

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 19 March 2019

Meeting time: 09.00

For further information contact:

Graeme Francis – Committee Clerk

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0300 200 6565

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1 Introduction, apologies, substitutions and declarations of interest

Members' Brief

2 New petitions

2.1 P-05-866 Sepsis Public Awareness Campaign – Wales

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Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

- 3.4 P-05-789 Review support for asylum seekers accessing further education
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Agenda Item 2.1

P-05-866 Sepsis Public Awareness Campaign – Wales

This petition was submitted by Siobhan Corria on behalf of Michelle Christopher, having collected 238 signatures on paper.

Text of Petition

44,000 people in the UK lose their lives to sepsis every year. Every 3.5 seconds, someone in the world dies from sepsis.

We are calling on the Welsh Government to undertake a Sepsis Public Awareness Campaign to reduce unnecessary deaths and improve outcomes for survivors and all affected.

In memory of Chloe Christopher and everyone who has been affected by Sepsis in Wales

Assembly Constituency and Region

- Cardiff North
- South Wales Central

Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 19 Mawrth 2019
Petitions Committee | 19 March 2019

Petition number: P-05-866

Petition title: Sepsis Public Awareness Campaign – Wales

Text of petition:

44,000 people in the UK lose their lives to sepsis every year. Every 3.5 seconds, someone in the world dies from sepsis.

We are calling on the Welsh Government to undertake a Sepsis Public Awareness Campaign to reduce unnecessary deaths and improve outcomes for survivors and all affected.

In memory of Chloe Christopher and everyone who has been affected by Sepsis in Wales.

Background

Prevalence of sepsis

Sepsis has been described as one of the most common but least recognised illnesses in both the developed and developing world. It is a life-threatening condition that arises when the body's response to an infection injures its own tissues and organs. If not recognised early and treated promptly, sepsis can lead to multiple organ failure and death. Rapid intervention with antibiotics and intravenous fluids is vital to ensure the best chance of survival.

The UK Sepsis Trust's [Sepsis Manual](#) 2017-18 states that conservative estimates would suggest that there are at least 250,000 cases of sepsis in the UK each year, with at least 46,000 deaths and a direct cost to the NHS of at least £1.5 billion. In July 2018, Public Health Wales estimated that there are around 2,200 deaths per year in Wales as a result of sepsis¹.

¹ National Assembly for Wales, Health Social Care and Sport Committee, [5 July 2018](#), Para 134

Sepsis claims more lives than breast, bowel and prostate cancer put together, and is one of the chief causes of [maternal death](#) during and after pregnancy.

Incidence of sepsis in the UK is likely to be underestimated. A 2015 [report](#) by the National Confidential Enquiry into Patient Outcome and Death (NCEPOD) for example, found that where patients with sepsis had died, it was only recorded on the death certificate in 40% of cases. The recorded incidence of sepsis is increasing by approximately [11.5%](#) each year. This may in part be due to greater awareness and more reliable recording, but the ageing population and greater use of invasive interventions are also significant factors. Antimicrobial resistance may also play a part.

Members of the Health, Social Care and Sport (HSCS) Committee discussed sepsis with Public Health Wales during a general scrutiny session on [5 July 2018](#). In [correspondence](#) following the session, Public Health Wales told the Committee that data is not currently available on the number of people who have survived sepsis but experience a reduced quality of life as a result. Public Health Wales is however undertaking work to develop a sepsis registry in Wales, which it states should lead to a greater understanding about sepsis and sepsis care in Wales.

Recognition and management of sepsis

The main vehicle for change in [NHS Wales](#) has been the active participation of all Health Boards and Trusts in a dedicated network known as [RRAILS](#) – Rapid Response to Acute Illness Learning Set, led by the 1000 Lives improvement programme. The RRAILS steering group was formed in 2011 with the purpose of introducing the National Early Warning Score (NEWS), sepsis screening and implementation of the Sepsis 6 Care bundle.

Public Health Wales stated during the scrutiny session with the HSCS Committee in July 2018² that 80 per cent of people who attend hospital and become septic originate from primary and community care. GPs and other pre-hospital services present key opportunities for prompt recognition and treatment of sepsis. The [RRAILS](#) programme is being expanded to focus on early identification of sepsis in out-of-hospital settings including general practice, the Welsh ambulance service, community hospitals and care homes. During the HSCS Committee's scrutiny session, Public Health Wales suggested there is scope to build a greater understanding about early signs of deterioration from sepsis among nurses in care homes for example, and other staff in primary care/community settings.

Sepsis public awareness campaign

During a [short debate](#) in plenary on 18 April 2018, there were calls for a sepsis public awareness campaign in Wales. This was resisted by the Cabinet Secretary for Health and Social

² National Assembly for Wales, Health Social Care and Sport Committee, [5 July 2018](#), para 138

Services, who stated there was currently a lack of evidence to suggest this would improve outcomes for patients.

During its scrutiny session with the HSCS Committee on [5 July 2018](#), Public Health Wales referred to England's 2016 sepsis awareness campaign, but suggested there was limited evidence about the campaign's effectiveness.

Correspondence on the petition

Correspondence from the Minister for Health and Social Services dated 15 February 2019 refers to Wales being seen as leading the way in the UK in making sepsis recognition and treatment a top priority within the NHS. The Minister highlights that in May 2016, NHS Wales gained recognition for its contribution to sepsis awareness by winning the Global Sepsis Award in the "Governments and Healthcare Authorities" category

In relation to national awareness campaigns, the Minister states that these are complex and that evidence of effectiveness is difficult to demonstrate. The Minister goes on to say:

I recognise the importance of raising public awareness of the dangers of sepsis but it is also important to strike the right balance with messages about the appropriate use of antibiotics and the risk of creating public anxiety.

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-05-866
Ein cyf/Our ref VG/05340/19

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

Government.Committee.Business@gov.wales

15 February 2019

Dear David,

Thank you for your letter of 28 January regarding Petition P-05-866 Sepsis Public Awareness Campaign – Wales.

Wales is seen as leading the way in the UK in making sepsis recognition and treatment a top priority within the NHS. A huge amount of work has been done since 2012 when Wales was the first country in the world to implement the National Early Warning Score system - known as NEWS – to ensure early escalation of deteriorating patients. This means we are using a common language throughout NHS Wales to communicate about deterioration and sepsis. In May 2016, NHS Wales gained recognition for its contribution to sepsis awareness by winning the Global Sepsis Award in the “Governments and Healthcare Authorities” category.

We have supported World Sepsis Day since its inauguration in 2013 and in 2017 I attended the all-Wales event being sponsored by the 1000 Lives Improvement team, where work on sepsis was discussed. We also have a positive relationship with the UK Sepsis Trust (UKST), which is delivering the Just Ask: Could it be sepsis? campaign with Public Health England.

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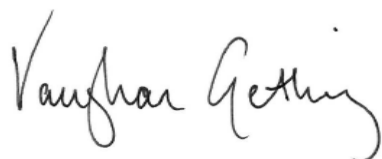
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Correspondence.Vaughan.Gething@gov.wales

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.

National awareness campaigns are complex and evidence of effectiveness is difficult to demonstrate. I recognise the importance of raising public awareness of the dangers of sepsis but it is also important to strike the right balance with messages about the appropriate use of antibiotics and the risk of creating public anxiety.

Yours sincerely,

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

Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Minister for Health and Social Services

P-05-866 Sepsis Public Awareness Campaign – Wales, Correspondence – Petitioner to Chair, 13.03.19

Across Wales and the rest of the UK, despite the efforts of charities such as the UK Sepsis Trust and events such as World Sepsis Day, people are still dying or being left with life-changing physical and psychological damage from an illness they've either never heard of or are unaware of the need for a rapid diagnosis and treatment.

The need for awareness and the impact of slow recognition:

Case Study – Sepsis Survivor Helen Painting

'Following a major operation In December 2016 I was discharged from Cardiff Hospital and sent home to recover, however, 3 days later my condition was declining, and my husband took me to see my GP who immediately recognised referred me straight to my local hospital (Neville Hall, Abergavenny). – So far, so good.

*On arriving at the hospital, I provided a full history and was triaged. The nurse first informed us that they had no ability to admit me, following which she then eventually examined me and told me to wait for the Doctor. On his arrival the Doctor re-examined me and discharged me with anti-nausea medication. – **Failure one:** I was 96 hours post major Op and clearly showing symptoms of Sepsis, but was sent home. **Greater public awareness of Sepsis at this stage** would have enabled either myself or my husband to have raised the possibility.*

*Having received the diagnosis on the Monday, my husband left for work, in the belief that the medication prescribed by the Doctor should be beginning to take effect. However, soon afterwards I began to feel worse, my father came to see me, and I then put myself to bed. **A clear opportunity missed** – With myself and my husband so close to the situation, **had my father been made aware of the signs and symptoms, perhaps he would have either encouraged us to constructively challenge the Doctors diagnosis, or sought medical help at that point.***

*I awoke a few hours later and found myself struggling to breath. I felt as if I was dying, but somehow managed to dial 999. Despite being violently sick in front of the paramedic, he was reluctant to take me to hospital. **Failure two** - another opportunity missed. Again, my history and signs and symptoms should have been ringing alarm bells in the paramedics' mind and could have presented another opportunity for my family to raise a concern. Thankfully this failure was short lived, because although I have little recollection of the event my condition deteriorated again and I was admitted into Neville Hall Accident and Emergency.*

*Following admission, I remained in A & E for a number of hours whilst they ran some tests. It was at this point that my husband (who was a patrol medic in the military) challenged the medical staff and raised concerns about my oxygen levels, but he was politely offered an explanation and decided to defer to the medical Team. **Failure Four.** By this stage I had been triaged three times, had seen a minimum of 10 health care professionals, all of whom had **failed to identify the clear signs and symptoms of sepsis**, and the concerns raised by my husband had been dismissed.*

*It was at this point that my luck changed however, but not a result of an awareness of Sepsis. It was because a bed had now become available on a ward and although I was assessed to have no surgical issues I was admitted for observation. By now many of the hospital's lights had been dimmed, but on arrival at the ward the Doctor who had sent me home earlier in the week was on duty and as I was being moved on to a ward bed he intervened (by chance) and requested that I was placed in an examination room, - presumably so that he could take a few minutes to understand his patient's needs. – **This action saved my life.***

Under normal lighting it was obvious that my abdomen had become bloated and that my skin had begun to change colour. In fact, I had gone into kidney failure, and the Senior Consultants who were summoned and informed my husband that my other major organs were also

beginning to shut down, as a result of Sepsis. The emergency surgical team were immediately called and I went into theatre at approx. 2 am. I awoke a number of days later in ITU, having had life changing surgery (I now have a Stoma), but fortunately oblivious to everything that had happened, and at that point naive to what lay ahead.

*Two years on I am still living with the consequences of the lack of awareness and a delayed correct diagnosis. Through the Sepsis Trust I regularly speak to people who have either survived or lost loved ones more recently than my experience which evidences a continued need for action. **Given the significant numbers affected by Sepsis each year what could change that? To me and the other Sepsis survivors the answer is obvious – A public awareness campaign.***

*Through my involvement with the Sepsis Trust I regularly volunteer to speak to groups of health care professionals about my experience, whilst also sharing my story with colleagues and acquaintances - I am proud to say that I've been informed of **three diagnosis** as a result of those people remembering my story. However, myself and my fellow survivors cannot speak to the entire population of Wales and remembering that Health professionals are also members of the public I believe that it's safe to say that if a campaign had increased awareness in the minds of the health professionals who treated me and my family and friends who supported me after my operation that a conversation would have been had before life changing surgery became the only option.*

The Burden of Sepsis

A public awareness campaign by Welsh Government will help people to understand what sepsis is and the need for early, rapid screening, diagnosis and treatment. The **annual cost** to the UK economy of sepsis care is currently estimated at between **£10.5 billion and £15.5 billion**. The costs and risk of adding to the workload of front-line clinicians will be more than offset by earlier treatment, which will prevent deterioration and the need for critical care, and ultimately reduce the burden of long-term health problems for survivors. This will reduce the need for support service and primary care health services for sepsis survivors, helping them to return to work and contribute to the economy.

Further details can be found here :

http://allcatsrgrey.org.uk/wp/download/health_economics/YHEC-Sepsis-Report-17.02.17-FINAL.pdf

Campaigns (1) – Do they work?

Case Study – Stroke: The FAST Campaign

On **Friday 29 January 2016** Welsh Gov released a news report with the headline **“More people in Wales surviving stroke shows new report”**

In essence the report shows that more people are surviving and fewer people are now dying from stroke. The report also highlights how awareness campaigns and better prevention have helped to reduce the number of people having strokes, while faster interventions have increased people's chances of surviving and returning to independence as quickly as possible. Amongst the key findings it is stated that:

- For strokes time matters.
- There is an improved awareness of the symptoms of stroke as a result of campaigns such as FAST or Lower Your Risk of Stroke. These are supporting people to recognise when they are having a stroke and take appropriate action quickly

Dr Andrew Goodall CEO NHS Wales

"I want to pay tribute to the NHS staff who have played a vital role in making continued and sustained improvements to services.

*"Our annual report shows that by focusing on a number of areas and through prevention, **awareness-raising and education; effective and timely treatment**; research and supporting those living and dying from a stroke, we are delivering quality care for people. We will continue to build on this progress."*

Like Stroke, Sepsis is also **time critical** illness with risk of mortality increasing by 8% for each hour that a septic patient does receive antibiotics. **Lack of sepsis awareness** in the communities often means sick individuals are **slow to access health care** which causes delays in diagnosis and treatment which can be fatal or result in life changing outcomes. It should be highlighted that, for all the brilliant work that NHS Wales and PHW have undertaken in the care setting, 70% of sepsis cases are community acquired.

For stroke an estimated 7,000 people will have a stroke each year in Wales and there are more than 65,000 stroke survivors living in Wales.

For Sepsis and estimated 8,000 people will have sepsis each year in Wales and there are more than 2,000 deaths.

The question isif an education and awareness campaign has been successful for stroke then why would it not be similarly successful for sepsis?

Full report on improvements in stroke can be found here:

<https://gov.wales/newsroom/health-and-social-services/2016/160129stroke-report/?lang=en>

Awareness in action

Case study – "That's the poster which saved your life"

At a recent UK Sepsis Trust support group meeting, Angharad Harris told us how her partner James Brannagan owed his life to her swift action. Angharad is a mental health nurse whose job takes her to UHW and Royal Gwent. Her awareness of sepsis was purely gained from passing sepsis posters each day in her work place. This was later to become crucial when her partner James became ill with what they thought was a chest infection. James was deteriorating and developed sickness and a fever and confusion. James has no recollection of what happened next. Angharad took control rang an ambulance and insisted that her husband was seriously unwell. Based on the 'just ask' poster was convinced he had signs of sepsis and strongly stated this. Jayne was right. James was admitted with in septic shock. He was in hospital for a few weeks and was later told by his consultant that he was, in all likelihood, about 5 hours from death. Angharad is certain that but for seeing those posters she would have waited. If she had worked in a different building or, like most members of the public, worked in a non-health environment where she wasn't exposed to sepsis awareness she wouldn't have known the signs.. She would have waited. On leaving the hospital Angharad walked passed the posters again but this time with James and said 'That's the poster which saved your life'. Helen and James are the lucky ones. There are over 2000 people each year who are not so lucky like Rachel Day (aged 29), Chloe Christopher (17), Lucy Ellis (16) and Skyla Whiting (5).

Campaigns – Does WAG support campaigns?

We have covered the successful FAST campaign above and given that just yesterday (12/3/2019) Public Health Wales announced their #loveyourcervix campaign you would have

to conclude that they do. Like the Minister for Health and Social Services we also believe in building a healthier Wales. We also believe that prevention is at the heart of a healthy Wales but to be able to prevent anything happening you have to be aware of the possibility that it may happen in the first place. Otherwise, as a consequence, you do nothing and the worst thing you can do with sepsis is to do nothing at all.

‘Prevention is at the heart of a healthy Wales’ - Vaughan Gething (Building a Healthier Wales (12/3/2019)

We, as petitioners and in collaboration with the Sepsis Trust and WAG are very happy to work on the prevention of sepsis to protect unaware members of the public from its potentially catastrophic outcomes.

Better Support for Sepsis Survivors

Some individuals develop sepsis so severe that they can become desperately ill very quickly and might need treatment in an ITU / HDU. Up to 80% of patients survive sepsis. Many will return to a normal or a ‘near normal’ life within 18 months of being ill. However, some survivors will have long term problems, occasionally having life changing effects like amputations which might impact on both them and their family. These long-term problems can be divided into physical and psychological, and often start during the acute phase of your illness. Collectively, they are known as Post Sepsis Syndrome (PSS).

| PHYSICAL LONG-TERM PROBLEMS | PSYCHOLOGICAL LONG-TERM PROBLEMS |
|---|---|
| Poor mobility Breathlessness / chest pain Fatigue Loss of appetite Taste changes Dry skin Brittle nails and teeth Hair loss Oedema (excessive fluid in the tissues, which look swollen) Joint stiffness or pain Muscle wasting Changes of sensation in limbs (tingling, numbness, pain) Poor kidney function (which may need dialysis) Repeated infections | Anxiety Insomnia (difficulty sleeping which can also be a result of pain or breathlessness) Flashbacks, panic attacks and nightmares Depression PTSD (Post Traumatic Stress Disorder) Poor concentration Short term memory loss |

Formal support for survivors of sepsis and their families is non-existent. Many leave hospitals without an explanation of what they have suffered, potential impact or signposting. UK Sepsis Trust runs quarterly support groups in North and South Wales, however, these are dependent on fundraising income. There is no funding from WAG although the support groups and telephone support helpline are staffed with former consultant nurses. In Cardiff, volunteers also run monthly ‘well-being’ walks and participants have advised that meeting similar people has helped their recovery and understanding of Sepsis.

We are calling for a timescale for the Sepsis registry that the Health Minister announced on World Sepsis Day 2018 and a Wales wide strategy for survivors and families impacted by Sepsis.

Agenda Item 2.2

P-05-867 Make the 'Cofiwch Dryweryn' Mural a designated Welsh landmark

This petition was submitted by Joe Williams having collected 1,016 signatures online.

Text of Petition

It's ridiculous that such an important landmark in 20th Century Welsh History is the subject of vandalism, while a recent Banksy work is being protected.

It's time that this landmark be granted official protected site status within Wales.

Assembly Constituency and Region

- Merthyr Tydfil and Rhymney
- South Wales East

Petitions Briefing

Y Pwyllgor Deisebau | 19 Mawrth 2019

Petitions Committee | 19 March 2019

Research briefing: Make the ‘Cofiwch Dryweryn’ mural a designated Welsh landmark

Petition number: P-05-867

Petition title: Make the ‘Cofiwch Dryweryn’ mural a designated Welsh landmark

Petition topic: It’s ridiculous that such an important landmark in 20th Century Welsh History is the subject of vandalism, while a recent Banksy work is being protected.

It’s time that this landmark be granted official protected site status within Wales.

Cofiwch Dryweryn

The ‘Cofiwch Dryweryn’ mural is painted on the ruined gable wall of a cottage known as Troed-y-Rhiw, at the side of the A487 between Aberystwyth and Aberaeron, at Llanrhystud. The mural remembers the drowning of the village of Capel Celyn, in the Tryweryn valley, in 1965 to provide water for Liverpool. The mural was originally painted in 1960s, with the late academic Meic Stephens later claiming responsibility for the act.

The mural has been both vandalised and repainted on many occasions. On the latest occasion in February 2019, ‘Cofiwch Dryweryn’ was replaced by the word ‘Elvis’. It has since been restored once again.

Conservation

Llanrhystud Community Council has made efforts to conserve the wall, but encountered difficulties. In 2008, the National Trust offered to facilitate negotiations with the wall’s owner and an appeal for funds, with the aim of taking on responsibility for the wall’s repair and ongoing maintenance.

The then Heritage Minister, Alun Ffred Jones, met the National Trust in September 2008 and agreed to offer an ‘in principle’ commitment to a financial contribution of £30,000 from Cadw. The money would only be provided if the remainder of the required funds were raised independently.

In August 2009, an appeal was launched by Llanrhystud Community Council to raise £80,000 to preserve the mural by buying the wall on which the mural is painted, along with the surrounding land.

This campaign failed to reach its £80,000 target.

Scheduled monuments

The Welsh Government has a duty to compile and maintain a schedule of monuments. Monuments on the schedule have statutory protection. There are various factors that are used to assess the national importance of an ancient monument and to consider whether scheduling is appropriate, including:

- Period;
- Rarity;
- Documentation;
- Group value;
- Survival/condition;
- Fragility/vulnerability;
- Diversity; and
- Potential.

Any work that would directly affect a scheduled monument requires the prior consent of the Welsh Government. This is in addition to any planning permission required for the development. Applications for scheduled monument consent are made to the Welsh Government through Cadw.

The main purpose of scheduling is to ensure the preservation of ancient monuments and there is a presumption in favour of their physical preservation when considering an application for scheduled monument consent. This means that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of the remains. Applicants are expected to demonstrate that no practicable alternative route or location, avoiding the monument, exists and that the need to undertake the work outweighs the presumption in favour of the protection of the scheduled monument.

It is a criminal offence to destroy or damage a scheduled monument, to undertake works without scheduled monument consent or not to comply with its conditions.

Where damage or unauthorised works to a scheduled monument have taken place, as well as considering the potential for prosecution, the Welsh Ministers have the power to serve a scheduled monument enforcement notice. The enforcement notice can require the

restoration of the monument to its former state or, where this is not practical or desirable; require works to take place to alleviate the effects of the damage or unauthorised works.

Listed buildings

The Welsh Government has a statutory duty to maintain a list of any buildings which, in its opinion, meet the criteria as being of special architectural and historical interest. Buildings are added to the statutory lists either as a result of systematic survey of particular areas or building types, or following requests from local authorities, amenity societies, other bodies or individuals, relating to particular buildings (spot listing).

If the Welsh Government proposes to include a building on the list or remove one from the list it must consult the owner and occupier of the building and the relevant local planning authority. Interim protection applies from the beginning of the consultation period.

Local planning authorities have the power to serve building preservation notices where they consider buildings are of special architectural or historic interest, and are in danger of demolition or alteration in such a way as to affect their special character. While a building preservation notice is in force, the building will be treated like a listed building (other than the ability to force its compulsory acquisition). The notice will come into force immediately once it is served, and will remain in force for up to six months.

The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority. When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Welsh Government response

The Welsh Government's response to the Chair of the Petitions Committee noted that Cadw had considered the structure for listing in the past, but it does not meet the specific criteria required for listing. It also questioned whether listing is the best way of providing the protection required. The Welsh Government stated that officials from Cadw will be meeting Llanrhystud Community Council and the National Trust in March to explore more effective ways of interpreting and caring for the site.

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



Eich Cyf/Your ref: P-05-867
Ein cyf/Our ref DET/05225/19

David John Rowlands AM
Chair
Petitions Committee
National Assembly for Wales

7 March 2019

Dear David,

Petition P-05-867 make the 'Cofeb Dryweryn' Mural a designated Welsh landmark

Thank you for your letter of 7 February enclosing the petition from Joe Williams.

It is disappointing that the wall was defaced yet again. Of course, this is not the first time that this has happened over the years.

Cadw has considered the structure for listing, but the structure does not meet the specific criteria required for listing, and it is questionable whether listing is the best way of providing the protection it needs.

My officials in Cadw are meeting with Llanrhystud Community Council and the National Trust in March to explore more effective ways of interpreting and caring for this site.

Yours sincerely,

Yr Arglwydd Elis-Thomas AC/AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

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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.

Agenda Item 3.1

P-05-786 Save our Countryside – Revise TAN 1

This petition was submitted by Cllr Mike Priestley and was first considered by the Committee in November 2017, having collected 706 signatures.

Text of petition

Changes in 2015 to Technical Advice Note 1 (TAN1) have resulted in unachievable annual housing targets. This has taken planning decisions away from the local democratic planning process and undermined Adopted Local Development Plans (LDPs) across Wales.

We call on the National Assembly for Wales to urge the Welsh Government to reinstate within TAN1 the use of "past building rates methodology" alongside the "residual methodology". This will ensure that Councils are able to undertake intelligent and credible housing land supply needs assessments. Past housing delivery performance reflects economic conditions and local building industry capacity and resilience.

To ensure credible and deliverable land supply, and to balance the need for housing with the need to protect our environment and heritage, it is essential that economic conditions and local building industry capacity are factored into annual calculations of 5 Year Land Supply for Housing.

Changes to TAN1 have forced Local Councils to allow housing developments in excess of what is considered to be local demand. These developments are often large scale and have a detrimental effect on the green belt and the heritage of our County as urban and rural areas over expand. This in turn puts added demands on already stretched services such as GPs, Hospitals, Social Services and Schools.

The withdrawal in 2015 of the past building rates methodology is causing increasing numbers of Local Authorities to declare a 5 Year Land Supply shortfall. This, in turn, is forcing Local Councils, against their will and better judgement, to approve speculative development applications on locally sensitive Greenfield land, land unallocated within their LDPs and, where local approval to these speculative applications is not granted, local democratic decisions are being overturned on appeal, specifically due to the lack of a 5 Year Land Supply for Housing.

Additional information

In 2014 Conwy Council had a 7+ Year Land Supply when its LDP was examined and approved by the Planning Inspector. Less than 12 months later the changes to TAN 1 reduced Conwy's Land Supply to less than 5 years. This has reduced with successive annual land supply calculations. In 2017, Conwy's land supply now stands at 3.1 years as a direct result of the changes to TAN1, and the Council is receiving speculative development applications for land unallocated within the LDP despite allocated land being available. If the past building rates methodology was still permitted, Conwy would today have an 8.5 year supply.

WG's guidance document TAN1 tells Local Councils how to work out their supply of housing land. All Councils should have enough land to meet the need for 5 years of house building. In the previous TAN1 there were two methods of working out how much land was needed:

1. The residual method based on the total housing need from an adopted Plan
2. The past build rates method, using the house building rates from the last 5 years to project forward for the next 5 years.

The Wellbeing and Future Generations Act requires us to balance our decisions and actions in terms of impact today and impact in the future. Surely, we should apply this thinking to land planning and land use? Current Welsh Government policy is forcing prime Greenfield land to be concreted over and forever become brownfield land. The imposition and restriction to the use of the "residual methodology" was fiercely contested at the consultation stage and beyond, but Local Councils' voices were ignored. Local Councils need to be able to:

- protect heritage and environment and sensitive Greenfield land use and exercise local discretion, judgement and control of where development is needed and where it is allowed.

Assembly Constituency and Region

- Aberconwy
- North Wales

Agenda Item 3.2

P-05-843 More Third party rights in planning appeals

This petition was submitted by Emma Eynon, having collected 59 signatures.

Text of Petition

We, the undersigned, call on the Welsh Government to introduce legislation which will grant more rights for third parties to appeal on planning decisions. Currently, even those who are directly affected by planning approvals are considered as third parties to applications and have little or no rights to appeal or even to input into planning conditions. The judicial review process is aimed at developers and the time limit of six weeks to submit such an application is not suitable for community action groups. Third parties should have the same rights as a developer to appeal in planning decisions and should not have to send all communications through the elected ward member.

Assembly Constituency and Region

- Neath
- South Wales West



Blaengwrach Community Action Group

More Third party rights in planning appeals

Dear David,

Thank you for the opportunity to present my legal report prepared by the Cardiff Environmental Law Foundation Clinic on this petition. I trust that this serves to further highlight the need for the Welsh Government to revisit provisions made for Directly Affected Residents in the Planning (Wales) Act 2015, which currently only references the general public.

As a directly affected resident from the approval of a major scale development impacting my entire community, I feel I have no voice or real representation on the protection of my home environment or my routes of travel. Directly Affected Residents need to be identified as a separate party to the 'general public' in planning applications and given rights to appeal which we currently do not have.

We lack for appropriate notifications, involvement in consultation processes and legal advice and rights in major planning applications affecting our health and safety in our residential communities.

I urge you, the Welsh Government, to truly consider the perspective of Directly Affected Residents and to grant fair and objective legal avenues for us to be heard. Our Local Planning Authorities have total and complete powers, with no governance or indeed accountability to any higher authority to demonstrate a fair and objective decision making process in planning decisions. We are simply asking for a fair process that pays due diligence to serious aspects of decisions concerning health and safety, especially affecting vulnerable residents such as children or the elderly. It is not acceptable that our only recourse in the failure of such an event, is to either generate substantial amounts of money to pursue legal action through court, or to wait for a tragic accident to occur, to launch a public inquiry in order to examine decision making processes - after the fact.

In summary, I would like to emphasise that while there is a wealth of guidance and policies available on working with 'the public', there is no enforcement or indeed any accountability to follow the advice given. From the perspective of a Directly Affected Resident who feels let down by an in-balance of rights within the planning system, I would also question the public money effectively wasted in the production of such information which may be so easily ignored.

I would be more than willing to present my case in front of the petitions committee if so required, in order to highlight my own experiences with the planning system and why I believe so strongly in this petition.

I thank you for your time and consideration.

Yours sincerely

Emma Eynon

Blaengwrach Community Action Group

The Case for Third Party Planning Appeals in Wales

A paper prepared for petitioner Emma Eynon

by

Cardiff Environmental Law Foundation Clinic



Executive Summary

This is a report into the case for the reform of an aspect of Welsh planning law prepared for Emma Eynon, the petitioner, whose petition calling for the introduction of third party planning appeals was accepted by the Welsh Assembly Petitions Committee, at its meeting on 23 October 2018.

The case for and against the introduction of third party rights in this field has been debated extensively at a United Kingdom-wide level, and also within devolved nations. In its report in 2012 on the development of a distinctively Welsh planning regulatory regime, the Independent Advisory Group (IAG) rejected the case for third party appeals. The IAG considered that third party rights would create excessive administrative burdens, would slow the development control process, and would not benefit the sections of the community whose views are seldom heard. Thus, under the Planning (Wales) Act 2015, provision is made solely for first party rights of appeal, by an applicant who is refused planning permission, or granted it on terms to which they object.

The petitioner's case for reform is based, first, on the experience of the 2015 regime in operation, and second, recent changes in the broader legal architecture relating to Welsh planning and environmental law, which implement a values-based approach to decision making. The most pertinent value for purposes of the petitioner's case is access to justice in environmental matters.

The petitioner recognises that planning authorities are working within extremely challenging financial constraints. This report makes the case for third party appeals as a cost-effective way of improving regulation. The reform which we propose will, if implemented, enhance public understanding, respect, trust and acceptance of planning decisions, by treating the voice of objectors as equal to that of applicants. The reform will also have the wider benefit of building on the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. Third party planning appeals would reinforce Wales' growing reputation as leaders in values-based environmental policy and law.

The Petition

The Welsh Assembly Petitions Committee agreed, on 23 October 2018, to accept the petition in the name of Emma Eynon, calling for the introduction of third party rights of appeal against the grant of planning permission.

Members of the Committee expressed sympathy with the petitioner's concern that the Welsh planning regime (under the Planning (Wales) Act 2015) unduly favours the applicant at the expense of objectors, by confining rights of appeal to the applicant (the first party). Under the current law the applicant has a right of appeal against the refusal of permission by the planning authority, to the Welsh Minister, but objectors have only the procedure of judicial review, which is not a merits-based appeal, and it is *judicial* (making it often prohibitively expensive).

The Committee noted that the case for third party appeals was considered in the course of the enactment of the 2015 Act. In particular, the Independent Advisory Group (IAG), in its report 2012 (paragraph 3.45) stated that:

a significant change [to third party rights] risks overburdening the system and shifting resources away from decision and plan making...We do not consider that a third party appeal right would benefit those sections of the community who are traditionally seldom heard.

The 2015 Act implemented this.

The effect of the Petition Committee's decision is to re-open the issue for debate. This report is a contribution to that debate. The case in support of reform draws upon recent development in formal law in Wales and recent experience of its implementation. These developments, the authors argue, shift the balance in favour of reform.

Structure of the Report

As the case for reform cannot be divorced from understanding of the reasons why the system is as it is, the report begins with a summary of the reasons why third party rights are not currently conferred anywhere in the UK. The analysis thus starts with the case *against* third party rights. Attention is then given to the case that is advanced within the UK generally in favour of reform, without looking at specifically Welsh issues arising from Welsh law and practice. The report will end by tailoring the general case for reform in a way that is specific to Wales.

The Case against Third Party Rights of Appeal

Lesley Griffiths, Cabinet Secretary for Energy, Planning and Rural Affairs, stated in an open letter dated 25 September 2018 that 'no persuasive evidence has emerged to suggest the

introduction of a third party right of appeal would be a step forward or an improvement in the planning system.'

The case against can be summarized under six main headings.

Costs and delay

Increased third party rights will delay the speed of planning decisions and will increase costs

Adequate alternatives to Third Party Appeals

Internal review by the planning authority

Call in powers of the Secretary of State

Judicial review

Ombudsman in respect of maladministration

Presumption in favour of (sustainable) development

Third party rights would water down the presumption in favour of development- a fundamental principle of planning law for 80 years.

Representative democracy

Local and central planning authorities represent the public interest.

Third party rights weaken the representative nature of local (and central government) democracy and decision making by transferring power away from elect members of local (and central) government to the public. This weakens the legitimacy and quality of decisions and reduces accountability in the planning system.

Planning permission does not affect the property rights of neighbours

Third parties are not losing rights of development as land owners are. Third party rights are an affront on traditional property rights.

NIMBYism

The likely beneficiaries of increased third party rights are more likely to be the more affluent sectors of society with the knowledge and money to assert their rights. Potential to open the floodgates to frivolous or vexatious requests and unduly delay development to alleviate the social housing crisis. Potential to exacerbate social inequality.

Case for third party rights of appeal

Access to justice

Lack of justice and unfairness in the procedures for participation in planning - developers may appeal against refusal whereas third parties cannot appeal against approval. Objectors thus get inferior administrative justice than the developer.

Better administration

Third party rights of appeal would raise standards in planning authorities and redress the present imbalance, by making them as accountable for their approvals as they are for their refusals.

Some other countries with advanced democratic planning systems have third party rights of appeal which are reported as having led to better decisions. For instance, in Ireland, third party appeals ensure the good quality of the planning decisions. From the data in 2004, 60% of approximately 1,600 third party appeals formally decided by the Planning Board resulted in refusal of permission. The high percentage of third party appeals that result in a refusal of planning permission suggests that most appeals are made on very strong grounds for the original planning decision to be overturned. Third party appeals ensure the good quality of planning decisions in Ireland.

Third party appeals will not open the floodgates

The right should be concentrated on circumstances where the scope for perceived unfairness or inadequacy in the current arrangements is most obvious. Limiting the occasions on which a third party right of appeal is available is the single most significant means of constraining the overall volume of appeals.

In this way the role of local planning authorities would not be undermined by indiscriminately opening all their decisions to further review without good cause. There would be little or no undue delay for developments and little or no increase in the financial risk faced by investors, without good cause. The Planning Inspectorate would not suddenly be burdened with a flood of new case work.

The right to appeal could be limited in a number of ways, restricting the right :

- A. To those who have objected to the original planning application. Only original objectors should be permitted to appeal, with any exceptions at the discretion of the Inspectorate.

- B. Where a decision by a local planning authority is not in accordance with the views expressed by a statutory consultee (eg. Natural Resources Wales), that body should have a right of appeal on merits.
- C. When a development is approved contrary to the provisions of an adopted development plan. The introduction of a third party right of appeal specifically against approvals of departure applications would bring closer attention to the definition of 'departures' and the thresholds for triggering a right to appeal.
- D. Where local authorities have granted approval for their own developments or for those in which they have an interest (e.g. as landowner or investor). There is already a strong case for 'removing temptation' by removing the power of local authorities to approve development in such cases, but, in the absence of such a change there is a strong case for third party rights of appeal.
- E. Where developments are distinctly 'major' in some way. These are cases by definition likely to have significant effects on the environment and thus merit special attention, with the need for EIAs decided not only by the scale of proposed development, but also according to the sensitivity of the development's local context.

Additionally, the Welsh Minister should make it clear that he/she will legislate if necessary to prevent abuse of the right to appeal by third parties who seek simply to delay development, to gain commercial advantage, to secure benefits from a developer to return for the withdrawal of an appeal, or to gain publicity.

Third party appeals do not increase cost

Many perceived costs could be significantly reduced, eg by the use of written representations. If the system is designed well, it will result in higher quality applications and greater levels of public participation at an earlier stage, with appeals only used as a last resort. Further, any costs are incurred in the first few weeks of evaluating a development, while the better quality of development arising from appeals is a benefit enjoyed over decades.

Third party appeals do not hinder economic development

Arguably, one of the major concern is that appeals can potentially hinder economic development. However, the average GDP of Ireland, Sweden, Australia and New Zealand, all countries that allow third party appeals, have, for the past nearly twenty years, been greater than that of the UK (World Bank, 2018). Evidence from regimes where third party appeal has been introduced shows that it has served mainly to improve the conditions attached to consents. What is worth mentioning, is that, in Ireland, almost 60% of appeals led to revised conditions in 1999 and 2000, enhancing their public benefit, but not blocking development.

Wales-specific Case for Reform

In *The State of the UK Environmental Legislation 2011: Is There a Case for Reform*, the United Kingdom Environmental Law Association commented on a 'desire to create distinctive legislation' in Wales.

This has found expression in the Well Being of Future Generations (Wales) Act 2015, and the Environment (Wales) Act 2016. Both are aimed at implementing a 'values-based' approach to environmental protection. The 2016 provides for the overarching value of Welsh environmental policy and law being the 'sustainable management of natural resources'. This is different 'sustainable development' under paragraph 14 of the National Planning Policy Framework, in the sense that the emphasis is not on development, but management. Section 4 of the Environment Act sets out the 'principles' of sustainable management.

Aspects of section 4 to highlight are:

Section 4 (a), which refers to 'planning, reviewing...and changing action'

Section 4(c), which refers to 'collaboration and co-operation'

Section 4(d), which is 'to make appropriate arrangements for public participation in decision making'

The Well Being of Future Generations (Wales) Act 2015 provides for 'well-being goals', defined in section 4. The petitioner's advocated reforms would promote a number of them, in particular:

'A more equal Wales'

'A Wales of Cohesive Communities'

'A Wales of Vibrant Culture'.

Emma Eynon's concern is that planning regulation currently fails to deliver on these values, principles and goals. She is not alone. She is part of a local community which has organised itself into a community group to promote neighbourhood well-being (the Blaengwrach Community Action Group). She believes that the grant of planning permission in her area, on appeal, and against the wishes of the local authority which opposed the development, highlights that 'the legal system is stacked in favour of the developers'. As a consequence she fears that her country is 'losing heritage and culture, in favour of bigger, templated residential areas.'

Conclusion

The introduction of third party appeals would address the concerns outlined by Emma Eynon, which are felt increasingly around Wales, and to which the recent legal architecture is a

imaginative and pioneering response. Third party appeals, if introduced, would enable people directly affected by a development to put their case, on equal footing to the developer. Although allowing third party appeals would appear to risk slowing the planning process down, the benefits would be overall to improve decisions, and to create a decision making process that is just, fair, inclusive and equitable.

Appendix: About the Authors

The Cardiff Environmental Law Foundation Clinic is run by students working under the supervision of academic staff at Cardiff University, and the access to environmental justice charity the Environmental Law Foundation. For more details on the collaboration between the Cardiff Law School and the Environmental Law Foundation, see <https://elflaw.org/>.

The students who have contributed to this publication are:

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Agenda Item 3.3

P-05-845 End Conflict of Interest in Local Authority Constitution

This petition was submitted by Emma Eynon, having collected 56 signatures.

Text of Petition

We, the undersigned, call on the Welsh Government to enforce better code of conduct policies for employees in local authorities. Currently, planning authority officers are able to run private planning consultancy companies at the same time as maintaining their public roles. There is no available resource to invest in policing these private firms, where declared in the necessary forms, to ensure the prevention of fraud and corruption. In the example of planning officers, running private consultancies 'on the side' could potentially facilitate corruption, of which there are many types, generally relating to the abuse of office. This practice needs to be stopped immediately and the constitutions amended to no longer allow this conduct. We demand greater accountability and transparency from our local authorities and standards of conduct in such public roles need to be set higher than the private sector, where this is highly unacceptable.

Assembly Constituency and Region

- Neath
- South Wales West

End Conflict of Interest in Local Authority

Y Pwyllgor Deisebau | 19 Mawrth 2019

Petitions Committee | 19 March 2019

Research Briefing:

Petition number: **Petition P-05-845**

Petition title: **End Conflict of Interest in Local Authority**

Text of petition: We, the undersigned, call on the Welsh Government to enforce better code of conduct policies for employees in local authorities. Currently, planning authority officers are able to run private planning consultancy companies at the same time as maintaining their public roles. There is no available resource to invest in policing these private firms, where declared in the necessary forms, to ensure the prevention of fraud and corruption. In the example of planning officers, running private consultancies 'on the side' could potentially facilitate corruption, of which there are many types, generally relating to the abuse of office. This practice needs to be stopped immediately and the constitutions amended to no longer allow this conduct. We demand greater accountability and transparency from our local authorities and standards of conduct in such public roles need to be set higher than the private sector, where this is highly unacceptable.

Background

As part of a discussion of the above petition at the Petitions meeting on 11 December 2018, Committee Members sought further clarification on the following:

- whether the restrictions referred to by the RTPI relate to the whole of a local authority area or just to specific area committees within authorities;
- whether there are any restrictions based upon seniority;
- whether each local authority has its own set of rules.

Whether the restrictions referred to by the RTPI relate to the whole of a local authority area or just to specific area committees within authorities?

The RTPI in their response to the Committee dated 18 January 2019 note the following:

We would advise members not to act in the circumstances described i.e. where there is subdivision into area committees. One of the challenges we post to members is the perception of their action and would advise them to also take all steps to limit the perception of conflicts of interest.

The RTPI also note in their response that in both 2016 and 2017, of the cases decided, there were 2 possible cases of conflict of interest in each year, but that none were found to have breached the code.

In their previous correspondence, the RTPI had also noted the following in terms of the guidelines for their members:

“Members must take all reasonable precautions to ensure that no conflict of duty arises between the interests of one employer, client or business associate and the interests of another.” Our Practice advice clearly states: “You should not undertake any private planning work in the area where you are in the position to recommend the making of any decision materially affecting the development or use of land.”

The RTPI’s advice note to members on [Ethics and Professional Standards](#) also notes the following (p.9) in relation taking on private consultancy work:

RTPI Members undertaking any private consultancy work in addition to their primary (e.g. local authority) employment should obtain the **written agreement of their employer** before taking a commission. This also applies to staff working on a part time or contract basis. You **should not undertake any private planning work in the area where you are in the position to recommend the making of any decision materially affecting the development or use of land**. Exceptions to this include your own residence or where you are giving free planning advice to the public as part of your employment.[My emphasis]

As an additional note, having spoken to officials at a sample of local authorities in Wales, it would appear that most authorities no longer work on an ‘Area Committee’ basis, with all planning matters discussed at a single Planning Committee. Some authorities however may divide their areas into Service Area Teams, such as in [Neath Port Talbot](#).

Whether there are any restrictions based upon seniority?

There are no restrictions based upon seniority, because codes of conduct (both local authority and professional body) generally do not differentiate between employees based on grade.

So, as an example, Section 9 (p.33) of [Neath Port Talbot CBC’s Employee Code of Conduct](#) relates to *Personal and Other Interests/Involvements*. It sets out what interests outside of the workplace might constitute a conflict of interest, including ‘work done for any person or

organisation other than as an employee of the Council'. The following extract is taken from this section:

If any employee has a personal interest in any matter which arises at any meeting where the employee is reporting or advising (or might be called upon to advise, or otherwise be able to influence) any Councillor(s) of the Council, or any third party, the employee must declare the interest, and take no part in the consideration or determination of the matter.

Section 10 of the Employee Code of Conduct sets out parameters for taking on *Additional Employment/Work*. In this section, it states:

For all additional employment or private work, outside of the work done as an employee of the Council, employees must obtain the written permission of the Council. **Appendix C** can be used to make a relevant declaration.

Employees should be clear about their contractual obligations to the Council and must not undertake additional employment, or involvement, which may conflict with or detract from the interests of the Council.

Section 16 of the Code states that:

Any contravention of this Code of Conduct could result (or be taken into account) in disciplinary proceedings.

Should there be a need to undertake an investigation into an employee's standard of behaviour it will be necessary to examine the Registers, attached in **Appendix 'A', 'B' and 'C'**, and any evidence obtained from these sources may, together with any other information, be used to assist with the investigation.

In some instances, declarations or failure to declare, may need to be reported to the police

Section 17 of the Code notes that while the Code embodies general standards of conduct for all employees, there might be a need for some Directorates to make arrangements to address specific circumstances. However, standard forms (Appendix B and C) provide the basis for declaring any personal interests or additional employment. In these forms, it clearly asks officers to state whether they envisage a conflict of interest between the additional employment and their role with the council.

Officers wishing to take on additional employment outside of their existing role are required to ask permission from the council through set procedures. Declarations of interests, which include additional employment requires authorisation from a senior officer, and are set out as follows:

- Chief Executive to have his/hers authorised by the DOFCS/Monitoring Officer. CEX secretary to maintain the file.
- Directors to have theirs authorised by the CEX. Their secretaries to maintain the files.
- HOS (Heads of Service) to have theirs authorised by the Directors. Directors' secretaries to maintain their files.

- Accountable managers to have theirs authorised by HOS. Directors' secretaries to maintain their files.
- All other staff to have theirs authorised by HOS. Directors' secretaries to maintain their files.

Whether each local authority has its own set of rules?

Section 37 of the [Local Government Act 2000](#) requires local authorities in Wales to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and employees, and any other information the authority considers appropriate

Each local authority has its **own individual constitution** to reflect that authority's particular circumstances. Each Council will also have differences as to the documents it believes appropriate to include in its constitution. The Welsh Government published [Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006](#) on the content and operation of an authority's constitution.

It would seem that most local authorities include as part of their constitution specific documents on planning matters. Part 5.2 of Carmarthenshire County Council's constitution for example relates to the [Code of Conduct for Councillors and Officers in Planning Matters](#). Section 2.10 sets out the duties placed on officers:

In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, officers must:

- Act fairly and openly
- Avoid any actions, which would give rise to an impression of bias.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties

Neath Port Talbot County Borough Council also include a *Planning Protocol* (p.57) within their [constitution](#). Paragraph 11.3 of the *Planning Protocol* states:

Councillors should recognise and respect the fact that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

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.



Blaengwrach Community Action Group

End Conflict of Interest in Local Authority Constitution

Dear David,

Thank you for the opportunity to reply on the latest comments regarding this petition. Given the last replies from the RTPI, the Public Services Ombudsman for Wales and from Mr Alun Davies, I would like to summarise my main points as follows:

1. There is a vast amount of guidance available to members of Local Authorities, in the form of frameworks, policies and guidelines. What the entire system lacks, however, is a definitive form of **governance**. Mr Alun Davies certainly points out the existence of such policies and the responsibilities of certain senior roles to enforce these guidelines, however the emphasis remains on promoting the good behaviours **rather than having any real power to police 'the bad'**.

2. The Internal Audit Office of our local authority also assumes some responsibility to investigate complaints where breaches of the code of conduct has taken place. Again there seems to be no governance on how these investigations take place and how much power this office has. In my own experience as a member of the public with a complaint, I have had to request the Wales Audit Office to investigate where the Internal Audit Office would not.

3. The Public Services Ombudsman for Wales will not get involved in speculative investigations about misfeasance or fraud or personnel matters such as running private enterprises in council time. In my own experience as a member of the public who raised a complaint; my case was dismissed partly on the grounds of not providing enough evidence. Yet no further proof was actually requested before the rejection was issued, although even if it had I feel that the required level of proof would not be available to me as a member of the public. The latest reply also highlights how the Ombudsman has no powers in potential matters of fraud and corruption resulting from a conflict of interest.

4. It is of great concern that any real governance over the code of conduct, seems to be passed to the private organisation RTPI, of which it is **voluntary** for planning officers to become members. **Surely, the governance for our Local Authority mandates should stay within our Local Authority?**

5. The comments from the RTPI on this matter, should highlight to you the steady annual **increase in the number of complaints being received**. While I, as a member of the public, am not aware of their investigative remit or powers to enforce the Local Authority policies for employees, I see this as clear evidence that more needs to be done **within our Local Authority** to prevent such instances that escalate to a complaint. It is not enough for a third party such as the RTPI to simply recommend that their members *"take all steps to limit the **perception** of conflicts of interest"*.

6. The outlined statistics as reported by the RTPI, are the number of **reported cases** they receive and I would put it to you, the committee, to consider the number of **unreported cases** that must also be a factor. As a member of the public, neither I, nor my ward councillor, would think of appealing to the RTPI to enforce the Local Authority code of conduct. Our local authority has certainly never made me aware of addressing my concerns to such an organisation.



Blaengwrach Community Action Group

In summary, I would urge the Welsh Government to take action **to aid our local authorities in enforcing the policies and guidelines** that have taken much time and resource to create and put in place. By far the easiest and most efficient way to promote a corruption free environment in our public office is to take simple measures to remove obvious conflicts of interest from such powerful decision-making bodies. By doing this, you are not only protecting the public, but also the employees in such roles in our local authorities. (For example, when there is public backlash against officers on social media channels who run private firms and in the same office hours.) The current system in place for recording and monitoring 'declared conflicts of interest' uses precious public resources (if employed correctly) simply to facilitate the private financial gain of arguably well paid public officials.

Conflicts of interest, such as allowing planning officers to run private planning consultancy firms creates temptations (for example in fraud and collusion) that are much harder to prove when they affect residential communities with planning decisions made for private benefit. Once these situations have arisen, there is little or no authority to prove and judge these cases. The private sector does not allow for conflict of interest, so why then, are we so intent on allowing this in our public positions of power?

As a welsh resident who is active in my local community, I can tell you, without doubt, that the general public is not aware that this practice is facilitated. If it were to be made general knowledge, I am confident that public opinion would be overwhelmingly in favour of this petition. We need to feel that decisions affecting our homes and schools are made beyond reproach, which is simply not possible when local councillors or key planning officers also run consultancy firms just outside the same town borders.

I humbly ask, that the Welsh Government intervenes, on behalf of the Welsh public, to change the Employee Code of Conduct in our Local Authorities, to disallow such Conflicts of Interest, particularly with regard to such positions of power as Planning Officers and Ward Councillors.

Please also find enclosed with my reply, a report prepared by Transparency International on the mounting risks of corruption within UK local government. In particular, I would draw your attention to the section on 'revolving door risks' (page 26) which I regard as highly relevant to this particular matter.

I thank you for your time and consideration.

Yours sincerely

Emma Eynon

Blaengwrach Community Action Group

Agenda Item 3.4

P-05-789 Review support for asylum seekers accessing further education

This petition was submitted by Gulnar Sohail and was considered by the Committee for the first time in December 2017, having collected 78 signatures online.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to review the Educational Maintenance Allowance (EMA), the Financial Contingency Fund (FCF) and the Welsh Government Learning Grant (WGLG) to allow for more asylum seekers to be able to participate in further education.

Additional information

In these difficult times when inflation is on the rise and daily items getting more and more expensive for UK citizens too, it is almost impossible for asylum seekers to progress further in their higher / access education. We (Asylum seekers) are just given just over £5 a day from Home Office and from this amount they have to buy food, clothing, daily transport costs and the list is ongoing. Even if we try somehow (by cutting down on food or any other important things) the transportation cost for the whole course including any other charges like registration, child care are just too much to digest. My point is that there should be no discrimination between an asylum seeker and any other person living in Wales if both are trying to go to college for higher education / access courses. If a Welsh person is getting FCF and WGLG then an asylum seeker should also receive these both or any other related help which will enable them to move forward in their lives. Because of previously mentioned costs I have seen so many asylum seekers turned down their plans to go for higher education. It also means that they will be doing nothing fruitful as work is not permitted and sitting at home will make them more frustrated. I also would like to mention a recent example when a destitute (whose asylum case is refused and his / her cash support and house from Home Office has been withdrawn) has committed suicide. He was living in this situation for some time and he was not able to make use of his life. I believe if he was given an opportunity he might not have gone that far. Enabling more asylum seekers into education will not only give them some purpose for life but it will also enrich the community where they live. After all when we got our residence permit we will be independent and free to

work and this education will help us in many ways to shape our families and communities in much better ways.

Assembly Constituency and Region

- Swansea East
- South Wales West

Agenda Item 3.5

P-05-808 Welsh should not be compulsory for Children with Dyslexia and Special Needs

This petition was submitted by Jessica Fox having collected 81 signatures.

Text of Petition

Like many other children in the UK my son is Dyslexic. English writing and reading is an everyday challenge so imagine having to learn to read and write another language that you will never use. This is what living in Wales my son has to do every day. I have tried to remove him from Welsh so he can have extra English lessons but it is a legal obligation for the school to teach welsh in Wales. It's an everyday challenge for Dyslexic children living in Wales. Welsh should be a choice not compulsory

Assembly Constituency and Region

- Newport East
- South Wales East

Document is Restricted



Eich cyf/Your ref P-05-808
Ein cyf/Our ref EM/00174/18

David John Rowlands AC
Cadeirydd y Pwyllgor Deisebau
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF99 1NA

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

Ebrill 2018

Diolch am eich gohebiaeth dyddiedig 6 Mawrth parthed Deiseb P-05-808 *Ni ddylai'r Gymraeg fod yn orfodol i blant â dyslecsia ac anghenion arbennig*, a gyfeiriwyd at Ysgrifennydd y Cabinet dros Addysg. Mae'r cyfrifoldeb dros y Gymraeg yn rhan o'm cylch gorchwyl i.

Mae Llywodraeth Cymru wedi ymrwymo i greu system addysg gynhwysol i bob dysgwr, beth bynnag ei anghenion a'i gefndir, er mwyn sicrhau bod pob dysgwr yn cael addysg o'r safon uchaf ac yn gwireddu ei lawn botensial. Mae Deddf Addysg 1996 yn rhoi dyletswydd gyfreithiol ar bob awdurdod lleol i ddarparu addysg briodol i bob dysgwr, gan gynnwys disgyblion ag anghenion addysgol arbennig (AAA) megis dyslecsia.

Polisi Llywodraeth Cymru yw gosod sylfaen gadarn i'r Gymraeg yn y cwricwlwm ym mhob ysgol. Mae astudio'r Gymraeg yn ofyniad statudol i bob dysgwr tan ddiwedd Cyfnod Allweddol 4 a bydd hyn yn parhau pan gyflwynir y cwricwlwm newydd i ysgolion yn 2020. Dim ond un rhan o'r cwricwlwm ehangach yw dysgu'r Gymraeg a'n nod yw cyflwyno ymyriadau ag iddynt ffocws i ddysgwyr i'w cynorthwyo i gyflawni eu llawn botensial ar draws yr holl bynciau.

Nid ydym yn pennu amser penodedig ar gyfer astudio'r Gymraeg – mater i ysgolion unigol y hwn ac mae ganddynt ryddid i drefnu eu hamserlenni a'u dulliau cyflawni mewn modd sy'n addas i'w dysgwyr. Mae hyn yn cynnwys strategaethau ar lefel ysgolion i gefnogi dysgwyr a chanddynt anawsterau dysgu penodol.

Bae Caerdydd • Cardiff Bay
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Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llw.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.

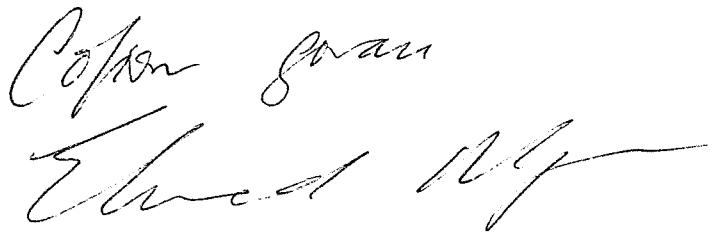
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

O ran datgymhwyso, yng Nghymru gellir datgymhwyso rhan o'r Cwricwlwm Cenedlaethol neu'r cwricwlwm cyfan os yw'n anaddas i ddisgybl ar gyfer y cyfnod arbennig hwnnw. Er enghraifft, gellir eithrio disgyblion dros dro o bynciau penodol os ydynt wedi dod o system addysg wahanol i system Cymru, a bod angen cyfnod arnynt i ymaddasu. Nid yw'n fwriad i ddatgymhwyso dros dro ddatblygu i fod yn eithriad hirdymor o ddarpariaethau'r cwricwlwm cenedlaethol a dim ond mewn amgylchiadau prin y mae'n debygol y bydd angen defnyddio hyn.

Mae gan Benaethiaid ddisgresiwn i gyflwyno 'cyfarwyddyd' ysgrifenedig cyffredinol i egluro pa gamau sy'n cael eu cymryd, gan nodi'r rhesymau dros y trefniadau arbennig. Mae'n rhaid i'r cyfarwyddyd nodi pryd y bydd y trefniadau arbennig hyn yn cychwyn a gorffen, neu'r ffactorau a fydd yn penderfynu pryd y byddant yn gorffen. Ni chaiff cyfarwyddyd cychwynnol bara mwy na chwe mis calendr. Fodd bynnag, disgwylir i benaethiaid ddefnyddio eu pwerau cyfarwyddo yn sensitif a chynnil oherwydd dylid rhoi'r cyfle i bob disgybl fanteisio ar ystod lawn o bynciau'r Cwricwlwm Cenedlaethol.

Mae manteision ymarferol yn gysylltiedig â dysgu'r Gymraeg i'r sawl sy'n dymuno byw a gweithio yng Nghymru. Mae cwmnïau'r sectorau cyhoeddus a phreifat yn annog datblygiad gweithluoedd dwyieithog a darparu gwasanaethau drwy gyfrwng y Gymraeg er mwyn diwallu anghenion cwsmeriaid.

Mae hwn yn arwydd clir o'r manteision economaidd sy'n deillio o feddu ar sgiliau Cymraeg, ac mae gennym ddyletswydd i sicrhau bod gan ein pobl ifanc y sgiliau angenrheidiol er mwyn manteisio ar y cyfleoedd hyn.



Eluned Morgan AC/AM

Gweinidog y Gymraeg a Dysgu Gydol Oes
Minister for Welsh Language and Lifelong Learning



Eich cyf/Your ref P-05-808
Ein cyf/Our ref EM/00174/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
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April 2018

Thank you for your correspondence of 6 March concerning Petition P-05-808 *Welsh should not be compulsory for children with dyslexia and special needs*, addressed to the Cabinet Secretary for Education. Responsibility for Welsh language falls within my remit.

The Welsh Government is committed to creating an inclusive education system for all learners, regardless of their needs and background, to ensure all learners are able to access a high standard of education and reach their full potential. The Education Act 1996 places the legal duty on local authorities (LAs) to provide suitable education for all learners, including those who have special educational needs (SEN) such as dyslexia.

Welsh Government policy is for the Welsh language to have a firm place in the curriculum at all schools. The study of Welsh is a statutory requirement for all learners until the end of Key Stage 4 and this will continue to be the case in the new curriculum which will be rolled out to schools from 2020. Learning Welsh is just one part of a broad curriculum and our aim is for learners to receive focused interventions at school that help them reach their full potential across all subject areas.

We do not prescribe a set amount of time for the study of Welsh - this is a matter for individual schools and they have the freedom to organise their timetabling and delivery methods in ways that are appropriate for their learners. This includes school level strategies to support learners with SEN specific learning difficulties.

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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.

With regard to disapplication, in Wales some or all of the National Curriculum may be temporarily disapplied for a pupil if, for that particular time, it is inappropriate to him or her. For example, temporary exemption from particular subjects can be applied for pupils who have arrived from a different educational system to Wales and require a period of adjustment. Temporary disapplication is not intended to provide long-term exemption from the national curriculum provisions and is likely to be needed in rare circumstances only.

Head teachers have the discretion to issue a written general 'direction' explaining the action that is being taken and stating why exceptional arrangements are necessary. Any direction must specify when the exceptional arrangements will start and end, or the factors that will determine their ending. An initial direction may last no longer than six calendar months. However, it is expected that head teachers use their powers of direction sensitively and sparingly because all pupils should have the opportunity of benefiting from the full range of National Curriculum subjects.

There are practical advantages to learning Welsh for those who wish to live and work in Wales. Public and private sector companies are now actively encouraging the growth of bilingual workforces and the availability of Welsh-medium services to meet customer needs.

This is a clear indication of the economic benefits of Welsh language skills and we have a duty to ensure that all our young people are equipped with the skills they may need to take up such opportunities.

Yours Sincerely
Eluned Morgan

Eluned Morgan AC/AM

Gweinidog y Gymraeg a Dysgu Gydol Oes
Minister for Welsh Language and Lifelong Learning

Agenda Item 3.6

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

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

28th February 2019
Tim Peppin
029 20 468669
tim.peppin@wlga.gov.uk



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

Dear Mr. Rowlands

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

Thank-you for your letter to our former Chief Executive, dated 27th July 2018, which was re-sent on 18th February by your Deputy Clerk, Ross Davies. Please accept apologies from WLGA that you did not receive a reply to the original letter. For some reason, of which we are not sure, no-one was assigned to pull together a response.

On a general note, WLGA is fully supportive of efforts to improve the environment for future generations and we were actively involved in promoting the Well-being Act to local authorities as it came into force. We have also encouraged local authorities to get involved in efforts to reduce marine litter, working with Keep Wales Tidy and the Marine Conservation Society.

In relation to the specific petition, milk is subsidised for schools by the UK Government, with payment administered by Welsh Government. The milk is packaged uniquely for schools in third of a pint containers. These used to be glass but now tend to be PET or in cartons (although glass is making something of a comeback). The unique packaging is available only through LA contractors and therefore 100% of milk is bought using LA contracts.

In terms of who orders the milk, though, it could be the schools themselves or the local authority depending on what is agreed. Alternatively, it could be a third party that organises the milk delivery as a value-added service to schools and reclaims administration costs from central government for a fee.

The straws in use for school milk may come attached to the containers. If the straws are purchased separately, again it could be the school, the LA, or possibly the third party that buys them. Consumables are low value, so will tend to be bought by whatever means is convenient at the time. It can therefore be very difficult for local authorities to control what is and isn't bought.

Dr Chris Llewelyn
Prif Weithredwr
Chief Executive

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

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

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

Having said that, many schools are actively involved in the Eco Schools initiative which encourages pupils to think positively about the environmental implications of the way their schools operate. It is good to see Ysgol y Wern County Primary School taking this matter seriously.

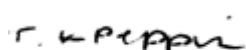
It is important to note that straws may be required for children with complex medical conditions. An outright ban on plastic straws could therefore have unintended consequences unless suitable alternatives are identified, available and affordable. Paper straws may be an option where glass bottles are used. However, for hygiene reasons these would have to be single use.

Several authorities have undertaken specific initiatives to try and eliminate plastic catering consumables. Examples include attempts to substitute plastics out of the catering disposables contract and to get single use plastic out of council main buildings. This has included working with suppliers to find alternatives. However, some of these initiatives have struggled to progress, given the limited availability of procurement resources.

The use and disposal of plastic products generally will continue to present a challenge. Efforts will continue to find ways of reducing use, encouraging recycling where appropriate and finding environmentally-friendly substitutes. WLGA will continue to offer advice and support to LAs wherever we can to help address the issue. The current Defra/Welsh Government consultations on Extended Producer Responsibility (see <https://beta.gov.wales/extended-producer-responsibility-packaging>) and plastic packaging (<https://www.gov.uk/government/consultations/plastic-packaging-tax>) may present new opportunities in this respect.

I hope this response is of some use to your committee in its ongoing consideration of the matter

Yours sincerely



Tim Peppin
Director of Regeneration and Sustainable Development

Mark Drakeford AC/AM
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MD/00547/18 David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA
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24 October 2018

Dear David,

Thank you for your response to my letter of 28 August. I provide below an update on how the pilot project in Pembrokeshire is progressing.

The pilot commenced in September and will run until December, at which point we will be able to provide more meaningful feedback on the outcomes. Seven schools have made the switch from plastic bottles to glass bottles and in some cases, using pergals to dispense milk. All seven participating schools have stopped using plastic straws for at least the duration of the pilot.

Upon completion of the pilot, my officials will undertake an evaluation of the effectiveness of the pilot, including the potential for wider implementation.

The evaluation will be supported by expertise from the Waste and Resources Action Programme (WRAP) Cymru and their delivery partners. It will include an assessment of impact of the eradication of plastic straws within the sample area, including the impact on the environment, costs and suppliers. This will be key in building our understanding of the implications of any potential ban and will provide an important contribution to the evidence base in this policy area.

I would like to say once again to how encouraged I am by the children of Ysgol y Wern for their active interest in this area.

Best wishes,

Mark

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

Agenda Item 3.7

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

This petition was submitted by Flexible Admissions Wales Group and was first considered in September 2019, 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 West
- South Wales Central

Document is Restricted

**P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children,
Correspondence – Petitioner to Chair, 13.03.19**

**Response to Petitions Committee (P-05-832)
Flexible School Admissions Wales Group**

SUMMARY OF RESPONSE:

- The School Admissions Code forces parents of summer-born children to choose between keeping their child out of formal schooling until age 5 (a legal right) or have the child miss the most important year of education.
- Section 3.30 of the Code is aimed at children already in formal education who may have to be held back a year, rather than the initial admission of children into reception. This is clearly reflected in local authorities' policies - the majority have no specific policy regarding the deferral of starting school, so instead apply policies for holding pupils back a year. This is wholly inappropriate.
- Given this, local authority policies show divergence in the way that the Code is implemented, creating a 'postcode lottery' at best, and a disregard of children's rights and parental wishes at worst. This is reflected in parents' experiences (blue).
- The Code is incompatible with the Education Act 1996, in the context of the admission of summer-born children.
- The Code is explicit that there is no statutory right of appeal where admission has not been offered in the desired year group. Thus, if parents believe that the decision has not been made in the best interests of the child, there is no statutory right of redress.

1. Context

The law does not require a child to start school until the term following a child's 5th birthday, and given this, it is the parent's right to keep their child out of formal education until that time. The question that should therefore be considered by local authorities in respect of children turning 5 in the summer, is whether it is in the *best interests of the child* to start their education in reception or in year 1.

It would be difficult to argue that missing reception would be in the best interests of the child. Research has clearly identified the reception year as the most important school year and without firm foundations in areas taught in reception, a child's life chances can be severely restricted (Ofsted, 2017). However, parents of summer-born children, some of whom may have not reached social, emotional or academic maturity and readiness for school at age 4, are effectively forced to enrol their child an entire year earlier, or otherwise have their child's education entitlement reduced by one year, also missing the pivotal reception year.

Section 9 of the Education Act 1996 states that pupils are to be *educated in accordance with the wishes of the parents*, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. Given that there should be no incompatibility with efficient instruction nor should there be *unreasonable* associated expenditure, the Welsh School Admissions Code does not respect this principle.

What is more, Section 3.30 of the Admissions Code largely refers to holding children back a year, rather than the deferral of entry into formal education; this is reflected in local authorities' policies. It is inappropriate to apply this provision of the Code and these policies to children entering education for the

first time, as the two issues will have very different considerations (see further **2.6 Gwynedd**). This has created an uncertain, inconsistent patchwork of policies across Wales, forcing some parents to turn to schools in England to secure education that is in the best interests of their child.

2. Local Authority Policies

We are grateful to Mr Rowlands AM and the Committee for contacting the local authorities. It is unfortunate that a number of local authorities opted not to respond to this request, particularly given that parents have reported recent, ongoing concerns, e.g.:

- A parent in Ceredigion reports that they have been given a ‘blanket no’, despite no discussion with the parents, school, or educational psychologist. The parent is awaiting a response to further inquiries after being told an ‘adequate’ education can be provided for the child. Under Article 29 of the UN CRC 1989, a child has the right to an education that develops their abilities to their fullest potential.
- A parent in Powys, having recently received a no (based upon the advice of professionals who had never met their child), is now seeking a school place for their child across the border in England. The English schools and authorities have been extremely helpful in discussing a deferred entry to reception. This child will now miss out on an education in Wales and in the Welsh language.
- In Caerphilly [1], a parent has recently received a ‘blanket no’. They have been waiting over 2 months for a response, while the authority is “waiting for further clarification from Welsh Government on the matter.”

Many parents also feel that the statistics provided will not be indicative of the real number of parents wanting flexible school admissions. Many parents report that they are told this is not an option or discouraged before formally applying for deferral, e.g.:

- A parent in Anglesey has recently been told by different people, (a) that such a thing does not exist, or (b) they would have to find out about it and let the parent know. The parent is still awaiting a reply since early January 2019.
- In Caerphilly [2], a headteacher was told by admissions that the authority would not allow a deferred entry into reception year. Worried of losing support for their child with ALN, the parent concerned did not formally apply for deferral. The child is now in *year 1*, has had extensive support, and is on par with children in the *reception* class. Much of the support would not have been required had a deferred start been possible.
 - Additionally, Caerphilly communicated that the parent would cause the child harm by forcing them to miss the reception year (had they waited to enrol until age 5). If authorities are aware that missing the year is detrimental, they are not considering the *best interests of the child* when deciding whether to admit summer-born children into reception or year 1.

In any case, the policies clearly evidence that change in the Admissions Code is needed, and confirm:

- a) Divergence across Wales in how the Code is interpreted and implemented; uncertainty as to what will be considered sufficient by authorities in approving a deferred start.
- b) The Code provides for students already in education being held back a year, or moved up a year. Section 3.30 is not designed for the admission of children into reception year. The majority of authorities have no specific policy regarding deferral of starting school, so apply policies for holding pupils back a year.

Below is an overview of the local authorities’ responses; parental experience is highlighted in blue:

2.1 Anglesey

- Policy does not refer specifically to applications to delay admissions.

- Anglesey states that one application was made to delay school admission and that this was granted: the child attends reception year part-time with peers. However, this is not an example of a successful application to defer admission until the next year.

2.2 Bridgend

- No specific provisions in the admissions policy for summer-born children.
- Circumstances where a school place will need to be considered outside of a child's normal age range may include where a child has experienced problems or missed part of a year due to ill health. This evidently does not apply to the admission of children into formal schooling for the first time.

2.3 Cardiff

- No specific policy for summer-born children.
- The parent must evidence why the child should be placed outside of their chronological age and can submit written reports from medical, psychological or social worker professionals. Recommendations are made by authority representatives and sent to the Director of Education for approval.
- In Cardiff, one parent was forced to turn to legal counsel after the request for deferral was refused. The child is late summer-born and also has a medical issue. The parent was forced to place the child in an independent, private school at personal cost.
- Another parent has also had to turn to an independent school after refusal of the request, despite the child having significant delays, difficulties and health issues.

2.4 Carmarthen

- No specific policy regarding deferral of starting school, but do have definitive policies on holding pupils back a year.
- The single request to delay starting school entry, which the local authority considered an exceptional case based on premature birth, was successful.

2.5 Denbighshire

- Does not have a specific element within the admissions arrangements covering this area, and identifies that the Admissions Code does not cover summer-born children.
- Highlights that the authority 'should (not must)' consider these requests carefully.
- Operates a blanket policy: the authority will admit to the correct year and have advised schools that they should follow this same approach.
- Circumstances where schools have decided to teach outside the year group are 'very limited', and the authority does not have a mechanism for recording such requests.

2.6 Gwynedd

- Schools are advised that children should be taught, as a rule, within their chronological year group.
- The guidelines apply to pupils 'kept back for a year or more'.
- The guidelines refer to long-term detrimental effects for out of cohort pupils, however, the research upon which the policy relies upon relates to 'holding back' children or grade retention (keeping a child in the same school year for more than a year). This is not the same as summer-born children deferring a school start, where there is ample evidence that children benefit from more time to develop before their formal education begins in earnest (Whitebread, 2012; Layton,

2018) and that starting school too young can be harmful to children's mental health (Price et al, 2017). Applying this policy on held-back children to summer-born children is inappropriate.

2.7 Merthyr

- Parents have the right to defer their child's entry to school until the term following their fifth birthday - this is an existing legal right.

2.8 Monmouthshire

- Where a parent opts not to enrol their summer-born child in formal schooling until they are 5, the child would be admitted into year 1 and not reception.
- The local authority will only permit deferral in exceptional circumstances where there is a suitable evidence base (e.g. educational psychologist report).
- No requests to defer entry have been approved and the authority suggests that some requests are due to parents not getting a place at a preferred school.
- One child opted to attend a school in England where their request was granted. This child is now missing out on a Welsh medium education.

2.9 Newport

- Summer-born children entering school at 5 years old will be admitted into year 1.
- All requests for deferral in the past 3 years were refused.

2.10 Rhondda Cynon Taf

- No specific policy for deferring entry into school.
- Requires a multi-agency meeting involving the family and relevant professionals, approval will be given if there are strong grounds.

2.11 Swansea

- No separate policy for summer-born children.
- To be successful, evidence must be shown of significant delay and little progress.

2.12 Torfaen

- The authority states it does not operate a one size fits all policy, and would consider each case on its merit.
- Suggests that the Admissions Code states that it is not normally appropriate for [summer-born] children to be admitted to a non-cohort age group, however it is submitted that the provision in the Code applies to holding children back (or moving up) a year.

2.13 Wrexham

- Policy refers to deferred entry within the same school year, rather than deferred admission to reception year.

Arwyn Williams
Pennaeth Dysgu / Head of Learning

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Adran Dysgu Gydol Oes / Lifelong Learning Dept.
Swyddfeydd y Cyngor / Council Offices
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Gofynnwch am - Please ask for: Gwyneth Mon Hughes

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Ein Cyf - Our Ref. gmh/dgg
Eich Cyf - Your Ref.

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Deisebau
Bae Caerdydd
Caerdydd
CF99 1NA

20/12/2018

Annwyl Mr Rowlands

DeisebP-05-832 Diwygio'r Cod Derbyn i dan ddeddf Safonau a Fframwaith Ysgolion 1998 Ysgolion ynghylch Plant a Anwyd yn ystod yr Haf.

Ar ôl derbyn eich ymholiad am fanylion polisiâu derbyn lleol a'r ffordd caiff ceisiadau gan rieni i ohirio mynediad eu plentyn i ysgol llawn amser, cyfeiriaf at bolisi mynediad a llawlyfr blynyddol 'Gwybodaeth i Rieni' i'ch sylw.

Mae'r ddogfen yn rhoi gwybodaeth i rieni am bolisiâu a threfniadau addysgol Awdurdod Lleol Môn yn unol â'r gofyn sy'n sefydlu fframwaith cyfreithiol ar gyfer derbyniadau i ysgolion. Nid yw'r Polisi yn cyfeirio'n benodol am geisiadau i ohirio mynediad, ond nodir yn glir nad yw'r gyfraith yn mynnu bod plentyn yn dechrau'r ysgol yn llawn amser tan ddechrau'r tymor yn dilyn pumed pen-blwydd y plentyn:-

CYNRADD - ym y Medi yn dilyn pen-blwydd yn 4 oed. (Y Medi yn dilyn y 4ydd pen-blwydd ydi'r oedran perthnasol hyd yn oed yn yr ysgolion cynradd sy'n derbyn plant yn rhan amser yn y mis Medi yn dilyn y 3ydd pen-blwydd).

NODER: Nid yw'r gyfraith yn mynnu bod plentyn yn dechrau'r ysgol yn llawn amser tan ddechrau'r tymor yn dilyn pumed pen-blwydd y plentyn.

Yn arferol derbynnir plant i ysgolion cynradd ym Môn unwaith y flwyddyn, yn y Medi yn dilyn eu pen-blwydd yn 4 oed. Yr unig eithriadau i fynediad yn y Medi yn dilyn pen-blwydd yn 4 oed fydd mewn achosion arbennig lle bydd yr Awdurdod o'r farn y byddai peidio caniatáu mynediad cynnar yn niweidiol i ddatblygiad addysgol a/neu gymdeithasol y plentyn yng nghyd-destun gofynion Deddf Plant1989 neu Restr Amddiffyn Plant.

Mae gan Cyngor Sir Ynys Môn Fforwm Mynediad ar gyfer ymgynghori a thrafod materion sy'n codi o'r trefniadau mynediad. Mae prifathrawon, llywodraethwyr, yr Awdurdod Lleol, asiantaethau sy'n cefnogi disgyblion ag anghenion addysgol arbennig ac awdurdodau addysg esgobaethol yn cael eu cynrychioli ar y Fforwm. Mae'r Fforwm yn datblygu consensws lleol sydd hefyd yn sicrhau fod trefniadau mynediad yn cydweddu â meysydd polisi eraill megis cynllunio lleoedd mewn

ysgolion, darparu ar gyfer plant ag anghenion arbennig, newid rhifau mynediad, dalgylchoedd a.y.b.

Yn ystod y tair blynedd diwethaf daeth un cais i law i ohirio mynediad i'r ysgol a hynny oherwydd bod y plentyn wedi ei eni yn yr haf ac ym marn y rhieni nid oedd yn barod i ddechrau ysgol amser llawn oherwydd ei dyddiad geni.

Caniatawyd y cynnig ac ar hyn o bryd mae'r plentyn hwnnw yn mynychu'r ysgol rhan amser gyda'i gyfoedion o fewn blwyddyn Derbyn.

Hyderaf fod y wybodaeth uchod o fudd i chi wrth symud ymlaen gyda'r gwaith .

Yn gywir,

Gwyneth Môn Hughes

Gwyneth Môn Hughes
Uwch Reolwr Safonau a Chynhwysiad

Croeso i chi ddelio gyda'r Cyngor yn Gymraeg neu'n Saesneg. Cewch yr un safon o wasanaeth yn y ddwy iaith. You are welcome to deal with the Council in Welsh or English. You will receive the same standard of service in both languages.

Document is Restricted

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Bridgend County Borough Council to Chair, 01.03.19

Dear Mr Rowlands AM

Thank you your letter regarding Petition P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children. Please accept my apologies for the delay in my response.

The local authority publishes its School Admissions Policy and Arrangements on an annual basis. There is no specific provision in this policy for summer-born pupils. However, the following section applies:

20. ADMISSION OUTSIDE THE NORMAL AGE GROUP

Occasionally the parents/carers of gifted or talented children will seek a school place for their child outside their normal age. The local authority will consider each case individually and make its decision in consultation with the school and parent/carer.

Other circumstances where a school place will need to be considered outside of a child's normal age range may include where a child has experienced problems or missed part of a year due to ill health.

Where the local authority considers that an out of year group application is appropriate but that application is refused due to no places being available at the school, the parent/carer will be offered a right of appeal. However, there is no right of appeal if a place has been offered, but not in the desired year group (ie where the place offered is in the correct chronological year group for the child's age).

Therefore, as the local authority does not identify summer born pupils as a special category of learner, a decision would be made on a case-by-case basis, taking into consideration 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. I can confirm there have been no requests made for deferred admissions in the last three years.

I trust this information will be of assistance to you.

Yr eiddoch yn gywir/Yours sincerely



Lindsay Iorwerth Harvey (Mr)

**Uned Cymorth Cyfarwyddiaeth Addysg a Chymorth i Deuluoedd (UCCACD)
Education and Family Support Directorate Support Unit (EDSU)**

**Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council**

My Ref: NB/HAE
Your Ref:

7th January, 2019



Neuadd y Sir
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www.caerdydd.gov.uk

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

Dear Mr Rowlands,

Petition P-05-832 to amend the School Admissions Code Relating to Summer-Born Children

Thank you for your questions in relation to Cardiff Council's management of deferred/delayed admissions and, specifically, to summer-born children.

Cardiff Council's Education Directorate holds a policy on Out of Chronological Age admissions. The policy explains that parents who are requesting their child be placed into a year group that is outside of their chronological age at the point of admission must request this to the Local Authority. The parent's request must evidence why their child should be placed outside of their chronological age. The parents can submit written reports from medical, psychological or social worker professionals. A meeting will be held with the parents and representatives from Cardiff Admissions and Inclusion teams. The purpose of the meeting will be to ascertain the individual needs of the child where all evidence is weighed to determine the best interests of the child. Recommendations are made by the Local Authority representatives and this is sent to the Director of Education for approval.

Cardiff Council does not hold a policy that is specific for summer-born children.

Please see the table below for data on Cardiff Council admissions outside of a child's chronological year group.

| | 16-17 | 17-18 | 18-19* |
|---|-------|-------|--------|
| Total requests received | 1 | 2 | 5 |
| Total requests granted | 1 | 0 | 3 |
| Total requests rejected | 0 | 2 | 2 |
| Summer-born children requests received | 1 | 2 | 3 |

PLEASE REPLY TO: Education and Lifelong Learning Service, Room 436, County Hall, Cardiff CF10 4UW Tel (029) 2087 2700

e-mail Nick.Batchelar@cardiff.gov.uk

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



| | | | |
|---|---|---|---|
| Summer-born children requests approved | 1 | 0 | 3 |
| Summer-born children requests rejected | 0 | 2 | 0 |
| Summer-born children admitted outside their year group | 1 | 0 | 3 |

*2 requests in academic year 18-19 were for twins

The data above shows that Cardiff Council receives very few requests for placements outside of a child's chronological year group. We receive even fewer requests based on children being summer-born. Some requests from parents of children who are summer-born were approved due to other circumstances not related to being summer-born. For example, one request approved in 18-19 was based on their language, home environment and capacity to excel within Welsh-medium education and not due to them being summer-born.

For your convenience and information, I have attached our policy on Out of Chronological Age admissions.

Please do not hesitate to get in contact should you have any further questions or queries on this matter.

Yours sincerely



Nick Batchelar
Director of Education and Lifelong Learning/
Cyfarwyddwr Addysg a Dysgu Gydol Oes

Eich cyf / Your ref:

Gofynnner am / Please ask for:

Mr. Gareth Morgans

Fy nghyf / My ref:

Llinell Uniongyrchol / Direct Line:

01267 246522

Dyddiad / Date: **24-12-18**

E-bost Uniongyrchol / Direct E-mail:

EDGMorgans@sirgar.gov.uk
EDGMorgans@carmarthenshire.gov.uk

David J Rowlands, AM,
National assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA

Petition P-05-832

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

Thank you for your letter dated December 5th in regard to the issues noted above.

As an Admissions Authority we have a clearly defined policy which is consulted upon annually. The current policy can be found via this link- [Carmarthenshire County Council's School Admissions Policy](#).

As an Admissions Authority we do not have a specific policy regarding deferral of starting school but we do have definitive Position Statements in regard to **Holding Pupils Back a Year** and **Moving them Up a Year** outside of their chronological school year group. These can be provided if you require them.

In the last three years we have only had one parental request to delay starting school entry and to enter a school year that is one year behind the chronological school year.

This was an exceptional case where the child was born extremely prematurely (14 weeks) with medical complications. The child should have been born in November if they had gone to term, but was born at the end of August. The Parents requested that the child be allowed to start in the school year that she should have been born into and presented supportive evidence from the neonatal consultant pediatrician and Bliss, a lobby group for prematurely born children, to be educated in the cohort based on their expected birth date. The Local Authority agreed to this as an exceptional case.

We consider each individual case and come to a decision based on the evidence provided.

Yours sincerely,



Gareth Morgans

GARETH MORGANS B Ed. M. Sc

Cyfarwyddwr Addysg a Gwasanaethau Plant
Adran Addysg a Phlant, Adeilad 2, Parc Dewi Sant,
Heol Ffynnon Job, Caerfyrddin, Sir Gaerfyrddin. SA31 3HB
Director of Education and Children's Services
Department for Education and Children,
Building 2, St. David's Park, Jobs Well Road,
Carmarthen, Carmarthenshire. SA31 3HB

Mae Cyngor Sir Gaerfyrddin yn croesawu
gohebiaeth yn Gymraeg neu yn Saesneg
Carmarthenshire County Council welcomes
communications in Welsh or English

Pack Page 101



BUDDSODDWYR | **INVESTORS**
MEWN POBL | **IN PEOPLE**

P-5-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Ceredigion Council to Chair, 21/12/18

- **details of your authority's policy in relation to requests for a deferral of school admission**

See attached Ceredigion's School Admission Policy, point 4.2 and Ceredigion's SEN Strategy, Policy and Procedures, page 46.

- **any specific policy you operate in relation to requests for deferrals for summer-born children (those born between 1 April and 31 August)**

no specific policy

For each of the past 3 years:

- **the number of requests for deferral of school admission received**

2016 – 2 formal requests

2017 – 3 formal requests

2018 – 3 formal requests

- **the number of requests that were granted or rejected**

All requests were rejected for 2016, 2017 and 2018

- **the number of requests for deferral of school admission for the reason that a child was 'summer-born' (as defined above) or not ready to start fulltime school due to the date of their birth**

2016 – 2

2017 – 3

2018 – 3

- **the number of these requests that were granted or rejected**

All requests were rejected for 2016, 2017 and 2018

- **for any requests granted, whether those children were subsequently admitted within or outside of their normal age group**

None were granted.

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Denbighshire County Council to Chair, 12.12.18

Dear David Rowlands AM,

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

Thank you for your letter dated 4th December 2018.

I can confirm that Denbighshire does not have a specific element within our Admissions arrangements covering this area. The Schools Admissions Code (section 3.30) specifies that the Authority *should* (not *must*) '*consider these requests carefully and make decisions on the basis of the circumstances of each case*'; however, this section in the Code refers to '*gifted and talented children or those who have experienced problems or missed part of a year*'. Therefore the specific case of 'summer –born' children is not presently covered in the Code. Neither, under the Code, do parents/carers have the ability to appeal any decision for an alternate year group if they are in receipt of an offer for the desired school in the correct year.

In regard to Denbighshire's approach, the Authority will admit to the correct year, and have advised our schools that they should follow this same approach; recommending they teach children to their appropriate level within the relevant curriculum year group. There may be limited circumstances where schools have made a decision to teach a child outside of their expected year group; however, these circumstances will be very limited. Presently Denbighshire only has 11 children to whom this would apply; 9 in secondary education and 2 in primary. Of these 11 children only 2 are August summer-born; which is 0.01% of our total cohort (Nursery to Year 13). I note that in these limited circumstances, any decision to move school year will have been in consultation with the Authority and following extensive teacher observations, test data and advice (if applicable) from other relevant educational professionals.

In regard to the specific questions asked in your correspondence, we are unable to answer these. The Authority does not have a mechanism for recording such requests as this does not form part of our Admissions arrangements. However, we are aware that such requests are extremely infrequent and usually relate to more able and talented children; something which is managed within the school process mentioned above.

I trust this has been of assistance.

Yours sincerely

Judith Greenhalgh

Prif Weithredwr Cyngor Sir Ddinbych / Chief Executive of Denbighshire County Council

P-05-832 Diwygio'r Cod Derbyn i Ysgolion ynghylch Plant a Anwyd yn ystod yr Haf, Gohebiaeth – Cyngor Gwynedd at y Cadeirydd

Annwyl David J Rowlands

Ar ran Dilwyn O Williams (Prif Weithredwr Cyngor Gwynedd) fe gyflwynaf atebion Gwynedd i'ch ymholiad isod.

- Manylion polisi eich awdurdod mewn perthynas â cheisiadau am ohirio mynediad i'r ysgol;
- Unrhyw bolisi penodol rydych chi'n ei weithredu mewn perthynas â cheisiadau am ohiriadau ar gyfer plant a anwyd yn yr haf (y rhai a anwyd rhwng 1 Ebrill a 31 Awst);

Atodaf ein polisi ynglŷn â derbyn y tu allan i'r grŵp oedran arferol sydd yn cyd-fynd â Chod Derbyn Llywodraeth Cymru. Er na fyddai gan amlaf yn briodol i blentyn gael ei roi mewn grŵp blwyddyn nad yw'n cyd-fynd â'u hoedran cronolegol rydym yn ystyried pob cais yn ofalus a phenderfynu ar sail amgylchiadau pob achos a drwy ymgynghori â'r rhieni a'r ysgol, ac yn benodol, beth fyddai fwyaf buddiol i'r plentyn. Byddwn yn ystyried adroddiad gan Seicolegydd Addysg mewn pob achos.

Ar gyfer pob un o'r tair blynedd diwethaf:

- nifer y ceisiadau a ddaeth i law i ohirio mynediad i'r ysgol;
- nifer y ceisiadau a ganiatawyd neu a wrthodwyd;
- nifer y ceisiadau am ohirio mynediad i'r ysgol oherwydd bod plentyn wedi'i eni yn yr haf (fel y'i diffinnir uchod) neu oherwydd nad oedd yn barod i ddechrau ysgol amser llawn oherwydd ei ddyddiad geni;
- nifer y ceisiadau hyn a ganiatawyd neu a wrthodwyd; ac
- yn achos unrhyw geisiadau a ganiatawyd, a gafodd y plant hynny eu derbyn wedi hynny yn eu grŵp oedran arferol neu y tu allan iddo.

Nid yw'r Awdurdod Mynediad wedi derbyn unrhyw gais ffurfiol gan rieni i ddechrau yn flwyddyn Derbyn yn lle blwyddyn 1 yn ystod y 3 mlynedd diwethaf.

Yn gywir

Owen Owens

Uwch Reolwr Gwasanaeth Adnoddau Addysg

Senior Manager Education Resources Service

Swyddfa'r Cyngor

Caernarfon

GWYNEDD

LL55 1SH

Arweiniad ar gyfer ysgolion (a sefydliadau eraill yr awdurdodau lleol) ynghylch lleoli plant tu allan i'w grŵp cronolegol.

1. Caiff ysgolion eu cynghori y dylid addysgu plant, fel arfer, o fewn eu grŵp blwyddyn cronolegol.
2. Ceir tystiolaeth nad yw gosod plant mewn dosbarthiadau o blant iau, ar y gorau, yn amharu o gwbl ar eu canlyniadau yn y tymor hir, ac ar y gwaethaf, gall arwain at iechyd emosiynol mwy bregus, cyraeddiadau is a gwaeth rhagolygon o ran cyflogaeth.
3. Prin yw'r dystiolaeth bod plant yn elwa o fod mewn dosbarth gyda grŵp o oedran iau na hwy. Ceir peth tystiolaeth o welliannau byr dymor o ran cyflawniad, ond ceir dirywiad o ran cyflawniad, sy'n is na chyfoedion na chedwir yn ôl. Ymhlith yr effeithiau hir dymor mae cynnydd mewn 'cyfraddau rhoi'r gorau i addysg a chyrhaeddiad academaidd is, diffyg hunan barch, a chyfraddau is o ran presenoldeb yn yr ysgol, o'i gymharu â chyfoedion na chedwir yn ôl.
4. Y cyfiawnhad arferol
Fel arfer, caiff un o'r canlynol eu cynnig fel cyfiawnhad dros osod disgyblion mewn grŵp blwyddyn nad yw'n grŵp a berthyn i'w hoedran cronolegol:
 5. i.) Bod y disgybl yn meddu ar sgiliau deallusol eithriadol, ei fod wedi ei ynysu fel dysgwr yn eu grŵp cyfoedion presennol, ac yn peri anawsterau mawr i athrawon o ran darparu estyniad priodol i'r cwricwlwm.
 6. ii.) Bod gan y disgybl oediad eithriadol o ran sgiliau deallusol, na all gymryd rhan mewn tasgau dysgu grŵp, a'i fod yn peri anawsterau mawr i athrawon o ran gwahaniaethu cwricwlwm.
 7. iii.) Yn aml mewn cydgysylltiad â (ii), mae gan y disgyblion hyn oediad emosiynol, ni allant ffurfio perthnasoedd digonol gyda'u cylch cyfoedion, ac maent mewn perygl o gael eu hynysu.
 8. iv.) Bu'r disgybl yn absennol am gyfran helaeth o'r flwyddyn oherwydd salwch neu am resymau eraill.
 9. v.) Oherwydd cyflwr corfforol neu lesgedd y disgyblion, ymddengys eu bod angen amgylchfyd llai peryglus nac sy'n bodoli mewn dosbarthiadau ar gyfer eu gwir grŵp oedran.
 10. vi.) Ceir plant sydd newydd gyrraedd y DU nad ydynt wedi cael blas o'r cwricwlwm Cenedlaethol dwyieithog ac sydd angen amser i addasu i fywyd ysgol yn y gwledydd hyn.

Y Goblygiadau i'r disgybl.

Disgyblion mewn grŵp oedran hŷn:

11. Mae'n bur bosibl bod disgyblion a osodir mewn grŵp blwyddyn ar y blaen i'w hoedran cronolegol, yn cael eu hysgogi neu'n teimlo'n llai rhwystredig mewn meysydd ble maent yn rhagori nag y buasent pe baent yn eu grŵp oedran cronolegol. Ar y llaw arall, gall y byddant yn wynebu heriau mewn meysydd ble efallai nad yw eu cryfderau a'u hadnoddau personol wedi datblygu cymaint. Yn neilltuol, gall disgyblion nad yw eu haeddfedrwydd corfforol, cymdeithasol ac emosiynol yn cyfateb i'w haeddfedrwydd deallusol eithriadol, ei chael yn anodd cymdeithasu yn yr ysgol. Gall hyn arwain at ganlyniadau emosiynol sylweddol, yn enwedig yn ystod llencyndod.
12. Fodd bynnag, ble mae aeddfedrwydd cyffredinol disgyblion yn fras yn unol ag aeddfedrwydd deallusol, gallant elwa o gael eu lleoli o flaen eu hoedran cronolegol. Ond dylid cadw mewn cof y gellir, o ddilyn yr un cwricwlwm wedi ei gyfoethogi a gyda'r un grŵp oedran cronolegol, sicrhau canlyniadau tebyg ac y bydd yn golygu llai o risg.
13. Unwaith mae disgyblion wedi trosglwyddo i grŵp blwyddyn CC uwch, mae'n anodd gwrth-droi'r newid, a bydd yn golygu ailadrodd blwyddyn CC. Mae'n felly'n bwysig ystyried canlyniadau symudiad o ran cerrig milltir addysgol pwysig bydd y disgybl yn cyrraedd blwyddyn neu ragor o flaen yr oedran arferol, yn trosglwyddo i'r cam nesaf, TGAU ac yn gadael yr ysgol. Mae'n werth nodi na all disgyblion derfynu eu haddysg yn 15 oed, ac felly, gall bydd yn ofynnol iddynt drosglwyddo'n gynnar i'r chweched dosbarth neu goleg addysg bellach.
14. Dylai athrawon, rhieni a disgyblion gwrdd â'r Gwasanaeth Seicoleg Addysgol a'r Gwasanaeth Ymgynghorol i drafod goblygiadau trosglwyddo i grŵp blwyddyn hŷn.

Lleoli mewn grŵp blwyddyn iau.

15. Mae ystyriaeth debyg, er ei fod i'r cyfeiriad arall, yn berthnasol i ddisgyblion a gedwir yn ôl flwyddyn neu ragor o flynyddoedd'. Anaml iawn y caiff cryfderau ac adnoddau disgybl eu cyfyngu'n gyson mewn pob maes, a gall naws o ddisgwyliadau cyffredinol isel fod yn broblemus. Mae hyn yn peryglu yn arbennig ddatblygiad sgiliau corfforol, emosiynol a chymdeithasol.
16. Dylai ysgolion a theuluoedd gymryd gofal ynghylch cadw plant a gânt eu geni yn ystod yr haf mewn blwyddyn is o ran CC. Gall bydd y disgyblion hyn yn meddu ar gyraeddiadau a sgiliau cymdeithasol is nac eraill yn eu blwyddyn CC, a hynny'n unig oherwydd iddynt gael llai o amser ar gyfer addysgu a dysgu. Dylai ysgolion gymryd camau priodol i ddelio â hyn yn nosbarth arferol y plentyn, trwy wahaniaethu'r cwricwlwm yn ôl yr arfer.
17. Unwaith eto, os yw disgyblion allan o'r flwyddyn CC gywir, mae'n anodd gwrthdroi'r newid a gall y byddant, o "drosneidio" yn ôl i'r flwyddyn CC

gywir, yn cael profiadau anodd ac annymunol. Os ydynt yn parhau â'u haddysg mewn blwyddyn CC is, byddant yn cyrraedd y cerrig milltir addysgol pwysig; bydd hawl ganddynt adael yr ysgol cyn cwblhau eu TGAU. Ac os ydynt yn neidio blwyddyn, neu'n aros mewn blwyddyn CC is, ac yn cwblhau eu haddysg o fewn oedran arferol ysgol, byddant yn colli'n gyfan gwbl y rhaglen waith am Flwyddyn Gwricwlwm Genedlaethol gyfan mae ganddynt hawl statudol i'w derbyn.

Goblygiadau i ysgolion

18. Dylai ysgolion fod yn ymwybodol o'r goblygiadau o symud disgyblion allan o'r flwyddyn CC gywir. Gall y penderfyniad i symud disgybl allan o flwyddyn effeithio ar fynediad pan mae gormod wedi ymgeisio am leoedd yn y 'flwyddyn dderbyn', a gall hynny fod yn drafferthus iawn yn CA1, ble na all unrhyw ddosbarth babanod sy'n cynnwys plant 5, 6 neu 7 oed, fod â chymhareb uwch na 30 o ddisgyblion i un athro/athrawes, mae angen cyflogi athro/athrawes ychwanegol os ceir disgybl ychwanegol uwchben y rhif hwn.
19. Ni ellir gwneud eithriad o ran disgyblion a osodir tu allan i oedran cronolegol. Gall disgyblion sy'n cael eu lleoli beri i'r ysgol orfod talu am athrawon ychwanegol. Gallant atal lleoedd ar gyfer disgyblion sydd i gael mynediad, a ble gall y lleoliad fod yn briodol neu'n angenrheidiol. Gall bydd "ysgolion sy'n derbyn" yn wynebu anawsterau tebyg, wrth drosglwyddo cyfnod ar ddiwedd cyfnodau allweddol.

Datganiad o AAA

20. Gall bydd lleoli disgyblion ar ddatganiadau tu allan i'r flwyddyn CC yn arwain at gostau ychwanegol. Os, ar ôl iddynt ail-adrodd blwyddyn CC yn gynharach yn yr ysgol, mae disgyblion ar ddatganiadau yn aros blwyddyn ychwanegol i gwblhau eu haddysg; byddant angen blwyddyn ychwanegol o gyllid ar gyfer y ddarpariaeth testun datganiad.
21. Ceir hefyd oblygiadau i ddisgyblion sy'n destun datganiad AAA ac sy'n trosglwyddo i flwyddyn CC o flaen eu hoedran gronolegol, ac yna'n trosglwyddo o'r ysgol i'r coleg flwyddyn yn gynnar. Mae'r AALL yn gyfrifol am ddisgyblion ar ddatganiad o AAA nes maent yn 19 oed, ond aiff y datganiad yn ddi-rym os yw disgybl yn mynychu coleg cyn cyrraedd 19 oed. Efallai bydd ar rai disgyblion angen gwneud trefniadau arbennig i fynychu'r chweched dosbarth neu'r Coleg Addysg Bellach.

Canllawiau Arfer Dda

22. Mae hawl gan bob plentyn gael ei addysgu gyda'i gyfoedion ef neu hi. Mae'r ysgol yn gyfrifol am ddelio ag anghenion unigol trwy gwricwlwm wedi ei bersonoli ac sydd yn wahaniaethol neu wedi ei gyfoethogi.
23. O dan amgylchiadau eithriadol yn unig y dylai ysgolion ystyried symud disgyblion allan o'r flwyddyn CC. Dylid ystyried y lleoliad yn flynyddol, a

chyd-benderfynu prun ai i gadw plentyn allan o'u grŵp blwyddyn arferol neu eu lleoli yn ôl gyda'u cyfoedion.

24. I gyfiawnhau gorfodi disgybl i aros i lawr flwyddyn, mae'n ofynnol bod sgiliau addysgol y disgybl ar draws y rhan fwyaf o bynciau ymhell islaw'r safon sy'n arferol yn eu blwyddyn CC briodol; ac y ceir tystiolaeth bod ymdrechion rhesymol yr ysgol i addasu a'i hymdrechion priodol i bersonoli'r cwricwlwm wedi bod yn aflwyddiannus.
25. O ganlyniad, dylai'r disgybl dderbyn datganiad AAA, a dylid paratoi Cynllun Addysg Unigol ar ei gyfer ef/hi sy'n cynnwys yn benodol waith ar yr hyn sydd ei angen ar gyfer eu blwyddyn CC briodol. Dylai unrhyw gynig i drosglwyddo'r disgybl o'r grŵp oedran cronolegol fod wedi cael ei gadarnhau yn ystod y cyfarfod adolygu diweddar a fynychwyd gan rieni a'r disgybl.
26. Ni ddylai disgyblion aros islaw eu blwyddyn CC briodol am gyfnod amhenodol. Dylent ddychwelyd i'w blwyddyn CC briodol cyn gynted a bo modd ac fel arfer erbyn diwedd y flwyddyn CC.
27. Yn ystod y cyfnod pan mae'r disgybl allan o'i flwyddyn, dylai'r cwricwlwm fod yn wahanol yn ei hanfod o ran targedau, trosglwyddo a chefnogaeth er mwyn galluogi cynnydd mwy cyflym yn y meysydd hynny sy'n hanfodol ac er mwyn sicrhau bod y disgybl yn dychwelyd yn llwyddiannus i'r grŵp blwyddyn cywir. Y nod ddylai sicrhau bod y plentyn yn gwneud cynnydd cyflym ac y gellir cynnal y cynnydd hwnnw hyd yn oed ar ôl i'r cyfnod o leoli disgybl tu allan i flwyddyn, ddod i ben.

Ni ddaethpwyd ar draws papurau cyhoeddedig ble ceir canlyniadau positif yn sgil ailadrodd blwyddyn yn yr ysgol, neu oedd yn arfarnu effaith gosod plentyn gyda grŵp blwyddyn hŷn.

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Diolch i:

Awdurdodau lleol Birmingham City, Cheshire, Derby City, Salford, South Gloucestershire, West Lothian, Staffordshire a Dinbych am ddarparu polisiau fel esiampl.

Document is Restricted

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

Document is Restricted

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Merthyr Tydfil CBC Council to Chair, 13.02.19

With apologies for the lateness of return,

This particular subject is referenced within the LA's Admission Policy, as per WG recommendation within the Statutory School Admissions Code 2013, that a statement should be included advising parents of their right to defer entry.

There is also reference made to deferment in our 'A Guide to Policy and Admission Arrangements 2019-20' booklet.

'Attendance between the age of 3 to the date of the child's fifth birthday is optional and parents have the right to defer their child's entry to school until the term following their fifth birthday.'

We have had no requests for deferred entry over the past 3 years. I have attached our admissions booklet for your information.

Sue Walker

SUE WALKER

Prif Swyddog (Dysg)/Prif Swyddog Addysg
Chief Officer (Learning)/Chief Education Officer

P-05-832: To Amend the School Admissions Code Relating to Summer-Born Children. Correspondence from Monmouthshire County Council, 11.02.19

Dear colleague

Please find below a response from Monmouthshire to your questions regarding Summer Born children. Please accept my sincere apologies for the delay.

1) Details of your authority's policy in relation to requests for a deferral of school admission;

The Council is drawn to two areas of its admissions policy when considering the above. Firstly, a request from a parent to defer admission until later in the same school academic year. Secondly, a request from a parent to defer admission for an entire school year and therefore requesting that their child enter a year group below chronological age. Our policy relating to both types of requests is detailed below:

Deferred Entry

The Local Authority will admit a child to a maintained primary/infant school at the start of the academic year in which he/she will turn 5 years old. However, the legal requirements confirm that parents are able to delay the admission of their child until the term following their 5th birthday. The Local Authority is obliged to ensure that any offer of a school place is held for parents who wish for their child's admission into Reception to be deferred until later in the academic year.

Summer term births

In the case of a child born during the summer term, they too are not legally required to attend School until the term following their fifth birthday / the September after the normal year of entry for a Reception age child. However, in such circumstances the Local Authority will continue to ensure that children continue to follow their chronological year group and therefore the child would be admitted into year 1 and not Reception.

It is only in exceptional circumstances that the Local Authority will authorise the admission of a summer term birth into a year group that is outside the normal year of entry. In such circumstances, there will need to be a suitable evidence base (e.g. report from an Educational Psychologist) that suggests the chronological year group is not suitably able to meet the needs of the child concerned.

The above gives a summary of the council's position in respect of both types of application requests. However, we also have a policy that considers requests for admission outside of chronological year group, which would apply to both of the above categories should parents wish to delay admission until a different academic year. In brief, the general position of the council is that children are admitted into their chronological year group. However, parents are able to request an out of year group admission and each case will be considered individually by the council, taking

account of the parental reasons for the request as well as any supporting documentation.

2) any specific policy you operate in relation to requests for deferrals for summer-born children (those born between 1 April and 31 August);

Please see above.

3) the number of requests for deferral of school admission received

The Council has received two requests for a deferred start but within the same academic year i.e. to start the term following the child's 5th birthday

The Council has received two formal requests for Reception aged children to be admitted into the academic year following the year that they are eligible to attend.

4) the number of requests that were granted or rejected;

All requests that have been made for a Reception child to defer entry until later in the academic year have been approved where the requested start date is the start of the term following the child's 5th birthday.

There have been no requests approved for Reception aged children to delay their admission until the follow academic year.

5) the number of requests for deferral of school admission for the reason that a child was 'summer-born' (as defined above) or not ready to start fulltime school due to the date of their birth;

For the requests for Reception children to defer admission into the following academic year, both have been summer born children whose parents have felt that their child is not ready to start school

6) the number of these requests that were granted or rejected;

Both application requests were declined, however, the Local Authority has not received sufficient evidence to support the concerns expressed by parents. In some instances, the request has been made following the application for the preferred school being unsuccessful.

7) for any requests granted, whether those children were subsequently admitted within or outside of their normal age group.

All requests for delayed admission but into the same year group have been approved. For those Reception children requesting admission into a year group outside of normal age, 1 child was admitted into the normal age group and the other opted to attend a school in England where their request was approved.

Kind Regards

Matt

Matthew Jones

Access Unit Manager

School and Student Access Unit / Yr Uned Fynediad ar gyfer Ysgolion a Myfyrwyr

Directorate for Children & Young People / Y Gyfarwyddiaeth Plant a Phobl Ifanc

Monmouthshire County Council

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence –Newport City Council to Chair, 11.01.19

Dear Colleague

In relation to the request dated 4th December 2018 in relation to the petition to amend the School Admissions Code relating to Summer-born children, the response from Newport City Council is as follows:

Narrative from the Council's School Admissions Policy for the 2018/19 academic year

Paragraph 2 Primary Admission

2.1 Children can start school in the September following their fourth birthday. Attending a nursery class does not guarantee a place at any primary or infant school as a separate application is required, and priority is not given to those children attending any specific nursery setting.

2.2 The legal requirements confirm that parents are able to delay the admission of their child (**defer entry**) until the term following their fifth birthday, and such a request will not prejudice an application in any way. It is the council's expectation however that on starting school the child will continue to follow their chronological year group unless exceptional circumstances apply (see paragraph 7 Admission outside the normal age group).

2.3 Where a parent exercises their right to defer their child's entry into Reception until later in the same school year, the effect is that the place is held for the child and is not available to be offered to another child within the same academic year. The parents 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 application was made.

2.4 For example:

| Term in which child turns 5 | Start date can be deferred until beginning of which term? | Can the place be held open for the child? | Year Group into which the child will be admitted |
|------------------------------------|--|--|---|
| Autumn | Spring | Yes | Reception |
| Spring | Summer | Yes | Reception |
| Summer | Autumn | No | Year 1 |

2.5 Before deciding whether to defer their child's entry to school, parents should contact their preferred school(s) to clarify how they cater for the youngest children in Reception and how the needs of these children are met as they move up through the school.

Paragraph 7 - Admission outside the normal age group

It is the council's expectation that children are taught in their chronological year group, unless exceptional circumstances apply. Generally these exceptional circumstances relate to children with additional learning needs or those who have experienced problems or missed part of a year, often due to ill health. Where there are exceptional circumstances, consideration will be given to a parent's request for admission outside the normal age group. However please note that there is no right of appeal if a place has been offered but not in the desired year group.

For information, the determined policy in respect of the 2019/20 academic year is unchanged in this respect, and the Council has no other specific policy in operation in relation to summer-born children.

Requests received in relation to mainstream pupils

A breakdown of the requests received in relation to mainstream pupils over the past three years is detailed below:

| Year | Requests for deferral | Reason | Granted | Refused | Where granted, child admitted within or outside NAG? |
|------|-----------------------|---|---------|---------|--|
| 2018 | 1* | Summer-born child | | 1 | |
| 2017 | 1 | Summer-born child with previous medical circumstances | | 1 | |
| 2016 | 1** | Summer- born child with hypermobility | | 1 | |

* The request was to be admitted to Reception in 2019

** The request was to be admitted to Reception in 2017

The Council has published guidance on the admission of pupils outside the chronological year group:
<http://www.newport.gov.uk/documents/Schools-and-Education/Placement-of-pupils-out-of-their-chronological-year-group-guidance-for-schools.pdf>

Cofion gorau / Kind regards

Deborah Weston

Deborah Weston
 Rheolwr y Gwasanaethau Addysg / Education Service Manager
 Addysg / Education
 Cyngor Dinas Casnewydd / Newport City Council

To: David J Rowlands AM
Chair
The Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Gofynnwch Am: Gaynor Davies
Please Ask For:
Rhif Est:
Telephone N°: 01443 744001
Ffacs:
Fax:
E-Bost:
E-Mail:
Cylchlythyr:
Circular:

Fy nghyf: GD/CE/TM
My Ref:

Eich Cyf: Your Ref:

Dyddiad: 10th December 2018
Date:

Dear Sir,

Petition P-05-832
To Amend the School Admission Code Relating to Summer Born Children

Rhondda Cynon Taf Council's policy, in relation to deferred entry to primary schools complies with section 2.61 of the Schools Admissions Code 005/2013.

Our Starting School book states that attendance between the ages of 3 years to the date of the child's fifth birthday is optional, but all children must be in full-time education by the commencement of the term following their fifth birthday.

The Council does not operate any specific policy in relation to requests for deferrals for summer-born children but does state that if any additional information or advice about admissions or any other educational matter is required, that the staff at the Education Department can be contacted.

For the past 3 years we have not received any requests for deferral of school admissions, but a school has recently been asked for advice on a 2 year old child who was born prematurely in August but was not due until October. The mother of the child concerned has made a request for a child to be initially taught with children in the academic year below i.e. in the academic year the child was due to be born.

Tŷ Trevithick
Abercynon, Aberpennar, CF45 4UQ
Abercynon, Mountain Ash, CF45 4UQ

Ffôn/Tel: 01443 744000
Ffacs/Fax: 01443 744024

Gaynor Davies
Cyfarwyddwr Addysg a Gwasanaethau Cynhwysiant | Director of Education and Inclusion Services

Dewiswch iaith a diwyg eich dogfen | Available in alternative formats and languages

Croesawn ohebu yn Gymraeg a fydd gohebu yn y Gymraeg ddim yn arwain at oedi. Rhwch wybod inni beth yw'ch dewis iaith e.e Cymraeg neu'n ddwyieithog.
We welcome correspondence in Welsh and corresponding with us in Welsh will not lead to a delay. Let us know your language choice if Welsh or bilingual.

The Local Authority does have a protocol which outlines the process for making a request for a child to be taught in a year group outside of their chronological age. This requires a multi-agency meeting involving the family and relevant professionals. Supporting documentation is then forwarded to the Director of Education and Inclusion Services for consideration. If there are strong grounds, then approval will be given. Requests are however few and far between.

I hope this answers your query.

Yours sincerely,

A handwritten signature in dark ink, reading "Guynor Davies". The signature is written in a cursive, flowing style.

Director of Education and Inclusion Services

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Swansea Council to Chair, 13.02.19

Dear Mr Rowlands,

Apologies for the delay in sending our reply to your letter dated 4 December 2018. Please find below a response to the questions raised:

The ethos of Swansea Council's is to provide an inclusive education for all children. Although date of birth is used to allocate children to a year group education provision within Swansea schools is designed to accommodate individual children's differentiated needs rather than matching provision to a chronological age. Many Swansea schools have mixed age classes accommodating more than one year group effectively. Curriculum provision is carefully planned and differentiated to provide appropriate opportunities for all children within a class. This does not prevent parents / carers requesting a deferred entry to reception or for placement below their chronological age in any other year group. The process for considering such requests was recently reviewed by the Education Department and, as of April 2018, is as follows:

For a learners to be educated in a year group one below their normal age group, decision makers should satisfy themselves that they have gathered sufficient evidence to show that:

- *the learner shows significant delay, and little progress in their personal and emotional development, and social skills appropriate for a younger peer group;*
- *the learner shows significant delay and little progress, in intellectual development/educational skills across the subject areas, to an extent that it is not reasonable to expect curriculum differentiation within their normal age group to be successful;*
- *the learner's physical maturity does and is likely, in the future, to make them developmentally different from their proposed peer group in such a way as to impact negatively on their self-esteem/self awareness (including consideration of puberty). In either case, schools should satisfy themselves that:*
 - *this is the wish of all those with Parental Responsibility for the child and that they have been adequately advised of the implications of placement outside the normal age;*
 - *there is a clear understanding about why and how the child's needs will be met more effectively out of their normal age group, than would be possible within;*
 - *the child's parents, the school and all involved professionals agree that this is the best provision for the child;*
 - *where appropriate, according to their age and capability, this is also the wish of the child;*
 - *where the learner is approaching transition into Key Stage 3, likely secondary schools have been consulted (or junior schools if relevant for transition into Key Stage 2);*
 - *any implications have been fully discussed with parents;*
 - *full consideration has been given to the likely/possible impact of relevant regulations and local practice as the learner progress outside their normal age group;*
 - *where an EHC Plan or Statement of Special Educational Needs (SEN) is in place, all relevant factors have been considered, with all relevant parties consulted,*

at the Annual Review. The final decision about out of age group placement for these learners lies with the local authority (LA) and will be recorded in the EHC Plan/Statement.

On receipt of a request by a school to educate a pupil outside their chronological age a meeting should be convened by the school concerned.

Attendees should include:

- *the parents/carers;*
- *the headteacher of the school/s concerned;*
- *all professionals involved with the child – eg Education Psychologist, Behaviour Support Teacher etc;*
- *a LA representative*

At the meeting Full Notes of the meeting should be made and agreed by all parties. Minutes of the meeting should include a clear statement as to whether any agreement by the admission authority to place a child out of their normal age group is being made with or without the support of the LA. After the meeting notes of the meeting, together with any written reports considered at the meeting, should be placed permanently on the learner's file and transferred to any new school at each transition. (Date of issue: April 2018)

As this policy applies to all pupils across the statutory age range we do not operate a separate policy in relation to requests for deferrals for summer-born children (those born between 1 April and 31 August). Requests for deferred entry would be considered using the process as outlined. It should also be noted that if it is agreed that entry should be made out of chronological age then usual admission processes apply.

The LA do not hold records of requests separately from other admissions rather, records are held on the pupil's file if entry out of chronological age is agreed. Admission applications are retained with all others in line with the LA retention schedule. For that reason we are unable to provide data in relation to the specific number of requests and refusals however we can provide the following information:

In 2016 and in 2017 across Swansea Council area 21 pupils were educated out of their chronological age group. In 2018 there were 22. These figures are from Year 1 to Year 11. There are more Year 11 age out of year group than any other years.

We do not hold separate data for summer born children for the reasons already outlined.

Cofion / Regards



Uned Gwasanaethau Addysg
Education Services Unit

☎ 01792 636094

✉ education@swansea.gov.uk

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence – Torfaen County Borough Council to Chair, 19.12.18

Dear Mr Rowlands

Further to the attached, I trust the following information is helpful.

As per the Admissions Code, we do not have a one size fits all specific policy in relation to the deferral of Summer born children. Our main admissions booklet (Parents/Carers Information 2019, page 21 – [view by clicking here](#)) includes the following statement:

‘...if parents whose children have a summer term birthday, the admission code indicates that it is not normally appropriate for such children to be admitted to a non-cohort age group. However, the code emphasises the need to consider each case on its merit and the admissions authority would adopt this approach should any cases arise.’

I can confirm that we have not had any parental requests to defer entry in the last three years.

Please do not hesitate to get in touch if you require any further information.

Regards

John Tushingham

Head of Access & Engagement / Pennaeth Ennyn Diddordeb & Mynediad

Education Service / Gwasanaeth Addysg

Torfaen County Borough Council / Cyngor Bwrdeistref Sirol Torfaen

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children – Correspondence – Vale of Glamorgan Council to Committee, 26.02.19

Thank you for your correspondence in relation to school admissions,

The Vale of Glamorgan Council admissions team rarely receives requests for a deferral of school admission directly. When received, they are dealt with on a case by case basis. Please find below the relevant extract from the Councils Admission Policy.

“The Council’s policy allows all children who have attained their fourth birthday on or before the 31st August to attend full time school that September. This, however, is not a legal requirement. Some parents may choose not to send their children to school until later in the year or when they reach five years old and are of statutory school age. This will be a matter for parental decision however when considering this, please ensure that you are aware of the significant implications of this decision. The School Access Team would be able to provide you with advice as will individual schools if you are considering this course of action.

For information purposes, compulsory school age is defined as the start of the term following a child’s fifth birthday. If your child is five on or before:

- 1 September*
- 1 January or*
- 1 April*

then they must be enrolled at school at the beginning of that term. For example, a child who became five on 31 August would be of compulsory school age for the September term; a child who became five on 1 September would not be of compulsory school age until the start of the January term.”

On average, one request per year is received for Reception or Secondary intakes. If requests are received, they are forwarded to the Achievement For All team rather than managed as part of the admissions process as they usually relate to the child’s additional learning needs. This allows for decisions on deferral due to additional learning needs to be managed by the appropriate team. On occasion, parents request a delayed start to reception for reasons other than additional learning needs, including for “summer born” children. This is usually managed at a school level based on the parents and Headteachers judgement of the circumstances of the case. In these circumstances, the place is allocated for the child via the admissions process and a delayed start date is agreed between the parent and the school. The place is kept available for the child (as required by the School Admissions Code 2013) until the beginning of the term after the child’s fifth birthday when the child

becomes statutory school age. Specific advice based on the circumstances of the case is provided to parents in this event, in particular the need to reapply for a school place if the place is not taken up at all during the academic year the place was allocated for.

Please find below the additional data you requested. Please note that this does not include decisions made between schools and parents to delay the start date for children not yet of statutory school age as outlined above.

| School Year | Number of requests for deferral received by admissions | Granted/ rejected | Number where date of birth (including "summer born") given as reason | Granted/ rejected | Outcome. |
|-------------|--|-------------------|--|-------------------|--|
| 2018/19 | 1 | granted | 0 | 0 | child offset and will be admitted to Reception 2019 when chronologically a year above, child had additional learning needs |
| 2017/18 | 1 | granted | | | Additional Learning Needs |
| 2016/17 | 0 | | | | |

I trust that this information is of use to you, please do not hesitate to contact me if you require additional information.

Lisa Lewis
 Operational Manager, Strategy and Resources / Rheolydd Gweithredol, Strategaeth ac Adnoddau Learning and Skills / Swyddfa'r Cyfarwyddwr – Dysgu a Sgiliau
 Vale of Glamorgan Council / Cyngor Bro Morgannwg

P-05-832 To Amend the School Admissions Code Relating to Summer-Born Children, Correspondence –Wrexham Council to Chair, 21.12.18

In reference to your recent request for information I can confirm that Wrexham is fully compliant with the Admissions Code 2013

***Extract from Admissions Code
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.*

With reference to a parents right to defer entry we publish this information each year within our Parents Guide.

https://www.wrexham.gov.uk/assets/pdfs/education/admissions/parents_guide.pdf

Extract below:

Maintained Primary School Admission – Admission to Reception

Admissions to reception classes are the responsibility of the relevant admission authority. The 'admission authority', is in this instance the local authority in the case of community schools and the governing body in voluntary or aided schools. The admission authority will admit a child to a primary school in the September following their 4th birthday.

Once a reception place has been offered and accepted, some parents may wish to defer their child's entry until the start of the term following the child's fifth birthday. Parents would not however be able to defer entry beyond this point, nor beyond the academic year for which the original application was accepted. It should also be noted that the statutory Foundation Phase 'Framework for Children's Learning for 3 to 7 year olds in Wales' is a continuous teaching and learning framework which commences the term following a child's third birthday. Deferment would lead to a gap in this provision causing a lack of continuity in a child's early education.

We have not received any formal requests to defer entry in the last three years.

Please do not hesitate to contact me should you require any further information.

Kind regards

Paula

Paula Parry
Access and School Places Manager

Agenda Item 3.8

P-05-860 Make Curriculum for Life Lessons Compulsory

This petition was submitted by Emily Jones having collected 121 signatures online and 165 on paper, a total of 286 signatures.

Text of Petition

We call on the National Assembly for Wales to ensure that curriculum for life lessons are compulsory for secondary schools across Wales and that the content is reviewed annually by a board of elected young people.

Additional Information

A curriculum for life would include topics such as; finance, sex and relationships, politics and basic living skills. Article 28 of the UNCRC states children have the right to an education. However, the current curriculum is failing to provide us with the life skills we need.

Assembly Constituency and Region

- Pontypridd
- South Wales Central

Agenda Item 3.9

P-05-861 Make political education a compulsory element of the new national curriculum

This petition was submitted by Kaiesha Ceryn Page having collected 117 signatures.

Text of Petition

Education should provide young people with the skills and tools that will ensure that they become valued and engaged citizens of the country.

Despite the vast advances that have been made by social media and fast-paced news cycles, young people often view politics as a taboo subject, seen as something that is not for the likes of them.

We believe that young people should leave education with a comprehensive understanding of political institutions within the United Kingdom. The Electoral Reform Society report recommended that four key aspects should be taught in school – the parties, democracy, the role of institutions and campaigning.

At present, the Welsh Government has a unique opportunity to lead the way on this matter as it is currently developing its first national curriculum. As one of its four key concepts, the new curriculum aims to produce citizens that are "ethical and informed". It therefore stands to reason that political education should be an essential part of this.

The development of this curriculum provides a unique opportunity for the Welsh Government to revolutionise how it educates its young people, providing citizens that will become the leaders of the future.

Assembly Constituency and Region

- Rhondda
- South Wales Central



Eich cyf/Your ref: P-05-860 - P-05-861
Ein cyf/Our ref: KW/05436/19

David John Rowlands AM
Chair - Petitions Committee
National Assembly for Wales
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4 March 2019

Dear David ,

Thank you for your letter of 21 February, following on from earlier correspondence regarding the Petitions Committee's considerations on petitions on making curriculum for life lessons compulsory (P-05-860); and making political education a compulsory element of the new curriculum (P-05-861).

I will respond separately to each of the specific questions you have raised:

- ***Whether it is possible to begin to implement improvements to the teaching of life skills to pupils in schools, ahead of the full implementation of the new curriculum by 2022***

The draft new curriculum will be available to schools from April for feedback. A final version will be made available in January 2020, and it will be used in schools throughout Wales by 2022. Schools can of course engage with the new curriculum when it is initially made available and will have the flexibility in developing teaching and learning about life skills, and indeed all areas of the curriculum, in advance of the roll out of the new curriculum in 2022.

- ***How, in the context of providing flexibility to professionals, does the Welsh Government intend to ensure that all pupils receive sufficient and consistent grounding in life skills during their education?***

Each Area of Learning and Experience in the new curriculum will be underpinned with a number of 'What Matters' statements, which will be the key mechanism for planning and support in the curriculum. The 'What Matters' statements will span the breadth of

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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 AoLE and draw on disciplinary knowledge, skills and experiences. They will act as a starting point, along with the Four Purposes, for school-level curriculum development and will help to avoid the potential variation in school-level curriculum design, while also allowing for local flexibility. AoLEs will also include support for planning, referencing key experiences, knowledge and skills, as well as links with other areas of the curriculum. Through this, the new curriculum will provide a common framework for practitioners to design their school-level curricula, and give clear guidance on how learners should progress towards securing the Achievement Outcomes linked to the 'What Matters' statements. However, the new curriculum can not provide a comprehensive list of detailed content, which would quickly become complicated and overcrowded. It must allow professionals the flexibility to choose the specific content which meets the needs of their learners in their specific context.

By way of specific examples:

The draft 'What Matters' statements for the Health and Well-being AoLE set out that:

Understanding what influences decision-making (including knowledge, understanding, attitudes, values and beliefs) supports learners to make positive, considered and informed decisions. Learners also need to develop skills necessary to enable specific decisions. Learners also learn how groups make decisions together, so developing their awareness of the role and importance of collective decisions. This includes learning about financial decisions and decisions about careers across progression steps.

The draft 'What Matters' statements for the Humanities AoLE set out that:

Learners should develop informed views about political challenges facing humanity. By engaging with fundamental questions in the Humanities, learners gain the knowledge and skills they need to form and justify their own opinions. Learners will develop empathy, resilience and respect when engaging with different values, beliefs and viewpoints.

- ***Consider swifter action to ensure that improvements to the political education provided within schools are implemented prior to the proposed extension of voting rights to 16 and 17 year-olds for the 2021 Assembly elections.***

Schools are already encouraged to deliver a broad education, including political awareness, and there are opportunities for learners to explore politics in the current curriculum through the Welsh Baccalaureate and Personal and Social Education (PSE). The 'Active Citizenship' theme within PSE allows learners to develop their knowledge on politics and their rights in a democratic society, which reflects the United Nations Convention on the Rights of the Child. They also develop a practical understanding of their rights and of the links between political decisions and their own lives.

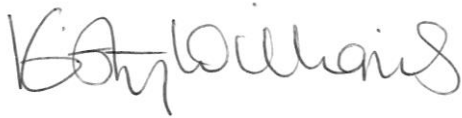
We also recognise the importance of providing support to develop learners' interest in political issues, and we have, for example, recently published resources on Hwb aimed

at encouraging learners to explore the issue of lowering the voting age to 16 for Assembly elections; these can be found at:

<http://hwb.gov.wales/news/article/48d817a6-42c6-4ce9-9bfd-67b357b2dffa>

I hope the above clarifies the position to each of your questions.

Yours sincerely

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

Kirsty Williams AC/AM

Y Gweinidog Addysg

Minister for Education

P-04-477 Support for the Control of Dogs (Wales) Bill

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to proceed with the Control of Dogs (Wales) Bill.

We, the undersigned, residents of Wales, call on the Welsh Government to proceed with its Control of Dogs (Wales) Bill in tackling the issue of dangerous and menacing dogs and not rely on the piecemeal proposals of the UK Government set out in its draft Anti-social Behaviour Bill and initially explained in the its White Paper "Putting Victims First, More Effective Responses to Anti-social Behaviour".

We agree with the Welsh Government's statement "The clear advantage of a Dog Control Notice (DCN) over all existing legislation is that a court may never become involved thereby reducing the burden on public finance" and we believe that the UK Governments proposals involving 4 different enforcement tools, namely-

- Injunctions to prevent nuisance and annoyance;
- Crime Behaviour Orders
- Dispersal Powers
- Community Protection Notices

two of which – Injunctions and Crime Behaviour Orders – must be initiated by applications to the court, are unduly complicated, cumbersome, bureaucratic and will lead to delay.

We believe the single all-encompassing Dog Control Notice proposed for Wales is by far the superior approach and we urge the Welsh Government to frame a law based on this concept as originally planned. We draw the Welsh Government's attention to (i) the highly critical conclusions of the House of Commons Select Committee on Environment, Food and Rural Affairs report "Dog Control and Welfare" which called the UK Government's proposals as

“simplistic” and “woefully inadequate” & recommended DEFRA and the Home Office to introduce Dog Control Notices and (ii) to the fact that the campaign coalition of Unions, Animal Charities, Police, Vets are also unhappy with the proposals.

Petition raised by: Cllr. Dilwar Ali

Date petition first considered by Committee: 30 April 2013

Number of signatures : 1119



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-477
Ein cyf/Our ref LG/05413/19

David John Rowlands AM
Chair - Petitions committee.

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6

March 2019

Dear David

Thank you for your letter of 19 February regarding support for the Control of Dogs (Wales) Bill.

I met with Cllr Dilwar Ali, Julie Morgan AM and David Joyce, Communications Workers Union, on 20 March and 6 November 2018 to discuss this subject as well as other responsible ownership concerns.

There has been some significant developments since the Autumn of last year regarding dog welfare. The updated Code of Practice for the Welfare of Dogs was published on the 12 November and our consultation on the Third Party Sales of Puppies and Kittens launched on 19 February and will close on 17 May. It is absolutely essential we address the root cause of any welfare concerns in changes to legislation regarding third party sales. Information on the supply chain of puppies is of particular significance in this process.

Following the introduction of the UK Governments Anti-social Behaviour, Crime and Policing Act 2014 a report from the House of Commons Environment, Food and Rural Affairs Committee on the enforcement of the Act has advised that the patchwork of legislation should be consolidated into a single Dog Control Act and dedicated Dog Control Notices should be introduced to facilitate early intervention in dog incidents.

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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 continuing to analyse the findings of this report to determine what aspects are relevant to Wales and this is currently ongoing.

Officials have discussed the issues associated with dog control measures with their counterparts in Defra. Defra hold the research budget on behalf of England, Scotland and Wales and have commissioned research to obtain a better evidence base. The research which will look at:

- The effectiveness of current dog control measures including the use of the powers provided to police and local authorities in 2014.
- Identify and examine the factors and situations that may cause dog attacks, including whether any particular types of situation or domestic setting influence dog aggression and dog attacks; how behavioural problems among dogs might best be addressed; and how policy might need to develop to deal with dog behavioural problems.
- How to promote responsible dog ownership and, in particular, identify the help and information needed for dog owners who have experienced dog control issues or who are vulnerable to these (this includes evaluation of risk factors).

The research is currently in the literature research phase and the results are due later in the year (autumn).

We have received initial legal advice and dangerous dogs and dogs dangerously out of control is a reserved matter for the UK Parliament to legislate on, as is the subject-matter of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, which is the part making provision for Community Protection Notices.

I am planning on attending the next Caring4K9s event on 6 March. Caring4K9s is a campaign started by Cllr Dilwar Alli and Julie Morgan AM to help promote responsible dog ownership.

I will update you on further developments in due course.



Lesley Griffiths AC/AM

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

Agenda Item 3.11

P-05-852 Introduce a Licence to manage land for game bird shooting in an attempt to end raptor persecution.

This petition was submitted by Anthony Britner, having collected 119 signatures.

Text of Petition

We call upon the Welsh Government to introduce a licensing scheme for game bird shooting. In order to prevent the persecution of raptors which is commonly associated with this activity.

The RSPB Birdcrime reports show an exceptionally high number of raptor persecution events are by gamekeepers, however despite this knowledge, very few persecution events are successfully prosecuted due to difficulties in gaining sufficient evidence to charge any specific individual.

Even in Scotland, where vicarious liability exists, prosecutions are rare. Because of this, we believe the next most appropriate course of action is to introduce a licensing scheme.

This licence should be a "Licence to operate a game bird shoot" The licence should as a minimum:

1. Apply to a geographic area defined in the application licence.
2. Be required for an estate to carry out any activity related to game bird shooting including, but not necessary be limited to:
 - 2.a. Activities related to the rearing of gamebirds.
 - 2.b. Activities related to the legal control of predators (estates must hold an operators licence before they can be permitted to apply for general or specific licences associated with "pest control activities").
 - 2.c. To allow members of the shoot to partake in gamebird shooting outside of the closed season.
 - 2.d. To allow the shoot to sell shoot days to the public.

In the event of a persecution event, occurring on or near to an estates land the appropriate authority will be able to suspend the estates ability to carry out any or all of the activities listed under point 2. for a period of time Serious or, repeat persecution events should result in the estates operating licence being revoked.

Assembly Constituency and Region

- Wrexham
- North Wales



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-852
Ein cyf/Our ref LG/05267/19

David John Rowlands AM
Chair - Petitions Committee
National Assembly for Wales

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13 February 2019

Dear David

Thank you for your letter of 1 February, regarding Petition P-05-852 - Introduce a Licence to Manage Land for Game Bird Shooting in an Attempt to End Raptor Persecution.

In response to the points raised by the petitioner, officials have looked closely at the figures recorded for raptor fatalities as part of the Wildlife Incident Investigation Scheme (WIIS) for the years highlighted in the Raptor Persecution Maps.

| Year | Number of incidents | Number & species of dead raptors (confirmed pesticide poisoning) | Total birds |
|------|---------------------|--|-------------|
| 2012 | 4 | 3 red kites, 1 peregrine, 2 buzzards | 6 |
| 2013 | 2 | 6 red kites, 8 buzzards | 14 |
| 2014 | 1 | 1 red kite, 1 buzzard | 2 |
| 2015 | 0 | N/A | 0 |
| 2016 | 1 | 1 buzzard | 1 |
| 2017 | 0 | N/A | 0 |

Figures differ slightly from the Raptor Persecution Maps as those maps include poison baits and also other mammals and birds. The figures above are confirmed raptor poisonings in Wales for the years 2012-2017 inclusive. Of the 8 incidents above, 6 of them occurred on land either managed by shoots or very close to the land. On two occasions, joint action between police and the Welsh Government led to searches of property and the questioning of individuals. No cases proceeded to court.

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Pack Page 143

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.

No specific legislation regulates the breeding and rearing of birds for sporting purposes, however, all gamebird breeders and rearers must comply with the relevant laws relating to their operation. The Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes (2011) was produced in consultation with the shooting industry and welfare organisations. The purpose of the Code is to provide practical guidance in relation to Section 9 of the Animal Welfare Act 2006, by which the welfare of gamebirds is protected. Work to review and update the Code of Practice is underway. It is important the Code continues to reflect the latest husbandry and management techniques, and standards of care the law requires.

My officials continue to play an active role in the re-launched Raptor Persecution Priority Delivery Group. Raptor persecution is a priority in Wales as well as the UK as a whole. One of the shared aims of both the Welsh and UK Groups is 'to protect raptors from persecution by developing and sharing best practice methodologies to safeguard birds, their eggs and their nests'.

Please also find attached (as requested) the Review of the Prevention and Investigation of Wildlife Crime in Wales 2017 produced by the National Wildlife Crime Unit on behalf of Welsh Government. Appendix D has not been included as approval has not been given to release personal information. This Review was originally commissioned to inform and aid a workshop of enforcement officers and as such the resultant document and appendices were for internal use only. Therefore, I ask the Petitions Committee not to share it more widely at this time. However, in light of increased interest in wildlife crime, I am now considering publishing a suitably redacted copy of the review document and appendices on the Welsh Government website.

Regards
Lesley

Lesley Griffiths AC/AM

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

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

Document is Restricted

Agenda Item 3.12

P-05-856 Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales (Lucy's Law)

This petition was submitted by C.A.R.I.A.D., having collected 11,195 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to implement a ban on the sale of puppies by pet shops and all commercial third-party dealers.

A ban on third-party sale of puppies for profit has been named 'Lucy's Law' and its implementation in England was recently announced. Lucy's Law has huge public, media and cross-party support and we call on the National Assembly for Wales to urge the Welsh Government to deliver Lucy's Law for Wales as a matter of urgency.

Removing puppies for sale from their mum often creates sick, traumatised, dysfunctional dogs. Puppies should be seen with their mum in the place they were born. Transporting them to a different place for sale harms their welfare. Regulating commercial third-party puppy selling is ineffective in preventing harm and a ban is therefore necessary for the welfare of puppies.

Breeding dogs kept in puppy farms are hidden from public view and often suffer from years of physical and psychological trauma. Regulating commercial third-party puppy selling is ineffective in preventing harm to breeding dogs and a third-party ban on puppy selling is therefore necessary for the welfare of breeding dogs.

A ban on the third-party sale of puppies will have a positive impact on breeding dogs, ensuring their visibility and enabling the public to act on best practice advice to view the puppy with the mum where the puppy was born.

In addition, illegal, unlicensed puppy farmers and puppy smugglers currently use licensed third-parties to sell their puppies, making it possible for them to operate under the radar and without the health and welfare of breeding dogs and puppies able to be monitored by local authorities. Regulating commercial third-party puppy selling is ineffective in preventing illegal puppy farming and puppy smuggling and a third-party ban on puppy selling

is therefore necessary for the protection of dogs, puppies and the public as well as in the prevention of criminal activity.

There are no welfare advantages in selling puppies through commercial dealers. This practice only ensures breeding dogs are kept hidden from the public. As well as welfare concerns for animals, third-party sales create additional risks for public health and safety.

Puppy sales direct from reputable breeder or reputable rescue centre protects all parties through greater transparency and accountability. A ban on dealing in puppies for profit can only raise health and welfare standards for breeding dogs and puppies as well as providing greatly needed public protection.

The implementation of Lucy's Law in Wales is also vital if we are to address the damage that has been done to the reputation of Wales, which continues to be acknowledged as the puppy farming hub of the United Kingdom.

Assembly Constituency and Region

- Bridgend
- South Wales West

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-856
Ein cyf/Our ref LG/05446/19

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Chair - Petitions committee.

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March 2019

Dear David

Thank you for your letter of 21 February regarding the banning of third party sales.

It is absolutely essential we address the root cause of any welfare concerns in changes to legislation. Information on the supply chain of puppies is of particular significance in this process and, as I announced in December 2018, I launched a consultation on the 19 February.

Following the deadline of the 17 May officials will analyse the responses and I will make an announcement on next steps after the summer recess.

Regards
Lesley

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

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Pack Page 178

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 3.13

P-05-859 Provide Child Houses in Wales for Victims of Child Sexual Abuse

This petition was submitted by Mayameen Meftahi, having collected 227 signatures.

Text of Petition

The child house concept is based on best practice learned from the USA and Scandinavia. Recognising the vulnerability of the child victim and the harm caused to the child by multiple interviews, the child house uses a child-friendly response to child sexual abuse (CSA).

In the UK, 2 child houses are available in the city of London, in Wales there is none.

As a child, you do not know who and where to run to, you do not know that there is any support available, if we can offer Child Houses across the UK, we can save children.

Continuation of Refuges for Domestic Violence, there should be Child Houses for children suffering child sexual abuse.

We know that many children who are suffering child abuse will at some point try and escape, they will want to free themselves, but they have nowhere to go. They will be returned back home, back into the arms of their abuser.

Providing a safe house, that is child-friendly, that can open the way for disclosure and safeguarding.

In Iceland, the 'Barnahus' model has been in place since 1998, and offers in one place, forensic interviews, making court statements, medical examinations and access to therapeutic services. We should make this available like we do a domestic violence refuge. Since the Barnahus model was established in Iceland, the number of child victims of CSA coming forward for help has more than doubled per year, indictments have tripled, and convictions have doubled. This is enough evidence to show they are crucial.

Not only should we be providing child houses, but we should continue this

with educating children that these options are available. Please join us in the Campaign to address this issue and let's make a push for the Welsh Government to provide a Safe House in Wales, we surely cannot expect children to get to London, if they are even aware such houses exist. Sadly this is currently not the case.

Additional Information

Our children need somewhere to run to, they need to be safe and they need to have access to the correct support to save themselves from the life sentence of child sexual abuse.

Please sign this petition and start to make movements!

Assembly Constituency and Region

- Swansea East
- South Wales West



Ein cyf/Our ref VG/05494/19

David John Rowlands AM
Chair
Petitions Committee
National Assembly for Wales
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1 March 2019

Dear David,

Thank you for your letter of 8 February regarding Petition P-05-859 requesting additional information about current measures in place for the safeguarding of children reporting and needing protection from sexual abuse.

The Social Services and Well-being (Wales) Act 2014 and supporting guidance provides for a strengthened safeguarding framework to ensure that children are protected about sexual exploitation and sexual abuse.

<https://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve the public sector response in Wales to such abuse and violence. The Act improves arrangements to promote awareness of, and prevent gender-based violence, domestic abuse and sexual violence; and to protect and support victims and survivors. It introduced a needs-based approach to developing strategies which will ensure strong strategic direction and strengthened accountability. The appointment of a National Adviser to advise Welsh Ministers will ensure strategic ownership.

The attached link provides an overview of the purposes of the Act and key documents to take forward this work.

<https://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en>

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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.

Under the Act, Health Boards and local authorities are required to publish joint local strategies for tackling violence against women, domestic abuse and sexual violence. The Welsh Government has published statutory guidance to support them to discharge this duty. A [National Strategy](#) on Violence against Women, Domestic Abuse and Sexual Violence Cross Government Delivery Framework 2018-2021 sets out the overarching objectives that the Welsh Government will deliver in partnership with stakeholders to progress the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

We have consulted on guidance on regional commissioning of needs-led services for violence against women, domestic abuse and sexual violence. This has been laid before the Assembly and subject to negative resolution will become statutory in April 2019. The guidance will improve joint working amongst agencies across this sector, support improvements in consistency and, quality and join-up of service provision across Wales.

The Welsh Government issued [statutory guidance](#) on safeguarding children from sexual exploitation in 2011 and this is currently being updated and will be issued in Autumn 2019.

A [National Action Plan on Tackling Child Sexual Exploitation \(Wales\)](#) was issued by the Welsh Government in 2016 and the six regional Safeguarding Children Boards in Wales and their statutory partners report against the plan. This is being updated and will be issued by the Welsh Government as a National Action Plan on Preventing and Responding to Child Sexual Abuse (including Child Sexual Exploitation and Harmful Sexual Behaviour) by the Summer of 2019.

The Social Services and Well-being (Wales) Act 2014 strengthened and built on existing safeguarding practice in Wales to ensure that people are able to live their lives to the full. The Act has an overarching duty to promote the well-being of people who need care and support. In the Act well-being is defined with eight common aspects, one of which is protection from abuse and neglect. In relation to a child, well-being also includes their physical, intellectual, emotional, social and behavioural development; and their welfare (ensuring they are kept safe from harm).

[Working Together to Safeguard People: Volume 1- Introduction and Overview](#) sets out the duties and roles of statutory partners in safeguarding children.

Any agency involved with the child has a Duty to Report Children at Risk (Section 130) under [Part 7](#) of the Social Services and Well-being (Wales) Act. Section 130(4) defines a “child at risk” as a child who:

- a) is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- b) has needs for care and support (whether or not the Local authority is meeting any of those needs).

This duty applies in relation to where there are grounds to believe a child is at risk of child sexual abuse or child sexual exploitation. When a child has been reported under section 130, the local authority must consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

[Working Together to Safeguard People- Volume 5- Handling Individual Cases of Children at Risk](#) sets out the duties owed towards children at risk and the procedures for protecting children from abuse.

Cardiff and the Vale Safeguarding Boards are currently developing updated multi agency Wales Safeguarding Procedures for children (up to the age of 18) and adults at risk on behalf of regional Safeguarding Boards in Wales.

[Part 6](#) of the Social Services and Well-being (Wales) Act provides for looked after and accommodated children and care leavers. When a child who is the subject of a child protection plan (following a section 47) investigation under the Children Act 1989) becomes a looked after child, it will usually no longer be necessary to maintain the child protection plan for that child. However, in some cases there will continue to be safeguarding issues and the looked after child will also need to have a child protection plan.

The NHS is currently leading work, in partnership with the police, safeguarding and the third sector to improve and to develop a sustainable model of sexual assault services in Wales.

I hope this information is helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large 'V' and a long, sweeping 'G'.

Vaughan Gething AC/AM

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

David J Rowlands AM –
Chair, Petitions
Committee

Via email only

22 February 2019

Dear Chair,

Re: Petition P-05-859 Provide Child Houses in Wales for victims of child sexual abuse

Thank you for your letter on behalf of the Petitions Committee dated 8th February 2019.

Firstly I would like to acknowledge Matameen Meftahi's courage for talking about her own personal experiences as part of this petition.

I note that the specific action proposed in the current petition is for Welsh Government to:

"Provide Child Houses in Wales for Victims of Child Sexual Abuse"

Matameen Meftahi specifically refers to the Child House in London and the 'Barnahus' model on which it is based. I also note that since submitting the petition she has sent further correspondence to the Committee which acknowledges that this model and the new service in London service do not provide a place for children 'to run to' or stay following abuse but that she advocates that consideration is given to this in Wales.¹

For the purpose of clarity I will respond to the above two points in turn.

Child Houses in Wales

Children have a right to be protected from abuse (Article 19 UNCRC). The state has a responsibility to provide support for children who have been victim of abuse and neglect (Article 39) and specifically identifies that this should "take place in an environment which fosters the health, self-respect and dignity of the child."²

The research from Iceland suggests that the Barnahus model assists with several aspects of support for children who are victims of sexual abuse including reducing re-traumatisation through avoiding multiple interviewing processes, achieving best evidence and access to timely therapeutic support. All these services are provided in

¹ [18.12.18 Correspondence - Matameen Meftahi to the Committee](#)

² [The United Nations Convention on the Rights of the Child, 1989.](#)



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an environment which is designed with children in mind and supported by those with relevant expertise.

I have recently stated in a BBC interview that I think it is appropriate to wait for the results of a pilot to consider how the model could be adapted in the UK including here in Wales. Commitment to a model is a considerable investment. This view appeared to be generally shared during a discussion with senior representatives from local and national government, the health service and police that sit on my Child Sexual Abuse Roundtable which met in January 2019. It was also shared by my fellow Commissioner in England, Anne Longfield, who produced a [report](#) in respect of the model in 2017. This report identified that countries have appeared to have successfully adapted the model “without compromising the core principles which deliver such impressive results”³ but that adaptations are needed for a number of reasons including different legal systems.

The Committee may also wish to note the following recommendation from the Independent Inquiry into Child Sexual Abuse Interim Report which I understand has been accepted by the Welsh Government:

“The Chair and Panel recommend that the Welsh Government and the relevant UK government departments work together to establish current levels of public expenditure, and the effectiveness of that expenditure on services for child victims and adult survivors of child sexual abuse in Wales.”⁴

Despite my above view in respect of a pilot this does not mean that the Welsh Government and public services should not take steps in the meantime to change provision here in Wales which will positively affect children and young people.

The Committee has been made aware⁵ that some of the services provided as part of the Barnahus model are currently provided by all-age Sexual Abuse Referral Centres (SARC). One element of service is non-devolved in respect of forensic medical examinations. However, as raised in my 2017/2018 annual report,⁶ I continue to be concerned about this and other elements of SARC provision specifically for child victims including those in South and East Wales. My concerns centre around the availability of trained and experienced medical practitioners to provide timely examinations, and the availability of suitable therapeutic services to enable survivors of abuse to recover.

Whilst I have seen renewed commitment to addressing the calls made in my report, by both the Welsh NHS and Police and Crime Commissioners, as of yet I do not believe children's experiences in these parts of Wales have changed. Interim measures are in the process of being implemented and long term arrangements are being explored and I am monitoring this issue closely. As part of this I have been seeking to establish how

³ Children's Commissioner for England. 2017. [Barnahus: Improving the Response to child sexual abuse in England](#).

⁴ Independent Inquiry into Child Sexual Abuse. 2018. [Interim Report: A Summary Independent Inquiry into Child Sexual Abuse - April 2018](#).

⁵ National Assembly for Wales. 2019. [Research Brief, item 2 and 11.12.18 Correspondence - Minister for Children, Older People and Social Care to the Chair](#).

⁶ [Annual Report and Accounts – 2017/2018](#).

this work fits with the former First Minister's announcement in November 2019, in respect of a review of refuges and SARCs.

The Committee may also wish to establish the parameters of the above commitment by the Welsh Government and whether the child house model and the CSA hub work referred to as part of Matameen Meftahi's correspondence with committee would be considered as part of this work.

My annual report also recommends that Welsh Government require Regional Partnership Boards (RBPs) to integrated children's social care and mental health services into multidisciplinary teams. I would expect that RBPs would consider how such teams would help address the emotional and/or mental health needs of children and young people who have been sexually abused. Joined up planning in respect of all services for children and young people who have been sexually abused is essential on a local, regional and national level considering available evidence.

Regarding service development as a whole, I have seen the real benefits for all concerned when children and young people are involved in the review or development of a service. Yet I do not believe this is common place in Wales. Children and young people should be empowered to give their views and provided with suitable opportunities to participate in decisions that affect them. These are two of the five principles of my children's rights approach and since 2017 I have urged all public bodies to adopt this approach in Wales. A copy of *The Right Way: A Children's rights Approach in Wales* can be found on the publications section of my website, www.childcomwales.org.uk.

A safe place for children following an allegation of abuse

Protecting children from current or future risk of harm, including where they stay in the short and long term, is covered in detail by a number of pieces of legislation, for England and Wales in the Children Act 1989 for example and in Wales under the Social Services and Well-being (Wales) act 2014. Social Services have a lead role although other public bodies have a significant part to play including Regional Safeguarding Boards. The All Wales Child Protection Procedures support and advise any practitioners in dealing with child protection matters, and I am aware that these are currently being revised with multi agency involvement.

In Wales it is also clear that professionals involved in these processes are required to seek and consider the views, wishes and feelings of children and young people. I expect there to be no exceptions to this. Decisions should be made in children's best interests considering all available information, views and thorough assessment. Such assessments will often be considered in Court and it is paramount that a child's views are included for consideration. Without seeking and taking into account children's views, wishes and feelings I believe the decisions which are made under current or future arrangements are less likely to provide the protection and support that a child or young person needs. Were the Welsh Government to embark on consideration of whether the current arrangements in Wales provide sufficient options in respect of safe places following an allegation of sexual abuse I would be happy to engage in discussions.



Yours sincerely,



Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales

Agenda Item 3.14

P-05-836 Gender Pay Gap Reporting

This petition was submitted by Estelle Hart and was first considered by the Committee in October 2018 having collected 56 signatures.

Text of Petition

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 has not been applied in Wales meaning devolved public bodies have not been required to publish gender pay gap reports in a central place. We believe that bodies in receipt of public money should publish this information and to ensure transparency in public funding this information should be available in a centralised location and in the same format, using guidelines developed for public sector bodies in England.

Assembly Constituency and Region

- Gower
- South Wales West

P-05-836 Gender Pay Gap Reporting, Correspondence – Petitioner to Committee, 13.03.19

I would like to thank the committee for their continued examination of this issue in light a reticence form the Welsh Government to provide any concrete plans in their response.

In response to the letter from the Deputy Minister I am really disappointed that again the Welsh Government has spent more time in their reply talking about how committed to gender equality they are than actually laying out any concrete actions to ensure gender pay gap data is not only in the public domain but accessible.

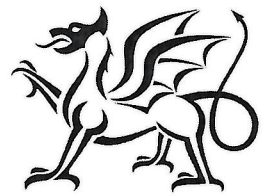
Despite the reassurances that this is a priority piece of work the timings and plans offered are vague at best and the letter, as was the case with previous correspondence, seems more focused on political positioning than implementing change.

Regarding the core issue of the petition the publication of gender pay gap data in an accessible format I am still completely unclear in the Welsh Government even has an understanding of what data openness means. It does not simply mean the data is in the public sphere but that people are supported to access it. The current system allows organisations to obfuscate whereas the system used in England asks employers to publish this data in a clear manner, allowing for comparison between similar employers. I am still unclear as to why this system has not been introduced in Wales even as a stop gap measure, particular when a large organisation such as Cardiff University has voluntarily published their data in this manner.

As the Deputy Minister mentions the unprecedented change we are facing as a society, and at a point where the distrust of public institutions is at a high I believe any action to make or public sector more transparent would be welcomed.

Yours

Estelle Hart



Ein cyf/Our ref: JJ/01096/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
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16 January 2019

Dear David,

Thank you for your letter of 29 November requesting an update regarding the petition concerning gender pay gap reporting (P-05-836) to the Leader of the House.

I have made a clear and public commitment to publish gender pay gap data in a more open, user-friendly and accessible format. In my previous letter, I explained that any changes to gender pay gap reporting would be made in the context of strengthening the Public Sector Equality Duty (PSED) regulations generally and work has begun to determine how best to take this forward.

We will be working with the EHRC to consider the results of their monitoring exercise which has been undertaken over recent months with public bodies in Wales, as outlined previously. The outcomes of this exercise should be known in the new year. This will inform our work around the most appropriate ways to strengthen the PSED in Wales, including the gender pay gap reporting arrangements.

As detailed previously, we are already adopting the 'open data' approach through our work on public sector employment data and are working to expand it to cover the PSED information. A timescale for this project will be established in the new year based on the outcomes of the EHRC monitoring exercise.

It is clear from the ongoing work of the Gender Equality Review and discussions with stakeholders that strengthening gender pay gap reporting is a part of a much wider call to safeguard and enhance equality and human rights in Wales, particularly in the context of the UK's impending exit from the EU.

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

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

In light of this, I have asked my officials to commission research to assist our consideration of these issues. This will help us assess the benefits of a variety of possible actions, including strengthening existing regulation, enactment of the socio-economic duty and legislative provision relating to relevant international treaties.

This work will be linked closely to Phase 2 of the Gender Equality Review. To move it forward, we will be convening a seminar early in the new year, to engage with key stakeholders and scope the work that will be needed in more detail.

The work on reviewing and strengthening the Welsh PSED and the reporting arrangements will also be considered as a part of this research to ensure that the changes we make are effective, appropriate and complement existing legislation.

The aim of the Gender Equality Review is to ensure the Welsh Government is a feminist government which truly puts gender at the centre of our policies, ensuring no-one is left behind and everyone has the opportunity to be the best they can be. Gender pay gap reporting is an area which the Review is looking at, where change is needed and where we can make changes. It remains a priority and is an area in which I expect rapid progress to be made.

In the face of unprecedented change we must and will be proactive, ambitious, forward thinking and continue to do whatever is within our powers to ensure that Wales remains a modern, inclusive place to live and work. The work we are doing to tackle gender inequality, including the gender pay gap, is an important step in making this happen.



Jane Hutt AC/AM

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