

## **Agenda – Equality, Local Government and Communities Committee**

---

Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: 12 October 2020

Meeting time: 13.00

For further information contact:

Naomi Stocks

Committee Clerk

0300 200 6565

[SeneddCommunities@senedd.wales](mailto:SeneddCommunities@senedd.wales)

---

### **Pre-meeting (13.00 – 13.30)**

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

- 1 Introductions, apologies, substitutions and declarations of interest**
  
- 2 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit – evidence session with the Minister for Housing and Local Government**  
(13.30 – 14.45) (Pages 1 – 14)  
Julie James MS, Minister for Housing and Local Government  
Reg Kilpatrick, Director General, COVID-19 Crisis Coordination, Welsh Government  
Emma Williams, Director, Housing and Regeneration, Welsh Government  
Claire Bennett, Director, Communities and Tackling Poverty, Welsh Government



**Break (14.45 – 15.00)**

**3 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit – evidence session with the Deputy Minister and Chief Whip**

(15.00 – 16.15)

(Pages 15 – 25)

Jane Hutt MS, Deputy Minister and Chief Whip

Alyson Francis, Deputy Director of Communities Division, Welsh Government

**4 Paper(s) to note**

(Page 26)

**4.1 Letter from the Minister for Housing and Local Government to all Committee Chairs in relation to the National Development Framework**

(Pages 27 – 28)

**4.2 Correspondence from the Minister for Finance and Trefnydd to the Llywydd in relation to the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020**

(Pages 29 – 43)

**4.3 Additional information from the Welsh Government in relation to the Renting Homes (Amendment) (Wales) Bill**

(Pages 44 – 51)

**4.4 Letter from the Deputy Minister and Chief Whip in relation to the Legislative Consent Memorandum: Domestic Abuse Bill**

(Pages 52 – 53)

**4.5 Letter from the Chair of the Public Accounts Committee in relation to the impact of the COVID-19 pandemic**

(Pages 54 – 64)

**5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**

- 6 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit – consideration of evidence received**  
(16.15 – 16.30)
- 7 Legislative Consent Memorandum: Domestic Abuse Bill – consideration of the response from the Welsh Government**  
(16.30 – 16.45) (Pages 65 – 68)

Document is Restricted

Document is Restricted

# Agenda Item 4

## Equality, Local Government and Communities Committee

12 October 2020 – papers to note cover sheet

Paper no.	Issue	From	Action point
ELGC(5)-27-20 Paper 1	National Development Framework	Minister for Housing and Local Government	To note
ELGC(5)-27-20 Paper 2	Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020	Minister for Finance and Trefnydd, to the Llywydd	To note
ELGC(5)-27-20 Paper 3	Renting Homes (Amendment) (Wales) Bill	Welsh Government	To note
ELGC(5)-27-20 Paper 4	LCM: Domestic Abuse Bill	Deputy Minister and Chief Whip	To note
ELGC(5)-27-20 Paper 5	Inquiry into COVID-19 and its impact on matters relating to the Public Accounts Committee's remit	Chair of the Public Accounts Committee	To note

Ein cyf/Our ref:

To: Committee Chairs

21 September 2020

Dear All,

Following extensive consultation on the draft National Development Framework (NDF) last year, I have today laid the draft NDF before the Senedd for a 60-day consideration period.

The NDF is accompanied by a consultation report setting out the issues raised during the consultation, a schedule of changes I intend to make following consideration of the consultation responses, and an updated integrated sustainability appraisal. They can be viewed [here](#).

To support the scrutiny process I have today published two documents. The first sets out how I intend to monitor the NDF after its publication; and the second is a version of the schedules of changes document that has been laid in the format of the draft NDF document that was consulted upon last year. These documents are available to view [here](#).

I will be tabling an amendable motion in government-time to provide an opportunity for the Senedd to express its views on (but not approve) the draft NDF. The debate will take place during the Senedd's 60-day consideration period so the Government can reflect on the issues raised together with any recommendations from Senedd Committees in a timely manner.

During last year's consultation on the draft NDF, Senedd members expressed to me the importance of everyone being able to understand what the NDF was and what it would mean for them. Some thought the name 'national development framework' did not set out what the NDF was or would do. I have reflected on this and asked Children in Wales to help develop a new title. They suggested the name 'Future Wales – The National Plan 2040'. On publication, the NDF will be known by this new name and referred to in short as Future Wales. You will see this new name appearing on some of the documents that will support the scrutiny process.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[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 look forward to working with the Senedd on the completion of Future Wales, our first National Development Framework.

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 AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Ein cyf/Our ref: MA/JJ/3013/20

Elin Jones MS  
Presiding Officer  
Senedd Cymru  
Cardiff Bay  
CF99 1NA

28 September 2020

Dear Llywydd,

**The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020**

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Schedule 10 paragraph 3 of the Government of Wales Act 2006, I am notifying you that this Statutory Instrument (SI) will come into force less than 21 days from the date of laying. The Explanatory Memorandum that accompanies the Regulations is attached for your information.

The Regulations amend paragraphs 1(1), 2, 3, 6, 8, 9, 10 and 11 of Schedule 29 to the Coronavirus Act 2020 ("the 2020 Act") in relation to the notice period that landlords are required to serve on a tenant where the landlord has granted a tenancy governed by the Rent Act 1977 and the Housing Acts 1985, 1988 and 1996. Amendments being made include extending until 31 March 2021 the relevant period during which Schedule 29 applies.

The effect of these changes will be to:

- extend, for a further six months, the period during which landlords, in most circumstances, will need to provide tenants with increased notice before starting possession proceedings in the courts;
- ensure that six months' notice is required in relation to all protected and statutory tenancies, secure tenancies, introductory and demoted tenancies, and assured tenancies and assured shorthold tenancies, except where the reason for notice relates to antisocial behaviour or domestic violence

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

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.

- revert to the pre-Covid 19 notice period requirements for serving notices where the reason for giving notice relates to antisocial behaviour or domestic violence.

There remains an urgent need to ensure that the number of tenants under threat of eviction from their homes is kept as low as possible, so as to continue with the containment of Coronavirus, ease the burden on frontline staff, and ensure tenants are provided with appropriate support. The Regulations make an important contribution to meeting that urgent need. In order to ensure that the provisions of Schedule 29 continue to apply after 30 September, the Regulations come into force on 29 September 2020.

Due to the urgent timetable there has been no time to carry out a meaningful consultation or a Regulatory impact Assessment. However, an Explanatory Memorandum has been prepared and is attached for your information. This has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AS, Chair of the Legislation, Justice and Constitution Committee, Sian Wilkins, Head of Chamber and Committee Services, Julian Luke, Head of Policy and Legislation Committee Service and John Griffiths MS, Chair of the Equality, Local Government and Communities Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive style with a large initial 'R' and a distinct 'E'.

Rebecca Evans MS  
Minister for Finance and Trefnydd

## **Explanatory Memorandum to the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020**

This Explanatory Memorandum has been prepared by the Education and Public Services Department of the Welsh Government and is laid before the Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020.

Julie James  
Minister for Housing and Local Government  
28 September 2020

## **1. Description**

- 1.1 Section 81 and Schedule 29 to the Coronavirus Act 2020 (“the 2020 Act”) provide protection from eviction by increasing the notice period a landlord is required to give a tenant when seeking possession. These Regulations extend until 31 March 2021 (from the previous end date of 30 September 2020) the period during which increased notice must be given to tenants granted tenancies under the Rent Act 1977 and the Housing Acts 1985, 1988 and 1996. In addition, these Regulations increase from three months to six months the period of notice required for most notices served in respect of protected and statutory tenancies, secure tenancies, introductory and demoted tenancies, thus bringing those tenancies into line with the period of six months’ notice already required in relation to assured tenancies and assured shorthold tenancies. However, in the case of all tenancies, the Regulations suspend the longer notice periods required under Schedule 29 to the 2020 Act in relation to cases where the ground or reason for giving notice relates to antisocial behaviour (ASB) or domestic violence (DV)

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1 There is an urgent need to ensure that the relevant period is extended beyond the 30 September. The number of people under immediate threat of eviction from their homes must be kept low, in order to continue to contribute to the range of measures in place that respond to the virus. Consequently, the Regulations come into force on 29 September 2020 and do not follow the convention that not less than 21 days should elapse between the laying of the Regulations and their coming into force.
- 2.2 In accordance with section 11A(4) of the Statutory Instruments Act 1946 (inserted by Schedule 10 paragraph 3 of the Government of Wales Act 2006), the Llywydd has been informed that the Regulations will come into force less than 21 days from the date of laying.
- 2.3 Even though the Regulations apply prospectively (i.e. on or after the date the amendments come into force) there is an element of retrospectivity to the Regulations in that notice periods in existing tenancies are temporarily altered. However, the extended notice period will apply to notices given on or after the date the Regulations come into force.

## **3. Legislative background**

- 3.1 These Regulations are made under Section 88, and paragraphs 1(2) and 13(1) of Schedule 29 to the Coronavirus Act 2020 (“the 2020 Act”).
- 3.2 Section 81 and Schedule 29 to the 2020 Act delay when landlords may evict tenants by either amending the notice period a landlord is required to serve on a tenant or, in some cases, creating a notice requirement when such a requirement does not currently exist. Notices served in respect of

protected tenancies, statutory tenancies secure tenancies, assured tenancies, assured shorthold tenancies, introductory tenancies and demoted tenancies during the “relevant period” are subject to an extended notice period. The relevant period, which is set to end on 30 September 2020, may be extended by the “relevant national authority” (which means the Welsh Ministers in relation to Wales) under a power set out in paragraph 1(2) of Schedule 29.

- 3.3 Schedule 29 applies to all landlords who have granted tenancies under the Rent Act 1977 and the Housing Acts 1985, 1988 and 1996. Three months’ notice is required for notices served in respect of protected and statutory tenancies, secure tenancies, introductory tenancies and demoted tenancies. Following amendments made to Schedule 29 of the 2020 Act by the Coronavirus (Assured Tenancies and Assured Shorthold Tenancies; Extended Notice Periods) (Amendment) (Wales) Regulations 2020, six months’ notice must be served in respect of assured tenancies and assured shorthold tenancies, except where the notice is issued under Grounds 7A and 14 of Schedule 2 to the Housing Act 1988 (respectively, the mandatory ground for serious offences/ASB and the nuisance and annoyance discretionary ground) where the notice period remains at three months.
- 3.5 Paragraph 13(1)(a) of Schedule 29 provides the Welsh Ministers with power to alter a reference to three months in Schedule 29 to a reference to six months, or a reference to any other specified period which is less than six months. Paragraph 13(1)(b) provides the power to alter a reference which has been altered by virtue of either paragraph (a) or (b) but not so as to result in the reference being to a specified period of more than six months.
- 3.6 Paragraph 14(1)(b) of Schedule 29 states that regulations under Schedule 29... “may be exercised so as to make different provision for different purposes or different areas...”. Paragraph 14(3) states that a statutory instrument containing regulations of the Welsh Ministers under paragraph 13 is subject to annulment in pursuance of a resolution of the Senedd (i.e. the negative resolution procedure).
- 3.7 Section 88 of the 2020 Act provides a power to ‘national authorities’ to suspend and revive provisions within the Coronavirus Act. This power may be exercised more than once in relation to a given provision and may be exercised so as to make different provision for different purposes or areas.
- 3.8 Section 88(9) provides that the Welsh Ministers are a relevant national authority in relation to a provision if it extends to England and Wales and applies in relation to Wales and the provision would otherwise fall within the legislative competence of the Senedd.

#### 4. Purpose & intended effect of the legislation

- 4.1 The Regulations amend Schedule 29 of the 2020 Act so as to ensure that after 29 September 2020 until 31 March 2021 tenancies are subject to a six-month notice period for termination of the tenancy, except where the reason for seeking to end the tenancy relates to ASB or domestic violence.
- 4.2 In the period since the Coronavirus 2020 Act was commenced, it has become apparent that the public health emergency and its effects are likely to last for many more months with continuing restrictions required on various aspects of normal life, including local lockdowns. Although there is currently little independent evidence available to confirm the scale of the problem of rent arrears at the present time, or projections as to how the problem may increase in future as the full economic effects of the coronavirus become clear, financial hardship resulting from the effects of the pandemic are likely to have had a damaging impact on the ability of some tenants to pay rent. This may give rise to a substantial increase in evictions if action is not taken.
- 4.3 With this in mind, the Regulations have been drafted in order to support three of the overarching aims of the Coronavirus Act, that is:
- containing and slowing the virus
  - easing the burden on frontline staff; and,
  - supporting people.
- 4.4 Extending the relevant period to 31 March 2021 and increasing notice periods for those tenancies not already increased by the 2020 Regulations – but at the same time reducing the notice period for grounds relating to ASB and DV - will support these three aims through:

**Reduced homelessness-** continued longer notice periods, and increased notice periods for those tenancies not already increased by the 2020 Regulations, should mean fewer people evicted into homelessness, or be at risk of being evicted into homelessness. If a person becomes homeless, their potential vulnerability to the virus and the likelihood of them spreading it is increased further (“*containing and slowing the virus*”). This may become particularly significant in the event of a potential second wave or local spikes occurring during the autumn and winter months. Even where that does not occur, aspects of homelessness constitute a public health risk in themselves, and any steps that combat that risk have merit in their own right.

Reducing the notice period for ASB and DV grounds would result potentially in the individuals subject to such notices being evicted more quickly – but the negative effect of this would be mitigated, for example, by the reduced need to rehouse neighbouring tenants who are affected by the ASB, and fewer homes left vacant due to the ASB which might otherwise be used to house those at risk of homelessness. In those cases subject to notices issued under the discretionary ASB ground (Ground

14), the court would be able to take into account any particular consideration arising as a result of Covid-19, and whether the severity of the case warranted an eviction in the circumstances of the pandemic, before deciding whether to issue a possession order.

**Reduced pressure on services** - Fewer people would be evicted into homelessness, or be at risk of being evicted into homelessness, at a time when local authorities are less able to respond to these situations as a result of pressures on services created by coronavirus. These pressures include finding suitable homes for those currently residing in temporary accommodation, diverting resources away from other vital aspects of local authorities' response to the public health emergency posed by Covid-19, will potentially weaken the effectiveness of that response ("*easing the burden on frontline staff*"), particularly as health and other services will already likely face additional pressures (for example, caused by increased influenza cases) during the winter months.

Although reducing notice periods relating to ASB and DV could lead to increased pressure on homelessness services specifically, overall it is likely to reduce pressure on public services. This is because an earlier eviction on ASB grounds will reduce the need for ongoing intervention to address the impact that ASB and DV has on others, for example (in the case of ASB) neighbours (including having to rehouse those worst affected, but also the intensive support and security measures, including police intervention, more generally required in these cases). In the case of both ASB and DV, a quicker process of eviction also helps to deter such behaviours from occurring in the first place, thus eliminating the need for services to intervene.

**Increased security and reduced anxiety** - Those renting their homes will continue to benefit from the knowledge that they will not face the threat of eviction at short notice and in some instances will receive even longer notice on a statutory basis. As well as increased security, this will reduce levels of anxiety amongst tenants who in many cases are already being affected in other ways by the ongoing uncertainties caused by the coronavirus outbreak ("*supporting people*"). Reducing anxiety in the general population also has a clear public health benefit and reduces pressures on public services including mental health services ("*easing the burden on frontline staff*").

At the same time, reducing the notice periods for ASB will also contribute to a greater feeling of security and reduced anxiety amongst those who would otherwise be negatively affected by the on-going ASB of a neighbour.

**Increased scope to support individuals at risk of eviction** - An extension to the relevant period and increased notice periods for those tenancies not already increased by the 2020 Regulations, would also

continue to provide additional time for landlords, tenants and support agencies to work together to identify and agree arrangements to support tenants to better manage their finances and repay any rent arrears which may accrue as a result of the coronavirus outbreak (“supporting people”). In the case of ASB, especially in social housing, there are likely to have been significant interventions by support agencies prior to a possession notice being issued, so the additional time extended notice periods provide would have little value in this respect.

- 4.5 With the stay on possession proceedings in the courts ending on 20 September, the extended notice periods have become more important. Extending the relevant period for which the longer notices apply will reduce the number of possession proceedings in the weeks and months following the stay being lifted and help to flatten any wave of evictions that may arise.
- 4.6 The Welsh Government also thinks that notice periods for protected and statutory tenancies, secure tenancies, and introductory tenancies and demoted tenancies should be increased from three months to six months except those that relate to ASB or DV. This will mean that they better align with those relating to assured tenancies and assured shorthold tenancies and provide tenants with a similar level of security irrespective of the type of tenancy they have.
- 4.7 Taking all the above into account, the Regulations make the following specific changes:

#### Relevant period

The relevant period to which Schedule 29 of the Coronavirus Act 2020 applies is extended to 31 March 2021

#### Rent Act 1977

- (i) Subject to (ii) below, notice periods in relation to protected tenancies and statutory tenancies are extended from three months to six months;
- (ii) In relation to notices that relate to Case 2 of Schedule 15 (conduct which is a nuisance or annoyance to adjoining occupiers, or dwelling-house used for immoral or illegal purposes), the existing three month notice period is suspended so that for the time being, the arrangements for giving notice return to those which applied in the pre-Coronavirus period.
- (iii) The Notice to Quit etc. (Prescribed Information) Regulations 1988 are amended so the notice to quit will have to specify that the landlord believes that the circumstance in Case 2 applies.



## Housing Act 1985 (“the 1985 Act”)

### *Secure tenancies*

- (i) Subject to (ii) and (iii) below, notice periods in relation to secure tenancies are extended from three months to six months;
- (ii) The existing three month notice periods for notices issued in relation to grounds 2 (discretionary ground for nuisance and annoyance) and 2A (domestic violence) under Schedule 2 to the 1985 Act, are suspended so that for the time being the arrangements for giving notice return to those set out in the pre-Coronavirus Act version of section 83 of that 1985 Act ;
- (iii) The existing three month notice period for notices issued under the absolute ground for ASB (section 84A) are suspended so that for the time being, the arrangements for giving notice return to those set out in the pre-Coronavirus Act version of section 83ZA of the 1985 Act.
- (iv) The Secure Tenancies (Notices) Regulations 1987 are amended so the form used to provide notice reflects the detail above.

## Housing Act 1988 (“the 1988 Act”)

### *Assured tenancies*

- (i) the existing three month notice period in relation to grounds 7A (mandatory ground for serious offences/ASB) and 14 (discretionary ground for nuisance and annoyance), and the existing six month notice period for ground 14A (domestic violence), is suspended so that the arrangements for giving notice return to those set out in the pre-Coronavirus Act version of section 8 of the 1988 Act;
- (ii) All other grounds set out in Schedule 2 to the 1988 remain subject to the existing six month notice period.
- (iii) Paragraph 5 of Form 3 of the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 is amended to reflect the above.

### *Assured shorthold tenancies*

- (iv) Notices issued under section 21 of the 1988 act remain subject to the existing six month notice period.

## Housing Act 1996

- (i) Subject to (ii), notice periods in relation to introductory and demoted tenancies are extended from three months to six months;
- (ii) Where the landlord has specified in the notice of proceedings an ASB or domestic violence reason for applying for a possession order - that is a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act – the existing three month notice period is reduced to four weeks beginning with the date on which the notice of proceedings is served.

### **5. Consultation**

- 5.1 Given the emergency, it has not been possible to conduct any consultation on these Regulations and there is no statutory requirement to do so.

### **6. Regulatory Impact Assessment**

- 6.1 The COVID-19 emergency and the urgency to make these Regulations means it has not been possible to prepare a quantified Regulatory Impact Assessment. However, the following section provides a qualitative description of the likely impacts.

#### **Options**

- 6.2 Three options have been considered:

*Option A – Do nothing*

*Option B – Extend the relevant period until 31 March, keeping all notice periods at their existing lengths*

*Option C – Extend the relevant period until 31 March and maintain/increase notice periods for all tenancies to six months except those relating to ASB or DV which would be reduced back to those periods applying pre-Covid*

#### **Costs and Benefits**

*Option A – Do nothing*

- 6.3 If no action is taken, from 1 October, the arrangements for notice periods will revert to those which was required before the temporary amendments introduced by Schedule 29 of the 2020 Act. This will mean different things in relation to different tenancies, but in all instances will mean that the period given to a tenant will either be less than it currently is.

Although there are no immediate additional costs associated with this option, nor any costs at all to landlords, it will not achieve any of the benefits set out in 4.4 above. As a result of the latter, there will be a potentially significant cost medium to longer term cost, both in terms of potential harm to public health and the financial impact on services of having to deal with those facing eviction and homelessness.

*Option B – Extend the relevant period until 31 March, keeping all notice periods at their existing lengths*

- 6.4 Under this option, regulations would be made that extend the relevant period until 31 March 2021. Consequently, the benefits of extending the period over which additional protections are applied, as outlined under 4.4, would be realised for an additional six months (and across the winter months when pressures on the health service in particular are at their worst). There would also be a saving to local authorities and organisations providing support to individuals faced with eviction with the temporary reduction in their caseload potentially allowing them to redirect resources elsewhere.

That said, the benefits outlined in 4.3 would not be as fully realised as would be the case if notice periods in respect of protected and statutory tenancies, secure tenancies, and introductory and demoted tenancies were also increased to six months for that period.

More significantly, under this option, the benefits to public health and public services set out in relation to a reduction in the notice periods for ASB and DV would not be realised. Instead, there would be continuing costs associated with public health and financial impact on services associated with ASB and DV.

The administrative and transitional costs to landlords of extending the relevant period are expected to be negligible. Where a landlord is seeking possession of property on the rent arrears grounds, there is, however, a potential additional cost arising from the extra delay there would be to the landlord making a claim to the court and the arrears that may build up during that time. Balanced against this is the fact that this additional delay will allow more time for landlords, tenants and support agencies to work together to identify and agree arrangements to support tenants to better manage their finances and repay any rent arrears. Furthermore, the Welsh Government's recently announced Tenancy Saver Loan scheme is designed to support both landlords and tenants. The funds from these loans will be paid directly to landlords, and should help considerably with easing any financial burden on them resulting from rent arrears.

*Option C – Extend the relevant period until 31 March and maintain/increase notice periods for all tenancies to six months except those relating to ASB or DV which are reduced back to those periods applying pre-Covid.*

- 6.5 As with option B, under this option, regulations would be made that extend the relevant period until 31 March 2021. This would realise fully the all the benefits outlined in 4.4.

Also as with option B, the administrative and transitional costs to landlords of this option are expected to be negligible but there are potential additional costs arising from the extra three months delay there would be to making a claim to the court in relation to cases of rent arrears. Again however, this is mitigated by the additional time there will be for arrangements to support tenants to better manage their finances and repay any rent arrears, and by the recently introduced Tenancy Saver Loan. There should also be savings to those who provide support to individuals faced with eviction.

The main difference compared with option B, is that under option C, the negative impact on community well-being and the financial costs associated with continued anti-social behaviour do not arise. Reducing all notice periods for all tenancies where ASB or DV is involved, will help landlords resolve issues which can frequently be the cause of significant stress and anxiety for those living in the vicinity of a tenant engaging in ASB. As a consequence, it is considered that the benefits of pursuing this option do, clearly, outweigh the costs.

It is the view of the Welsh Government that this option will continue to reduce as far as is reasonable, evictions and movement in the light of the ongoing pandemic. However, the option also recognises that the increased three-month notice periods have had a negative impact on those neighbourhoods affected by ASB, and potentially those affected by DV, and that these impacts should not have to continue for a further extended period due to an inability to evict for reasons of ASB or DV in a more timely manner.

## **Competition Assessment**

- 6.6 It has not been possible to undertake a full competition assessment in relation to these Regulations. However, the changes are being applied to all landlords that rent out a property as a home. This broad application means that no changes to the overall structure or size of the private rented sector are expected. In addition no change is expected in terms of competitiveness of businesses, the voluntary sector and charities. There is therefore no risk of a detrimental effect on competition.

## **Specific Impact Tests**

- 6.7 *Equal opportunities*  
These provisions do not discriminate against persons sharing any of the

protected characteristics as set out in the Equality Act 2010. On the contrary, the extending the relevant period may be particularly beneficial to vulnerable individuals who might otherwise find themselves facing eviction when they have not breached the terms of their tenancy and forced to find alternative accommodation at short notice during the current public health emergency. Those with certain protected characteristics under the Equality Act 2010 are likely to be disproportionately represented amongst those living in the rented sector and therefore vulnerable to eviction, e.g. some Black, Asian and Minority Ethnic groups.

#### 6.8 *Children's rights*

No conflict with UNCRC has been identified and no negative impacts on children and young people are expected to arise as a result of these Regulations. Given that a significant proportion of households in the rented sector are families with dependent children, extending the relevant period may help reduce the disruption caused to children by a home move – including potentially having to change school – by providing more time for parents to find suitable alternative accommodation nearby, or sufficient time to make arrangements for a move further afield where that is necessary or desirable.

#### 6.9 *Welsh language*

These Regulations should not give rise to any negative impacts in relation to cultural wellbeing or the Welsh language.

#### 6.10 *Local Government*

These Regulations may have a limited, positive, impact on local authorities, if demand on crisis homelessness services reduces as a result of fewer possession notices being served, and also because longer notice periods allow those faced with a possession notice more time to find alternative accommodation themselves without recourse to homelessness services.

#### 6.11 *Economic effects*

As set out above, whilst landlords would still be able to recover possession if a tenant fails to pay rent, or otherwise breach the terms of their tenancy, and lenders may still be able to recover possession in the event of the landlord defaulting on the mortgage, there is a potential additional cost to them arising from increased notice periods. However, the financial impact of this may be balanced out by the additional time landlords, tenants and support agencies have to work together to identify and agree arrangements to support tenants to better manage their finances and repay any rent arrears. Any negative economic impact caused should therefore be slight. In more general economic terms, the greater security of tenure provided by increased notice periods may have beneficial impacts. For example it may provide tenants with a more stable set of circumstances, improving their ability to secure or sustain employment.

6.12 *Impact on Privacy*

The Regulations do not produce any new requirements relating to privacy or the sharing of information.

6.13 *Rural proofing*

These Regulations will apply to homes rented by people living in rural, as well as urban areas. As such, the impacts – and benefits – will be no different between rural and urban areas.

6.14 *Health and wellbeing*

In addition to the wider public health benefits that would result from a reduction in the number of households having to relocate during the current pandemic. It is also well-recognised that good quality and secure housing is a significant determinant of individuals' general health and wellbeing. These Regulations should therefore support health and wellbeing for individual tenants by providing reassurance that they will not face eviction at short notice during the pandemic.

6.15 *Impact on the Justice System*

The net effect of changes resulting from this legislation is expected to be neutral or even positive on the basis that allowing tenants more time to resolve financial issues may result in fewer rent arrears cases proceeding to court.



## Renting Homes (Amendment) (Wales) Bill – Communications Approach

There will be one communications strategy for the Renting Homes (Wales) Act 2016, as amended by the Renting Homes (Amendment) (Wales) Bill.

This paper gives an overview of the proposed communications approach and is set out using the Government Communication Service's (GCS) OASIS model. Further information about the OASIS model is available on the [GCS website](#).

Further detailed communications plans will be produced and finalised in the coming months.

### Communications objectives

- To encourage landlords, agents and contract-holders in Wales to comply with the new law in time for its implementation and continue to comply after its implementation
- To ensure landlords understand how to issue the written statements of contracts required under the 2016 Act (facilitated by the model written statements) and know the penalties resulting from non-compliance.
- To ensure contract-holders and prospective contract-holders are aware of the changes to contracts and their rights under the law before and after the changes come into force.

### Audiences

#### Renters

There are an estimated 1 million renters in Wales.

These include

- Current and new private sector contract-holders in Wales, and future private contract-holders such as those who may currently be located outside of Wales, e.g. students.
- Current and new social sector contract-holders in Wales

These audiences come from a wide range of different age groups and backgrounds and have varying communication needs. This is recognised in our overall approach which takes account of the different ways in which we may want to target these audiences.

*Key Stakeholder Contacts/Relevant networks for this audience: Tenancy Deposit Schemes, TPAS Cymru, Citizens Advice Cymru, Shelter Cymru, NUS Cymru, Local Authorities and Registered Social Landlords, Universities Wales.*

### Landlords

Private Sector Landlords manage an estimated 213,000 properties that are registered with Rent Smart Wales. Within this group there are;

- Professional Landlords with 5 or more properties
- Current and new private 'hobby' landlords with 1-5 properties
- Letting Agencies who manage properties on landlords' behalves and deal with private tenancies.

*Key Stakeholder Contacts/Relevant Networks for this audience: Rent Smart Wales, National Residential Landlords Association, ARLA/Propertymark, Guild of Residential Landlords, British Landlords Association, National Association of Estate Agents, Safeagent, UK Association of Letting Agents, Royal Institute of Chartered Surveyors*

Public Sector Landlords collectively manage an estimated 226,000 properties in Wales and include;

- 11 Stock-retaining Local Authorities
- 35 Registered Social Landlords

*Key Stakeholder Contacts/Relevant Networks: WLGA, Community Housing Cymru*

### Relevant Professionals

- Solicitors and lawyers dealing with housing contracts and issues
- Advice Services
- Lenders



- Judges

Key Stakeholder Contacts/Relevant networks for this audience: Chartered Institute of Housing, Legal Networks, Citizens Advice Cymru, Women's Aid, Shelter Cymru

## Strategy

Communications activity around the Bill will begin shortly and will focus on explaining the amendments to the Bill and its key elements. This activity will continue until the new legislation comes into force.

Activity following the Bill's implementation will focus on compliance with the legislation.

### Stage 1 – Stages 1, 2, 3 and 4 of the Bill

At this point, communications activity will focus on our stakeholder networks, ensuring they are given advance notice of potential changes and ample time to consider what the changes might mean for them.

A wide range of audiences can be reached via these networks. They include landlords, letting agents, representative bodies, housing professionals and legal networks. For example, the Rent Smart Wales database allows us to communicate with 105,386 registered landlords across Wales.

Before any engagement activity begins, we will undertake a mapping exercise to make sure that we are reaching all the stakeholders that will be affected by the new legislation. This work will help us to identify channels and opportunities where we can share information, e.g. newsletters, websites, social media.

At this stage, messaging will focus on what the legislation will mean for stakeholders, especially landlords, letting agents and contract-holders.

Our initial work will begin with an introduction to the 2016 Act, as amended by the Renting Homes (Wales) Amendment Bill - informing audiences of the reasons behind the legislation, what the main changes will be and when these changes are expected to come into force.

We will provide regular updates for landlords and letting agents already registered on the Rent Smart Wales and local authority databases. Short FAQs will outline the purpose of the 2016 Act, as amended by the Bill, and its most significant elements.

We will work with the Rent Smart Wales team, local authorities, advice services and other key stakeholders, including professional and third sector networks to distribute key messages at appropriate times as the Bill makes its way through the Senedd.

If the Bill passes Stage 4, stakeholder updates will also start to include reminders about the coming into force date - promoting calls to action for landlords and letting agents to start looking at what the changes will mean for them.

### Stage 2 – Period between Royal Assent and coming into force date

At this stage, we will continue our engagement with landlords, letting agents and professionals but also target existing and potential contract-holders.

This stage will begin once the Bill has received Royal Assent and focus on explaining the key elements of the legislation, such as model contracts, the fitness for human habitation obligation and changes to current arrangements, e.g. regarding eviction. This will include advising landlords and letting agents on steps they can take to prepare.

We will also explain how the legislation will help improve the rental sector in Wales, what is required to comply and what it will mean for contract-holders and for landlords and letting agents renting out homes.

We will develop and review messaging regularly for landlords and letting agents, explaining the benefits of the new legislation, new rights and responsibilities and key actions they will need to take.

Six months prior to the implementation of the Bill we will begin a campaign targeted at landlords, letting agents and contract-holders. Calls to action for the campaign will focus on compliance for landlords/letting agents and – for both landlords and contract holders - knowing your rights and responsibilities as well as where to go for further advice and information. We will also look to develop an area on the Welsh Government website that can be updated with information on the legislation, signposting audiences to the Rent Smart Wales website where relevant.

We will work with stakeholders, such as landlord and letting agent bodies, and Rent Smart Wales to include leaflets and further information about the changes in packs for new and existing tenants, as well as providing posters and flyers that can be used in letting agents.

Options we will consider for the campaign at this stage will include digital, TV/ radio and outdoor advertising as well as regular planned social media activity using Welsh Government and stakeholder channels. We will also 'launch' the changes on the implementation day by targeting print and broadcast media through our press office.

We will consult with stakeholders to see how we can present the information in accessible, non-digital formats and seek advice on which campaign materials should be translated for non-English speaking audiences and in other formats such as braille, Easy Read and audio.

### Stage 3 – Post implementation and compliance

At this point, our engagement with stakeholders will focus on monitoring, implementation and compliance issues. We will also work with stakeholders to develop core training modules to support the longer term implementation of the Act. For example:

- Shelter Cymru already delivers a range of training that can be supplemented by these modules;
- Rent Smart Wales will develop a training module for private landlords as part of accreditation training / free continuous professional development;
- The Act will be reflected in undergraduate and LPC law training in Wales and elsewhere; and
- The Act will also be reflected in courses such as the Housing Legislation Training Programme of University of Wales Trinity Saint David.

We will also consider a second burst of campaign activity targeted at both contract-holders and landlords – focusing on understanding rights and responsibilities under the new law and promoting messages around compliance and penalties for non-compliance.

Additional activities will depend upon resources available, however the following channels will be considered when finalising strategy.

**Not-Paid For/Owned Channels:**

- Stakeholder Engagement and Channels
- Press/Media Relations
- Social Media
- Web Content
- Literature – online and potentially hard copies - posters, booklets and leaflets.

Paid for channels/activities to be used as part of any campaign will be identified in detailed planning stage.

**Evaluation**

Communications activity around the Bill will be evaluated using the Government Communications Service's Evaluation Framework.

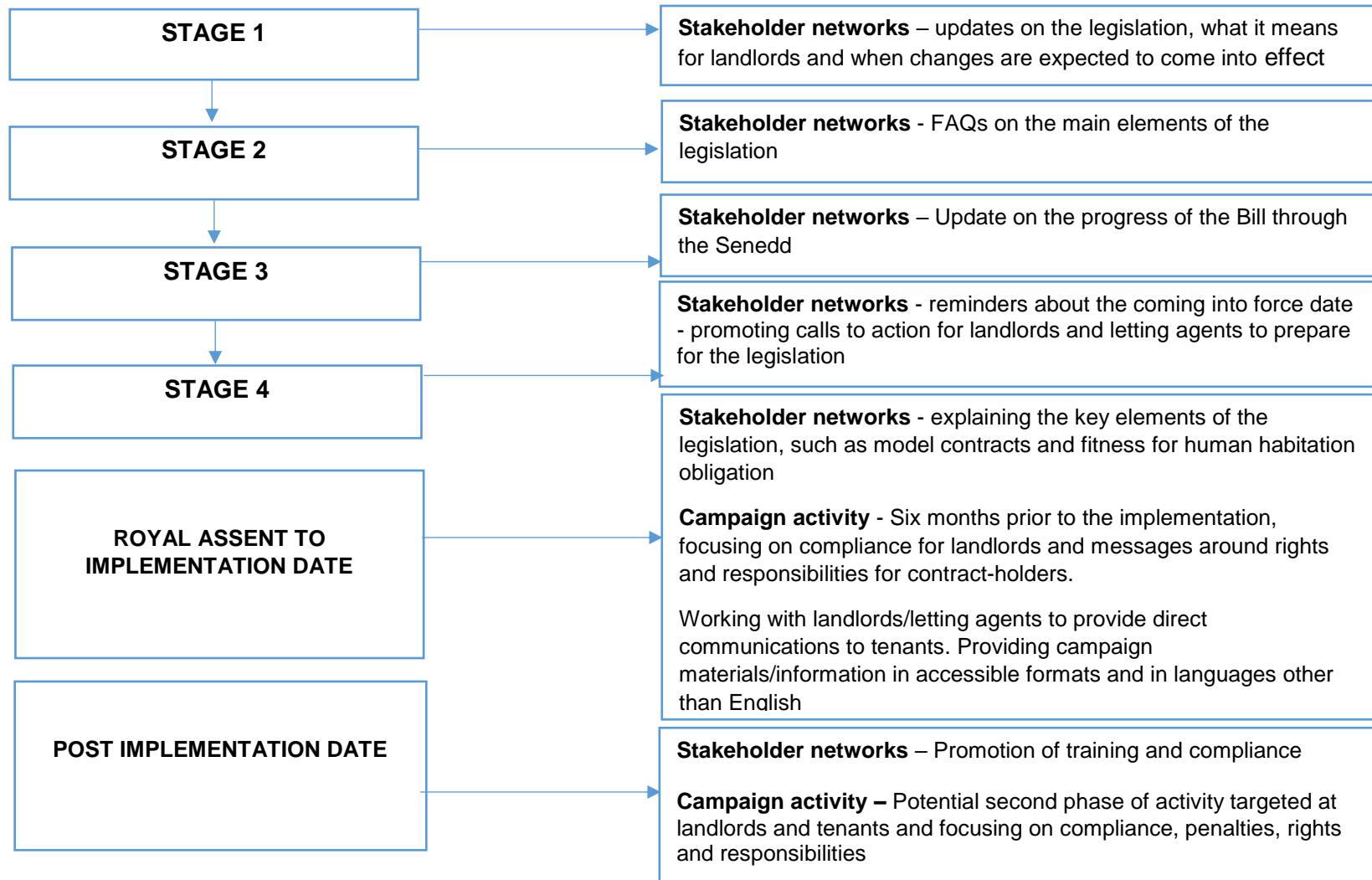
Evaluation, focusing primarily on outcomes and outtakes, takes place throughout a campaign and helps us understand how the campaign has performed against its objectives. Outtakes typically include various data sources such as website visits, number of clicks on digital campaign adverts and other qualitative and/or quantitative research findings

These findings help us to understand whether our campaign call to action, messaging and channels have been successful.

Further information on the Evaluation Framework is available on the [Government Communications Service website](#).

**Annex 1 - Summary of communication activity**

Pack Page 50



# Agenda Item 4.4

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JH/3258/20

Mick Antoniw MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Crickhowell House  
Cardiff Bay  
CF99 1NA

John Griffiths MS  
Chair  
Equality, Local Government and Communities Committee  
Senedd Cymru  
Crickhowell House  
Cardiff Bay  
CF99 1NA

06 October 2020

Dear Chair,

Thank you for your joint letter of 30 September about the Legislative Consent Memorandum (LCM) that was recently laid with regards to the UK Government's Domestic Abuse Bill (the Bill). You asked me three questions in relation to the LCM.

You have asked for an explanation as to why there was a delay in laying the LCM before the Senedd, when the Bill was introduced to the House of Commons on 3 March but the LCM was not laid before the Senedd until 3 August. The Bill was introduced before the UK Parliament for its first reading on 3 March and my officials were involved in ongoing discussions with their counterparts in the UK Government; specifically regarding the powers for the proposed Domestic Abuse Commissioner and the ability of the Senedd to scrutinise the same. Further work on reviewing the Bill in its totality was then halted as both Legal Services and policy officials responded to the unprecedented and fast moving work as a result of COVID-19. The scrutiny of the Bill has only recently restarted and my officials have resumed dialogue with UK Government officials and are considering the Bill as a whole. It is unfortunate that the LCM was not laid from the outset due to the huge volume of work created by COVID -19, however, I believe that now presents an opportune time to scrutinise

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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

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

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

the Bill, given that the UK Government amendments have been recently notified to us and that the Bill is now proceeding before the House of Lords.

You have also asked for details of the analysis undertaken in order to determine that clauses 3, 65, 66, 68 and 73 fall within the Senedd's competence, and why clause 1 and 2 are not included in the LCM. You highlight that the UK Government's Explanatory Notes to the Bill states that the Bill is not within legislative competence of Senedd Cymru, and therefore consent is not required. It remains my view that there are good arguments as to why the provisions identified are within the legislative competence of the Senedd Cymru. The overall purpose of the Bill is to raise awareness and understanding of domestic abuse and its impact on victims, the prevention of domestic abuse, including strengthening support for victims of abuse and their families; this has a clear impact on devolved matters.

The Legislative Consent Motion process must be viewed in the context of the Sewell convention as set out in section 107(6) of the Government of Wales Act 2006 and the Devolution Guidance Note, 'Parliamentary and Assembly Primary Legislation Affecting Wales', which provides that Parliament will not legislate "with regard to devolved matters" without the consent of the Senedd Cymru. Domestic abuse in general is a devolved area, as highlighted by the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

I hope my letter clarifies these matters. I look forward to receiving your report next month and, as you know, I remain committed to eliminating all elements of domestic abuse and look forward to discussing this Bill with Members of the Senedd during the debate on 10 November.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane', with a horizontal line above it.

**Jane Hutt AS/MS**

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

Lynne Neagle MS – Chair, Children, Young People and Education Committee

John Griffiths MS – Chair, Equalities, Local Government and Communities Committee

---

7 October 2020

Dear Lynne and John

## **Inquiry into COVID-19 and its impact on matters relating to the Public Accounts Committee's remit**

As part of the Committee's work looking at the impact of Covid-19 on matters relating to our remit, we held an evidence session with the Welsh Government on 3 August, specifically considering education issues. Following that session, I wrote to the Director General seeking clarification on a number of issues and the detailed response was considered in Committee on 28 September.

Members were content with the response, appreciating that issues have moved on within this sector since we took our evidence.

However, we are concerned with a number of issues, as set out below.

### Broadband at permanent Traveller sites

A number of local authorities have permanent Traveller sites with no broadband connections. We are concerned about what action the Welsh Government is taking to ensure local authorities prioritise broadband connections for these sites (detailed on page 3 of the letter).

### Absence of permanent Gypsy and Traveller sites

The response makes it clear that not all local authorities have a permanent Gypsy & Traveller site. Members raised concerns that the implications of this are that local





---

authorities are not fulfilling their responsibilities as contained in the Planning Act, which requires all local authorities to have such a site.

Low response rate to service provision to Gypsy and Traveller sites

The letter refers to a survey undertaken in 2018 which asked every local authority with authorised socially-tenanted Gypsy and Traveller sites about the provision of a wide range of services, including access to basic services such as water, electricity and gas. This survey included fixed telephone and internet services.

We were disappointed to see that only 6 local authorities responded. We therefore fear that only half of the permanent sites have any form of internet access at all. This is of particular concern not only given the wider implications of this for the rights of Gypsy & Traveller communities, but also given that Gypsy & Traveller children are amongst the lowest performing groups of children in Wales.

I have shared the response with you both, alongside our concerns, and ask that you consider the issues and keep under review as part of your Committee's work.

Yours sincerely,



**Nick Ramsay MS**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English.



**Tracey Burke**

Cyfarwyddwr Cyffredinol / Director General

Y Grŵp Addysg a Gwasanaethau Cyhoeddus  
Education and Public Services Group



Llywodraeth Cymru  
Welsh Government

Nick Ramsay MS  
Chair  
Public Accounts Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1NA

08 September 2020

Dear Mr Ramsay,

Following my attendance at Public Accounts Committee on 3 August, and your subsequent follow up letter of 11 August, please find enclosed my response to the points raised.

Please let me know if the Committee would like further information or clarification.

Yours sincerely

Tracey Burke



Parc Cathays • Cathays Park  
Caerdydd • Cardiff  
CF10 3NQ

Ffôn • Tel 0300 0258047  
[tracey.burke@gov.wales](mailto:tracey.burke@gov.wales)  
Gwefan • website:  
[www.wales.gov.uk](http://www.wales.gov.uk)

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.

**Public Accounts Committee meeting  
3 August 2020  
Follow-up Actions**

- 1) The most recent figures on the take up, by local authority, of the extra funding available as part of the ‘Stay Safe. Stay Learning’ programme, (to support digitally excluded learners during the current pandemic) to ensure traveller sites are equipped with broadband.**

As part of our ‘Stay safe. Stay learning’ programme, support for digitally excluded learners in maintained schools was mobilised through the wider Hwb EdTech programme.

The Minister for Education committed up to £3 million to support digitally excluded learners in maintained schools where there was no existing provision in place from their school or local authority. Working with their schools, local authorities utilised the funding to provide digitally excluded learners with repurposed school devices and 4G MiFi connectivity where required. Based on the demand identified by schools and local authorities, there have been 10,848 MiFi devices and 9,717 software licences funded by the Welsh Government and deployed across Wales. A high level breakdown of that take up by local authority is available as follows:

<b>LA</b>	<b>MiFi Provision</b>	<b>Software Licences</b>
Blaenau Gwent	100	1000
Bridgend	310	559
Caerphilly	842	800
Cardiff	2500	-
Carmarthen	300	750
Ceredigion	115	-
Conwy	226	123
Denbigh	125	-
Flintshire	165	-
Gwynedd	170	-
Isle of Anglesey	125	240
Merthyr	250	-
Monmouth	200	300
Newport	1300	800
Neath Port Talbot	200	1094
Pembrokeshire	300	-
Powys	600	700
Rhondda Cynon Taf	1400	1400

Swansea	500	65
Torfaen	560	1356
Vale of Glamorgan	350	230
Wrexham	210	300
Totals	10848	9717

The process has been managed by the local authorities and schools themselves and local authorities have engaged with their schools to identify digitally excluded learners. Therefore, we do not hold centrally recorded information for this specific intervention in terms of the onward distribution to families, children and young people and in the case of your specific question, traveller sites. However, I set out below the specific actions we have been taking in regard to traveller sites and connectivity including during the COVID-19 pandemic, working with a Gypsy, Roma and Traveller stakeholder group drawn from Local Authority and third sector service providers.

**2) Details of which local authorities had permanent traveller sites with no [Broadband] connections and what action the Welsh Government is undertaking to ensure local authorities prioritise broadband connections for these sites.**

Not every local authority has a permanent traveller site and the number of sites and pitches can fluctuate over time. In 2018, we asked every local authority with Authorised Socially-rented Gypsy and Traveller sites about the provision of a wide range of services, including access to basic services such as water, electricity and gas. This survey included fixed telephone and internet services. This was not meant as a monitoring exercise, more as an opportunity to identify effective practice or potential gaps in provision. Local authorities responded within that context.

Responses were received from six local authorities covering eight sites and 164 pitches. No response was received from eight local authorities with sites, covering 14 sites and 239 pitches. Five of the respondent local authorities to this survey had taken action to provide phone/internet lines for residents.

The funding of fixed lines within sites is an eligible cost under the Welsh Government Gypsy and Traveller Capital Sites Grant. Over the past four years we have encouraged local authorities to develop and submit projects for the funding to support a range of initiatives, including the provision of broadband. As part of the funding we expect local authorities to evidence engagement with residents. Unfortunately the take up has not been as high as we would have hoped.

Since the *Designing Gypsy and Traveller Sites* guidance was last revised in 2015, many more services have become digital-first or digital-only and access to the internet is becoming part of essential services for citizens. We are aware that not all sites have good mobile data signals, available Wi-Fi, or broadband at the level of individual pitches.

During the COVID-19 pandemic, we convened a Gypsy, Roma and Traveller stakeholder group drawn from Local Authority and third sector service providers. Stakeholders reported a range of issues around access to basic utilities, deliveries and access to services. A number of stakeholders reported significant issues with registering for and accessing services online. The inability to do so had an impact on education, obtaining benefits, seeking employment and accessing essential health messages.

In response to these concerns, officials commenced additional detailed mapping work on local authority sites to understand the provision of essential services to residents on sites and officials have written again to all local authorities in Wales to invite them to submit funding applications for projects that focus on overcoming infrastructure barriers to internet access, at up to 100% of eligible costs.

As with the exercise undertaken in 2018, our current information gathering on services available on sites faces considerable challenges on obtaining complete, consistent and clear information that would support targeted interventions. Of the current 402 local authority pitches across Wales, 19% are known to have “poor access”, 25% may have some access (which may include good mobile data signal) and 19% may have “good” access, which may include infrastructure needed for broadband. For 37% of pitches, we have insufficient information to understand if or how residents might access the internet.

Taking account the challenges and lessons learned from the 2018 information gathering exercise we are working more closely with local authorities to identify what forms of internet access, including high-speed mobile data, site-wide Wi-Fi, fixed telephone/broadband lines are present at each site and what gaps in essential infrastructure and/or barriers to uptake exist.

In addition, beginning in September, the Gypsy Traveller Forum – the Welsh Local Authority Gypsy and Traveller service provider network is planning a task and finish group to share good practice and develop strategies to re-engage Gypsy and Traveller learners and their families in education post lockdown.

### **3) How is the Welsh Government supporting schools in taking forward the requirements set out in the additional guidance bearing in mind the speed with which this guidance will need to be implemented?**

Throughout the summer, Officials have engaged with all key stakeholders, including trade unions, Directors of Education, head teachers and transport operators on [the operational guidance](#) for the autumn.

Recognising schools would need time to plan for learners returning, the Minister for Education provided schools with additional time at the start of the term to plan and prepare for all pupils to return on 14<sup>th</sup> September, this decision was made reflecting on the views of key stakeholders. We have continued to work closely with trade unions the profession and local authorities and the feedback received has been that schools have been working hard to develop their plans to enable the return of all

learners in the autumn. Schools have started to welcome learners back and all schools have arrangements in place for the return of all learners by 14 September.

We have shared live examples of the work some of our schools have done to prepare through social media. We have also worked closely with Estyn to provide further examples of how schools are preparing for the start of term. These are all accessible via Estyn's website.

Over the summer we have taken forward a reassurance campaign which has provided various material to parents, schools and local authorities. Responses received from local authority Directors of Education and comments from parents assure us that these have been positively received.

#### **4) Will the Welsh Government be providing any further guidance on the operation of schools in the autumn schools?**

- **Clarification on exactly what social distancing means in the context of primary schools – Does the guidance issued in July apply to primary schools?**

As part of the 21 day review of lockdown restrictions, the First Minister recently took the decision to relax the position on children under 11 having to maintain a 2 metres distance from each other or from adults. However, this does not mean that they are no longer subject to other restrictions on minimising contacts. It is simply a realistic balance of risk for those who live with and care for these children, who routinely are likely to need physical contact as part of everyday care. This age group must still observe the social restrictions on meeting other family groups or wider gatherings, and it is still up to parents to assess and evaluate the risks of their children's family and social contacts. It is still important to continue with staggered start times for example to minimise the mixing of parents for example at the school gate.

Consistent groups help reduce the risk of transmission by limiting the number of learners and staff in contact with each other to only those within the group. It is accepted that learners and especially the youngest learners, may not be able to socially distance from staff or from each other and consistent groups provide an additional protective measure. Maintaining distinct contact groups that do not mix makes it quicker and easier, in the event of a positive case, to identify those who may need to self-isolate and to keep that number as low as possible.

The use of small contact groups brings a number of educational and operational challenges which restricts the normal operation of schools. This is the case in both primary and secondary schools, but is particularly difficult in secondary schools. However, given the decrease in the prevalence of COVID-19 and the plan for the autumn term for the resumption of the full range of curriculum subjects, schools may need to change the emphasis on contact groups, increasing the size of the groups, but staying within their system of controls and building into their risk-assessments.

The latest updated guidance published on 2 September remains current and we currently have no plans to change our operational guidance in relation to the advice

for this specific age group. However, if the evidence changes, we will revisit our guidance and update as appropriate. The guidance already makes clear that minimising contacts and mixing between people reduces transmission of COVID-19. It also recognises that for younger learners the emphasis will be on separating groups as it is accepted that learners and especially the youngest learners cannot socially distance from staff or from each other and consistent groups provide an additional protective measure. Maintaining distinct contact groups that do not mix makes it quicker and easier, in the event of a positive case, to identify those who may need to self-isolate and to keep that number as low as possible.

**- Clarification on Free School Meal / school breakfast club / afterschool club provision from September.**

Continuing social distancing requirements and limited space for food preparation, serving and eating will result in varied school catering provision during the autumn term. Discussions with local authority catering leads indicate that some local authorities intend to provide more or less a full service with hot meals (although with simplified menus, adaptations to take account of the need for social distancing, staggered meal-times and sometimes delivery of meals to classrooms), whilst other local authorities have indicated that they will not be resuming their catering operations, at least during the first few weeks of term. Where local authorities are not able to provide pupils with a meal in school, the alternative provision for pupils who are in receipt of free school meals will vary. We understand that at least one local authority plans to deliver food parcels to pupils' home addresses, whilst others are considering cash and voucher payments in lieu or packed lunches.

The Welsh Government made an additional £40million available to local authorities to ensure provision of free school meals right through the school summer holidays until 31 August 2020. A further £1.28million has also been made available for the same purpose during the first two weeks of the autumn term whilst some schools are operating a staggered return to school. After that, local authorities will be expected to fund all free school meal provision from existing budgets.

Our operational guidance for schools states that local authorities, working with their schools, must consider resuming free breakfast schemes in primary schools and should consider resuming any other breakfast and after school provision, whether this is provision offered by the school or run out of the school by a private provider.

Where a primary school ran a free school breakfast scheme prior to the COVID 19 outbreak, they are still under a legal duty to provide the free school breakfast scheme at the start of the new school term. Local authorities, as well as school governing bodies and head teachers must have regard to the statutory guidance when considering whether to re-open free breakfast schemes in primary schools. We would expect that as schools should be open to all pupils full-time from the beginning of September breakfast clubs should operate as normal, unless it would be unreasonable for them to do so. It is not possible to say what will or will not be unreasonable in any particular situation and local authorities will consider a range of factors, including:

- demand for the provision of free breakfast in the maintained school;
- availability/suitability of a venue to undertake the provision of free breakfast;
- availability/suitability of facilities within the maintained school to provide the provision;
- availability / suitability of staff to supervise the breakfast provision.

Local authorities will also need to consider the health and safety of pupils and staff and social distancing requirements.

**5) We are concerned that in the current climate, schools that are not performing well will need to have been assessed and improvements made in a more-timely manner to minimise detriment to pupils. Even though you stated a wealth of good practice has been prepared and shared through other means, there remains the challenge of encouraging schools to take that practice up. Are you able to reassure us that underperforming schools will be addressed?**

I acknowledged the challenge the pandemic brought to facilitating and enabling continuity of learning. As we go into September, we plan to state clearly our expectation that schools do all they can to ensure continuity of learning under future conditions of disruption. As part of wider operational and risk-management guidance that is being issued, schools will be expected to set out in their plans pupils' entitlement to contact and support, the frequency and duration of teaching and learning sessions, and the amount of time pupils are expected to spend in independent study. Schools' plans will be scrutinised by their regional consortia and Local Authorities, and monitored as part of the work Estyn do in the coming year.

Schools will also be expected to set out the curriculum that will be available to learners involved in the [Recruit, Recover, Raise Standards](#) programme and the general curriculum available to all learners in the case of disruption to normal operation.

Where schools do not provide appropriate plans or do not deliver the requirements of the *Recruit, Recover, Raise Standards* programme they will be supported by their regional consortia and Local Authorities to address any issues. We will work with local authorities on the protocols to identify and address underperformance and with regional consortia on their provision of monitoring, support and Professional Learning as appropriate to the needs of the school.

Local authorities have now received the grants and the school-level allocations, as part of the additional £29 million provided for the recruitment of extra teachers and teaching assistants. We are working with the Education Workforce Council, regional consortia and local authorities to get the recruitment programme up and running. Whilst we expect schools to be focused on the day-to-day business of operating under changed conditions for a couple of weeks, we then want to see recruitment as a priority for head teachers and local authorities.



**6) Childcare settings - What is the Welsh Government doing to assess the requirement for these to be operational again by September as parents need assurances that childcare will be available.**

Since my attendance at Committee there have been a number of developments in relation to the provision of and funding for childcare services in Wales.

On 4 August, the Deputy Minister for Health and Social Services announced that provision under the Childcare Offer for Wales would be restarting from September. Local authorities began processing applications from 10 August. We know access to the funded childcare under the Offer is key to supporting both working families and to providing childcare settings with certainty on demand and funding. Alongside this, we published updated guidance for childcare settings on 5 August enabling them to further increase their operations.

The updated guidance takes account of the latest scientific evidence regarding the transmission of the virus amongst children, and the announcements regarding social distancing for children under 11. We have removed the restriction on contact group sizes in light of this, and there is an explicit reference in there to the operation of wrap around and out of school childcare.

On 12 August we also announced the Childcare Provider Grant which will provide funding to those childcare settings which have been unable to access the wider coronavirus support schemes. This opened for applications on 24 August, with a condition that grant recipients are open and providing childcare in September. We are also undertaking a health-check survey of the childcare sector to get a better understanding of their current operations, their plans for the autumn and any issues or concerns they have about the coming months. This survey is now closed and headline results are expected in the next week.

We will be working with the education and childcare sectors to ensure as many of these settings open as possible and to support them into the future. The latest figures show that of the 3,615 childcare settings registered in March 2020 (before the pandemic), 73% are currently open.

Document is Restricted