Failed to adopt a strategy, that is recognised as best practice in other countries, to monitor and accurately risk assess each river and recommending any sanctions on an individual river by river basis, with relevant stakeholders.

6. NRW board and executives have failed to follow due care and diligence during the consultation process resulting in a failing to recognise the importance of how their new bye-laws will adversely affect:

(a) Recreational angling opportunities, economic benefit to rural and coastal communities and in conflict to the Wellbeing of Future Generations Wellbeing Act of 2015.

(b) The good will of stakeholders who have effectively monitored and protected the natural environment in the absence of Natural Resources Wales for over a decade and put at risk that continued good will for future generations.

#### **Assembly Constituency and Region**

- Aberconwy
- North Wales

# Agenda Item 3.8

## **P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance**

This petition was submitted by Reuben Woodford having collected 1,710 signatures on an alternative e-Petition website.

### **Text of Petition**

Prevent the excesses of catch and kill of Salmon by implementing bag limits for catch and keep on all Welsh Rivers for 4 years developed on the basis of catchment specific data in close consultation with fishing clubs.

Implement a comprehensive stocking programme of native fish on all rivers. Tighten and enforce current legislation to eliminate the menace of farming pollution and industrial pollution.

Suspend all large scale commercial net fishing and factory ship operations around the welsh coast for a minimum period of 10 years.

Prioritise resource allocation to assist in managing catchment specific issues linked to excessive natural predation rates and barriers to fish migration.

### **Assembly Constituency and Region**

- Arfon
- North Wales

Mr D J Rowlands AC/AM  
Chair of NAW Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Email: [SeneddPetitions@Assembly.Wales](mailto:SeneddPetitions@Assembly.Wales)

04 September 2018

Dear Mr Rowlands

**Petition P-05-809 Proposed New Fishing Bylaws and Failings of NRW**

**Petition P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance**

Thank you for your correspondence, dated and received on 26 July, on the subject of the two petitions referred to above. I apologise for the delay in responding which is related to the absence on leave of key staff.

I note your decision to treat the petitions alongside each other, but that you are seeking a response from NRW regarding the statement from petitioner P-05-810.

First, I'd like to provide some context to the proposals for new fishing byelaws to protect salmon and some sea trout stocks across Wales which I hope you will find helpful in your ongoing considerations. NRW has been discussing options leading to these proposals with stakeholders for the last three years, most recently in a three-month statutory consultation process that concluded in the autumn of 2017.

The salmon and sea trout stocks in our Welsh rivers are important components of our natural resources. NRW, on behalf of Welsh Government and the Welsh people including anglers and nets-men, seeks to protect them to ensure that we maintain our migratory salmonid populations in these times of great pressures on stocks from a variety of sources. We seek to manage stocks sustainably, and thereby to ensure that there is no contribution to any decline in our biodiversity.

Some of the pressures on fish stocks, notably the survival of salmon during the marine part of their life cycle, are extremely difficult to influence. This is because it appears that large-scale phenomena probably related to climate change and its impact on the north Atlantic

environment are at play. The marine survival of our salmon, and all other Atlantic salmon stocks in Europe and North America, is the lowest on record and the Atlantic Salmon Trust are of the view that there has never been fewer maturing salmon at sea than there are today. In particular, the 1 sea-winter (grilse) stock component, which has historically predominated across most of Wales, is now performing extremely poorly and there are now far fewer of such fish in our rivers. Currently the older stock component of 2 sea-winter salmon predominates and is currently faring comparatively better, however over the past two decades this component also performed poorly. It was this that triggered the 20-year period of statutory catch-and-release fishing that is still in place today, but which expires this December when we hope that new measures will replace it. This stock component remains vulnerable.

Further pressure on our stocks was identified when we detected widescale evidence of a failure in the annual spawning of salmon in the winter of 2015/16. Monitored populations were, on average across Wales, the lowest on record by a considerable margin with very substantial declines in some rivers. This will contribute to a potentially very serious deficit in adult salmon numbers from 2019 to 2021. We believe this event to be related to the period of record high flows and, crucially, record high temperatures in many spawning locations which lead to the failure of fish to spawn successfully that year. This event also seems to have affected some trout populations.

These pressures threaten the wellbeing of our fish stocks and it is our view that urgent action is essential to avoid further decline in populations. I believe robust protection is needed for our reserves of spawning salmon and sea trout to protect the resource for the future.

It is also essential we take all required other actions to ensure that our rivers are in optimum physical and chemical condition. In this way we can ensure maximum survival of fish from spawning to the stage at which they leave our rivers to go to sea.

There are many factors involved, from water quality to the physical condition of our rivers, and NRW is active across all of these. Notably recently our work with the Wales Land Management Forum sub-group on agriculture, chaired by NRW Board member, Zoe Henderson, and our new commitment to river restoration plans across Wales.

Moving now to the document - **P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance – Correspondence from the petitioner to the Committee, 27.06.18** – NRW makes the following observations.

1. This paper by Mr Woodford sets out issues that have previously been raised by him, and others, which we've tried to address over the past 6 months in correspondence with stakeholders directly.

I agree with the overall goal to work constructively together, with Welsh Government and partner organisations, on a way towards restoring the sustainability of our fish stocks. For us this means ensuring no further deterioration in stocks, seeking to ensure no further decline in biodiversity, and working towards sustainability under



which fish stocks might once again be sufficiently resilient to support catch-and-kill fisheries – a sustainable harvest.

I'd like to highlight that our proposals maintain an acceptable take for fish stocks where they are sustainable, such as the Dee and Dyfi sea trout stocks, but seeks to ensure that non-sustainable exploitation of our salmon and some sea trout stocks does not take place to allow for stocks to recover. This is the role of NRW and represents our response to the requirements placed upon us by Welsh Government, for example in assuring the sustainable management of natural resources.

2. Mr Woodford suggests that NRW's proposals are not based upon sound evidence. Our technical evidence base which supported the proposals to WG for new controls can be found here. <https://cdn.naturalresources.wales/media/684367/technical-case-structure-final.pdf?mode=pad&rnd=131654078130000000>

You may also be interested to know that, at the request of WG, NRW submitted our technical case to Cefas (Centre for Environment, Fisheries and Aquaculture Science - an executive agency of the UK Government Department for Environment, Food and Rural Affairs) for review. Cefas responded as follows:

"The technical case makes a compelling case for further urgent conservation action to help arrest the decline in the status of salmon stocks, and to a slightly lesser extent sea trout, and to help restore stocks to healthier and more sustainable levels. The report recognises that both species are facing a wide range of environmental factors and stressors which are constraining productivity and stock status (and details some of the ongoing actions being made to address these). For salmon, the ongoing issues associated with poor survival at sea are a key concern and highlight the continued importance of ensuring that conditions in freshwater are optimised."

We agree with Mr Woodford's sentiments that angling groups and organisations are important stakeholders with whom we wish to work closely. We currently have regular liaison with the Local Fisheries Groups across Wales and to complement this we are, this autumn, putting in place a Wales Fisheries Group so that we have even stronger links with key stakeholders and partners in Wales.

3. Mr Woodford notes some matters discussed at an "Angling Advisory Group" meeting held on 19<sup>th</sup> June. This meeting was held to discuss ways to increase the uptake and success of voluntary catch-and-release fishing. Neither Mr Woodford nor I were present, although close colleagues of Mr Woodford were. He observes that:
  - (i) in England it is likely that only 'At Risk' rivers will be proposed for statutory catch-and-release fishing, and not those that are 'Probably at Risk'.

NRW understands that this is likely to be the outcome in England, but we observe that the status of salmon stocks in Wales is worse than that in England. In Wales 8 of the 23 principal salmon rivers are projected to be 'At Risk' whilst another 9 (3 of which are designated under the Habitats Directive, partly for the presence of salmon) are 'Probably at Risk' and in ongoing decline. Of the remaining 6, 3 are also 'Probably at Risk' but are currently not declining further whilst 3 are 'Probably Not at Risk' (the latter are the Severn, on which the Environment Agency takes the management lead; the Wye, where existing statutory catch-and-release measures are in place; and the Usk where significant concerns for juvenile salmon populations warrant inclusion of this river in our current statutory proposals).

NRW is also very clear that other legislative requirements in Wales relating to the Environment (Wales) Act and the Wellbeing of Future Generations (Wales) Act must also be considered in our proposals.

- (ii) Mr Woodford suggests that there is a "... rejection of any form of voluntary solution...". NRW and its predecessors have promoted a voluntary approach to full catch-and-release fishing for more than 10 years in the hope that we would have seen an improvement in the status of these species. Although there was an early and very laudable response by most anglers, there remains a minority who continue to kill fish.
- (iii) Mr Woodford's view is that fishing is important for the future health and prosperity of some local communities. Our view is that health and prosperity into the future relies on sustainability of the natural resource and that whilst they are clearly unsustainable, all efforts must be to protect the depleted spawning reserves whilst taking action to restore the environmental health of our rivers.
- (iv) Mr Woodford refers to a statement attributed to a member of my staff about there being no further debate on the proposed byelaws. I've included below the link to the press release we issued following a pragmatic decision to delay implementation of any decision by WG until 2019, so you can see what we said and understand the full context.

<https://naturalresources.wales/about-us/news-and-events/news/proposed-salmon-byelaws-to-be-postponed-until-2019/?lang=en>

We were trying to be very clear that whilst we had already submitted our evidence-based proposals to WG for affirmation we were mindful of the impact the uncertainty during the period of decision by WG could cause, so agreed to

delay any implementation of the decision until 2019 so that licence holders wouldn't be facing a change in requirements mid-season.

4. We agree with Mr Woodford's points that much work is required to restore "resilient environments" in our rivers. We have been delivering on this for many years, with many kilometres of river habitats once more accessible due to new fish passes, removal of barriers to fish migration and in better quality due to habitat improvements. This has been possible due to close partnership working with rivers trusts and securing of funding from various sources to implement such works. There has been no denial of opportunity for potential partner bodies to work in partnership to deliver these outcomes although, as always, some organisations have been more active and successful than others in securing investment funds.

Effective communication is always key to achieving strong partnership working in areas such as fish habitat improvement. There has been a variable performance around Wales, and NRW acknowledges that more can be done. With this objective NRW is committed to:

- Maintaining our existing network of nine Local Fisheries Groups covering the whole of Wales;
- Commissioning a new All-Wales Fisheries Group. NGOs (non-Government Organisations) and other partners have been approached and have agreed to contribute to this group that we hope will raise, at a strategic level, the issues that need to be addressed to secure sustainable fisheries in Wales;
- Continuing our work on River Restoration plans and implementing agreed options to improve river condition;
- Commissioning a "task and finish" group to review the issues around fish-eating birds in Wales. The first meeting with all relevant NGOs was well-received, and further work is scheduled for the autumn;
- Initiating a new 'Angling Promotion' group. We have recently met with key bodies including Visit Wales, Sport Wales, Afonydd Cymru, Angling Cymru, the Angling Trust and others to explore how we might help angling groups to promote their fishing opportunities to new visitors (while not compromising the underlying need for careful conservation of salmon and sea trout stocks). We will be taking this forward in partnership shortly.

I hope that this is clear evidence of our commitment to continue working with partners and to demonstrate the wide range of work underway to restore fish habitats and wellbeing. In our view a fundamental part of this is that we ensure that we maximise our spawning reserves at these critical times for our iconic salmon and sea trout in Wales.

I sympathise with some points made by Mr Woodford on behalf of his petition signatories, however it is our view that difficult decisions need to be made at this critical juncture to improve our salmon and sea trout populations. I would refer the committee to the outcome on the River Wye where, against the will of many stakeholders, NRW's predecessor body

consulted on and introduced a 10-year period of statutory catch-and-release fishing alongside other exploitation controls and habitat improvements. Today, there are more salmon anglers and the prospects for the stocks have greatly improved. The Wye salmon stock is projected to be 'Probably Not at Risk' by 2022. I appreciate that the Wye is somewhat different to other rivers due to its size and the past robust achievements on fish habitats, nevertheless it is a good case for what can be achieved if difficult decisions are taken at the appropriate time and collaborative approaches are undertaken.

Finally, you may have noted that the Cabinet Secretary has taken the decision to refer this matter to a Local Inquiry. I do not yet know the precise arrangements for this, however NRW is happy to set out its evidence and proposals to the Inquiry.

NRW remains committed to helping your committee in its work. If I can do more to support you, please do let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Clare Pillman', with a horizontal line underneath.

Clare Pillman  
**Prif Weithredwr, Cyfoeth Naturiol Cymru**  
**Chief Executive, Natural Resources Wales**



The Planning Inspectorate  
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To consultation respondent  
(by email)

[www.gov.wales/topics/planning](http://www.gov.wales/topics/planning)

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref: ENV/3209811

Date 5<sup>th</sup> September 2018

Dear Sir/Madam,

### **The Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017**

I am writing to you as you made a representation relating to Natural Resources Wales' (NRW) consultation on the Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017.

As there are outstanding objections to the Byelaws the Cabinet Secretary for Energy, Planning and Rural Affairs has appointed the Planning Inspectorate to hold a public local inquiry to hear the evidence on this matter in accordance with paragraph 2(1) of Schedule 26 of the Water Resources Act 1991. The Planning Inspectorate will appoint an Inspector to conduct the inquiry who will submit their recommendation in the form of a report to the Welsh Ministers. The Welsh Ministers will make the final decision on whether or not to confirm the Byelaws.

The Planning Inspectorate has received a copy of all written representations provided to both NRW and the Cabinet Secretary.

The inquiry is open to the public and as someone who made a representation you are welcome to attend. If you wish to submit further evidence to the Inspector then you are also welcome to speak at the inquiry. The purpose of the inquiry is to hear the evidence from all parties that they wish to put forward. The appointed Inspector will take all evidence from both the written representations and the inquiry, into consideration before submitting their report to the Welsh Ministers.

You need only speak at the inquiry if you wish to add to your previous written representation.

Given the large number of representations received, we would ask that;

- a) if you are aware of other individuals who have made a representation or
- b) if you are a member of an organisation, association or society etc.

You consider liaising with them to nominate a person(s) to speak on behalf of the group. This will help to avoid repetition and ensure the effective and efficient running of the inquiry. The nominated person(s) need only contact us, confirming their intention to speak, and who they are representing. All future correspondence from the Planning Inspectorate will then only be sent to the nominated person.

Therefore, please can you confirm one of the following:

- 1) I have nothing further to submit and do not wish to attend the inquiry.
- 2) I wish to attend the inquiry, but do not wish to speak.
- 3) I wish to attend the inquiry and present evidence to the Inspector.

Please can I have your response, in writing, **by Wednesday 19<sup>th</sup> September 2018**. If I do not hear from you by this date I will assume that you are content with your written representation and do not wish to attend or speak at the inquiry.

If you wish to attend the inquiry the Planning Inspectorate will write to you in due course with the arrangements.

Finally, please find enclosed our language preference form. I would be most grateful if you could complete the form and return to us when replying to this letter. The Planning Inspectorate encourages the use of electronic communication and where an email address has been provided we will use this as the method of contact unless you inform us otherwise.

Yours sincerely

*G Harvey*

Gareth Harvey  
Team Leader – Quality and Specialist Casework



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(by email)

[www.gov.wales/topics/planning](http://www.gov.wales/topics/planning)

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref: ENV/3209811

Date 11<sup>th</sup> September, 2018

Dear Sir/Madam,

**The Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017**  
**The Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017**

Further to my letter dated 05/09/2018 about the "Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017" it has been brought to our attention that the proposals include the "Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017". Therefore I am writing to confirm that the Inspector will consider both proposals at the inquiry.

If you wish to add anything further to your representation in respect of the net fishing byelaws, please do so by Wednesday 19<sup>th</sup> September.

Yours sincerely

Pp. *N Turner*

On behalf of  
Gareth Harvey  
Team Leader – Quality and Specialist Casework

**P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance –  
Correspondence from the petitioner to Committee, 18.09.18**

Dear Sirs,

Thank you for the opportunity to respond to Clare Pillman's letter of the 4th September 2018 on behalf of over 1700 petitioners.

Petition P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

I must firstly personally apologise that due to a technical issue with my email account and inability to attach documents to emails, I am currently forced to include my response document within the body of the email. I hope this does not cause you administrative problems and I will in due course attempt to send you a word document containing the same text.

.....  
Whilst we acknowledge a refreshing change for the good in the rhetoric used by the new Chief Executive Officer of NRW in comparison to her predecessor (we have been given visibility of a number of her responses to byelaw related communiques), it is hard to ignore that NRW, lead by the senior Fisheries managers cling to their defence of the byelaws and the process of byelaw formulation with unfailing resolve.

Given we have now been granted a 'Local Inquiry' before the Planning Inspectorate, our current efforts are very much in line with seeking a fair stage to present our case, however for a number of reasons, which I am aware colleagues have communicated to you – we remain cautious in our belief in this process, given all that has come before. In this vain we would be appreciative of the Petition Committees view of this opportunity and whether there are still parallel opportunities for 'inquiry' that should be sought.

With reference to Clare Pillman's letter, may I reinforce the context of the current situation. NRW have been in consultation with the angling community for the last 3 years. NRW have for 3 years, in an undemocratic, unfair and unprofessional manner bulldozed their own preconceived byelaw measures – one option – forwards with only a token gesture of adaption in line with consultees views and evidence. To state that they have given fair and objective consideration of alternative, valid options is simply not factual.



Word of law stands to make bold statements; to act as deterrent and to stimulate enforcement action for the common good. If anyone is in any doubt as to the inadequacies of law we only need consider the current problem of plastics in our environment (underpinned by legislation to prevent it). NRW's fisheries stock control byelaws seem by now a propagandist's soundbite and plastic policies that deny society a solution to a fisheries challenge that demands the requisite foundations for progressive and partnered progress are not the invention we deserve or desire.

NRW speak of a parallel strategy to restore habitats; to ensure fish migrate unimpeded; where water quality issues are resolved and where excessive natural predation rates are given ample consideration. We acknowledge NRW has valid evidence to illustrate 'activity' within these key areas, however the itinerary of progressive inactivity in relation to critical projects to improve river environments for fish, within most of Wales river catchments, makes a strong case for an organisation failing to substantiate its statutory duties.

1.

Claire Pilmann (CP) states in her letter that NRW 'seek to manage stocks sustainably, and thereby to ensure that there is no contribution to any decline in our biodiversity'; and yet, whilst we have no doubt, this is a true reflection of NRW's aspirations, the reality of the current situation is inconsistent catchment specific actions and a progressive malaise to act in tune with institutional resource demise.

With reference to CP's comment in relation to two sea winter salmon; the imposition of the pre June 16th C&R byelaw 20 years ago, curbed the active salmon season for many fishermen and has led to very low participation rates on most rivers during early season. Given on most rivers we are reliant on catch return data submitted by active fishermen to assess monthly stock levels, in reality, catchment specific data is extremely weak for the pre June 16th period forcing EAW and then NRW to be reliant on index rivers with automated fish counters, such as the Welsh Dee to extrapolate early season data. This leaves the variability of individual rivers unaccounted for. It is also important to note that in the absence of local data sets for this period, EAW, NRW's legacy body without consultation, extended these byelaws by an additional 10 years – a period which CP rightly states ends in December of this year. On the face of the data that is available to assess early season stocks, mandatory 100% C&R has proven ineffective in stimulating any recovery in the numbers of these fish. Angling clubs receive no recognition of their tolerance of an ineffective management response in this respect, that not only seems self-perpetuating as a policy under NRW's remit, but restricts the fishing pursuit and data acquisition. Fishermen have been exceptionally tolerant of this 'damp squib', however, ultimately that tolerance has provided the evidence that C&R is not a

solution to improving fish numbers and acts as a deterrent to angling participation and little more.

The angling fraternity acknowledge it is evident climatic variables imposed additional pressures upon spawning salmon and juvenile salmon survival in the winter of 2015/16. We also note that some catchments fared better than others raising the importance of local variables in considering both local resilience and vulnerability to changes in climate. What NRW have been hesitant to report is that reported adult salmon stock numbers, particularly 2 sea winter fish were good in 2017 resulting in improved juvenile numbers in 2018. There is no hesitance on the part of the angling community to play a significant part in instigating and stimulating behaviours within fishing practices that ensure conservation aims are achieved. It goes without saying, that all clubs now operate an agenda whereby the sustainability of their fisheries is of primary concern and precautionary principles are accepted; C&R is practiced by the majority of anglers and method restrictions are applied proportionally in line with the unique characteristics of individual rivers and historical adaptations to the challenges faced within those environments. There is method and wisdom in what we do. The balance between conservation and amenity however has to be struck to ensure our survival as an angling community.

CP refers to 'robust action', however, NRW have streamlined their approach to target anglers above and beyond the need for they themselves to take essential action to tackle catchment specific problems. In Wales, these failings have become points of neglect within a regulatory environment stifled by resource deficit and an ingrained acceptance of often being powerless to act without third party will and assistance.

If CP agrees with our aspiration to work constructively together, with Welsh Government and partner organisations, on a way forwards, we question why NRW have been so rigid in their pursuance of draconian policy that they know to be a) incapable of restoring fish stocks b) of high risk to the socio-economic benefits of fishing in Wales c) un-enforceable policies without the assistance of the very social group they have alienated d) Only willing to up their game on tackling the causes of stock variability when scrutiny of their ineffective strategy is publicised as part of this process.

It was stated very clearly at NRW's Board meeting in January 2018, by a Board Member, that there was a 'giant chasm' between the views of NRW Fisheries personnel and their primary stakeholders, Angling Representatives. A divergence of opinion that other Board members confirmed could not serve either party well in the pursuance of a system of management to support sustainable principles. NRW's neglect to operate in a democratic manner and abhorrent refusal to compromise on

their preconceived measures resulted in the fisheries stock control byelaws being presented unfit for purpose. We must be clear that these measures are being sold as a false promise to instigate positive change when primarily they have the potential to instigate multiple levels of risk and hardship to environment and social groups involved in fisheries and stimulate an operational environment where criminality can thrive. The byelaws represent a disproportional response to a situation that is far from clear cut and one which will become increasingly based on institutional beliefs and taste if NRW choose to ignore the criticality of the relationship with partners. The byelaw measures and the consequences linked to them stand as the core component of NRW's failure to partner with stakeholders in this process.

NRW fail to recognise that the subsidiary forums for which they now seek recognition and cooperation fail to bridge the 'chasm' referred to in January's Board meeting. As long as the byelaw proposals remain set in stone, an irreversible blight has been knowingly instigated by NRW and the consequence to current and future generations hangs in the balance.

2.

We understand that valid evidence must underpin our shared approach to management of Wales fisheries and that management measures need to be proportionate to the evidence and to residual consequence of those management measures.

In Wales we have commissioned independent statisticians to review the river classification model (assigns level of risk to individual river salmon stocks). The resulting report concluded the model utilised an incorrect methodology in addition to missing variable corrections to spawning stocks. We have provided the petitions committee with a copy of the report in previous communications and kindly refer the committee to this evidence in response to CP's statement.

The very foundation of the current system sits on rocky ground and yet, the management response from NRW is to defend its integrity and to prioritise mandatory control of fishermen over taking urgent action within catchments to ensure access and suitability of the receiving environment is optimal for spawning and migrating fish. We note CP stipulates the "continued importance of ensuring that conditions in freshwater are optimised", and yet it is clear to us all that these conditions are far from optimal. Fundamental concerns remain that NRW have based their management objectives on spurious data whilst the EA in England have received parallel criticism of their approach in a more positive light and made some adaptations.

Whilst we acknowledge Local Fishery Group provision across Wales has been a useful means of engaging with NRW and its legacy organisations, during the byelaw consultation process, this conduit was essentially utilised by NRW Fisheries Managers to dictate their terms. The failure of senior Fisheries Managers to listen and act on our views places the benefit of this mechanism in doubt. Whilst there is reason to also welcome the initiation of the 'Wales Fisheries Group' to which NRW state key stakeholders have been invited, LFG representation remains conspicuous in its absence, given this seems the opportune means of ensuring continuity between the aspirations of regional and national angling stakeholders. We (LFG members) have sought permission for representation on this group, however our understanding is that this has been denied. Never the less, we do appreciate that anglers will gain some representation through this forum.

3.

With NRW's refusal to consider the flaws in their stock assessment we must stipulate that their position in comparison with the situation in England lacks credence. We are of the understanding that in addition the EA recognise the futile nature of attempting to enforce method restrictions and propose to promote adoption of conservation biased methods through voluntary means.

Prior to the EA's revisions, NRW utilised its counterparts position to substantiate the legitimacy of their draconian proposals. NRW now stand in isolation, defending their non-adaptive and anti-fishing community stance.

In terms of the legislative requirements of the Wellbeing of Future Generations (Wales) Act 2015 (WoFGA) it is not clear how these requirements have been considered in NRW's proposals. It is our suspicion that NRW have primarily focussed their attentions on a future scenario without due attention to the present and transitional considerations which is a requirement of the Act. NRW have also applied unrealistic confidence in their ability to manage measures knowing their resource allocation is restricted and residual consequences of the resultant mismanagement likely to impact upon 'wellbeing goals' as stipulated under the WoFGA. In doing this, they have failed to acknowledge and quantify the impact of their proposals on Wales communities today and the consequential impact upon future generations and thus appear delinquent in their duties. It is evident NRW have considered their role in a myopic way, with adherence only to their interpretation that sustainability considerations apply to their management of the fish stock rather than the community environment within which this issue resides. Both the Environment (Wales) Act and the Wellbeing of Future Generations (Wales) Act place communities at the heart of their considerations. We perceive there is a severe deficit in NRW's consideration of the following elements as listed within the WoFGA.

Ineffectual consideration of requirements to establish future sustainability:

- Failure to recognise the long term risks to Salmon Angling; angling clubs and to the socio-economic benefits to communities.
- Failure to acknowledge and manage the immediate risks to Angling; Angling clubs and to the socioeconomic benefits of angling.
- Failure to quantify the consequential (residual) risks to fish stocks as a result of unenforced byelaw measures.
- Failure to instigate effectual partnership collaboration in formulating the byelaws and establishing stakeholder empowerment and resource allocation to sustain measures.
- Failure to incorporate legitimate mechanisms within policy development process to establish meaningful decision making.
- As a consequence of the above, we believe the following wellbeing goals have been neglected:
- Prosperous Wales (Scenario: Net export angling tourism; Lost community revenue)
- Resilient Wales (Scenario: Angling Clubs at risk; Fish stocks vulnerable to increased poaching)
- More Equal Wales (Scenario: Loss of community fishing clubs; Loss of amenity; loss of method choice for specific social groups)
- A Healthier Wales (Scenario: Loss of participants; Lowered participation; Criminalisation of inert behaviours; Over regulation of pursuit; forced supplementation (Salmon/Sea Trout) Anti-social hours; Regulatory avoidance of alternative measures (intentionally antagonistic).
- Cohesive Communities (Scenario: amenity value threatened; community clubs at risk; reliance on self policing of mandatory measures; disempowerment of community)
- A Wales of vibrant Culture and thriving Welsh Language. (Scenario: Innate elements of angling threatened; Traditional methods at risk; Welsh speaking clubs and committees; risk of disparate syndicate takeover of local waters)

We note NRW's reference here to C&R being a solution to stock recovery. Firstly may we re-iterate that salmon exploitation by anglers is not the cause of stock decline, nor has it been shown that mandatory 100% C&R leads to recovery of fish stocks. Please see our earlier comment on this. This runs counter to NRW's own stance elsewhere in CP's letter, referring to C&R as a precautionary measure to ease pressure on stocks. NRW have also stated on numerous occasions that angling and anglers is/are not the source of the problem. As we have already stated, we are all happy to play our part in practicing proportionate conservation measures and most

anglers at present return all or most of their fish on a voluntary basis and an optimal response is still being pursued. NRW's demands on this front have been a rapidly moving target, primarily on the basis of stand alone objective setting on the basis of institutional preference and yet we have accommodated a step change in promoting widespread conservation practices. The fact remains, NRW's record of success in tackling the causal factors of stock decline remains poor. We are faced with the paradox of an organisation pointing a finger of blame at anglers when its own resources and willingness to tackle even long standing barriers to habitat and river restoration optimisation remain pitifully low. The primary pressure on Salmon stocks is created by the combined impact of lower sea survival rates; disease due to exposure to coastal fish farm ecosystems; river habitats suffering from a legacy of mis-management; water quality issues; barriers to fish migration and ineffectual fish passes; prioritisation of small scale hydroelectric projects and the regulators legacy position that natural predation of fish stocks is sacrosanct, even when predator populations are proven to be excessive and causing a high risk to salmon. This is not a level playing field and NRW adheres to a variable moral compass. Not only does NRW attempt to place itself in a position beyond scrutiny, it places the fishing community at the forefront of its own judgement system. Chastised and at worst victimised by NRW, stimulating positivity and an all encompassing environment of co-operation and partnership working in the future is going to be impossible unless NRW change their tact.

Illegal fishing and selling of poached fish continues to fly under the radar and clubs remain effectively powerless to prevent such practices given NRW's stretched enforcement resource which seem near to incapacity. Laws already exist to tackle criminality linked to fishing. Overburdening the fishing environment with more is not the means to create the effective partnerships we all desire and to ensure the sustainability of fish stocks. We must get this right and not be influenced by NRW's misleading rhetoric on this.

We draw attention to CPs statement that suggests our aspirations are divergent. This epitomises the challenge our communities face in this situation. NRW have throughout this process nurtured an environment of 'us and them' and fail to acknowledge that our primary intent is to ensure we all develop the requisite operating environment in which to stand the best chance of establishing progressive sustainable fisheries. We do not hold a myopic viewpoint as CP suggests, our desire is for sustained wellbeing of community angling institutions and interests and the sustainability of fish stocks. We have never wavered from this joint aim. NRW's failure to recognise the risk posed to environment and societal wellbeing through misplaced reliance on these draconian byelaws leaves fisheries potentially inadvertently hung by the haste of a short term rescue operation (which it is clear it is not) that denies the existence of 'real world' consequence.

NRW cannot deny they refuse to debate any further in relation to the byelaws. For those of us from the angling community with our varied professional backgrounds in environment management, who have been involved in this process intensely from the start, the greatest disappointment is that in the time period NRW have spent defending their draconian stance, we could have created a productive and progressive way forwards that is fit for purpose. Yet, here we stand wasting time, effort and money because of NRW's myopic approach.

4.

We acknowledge NRW's establishment of recent initiatives to promote sustained co-operative partnerships into the future and welcome these; however the positivity of such action pales into relative insignificance when we consider NRW's failure to act in a timely manner, actions that would have demonstrated their real commitment to restoring fish stocks. An inexcusable amount of fisheries staff time in NRW has been utilised considering how to regulate anglers which could and should have been spent restoring fisheries. NRW's inability to recognise the destructive nature of their byelaw proposals leaves us all in a vulnerable position and future management of our fisheries at risk.

As CP states, 'the Wye is somewhat different to other rivers' particularly in relation to the robust and holistic focus it has received to stimulate some recovery in stocks. That recovery is primarily due to the level of investment placed in habitat restoration and accounts for a large portion of that provided under the specific initiative in Wales. It is not the 'difficult nature of decisions' that has created the perceived outcomes in this instance, but the fact that critical wide ranging action has been taken to re-establish river habitat that is conducive in character to the requirements of adult and juvenile fish.

.....

We recognise that a number of individuals and groups have presented evidence to the Petitions Committee in preparation for the forthcoming meeting. We remain exceptionally appreciative of the committees kind attention to this information and our shared challenge.

Best Wishes,

Reuben Woodford

(On behalf of all petitioners – Petition P-05-810)

**P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance –  
Correspondence from Andy Nicholson to the Committee, 22.07.18**

**THE FUTURE OF WELSH GAME ANGLING**

**FACTS, FINDINGS, CONCLUSIONS AND SOLUTIONS**

The following derived from the NRW proposals and technical case, interview with heads of NRW fishery team and the consequent request and received, evoking of the appertaining freedom of information act from NRW and CEFAS.

**The Facts & Findings:**

The promotion of the proposals' and consultation period was seriously flawed, no proof, has come forward, despite various requests,, that all anglers buying a licence, could not have been fully informed of the process, via the post when receiving their licences', despite Mr [name removed] stating there was proof, this could not been done.

The objecting respondents to the proposals', were and are seriously miscalculated, I.e. despite one angling club representing thousands of anglers and this was replicated countless times, each club and association were only counted as just one respondent. This was a serious and deliberate misrepresentation by the NRW, when putting the proposals' in front of the NRW board, this was a breach of trust, not only misrepresentation to the board, but also to the Welsh Government, on the decision making process.

The recorded interview, that took place on the 15<sup>th</sup> of Feb 2018, between A. Nicholson, John Eardely and the heads of NRW fishery's team, revealed countless, inaccuracies', falsehoods and a huge catalogue of contradictions and misinformation.

Despite at the start of the interview, Mr [name removed] stated that the NRW had nothing to hide, he however demanded, after 20 minutes, that the interview was terminated, as he did not like the searching questions posed, after a heated discussion, the interview was resumed.

Mr [name removed] refused to answer why hatcheries were closed, including privately funded ones and many questions, he either would not answer, nor could



answer, however stated they would be answered in the very near future, many months down the line we are still waiting for those answers.

It was conclusively proved that the NRW, management targets and conservation limits were up to 85% incorrect, along with the NRW freely admitting and accepting that catch returns were up to 65% incorrect.

The NRW team would not admit, nor accept that the net and coracle fees, appertaining to their catch returns, did not correlate, equate nor add up, in the way of massive lack of profitability for commercial fishing, in relation to the licence fees they were paying, taking all commercial fishing into loss making. It was obvious and pointed out, that the only way they could operate under these circumstances, that they were understating catch returns.

When the fishery team were asked, what did they do to protect the juveniles' in our Welsh river systems, against avian predation, they freely admitted that they do nothing and had no intention of doing so, now or at any time in the future. They further added that they did not see avian predation as a problem at all and they stated that avian predation as far as they were concerned was reducing (there are too few juveniles for them to eat).

These statements were made despite, John and I conclusively proving, via information from the web site Cormorant Watch, the Angling Trust initiative and various other proved statistics from around the country and other web site recording initiatives and scientific reports, showing conclusively millions of juvenile salmonids are slaughtered each year on our Welsh rivers, by these predatory birds, while the NRW sit back and do absolutely nothing to protect these stocks.

Furthermore we demonstrated that in the previous year, that NRW have, despite the proof of harm from avian predation, actually, reduced the numbers of fish eating birds on licence applications that were allowed to be control, they also freely admitted that the control of these predatory birds, was the total responsibility of angling stakeholders and that no other bodies, applied for licences' and that if a licence application was applied for late, they automatically reduced the numbers they could control.

We demonstrated that if predation by fish eating birds was brought under control, this one issue would go a long way in solving the entire problem and dramatically

increase the in-river survival of juveniles potentially resulting in more returning Salmon and sea trout stocks and there would be no need for the draconian incorrect measures NRW are proposing.

During the interview on several occasions, when the Fishery team were asked specific questions, they continually referred us to advice gained from CEFAS, without answering the questions. It has to be made abundantly clear, that on reading the CEFAS report (obtained from a freedom of information request), CEFAS quite categorically state that the NRW technical case was taken and read at “face value” THIS IS NOT ADVICE! Furthermore CEFAS stated that they believed the proposals will have little or no effect on improving stocks.

Despite what NRW fishery officers, state there is nowhere, in their technical report, nor in the CEFAS report, that shows any proof, nor any research or any scientific evidence to support, the angling ban methods, such as no worm fishing for Salmon ( the NRW opinion is based on broodstock from the Taff which had been caught on worm but did not survive at the Cynrig hatchery) and the use of single worm for sea trout, along with hook restrictions use, as opposed to the methods operation now.

Therefore the angling restrictions they are proposing are purely and simply, their thoughts and personal opinions based on their observations of broodstock collection on the Taff. The NRW claims are totally unsubstantiated and should be discounted as broodstock caught on bait from other rivers (Mawddach, Dee and Conwy) not only survived to spawn but were returned to their rivers as kelts.

Despite the NRW claims, there is no provision in any of the reports for the 2010 equality's act, nor any reference and consideration for the aged and the disabled, along with indirect discrimination, these aspects have not been considered and the officers freely admit, there is no financial provision for any future subsequent disability discrimination compensation claims.

During the interview we requested that the decision was deferred, not only due to the imminent start of the season, but enabling further dialogue and consultation with stakeholders and WG. Mr [name removed] clearly and emphatically stated that no deferment could now take place and it was completely out of his hands now and the decision lay solely and entirely with WG. Mr [name removed] could do nothing.

We now have had the press release from Mr [name removed], stating “He” has deferred the decision until the season of 2019; this is consistent with the massive contradictions that come forth from NRW fishery team and even compounded more by the fact that WG sent a communiqué, stating they had made the deferment, there is no doubt now that Mr [name removed], was instructed to defer, even on this point there is a lack of openness and honesty coming forth from NRW team.

During the interview the officers added and freely admitted that the stakeholders know their rivers, best and better than anyone.

The officers also admitted that that they had nothing to do with Enforcement, nor could they tell us who was in charge of enforcement officers, another question they promised to answer, but have failed to do so, they however did admit that there were only 16 enforcement officers covering the entire country of Wales and had to concede Wales is massively undermanned on this point.

John and I pointed out that the vast majority of the angling community, stakeholders, angling bodies, the angling trusts, leading fishery scientists, prominent angling figures, several assembly members, totally disagreed with the NRW technical case, calling them draconian proposals and destructive to the Welsh economy and jobs within Wales. Despite this the fishery team insisted and maintained they were right and the collective above was wrong.

We went on to demonstrate that many rivers in Wales were actually increasing their runs of Salmon and Sea Trout, year on year and the NRW were using out of date figures to push through their proposals, this gave an incorrect picture of the present situation and was misleading.

We pointed out that the approach the EA was making, was to assess each river individually, on their merits and problems and act accordingly with by-laws appertaining to that specific rivers needs and introduce by-laws accordingly.

This approach was discounted by NRW, preferring to go for a wholesale approach and dictate and impose their personal preferences’ on all Welsh rivers claiming their approach was correct. Therefore they are totally disagreeing with the EA approach and their fishery scientist, we pointed out that this was lazy and bad science and methodology.

We highlighted the negative effect their proposals would have on the Welsh Economy and game angling in general and that the aged and disabled would no longer be able to fish for Salmon and that there would be a large reduction in members joining clubs and associations, along with a huge increase in poaching and this indeed was the effect, until the deferment was announced.

We pointed out that licence revenue would suffer, further depleting the little funds available to NRW, they freely admitted they anticipated that this would occur, but were still determined to push through the proposals, we stated that this was persecution of anglers, for little or no gain in stocks, they disagreed.

I finally asked Mr [name removed]; in hindsight what would he have done differently, regarding the proposals. He stated that he would have had a far greater and open dialog with stakeholders. This very statement sums up incredibly well, the vast contradictions that are endemic within the fishery team. As now in the Mr [name removed], deferment press release he firmly states that there will be no further dialogue with the angling community, this is a disgraceful indictment.

#### IN CONCLUSION

The facts and evidence make stark and disturbing reading, it is abundantly clear the NRW team have not listened, will not listen, nor have any intention to listen to the real concerns and have not read the professional objections, placed before them. They have not taken into account, sound advice and fact from leading fishery scientists and other official angling bodies and organisations.

The proposals are based on assumptions, presumptions, out of date and incorrect facts, figures and more importantly, their own personal opinions', thoughts and feelings that have already been disproved and discredited.

The NRW fishery team have mislead, misinformed, along with an attitude of total inflexibility, the inability to listen and have been totally dictatorial in their approach, process and lack of evidence, in creating these draconian proposals.

The NRW team have been without doubt disingenuous with the truth and therefore it is correct to state that the authors and architects of these proposals are not fit for purpose and their positions are untenable, as total confidence in any ability they have to run and control fishing in Wales has been completely lost.

The NRW fishery team has made it perfectly clear, now and as in the past there will be no further dialogue, with stakeholders. The only correct and right way forward now is, for there to be changes in the Fishery management team and structure to enable meaningful discussions with stakeholders to occur.

### The Solution

The answer lies with the stake holders, as Mr [name removed] states they know their own river systems the best and are best placed, to implement, any restrictions, necessary appertaining to that particular rivers needs and requirements, rather than a complete Welsh blanket, wholesale ban and approach.

Welsh Government needs to provide legislation, funding and powers, to stake holders, in conjunction with the Angling Trust and help in creating angling trusts, for various river systems, for the tasks that NRW have failed to provide, denied and taken away, such as the policing of our rivers, this is already being undertaken by stakeholders as mentioned, there is no presence of enforcement officers who following reorganisation within NRW and new contracts of employment only work 8am to 5pm – poachers operate at night. Enforcement on our game angling rivers was poor before the reorganisation and is now totally ineffective.

The NRW have woefully failed in ensuring water quality is maintained, to the point they are being taken to the European courts, powers and funding need to be issued, allowing and ensuring culprits of pollution are taken to task and prosecuted.

Control for avian predation, appertaining to each river system, handed to the stake holders, this one act will protect and preserve far more juveniles than any measures the NRW have proposed.

Through the Angling Trust, local angling trusts, groups and stakeholders along with the NRW acting as technical advisors, permission must be granted for habitat improvements, on a far bigger scale than has been seen before, working hand in hand with the custodians of our Welsh rivers, that know them the best.

The culmination of the above, will result in improved water quality, better habitat, far greater and improved runs and stocks of Salmon and Sea trout, more effective control of avian predation and far better policing of our Game angling rivers, potentially eradicating poaching, along with improving the habitat and ensuring the future of our Welsh game angling rivers, for the present and future generations and

protecting the vital tourism and social economic value Game angling brings to Wales.

There is a real need and call for collective dialogue with Welsh Government

The time for change is now upon us and we can make a big difference.

Author Andy Nicholson, Independent Angling Consultant, member of the Welsh Game Anglers Action Group and the Anglers Writers Association.

The full NRW interview is available on drop box and by request, along with the freedom of information for CEFAS AND NRW

Coverage and Distribution, full media and press circulation, all AM,s all NRW board members, all members of the petitions committee and all official angling bodies.

# Agenda Item 3.9

## P-05-813 Ban the USE of LARSEN TRAPS (Multi Corvid Traps)

This petition was submitted by Action Against Wildlife Persecution having collected 1,943 signatures.

### Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to BAN the USE, Sale & Manufacture of LARSEN TRAPS (Multi Corvid Traps).

The Larsen trap is a cage bird trap where a live wild decoy bird, (call-bird), is kept trapped inside one compartment to encourage another bird to come down to it. When another visiting bird lands on top s/he falls through a one way gate or false floor into a compartment, where s/he awaits their fate.

Larsen traps were invented in Denmark but are now BANNED in that country, as they are now considered inhumane and extremely cruel.

Larsen traps are mostly used by gamekeepers & smallholders to trap magpies, crows & other corvids. The bird suffers a terrifying ordeal by being trapped day and night without food, water or any shelter from the elements, which causes extreme distress.

Because they use a captive wild bird (technically contrary to the 1981 Wildlife and Countryside Act) these traps have to be used under the terms of a "General Licence" issued by Natural Resources Wales, where magpies, crows, jays, jackdaws and rooks can be trapped.

The wild "decoy call-birds," with their most vital instincts frustrated & abused by confinement, suffers a most terrible fate. Close to the ground they are terrorised by predators and watch as fellow birds are brutally killed in front of them. A number end up being found dead through neglect. Legally, the trapped decoy call-bird should have food, water, shelter & a perch & the 'trap' inspected at least every 24hrs, but, this is not the case. We have witnessed crows left to die without food & water and found dead rotting corpses of the previous decoy call-birds, who are permanently wired inside until they die of starvation or stress.

We have witnessed birds with broken beaks and cut heads where they have tried to escape. We have witnessed brutality, mutilation & maiming where the gamekeeper has cut wing flight feathers to stop the decoy bird from escaping.

### **Additional information**

The trapping continues throughout the summer months, consequently thousands of chicks starve to death in their nests due to their parent birds being trapped.

Larsen traps are indiscriminate and can trap non target birds or mammals. Although illegal, Pigeons are sometimes used to attract birds of prey who are also then killed.

Trapping wild birds in live bird traps & the use of live decoy call-birds causes untold stress to the unfortunate birds.

We urge that this persecution of wildlife be stopped.

### **Assembly Constituency and Region**

- Cardiff West
- South Wales Central



**Larsen Traps in Wales**

**Wednesday 20 June 2018**

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**Background**

- Larsen traps are a live-catch trap used to capture and contain magpies and crows.
- Magpies and crows are subject to control under the terms of the General Licences, which are issued every year by Natural Resources Wales. The General Licences are relied upon by farmers, gamekeepers and other conservationists to allow them to undertake legal pest control.

**Countryside Alliance Position:**

- Crows and magpies are agricultural pests. Crows in particular can cause extremely distressing injury and even death to lambs.
- Crows and magpies in high densities near vulnerable populations of ground nesting birds or farmland songbirds can cause declines to birds of high conservation value, due to nest predation.
- Larsen traps are an invaluable tool in controlling magpie and crow populations. They are effective and they are humane. Because they are live-catch traps they are also extremely selective.
- It is vital that land managers can continue to use Larsen traps in accordance with the conditions laid out in the General Licence.

**Why Control Crows and Magpies?**

- There is no 'natural balance' between crows and magpies on the one hand and the birds on which they prey on the other. This is because crows and magpies also feed to a great extent on waste food produced by man, which greatly inflates their populations leading to intolerable levels of predation on ground nesting birds, songbirds and farm livestock.
- Although seldom recorded, Welsh sheep farmers report crows attack, maim and kill ewes and their lambs. This pressure is lessened on estates undertaking legal crow control<sup>1</sup>.
- Crow and magpie predation has been implicated in declines in birds of high conservation value. In the uplands birds such as black grouse, curlew and lapwing only thrive in areas subject to predator control, while in the lowlands predator pressure has been shown to limit grey partridge recovery and crow and magpie predation has been shown to impact on thrushes and some farmland songbirds<sup>2</sup>.
- A nine-year study undertaken in Northumberland showed that reducing numbers of carrion crows, alongside fox control, significantly improved breeding success of lapwing, curlew and golden plover<sup>3</sup>. The RSPB says the UK is arguably the most important country in the world for curlew conservation<sup>4</sup>, and this study showed that populations of these globally-threatened waders declined when there was no predator control.

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<sup>1</sup> <https://www.dailypost.co.uk/news/local-news/crows-vs-farmers-age-old-battle-9310144>

<sup>2</sup> <https://www.gwct.org.uk/policy/position-statements/predation-control-and-conservation/>

<sup>3</sup> <https://www.gwct.org.uk/policy/policy-reports/waders-on-the-fringe>

<sup>4</sup> <https://www.rspb.org.uk/our-work/conservation/projects/curlew-recovery-programme/>

- Conservation charities recognise the need to control crows. In 2012/ 2013 153 carrion and hooded crows were killed to protect ground nesting birds on 4 different RSPB reserves<sup>5</sup>
- Predation control of crows and magpies using Larsen traps can improve the breeding success of farmland hedgerow-nesting songbirds<sup>6</sup>. In one study covering 4 years and 32 paired farmland sites, crows and magpies were removed at half the sites during the breeding season using Larsen traps; no removal took place at the other sites. The key finding was that overall nest success of the hedgerow-nesting songbird community was down by 10 per cent on the sites without Larsen trapping. Excluding 2012 data because of exceptionally high spring rainfall that year, in the other three years nest success was down 16% on the sites without Larsen trapping.
- The impact of crows and magpies on songbirds is important. The JNCC Farmland Bird Index, which includes many of the songbird species affected by crow and magpie predation, is down by 56% since 1970<sup>7</sup>. In the same timeframe, the crow population has doubled and continues to grow<sup>8</sup>.

### Larsen Traps

- Larsen traps are extremely selective. It is very rare to catch anything other than the target species, and on the rare occasions non-target species are caught they can be released unharmed. In a survey of over 10,000 birds captured in Larsen traps, only 1% were non-target species<sup>9</sup>.
- The value of Larsen traps is in catching crows and magpies when they set up their breeding territories. Because Larsen traps are small, they can easily be moved around different breeding territories. Traps can be moved to deal with specific pairs of crows or magpies, and a few traps can therefore cover quite a large area.
- Larsen traps selectively trap the most damaging individuals. They use a captive bird to aggravate the territorial instinct of breeding birds in a particular area. It is breeding birds that are likely to be scouring that area for food, finding and destroying the nests of other bird species. Flocking birds that are not breeding are likely to be passing through and are both less likely to be causing damage and less likely to be caught in a Larsen trap.
- The trap mechanism involves a spring door to each catching compartment which is held open by a split perch. To enter the trap, birds the size of a magpie or crow inevitably drop onto the perch. The perch gives way, and the bird's momentum takes it past the bottom of the door, which flips up and traps the bird in the compartment. No harm is caused to the caught bird.

### Larsen Traps and Welfare

- It is noteworthy that the RSPB are not opposed to legal, site-specific control of magpies, nor to the legal use of Larsen or other cage traps, as long as the general licence conditions are strictly adhered to<sup>10</sup>.
- The captive bird used to draw breeding crows and magpies to enter the trap is called a call-bird. The General Licence imposes a legal obligation to visit each call-bird at least once a day at intervals of not more than 24 hours, and specifies that food,

<sup>5</sup> <https://www2.rspb.org.uk/community/ourwork/b/martinharper/archive/2014/04/16/managing-predation.aspx>

<sup>6</sup> Sage, R. B. and Aebischer, N. J. 2017. Does best practice crow *Corvus corone* and magpie *Pica pica* control on UK farmland improve nest success in hedgerow-nesting songbirds? A field experiment. – Wildlife Biology 2107

<sup>7</sup> <https://www.bto.org/science/monitoring/developing-bird-indicators>

<sup>8</sup> <https://www.bto.org/birdtrends2010/wcraocr.shtml#population>

<sup>9</sup> <https://www.gwct.org.uk/media/372992/Larsen-use-guidelines-2014.pdf>

<sup>10</sup> <https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/magpie/legal-magpie-control-methods/>

water, shelter and an appropriate perch must be available to the call-bird at all times<sup>11</sup>.

- Any birds killed in accordance with the General Licence must be killed in a quick and humane manner as soon as reasonably practicable after discovery. Any bird held captive prior to being killed must be killed out of sight of other captive birds.

**For more information please contact:**

**Rachel Evans**

Director for Wales

[rachel-evans@countryside-alliance.org](mailto:rachel-evans@countryside-alliance.org)

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<sup>11</sup> <https://cdn.naturalresources.wales/media/683657/general-licence-004-english.pdf?mode=pad&rnd=131583195870000000>



## Cymdeithas Frenhinol er Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

David Rowlands AM  
Chair of the Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

4 July 2018

Dear Chair,

### **Petition P-05-813: Ban the use of Larsen traps (Multi Corvid Traps)**

Thank you for your letter regarding petition P-05-813 on banning the use of Larsen traps in Wales. RSPCA policies are created and supported by our team of scientists, who are experts in their fields, and ensure that we are at the forefront of animal welfare thinking. In addition to this letter, we were pleased to supply a briefing to the National Assembly for Wales' Members' Research Service.

As many of your committee members will know, the RSPCA is the oldest animal welfare organisation in the world and has a unique perspective on animal welfare issues with our role in taking private prosecutions against those that commit animal offences.

Every year the RSPCA in Wales receives approximately eight calls from the public concerned about the use of Larsen traps to capture wild birds. The Larsen trap, as the petition briefing explains, is a variation of cage trap and can be made of wood or metal and contain two or three compartments to allow the use of a live decoy bird (or be baited with food). It is specifically designed to catch birds (often corvids like crows and magpies) alive.

Over the last four years we have received 32 calls relating to Larsen traps, including calls around homemade Larsen traps, traps being used to capture wild birds for captivity and for pest control. A number of incidents were reported by members of public but on further investigation no decoy birds were seen in use. Concern has been raised at the method of destruction of trapped birds in some cases which has been the use of a hammer to the birds head.

RSPCA Cymru has concerns with the use of Larsen traps as it does with many other forms of trapping. The RSPCA acknowledges that there is a legal structure in place that regulates the use of these traps, but that these regulations are poorly enforced. For example, we have attended a case in the past when a Larsen trap had been baited with meat and this had attracted, and caught, a red kite. If it was not for a member of the public calling this in to us, this breach of the legislation may not have been discovered.

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Patron HM The Queen

The RSPCA believes that taking action against species listed in a general licence is an easy course of action for land managers to take and that the management of any wild animal needs to be considered carefully, following seven ethical principles; modify human practices; justify with evidence; have achievable objectives; prioritise animal welfare; be socially acceptable; be subject to systematic planning - and any decision to act should be guided by a specific problem, not by a label<sup>1</sup>.

Our main concern is that - though the general licence conditions include a statement that the authorised individual has to have demonstrated that non lethal alternatives do not work - there is no requirement to demonstrate this to Natural Resources Wales or other regulatory body before operating under the licence. This is a problem of compliance and it is difficult to obtain evidence that authorised persons have complied with this condition.

### **Welfare of the decoy bird**

The RSPCA has always questioned the use of decoy birds in Larsen traps due to the potential for them to suffer while in the trap. We would prefer that such methods were not used, but if they are to be retained, then there should be a maximum time limit for both, when one bears in mind that some avian experts take the view that a wild bird rendered into captivity will always suffer. However, we are not aware of any specific data on time limits and recommend that research be commissioned to address this.

How long a bird is continuously kept as a decoy in the trap and how soon it can be returned to the trap is dependent on the size of the trap and other provisions therein e.g. perches, cover, enrichment, etc, as different traps will impact the welfare of the bird differently and different birds will react differently to being held captive. However, there should be a maximum time limit for keeping a bird as a decoy.

We are not aware of any research relating to the use of decoy birds regarding how long they should be retained in the trap and how long a bird should be kept. We understand that one school of thought recommends the use of call birds that are used for an extended period of time, while others suggest that decoy birds should be replaced at regular intervals. If decoy birds are to be kept for extended periods then they should be kept in larger aviaries when not in the trap. It is likely that this would require a number of birds to be kept so that they could be used in rotation, and would necessitate more birds to be taken from the wild. We recommend that research be conducted to provide data as to which practice would be the most humane and effective.

The RSPCA would urge the committee to recommend to the Cabinet Secretary for Energy, Planning and Rural Affairs that amendments to the legislation which seek to improve the enforcement and education around the use of these traps be made. We understand that Scotland's system requires that such traps be registered with the local police and this is something that, if introduced in Wales, would help traceability.

As an organisation that undertakes prosecutions under the Wildlife and Countryside Act 1981, we are occasionally asked to investigate potential offences relating to Larsen traps and having a system where the owner could be traced easily would make such investigations easier. We also support the Law Commission's<sup>2</sup> proposal that failure to comply with the conditions of a licence should be an offence.

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<sup>1</sup> Dubois S., et al., (2017) International consensus principles for ethical wildlife control. Conservation Biology DOI: 10.1111/cobi.12896

<sup>2</sup> Law Commission (2015) Wildlife Law Volume 1 - Report Law Com No 362



## Cymdeithas Frenhinol er Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

Larsen traps, like other traps, are readily available to members of the public, but there is usually no information regarding their use. Although many users will be trained in the use of the traps and trained in methods of killing any trapped animals quickly and humanely, the traps may also be used by people who are unaware of the legal conditions imposed upon the user. Furthermore, these people may also lack the necessary skills, knowledge and confidence to kill any trapped animals humanely.

Guidance is available on the use of these traps from organisations like British Association of Shooting and Conservation<sup>3</sup>. While this guidance is useful at highlighting the legal implications of using such traps, we feel that more information is needed to make potential users aware of the consequences of using these traps.

Yours sincerely,

A handwritten signature in black ink that reads "CL Lawson".

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<sup>3</sup> <https://basc.org.uk/shooting/pest-and-predator-control/>



The Maltings,  
East Tyndall Street  
Cardiff CF24 5EZ

David J Rowlands AM Chair  
The Petitions Committee of the National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

10<sup>th</sup> July 2018

Dear Mr Rowlands

### **Petition P-05-813 Ban the use of Larsen Traps – A Response from GWCT Cymru**

The Game and Wildlife Conservation Trust Cymru welcomes the opportunity to respond to this petition. We believe that control of members of the crow family (corvids) is crucially important to the conservation of many wildlife species within Wales, and that the use of Larsen traps is a vital component of this control. A recent study in Scotland commissioned by SNH (Commissioned Report No 931<sup>1</sup>) showed that there were several distinct groups of people who considered it important to control corvid birds under the General Licences. Of the two lawful options (trapping and shooting) trapping is the more efficient means of control, and for conservation issues the most seasonally focussed. The SNH study was extremely thorough, and the Welsh Government would be well advised to consider its evidence carefully.

### **Selectivity of corvid trapping**

Corvid trapping in general was found by the SNH study (Part 2<sup>2</sup>) to be highly target-specific, with less than 3% of captures being non-target birds or mammals. Of the non-target birds, the most frequent captures were pheasants (1% of 4,500 captures) and buzzards (0.5%), and these were caught by a small minority of trappers (respectively 3% and 4%). Domestic cats and foxes formed 0.3% of captures. Larsen traps were the most commonly-used trap.

### **Larsen traps**

Larsen traps are designed specifically to use a live call bird rather than food bait and are used primarily to target crows and magpies. They rely on the territorial behaviour of these two species for their effectiveness. The live call bird appears as an intruder to territory-holding birds, which try to evict it, getting themselves caught in the process. The Larsen trap was introduced to the UK by

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<sup>1</sup> Reynolds, J.C. 2016. Assessing the nature and use of corvid cage traps in Scotland: Part 1 of 4 – Questionnaire survey of corvid trap users in Scotland. Scottish Natural Heritage Commissioned Report No. 931  
<https://www.nature.scot/snh-commissioned-report-931-932-933-934-assessing-nature-and-use-corvid-cage-traps-scotland-part-1>

<sup>2</sup> Hartley, F.G., Campbell, S.T. & Jamieson, S. 2016. Assessing the nature and use of corvid cage traps in Scotland: Part 2 of 4 – Field survey of trap use in Scotland 2014-15. Scottish Natural Heritage Commissioned Report No. 932.



GWCT from Denmark in the 1980s and our early research showed that live call birds are critical to success. Live callers increase the catch rate by twelve to fifteen times; without them catch rates to traps with bait alone are so low as to be largely ineffectual. These trials produced a non-target catch rate of only 1% during the capture of over 10,000 crows and magpies<sup>3</sup>. Thus the use of a decoy bird, combined with the easy transportability and relatively low cost of the Larsen trap, create a highly selective technique which can be deployed quickly in Spring to prevent breeding by territory-holding corvids.

### **Reasons for controlling corvid birds in a conservation context**

Teasing out the impact of individual predators in a complex system is very difficult, and there have been very few studies of the effect of crows or magpies alone. However, GWCT has carried out comprehensive studies of the impact of predation control by gamekeepers on a range of prey species. During the 1980s, GWCT ran a predator removal experiment on Salisbury Plain which included the control of crows and magpies. This showed a dramatic impact on the wild grey partridges, resulting in an average 3.5 fold increase in autumn population over three years, and a 2.5 fold increase in breeding pairs over the same period<sup>4</sup>.

More recently, the GWCT's Upland Predation Experiment, carried out between 2000 and 2008 showed a trebling of breeding success by moorland breeding wading birds (curlew, lapwing, golden plover), where a gamekeeper was actively controlling predators, including crows<sup>5</sup>. This study also showed a doubling of breeding success by red grouse, and a six times increase by black grouse. These moorland species are all seriously threatened in Wales, and the GWCT is of the view that crow and magpie control using Larsen traps is crucial to their conservation and recovery.

### **Animal welfare**

Petition P-05-813 makes much of the supposed suffering of birds through being trapped day and night for long periods without food, water and shelter. Yet, as the petitioners also acknowledge, the terms of the General Licences allowing Larsen traps require the provision of adequate food, water at all times, appropriate shelter and a perch for decoy birds. As pointed out in the licences, users must also comply with all relevant provisions of the Animal Welfare Act 2006. This means that any action, or failure to act, causing unnecessary suffering would be a prosecutable offence. The Animal Welfare Act also extends to humane killing of trapped birds.

If crows have been "left to die without food and water" as the petitioners suggest, then the police should be involved, and the culprits should be prosecuted. Concerned about accusations of this type, and other issues related to the use of corvid cage trap use, Scottish Natural Heritage commissioned an investigation and report<sup>6</sup>. This showed that the large majority of decoy birds examined in a field

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<sup>3</sup> Reynolds, J.C. (1990). Crow and magpie control: the use of call birds in cage traps. The Game Conservancy Review 21: 48 -49.

Tapper, S.C., Swan, M.C. & Reynolds, J.C. (1991). Larsen traps: a survey of members' results. The Game Conservancy Review 22: 82-86

<sup>4</sup> Tapper, S.C., Potts, G.R., & Brockless, M.H. (1996). The effect of an experimental reduction in predation pressure on the breeding success and population density of grey partridges (*Perdix perdix*). Journal of Applied Ecology, 33, 965-978.

<sup>5</sup> Fletcher, K., Aebischer, N. J., Baines, D., Foster, R., & Hoodless, A. N. (2010). Changes in breeding success and abundance of ground-nesting moorland birds in relation to the experimental deployment of legal predator control. Journal of Applied Ecology, 47(2), 263–272.

<sup>6</sup> Campbell, S.T., Hartley, F.G. & Fang, Z. 2016. Assessing the nature and use of corvid cage traps in Scotland: Part 3 of 4 – Trap operation and welfare. Scottish Natural Heritage Commissioned Report No. 933.



survey were in good or very good condition, indicating that trap users in Scotland take the welfare of their decoy birds seriously. Aside from any moral and legal obligation to decoys, trap users have the incentive that a fit, active and well-kept decoy is far more likely to do its job well.

Petition P-05-813 (Additional information) also claims that trapping continues throughout the summer, and that in consequence “thousands of chicks starve”. GWCT believes that this issue is being exaggerated. In practice, Larsen trapping is more a spring than a summertime activity, and most users will set their traps when the crows and magpies become territorial in spring, well before the first crow and magpie eggs are laid. The trapping then continues through the nesting season, as this is key time for successfully reducing predation on nesting birds. However, it is important to note that the new colonists that move into territories where crows or magpies have been trapped will mostly be non-breeders that are looking for a territory. Having no territory, these birds will not have started a breeding attempt before they arrive, and will usually be caught in a matter of days, long before they have had time to start to nest. Meanwhile, territory holders with dependant young in neighbouring areas will not attempt to colonise vacant territories of which they have no need.

### **Misuse and abuse**

Petition P-05-813 includes illegal use in its call for a ban on Larsen traps, citing baiting with live pigeons to trap birds of prey. GWCT is aware of some instances of illegal use, and there has been at least one successful prosecution for targeting birds of prey. Making this doubly illegal by banning Larsen traps is hardly likely to make any difference: those intent on breaking the law over bird of prey protection will not take heed of a ban on the use of Larsen traps. This would simply make the lawful control of crows and magpies much more difficult for law-abiding citizens, and at the same time force the use of methods, such as baited cage traps, which would be less target-specific.

### **Other observations**

The 1,943 petition signatories can be broken down by location as follows:

Wales	37%
England, Scotland and Northern Ireland	60%
Other European countries	1%
Other parts of the world	2%

The petition clearly cannot be considered even largely Welsh, nor to indicate a view that is widely held in Wales. We question whether the 63% of signatories from other countries can have any direct knowledge of how Larsen traps are used in Wales, or of the reasons for corvid control in Wales; or any rightful say in Welsh affairs.

We would ask that the Welsh Assembly carry out research into the genuine responses of the Welsh public who have adequate information about the reason why Larsen traps are used and how this is done under strict legal conditions and within a Code of Good Practice. Our experience would suggest that these 1,943 signatories from all over the world are a very small idealistic group that is not at all representative of the Welsh public.

In our collaborative work with the Powys Moorland Project we invite groups of 60 or 70 members of the public to a workshop on management activities on the moors. We find that their opinions of predation control change through the two hour meeting. Many people arrive at our meetings with strong pre-conceived ideas opposing any form of predation control through trapping or killing of predators. Once we explain the purpose and outcomes of predation control and how it is carried out within the Code of Good Practice there is a great shift in their opinion towards supporting this

action into the future. This is particularly the case when speaking about the use of Larsen traps as part of suite of management measures in saving threatened species such as the Curlew.

Please do not hesitate to contact us should you require any further information or if we can help in any way in the future.

Yours sincerely



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Sue Evans  
*Director Wales*

RSPB Cymru

David Rowlands AM  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

12 July 2018

Dear Chair,

**Re: Petition P-05-813 - Ban the USE of LARSEN TRAPS**

Thank you for seeking the RSPB's views in respect of this petition. We note that the primary thrust of the petition stems from the petitioner's concern regarding animal welfare issues arising from the use of Larsen traps. Although RSPB Cymru is an organisation focussed primarily on wildlife conservation and with no particular expertise on animal welfare, we do strongly support high welfare standards.

We are aware that misuse or abuse of Larsen traps can have negative welfare impacts. The risk of these impacts should be mitigated by correct adherence to the terms and conditions that authorise the traps' use. Where poor implementation of welfare terms and conditions occurs, this needs to be addressed by effective enforcement and by having underlying general licences that are fit for purpose. (As the Minister noted in her letter to the Committee of 23 April, the general licences, which in Wales are issued by NRW under the Wildlife and Countryside Act 1981 as amended, allow authorised persons to kill or take certain 'pest' species for specified purposes).

We do not oppose the use of Larsen traps in principle when this is done in strict accordance with the relevant legislation and, ideally, by operators prepared to go voluntarily beyond the

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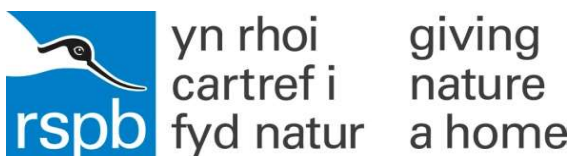


Mae'r RSPB yn aelod o BirdLife International, partneriaeth o gyrrff cadwraeth sy'n gweithio i sicrhau cartref i fyd natur o amgylch y byd.

The RSPB is a member of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

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Mae'r Gymdeithas Frenhinol er Gwarchod Adar (yr RSPB) yn elusen gofrestredig: Lloegr a Chymru rhif 207076, yr Alban rhif SC037654.  
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654.



minimum standards required by the legislation. However, we do have a number of serious concerns both about the inappropriate deployment of Larsen traps and about the purposes for which the general licences themselves are used, in some circumstances.

The very lightly regulated nature of Larsen trap use lends itself to deliberate misuse. For example, we are aware of cases where they have been used to carry out bird of prey persecution masquerading as legitimate corvid control. This has to some extent been mitigated by improvements in terms and conditions (e.g., the removal of pigeon species as authorised decoys; pigeons are in effect bait rather than decoys and are used to attract and kill protected birds of prey) but the concern remains and we continue to record instances of such abuse.

Across the licencing regimes in Great Britain, Larsen traps are used as a measure to support a number of land management activities to varying degrees. For example, Larsen traps also frequently appear to be used as one means to enable the creation of large surplus populations of quarry species for game shooting. This activity can be expressed as 'conservation' of the quarry species concerned – and thus ostensibly legitimate under the law. However, the artificially high numbers of individuals produced are not necessary for effective conservation of those species, and the purpose of the activity appears to be the creation of shootable surpluses. This is not a legitimate purpose under either the Birds Directive or the domestic legislation that implements the directive. The true extent of this activity is hard to ascertain (this point applies to other activities under the general licences and not just to Larsen traps).

There is no system for formally recording the numbers of birds killed in Larsen traps, i.e. no requirement to provide returns on usage and therefore no means of understanding either the extent of trap use or the resulting impact on target species. Again, this inherent lack of monitoring is a wider issue with the general licences, and is not limited to Larsen traps.

The lack of monitoring by licensing authorities also means there is no record of the incidental by-catch of non-target fully protected species and of the fates of individual trapped birds of protected species.

On a more technical point, we note that other GB administrations have chosen to restrict the decoy species that may be used in Larsen traps to the territorial corvid species for which these traps are best suited, rather than allow the use of all the corvids to which the general licence applies, as the Welsh licences still do. Specifically in Scotland, only carrion crows, hooded

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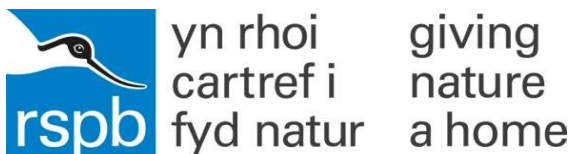


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crows and magpies may now be used as decoys in Larsen traps. Other ('social') crow species included within the general licences are not permitted. We consider that the general licences should seek to limit what they permit strictly to what is technically competent and absolutely necessary to achieve their purpose. Thus we advocate limiting permitted Larsen decoy species to carrion crow and magpie in Wales (noting that hooded crow does not usually occur in the wild in Wales).

Beyond the present topic of Larsen traps, we have broader concerns about the general licences. We are not convinced that the various species listed within the general licences always pose sufficient serious threat in each of the various circumstances in which they are permitted to be killed to justify permitting their unlimited killing in such thinly regulated circumstances.

Yours sincerely,

Annie Smith  
Sustainable Development Manager, RSPB Cymru

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**P-05-813 Ban the USE of LARSEN TRAPS (Multi Corvid Traps) –  
Correspondence from RSPB to the Clerk, 23.08.18**

Dear Clerk,

Following our letter of response to the Committee relating to the position of the RSPB in relation to Larsen traps I enclose a number of recent blogs by our Conservation Director which contain further information relating to our position on this topic:

- Blog explaining RSPB vertebrate control undertaken by RSPB and our contractors:  
<http://ww2.rspb.org.uk/community/ourwork/b/martinharper/archive/2018/06/28/the-conservationist-39-s-dilemma-an-update-on-the-science-policy-and-practice-of-the-impact-of-predators-on-wild-birds-5.aspx>
- Two blogs which also relate to this issue:  
<http://ww2.rspb.org.uk/community/ourwork/b/martinharper/archive/2018/07/31/making-tough-decisions.aspx>

Follow up blog:

<http://ww2.rspb.org.uk/community/ourwork/b/martinharper/archive/2018/08/02/tough-choices-a-follow-up-comment-about-values-and-motivations.aspx>

Kind regards,  
Laura

# Agenda Item 3.10

## P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales

This petition was submitted by the Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales having collected 2,469 signatures online and 2,098 on paper, a total of 4,567 signatures.

### Text of Petition

We the undersigned call on the Welsh Assembly to urge the Welsh Government to take long-term strategic action to ensure that the poultry product industry is environmentally sustainable through effective delivery of the Environment (Wales) Act, Conservation of Habitats and Species Regulations 2017, the Well-Being of Future Generations Act and the Water Framework Directive (WFD).

Powerful agricultural drivers reinforced by BREXIT are increasing intensive egg & poultry production. The WG is ignoring the devastating environmental consequences for biodiversity, soil and water quality and avian and human disease. The public is vocal about poultry welfare but largely ignorant of the environmental impact of intensive poultry farming units (IPUs). "Free-range" egg units with concentrations of up to 2,500 birds/Ha are a particular risk (NRW report 218: Powys Poultry Pilot Study & INI nitrogen alerts 6/17).

Steep-sided valleys, high rainfall causing heavy nutrient run-off and populations of rare natural species make much of rural Wales wholly unsuitable for the current explosion of IPUs. After a decline from 1990, ammonia emissions have been increasing since 2010 (NAEI 2017 report for DEFRA). Critical loads of ammonia and nitrogen deposition (estimated thresholds for unacceptable damage to plant diversity) are far exceeded at some European & UK protected sites, Local Nature Reserves and Ancient Woodland. Excess phosphates threaten our watercourses (Wye & Usk Foundation 2017).

In failing to act on the evidence, WG, Natural Resources Wales (NRW) and Powys County Council (PCC) are neglecting the duty to "*maintain and enhance biodiversity*" (Environment Act Sec 6).

*The WG must use its powers to control the industry:*

1. *Provide proper resources for NRW to do urgent research, regulate and monitor IPU's and give better planning help to Local Planning Authorities (LPAs).*
2. *Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*
3. *Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*
4. *Publish transparent public reports on progress.*

### **Additional information**

Our evidence is from Powys but our petition applies to all Wales.

Chair Diane McCrea confirms that NRW is shamefully under-resourced (BBC 14/12/17). NRW assesses impacts of IPU applications on European and UK nature sites and issues permits for IPU's over 40,000 birds. Improved NRW guidance (April 2017) covers cumulative impacts but assessment methods fail to prevent development where existing critical loads are exceeded.

The LPA assesses proper description of outdoor ranges and impacts on water quality, air quality, Local Nature Reserves, Ancient Woodland, landscape, residential amenity and local traffic.

LPAs lack the skills and resources for these responsibilities. PCC does not consider the cumulative impact of applications, together with all neighbouring IPU's, on the natural environment, landscape or rural residents. Schedule 2 Environmental Impact Assessment should ensure assessment of cumulative impacts but fails in practice. PCC is reluctant to award EIA status because the WG can overturn the decision (see P/2016/0608 & P/2017/0007).

CPRW has data on intensive poultry planning applications in Powys since 2011. In the last 30 months, there have been 99 APPLICATIONS involving over 3 MILLION BIRDS, of which 72 are for free-range eggs. Of the 99, only 10 have EIA status: 65 applications have been approved and ONLY ONE HAS BEEN REFUSED.

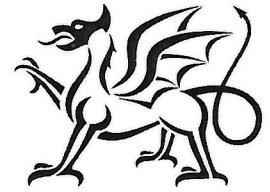


We have evidence of developments approved without contour or outdoor range mapping, close to nature reserves (71m), vulnerable ancient woodlands (adjacent) watercourses (10m) and residents (50m). Residents suffer health risks from flies, airborne ammonia, poultry dust, traffic-generated particulates and offensive smells. Environmental stakeholder and public objections are ignored, rare plant species are dying, disease risks are increasing and watercourses are failing WFD standards.

ENOUGH IS ENOUGH: A unique set of POWYS IPU DATA including applications, interactive map, hot-spot map and animated chronological IPU growth display can be viewed at <http://www.brecon-and-radnor-cprw.wales>.

### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: P-05-815  
Ein cyf/Our ref: LG/01234/18

David John Rowlands AM  
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Cardiff Bay  
CF99 1NA

government.committee.business@wales.gsi.gov.uk

3 July 2018

Dear David

Thank you for your letter of 21 June, regarding the control of intensive poultry in Wales.

Natural Resources Wales (NRW) already considers cumulative impacts in the environmental permitting process. The emissions from proposed new intensive poultry installations are assessed by NRW in the context of existing background levels of ammonia and nitrogen. These background levels will reflect the contributions made by various sources, not only those subject to environmental permitting. NRW then makes a comparison against established safe limits for sensitive habitats and will only issue an environmental permit where the environment will be protected. NRW's guidance on this subject has been made available to Local Planning Authorities (LPAs) to assist them in making their own assessments of impact in the context of planning applications.

Determining planning applications in accordance with their Local Development Plan provides LPAs with the opportunity to comprehensively consider in-combination or cumulative effects of existing poultry units. This includes any in-combination or cumulative effects of noise, smells, pollution and health. The Chief Planner recently issued a letter to LPAs reminding them to take into account the cumulative impacts resulting from similar developments nearby. It advised about the need to exercise particular care when considering planning applications which bring livestock units and residential or sensitive environmental areas close together. The letter also provided an opportunity to local authorities to contribute to work looking at how cumulative analysis of nitrate and ammonia emissions can be better assessed.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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.

Pack Page 239

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.

Officials are currently exploring the opportunities for reducing emissions across a range of sectors, including agriculture, within the broader context of the Welsh Government's plans to improve air quality in Wales and the UK's targets to reduce overall emissions of certain pollutants under the provisions of the National Emission Ceilings Directive.

Regards  
Lesley

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs

Mr David J Rowlands AM  
Chair of Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

By email: [SeneddPetitions@Assembly.Wales](mailto:SeneddPetitions@Assembly.Wales)

17 August 2018

Dear Mr Rowlands

Thank you for your letter of 21 June 2018 about the expanding poultry industry within Wales and its impact on the environment, and please accept our apologies for the delay in response.

Natural Resources Wales (NRW) agrees that the intensification of agriculture along with some farming practice can result in environmental degradation of biodiversity, soil, air and water quality.

It is important to clarify that NRW's role as a regulator in relation to Intensive Poultry Units (IPUs) is through the Environmental Permitting (England and Wales) Regulations 2016 (EPR), and is only for those that have more than 40,000 bird places. The emissions from these units can be tightly regulated through an environmental permit, but those units that are below this threshold are currently outside the environmental regulatory framework. Instead, these small units fall to the Local Planning System where our role is limited to being a statutory consultee within the planning process.

We recognise that the thresholds within the EPR are set through European derived legislation, but there may be an opportunity for Welsh Government (WG) to consider in the future whether these continue to be appropriate, given recent expansion of units and particularly with regard to the proliferation of units below the 40,000 bird places threshold.

Evidence shows that atmospheric releases of ammonia is having an impact on a number of protected sites in Wales. In addition, wastes arising from livestock also pose a significant risk to water quality in Wales. Manures and slurries, where these are directly applied to land,

are currently not sufficiently covered by the environmental regulatory framework or via the planning system. WG may also wish to consider whether there are further opportunities to include improved clarity and protection in legislation to ensure that with proper regulation, control and adherence to good farming practice, any potential environmental impact could be significantly reduced or eliminated.

In response to the specific points raised in the petition letter, we make the following comments:

- 1. For WG to provide proper resources for NRW to do urgent research, regulate and monitor IPU's and give better planning help to Local Planning Authorities (LPAs).*

For the IPU's that we are regulate (that have more than 40,000 bird places) there are just under 100 farms in Wales. We are able to recover our costs for our permitting and regulatory work for these units via our Fees and Charges scheme. There are a far larger number of farms that are below this threshold that would be outside of any environmental regulatory cost recovery system.

A previous report by NRW has demonstrated that the smaller unregulated units can pose a greater threat from atmospheric releases than the larger NRW regulated units (NRW Evidence Report no 218: *Powys Poultry Pilot Study: An assessment of cumulative atmospheric releases*). However, our pilot study was based on a very limited geographical area in Powys. To assess whether there is merit in changing the regulatory thresholds in the future to cover units below 40,000 bird places (either through permitting or the application of general binding rules), then firstly WG would need to consider the current impacts that may be occurring across Wales, which have not yet been quantified.

As already indicated, some of the impact of IPU's relates to the application of manure to land at inappropriate times and/or where the land does not have the capacity to absorb the nutrients it contains. This results in nutrients being washed into watercourses during periods of rain and causing pollution. For those units that we regulate, the land-spreading of manure is not currently included in legislation as part of the regulated activity of the IPU's, so we are not able to control it beyond providing advice on good practice. In response to the recent WG Sustainable Management of Natural Resources Consultation, we advocated the development of 'basic measures' to provide us the tools to minimise the impact. A legal requirement to carry out an assessment of land prior to any land-spreading of manure would also help. There would need to be thought prior to any legislative change as to the potential consequence of large amounts of manure without a disposal route, although this could be the impetus for innovation and different ways for dealing with this issue. Therefore, any changes to the current legislation would require detailed evaluation to assess its overall impact, and given appropriate additional resource NRW would be able to contribute to this research. This improved understanding could inform and provide additional support to the Local Planning Authorities.



*2. For WG to issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*

In April 2017, after extensive consideration of new evidence, NRW introduced tighter air quality thresholds to support our regulatory role. We have supported this with new guidance (**Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units**), and training for appropriate NRW staff and individuals from some Welsh local authorities.

This guidance is aimed at supporting local authority planners and NRW permitting officers in their assessment of planning and environmental permit applications respectively. The guidance requires that new units are assessed in terms of background and cumulative impacts so that any permissions issued can include appropriate conditions to ensure no adverse environmental consequences result. These new thresholds are also being adopted by some English planning authorities, for example Shropshire.

The development of a strategic approach, with guidance from WG could further help protect human health and the natural environment. NRW would be willing to support WG in producing such guidance to help the industry develop in a sustainable fashion to support agricultural development post Brexit.

*3. WG to make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*

As already indicated, all operators that require an Environmental Permit pay for the cost of regulation through application fees and annual subsistence fees. We updated our Charging Scheme in 2017 to reflect the costs of regulation of IUPs, significantly increasing the cost of applications and expansions to ensure we have the resources to assess the impact of the proposed development. This ensures that any permit we issue is protective of the environment.

Any non-compliance with permit conditions is investigated, and appropriate corrective actions required from the site. Appropriate enforcement action will also be taken for pollution incidents with costs being recovered from the polluter.

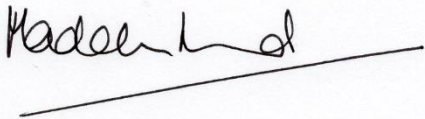
*4. Publish transparent public reports on progress.*

For those installations that require an environmental permit, all inspection records and monitoring submissions are publicly available on request. Our evidence reports are also available, including the Powys Pilot Study referred to above.

Finally, you raise whether NRW could be further empowered to look at the cumulative effects of multiple developments within an area, which might otherwise fall outside of the current regulatory regime. We would like to work with the Local Authorities to look at such cumulative effects to aid in improving future planning decisions, however, we would require additional resources and to recover our costs for this work.

I hope the above information is helpful in your consideration of the petition raised with your Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Madeleine Havard', is written over a thin horizontal line.

Dr Madeleine Havard  
Cadeirydd Dros Dro  
Acting Chair



**BRECON AND RADNOR  
BRANCH**

**Comments on responses requested by Welsh Assembly Petitions Committee  
from:**

**Welsh Minister for Energy, Planning and Rural Affairs**

**Natural Resources Wales**

*Please address any correspondence to:*

*Dr Christine Hugh-Jones*

*Secretary,  
Brecon and Radnor Branch,  
Campaign for the Protection of Rural Wales.  
<mailto:secretary@brecon-and-radnor-cprw.wales>*

**18<sup>th</sup> September 2018**



## **1. THE LESLIE GRIFFITHS AND NRW RESPONSES to BRB-CPRW Petition to the Welsh Assembly**

1.1 Our short response focuses on the WG and NRW replies. Much of the information we have submitted already is pertinent to these issues. Our petition calls for action on a pan-Wales basis. Our experience is in Powys. We know of no quantitative data similar to ours for the rest of Wales.

1.2. We warmly welcome CPO letter (12/6/18) from the Chief Planner to LPAs mentioned in Leslie Griffiths' response to our Petition. The Minister says that LPAs are reminded to take cumulative impacts of similar nearby developments into account. However, we see no measures in place to "**ensure**" LPAs heed the advice in the CPO letter. We have seen no evidence that either the spirit or the letter of the advice is being heeded in Powys in IPU planning application outcomes. In order to assess cumulative impacts on natural assets and neighbours, LPAs need to provide all interested parties with transparent guidelines, methodology and thresholds. These do not exist in PPW 9 or Powys LDP. There is still the opportunity to improve PPW 10 in this respect and encourage LPA SPG.

1.3. We warmly welcome the NRW guidance (GN20) but we note that the NRW regulatory role is limited to IPU's over 40,000 birds and, even for these larger units, ammonia and nitrogen assessment is limited to impacts on internationally and nationally designated sites.

## **2. DIVERGENCE BETWEEN THE WG RESPONSE AND NRW RESPONSE**

2.1 This is highly significant since the Minister does not seem to be aware of the current situation as set out in the NRW response.

2.2 The NRW permitting regime applies to under 100 farms (poultry and other livestock) throughout Wales. CPRW evidence shows that in Powys alone, there have been 116 new intensive poultry applications since July 2015 and only 20 have been for units with over 40,000 birds.<sup>1</sup> Therefore this regulatory regime covers a very small proportion of the problem.

2.3 The NRW role in planning is that of statutory consultee and responses concerning ammonia and nitrogen are limited to impacts on internationally and nationally designated sites only. Impacts on undesignated '*sensitive habitats*' and the wider environment (WG response) are not assessed by NRW. LPAs are the responsible authority for planning applications. NRW responses do not address risks to local nature assets such as Nature Reserves or priority habitats, including ancient woodland, or priority species. Ancient woodland is a particular issue – see 3.2 below.

2.4 NRW states "*land-spreading of manure is not currently included in legislation as part of the regulatory activities of IPU's*" and "**manures and slurries, where these are directly applied to land are currently not sufficiently covered by the environmental regulatory framework or via the planning system**". Therefore the risks of nitrogen excess and pollution of soils and watercourses from poultry waste are **not** controlled by existing regulation of IPU's. Proper regulation of IPU manure spreading and IPU waste (including anaerobic digestate) is urgently required.

## **3. CURRENT PLANNING DECISION OUTCOMES**

3.1 NRW says that the recently-strengthened NRW guidance in GN20, besides supporting the NRW regulatory role, is aimed at supporting LPA planners in determining planning applications. This guidance has been applicable for 16 months (since 1/4/17) but, so far, has not resulted in any planning refusals in Powys. The only IPU refusal since this date was on grounds of "*insufficient information*" rather than identified risk to natural assets (P/2018/0393 Tynyrwtra, Caersws). It seems that Powys lacks both the will and sufficient in-house expertise to carry out environmental assessments, including cumulative assessments of emissions, as required by the WG Chief Planner.

3.2 Similarly, NRW, in its role as statutory consultee, has not made any response sufficient to persuade Powys LPA to refuse any IPU application since 1/4/17. There are various reasons for this:

- NRW allowed "preapplication consultations", which would exempt the subsequent application from the tighter guidelines, to be made before 1/4/17 when these guidelines would come into

force. The result was a rush of pre-application consultations so that (September 2018) there are still very few cases in which NRW has been applying the new guidance in its statutory responses to Powys.

- NRW staff compiling statutory responses work within a culture of “making development possible” and may overlook considerable environmental risk because they are afraid of contributing to any planning refusals.
- Powys continues to act as if NRW is the authority for determining the environmental impacts of IPU planning applications, in spite of repeated NRW advice to the contrary, and employs no clear criteria for addressing impact on local natural assets or on local residents.
- Ancient Woodland is an exemplary case of disregard for local natural assets since developers insist that a proposed IPU only has to demonstrate that the unit contribution will result in less than 100% of the critical level (ammonia emissions) or critical load (nitrogen deposition). This assessment method, which has not been contested by LPAs (or NRW), does not take background levels or contributions from other IPUs into consideration. This means that LPAs have approved applications which result in many of our Welsh ancient woodlands receiving ammonia/nitrogen far in excess of the quantities known to cause direct harm to lower plants such as bryophytes or lichens.

#### **4. INTERIM SHROPSHIRE GUIDANCE**<sup>ii</sup>

4.1 Shropshire LPA is liaising closely with NRW and has produced interim guidance for intensive livestock units to meet the English Government requirement to seek biodiversity net gain and to address a number of concerns. Among these concerns are the high number of permitted livestock units in Shropshire compared with other English Counties, the increase in applications, and clusters in proximity to wildlife sites. The Shropshire LPA guidance draws on NRW guidance on assessment of ammonia emissions and nitrogen deposition on internationally and nationally designated sites.

4.2 This LPA guidance is innovatory in extending the NRW assessment method to Natural Assets, listed as *“Local Nature Reserves, Local Wildlife Sites, Ancient Woodland or other irreplaceable habitats, priority habitats, priority species, important woodlands and ecological networks”*.

4.3. We note that Shropshire had *“over 100 intensive livestock units in 2017”* whereas, by mid-2018, Powys had double this: an estimated 200 intensive poultry units (and an unknown number of other intensive livestock units). This pressure on the environment was considered sufficient for Shropshire to enhance protection for Natural Assets outside internationally and nationally designated sites.

4.4 In Wales, there is a disastrous “planning gap” for the protection of natural assets outside internationally and nationally designated sites. This is particularly regrettable because NRW’s pioneering new guidance on internationally and nationally designated sites was clearly the inspiration for the Shropshire initiative. Neither NRW, nor the Welsh Government, nor (to our knowledge) any Welsh LPAs have considered better protection for natural assets outside internationally or nationally designated sites. We would welcome such a move by Welsh LPAs and believe that, with the political will to implement the Environment (Wales) Act, the Welsh Government and NRW could collaborate to achieve this through PPW10, targeted CPO advice and training of LPA planning and ecology officers.

#### **5. RESEARCH AND FUNDING**

5.1 Ceri Davies, NRW Director for Evidence, Policy and Permitting, has advised us that NRW has *“limited resources to develop our own evidence base and to fund relevant research”* and that there is *“a joint Welsh Government/NRW Strategic Evidence Group that reviews and coordinates shared evidence activities across policy and operational areas”* (14/6/18: letter to BRB-CPRW Secretary).

5.2 The NRW response to our petition explains that the current impacts of IPUs that may be occurring across Wales **have not yet been quantified** and therefore we conclude that the Joint Strategic Evidence Group has not researched or considered this crucial issue. NRW says they could contribute

to research to improve the understanding of manure disposal alternatives but that this would require appropriate additional resource. NRW also says they would welcome empowerment to look at the cumulative effect of multiple developments within an area together with LPAs to improve future planning decisions but they would need more resources and a system of cost recovery.

5.3 CPRW is concerned about the ammonia emission and nitrogen deposition data-bases. Wales is one tenth of the UK area and yet has only 4 national ammonia monitoring sites of the 85 UK total. It seems that site-relevant Critical Load tools (nitrogen deposition) are now based on a 3-year mean for 2011-2013.<sup>iii</sup> We question whether the system is able to accurately profile today's local hot-spots.

5.4 CPRW is concerned about the mounting evidence (much of it from the Netherlands) that living within 1km of an ILU increases the risk of respiratory diseases, particularly community-acquired pneumonia.<sup>iv</sup> ILUs are regularly approved very close to non-involved residents and, irrationally, the need to consider proximity to existing ILUs in siting new development (TAN 6 6.6.3) does not apply reciprocally when new ILUs are sited near to existing residential development, schools etc.

5.4. CPRW also considers the effectiveness of commonly proposed mitigation measures, such as planting tree belts, needs to be evaluated and incorporated into guidelines so that NRW staff and LPAs can assess whether proposed mitigation actually does reduce emissions below critical thresholds. At present, such decisions are apparently arbitrary and not transparently evidence-based.

5.3 It is clear from their response that NRW, in accord with a vast international body of environmental experts, considers that ILUs pose a serious risk to the environment. NRW asserts that the damage currently occurring has not been evaluated. Their own current role is limited and does not address the greater part of the risk. However any legislative or regulatory change should be evidence-based and would require appropriate funding and resources.

## **6. CONCLUSION**

Our petition requested that, in order to ensure a sustainable industry complying with EU and Welsh environmental legislation, ***the WG must use its powers to control the industry:***

1. *Provide proper resources for NRW to do urgent research, regulate and monitor IPUs and give better planning help to Local Planning Authorities (LPAs).*
2. *Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*
3. *Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*
4. *Publish transparent public reports on progress.*

We consider that the Minister's response does recognise the need for environmental protection but our Powys example shows that there is no proper control through the planning process.

The NRW response supports our position, confirming that current NRW permitting does not address

- the majority of the industry, including the most polluting units
- the impacts of manure disposal on water and soils
- the protection of natural assets outside internationally and nationally designated sites.

It also confirms that neither the extent and distribution of the industry in Wales nor the environmental damage currently occurring from ILUs has been researched or assessed. NRW recognises the need for research, improved evidence-led legislation and planning control and is keen to contribute if suitably resourced.

The Welsh Government is, perhaps unwittingly, allowing the IP industry to cause irreversible environmental destruction, despite warnings by many environmental organisations<sup>v</sup>, and now, by NRW. We call upon the Welsh Government to exercise the precautionary principle and use its powers to curb further expansion while the facts and risks are established and better control is designed and implemented with the assistance of NRW and other environmental experts. Action is urgently needed.

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<sup>i</sup> Brecon and Radnor CPRW website

[http://www.brecon-and-radnor-cprw.wales/?page\\_id=872](http://www.brecon-and-radnor-cprw.wales/?page_id=872)

<sup>ii</sup> Shropshire Council Interim Guidance Note GN2

<mailto:https://shropshire.gov.uk/media/9752/interim-guidance-note-on-ammonia-emitting-developments-v1april2018-web-version.pdf>

<sup>iii</sup> UKEAP National Ammonia Monitoring Network

<https://uk-air.defra.gov.uk/networks/network-info?view=nh3>

<sup>iv</sup> Increased risk of pneumonia in residents living near poultry farms (open access article)

<https://pneumonia.biomedcentral.com/articles/10.1186/s41479-017-0027-0>

<sup>v</sup> Wales Environment Link\_restoring\_our\_freshwaters\_-\_pollution\_final\_30\_april.pdf

[http://www.waleslink.org/sites/default/files/restoring\\_our\\_freshwaters\\_-\\_pollution\\_final\\_30\\_april.pdf](http://www.waleslink.org/sites/default/files/restoring_our_freshwaters_-_pollution_final_30_april.pdf)

# Agenda Item 3.11

## **P-05-721 Penegoes Speed Limit Petition**

This petition was submitted by Isabel Bottoms and was first considered by the Committee in December 2016, Peter Bottoms and Sarah Holgate, having collected 298 paper signatures.

### **Text of the Petition**

We call on the National Assembly for Wales urge the Welsh Government to introduce a 30 miles per hour speed limit throughout the village of Penegoes (from the Penegoes village sign entering from Machynlleth, to the other side of the Maesperthi Caravan Park's Proposed new entrance) on the A489 road towards Newtown; and a 40 miles per hour speed limit from Machynlleth to Pengoes.

### **Assembly Constituency and Region:**

- Montgomeryshire
- Mid and West Wales

## **P-05-767 A487 Trunk Road Through Tre-Taliesin: Urgent Need for Effective Speed-Calming Measures**

This petition was submitted by Antony Foulkes and was first considered by the Committee in July 2017, having collected 52 signatures online.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to introduce effective traffic speed-calming measures along the A487 Trunk Road which flows directly through the middle of the neighbouring villages of Tre-Taliesin and Tre-r-ddol, and to consult and seek the views of local residents living in these villages.

### **Additional information**

The A487 is the major North to South Wales Trunk road running along the breadth of the West Wales Coast. This Trunk Road carries high and increasing volume of speeding vehicles and heavy goods traffic into and through the narrow middle of the Ceredigion villages of Tre-Taliesin and Tre-r-ddol. In late 2016, villagers formed the A487 Taliesin Action Group. This local action group has met and communicated closely with the Llangynfelyn Community Council, Dyfed Powys Police, Ceredigion County Council and the local Member of Parliament to undertake an analysis of the issues and potential solutions. The group have also raised their concerns and offered to meet and share their views with the North West Wales Trunk Road Agency, but this invitation has not been accepted to date.

It is important that villagers who live day to day with the speeding traffic are listened to and their views fully taken into account by the Welsh Government, in order for effective speed calming measures which safeguards the villagers and road users, to be planned and implemented.

### **Assembly Constituency and Region**

- Ceredigion
- Mid and West Wales

# Agenda Item 3.13

## P-05-792 Petition to extend the 40mph speed limit in Blaenporth.

This petition was submitted by Rosemarie Chaffers-Jones and was first considered by the Committee in January 2018, having collected 74 signatures on paper and 1 signature online.

### Text of Petition

*We the undersigned do hereby petition the Welsh Assembly to extend the 40mph speed limit on the A487 to the parish boundary where the 50 mph limit begins.*

*At present the 40mph limit ends before what was the local school at Lon-Yr-Ysgol road. The school has now closed, however the children are still here as they are now picked up at the Lon-Yr-Ysgol bus stop where they wait, sometimes accompanied by parents with toddlers, for the school bus. In the afternoon, when they are dropped off at the end of the day it is a different situation in that the children have to negotiate the A487 from the opposite side of the road.*

*The speed limit at the point where the children have to cross the road is 60mph and traffic, which has been released from the 40mph zone, speeds up and very often overtakes on this straight stretch of road. On the far side of the road there is no slow children crossing sign, no bus stop sign, no bus shelter to give motorists warning of pedestrians crossing.*

*This is also the point where the disabled access ramp is positioned on both sides of the road which is used not just by disabled but also parents with pushchairs and the elderly with walking frames etc.*

*There has already been one fatality on this stretch of road and just last week another big vehicle crashed off the road and through the hedge breaking down a large section of fence.*

*I believe it is only a matter of time before we lose a child.*

*Since the road speed limit was set, a solar farm has been built with access onto this stretch of road and additional traffic. Also the old school buildings have become a business park with a chip shop, a chiropractor, carpet warehouse, car wash and more to come.*

*This has all led to an increase in heavy traffic turning into and attempting to exit Lon-Yr-Ysgol.*

*This petition requests that the Welsh Assembly puts the safety of our children first and foremost and extend the 40mph zone to include the entire stretch of the A487 within the parish boundary.*

**Assembly Constituency and Region**

- Ceredigion
- Mid and West Wales





Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-721, P-05-767 & P-05-792  
Ein cyf/Our ref KS/01664/18

David John Rowlands AM  
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

19 July 2018

*Dear David*

Thank you for your letter of 4 June regarding P-05-721 Penegoes Speed Limit Petition, P-05-767 A487 Trunk Road Through Tre-Taliesin and P-05-792 Petition to extend the 40mph speed limit in Blaenporth. I apologise for the delay in you receiving a response.

The Speed Limit Review is a long and detailed process. For each section of trunk road we must first look at the results of the previous review, including progress of any schemes arising from that review, as well as comments and concerns that we have received from stakeholders and the local community. This information helps to inform us of specific locations and key times where we need to gather further evidence of traffic movements in addition to collecting speed data more generally at different times of day. The data collected will then be analysed.

For any areas where the results show evidence of safety related issues, my officials will consider potential options that can be taken forward to mitigate the risks evidenced. This could range from enhanced signing and road markings, to speed limit reductions or enforcement, to give just a few examples. Any proposed works must be prioritised for delivery across Wales over 3-4 years, as funding allows.

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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.

Whilst I understand that it can appear as though little is being done, I can assure you that my officials are working tirelessly to consider improvement options at a number of locations across Wales. Whilst at present it would be premature to provide the Committee with examples of any assessment outcomes relating to the current review, information will be published online when it becomes available. In the interim, the Committee may wish to view the current website which shows the outcome of the last review: <http://www.traffic-wales.com/Trunkroadsafetyreview.aspx>.

*Yours ever,  
Ken*

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

# Agenda Item 3.14

## P-05-820 Don't take Neath off the main railway-line

This petition was submitted by Bethan Phillips having collected 10,472 signatures.

### Text of Petition

Dear Government Minister(s),

I draw your attention to the recent news that suggests that Neath will be taken off the main railway line from Swansea to London Paddington.

I am not in favour of this decision because I believe that taking Neath off the main line would have a detrimental effect to the economy and re-generation of our town. The station is already run-down and a hub for anti-social behaviour. Taking Neath off the main line would only worsen these problems.

It would also have a negative impact on those who commute on the main-line to work, meaning they would have to take an extra connection to Swansea, Baglan or Port Talbot first.

Recent figures via research conducted by Plaid Cymru Councillor for Neath South Jamie Evans has found that:

Around 830,000 passengers used Neath train station a year, making it the second busiest station, behind Swansea in the historic county of West Glamorgan and busiest of the five stations in Neath Port Talbot.

The plans to remove Neath from the main line would mean commuters travelling to Cardiff from Neath would have to first catch a train to Swansea, Baglan or Port Talbot, meaning an increase in both cost and time taken to get to and from work.

People from Neath, Pontardawe, Skewen, Glynneath and the Dulais Valley would see no benefit at all from the "10 minutes" saved on a journey between Swansea and Cardiff.

I would gratefully ask you to re-consider this decision.

### **Assembly Constituency and Region**

- Neath
- South Wales West



Ein cyf/Our ref KS/02272/18

David John Rowlands AM  
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

31 August 2018

Dear David,

Thank you for your further letter of 18 July regarding Petition P-05-820 Don't take Neath off the main railway-line.

Rail infrastructure is reserved to the UK Government and it is therefore the Department for Transport that decides on how money is invested in the rail network.

However, I wish to make very clear, as I have done many times in the National Assembly for Wales when asked about this issue over the last few months, that the Welsh Government has never put forward or supported any proposal to close Neath station or to reduce services running into and out of the town. I should also make clear that neither would we support such a proposal in future – we wish to see Neath station and services from there enhanced, not reduced.

When the Secretary of State announced in July last year that he was cancelling the scheme to electrify the railway between Cardiff and Swansea, he said that he had asked Network Rail to develop options for improving journeys for passengers in Wales. Possible schemes to improve journey times between Bristol and Swansea and to improve station facilities in Swansea were specifically mentioned.

Transport for Wales has been commissioned to develop Programme Strategic Outline Cases to justify the investment that we are calling on the UK Government to make in our rail network across Wales, including improvements in and around Swansea.

The development of the Business Case involves identifying a long list of options for improving journey times by rail for commuters and long-distance travellers in south Wales and we will be working with stakeholders to identify which of these improvements are appropriate for further consideration.

These will include exploring how the infrastructure can be enhanced to ensure that the new Inter-City Express Trains performance and capabilities can be used to best effect. For example, because of the capability of the track, the maximum allowable speed of the trains is seldom reached on the journey between London and south Wales, and never in Wales.

The focus must be on ensuring that all passengers, including those who use Neath station, can benefit from improvements in connectivity and journey times.

It is important that we explore all options and opportunities for improving frequencies and reducing journey times for commuters and long-distance travellers and develop the ones that best meet our objectives so that we can, with the support of our stakeholders, put forward the best possible case to the UK Government for funding much-needed improvements in Neath and the wider region.

Yours ever,

A handwritten signature in dark ink, appearing to read 'Ken', with a long, sweeping horizontal stroke extending to the right.

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

# Agenda Item 3.15

## **P-05-823 Reduce the speed limit on the A487 in Penparcau**

This petition was submitted by Rhian Lewis having collected 262 signatures.

### **Text of Petition**

We, the residents of Penparcau and visitors, petition Ceredigion Council Highways Committee, to reduce the road traffic speed from 30mph to 20mph, on the A487, from the Pelican Crossing, Penparcau Road, to the Zebra Crossing on First Avenue, in order to reduce the risk of injury and death to pedestrians on this dangerous stretch of road.

### **Assembly Constituency and Region**

- Ceredigion
- Mid and West Wales



Ein cyf/Our ref KS/02333/18

David John Rowlands AM  
Chair - Petitions Committee

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

25 August 2018

*Dear David,*

Thank you for your letter of 27 July regarding Petition P-05-823 - Reduce the speed limit on the A487 in Penparcau.

We have no future plans to de-trunk this section of the A487. All de trunking/trunking works have been removed from the latest published National Transport Finance Plan update. For further information please visit this link: <https://beta.gov.wales/national-transport-finance-plan-2017-update>.

Any speed issues on the trunk roads will remain the responsibility of the Welsh Government and will be looked at via the Speed Limit Review, as mentioned in my previous response.

*Yours ever,*

*Ken*

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswilt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth.Ken.Skates@llyw.cymru](mailto:Gohebiaeth.Ken.Skates@llyw.cymru)  
[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@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-05-823 Reduce the speed limit on the A487 in Penparcau –  
Correspondence from the Petitioner to the Committee, 07.09.18**

FOR THE ATTENTION OF:

**The Petitions Committee**

**National Assembly for Wales**

Dear Sir or Madam,

As you should be aware, you received a petition in May of this year, that I raised with the support of the residents, and local shop owners of Penparcau Aberystwyth, in connection with our quest for a reduction of traffic speed on the A487, through a busy stretch of Penparcau, from 30mph to 20mph. The Petition was directed, initially, to the Ceredigion Council Highways Committee, but I subsequently contacted Assembly Minister Elin Jones, who met with me in March of this year in Penparcau, where we discussed the issue in the location that we, the residents are concerned about. Elin Jones offered her support, and passed on our concerns to Ken Skates, Cabinet Secretary for Economy and Transport.

I have also entered into correspondence with local MP Mr Ben Lake, who is offering his support.

As can be evidenced, the petition has over 280 signatures from residents and visitors who all support a reduction in speed in this very busy section of road in Penparcau, where the shops are situated, and where children pass through, and cross the road to access the local school, some 200 metres further along.

Penparcau would be classed as a relatively small village allied to Aberystwyth, therefore 280 signatures, which in effect, represents 280 families, clearly demonstrates the strength of feeling of the residents.

I did write to Ken Skates regarding this matter, but he chose to ignore me and did not respond, effectively ignoring 280 families concerned with this safety issue.

In conclusion, I trust you will look favourably on this petition, and do all you can for the residents of Penparcau, in order to prevent serious injury or loss of life on this busy section of road in our village,

Kind regards

Rhian Lewis

## **P-05-732 Unacceptable Waiting Times for NHS patients in A & E Wreccsam/Wrexham Maelor Hospital**

This petition was submitted by Charles Dodman and was first considered by the Committee in January 2017, which collected 14 signatures.

### **Text of the Petition**

I am petitioning the Welsh Assembly to debate and discuss and implement measures to resolve unacceptable waiting times for the Welsh people at A & E Wreccsam/Wrexham Maelor Hospital. Welsh people look undermined and demoralised by this unacceptable situation.

### **Assembly Constituency and Region.**

- Wrexham
- North Wales

From 1 April 2017 to date 4 July 2018

11 complaints

Date of first contact	Sub-Specialty/Service Area (Subjects)	Subjects	Sub-subject	Professional Group (Subjects)	Site (Subjects)	Description
14/08/2017	Accident and Emergency	Waiting Times	A&E	Doctor Secondary	Glan Clwyd Hospital 01745 583910	<p>1. Patient admitted to ED with a nose bleed she could not stem. After triage she waited 2 hours to be seen. Then after doctor took bloods she was sent back to the waiting area for several more hours.</p> <p>2. Man arrived at ED reception asking for patient. He was a hospital driver instructed to take her to another hospital to be seen by ENT Consultant. No one had made patient aware of this arrangement.</p> <p>3. On arrival at hospital no staff informed her of expected transfer. Sent to ENT dept some distance and patient had to walk feeling unwell and husband with limited mobility due to heart failure.</p>
13/09/2017	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	<p>Multi-faceted complaint regarding care of patient with metastatic prostate cancer. Patient had surgery to remove prostate, bladder and lymph nodes but later scans suggested the bladder wasn't actually removed-contrary to surgeon's operation notes. Following surgery the patient lost the ability to swallow but the cause was never identified. Nursing care on ward was poor at times-buzzers not answered, lack of support with nutrition. After discharge patient was brought back to A&amp;E by ambulance with cold sepsis but had to wait 5 hours to be seen by a doctor.</p>

01/11/2017	Accident and Emergency	Waiting Times	A&E	Doctor Secondary	Ysbyty Gwynedd 01248 384384	<p>1. Attended A&amp;E with locked left knee. Waited 6 hours before seen by doctor to be admitted to ward. Further 3 hours before bed allocated.</p> <p>2. Seen by a consultant who was abrupt and rude and made patient feel he was a nuisance, as told he had taken bed of another patient whose surgery would be cancelled. Told only needed physiotherapy.</p> <p>3. No treatment provided and patient discharged home with knee still locked. Contacted patient's consultant who drained knee and gave steroid injection. Lack of follow up appointment provided by ward and blamed, when treatment could have been delivered in A&amp;E.</p>
24/01/2018	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	Patient was unable to be admitted to A&E as it was full
31/01/2018	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	<p>Patient admitted via A&amp;E following cardiac arrest at home. Patient had been resuscitated twice by ambulance crew and was unconscious on arrival at ED. Had to wait several hours before a decision was made/communicated about how to care for patient. Taken to ICU. Was on life support for 3 days then decided to switch off. Patient's daughter had a very distressing experience while patient was dying. No one has explained what caused the strange phenomena she witnessed in her mother.</p>

05/02/2018	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	Multi-faceted complaint regarding care provided to bladder cancer patient. 9 hour wait in A&E before being admitted to ward. Concerns about cleanliness of ward. Staff seemed to want to rush to discharge. There was a lack of communication with family re. patient's diagnosis and treatment. Patient developed sepsis and died on the ward. Family were told patient had died but he was still breathing and making faces for 5 hours afterwards-at one point sat up foaming at the mouth.
06/03/2018	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	Complaint regarding long wait in A&E when patient presented with severe abdo pain. Concerned about attitude of staff. Patient was almost given a medication to which he has a severe allergy. Only prevented because patient questioned what he was being given.
24/04/2018	Accident and Emergency	Waiting Times	A&E	Doctor Secondary	Wrexham Maelor Hospital 01978 291100	Patient was left waiting in an ambulance for 4 hours before being taken into the A&E department and then was left for a further 10 hours before receiving a CT scan which showed a fractured C1 vertebrae
16/05/2018	Accident and Emergency	Waiting Times	A&E	Doctor Secondary	Wrexham Maelor Hospital 01978 291100	Waiting times in A&E

24/05/2018	Accident and Emergency	Waiting Times	A&E	Managerial Staff	Glan Clwyd Hospital 01745 583910	Multi-faceted complaint regarding various aspects of care provided to cancer patient admitted via A&E with pneumonia. Patient had to wait all night in relative's room before being given a bed on a ward. Patient was then discharged prematurely and had to be readmitted a few days later. On second admission there were concerns about cleanliness, infection control and fundamentals of care.
13/06/2018	Accident and Emergency	Waiting Times	A&E	Information Not Provided	Wrexham Maelor Hospital 01978 291100	Complaint about waiting time at A&E Department. Patient waited so long she eventually left without being treated (she had suffered a head injury) and went to see her GP.

**P-05-732 Unacceptable Waiting Times for NHS patients in A & E Wrexham Maelor Hospital - Petitioner to the Committee, 04.09.18**

Further Evidence of the Problems Regarding A and E.

Yours sincerely,  
Charles Dodman

**the**  
WREXHAM

**Saturday**  
**Leader**

facebook.com/LeaderLive/ @leaderlive leaderlive.co.uk SATURDAY, SEPTEMBER 1, 2018

**Leader sport**  
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Gwaeny and Y G...  
'Understand the appeal'

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complete 7-day listings

**PET PICTURE SPECIAL**  
Pages 20-21

'Rise demonstrates staff are being pushed to breaking point'

# HOSPITAL ALMOST AT 'PERMANENT CRISIS' LEVELS

**BY LIAM RANDALL**  
Local democracy reporting services

NORTH Wales hospitals have been under the most severe level of pressure more than 2,000 times since 2015, according to

'frightening' new figures. Statistics released under the Freedom of Information (FOI) Act show Wrexham Maelor Hospital, Ysbyty Glan Clwyd and Ysbyty Gwynedd have been at level four, described as 'extreme pressure', on 2,185 occasions up to August this

year. Glan Clwyd in Bodelwyddan faced the biggest strain, accounting for almost half (1,032) of instances, compared to 606 at the Maelor and 563 at Bangor's hospital. The situation has grown significantly worse since 2015 when

hospitals only reached the top level 120 times, in contrast to 977 in 2017. The Maelor has already arrived at the trigger point more times as of August (182) than in the whole of 2017 (174).

■ FULL STORY PAGE 4

Level 1 Green	Steady State
Level 2 Amber Low	Moderate Pressure
Level 3 Amber High	Severe Pressure
Level 4 Red	Extreme Pressure

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# 'Extreme pressure' levels at hospitals

Liam Randall  
Local Democracy Reporting Service

NORTH Wales hospitals have been under the most severe level of 'pressure' more than 2,000 times since 2015, according to 'frightening' new figures.

Statistics released under the Freedom of Information (FOI) Act show Wrexham Maelor Hospital, Ysbyty Glan Clwyd and Ysbyty Gwynedd have been at level four, described as 'extreme pressure', on 2,185 occasions up to August this year.

Glan Clwyd in Bodelwyddan faced the biggest strain, accounting for almost half (1,032) of instances, compared to 505 at the Maelor and 563 at Bangor's hospital.

The situation has grown significantly worse since 2015 when hospitals only reached the top level 120 times, in contrast to 977 in 2017.

Last year Glan Clwyd hit level four more than once

a day (468), but while its situation has improved in 2018, the Maelor has already arrived at the trigger point more times as of August (182) than in the whole of 2017 (174).

North Wales Assembly Member Llyr Gruffydd said the data showed the three district general hospitals are operating at 'almost permanent' crisis levels.

He said: "The dramatic rise from 120 incidents in 2015 to almost 1,000 by 2017 demonstrates that staff are being pushed to breaking point."

"While 2018 has seen a decrease overall it's hugely worrying to see that Wrexham hospital has levels of Level 4 escalation that are already higher this year than last year, and we're only in August."

"Betsi Cadwaladr health board has been under direct Welsh Government control over the last three years and we've seen this happen."

"What will it take for this Labour Government to accept its part in the

mismanagement of our NHS?"

The four levels demonstrate how much pressure emergency departments in Wales are under and how hospitals should respond.

According to an official document, level four is met when admissions are significantly above the expected number and available capacity, and patients are left waiting more than four hours to be seen.

Triggers include if emergency departments are unable to cope with demand and ambulance patients have waited more than an hour to be handed over to hospital staff.

It can also occur when there is a lack of capacity in the coronary and intensive care units.

The document states that the situation should be brought to the attention of the health board's chief executive and Welsh Government.

In response to the figures, Betsi Cadwaladr said

Level 1	Steady State	Ensure all standard operating processes are functioning as efficiently as possible in order to maintain flow
Level 2 Amber Low	Moderate Pressure	Respond quickly to manage and resolve emerging pressures that have the potential to inhibit flow. Initiate contingencies. De-escalate when applicable
Level 3 Amber High	Severe Pressure	Prioritise available capacity in order to meet immediate pressures. Put contingencies into action to bring pressures back within organisational control. De-escalate when applicable
Level 4	Extreme Pressure	Ensure all contingencies are fully operational to recover the situation. Executive command and control of the situation. De-escalate when applicable

escalation levels can change throughout the day.

Executive director for nursing and midwifery Gill Harris said: "We have been open about the challenges we face in improving flow, which are the same as those experienced in most hospitals across the UK."

"Escalation levels are not a performance measure. They are an internal management tool to aid the management of patients through the hospital system and the levels change throughout the day."

"We remain extremely

grateful to our staff for their professionalism and dedication to caring for our patients."

Earlier this month, Health Secretary Vaughan Gething announced a cash injection of almost £7 million for the beleaguered health board, which has been in special measures since June 2015 in the wake of the Tawel Fan mental health ward scandal.

He said the funding would be used to strengthen planned and unscheduled care services and deliver further improvements to

mental health and learning disability services.

A Welsh Government spokesman said: "Progress has been made in a number of areas under special measures but we have told the board we expect to see immediate improvements in other areas, in particular waiting times."

"We have, and continue to place more intensive support to deliver transformational change and improvements needed in planned and unscheduled care and a new chair has been appointed to drive this forward."

## Welsh Rugby League International to be played at the Racecourse



The Racecourse Ground

WREXHAM AFC has confirmed a Wales Rugby League international is to be played at the Racecourse Ground.

Wales will face Ireland in the European Championship at the Racecourse on Sunday, November 11 (3pm kick-off) as they bid to qualify for the 2021 Rugby World Cup.

Scotland 18-12 and went on to lift the European Championship. The town also hosted two 2013 World Cup fixtures.

Before Wales' clash with Ireland, John Kear's men will travel to France and Galashiels to take on Scotland in the European Championship.

"We'll be working closely with both Wrexham Football Club and Wrexham Council to promote the match over the next couple of months."

"I know that John, his backroom staff and the players are all eager to put on a good

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# Agenda Item 3.17

## **P-05-751 Recognition of Parental Alienation**

This petition was submitted by Families Need Fathers Both Parents Matter Cymru and was first considered by the Committee in May 2017, having collected 2,058 signatures – 752 on paper and 1,306 online.

### **Text of the Petition**

We call upon the Welsh Assembly to persuade the Welsh Government to protect children and young people in Wales by formally recognising 'Parental Alienation' as a form of emotional abuse of children. We further call upon the Welsh Government to take specific actions to reduce the impact of Parental Alienation on children and their families.

### **Additional Information**

We propose the following action by Welsh Government

- Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (paragraph 1) here <https://petition.parliament.uk/petitions/164983> )
- Commission and fund mandatory training for professionals including but not Social Work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.
- Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.
- Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.

Parental Alienation has been defined by the Ministry of Justice as:

‘In cases where parents are separated, parental alienation refers to a situation in which one parent (usually the parent with whom the child lives) behaves in a way which creates anxiety in the child, so that it appears the child is opposed to living or spending time with the other parent.’

This definition is taken from the first paragraph of the Government’s response to Mr. Darren Towill’s petition. <https://petition.parliament.uk/petitions/164983>

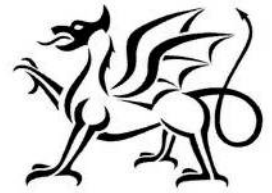
CAFCASS in England have already recognised Parental Alienation as an abuse of children. CAFCASS CEO Anthony Douglas stated in an article in the Telegraph online

dated 12th Feb 2017 about Parental Alienation that "It's undoubtedly a form of neglect or child abuse in terms of the impact it can have".

<http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

**Assembly Constituency and Region.**

- West Cardiff
- South Wales Central



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref HID/00492/18

David Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales

government.committee.business@wales.gsi.gov.uk

11 July 2018

Dear

*David,*

**Petition P-05-0751 – Recognition of Parental Alienation**

Thank you for your letter of 21 June asking for further information of interest to Committee members concerning the Parental Alienation petition.

In respect of pathways, Cafcass Cymru's approach to private law work is currently being reviewed and new practice guidance, *Best Practice Approach in Private Law: Child in Focus*, will be completed by the end of 2018 with the intention that it will be operational as from early 2019.

The review is actively considering the work being undertaken by Cafcass England in respect of alienating behaviours and a representative from Cafcass England has been invited to support this work. The new practice guidance will build on the work of academics including the report Cafcass Cymru commissioned from Cardiff University to review the academic literature and case law on the subject of parental alienation.

Cafcass Cymru is engaging with practitioner staff to consider their training and professional development needs in light of the revised approach to private law work including identifying, assessing and responding to alienating behaviours. A range of training and practice development opportunities to support the implementation of Cafcass Cymru's new practice guidance will be made available to practitioners that will include identifying and responding to alienating behaviours. The timing of this will complement the operational roll out of the new practice guidance.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto:Correspondence.Huw.Irranca-Davies@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.

I hope this additional information is helpful to Committee members.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Huw', with a long horizontal stroke extending from the end.

**Huw Irranca-Davies AC/AM**

Y Gweinidog Plant, Pobl Hŷn a Gofal Cymdeithasol  
Minister for Children, Older People and Social Care

David J Rowlands AM  
Chair, Petitions Committee  
By Email

05 July 2018

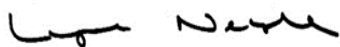
Dear David

**Petition P-05-751 Recognition of Parental Alienation**

Thank you for your letter regarding the above Petition, which the Committee noted at its meeting on 28 June.

I can confirm that to date, the Committee has not considered this issue or anything relating to it during this Assembly. The Committee also recently agreed its forward work programme and there are no plans to consider this matter in the foreseeable future.

Yours sincerely



**Lynne Neagle AC / AM**  
**Cadeirydd / Chair**





FNF BOTH PARENTS MATTER CYMRU  
61 COWBRIDGE RD EAST  
CARDIFF  
CF11 9AE

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

18<sup>th</sup> September 2018

David Rowlands AM  
Chair- Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear David

**Petition P-05-751 – Recognition of Parental Alienation**

We have considered the various items of correspondence from the Minister as well as from the Chair of the Education Committee.

We are profoundly concerned that Cafcass Cymru are continuing to fail to properly recognise and address the issue of Parental Alienation in a way that will protect children in Wales from harm.

During questioning of the Chief Executive of Cafcass Cymru, Nigel Brown, by members of the Committee at the evidence session on 1<sup>st</sup> May we believe that a commitment was made to follow the approach of Cafcass in England – in which we have a high level of confidence. Information shared with me at the meeting of the Cafcass Cymru Advisory Committee in June of this year has now cast significant doubt on that.

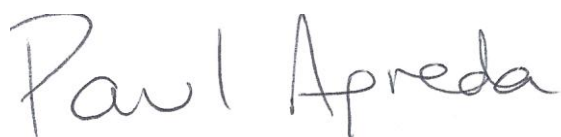
Cafcass Cymru are planning an approach under a High Conflict pathway that includes a number of elements including the controversial CAWAC assessment tool that Members of the Welsh Assembly have been denied the opportunity to scrutinise. The document shared with the Advisory Committee entitled 'Best Practice Approaches to Private Law – Child in Focus' is referred to obliquely by the Minister in his response. Having read that brief document it gives us grave concerns for the way in which Cafcass Cymru are proposing to proceed with work in this area.

Firstly, there remains a deep and worrying resistance to use the term Parental Alienation. Instead the Cafcass Cymru document continues to use the term Alienating Behaviours. The first part of the draft refers to high conflict, but seems to include alienation – this is unclear and confusing. We believe that there needs to be a much more focussed explanation on the range of cases this pathway hopes to encompass.

It is fundamental for Cafcass Cymru to understand that conflict – high or otherwise – is not always a feature in cases of alienation particularly where you have one parent with personality traits of manipulateness and deceitfulness and another, passive parent, who actively seeks to avoid conflict. We believe that this creates a differential approach to the work being undertaken by Cafcass in England. They have undertaken a wide ranging consultation and collaboration with organisations which have a particular interest in and understanding of Parental Alienation and have listened and amended their initial approach. It appears that Cafcass Cymru are basing their approach on an outdated version of some of the earlier drafts of the work now being progressed by Cafcass – which again appears very concerning.

We would strongly recommend that the Petitions Committee invite Nigel Brown and Beth Altman – who is leading on the Best Practice Approach – to give evidence to the Committee – sharing with you their most up to date thinking and procedures around Parental Alienation, explaining why they believe their approach is better than that being adopted by Cafcass in England. We believe that a separate request to Cafcass in England to provide oral evidence would enable the Committee to gain a better understanding of the ways that they are significantly ahead of their Welsh colleagues and encourage a greater flow of ideas between the organisations.

regards

A handwritten signature in black ink that reads "Paul Apreda". The script is cursive and fluid, with the first name "Paul" and last name "Apreda" clearly distinguishable.

Paul Apreda

National Manager

FNF Both Parents Matter

## **P-05-784 Prescription drug dependence and withdrawal – recognition and support**

This petition was submitted by Stevie Lewis and was first considered in May 2017, having collected 213 signatures online.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to take action to appropriately recognise and effectively support individuals affected and harmed by prescribed drug dependence and withdrawal.

This petition has been set up to raise awareness of the plight of individuals in Wales who are affected by dependence on and withdrawal from prescribed antidepressants and benzodiazepines – and specifically to ask the Welsh Government to support the BMA's UK-wide call for action to provide timely and appropriate support for individuals affected.

The term "prescription drug dependence" refers specifically to the situation where, having taken their antidepressant or benzodiazepine medication exactly as prescribed by their doctor, patients find they are unable to stop because of the debilitating withdrawal effects. It is important to note here that addiction and dependence are related but different issues. Use of the term addiction implies pleasure seeking behaviour. Reporting of prescription drug dependence in the media continues to allude to "misuse" and "addiction" as if the patient is responsible in some way for their own harm. This is far from the truth. There is no pleasure whatsoever in finding that if you try to reduce or stop your antidepressant, you suffer a wide range of physical and emotional disturbances, that for some people can be life limiting and, tragically, even life ending. Patients need formal acknowledgement, support and guidance to help them through their withdrawal journey and this currently does not exist.

### **Additional information**

The British Medical Association has recently highlighted the issue of prescribed drug dependence. In May 2017, they wrote: "Prescribing of psychoactive drugs is a major clinical activity and a key therapeutic tool for influencing the health of patients. But often their use can lead to a patient becoming dependent or suffering withdrawal symptoms. In the absence of robust data, we do not know the true scale and extent of the problem across



the UK. However, the evidence and insight presented to us by many charity and support groups shows that it is substantial. It shows us that the 'lived experience' of patients using these medications is too often associated with devastating health and social harms. This represents a significant public health issue, one that is central to doctors' clinical role, and one that the medical profession has a clear responsibility to help address." Because the side effects, tolerance effects and withdrawal effects of these medicines are not medically recognised for what they are, when patients develop these related effects/symptoms they are often prescribed other medicines and then polypharmacy complicates the problems further.

Affected patients are finding themselves with vague diagnoses eg: 'medically unexplained symptoms' or 'functional/somatic system disorders'. These are essentially psychiatric diagnoses attributing various debilitating and disabling physical symptoms to patients' own anxiety, beliefs, etc. This has the effect of discounting, disempowering and demoralising these patients still further. If it cannot be acknowledged that patients can have sustained functional nervous system dysfunction and damage as a consequence of taking medicines 'as prescribed' (sometimes over many years), systemic medical learning and improvement is stifled and patients continue to be further harmed. Meanwhile the initial prescribing risks remain severely underestimated and misleading prescribing guidelines and 'best practice' advice is unchanged.

#### **Assembly Constituency and Region**

- Monmouth
- South Wales East

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau  
Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Our ref VG/01997/18

David John Rowlands AM  
Chair - Petitions Committee.  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
[SeneddPetitions@Assembly.Wales](mailto:SeneddPetitions@Assembly.Wales)

27 June 2018

Dear David,

Thank you for your letter of 11 June on behalf of the Petitions Committee concerning Petition P-05-784: Prescription drug dependence and withdrawal - recognition and support.

I shall respond to the specific points you have highlighted:

- ***How the Committee, and the evidence gathered to date on this subject, could support the development of the Substance Misuse Treatment Framework***

The purpose of the Substance Misuse Treatment Frameworks is to assist in the commissioning, development and delivery of treatment services based upon robust evidence and need. As you note, a specific action in our Substance Misuse Delivery Plan 2016-18 is to develop a Substance Misuse Treatment Framework (SMTF) focusing specifically on prescription only medicines and over the counter medicines. In order to do this, my officials have commissioned research with the University of South Wales to collate the necessary evidence. This research is about to commence as ethical approval has now been received. We expect this research to be completed in the Autumn and will be used to inform the development of the Framework. We welcome the evidence provided by the Committee and will ensure that it is considered in the development of the Framework.

- ***Whether there will be an opportunity for people affected by these issues to help inform the Framework***

Ultimately, it is the Welsh Ministers who are legally responsible for the provision of health care, including substance misuse treatments in Wales under sections 1 and 2 of the National Health Service (Wales) Act 2006. However, substance misuse service users should be involved at every level of the development, delivery and review of substance misuse services in order to:

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

Pack Page 279

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.

1. Comply with section 183 of the National Health Service (Wales) Act 2006 and the statutory duty placed on Local Health Boards to involve patients in planning and decision making processes;
2. Ensure that substance misuse services are developed to meet the needs of service users;
3. Ensure that substance misuse services provided are of a good quality; and
4. Ensure the delivery of positive treatment outcomes for the individuals.

In relation to the Framework, people will have the opportunity to inform it in a number of ways. The purpose of carrying out qualitative research prior to developing the Framework is to gain insight from those who are affected by these issues. As part of the research with the University of South Wales, semi structured interviews will be carried out across Wales within the criminal justice sector and in community settings to enable a wide range of views to be collated and evaluated. Furthermore, the Framework will be subject to consultation so people will be able to give their views through that process.

- ***Your response to the suggestion that some health boards would benefit from further discussion with, or information from, other boards and the Welsh Government over what can be done to improve the way issues relating to prescription medication dependence and withdrawal are addressed***

The seven Area Planning Boards (APBs) covering Wales have the responsibility for commissioning services to meet local needs within their regions. Each board includes senior representatives from a range of organisations including, Local Health Boards, Public Health, Police and Local Authorities who co-ordinate services within the region. In addition, the Welsh Government facilitates regular meetings between all seven areas to monitor progress against the Substance Misuse strategy, share good practice and performance.

APBs also have working arrangements in place with Local Mental Health Partnership Boards (LMHPBs) which would be able to facilitate collaborative working. They are free to have these conversations with other boards and Welsh Government as they see fit.

- ***Whether you support, or will consider further, the possibilities for developing:***
  - a. ***Specialist support services for prescribed drug dependence accessible across Wales;***

Our seven Substance Misuse Area Planning Boards (APBs) are responsible for commissioning and delivering all local substance misuse services across Wales and this includes supporting those who are dependent on a range of drugs. APBs will commission services based on the identified need in their areas. Although the service may vary slightly throughout Wales, there is access to advice and support and I expect health boards to ensure that these services are fit for purpose wherever a patient may reside.

- b. ***A national 24 hour helpline and online portal for people experiencing dependence on, or withdrawal from, prescription medications;***

Our national drug and alcohol helpline, DAN 24/7, is equipped to provide advice, information and local points of contact for further support to anyone who feels they need further support or guidance. In addition, we are soon to launch a new harm reduction website in Wales. This website will have information on a wide range of subjects, of which this will be one.

***c. Updated guidance for health boards, professionals and patients;***

When developed, the Substance Misuse Treatment Framework will provide advice and guidance. In addition, following the research my officials will be working with Public Health Wales to discuss the possible development of an e learning module to be placed on the learning portal within the new harm reduction website. There are also clear guidelines in place from the National Institute for Health and Care Excellence (NICE) for the prescribing of antidepressant drugs and the treatment of depression.

The Clinical Guidelines on Drug Misuse and Dependence Update (2017) states that local commissioners and providers need to work together to ensure drug treatment systems are available to meet the changing needs of local drug-misusing populations. Many drug misusers have a myriad of health and social problems, which require interventions from a range of providers. Therefore, joint working across health and social care and between hospital, prison, primary care and community drug services is a key feature of effective treatment partnerships. It is seldom the case that one clinician or provider will be able to meet these needs in isolation.

In addition, comprehensive guidance on the prescribing and monitoring of hypnotics and anxiolytics, including benzodiazepines, were published by the All Wales Medicines Strategy Group in 2011 and updated in 2016.

***d. A national prescribing indicator to support clinical decision-making;***

My officials will investigate the scope and need for any further guidance over and above that already published by NICE and the degree to which a national prescribing indicator might support clinical decision-making.

***e. Focused education and training about this issue for healthcare professionals.***

Our new harm reduction website will contain an accredited training portal where professionals and lay people can access e-learning on a range of subjects to ensure continual professional development. As highlighted earlier my officials will be working with Public Health Wales to discuss the possible development of an e learning module on this subject.

- ***The Welsh Government's view on whether antidepressants have the same potential for dependency and harm as other prescription drugs already recognised in this regard***

The misuse of prescription-only and over the counter medicines causes serious health problems for some. Misuse can include situations where there may have been poor prescribing practices that may have led to dependency or other problems, as well as use for which the medication was not originally intended.

- ***How the Welsh Government could support the collection of robust data on the scale of problems relating to dependence on, and withdrawal from, prescription medications***

My officials are currently looking at the data we collect through our Welsh National Database for Substance Misuse and consideration will be given as to what could be collected in this area.

- ***As referred to above, an update on investigations into the need for further guidance in this area, and whether a national prescribing indicator might support clinical decision-making***

Please see the responses above.

I hope this is helpful to the Committee.

Yours sincerely,

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

**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services

# PETITION 1235 – PRESCRIPTION DRUG RECOGNITION AND SUPPORT BY STEVIE LEWIS SEPTEMBER 2018

## 1. OVERALL IMPRESSION OF LETTER DATED 27 JUNE 2018 FROM CABINET SECRETARY FOR HEALTH TO COMMITTEE (letter unpublished as at 18 Sept 2018)

I would like to thank the Committee members for their letter of 17 June 2018 to the Cabinet Secretary, which I felt acknowledged the problems experienced by people who provided evidence of how their lives have been adversely affected by prescription drugs. The response from the Cabinet Secretary, however, does not do that in any shape or form. Due to the fact that your letter refers specifically to the Substance Misuse Treatment Framework (I understand why; there is currently no other umbrella term under which prescribed drug dependence (PDD) and withdrawal falls) the response is entirely framed around the provision of services for people who have misused. I have concluded from reading it that the Cabinet Secretary has gained no understanding as to the subject and purpose of my petition, which is **to get recognition and support for patients who have followed their doctor's advice and have not misused.**

The prevailing attitude to PDD held at medical expert and government level is encapsulated in the Cabinet Secretary's response to the Chair's request for the Welsh government's view on whether antidepressants have the same potential for dependency and harm as other prescription drugs already recognised in this regard. He sidesteps the question by stating:

*"The misuse of prescription-only and over the counter medicines causes serious health problems for some. Misuse can include situations where there may have been poor prescribing practices that may have led to dependency or other problems, as well as use for which the medication was not originally intended."*

The beliefs underpinning this position are:

1. Antidepressants do not cause dependence and withdrawal
2. People who are harmed are "addicted" and become so due to their own misusing of the drug (eg: buying over the internet)
3. Rogue doctors contribute to this problem by prescribing off-label or inappropriately.

These opinions are insulting to both patients and doctors. In the next three weeks the All Party Parliamentary Group for Prescribed Drug Dependence (Westminster) will be publishing three reports which demonstrate that antidepressants do cause dependence and withdrawal, that doctors follow the guidelines and patients follow their doctor's advice. Please see section 3 "Forthcoming Reports" below.

## 2. COMMENTS ON SPECIFIC POINTS MADE IN THE LETTER

I had intended here to comment on specific paragraphs. However, as space is limited, I would rather use it to provide additional evidence to the Committee of the harms that antidepressants can do to patients. There is nothing in the letter which demonstrates that the forthcoming Substance Misuse Framework will deliver the needs of the people on whose behalf I am campaigning. Those needs involve firstly the **recognition** that antidepressants cause physical dependence and withdrawal; they should be targeted for reduction in prescribing and the guidelines should be re-written in support of that policy of reduction. Secondly, a **Wales-wide unified support service** is required to help those already harmed by PDD and those in the process of being harmed. Rising numbers of patients harmed are inevitable due to the high prescribing rates of antidepressants in Wales. In sections 3 and 4 I will provide additional evidence, including in section 4 a summary of a report written about the Personal Experiences submitted to the Welsh and Scottish petitions, of which I am a co-author.

## 3. FORTHCOMING REPORTS FROM THE APPG-PDD

### Background

A letter by Profs Burn (RCP President) and Baldwin (Chair of its Psychopharmacology Committee) was published in The Times on 24 February<sup>1</sup>, (responding to a letter by James Davies et al<sup>2</sup>, which said *"the statement that coming off antidepressants has disabling withdrawal effects in many patients "which often last for many years" is incorrect. We know that in the vast majority of patients, any unpleasant symptoms experienced on discontinuing antidepressants have resolved within two weeks of stopping treatment."*

This was supported by a press campaign<sup>3</sup> declaring "The drugs do work – antidepressants are effective", and that "millions more should be prescribed them" These claims were made across the board in tabloids and broadsheets, insisting antidepressants are safe and effective.

## PETITION 1235 – PRESCRIPTION DRUG RECOGNITION AND SUPPORT BY STEVIE LEWIS SEPTEMBER 2018

For those of us attempting to remove the blinkers surrounding evidence of dependence and withdrawal caused by antidepressants, this campaign is beyond misleading, it is frightening. It has prompted the writing of three reports, which will be published by the APPG-PDD next month. The purpose of the reports is to provide evidence to the PHE review of PDD. I am the co-author of one of them and have been given permission to share the meat of the report with the Committee in advance of publication.

Here is a short summary of two of the reports and, in section 4, a more detailed summary of the one I co-authored.

**First report** due for publication on 01 October 2018: **Davies, J., Read, J (2018) A Systematic Review into the Incidence, Severity and Duration of Antidepressant Withdrawal Effects: Are Guidelines Evidence-Based?**

### ***“Methods***

*A systematic literature review was undertaken to ascertain the incidence, severity and duration of antidepressant withdrawal reactions. We identified 23 relevant studies, with diverse methodologies and sample sizes.*

### ***Results***

*Withdrawal incidence rates from 14 studies ranged from 27% to 86% with a weighted average of 56%. Four large studies of severity produced a weighted average of 46% of those experiencing antidepressant withdrawal effects endorsing the most extreme severity rating on offer. Seven of the ten very diverse studies providing data on duration contradict the UK and USA withdraw Guidelines in that they found that a significant proportion of people who experience withdrawal do so for more than two weeks, and that it is not uncommon for people to experience withdrawal for several months. The findings of the only four studies calculating mean duration were, for quite heterogeneous populations, 5 days, 10 days, 43 days and 79 weeks.*

### ***Conclusions***

*We recommend that U.K. and U.S.A. guidelines on antidepressant withdrawal be urgently updated as they are clearly at variance with the evidence on the incidence, severity and duration of antidepressant withdrawal, and are probably leading to the widespread misdiagnosing of withdrawal, the consequent lengthening of antidepressant use, much unnecessary antidepressant prescribing and higher rates of antidepressant prescriptions overall. We also recommend that prescribers fully inform patients about the possibility of withdrawal effects.”*

**Second report** due for publication 08 October 2018: **Antidepressant Withdrawal: a Survey of Patients’ Experience by the All-Party Parliamentary Group for Prescribed Drug Dependence. Authors Davies J, Montague L.**

In Sep 2017 the All-Party Parliamentary Group for Prescribed Drug Dependence, in conjunction with researchers at the University of Roehampton, undertook one of the largest direct-to-consumer international surveys of its kind into withdrawal from psychiatric drugs (antidepressants, antipsychotics and benzodiazepines). There were approximately 1700 respondents, 319 of whom were antidepressant users living in the U.K. This report summarises both the quantitative and qualitative data on the U.K. antidepressant users (319) who reported their withdrawal experience.

I will quote some key points from the quantitative data:

- 66.5% of people taking only an antidepressant claimed not to have received any information from their doctors on the potential risks/side effects of the AD they were prescribed
- 44% of people taking only an antidepressant were advised to reduce the dose over a few weeks or less, with 8.6% told to withdraw cold turkey.
- On a scale of 0-10 (10 being the most severe withdrawal) the mean average was 8.61.
- Nearly all who had accessed NHS Choice or NHS111 for withdrawal support found the service unhelpful or extremely unhelpful.



# PETITION 1235 – PRESCRIPTION DRUG RECOGNITION AND SUPPORT BY STEVIE LEWIS SEPTEMBER 2018

## 4. SUMMARY FOR WELSH PETITIONS COMMITTEE “ THE PATIENT VOICE”

**Third report** due for publication on 08 October 2018: **All-Party Parliamentary Group: Prescribed Drug Dependence. Aug 2018 “ The Patient Voice” An analysis of personal accounts of prescribed drug dependence and withdrawal submitted to petitions in Scotland and Wales.**

This report was researched and written by Dr Anne Guy, Marion Brown (Scottish Petitioner) and **Stevie Lewis (Welsh Petitioner)**, with additional support from: Susan Reid, and Karen Espley; for response analysis, David Cope, and Catherine Maryon. This report has been made possible by all those who responded to the two petitions and the Petitions Clerks who published them.

The report collates and analyses 158 personal accounts of people impacted by prescribed drug dependence and withdrawal (specifically for antidepressants and benzodiazepines) that were submitted in response **to two petitions lodged with parliamentary Petitions Committees in Scotland<sup>4</sup> and Wales<sup>5</sup> in 2017/8.**

The report blends qualitative data in the form of verbatim quotes with quantitative data derived from a formal thematic analysis structured using a ‘lean thinking’ approach to process improvement. The analysis identifies eight systemic ‘failure points’ (FPs);

1. *Prescriptions were offered as an apparent first course of action*
2. *No-one said they were warned about possible side-effects or dependence and associated withdrawal effects so there was no possibility of informed consent*
3. *Treatment was sometimes continued despite drugs not helping and/or severe side effects*
4. *People experienced a lack of access to effective management / informed medical oversight of withdrawal process*
5. *Doctors did not recognise new symptoms as withdrawal and discounted patient experience*
6. *Locating the problem of new symptoms occurring at withdrawal with the individual, not the drug, leads to unnecessary action*
7. *There are no dedicated nationwide NHS services to access for help and*
8. *No effective avenues for patient feedback on their experience*

The aim of the report is a) to consider the question ‘what went wrong?’ in these peoples’ interactions with a healthcare system intended to improve, not worsen, their wellbeing; and b) to enable their collective voice to be heard as evidence in the consideration of the scale, harms and response needed for prescribed drug dependence in the UK.

The analysis of the submissions is represented in systems analysis Flow Chart **Patient Journey Map A: ‘Initial Prescription and Outcomes’** and **Patient Journey Map B: ‘Withdrawal and Outcomes’** with an additional page of ‘**Overall Impact**’ patient quotes (appended). All quotes can be referred back to the original full patient petition submission via the respective reference lettering/number given (W=Welsh).

The systems ‘Failure Points’ identified (see maps A and B appended) are **reflected in the NICE guidelines which are used UK-wide by GPs:**

**FP1:** GPs are encouraged to ‘treat’ symptoms of stress (anxiety, depression, insomnia etc.) – and medication is advised treatment even for mild to moderate depression (NICE GG90)<sup>6</sup>

**FP2:** The same guidance for GPs encourages them to:

Advise patients that antidepressants ‘may take a while to become effective’, ‘keep on taking’, ‘may need to adjust dose and/or try another’, ‘are not addictive’

**FP3:** GPs are guided about ‘relapse prevention’ (NICE CG90) ... (‘keep on taking’...)

**FP4:** NICE Guidance for GPs about tapering and ending antidepressant treatment<sup>7</sup> is unrealistic for patients, too swift, and withdrawal effects attributed (by doctors) to ‘relapse’.

**FP5:** Patients are not believed. Withdrawal symptoms (many of which are of a physical nature) are not recognised: instead the doctors are misdiagnosing as ‘medically unexplained’.

**FP6:** Problem located with patient ‘medically unexplained symptoms’ (MUS) – and suggested that person’s ‘underlying condition’ and/or unreasonable ‘anxiety’ is the problem.

**FP7:** There is no support – as withdrawal is not recognised

**FP8:** There is no way that patients can ‘feed back’ what is happening to them – and if they attempt to do so they are disbelieved and seen as ‘difficult’ patients.



## PETITION 1235 – PRESCRIPTION DRUG RECOGNITION AND SUPPORT BY STEVIE LEWIS SEPTEMBER 2018

Suggested preventative actions are identified including; increasing the availability of alternative responses to medication; educating the public about what psychoactive drugs actually do; amending and updating guidelines and training for doctors to enable truly informed consent, the provision of a service based on more current evidence about the prevalence, duration and symptomatology of withdrawal and how it is best managed.

To alleviate the suffering of those currently experiencing withdrawal the BMA's 2015 key policy recommendations<sup>8</sup> need to be implemented urgently; to create a national helpline for prescribed drug dependence and to create dedicated support services. (This was reiterated in the response to the committee from BMA Wales on 06 February 2018<sup>9</sup>). The suffering described in the petition responses requires systemic rather than individual solutions.

Ultimately this (APPG-PDD) report summarises the experience of only 158 people who submitted their accounts to these two petitions but who might be said to represent all those:

- who have not yet tried to come off their medications,
- do not realise there is an alternative narrative to the one they are hearing from their doctors,
- are too ill to tell their story or
- have not survived to tell it.

***"I hope you make change, not only for the thousands of us that are suffering now, but for the hundreds of thousands that are currently on prescriptions, ignorant and unaware. This issue is as big as the current opioid crisis and the time for change has come" (W4)***

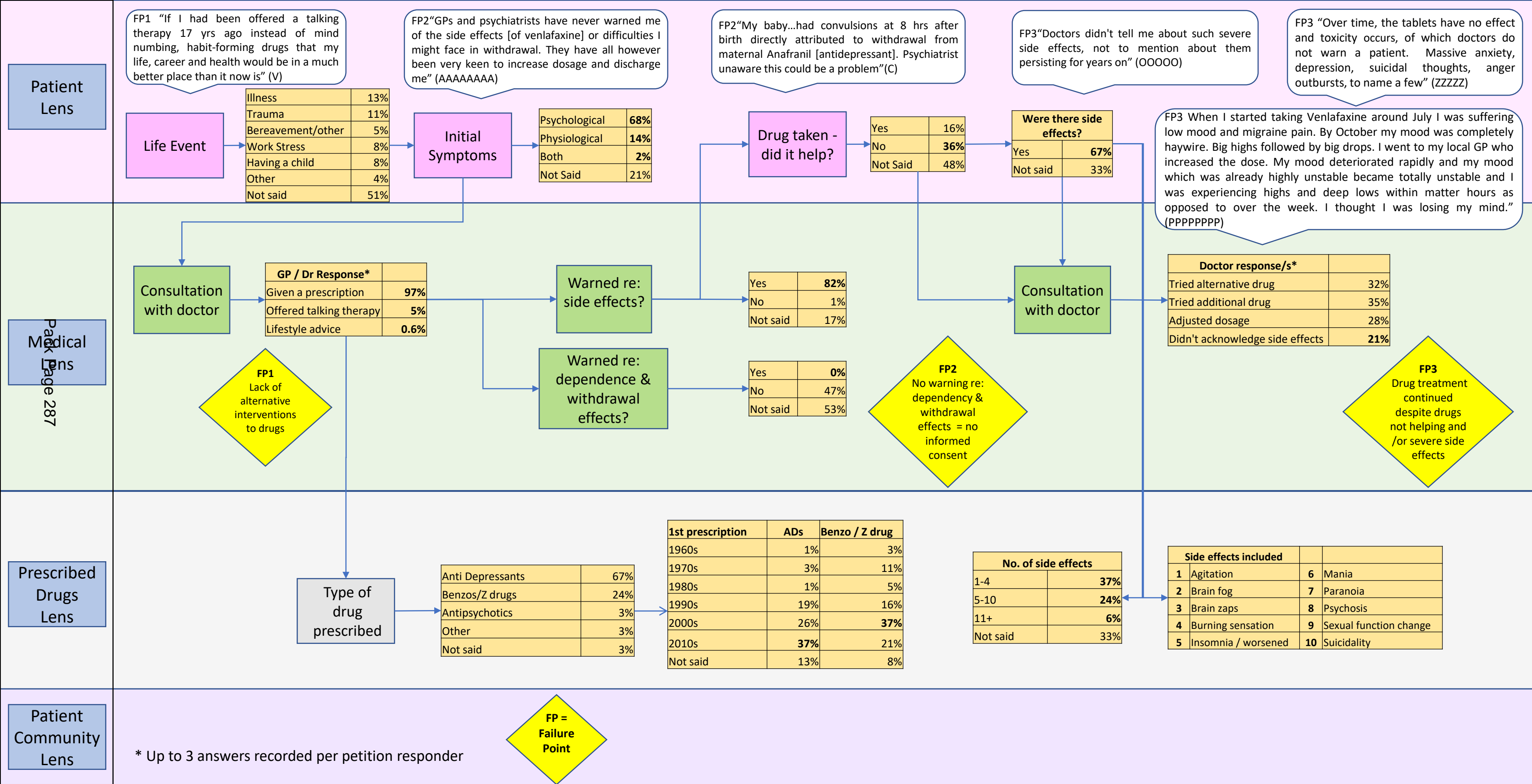
**Appended: 3 report pages - Patient Journey Map A; Map B; Overall Impact.**

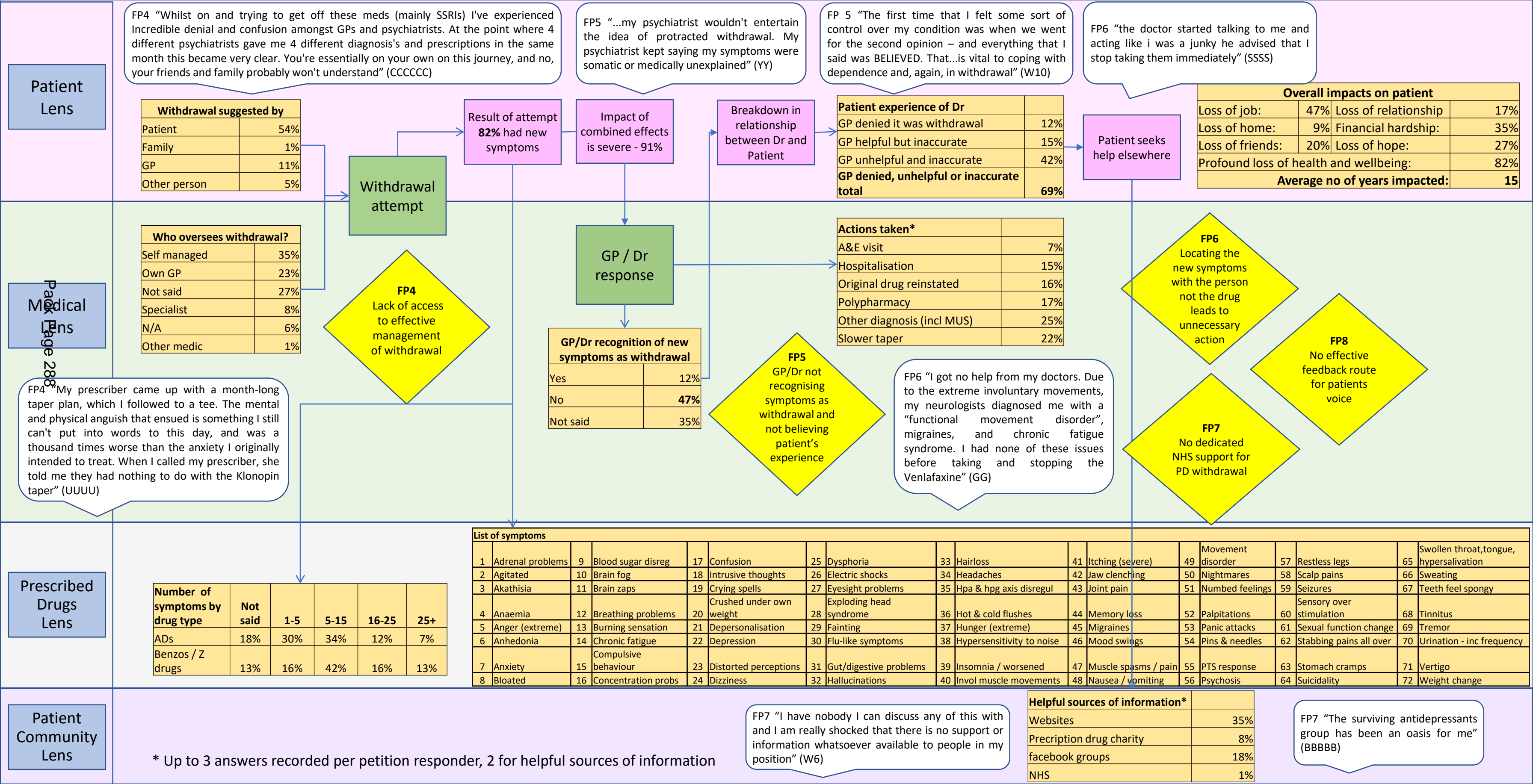
### 5. FURTHER ACTION

From the evidence submitted by the 7 Area Health Boards it is clear that there is not a unified health service across Wales. But from my research it seems that the Substance Misuse Framework is meant to be adopted countrywide. I would like to formally request that the Petitions Committee considers bringing together further experts to provide evidence on how we might formulate a Wales-wide Prescribed Drug Dependence Framework to implement the findings of these reports across the 7 AHBs. I recommend this group includes Dr David Healy, psychiatrist and expert on SSRIs and PDD, Bangor University; Professor John Read, author of "A Systematic Review into the Incidence, Severity and Duration of Antidepressant Withdrawal Effects: Are Guidelines Evidence-Based?" plus other published works about PDD; Ms June Lovell, manager of the NHS funded Prescribed Medication Counselling Service<sup>10</sup> in Mold (the only service of its kind in the UK); Ms Josie Smith, National Lead for Substance Misuse. Also present should be people with lived experience of PDD – James Moore, Caldicot; Baylissa Frederick, Cardiff; Shane Cooke, Mostyn, all of whom wrote in with their stories to this petition; and Aled Jones, Cardiff, also with lived experience, who has set up PAST<sup>11</sup> (Prescription Awareness Support Team).

### References

1. Letter to TIMES 24 February 2018 'Pills for depression' by Profs Burn and Baldwin
2. Letter to TIMES 23 February 2018 'Stigma and efficacy of taking antidepressants' by James Davies et al
3. <https://www.theguardian.com/science/2018/feb/21/the-drugs-do-work-antidepressants-are-effective-study-shows>
4. Scottish Petition PE01651: <http://www.parliament.scot/GettingInvolved/Petitions/PE01651>
5. Welsh Petition PE-05-784: <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=19952>
6. <https://www.nice.org.uk/guidance/cg90/chapter/1-Guidance>
7. <https://cks.nice.org.uk/depression#!prescribinginfosub:31>
8. <https://www.bma.org.uk/collective-voice/policy-and-research/public-and-population-health/prescribed-drugs-dependence-and-withdrawal>
9. <http://www.senedd.assembly.wales/ielIssueDetails.aspx?lId=19952&PlanId=0&Opt=3#AI41808>
10. <http://www.nhsdirect.wales.nhs.uk/localservices/ViewLocalService.aspx?id=2556&s=Health>
11. <https://past.wales/>







## C: Overall impact on patients

"I was once a qualified primary schoolteacher... now I am suffering intolerable symptoms through Benzo Withdrawal Syndrome. I can't do anything with my 8yr-old. My partner goes out to work and leaves me bedridden with plates of food ..." (CCCC)

"I don't believe I will ever again be the productive, happy, sociable person I used to be because of one 10 minute appointment where a GP decided it was appropriate to prescribe me SSRIs with no warning of possible side effects." (W6)

"They took away my meds  
They hung me out to dry  
My world began to crumble  
And all I did was cry  
The paramedics came around  
They rushed me to A & E  
They said, carry on as normal  
It's only anxiety  
My body shook n shuddered  
My mood was mean and low  
I pushed away my loved ones  
I wanted to die, just go" (VVVV)

"I am unable to work and housebound. Withdrawal is the single most gruelling and challenging experience of my life and I know that I am far from alone. I understand what is happening to me, many don't and are frightened by it" (W5)

"I was an avid gym-goer, dedicated to my fitness. I have never suffered physical illness in my life, prior to Citalopram. Now I have been so crippled with debilitating symptoms .." (DDDDD)

"I was fully functioning working full time as accountant several staff under me, driving socialising dating - fully normal life. All taken away from me, driving included" (YYY)

Overall impacts on patient			
Loss of job:	47%	Loss of relationship	17%
Loss of home:	9%	Financial hardship:	35%
Loss of friends:	20%	Loss of hope:	27%
Profound loss of health and wellbeing:			82%
Average no of years impacted:			15

"As a consequence of all of this my wife's health has deteriorated rapidly over the years. She has gone from a normal functioning person, working and studying to being completely incapacitated. She has always taken care of her self through diet and exercise and does not drink or smoke, but yet a legally prescribed pill has left her this way" (AAAAAA)

"Words cannot describe the utter hell , torment and terror that I have lived thru and continue to battle thru every single day and not one ounce of help, empathy or sympathy from any doctor" (YYYYYY)

"Before I was put in this situation I was a 'normal' person doing things like most people are doing, have always supported myself, working full time. I have lost all savings, small investment and close to losing my home" (YYYYYYY)

"I continue to fight to get my life back , I could write a novel on the amount of suffering I have endured thanks to SSRI use. It has effected every part of my life , I can't work , I am not able to be active and even worse I can't get help because the prescribers are in the dark about the true harms of the drugs they prescribe" (XXXX)

"I regressed from an amateur international athlete to a very ill, depressed and withdrawn individual. At low points I considered suicide" (XXX)

# Agenda Item 3.19

## **P-05-795 Causing Nuisance or Disturbance on NHS Premises**

This petition was submitted by Claire Thomas having collected 74 signatures online.

### **Petition text**

S119 of the Criminal Justice and Immigration Act 2008 created powers to deal with persons who cause nuisance or disturbance on NHS premises. This was never enacted in Wales, and there are no provisions to deal with persons who create problems for the NHS in this manner.

There are numerous individuals who cause issues whilst on NHS premises, and the police receive many calls to deal with such behaviour, but there is no way of dealing with the issue effectively as there is no specific offence which the police can use to deter people who, without reasonable excuse, either cause a disturbance or nuisance, refuse to leave the premises when asked, or is not on the premises for the purpose of obtaining medical advice, treatment or care.

### **Additional information**

The cost to health services and the police in dealing with persons who cause nuisance on NHS premises is significant. A number of these individuals present repeatedly, and there are no powers to deal with this. Their presence also causes distress to others who do present to the NHS for genuine reasons. S119 of the Criminal Justice and Immigration Act 2008 has been used successfully by police and health in England to address the issue since the specific section came into force in 2009, yet there is no power to do so in Wales, and although Welsh government suggested that there would be the development of similar powers to address the issue in Wales, this has not been forthcoming.

### **Assembly Constituency and Region**

- Cardiff Central
- South Wales Central

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Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/02080/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

[government.committee.business@gov.wales](mailto:government.committee.business@gov.wales)

12 July 2018

Dear David,

Thank you for your e-mail of 15 June requesting an update regarding Petition P-05-795  
Causing Nuisance or Disturbance on NHS Premises.

Please accept my apologies for not updating you sooner on this matter. My officials are  
currently working with Legal Services and I hope to receive advice as soon as possible  
regarding enacting Sections 119 to 121 of the Criminal Justice and Immigration Act 2008.

I will write to you again once I have considered the advice.

Yours sincerely,

**Vaughan Gething AC/AM**  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services

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0300 0604400  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@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.

# Agenda Item 3.20

## **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!

**Assembly 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:

Ein cyf/Our ref:

CEO.1484.0718

Gofynnwch am/Please ask for:

Sian-Marie James

Rhif Ffôn /Telephone:

01267 239581

Ffacs/Facsimile:

Dyddiad/Date:

30 July 2018

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

David J Rowlands AC/AM  
Chair  
National Assembly for Wales  
Petitions Committee  
Cardiff Bay  
Cardiff  
CF99 1NA

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

Dear *David*

Re: P-05-784 Pembrokeshire says NO!! To the closure of Withybush A&E!

Thank you for your letter of 27 July 2018.

The consultation period for 'Our Big NHS Change' closed on Thursday 12 July 2018 and the Health Board has commissioned an independent company to gather all feedback received, including Petitions, and present a report by Monday 13 August 2018. We will then enter a period of Conscientious Consideration where we will examine the findings of the consultation before presenting a Consultation Closing Report to the Public Board meeting scheduled on Thursday 27 September 2018.

Yours sincerely

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

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

Corporate Offices, Ystwyth Building,  
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Carmarthen, Carmarthenshire, SA31 3BB

Cadeirydd / Chair  
**Mrs Bernardine Rees OBE**

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

Bwrdd Iechyd Prifysgol Hywel Dda yw enw gweithredol 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

## **P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools e.g. GCSE Psychology**

This petition was submitted by Chris Evans and was first considered by the Committee in November 2017, having collected 652 signatures online.

### **Text of Petition**

I call upon the National Assembly for Wales to urge the Welsh Government to prevent Qualifications Wales (QW) from continuing to discriminate against Welsh-medium learners, and ensure linguistic equality in terms of school curriculum.

In 2015, the WJEC decided to drop GCSE Psychology because candidate numbers were relatively small (37 centres – 5 of which were Welsh medium with 144 Welsh medium applicants each year). Because of this, an invitation was extended by Qualifications Wales to the English Awarding Bodies; AQA, OCR, Pearson-Edexcel, to offer this subject, and others e.g. Economics, in Wales.

Unfortunately, and astoundingly, there was no pressure to offer these subjects in Welsh. Qualifications Wales' response to this is to say that the English Boards would refuse to offer subjects in Wales altogether if they were forced to offer a Welsh language option, and that they seek to ensure 'the widest choice of subjects to learners in Wales' (QW Newsletter, December 2016).

'The widest choice of subjects to learners in Wales' .... unless you are following a Welsh medium education! In September, there will be no year 10 Psychology GCSE course running in my school for the first time since 2009, while the English-medium school a few miles away, start a new GCSE Psychology course in English through AQA. The only reason that I can't offer this subject is because we teach through Welsh. There are four other Welsh centres in the same position.

Psychologists need to be able discuss their subject in Welsh. By depriving Welsh medium pupils of the opportunity to study Psychology GCSE through Welsh, we will lose 144 students per year who would have had the potential of contributing to Psychology – as a teacher, lecturer, therapist, researcher etc. in Welsh with confidence because the relevant terminology familiar to them.

**Additional information:**

144 candidates sat the unit 2 Psychology WJEC GCSE paper in Welsh to finish the course in 2015, with 5 centres teaching it, so there is the potential for significant numbers, not just a handful. I have arranged that three experienced Psychology examiners are available to work for any English Board, so that translation of candidate's scripts (solutions) would not be needed, just the translation of the paper itself.

The only English Board that even considered the application to provide a Welsh paper (from myself, not QW), was Pearson, but in the end they refused, saying it 'would require Welsh speakers at every level of the production of the papers'. This is nonsense because that doesn't even happen in the WJEC, where the Chief Examiner and the Subject Officer don't speak Welsh!

I don't blame the English Boards, because why should they go to the trouble when they don't have to? Qualifications Wales is to blame for their limp policy, which does not protect the rights of Welsh-medium learners. Surely it would have been possible to create an element of competition between the English Boards by giving priority to those open to the idea of offering a Welsh option, but they did not attempt to do this at all.

This is totally unacceptable in the modern Wales. If English Awarding Bodies are allowed to offer subjects in Wales, it must be made clear that they need to offer a Welsh paper when there is a reasonable request to do so.

**Assembly Constituency and Region**

- Wrexham
- North Wales



Eich cyf/Your ref P-05-783  
Ein cyf/Our ref KW/01582/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

2 July 2018

Dear David

Thank you for your letter of 20 June about the petition calling for action to ensure the equality of curriculum for Welsh Medium Schools; as you note in your letter we have corresponded previously on this matter.

May I begin by saying that I do appreciate the frustration felt by teachers and learners at being unable to study for certain qualifications in the language of their choice. Looking to the future, equal rights for both languages is central to the planning for the new curriculum for Wales. Let me reassure you that the specific needs of Welsh medium teaching and learning are being fully considered as the arrangements for the new curriculum structure, including assessment arrangements, are developed.

Turning to your specific questions, the Welsh Government's expectations of Qualifications Wales are set out in the Qualifications Wales Act 2015. The Act gives Qualifications Wales two principal aims and the organisation must act in a way it considers appropriate for the purpose of achieving them (Qualifications Wales Act 2015 s.3).

These aims are about ensuring that qualifications and the qualifications system are effective for meeting the reasonable needs of learners in Wales and promoting public confidence in qualifications and the qualifications system. Qualifications Wales must, when considering what is appropriate for the purpose of achieving these aims, have regard to various matters. These matters include the "the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language" (Qualifications Wales Act 2015 s.3(2)(b)).

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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.

Qualifications Wales advise me that it works with awarding bodies to encourage them to offer Welsh medium and bilingual provision. For example, Qualifications Wales has established an awarding body group in order to work together to identify some of the challenges awarding bodies face and identify ways of supporting them in the development and quality assurance of Welsh-medium and bilingual qualifications and assessment.

Qualifications Wales, via the grant allocation it receives from the Welsh Government, provides financial support for awarding bodies to provide Welsh medium qualification specifications and assessment through its competitive grant process. In financial year 2017/18 £158K was claimed against this grant of which £121K was claimed by awarding bodies based outside of Wales.

The Welsh Government invests around £2.6m annually on resources to support the teaching and learning of Welsh as a subject and other subjects and qualifications through the medium of Welsh. These are resources which are not available commercially as the market is not financially viable. Resources are commissioned following consulting with practitioners and other stakeholders to identify their needs and the gap in current provision.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Kirsty Williams'.

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Mr D Rowlands  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff, CF99 1NA.

18 July 2018

Dear Mr Rowlands

**Petition P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools  
e.g. GCSE Psychology**

Thank you for your letter of 20 June regarding the above petition. You asked us to respond with:

- an update on the current position;
- information about how many GCSE and A level subjects are not available through the medium of Welsh;
- details of the support available to exam boards to encourage them to provide exam papers and supporting materials through the medium of Welsh.

Our answer below deals with each of these points in turn.

**Update on current position**

Qualifications Wales (we), are committed to the Welsh language and Welsh medium education. As stated in the Qualifications Wales Act 2015<sup>1</sup>, in performing our functions we must act in a way that ensures qualifications, and the Welsh qualifications system, are effective for meeting the reasonable needs of learners in Wales. This includes promoting

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<sup>1</sup> The Qualifications Wales Act 2015 can be found, [here](#)



and facilitating the use of the Welsh language, including through the availability of assessment through the medium of Welsh. Both our General Qualifications and Vocational Qualifications Strategies clearly state our aims to increase the availability and use of Welsh and bilingual assessments<sup>2</sup>.

Our policy<sup>3</sup> for Welsh-medium and bilingual qualifications sets out our requirements and expectations on awarding bodies. We make it clear that we require GCSEs and A levels that have been designed for Wales to be available in both English and Welsh. This is the case for all the GCSEs and A levels offered by WJEC and approved by us.

Our aim is to secure availability of the widest possible range of GCSEs and A levels for learners in Wales. However, there are some subjects for which the number of learners in Wales is too low to make it viable for any awarding body to develop qualifications for award only in Wales. In some of these subjects, GCSEs and A levels have been reformed for England, so we took the decision to 'designate'<sup>4</sup> these qualifications for use on publicly-funded learning programmes in Wales. Some designated GCSEs and A levels are available bilingually whilst others are only available in English. A full list of designated GCSEs and A levels can be found on our website<sup>5</sup>.

To help students, schools and colleges to make informed choices about qualifications, we have required awarding bodies to publish up front their policy on the availability of designated GCSEs and A levels through the medium of Welsh. We have also published this information on our website<sup>6</sup>.

In developing our policy, we looked carefully at the option of requiring all designated qualifications to be available in Welsh. However, it became clear that such an approach would have led to a significant reduction in the breadth of qualifications that would be available for learners in Wales. We also reviewed past take-up of subjects through the medium of Welsh. Our analysis suggested that all subjects which had historically been sat through the medium of Welsh would continue to be offered bilingually.

In the case of GCSE Psychology, WJEC took the decision not to develop a reformed qualification neither for England nor Wales. Initially, we expected that the demand for the Welsh medium assessment of GCSE Psychology would be met by one of the other awarding bodies developing reformed qualifications for England. When it became apparent that this was unlikely, we discussed with awarding bodies what steps could be taken to secure the provision of the subject through the medium of Welsh. However, we were unable to secure a workable solution. We wrote to schools on 12 March 2018 to explain the decision<sup>7</sup>.

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<sup>2</sup> Our General Qualifications Strategy is on our website, [here](#).

Our Vocational Qualifications Strategy is on our website, [here](#)

<sup>3</sup> Our Regulatory Welsh-medium and Bilingual Qualifications Policy is on our website, [here](#)

<sup>4</sup> Designation means a qualification is eligible for public funding in Wales. Only awarding bodies that are recognised by Qualifications Wales can apply for designation of qualifications.

<sup>5</sup> A list of all the GCSEs and A levels that have been designated is on our website, [here](#)

<sup>6</sup> A list of all the GCSEs and A levels that have been designated is on our website, [here](#)

<sup>7</sup> The letter that we sent to schools can be found on our website, [here](#)

In exercising our regulatory functions, the Qualifications Wales Act 2015 requires us to carry out our activities in a way that is transparent, proportionate, and reasonable. In line with the Act, we considered the only other two actions that were available to us to secure equal availability of English and Welsh-medium provision.

- 1) To remove designation (i.e. to remove eligibility for public funding). The impact of this action would be that GCSE Psychology, and other low take up subjects (see list of subjects on page 3), would no longer be available to any learners accessing publicly funded learning in Wales;
- 2) To require all awarding bodies to offer all their GCSEs and A levels through the medium of Welsh. From the evidence gathered, this action could lead to awarding bodies deciding not to offer any of their qualifications in Wales.

Having considered both options in detail, we decided not to pursue either of them as we do not feel that they are proportionate or reasonable. They would reduce the range of GCSE and A level subjects available in Wales, which would not be in the best interest of learners in Wales.

It is worth noting that when making any future changes to qualifications, for example to support the new Curriculum for Wales, we will plan for equal availability of Welsh and English-medium provision from the outset. In the meantime, we continue to look for opportunities to increase availability wherever we can. We are also in the process of reviewing our policy during 2018-9 and have held preliminary discussions with schools, colleges, awarding bodies and several organisations involved in Welsh-medium education to inform our approach.

### **Information about how many GCSE and A level subjects are not available through the medium of Welsh**

WJEC offers all its GCSEs and A levels through the medium of Welsh, including those that have been developed for England within its Eduqas<sup>8</sup> branded provision.

The tables below list the GCSEs and A levels that we have designated as eligible for public funding on learning programmes in Wales, which are only available through the medium of English. They also include the number of learners that were entered for each of these subjects in 2017<sup>9</sup>.

The only demand for Welsh medium assessments for these GCSEs and A levels since 2013 was for GCSE Psychology (see pages 1 and 2 for the details about this subject).

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<sup>8</sup> Eduqas is a part of WJEC and offers Ofqual reformed GCSEs, AS and A levels to secondary schools and colleges in England. These qualifications have been designated by Qualifications Wales for use in Wales.

<sup>9</sup> The numbers have been rounded to the nearest 5. Figures less than 5 but greater than 0 are represented by \*



<b>Designated GCSEs</b>	<b>First teaching from</b>	<b>No of learners in Wales entered in 2017</b>
Classical Greek	2016	10
Citizenship Studies	2016	10
Dance	2016	25
Ancient History	2017	*
Arabic	2017	175
Astronomy	2017	45
Bengali	2017	25
Chinese	2017	90
Classical Civilisation	2017	60
Economics	2017	80
Engineering	2017	190
Italian	2017	80
Japanese	2017	5
Modern Greek	2017	5
Psychology	2017	595
Hebrew	2017	0
Polish	2017	185
Punjabi	2017	10
Russian	2017	20
Statistics	2017	195
Urdu	2017	15

<b>Designated AS levels</b>	<b>First teaching from</b>	<b>No of learners in Wales entered in 2017</b>
Classical Greek	2016	0
Dance	2016	*
Latin	2016	10
Accounting	2017	125
Ancient History	2017	35
Chinese	2017	60
Classic Civilisation	2017	55
Environmental science	2017	*
Italian	2017	10
Philosophy	2017	5
Russian	2017	*
Statistics	2017	0

<b>Designated A levels</b>	<b>First teaching from</b>	<b>No of learners in Wales entered in 2017</b>
Classical Greek	2016	*
Dance	2016	15
Latin	2016	10
Accounting	2017	60
Chinese	2017	130
Classic Civilisation	2017	45
Environmental science	2017	*
History of Art	2017	*
Italian	2017	5
Philosophy	2017	20
Russian	2017	15
Statistics	2017	0

Details of the support available to exam boards to encourage them to provide exam papers and supporting materials through the medium of Welsh.

Our primary role is to regulate awarding bodies and their qualifications. The key resources that we look at when we approve qualifications are the specifications and the sample assessment materials (SAMs). These are the resources that ensure that teachers and students know what is expected of them when they sit their exams.

We currently make grants available to awarding bodies to help them meet the cost of offering qualifications bilingually. For example, we have supported WJEC in the delivery of 30 A levels and 50 GCSEs this year alone, which has included the translation and printing of exam papers.

Supporting materials are, in the main, made available through commercial publishers, and they sit beyond our regulatory powers; therefore, we do not have direct control over what is made available for teaching and learning purposes through the medium of English or Welsh. We do, however, have an active interest in this area as we see that it is important to the question of confidence in the qualifications and education system. For example, for the new GCSEs and A levels approved by us, we brought WJEC, Welsh Government, the Regional Education Consortia and Estyn together to agree what additional resources would be required to support each new specification and who would be best placed to produce them.

We used our grant funding to commission or accelerate the production of resources related to specific aspects of new specifications and to fill gaps that would otherwise not be addressed in time. For example, for AS and A level modern foreign languages we supported the production of the resources that were needed for the new set texts and films. For GCSE, AS and A level Media Studies, we supported the production of resources that were needed for the broader range of media that must now be studied, including films, magazines and

news. An overview of the supporting materials that have been produced bilingually to support teachers to deliver the new GCSEs and A levels are on our website<sup>10</sup>.

As part of our work on increasing the availability of Welsh-medium qualifications in Wales, we have established an awarding body group to help us identify potential barriers to offering more, good quality Welsh and bilingual qualifications. For example, in response to awarding bodies telling us that they find it a challenge to find individuals with the necessary assessment, subject, and Welsh language skills, we have set up a LinkedIn group for them to access and share this limited pool of resources.

We also liaise with key stakeholders such as schools, colleges, CDAG, UCAC, ColegauCymru and Coleg Cymraeg Cenedlaethol to support us and awarding bodies in identifying areas of current and future demand. We will also use this information to improve how we target and prioritise our grants in future years.

The reform of qualifications offers an opportunity to find future solutions to this issue. One of our priorities for any future reform is to ensure equal availability of Welsh and English-medium provision from the outset. For future reforms, we need to work together across the sector to plan from the outset what resources will be needed by when and who will produce them. A coordinated approach is needed from Welsh Government, us, awarding bodies, regional consortia and publishers to develop a strategy that will secure high quality and bilingual resources in a timely manner. We will continue to seek feedback and take any reasonable action to ensure that Wales-specific provision in both Welsh and English meet the needs of learners in Wales.

Yours sincerely



Philip Blaker  
**Chief Executive**

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<sup>10</sup> An overview of the resources that have been developed to support the introduction of the new qualifications can be found on our website, [here](#)

## **P-05-805 Fair Deal For Supply Teachers**

This petition was submitted by Sheila Jones, having collected 997 signatures online and 428 signature on paper, a total of 1,425 signatres.

### **Text of Petition**

We, the undersigned, request that all supply teachers be paid fairly and have full access to training opportunities and other terms and conditions. There should be a qualified teacher in every classroom and taxpayers' money should be going directly into education and not into the pockets of private agencies.

Supply teachers are being exploited and teachers are leaving the profession as they cannot afford to be supply teachers.

Agencies reduce teachers' pay by forty to sixty percent and teachers lose their pensions, this is public money going into the private sector for profit. Lessons are being covered by unqualified staff.

### **Assembly Constituency and Region**

- Caerphilly
- South Wales East



Eich cyf/Your ref P-05-805  
Ein cyf/Our ref KW/01592/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
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CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

2 July 2018

Dear David

Thank you for your letter of 21 June enclosing one received from the Fair Deal for Supply Group in support of its petition.

In response to the points raised by the petitioners it is important to note that it is the governing bodies of maintained schools and local authorities that have the statutory responsibility to determine how they employ and deploy their workforce and how they manage staff costs within their delegated budget. Schools are able to use this discretion to employ supply staff directly should they wish and many already employ staff in this way. We are continuing to encourage and support schools to consider this direct employment approach and the added benefits involved.

The £2.7m direct employment school based supply pilot I announced last October is being implemented within 15 local authority areas across Wales. The trial arrangement provides funding to local authorities to support clusters of schools to employ recently qualified teachers on a supernumerary basis to provide cover for unplanned and/or planned teacher absence. It supports a more sustainable, collaborative model of working to support the professional learning of our newly qualified teachers. The pilot evidences our commitment to ensure that a number of our teachers who might otherwise find themselves in supply roles are supported at the beginning of their career. We will evaluate the pilot to see if direct employment of supply teachers offers a viable alternative model for schools and will identify best practice and exemplar case studies to be shared with the sector. We will continue to encourage local authorities and schools to consider adopting this approach as a viable alternative and sustainable model to meet their staff cover needs. Teachers employed directly in this way are being paid via the School Teachers' Pay and Conditions Document and are able to access the Teachers' Pension Scheme.

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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.

I am pleased to note that the group have included an excerpt from the guidance on *Effective Management of School Workforce Attendance* which my department issued last December. This document clearly sets out the roles and responsibilities of all involved in deploying and employing temporary staff including the various safeguarding checks required and the benefits of a direct employment approach.

Powers to determine teachers' pay and conditions will be formally transferred to Welsh Ministers in September 2018. Decisions around teachers' pay and conditions for academic year 2018/19 will already have been determined for all teachers in Wales and England by the Department for Education. Work is already underway to consider how we might set teachers' pay to underpin our aspirations for the wider education system, to raise standards and support and develop the teaching profession including those who work flexibly. The Fair Deal for Supply Group has been sent all links to the relevant consultation and calls for views to provide comment. Practicably, and to ensure changes implemented are duly considered this means the earliest that any changes specific to teachers' pay here in Wales will take effect will be from the 2019/20 academic year.

In September 2017 officials met with their counterparts in the Department for Education in Northern Ireland and with officers from the Education Authority in Northern Ireland (since April 2015 all local education boards including Belfast became one authority) to discuss their centralised matching and pay system. As the direct employers of teachers and holders of a centralised payroll (teachers' pay and conditions has been devolved to Northern Ireland for sometime) the systems and governance structures operating there make it possible for a matching pay system of this type to operate.

Commercial supply agencies are private businesses. The Department for Business Energy and Industrial strategy are responsible for managing the *Agency Worker Regulations 2010* and associated employment legislation including that related to the Conduct of Employment of Agencies and Employment Businesses legislation and off-payroll working in the public sector legislation. Following the Taylor review into modern working practices published last summer the Westminster government has consulted on proposed changes to legislation which if implemented will directly affect the way in which agencies operate. Officials have ensured that the Fair Deal for Supply Group was made aware of the public consultations underway in order for them to provide comments directly to the Whitehall Department responsible for legislation in this area.

You asked for a view on the potential for regional education consortia to take a role in organising the provision of supply teaching. The regional consortia does not have a direct employer function, however, they work to improve schools by providing support and challenging performance to drive up standards. They could consider the impact of supply cover on learning and improvement and create opportunities to support the professional learning of our supply teachers. There is nothing to prevent local authorities and schools as the employer of teachers working with local consortia officers to better support supply provision.

The Supply Working Group has held discussions with a number of organisations and groups with an interest in supply, including the Fair Deal for Supply Group. Within the statutory powers available to us we are actively exploring how implementing quality assurance standards might support and improve provision. We are working with the Supply Working Group to consider draft proposals. If implemented, any commercial agency wishing to supply temporary teachers to a maintained school in Wales would need to meet the quality standards. If introduced, these standards would support schools, supply teachers and improve the quality of teaching and learning. This work is currently at an early stage in

terms of policy development, but if implemented would add an additional layer of quality assurance to all involved in the process. This work would also support the developmental work currently being undertaken by the National Procurement Service (NPS) in reviewing the current managed service framework. The NPS, together with its local authority client group, has extended the current arrangement to August 2019 while it revises the tender specification requirements to ensure that it is current and fit for purpose. I understand that a revised contract will be let by the NPS next April with a view to it going live from August 2019. The revised specification would include requirements for ensuring supply teachers employed by agencies received appropriate professional learning opportunities.

Only qualified teachers and others in certain limited circumstances can undertake the full range of specified work (teaching) as set out in the Education Workforce Council Function Regulations. Officials issue termly reminders to commercial supply agencies operating in Wales and to the school sector to ensure their statutory employer obligations are met. A copy of the guidance (last issued to commercial agencies on 15 June) is attached here for reference. <http://learning.gov.wales/docs/learningwales/publications/171023-employing-and-supporting-supply-teachers-in-a-school-environment-en.pdf>

Finally, as set out in my earlier letter to you in March I would like to assure you and Committee members that the Welsh Government will continue to work with and support employers to explore all options available to develop flexible working arrangements and promote fairness across the teaching workforce.

Yours sincerely

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

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

## **P-05-805 Fair Deal For Supply Teachers – Correspondence from the petitioner to the Committee, 06.09.18**

Dear Petitions Committee

With reference to the correspondence from the Cabinet Secretary we would like to raise the following points :

Schools in some authorities are unable to employ direct even if they so wish. These include Blaenau Gwent , Swansea, Newport, Neath Port Talbot and Wrexham. (We are awaiting the results of recent FOIs to see if there are other LAs. )They have no supply lists and do not have a payroll facility in place so no arrangements to pay supply teachers are available . Just because schools are free to choose how they employ supply teachers is repeatedly stated or is in a document does not make it true. Heads in Newport tell teachers that they are not allowed to employ short term supply teachers directly. The choice is not there! We should all be treated equally .

The pilot

We were told by Gail Deane at a meeting in April this year that only 37 out of the 50 places in the pilot scheme costing £2.7 m have been taken up. We don't fully understand how attaching a teacher / teachers to a cluster of schools could work but that figure does not bode well for the success of the scheme. We believe it is to be reviewed in October, a year after it was put in motion. It has only been of benefit to those teachers and for the rest of the supply teachers employed by agencies there has been no improvement at all.

Improvements

We understand improvements are to be put in the framework agreement given by NPS for 2019– 20 . Whilst we are pleased to see there is a recognition that improvements need to be made these are not far reaching enough. We have been told that when devolved powers come in then better pay and conditions would ensue. Indeed Carwyn Jones told Leanne Wood this in the Senedd in answer to her question about Wales not having private money in education. Is setting a minimum pay rate at M1 with agencies for 2019–20 all that can be achieved ?

Scotland have always paid their supply teachers directly and on the teachers pay scale, unless they were only in the school 2 days. Since January, those daily supply teachers have also returned to being paid to scale according to their experience. None of taxpayers money is going to an agency! Scotland also has local management of schools yet supply teachers are paid through LAs. Why are Wales lagging behind their counterparts in Scotland and Northern Ireland ?



## Quality Assurance

'We are working with the Supply Working Group to explore how implementing quality assurance standards might improve provision. If implemented .....

What are the barriers to quality assurance standards being implemented? We welcome those standards particularly in regard to safeguarding . We have discussed the need for safeguarding training with NPS. We would hope the training could be done with a provider rather than online. It is shocking to think there are 64 agencies in existence that have been largely unregulated and only some will 'choose' to be in 2019-20.

The revised specification would include requirements for ensuring supply teachers received proper learning opportunities.'

We need proper learning opportunities . We have asked for them for some time as we need and want to be kept up to date with new initiatives and we welcome this revision.

However, we also need proper pay. It is proper PAY that pays bills and enables people to be supply teachers. It is proper pay that raises standards first and foremost . It enables retention of the supply teacher workforce.

Welsh government could get so much more out of their supply teaching workforce, but at present has still been unable to formulate a plan to pay fairly and unfortunately, for Wales, it is NOT only supply teachers who are losing out, but a generation of children taught by this demoralised supply teacher workforce.

We are pleased that the Cabinet Secretary has acknowledged the anger and upset felt by supply teachers and that she does not want to see any of us exploited. However another year will pass with the "missed opportunity " of any improvement into the existing framework agreement. Anything you can do to expedite our situation is appreciated. We have been losing out on fair pay , access to Teachers' Pension Scheme and access to CPD for some time as you know . We have also seen the use of unqualified staff become more prevalent. We want the learners of Wales to have the best supply teachers they can have. The improvement of learner outcomes is paramount . Thank you for your work in considering our petition.

Kind Regards

Sheila Jones



# Agenda Item 3.23

## **P-05-821 Reintroduce educational support funding to MEAS and the TES to Neath Port Talbot CBC**

This petition was submitted by UNISON Neath Port Talbot, having collected 334 signatures.

### **Text of Petition**

Neath Port Talbot UNISON branch call on Welsh Government to reverse the decision to cut educational support funding to Minority Ethnic Achievement Service (MEAS) and the Traveller Education Service (TES).

The Cabinet Secretary for Education has essentially withdrawn funding for these groups under the education improvement grant (EIG). Research shows that Roma and Traveller children have the lowest attainment rates of any ethnic group in Wales and the EIG is designed to support their learning and raise attainment.

In NPT we have a percentage of travellers and minority ethnic groups in our schools examples of which are Margam and Briton Ferry who rely on this funding. The council has evidence to show support workers provide a fantastic service engaging with these 'hard to reach' learners. We want all young people to be able to reach their potential and support workers are able to champion the needs of all learners, particularly the vulnerable or disadvantaged. They build strong relationships with families, schools and the communities they serve. This reduction in funding will be devastating and job cuts are already being discussed with the trades unions. Any redundancy costs will need to be funded from an already stretched budget provision. We urge Welsh Government to consult with UNISON and Neath Port Talbot County Borough Council. Welsh Government must complete an Equality Impact Assessment to ensure monies are allocated to those in need.

### **Assembly Constituency and Region**

- Aberavon
- South Wales West



Eich cyf/Your ref P-05-821  
Ein cyf/Our ref KW/01878/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

6 August 2018

Dear David

Thank you for your letter of 27 July, requesting further information about the petition received from UNISON Neath Port Talbot, regarding funding for ethnic minority, Gypsy, Roma and Traveller learners.

My letter to you of 12 June emphasised my commitment to reducing inequalities and ensuring all learners are able to achieve their potential and thrive in a learning environment which supports their needs. The Welsh Government provides significant levels of grant funding for school improvement and raising standards through our Education budgets, but the vast majority of the funding we provide for schools is directed to local government through the Local Government Settlement and we have taken action to maximise this funding through our budget approach.

### Formula allocation

The former Minority Ethnic and Gypsy Traveller grants were identified as part of a suite of grants with similar outcomes which could be rationalised, leading to the establishment of the Education Improvement Grant for Schools (EIG) in April 2015. The combined grant arrangements were intended to provide greater flexibility for schools, local authorities and regional consortia to more effectively direct grant funding to deliver our shared priorities. This formed part of our response to the concerns raised by the WLGA on behalf of local government over the need for greater flexibility to manage the financial challenges they were facing. It also served our aims to reduce bureaucracy (including the cost of administering grants), simplify arrangements and enable more funding to be directed to the front line.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

[Gohebiaeth.Kirsty.Williams@llyw.cymru](mailto:Gohebiaeth.Kirsty.Williams@llyw.cymru)  
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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.

Within the EIG there is no requirement on schools, consortia or local authorities to allocate a specific amount of grant funding against a service or programme. We believe, schools, regional consortia, and local authorities are best placed to know the needs of their learners and to respond to local needs. In the evidence provided by Estyn to the CYPE Committee as part of the Committee's inquiry into this area of support, Estyn outlined that they had not seen significant change in delivery of minority ethnic, Gypsy, Roma, Traveller services in the transition from the previous specific grants to the combined grant arrangements under the EIG.

### **Consultation and engagement**

We have been mindful during this budget process of the requirements on Welsh Ministers under the Well-being of Future Generations (Wales) Act 2015 and to have due regard to the UN Convention on the Rights of the Child. The Welsh Government has taken an integrated approach to our impact assessment and a Strategic Integrated Impact Assessment of the high-level spending decisions was undertaken and published as part of the outline draft budget 2018-19.

The Welsh Government's policy statement in 2014 highlighted that the then funding arrangements for minority ethnic achievement and the education of Gypsy, Roma and Traveller learners were not sustainable and authorities needed to increase collaboration and partnership working in order to deliver services against growing need and pressured budgets in future.

In setting our budget for 2018-19 and 2019-20 we have prioritised funding to local government for schools and I have received assurances from the WLGA that local government will continue to prioritise support for vulnerable learners from an early age, including minority ethnic, Gypsy Roma and Traveller learners. I welcome these assurances and fully expect local government to stand by them. Minority ethnic and Gypsy Roma Traveller services are now represented on the Association of Directors in Wales (ADEW) Inclusion group and able to raise concerns with their authorities.

These are challenging times and I, in common with all Cabinet Secretaries, have had to make some difficult decisions. However, I have continued to listen to the concerns raised by various stakeholders about the impact of the changes to funding arrangements to support these groups of learners. As a consequence and, in recognition that transitioning services to new arrangements takes time, I have agreed a total of £8.7million in the 2018-19 financial year to support local authorities.

### **Transitional Arrangements**

The expectation of the additional funding I have made available through the Local Authority Education Grant 2018-19 is to enable authorities to provide support for Minority Ethnic and Gypsy, Roma and Traveller learners in line with previous expectations and assurances. The grant also includes a requirement to make progress, during 2018-19, to transition services to a sustainable model. Funding for 2019-2020 will be dependent on progress made during this financial year to transition the service. I have asked my officials to work closely with Cardiff, Newport, Swansea and Wrexham local authorities (as the largest urban authorities in their regions) to support a move towards a sustainable model within their regions from April 2020,

### **Monitoring**

Local Authorities are responsible for schools funding as is set out in law and they must ensure appropriate education provision is available for all learners. That is why after 10 years of additional grant funding to try and to test systems and approaches, minority ethnic, Gypsy, Roma and Traveller learner support is now a core provision.

Each year we collect and publish information on the educational performance of these groups of learners, many of whom outperform the Wales averages; we will continue to do this to facilitate open and informed discussion on learner progress. I am confident the checks and balances are in the system and that we can continue to monitor progress moving forwards.

The financial position for 2019-20 will be reviewed as part of setting our firm plans in the autumn. It is however my intention to provide a further £8.7million to all 22 Local Authorities in 2019-20, to support the continuing development of a sustainable model from April 2020.

As I have indicated, this funding will be conditional on evidence of working progress towards more sustainable models of delivery. My officials wrote to all Chief Executives on Friday 18 May 2018 with their funding allocations for 2018-19.

In publishing *Education in Wales: Our national mission*, and as outlined above, I am confident working in partnership with schools, regional consortia, Local Authorities and the WLGA, we can continue to monitor the progress of these groups of learners.

Yours sincerely

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

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

**P-05-821 Reintroduce educational support funding to MEAS and the TES to local authorities – Correspondence from the Petitioner to the Committee, 06.8.18**

**Neath Port Talbot Minority Ethnic Support (MEAS) Team Response to Kirsty Williams' letter to Welsh Government's Petition Committee dated 6.8.18**

In reference to the Welsh Government's *"commitment to reducing inequalities and ensuring all learners are able to achieve their potential and thrive in a learning environment which supports their needs. The Welsh Government provides significant levels of grant funding for school improvement and raising standards through our Education budgets, but the vast majority of the funding we provide for schools is directed to local government through the Local Government Settlement and we have taken action to maximise this funding through our budget approach"*

I have spent the last two years working with Consortium colleagues representing Neath Port Talbot Talbot Ethnic Minority/English as an Additional Language (EM/EAL learners) as suggested by Kirsty's letter, in the hope of creating a "more sustainable way" of supporting learners. This consortium approach has consisted of many meetings and many "workshops" in Carmarthen, taking us away from our jobs (including settling 32 Syrian children into our schools/nurseries and supporting their parents/siblings), trying to establish an agreed policy and procedures for supporting EM/EAL learners across the consortium. This working group was told by the Consortium administration that it could no longer officially meet as a recognised group over a year ago and all work previously undertaken was abandoned, whilst colleagues went off to try to maintain some support for their pupils in the wake of first the withdrawal of any grant funding for EM/EAL learners and then a drastic reduction in funding, which resulted in all NPTCBC specialist EM/EAL staff being put at risk of redundancy. It felt like the Consortium working had been a huge waste of everyone's time. Whilst we worked as a working party, the practicalities of the sheer distance travelled between authorities and within authorities and difference in our approaches to supporting our pupils were insurmountable, causing greater division rather than unity during that time. As specialist staff in our consortium authorities have left or been made redundant, there is little EM/EAL specialist capacity left for a consortium approach.

Our Local Authority approach to supporting EM/EAL learners in NPT is broad and diverse, to match the needs of over 1300 EM/EAL learners, over 500 new EM/EAL learners arriving in NPTCBC in the last 10 years. Our approach incorporates the best EM/EAL practice, based on research and experience and working with other Welsh authorities such as Newport and Denbighshire. We have a long and successful history of working with Newport, Cardiff, Denbighshire, Bridgend and Vale specialist colleagues in particular, on training and development of Good Practice, long before we were expected to develop working with consortium colleagues. We have had to be creative and resourceful as we have always received one of the lowest grants for our pupils, around £120k. We have remained sustainable because as a specialist service, we bid for grants from other funding sources outside of the council to provide the Bilingual support so desperately needed by our pupils to succeed and integrate. We even attract union funding for our own staff training (including stress management and wellbeing). Only 4 (3.4 FTE) specialist EM/EAL staff who were funded from the original MEAG grant remain since the start of this term. We have been successful as support team, because we work in partnership with Head teachers, school staff and families to ensure we meet the needs of our EM/EAL learners. Vacancies for specialist EM/EAL staff (as a consequence of being put at risk of redundancy), who can speak the same home languages as many of our learners may not be filled due to lack of funding. We put the children and schools' needs first, it is not just about our jobs. Kirsty is welcome to come and visit us any time as many others have and been overwhelmed by how much we do for so little WG funding. We are one of the few authorities to focus on the underachievement of black pupils also, especially boys, which the MEAG grant was supposed to be used for, not just EAL support, after the death of Stephen Lawrence and the recommendations of the McPherson Report. We also support our post 16 learners in transition to college ensuring they are on appropriate learning and career pathways (including university applications). At least 10 of our previously supported learners are at University or are graduating from University with degrees this Summer. We know these pupils by name, because we supported them over a number of years.

One of the main points in Kirsty's letter was a reference made to EM/EAL learners and mono-lingual children within the education system now doing as well as each other, and interventions having no real impact. The letter appears to presume that EM/EAL learners are able to attain this level of attainment and qualifications without



interventions. However, we can only test this presumption if the interventions were removed and then the learners tested. It is impossible to make such an assumption whilst interventions are still in place. If specialist EM/EAL support is removed and EM/EAL attainment declines, then the re-establishment of these services will be virtually impossible. There is no specialist EM/EAL training available in any Welsh University now. The Team Leader and Teacher Development Officers in NPT CBC have MEd and MA qualifications in teaching English as an Additional Language. Is this the risk our government wants to take on the next generation of EM/EAL learners? If we remove support/drastically reduce Local Authority support for these children, then we are in danger of losing the expertise and skills of those staff, and future generations of children will lose out, as is already the case in England.

From our experience many children from EM/EAL background do achieve outcomes which are better than their monolingual counterparts, but many of these learners have had intervention strategies put in place to achieve their successful outcomes in a much shorter time than it would take otherwise and at less cost to our Education system. For example NPTCBC have had great success with First Language GCSE, AS and A levels. **This Summer alone excellent MEAS support has ensured fantastic examination results for EM/EAL pupils such as a pupil achieving A\* in Mandarin and A\* Russian GCSE and a Polish pupil who came to us in Year 8 with no English, achieving an A in English Literature, A\* in Welsh, and A–A\* in many other GCSE subjects. Our new Syrian learners have already achieved 5 A–A\* grades at GCSE last year and two are already studying for A levels in Sciences and Mathematics. Similar results have been sustained for our MEAS supported EM/EAL learners over several years.**

**Has the WG consulted with the families and children from Ethnic Minority communities about the reduction of funding/support and made a full and thorough impact assessment?** Pupils who have received specialist EM/EAL provision would be best placed to judge the value and long term benefit of the support they have received and whether it greatly improved their academic success. As educators, we should be concerned with other aspects of achievement such as increased well-being, confidence, morale, self-belief and self-value, which are vastly improved whilst these interventions are in place.

Many learners entering the Welsh education system do not speak any English or are at risk of underachieving or becoming NEET. With our specialist intervention, we have evidence to suggest that they will be misplaced within our schools and not provided with good academic and social role models. A real danger is that we will see an increase in the number of EM/EAL pupils diagnosed with Additional Needs or becoming NEET.

Many teachers are not taught specialisms such as language development, or the skills and understanding to teach and support EM/EAL learners in their teacher training. They are often unaware of the resources to use and how to communicate and assess EM/EAL learners as a specialist would. Some Ethnic Minority Parent/Carers will not attend schools due to the fear of not being understood, therefore closing down the family-school links which are seen as such important factors, when their children are admitted into schools. Without EM/EAL specialist support and services, schools may fail many of these children. Our EM/EAL learners are often very bright and intelligent with English Language or academic language/concepts being the only barrier to their learning and achievement and yet they are often subjected to the same assessment tests as their monolingual peers, putting them at a distinct disadvantage. If EM/EAL learners are not adequately supported by excellent EM/EAL policy and practice, they will become demoralised, losing concentration and resulting in them not wishing to attend schools. They may exhibit behaviour issues in future. All of this can be prevented with maintaining practical specialist provision that we as teachers, know is the best possible chance for EM/EAL learners to succeed/attain and have equality in schools, further education, the work place and wider world. Please do not take this provision away. We are already living and working in a local authority that has considerable deprivation and must make some hard decisions about which support to prioritise over others for very vulnerable young people and their families. Please speak to the EM/EAL pupils themselves, parents and teachers, before it is too late. Wales has had EM/EAL provision to be proud of and where EM/EAL learners are proud to call themselves Welsh. We are already losing this provision but it is not too late to rethink. Thank you. **Jan Hoggan and the MEAS team, NPT CBC, on behalf of the EM/EAL learners and their families in NPTCBC**

# Agenda Item 3.24

**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.

### **Assembly Constituency and Region**

- Vale of Glamorgan
- South Wales Central



Eich cyf/Your ref P-05-803  
Ein cyf/Our ref MD/00302/18

David John Rowlands AM  
Chair - Petitions committee  
National Assembly for Wales  
Cardiff Bay  
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7 July 2018

Dear David,

Thank you for your letter of 4 June, regarding the petition P-05-803 related to taxing single-use plastics. I last wrote to you in February, and welcome the opportunity to provide you with the latest position. I welcome the continued interest in and support for a tax on disposable plastic in Wales and I recognise the high level of public interest in this matter

Since my last letter to you, we have continued to explore potential taxation options for Wales while working with UK Government on its call for evidence which examined how charges or changes to the tax system could tackle the problems associated with single-use plastic waste. This work has highlighted the opportunity, if this is suitably tailored to Wales' needs, for considering the potential for a UK-wide tax. Our goals for tackling avoidable plastic waste and the environmental problems it creates might be more effectively addressed through a joint taxation measure, so I am keen to explore this opportunity further with the UK Government and other devolved administrations.

I recognise the importance of aligning our approach with wider plans for introducing a deposit return scheme, additionally to the ongoing reform of existing legislation on packaging waste, to place more responsibility for the cost of end-of-life waste management on the producers of packaging.

The UK Government's call for evidence concluded on 18 May. The Welsh Government publicised the call for evidence in Wales to help ensure community and business interests were taken into account in the outcome. We are now working with HMT to assess the responses to the consultation to inform our approach - a significant number of responses were received which is very encouraging.

In parallel, we are assessing the merits of introducing a stand-alone Welsh tax, levy or charge on single-use beverage drinks containers to reduce their use, encourage re-use, and reduce the litter they can create, as recommended in the Eonomia report (published on 8 May). This work will be informed by the findings of the HMT call for evidence.

The Minister of Environment and I have agreed that we should continue to work with the UK Government at this stage and I will be meeting the Exchequer Secretary to the Treasury in the near future to discuss progress and the way ahead.

I hope that this information proves helpful and I welcome your contribution to the process.

Yours sincerely,  
Mark Drakeford

**Mark Drakeford AM/AC**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance

**P-05-803 Our natural world is being poisoned by single use plastics...it's time to introduce a tax! – Correspondence from the petitioner to the Committee, 17.09.18**

Dear Assembly Member,

The members of Friends of Barry Beaches are extremely concerned about the delays in introducing effective taxation on single use plastics. Month in month out the tide of single use plastics seems to be relentless. There seems to be plenty of talk from politicians from Westminster and the Welsh Government but very little action.

Wales could be a leader in these progressive single use plastic taxes which will help our environment but instead we seem content in following Michael Gove and his rush to do nothing!

Following the shock of the Blue Planet images, the Welsh people have been calling for action to resolve this tide of plastic...enough of talking—it is time now to do!

Rob Curtis

Friends of Barry Beaches

## **P-05-822 Ban plastic straws (when drinking milk) in our schools**

This petition was submitted by Ysgol y Wern having collected 1,034 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to [urge the Welsh Government to] consider banning the use of plastic straws which are used to drink milk in our schools. As a large school we receive around 285 milk bottles (in the Foundation Phase) daily including the same number of straws. Bearing in mind the global campaign to reduce plastic waste, we feel that plastic straws have a detrimental effect on our environment, especially as that they are used once and then thrown away. If this practice continues, it could lead to the possibility of there being more plastic than fish in our seas by 2050. The fact is that all these straws contribute significantly to the pollution of our seas and endangers wildlife.

### **Assembly Constituency and Region**

- Cardiff North
- South Wales Central





Eich cyf/Your ref P-05-822  
Ein cyf/Our ref MD/00428/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
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government.committee.business@wales.gsi.gov.uk

28 August 2018

*Dear David,*

I am writing in response to your letter of 27 July to the Minister for the Environment, regarding Petition P-05-822, in relation to plastic straws. The letter was passed to me for response as the matters you raised fall within my portfolio.

I am pleased to see the children at Ysgol y Wern taking such an interest in environmental matters and playing such an active role with their petition.

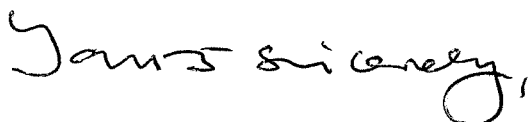
I have provided below a response to each of the points raised in turn.

- Public bodies in Wales are encouraged to avoid using single use plastic products where possible, in order to reduce waste and help us reach our 2050 one planet resource use goal. The Well-being of Future Generations Act ways of working and national goals are embedded in our procurement considerations. My officials are working with local authorities and suppliers to explore the issues associated with plastic straws and try and find practical alternatives. Through this work, we will establish what milk cartons / straws the schools are buying and what alternatives are available, and the associated costs. In progressing this work, careful consideration is being given to avoid any unintended consequences which may have an adverse effect in another area and to ensure that we work with Welsh business to prepare for any change in requirements. My officials have recently started exploring this further by engaging with the Waste and Resources Action Programme, the Welsh Government's Waste and Strategy Branch and Future

Generations Commissioner's office, and are working out a timeline for this activity.

- Value Wales is currently working with several local authorities on pilot projects aimed at demonstrating how the Well-being of Future Generations Act can be practically applied to procurement. Pembrokeshire County Council is trialling a switch from plastic milk bottles to glass and other materials with seven schools in their authority and this is likely to result in a reduction of straws in the process. The outcome of this pilot project, which will conclude in December 2018, will be made available for other public bodies to share.
- The National Procurement Service (NPS) has consulted with suppliers on its new Key Performance Indicator tool, which will enable suppliers to measure and monitor their carbon footprint. A workshop was held on 23 July, with ten of its suppliers and a further consultation is scheduled for September.
- The NPS is currently working with its framework suppliers and local authorities in Wales with a view to reducing / eliminating the use of plastics – including straws - in the future. The NPS is committed to embedding sustainability into its frameworks and is signed up to the Courtauld Commitment 2025, a voluntary agreement that brings together producer and consumer to make food and drink production and consumption more sustainable.

The UK Government is currently looking at how charges, or changes to the tax system could tackle the problems associated with single-use plastic waste. We will work closely with them in relation to any action to ban specific single use plastic items and feeding in views from Wales. The interest of the children from Ysgol y Wern provides helpful input to this work.



**Mark Drakeford AC/AM**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance

**P-05-822 Ban plastic straws (when drinking milk) in our schools – Welsh Local Government Association to the Chair, 27.07.18**

Dear Mr Rowlands

Thank you for your letter dated 27th July detailing Petition P-05-822 which seeks to ban plastic straws (when drinking milk) in our schools. You ask for our views on the petition and what lead the Association has taken in working with local authorities and schools to help or eliminate the use of plastic straws.

The honest answer to your letter is that this is ultimately a matter for individual LEAs to determine in consultation with their schools. We are aware for example that in Scotland, Glasgow City Council stopped the use of plastic straws from the end of February 2018. This decision arose from a petition which came from schoolchildren, similar to the admirable proposal received from Ysgol y Wern County Primary School.

In Wales, Monmouthshire county council voted unanimously in June 2018 to work towards becoming a plastic-free county. Other authorities across Wales are looking at this in terms of cost and logistics.

The best way forward on this matter is for WLGA to raise this with the 22 education Cabinet members. In terms of timing, they actually came together last week but they will meet up again within WLGA in the early autumn where we will place this on the agenda. We will then report back the outcome of this discussion.

I trust this assists in your deliberations.

Yours sincerely  
Steve Thomas

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