Y Pwyllgor Deisebau

Lleoliad:
Ty Hywel – Ystafell Bwyllgora 4

Dyddiad:
Dydd Mawrth, 21 Mehefin 2011

Amser:
09:30

Cynulliad Cenedlaethol Cymru
National Assembly for Wales

I gael rhagor o wybodaeth, cysylltwch a:

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Agenda

P-04-326 Na i losgyddion (Tudalennau 17 - 19)

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P-03-136 Parcio yn y Mynydd Bychan a Birchgrove (Tudalen 20)

P-03-162 Diogelwch ar y ffyrdd yn Llansbyddyd (Tudalennau 21 - 22)

P-03-236 Siarter i Wyrion ac Wyresau (Tudalennau 23 - 53)

P-03-256 Trenau Ychwanegol i Abergwaun (Tudalennau 54 - 59)

P-03-263 Rhestru Parc y Strade (Tudalennau 60 - 62)

Ystyrir y ddau eitem nesaf gyda'i gilydd

P-03-271 Ardrethi Busnes yn Arberth (Tudalennau 63 - 69)

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P-03-294 Clymblaid Genedlaethol Menywod Cymru - cynrychioli menywod (Tudalennau 106 - 107)

P-03-295 Kyle Beere - Gwasanaethau Niwroadsefydlu Paediatrig (Tudalennau 108 - 109)

P-03-298 Cyllid ar gyfer darparu adnoddau Cymraeg ar gyfer pobl â dyslecsia yng Nghymru (Tudalennau 110 - 118)

P-03-301 Cydraddoldeb i'r gymuned drawsryweddol (Tudalen 119)

P-04-319 Deiseb ynghylch Traffig yn y Drenewydd

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i:

1. Osod cylchfan ger y gyffordd â heol Ceri ac, os bydd llif y traffig yn gwella, osod cylchfan barhaol yno.
2. Cyhoeddi dyddiad cychwyn cynnar i adeiladu ffordd osgoi i'r Drenewydd ac i'r gwaith hwnnw fynd ar drywydd carlam hyd nes ei gwblhau.

Cefndir

Cynigwyd y ddeiseb hon gan Paul Pavia a chasglwyd 10 o lofnodion. Casglwyd oddeutu 5,000 o lofnodion mewn perthynas â deiseb gysylltiedig.

P-04-320 Polisi Tai Cymdeithasol

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i adolygu ei pholisi tai cymdeithasol mewn perthynas â phoblogaeth frodorol y wlad.

Cefndir

Cynigwyd y ddeiseb hon gan Adam Brown, a chasglwyd 45 o lofnodion. Mae gwybodaeth ategol a ddarparwyd gan y deisebwyr wedi'i chynnwys isod.

Gwybodaeth ategol:

Gyda phroblemau tai parhaus yng Nghymru, mae'r ymgyrch hon yn annog Llywodraeth Cynulliad Cymru i gydnabod y ffaith hon a chymryd camau trwy adolygu'r polisi tai cymdeithasol mor fuan â phosibl. Rydym yn credu bod y polisi presennol yn gwahaniaethu yn erbyn pobl frodorol Cymru ar ystod eang o faterion ac rydym yn credu hefyd y dylai pobl leol gael mynegi barn ynghylch pwy sy'n meddiannu unrhyw lety cymdeithasol gwag yn eu hardaloedd.

Mae ar bobl Cymru wir angen eich help ar y mater hwn a bydd llofnodi'r ddeiseb hon ac annog eraill i'w llofnodi yn mynd yn bell iawn tuag at roi cyfle gwell iddynt allu galw rhywle'n 'gartref'.

P-04-322 Galw am ryddhau gafael Cadw ar eglwysi yng Nghymru

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i bwyso ar Lywodraeth Cymru i ymchwilio i mewn i ran Cadw yn y broses o roi caniatâd cynllunio i adeiladau rhestredig er mwyn gwneud gwaith addasu i eglwysi. Mae hyn yn rhwystro cynulleidfaoedd gweithgar a hyfyw rhag defnyddio adeiladau rhestredig yng Nghymru a, thrwy hynny, cânt eu cadw mewn cyflwr o inertia pensaernïol: nid ydynt yn gallu elwa ar ddatblygiadau modern mewn deunyddiau adeiladu, ac mae'n anodd i eglwysi wneud y newidiadau sy'n angenrheidiol er mwyn iddynt wasanaethau'r genhedlaeth nesaf a'r gymuned leol.

Cefndir

Cynigwyd y ddeiseb hon gan Graham John, a chasglwyd 147 o lofnodion.

Supporting Paper for P-04-322 A call to revise Cadw's hold upon churches in Wales

Petition wording:
We call upon the National Assembly for Wales to investigate the inflexible way in which Cadw enforces its regulations upon active, vibrant congregations using listed buildings across Wales, thereby keeping them in a state of architectural inertia, unable to take advantage of modern developments in building materials and making it difficult for churches to make changes necessary for them to serve the coming generation and the local community.

To Petition Committee Membership,

CADW's role is supposed "to manage change". However a substantial number of churches whose leaders have signed the petition consider CADW's behaviour as harmful to their mission and aims as churches. Churches are not museum pieces like castles, but active centres for the local community and the faithful members who sustain them.

We need a realistic review of the blanket application of laws to active centres of worship. Otherwise there is a distinct possibility of churches abandoning these architecturally listed buildings, leaving them to rot and decay, for CADW will certainly not pick up the bill.

I can mention one congregation in Pembroke that deserted Mount Pleasant Baptist Church building and now meet in a school because they found CADW's restrictions unrealistic and a distraction from their central work of outreach.

In our own church building at Ebenezer CADW have insisted on architecturally historic wooden windows with no double glazing, but leave the congregation to pick up the larger power costs to heat these places and the maintenance required to scaffold and repaint these windows regularly. Another church in Swansea did not consult CADW and installed modern, good-looking uPVC windows with double glazing. They were served with a court order to remove them, and replace them with wooden ones, at great expense

Managing change? I don't think so. Hindering change, preventing advances, failing to understand the use of buildings they list? Yes, most definitely.

May I suggest a two tier system which allows greater liberty to buildings regularly and actively used by the public and maintained as a charity? Most free churches are now registered charities, or on the road to becoming one.

Active use is easily defined. For instance in our own building this weekend we anticipate a total of about 200 members of the public, as three people are baptized and confess their new found faith in the Lord Jesus as their Saviour. There's also a children's Sunday school. The following week there will be a mothers and parent group, ladies meetings, a church AGM for members and a midweek Bible study and prayer meeting for everyone. On Thursday a local Swansea choir uses our buildings, on Friday between 6pm to 10:30pm we run three meetings for young people and children from 4 years old to 18, and on Saturday there will be a children's birthday party using the hall.

These are a few local churches that I can mention with little time to gather accurate information. But I've picked this up across Wales and as former secretary of the Associating Evangelical Churches of Wales. A perusal of the petition addresses will show names from Welsh speaking Wales and the North, as well as across the rest of South Wales and Mid-Wales. People feel this is a real problem in our churches, and the poor relation they have with CADW.

Graham John

(Lead Petitioner)

17th June 2011

P-04-323 Achubwch ein hysgolion bach

Geiriad y ddeiseb

Rydym ni, y rhai sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru gefnogi ysgolion bach ac yn benodol i gefnogi cynghorau er mwyn iddynt gadw ysgolion bach ar agor. Rydym yn credu bod ysgolion bach yn galon cymunedau gwledig, yn hanfodol i helpu'r iaith Gymraeg i oroesi ac, uwchlaw bob dim, yn ganolfannau o ragoriaeth academaidd i'n plant. Rydym yn gofyn bod y Cynulliad yn ailystyried sut mae'n defnyddio meini prawf y Comisiwn Archwilio i ddynodi ysgolion fel rhai bach, a'r ffordd mae'n dewis ariannu adeiladau newydd yn hytrach nag adnewyddu hen adeiladau.

Cefndir

Cynigwyd y ddeiseb hon gan Leila Kiersch, a chasglwyd 244 o lofnodion. Mae gwybodaeth ategol a ddarparwyd gan y deisebydd wedi'i chynnwys isod.

Additional information:

There are small schools being closed across Wales. This petition is to bring together all who are concerned that their school is under-threat and to recognise that this is a Wales wide issue. The assembly has powers to help prevent these closures. Many schools have been in existence for decades, if not hundreds of years. Not everyone has access to a car and shipping young children for miles on buses everyday is just wrong. These closures go against the founding principles of sustainable development built into the Assembly's constitution.

Leila Kiersch

Submission to accompany the Petition to the National Assembly: Save our Small Schools from closure

As I am not part of a campaign group on this issue and nor I am affiliated with any union or other research body, my submission is merely some serious questions and doubts I have in my mind over the ongoing swathes of small schools being closed across Wales and whether the National Assembly is meeting the needs of the people of Wales by allowing, possibly even encouraging councils to make these closures by its adoption of certain policies and definitions. Therefore, this submission is neither information nor facts and figures but a summary of areas I would like the committee reviewing the petition to consider, and when considering the petition to ask themselves if sufficient rigour has been applied to these two main areas of concern when the National Assembly has formed any relevant policy and guidance.

I have two main areas of concern.

1. School closure and child welfare
2. Prioritisation of capital expenditure over revenue in maintaining education provision and how this meets the National Assembly's stated aim of ensuring sustainable development.

1. School closure and child welfare

This is my biggest concern. I have witnessed first hand two small schools in neighbouring communities close.

I am concerned that school closures are being carried out illegally or at least without recourse to natural justice. In both school closures near me, the consultation period was shockingly brief and at no point were children in the schools to be closed consulted nor were the children (or parents) in the schools expected to take in the additional pupils.

No research has apparently been done on how children are affected by having a school closed, particularly schools where there has been a close community tie for generations.

There has been no research I can find that has taken a rounded and whole child view of how children fare both academically and emotionally in a smaller school compared to a larger school and what from a child' perspective is the most appropriate size for a school.

I would like to know how the National Assembly is monitoring the effect on children as young as four of being put onto buses and into taxis for long journeys at the start and end of each day and how their safety and welfare needs are being met. These journeys can mean they leave their houses as early as 8.00 am and not be home before 4.30 pm, an additional 2 hours on their day. These buses and taxis of children also have the little known affect of hindering children being able to cement friendships and visit each other freely at the end of the school day as the parents can't respond and agree plans easily with one another.

Has the National Assembly evaluated the impact of rural small school closures on low-income families and those without access to private transport to: participate in and make and maintain new friendships at new schools and to participate fully in school life, including the ability of their parents to socialise and to attend parents evenings and other events intended to ensure their child/ren's welfare.

Has any study or welfare analysis been carried out into the disruptive influence of having a 'moved into' school increase by as much as a third or double to accommodate new pupils and how this has the potential to remove resources from existing pupils.

Finally, I would like to know what the National Assembly is doing to meet the welfare needs of my child and other children across Wales when the most important place outside the home is subject to the massive upheaval caused by a small school closure and if the Children's Commissioner for Wales has been invited to investigate and speak out on their behalf in these closures.

2. Capital vs. revenue expenditure on education and the National Assembly's commitment to Sustainable Development

It is my understanding that the National Assembly was bound by its own charter / rules upon formation to act in a way that would promote and be in line with sustainable development. In my mind this includes ensuring the effective use of resources and considering the longer-term impact of policies.

I therefore question the wisdom of committing to new build of schools and the channelling of funding into new buildings when there are buildings with stored energy in the fabric of the building. I have a similar concern that the new buildings are made from unproven materials and are reliant on permanent space heating and cooling rather than the imbedded heat and air circulation found in older buildings.

I am concerned that not enough research has been done into how the moving and closing of school has on the transport choices of people and if these shift those affected and future generations into less sustainable and more polluting forms of transport when travelling to school (i.e. no longer being within walking distance of their schools). This move towards moving increasing numbers of children around the area does not seem to have taken into account the potential impacts on climate change nor the associated increase in revenue costs to tax payers as fuel prices rise.

The National Assembly does not seem to have taken enough care to take into account all the costs of closing a school. I have seen no attempts to quantify how school closures impact on these small, close knit communities with limited opportunities to meet and socialise, places where the elderly often look to the school as a way of staying in touch and making cross generational ties, where schools act as places for work experience for local teenagers, parent and toddler groups, out of term play spaces, positive examples of the living Welsh Language, small local charity fund and awareness raisers, child protection officers and social service providers. Who is going to pick up that a single mum is struggling now, if the teachers and other parents rarely see them? When making a judgement on how to spend money, have these less tangible benefits been considered?

I wonder when agreeing on using the definition of a school as small as found in the Audit Commissions, enough emphasis was given to the nature of communities across Wales and not just those found in the southern towns and cities. In this acceptance of the Audit Commissions definition of a small school, which does not reflect the geographic majority of Wales, the National Assembly seems to have failed in its obligation to meet the needs of all its citizens fairly and those considering the petition should ask if the guidance going to educational authorities is correct or if a moratorium on school closures should be put into effect until it can be demonstrated that child welfare is not being put at risk.

P-04-324 Dywedwch Na i Tan 8 - Mae ffermydd gwynt a llinellau pŵer foltedd uchel yn difetha ein cymuned

Geiriad y ddeiseb

Mae 'Nodyn Cyngor Technegol (TAN) 8: Ynni Adnewyddadwy (2005)' yn darparu cyngor a chanllawiau sydd, heb amheuaeth, yn arwain at halogi cefn gwlad prydferth canolbarth Cymru. Bydd dilyn y canllawiau hyn yn difetha ein tirwedd brydferth; yn cynyddu'r perygl i iechyd a achosir gan belydriad electromagnetig; yn niweidio twristiaeth, sef un o'r prif sectorau cyflogaeth; yn datbrisio adeiladau ac yn achosi difrod sylweddol i'r amgylchedd.

Pan gyhoeddwyd y nodyn cyngor technegol, a elwir yn TAN 8 yn aml, gan Lywodraeth Cynulliad Cymru yn 2005, nid oedd y boblogaeth leol yn amgyffred i ba raddau y byddai'n effeithio ar drigolion canolbarth Cymru.

Bydd Nodyn Cyngor Technegol 8 yn caniatáu i gannoedd o dyrbinau gwynt gael eu hadeiladu yn ein cymunedau.

O ganlyniad i adeiladu'r ffermydd gwynt hyn, bydd yn rhaid i'r Grid Cenedlaethol osod llinellau trawsyrru pŵer i gludo'r pŵer i lle y bydd ei angen, er ein bod yn cydnabod nad yw Cynulliad Cenedlaethol Cymru yn rhan o'r broses o benderfynu gosod y llinellau pŵer hyn.

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i ymgymryd ag adolygiad sylweddol o bolisi TAN 8 a fydd yn cynnwys mwy o ymgynghori â'r cyhoedd.

Cefndir

Cynigwyd y ddeiseb hon gan John Day, a chasglwyd 3249 o lofnodion. Casglwyd dros 13,500 o lofnodion gan ddeisebau cysylltiedig.

Welsh Assembly Government e-petition Say No to Tan 8 - Wind farms & High Voltage Power Lines Spoiling our Community

1. The e-petition on the Welsh Assembly Government website has the highest response of any e-petition since the site was launched, with 2565 signatures so far, the previous highest being 1893. Along with other petitions and action by the People of Mid Wales it shows the depth of feeling on this issue, which must not be ignored.

2. Planning policy Wales (PPW) 3.1.8 "When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. (Shropshire County Council were not consulted when Tan8 was drafted) While the substance of local views must be considered, the duty is to decide each case on its planning merits. The Courts have held that perceived fears of the public are a material planning consideration that should be taken into account in determining whether a proposed development would affect the amenity of an area and could amount to a good reason for a refusal of planning permission."

3. We are particularly concerned about the health issues (PPW 12.13.8 'Health considerations can be material considerations in determing applications for planning permission") surrounding wind-farms, high voltage transmission lines and sub-stations. Electromagnetic Fields (EMF) have been the focus of many worldwide studies, children up-to the age of 15 living near high voltage power lines run an increased risk of having leukaemia. Draper report 2005 increase chances of childhood leukaemia by 69% within 200m of power lines and some effects up to 600m from power lines

4. A consequence of corona discharges, high voltage AC power lines may produce clouds of negative or positive ions that are readily blown downwind. An increase of charge density downwind of power lines is well established and can be measured at distances up to several kilometres. People may be exposed to these more highly charged pollutant particles and the effect of electrostatic charge on increasing respiratory tract deposition has been recognised for some time. There is strong evidence that the risk of cardiorespiratory disease is increased by inhalation of particles generated outdoors (Taken from Health Protection Agency Particle report of an independent Advisory Group on Non-ionising Radiation and its Ad Hoc Group on Corona Ions) See Pace document recommends a precautionary approach to emf.

5. Research work in Portugal, published in May 2007, shows there is a clear health risk to people living near wind turbines to a condition they have called Vibro-Acoustic Disease (VAD). This research suggests prolonged exposure to infrasound and low-frequency noise can result in damage to the brain, heart and lungs. We are very concerned about many of the other health and safety issues surrounding wind-farms, high voltage power lines and sub-stations.

6. Much of the present policy controlling the construction of wind-farms is based upon studies and reports that are now outdated, many are 7 to 12 years old. With new technologies and new evidence emerging, there is a need to re-consider policy and planning guidelines especially with proposals for large wind farms and the cumulative effect they will have on the environment.

7. Tan8 has no mention of cumulative effects on flooding, Increased "run off" from the bases of the turbines, the huge drainage schemes employed around these concrete bases and the access roads, will in turn increase the risk of flooding of the Severn valley. The cumulative effects on visual amenity, acoustic effects such amplitude modulation (a phenomenon

making extremely loud booming noise as the wind speed varies across the rotor blades) which is more prominent as the turbines increases in size, largest now 606ft. Recently in Scotland the local authority of Achany wind farm, near Lairg has forced Scottish and Southern Electricity to shut down a Sutherland wind farm after the company breached planning controls by failing to deal with excessive noise from the development, to properties over 2Km away

8. Tan 8 had no mention of transport implications over 3000 abnormal loads proposed for mid Wales, to build probably the largest onshore wind farm in the world with the densest cluster of turbines, this would have a detrimental effect on the local economany. Tan8 does suggest community benefits should be gained from the development of wind turbines but actually only the minority gain and the majority of people will suffer from the associated infrastructure.

9. Tan8 has no mention of the cost of onshore wind, through the renewable obligation certificate it is entitled to 4.8p/kwh extra on top of the normal charge per unit for electricity. Current projections from the governments own figures for the whole renewable project suggest a cost to the bill payer in the region of £6.5bn a year by 2020.This obviously would increase fuel poverty and put businesses at a competitive disadvantage as well as providing inflationary pressures which would lead to job losses.

10. There are various claims on the efficiency of on-shore wind turbines and their effectiveness to generate when demand is most needed, even taking some of the higher claims of efficiency, the wind-turbines are not suitable for the flexible power demands of the national grid, as they will not generate in low or no wind conditions or high wind conditions. Back up supplies will need to be kept running to able to fill in for the intermittency of turbines. If a car manufacturer claimed a fuel efficiency of 50mpg but only actually did 30mpg then said manufacturer would be in trouble. Why can a turbine manufacturer claim installed capacity of 3Mw but only actually achieve 19% of this figure ? (Using latest available data REF Renewable Energy Foundation) surely then the installed capacity is 570Mw.In Norway on occasion the turbine fleet has had a net loss on the grid as they consume electricity when idle. These factors would have profound implications for the CO2 that turbines are supposed to save. The whole project if it was to meet the installed capacity predicted by Tan8-800Mw in mid Wales would produce less than 0.4% of the UK national energy requirements.

11. CO2 emission claims for wind turbines, from manufacture to construction taking into account steel manufacture and shipping, concrete manufacture, conductor windings (the majority of magnets required for the generator are imported from China where they are vast pools of heavy metal laden liquid poisoning the earth left over from the manufacture of these magnets) gearbox and blade construction and access road construction, mean that over their life cycle they will be responsible for generating more CO2 than they can save. The - upland peat will be disturbed, and damage to any kind of vegetation and soil will release carbon dioxide.

12. The damage to the beautiful landscape, wildlife, peat bogs and plant life, will lead to a downturn in Tourism which is one of main employment sectors within Mid-Wales. PPW 11.1.7 'In rural areas, tourism related development is an essential element in providing for a healthy, diverse, local and national economy' PPW 5.2.9 Trees woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon' A recent study published by DEFRA-the UK National Ecosystem Assessment (UK NEA) reveals that nature is worth billions of pounds to the UK economy the report strengthens arguments for protecting and enhancing the environment. The UK NEA has used new approaches to estimate the value of natural world by taking into account of the economic, health and social benefits we get from nature.

13. The lack of a single regulating body to set, monitor and enforce standards for the wind industry has resulted in confusion and division of responsibility between the various Welsh Assembly, Westminster Government and local government bodies and the National Grid.

14. Strategic environmental assessment (SEA) directive EU law 2004 was not implemented before the adoption of TAN8, why?

15. The recent publication by the Committee on Climate Change „The Renewable Energy Review" (May 2011) „It is also important to consider opportunities for reducing energy bills through energy efficiency improvement:

    • In the residential sector, we estimate that there is scope for a 14% reduction in heat consumption to 2020 through buildings fabric measures, boiler replacement and behavioral measures.

    • Our analysis also suggests that there is scope for a 14% reduction in electricity consumption through the purchase and use of more efficient appliances."

15.1 The two policies above if implemented have the potential to boost the economy provide long-term employment and provide energy savings, we would reap the benefits for many years.

16. There are also potentially huge energy efficiency savings to be made in manufacturing industry, business, commerce and public sector much of it employing the latest monitoring and control equipment together with improved insulation

17. We have environmental and energy issues. We should have a full and open debate about these issues considering all the facts Nationally we have already achieved 19% CO2 reduction (DECC 2009) and implementing the above measures would ensure we could still meet our CO2 reduction commitments whilst being able to take a more considered approach to renewable energy.

How can destruction of our local environment be saving the planet?

John Day,

Chairman Parkinson"s UK Montgomeryshire Branch,

(Acknowledgement to Gary Swaine for all his help)

P-04-325 Arian a fyddai'n galluogi disgyblion sydd ag anghenion addysgol arbennig i gael mynediad i addysg ôl-16 prif-ffrwd

Geiriad y ddeiseb

Rydym yn galw ar y Cynulliad Cenedlaethol i annog Llywodraeth Cymru i gynyddu'r arian ar gyfer pobl sydd ag anabledd dysgu i gael mynediad i addysg ôl-16 prif-ffrwd.

Cefndir

Cynigwyd y ddeiseb hon gan Mencap Cymru, a chasglwyd 45 o lofnodion. Mae gwybodaeth ategol a ddarparwyd gan y deisebydd wedi'i chynnwys isod.

We call upon the National Assembly for Wales to urge the Welsh Assembly Government to increase funding for people with a learning disability to access mainstream post-16 education.

This petition serves to follow up to the Minister for Children, Education and Lifelong Learning's statement of the 23rd November 2010, in which he pledged to increase funding that would enable SEN pupils to access mainstream, post-16 education.

The petitioners would wish to know what progress has been made in achieving this aim. The commitment to substantially increase the funding for access to mainstream education is to be strongly welcomed.
Mencap Cymru has been made aware however of at least two examples, from different areas of Wales, where young people with a learning disability have been told that they will not be able to access mainstream post-16 education due to a lack of funding. In these examples, both would be accessing said education this coming academic year (September 2011) and the decision has been made by the Local Education Authority.

Mencap Cymru also supports the principle behind the removal of statements of SEN in favour of individual development plans for people up to the age of 25.
This represents a move towards more person centred service delivery in education policy.
Worthy of mention however is that stringent monitoring of this new system needs to be in place at the time of implementation. This will ensure that the policy shift is not seen as a mechanism to exclude large numbers of people who are currently in receipt of a vital service.

Mencap Cymru believes that with the right interventions and support, the majority of people with a learning disability can access mainstream education. This is a distinctly different principle to integration whereby young people with a learning disability are granted access to slightly modified education services. Full inclusion is where all barriers to access have been removed in line with the social model of disability.

Much research and work has been done by *the Alliance for Inclusive Education* on the benefits of inclusivity. The benefits extend beyond pupils with a learning disability having person centred education. They also serve to introduce the notion of diversity into the classroom, ingratiating disabled pupils to their non-disabled peers. Further implementation of the policy of inclusion at a school stage will serve to promote inclusion in wider society in adult life.

P-04-326 Na i losgyddion

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i bwyso ar Lywodraeth Cymru i ddiwygio ei pholisi cynllunio a'i pholisi ynghylch gwastraff gweddilliol er mwyn cael rhagdybiaeth yn erbyn adeiladu llosgyddion, gan eu bod yn gyrru'r rhan fwyaf o garbon o wastraff i mewn i'r awyr ar ffurf carbon deuocsid, yn rhyddhau gronynnau mân iawn a allant fod yn beryglus i iechyd y cyhoedd, ac yn creu lludw gwenwynig. Credwn fod llosgyddion yn wael i'r amgylchedd ac yn wael i bobl.

Cefndir

Cynigwyd y ddeiseb hon gan Gyfeillion y Ddaear Cymru, a chasglwyd 1299 o lofnodion.

Friends of the Earth Cymru
Briefing to the National Assembly for Wales Petitions Committee

No to Incineration – Petition text
"We call upon the National Assembly for Wales to urge the Welsh Government to revise its planning policy and policy on residual waste to provide a presumption against the building of incinerators, which send most of the carbon from waste into the air as CO2, emit ultra-fine particles that can be damaging to health, and create toxic ash. We believe that incineration is bad for the environment and bad for people."

Background note

This briefing outlines Friends of the Earth Cymru's concerns about incineration; economically, environmentally, technologically and within the context of the ambition of Wales' waste strategy 'Towards Zero Waste'.

We hope that the committee will fully consider this petition and the significant amount of support the topic has received either directly with online signatories or more broadly by the emergence of anti-incineration campaign groups wherever proposals have emerged in Wales, including Cardiff, Newport, Merthyr Tydfil and Rhymney, Neath Port Talbot and north Wales.

We would be pleased to give further information to the committee or provide expert advisers during the course of its discussions.

Climate change

Incineration sends most of the carbon from waste into the air in the form of Carbon Dioxide (CO_2)[i]. A study by consultancy Eunomia shows that among waste processing options incineration rank worst in climate change impacts.[ii] With large incinerators this is compounded by the emissions from transporting the waste to the facility, which can mean hundreds of lorries a day on the road.

The embedded carbon that is lost by burning resources instead of reusing or recycling them should also be taken into account.

Toxic emissions and air pollution

Even modern incinerators emit toxic chemicals and produce toxic ash. There are large concentrations of dioxins in the residues that often emerge during start-up and shut-down periods. Of particular concern to health are the ultra-fine particles that can escape pollution control equipment and can be carried several kilometres by the wind. These can be inhaled by humans, causing chest complaints as well as eaten by grazing animals and passed through the food chain.

Toxic fly-ash from incinerator stacks would have to be transferred to a hazardous waste site, none of which exist in Wales, and tonnes of bottom ash would have to go into landfill.

Disincentive to recycling and waste reduction

The most energy efficient way of managing waste, as laid out in the waste hierarchy and European Waste Framework Directive,, is "reduce, reuse, recycle". The Welsh Waste Strategy 'Towards Zero Waste' sets targets to reduce waste 65% by 2050 and

recycle a minimum of 70% by 2025, the latter being a statutory requirement in the Waste (Wales) measure 2010. The amount of waste we produce in Wales is already going down and local authorities are meeting targets in the Landfill Directive.

Major incinerators would act as a disincentive to any further improvement in waste reduction and recycling due to commitments to supply the incinerator with waste. The maximum 30% energy from waste limit in 'Towards Zero Waste' is already being used to justify large facilities such as those proposed by Viridor at Cardiff and Covanta at Merthyr Tydfil. However, once these are built it would be extremely difficult to secure lower thresholds in future or meet the waste reduction and recycling targets beyond 2025 necessary for the One Planet Wales goal.

Inefficient energy production

Incinerators are described as 'energy from waste' plants and even as producing 'renewable' energy. But in practice they're only about 25% efficient if the heat isn't utilised. Incineration also uses 10 times more energy to destroy material than to recycle them. There are technologies such as Anaerobic Digestion which generate energy from waste much more efficiently.

As recycling rates increase, the composition of the waste available for incineration changes and the fraction of waste which is non-biogenic in origin is likely to rise, further undermining the claim of incineration as a source of renewable electricity.[iii]

Economics and inflexibility

For large incinerators to pay their way long contracts are needed where Councils and other bodies are tied in to provide them with waste to burn for 25-30 years. This goes against efforts to recycle and reduce waste and would lead to heavy financial penalties if contractors don't provide the incinerator enough waste to burn[iv]. For example, Stoke on Trent City Council were sent a demand for £400,000 from Hanford Waste Services, in respect of the city council failing to achieve minimum tonnage levels in 2009/10 for the Sideway incinerator[v].

Job creation and socio-economic effects

Research by Friends of the Earth shows that recycling creates 10 times more jobs than incineration, and can be a hub for other local green jobs.[vi] Incineration, perceived as a 'dirty industry' can be off-putting for job creation in green industries such as tourism and have a negative effect on the socio-economic health of an area.

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[i] 'Dirty truths – Incineration and climate change' http://www.foe.co.uk/resource/briefings/dirty_truths.pdf
[ii] Greenhouse Gas Balances of Waste Management Scenarios, Eunomia Consulting report to the GLA www.london.gov.uk/mayor/environment/waste/docs/greenhousegas/summaryreport.rtf, January 2008
[iii] Appendix 1, Friends of the Earth Cymru Response to 'Towards Zero Waste' http://www.foe.co.uk/resource/consultation_responses/waste_consultation_wales_july09.pdf
[iv] 'Long waste contracts' http://www.foe.co.uk/resource/briefings/long_contracts.pdf
[v] 'Council faces £400,000 claim over incinerated waste shortfall' http://www.thisisstaffordshire.co.uk/Lack-waste-burning-issue-incinerator/story-12584593-detail/story.html
[vi] 'More jobs, less waste' http://www.foe.co.uk/news/waste_jobs_25198.html

P-03-136 Parcio yn y Mynydd Bychan a Birchgrove
Geiriad y ddeiseb

'Gofynnwn i Lywodraeth Cynulliad Cymru:

1. Gynghori Ymddiriedolaeth GIG Caerdydd a'r Fro i:

- ddarparu digon o le parcio ar y safle ar gyfer staff ac ymwelwyr trwy gael ardaloedd addas ar gyfer parcio i'r ysbyty ar y safle ac ar dir fel yr ardal ddiffaith i'r gogledd o'r rhandiroedd gyferbyn ag Ysbyty'r Mynydd Bychan ar yr ochr arall i Eastern Avenue,

- datganoli rhai o'r gwasanaethau sydd eisoes ar safle'r Mynydd Bychan a

- pheidio â gwerthu tir ysbytai yng Nghaerdydd a'r ardal gyfagos ar gyfer tai.

2. Argymell bod Cyngor Sir Caerdydd yn:

- gwrthod caniatâd cynllunio ar gyfer datblygu pellach ar safle Ysbyty'r Mynydd Bychan oni bai bod uned yn cael ei symud o'r safle, a gaiff yr un effaith ar draffig

- peidio â chefnogi datblygiadau amlfeddiannaeth yn yr ardal a

- chyflwyno system parcio am gyfnod cyfyngedig yn y strydoedd sydd o fewn pellter cerdded i Ysbyty'r Mynydd Bychan.

3. Ystyried o fewn y Cynulliad, cyflwyno system a fyddai'n caniatáu i grwpiau lleol apelio i'r Cynulliad pan fydd y cyngor yn rhoi caniatâd cynllunio ar gyfer datblygiad y mae'r trigolion yn ystyried a fydd yn gwaethygu'r broblem barcio yn yr ardal.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitionsold/admissible-pet/p-03-136.htm

Cynigwyd gan: Y Cynghorydd Ron Page

Nifer y llofnodion: 500+

Y wybodaeth ddiweddaraf: Bydd y Pwyllgor yn ystyried y wybodaeth ddiweddaraf am y ddeiseb hon.

P-03-162 Diogelwch ar y ffyrdd yn Llansbyddyd

Geiriad y ddeiseb

Rydym ni, sydd wedi llofnodi isod, yn galw ar Lywodraeth Cynulliad Cymru i wella diogelwch ar y ffyrdd ym mhentref Llansbyddyd, ger Aberhonddu ym Mhowys, drwy weithredu mesurau i arafu'r traffig, fel gostwng y terfyn cyflymder presennol, gwella'r goleuadau ar ochr y ffordd a gwella'r arwyddion ar yr A40.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-162.htm

Cynigwyd gan: Cymdeithas Trigolion Llansbyddyd

Nifer y llofnodion: 67

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y deisebydd, ac mae wedi'i chynnwys isod.

The Woodland Davies Partnership LLP

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Mrs Naomi Stocks
Clerk, Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Our Ref: ARW.BJP.L0269001

Your Ref: P-03-162

Date: 12 January 2009

Dear Mrs Stocks

Re: P-03-162 Road Safety in Llanspyddid

Thank you for your letter dated 05 April 2011. I apologise for my delay in responding.

I confirm that, as at the date of writing this letter, no works have been carried out to the A40 at Llanspyddid.

I await hearing from the Petitions Committee further in due course.

Yours sincerely

Angharad R. Woodland LL.B
THE WOODLAND DAVIES PARTNERSHIP LLP

P-03-236 Siarter i Wyrion ac Wyresau

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i fabwysiadu Siarter i Wyrion ac Wyresau ac i wneud y Siarter yn orfodol i weithwyr proffesiynol a gyflogir i warchod lles plant.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-236.htmP-03-236%20-%20Siarter%20i%20Wyrion%20ac%20Wyresau

Cynigwyd gan: Grandparents Apart Wales

Nifer y llofnodion: 19

Y wybodaeth ddiweddaraf: Cyhoeddwyd adroddiad dros dro gan banel yr Adolygiad Cyfiawnder Teuluol ar 31 Mawrth 2011.

Family Justice Review

Interim Report

Executive Summary and Recommendations

March 2011

ii Family Justice Review – Executive Summary

The family justice system

1. Every year 500,000 children and adults are involved in the family justice system. They turn to it at times of great stress and conflict. The issues faced by the system are hugely difficult, emotional and important. It deals with the failure of families, of parenting and of relationships. It cannot heal those failures. But it must ensure it promotes the most positive or the least detrimental outcomes possible for all the children and families who need to use it, because the repercussions can have wide-ranging and continuing effects not just for them, but for society more generally.

2. The legal framework, contained largely in the Children Act 1989, sets out how public and private law cases should be resolved. The core principle is that the welfare of the child should be the paramount consideration in making decisions. The evidence we have received has overwhelmingly endorsed the continuing strength of the legal framework, and we share that view.

3. Public law decisions – often to remove a child or children from the care of their parents and place them in the care of local authorities – are rightly acknowledged as some of the toughest that can be made in any form of court, with heart-wrenching consequences for the children and the parents. Disputes within families – known as private law cases – are often driven by resentment and bitterness, with parties not speaking to each other and refusing to co-operate. In a significant number of these cases, serious child welfare and safeguarding concerns are raised, to a level that may well trigger investigation by local authorities. Without scrutiny, it is possible that these concerns may never have come to light.

4. In all cases, the rights of children need to be considered and upheld. These are defined and made explicit by the United Nations Convention on the Rights of the Child. Article 12 of the Convention makes it clear that children have the right to have their voices heard in decisions that affect their lives.

5. An effective family justice system is needed to support the making of these complex and important decisions. It must be one that:

   - provides children, as well as adults, with an opportunity to have their voices heard in the decisions that will be made;
   - provides proper safeguards to ensure vulnerable children and families are protected;
   - enables and encourages out of court resolution, when this is appropriate; and
   - ensures there is proportionate and skilfully managed court involvement.

6. We intend now to consult widely about the recommendations in this report ahead of our final report in the autumn. We are grateful for the support and advice we have received and continue to receive.

A system under strain

7. We have been impressed by the dedication and capability of those who work in the family justice system. Their work is hugely demanding and often highly stressful. Good working relationships in many areas have led to the development of innovative practice designed to improve the way the system operates. There is a strong legislative framework.

8. But, despite that dedication and capability, the system is not working. Cases now take a length of time that is little short of scandalous, some cases should not be in court at all and the costs are huge.

9. Delay really matters. All our understanding of child development shows the critical importance of a stable environment and of children's needs to develop firm attachments to caring adults. Yet our court processes lead to children living with uncertainty for months and years, with foster parents, in children's homes, or with one parent in unresolved conflict with the other. A baby can spend their first year or much longer living with foster parents, being shipped around town for contact with their parent or parents, while courts resolve their future. This represents a shocking failure, with damaging consequences for children and for society that will last for decades.

10. The number of children involved is rising rapidly. In public law, some 20,000 children were involved in applications in 2006 and almost 26,000 in 2009. In 1989 the average case was expected to take 12 weeks. The average case took 53 weeks in 2010 and, on current trends, the case length time is likely to rise significantly.[1] Increasing delays are not solely a matter of rising caseloads. The number of hearings is increasing, caseloads in Cafcass have increased to the point where it is hard for them to carry out work on all cases, and ever more expert assessments are being ordered.

11. In private law, many fail to resolve conflict independently and turn to court for judicial determination. Unfortunately, this often starts off a lengthy adversarial process with conflict potentially becoming more entrenched. Evidence shows such combative processes harm the children involved and may deepen the rifts that already exist between parents. The number of applications to court has increased steadily in recent years. In 2006 there were over 111,000 children involved in applications for private law orders. In 2009 this had increased to over 137,000. These figures point to an increasing reliance on court processes in the resolution of disputes between couples.

12. The family justice system is also expensive, both for individuals and the state. We have no accurate figures for this, as for so much else about family justice, but we have estimated the cost to government alone (excluding the no doubt significant private costs) as £1.5 billion in 2009-10, of which roughly £0.95 billion

[1] These data come from an internal case management system and do not form part of the national statistics produced by the Ministry of Justice, which can be found here: www.justice.gov.uk/publications/statistics.htm. As such this data set is not subject to the same levels of quality assurance.

is for public law and £0.55 billion for private. To put this into perspective, the total annual local authority spend on looked after children (including spend on children in need in Wales) in England and Wales is around £3.4 billion.

13. There is a wide range of issues to address.

- Children and families do not understand what is happening to them. They can also feel that they are not listened to.
- There are complicated and overlapping organisational structures, with a lack of clarity over who is responsible for what. There is no clear sense of leadership or accountability for issues resolution and improving performance.
- Increasing pressure on processes and the people who work in the system, driven by increasing caseloads, has inflamed tensions and a lack of trust between individuals and organisations.
- There is a lack of shared objectives and control. Decisions are taken in isolation, with insufficient regard to the impact they might have on others.
- Morale amongst the workforce is often low. There are limited opportunities to engage in mutual learning, development and feedback. Much of the work is demanding and requires high levels of skill and commitment, but the status of some parts of the workforce may be an impediment to recruitment and retention.
- There is an almost unbelievable lack of management information at a system-wide level, with little data on performance, flows, costs or efficiency available to support the operation of the system.

14. These are the symptoms of a situation that simply cannot be allowed to continue.

15. There have been at least seven reviews of family justice since 1989, with countless other piecemeal changes. Improvements have been made, yet we have identified much the same problems as those earlier reviews. The chief explanation, in our view, is that family justice does not operate as a coherent, managed system. In fact, in many ways, it is not a system at all.

16. The number of organisations and individuals involved in family justice is large. This makes the task more difficult but the need for effective and coherent working all the greater.

17. More money would not be the answer, even if it were available. Major reform is needed to ensure better outcomes, and make better use of the available resources. In this report we make recommendations for improvements to both public and private law processes. But these will not deliver or be sustained unless, crucially, the family justice system first of all becomes a coherent system.

A Family Justice Service

18. System management can seem remote from the very human issues of family justice but the development of a coherent, clearly articulated system, with a clear system owner, is fundamental.

19. There should be **a Family Justice Service**. The judiciary and the Service together will need to ensure that:

- the interests of children and young people are at its heart and that it provides them, as well as adults, with an opportunity to have their voices heard in decision-making;
- children and families understand what their options are, who is involved and what is happening;
- the service is appropriately transparent and assures public confidence;
- proper safeguards are provided to protect vulnerable children and families;
- out of court resolution is enabled and encouraged, where this is appropriate;
- there is proportionate and skilfully managed court involvement; and
- resources are effectively allocated and managed across the system.

The child's voice

20. At its heart, the Family Justice Service needs to ensure the interests of children and young people are a determining factor in its operation. Children and young people must be given age appropriate information which explains what is happening.

21. The Family Justice Service should also have a role in ensuring the voice of children and young people is heard. **Children and young people should as early as possible in a case be offered a menu of options, to lay out the ways in which they could – if they wish – make their views known**.

System structure

22. **The Ministry of Justice should sponsor the Family Justice Service.** There will need to be close links at both Ministerial and official level to the Department for Education and the Welsh Assembly Government to reflect their wider roles and shared accountabilities in relation to children.

23. Family justice has been treated as the poor relation of criminal justice and is combined with civil justice in management structures. To the users of the system and arguably to society more widely it is more important than either of these. We will examine the types of safeguards necessary to **ensure the interests of the child are given priority in guiding the work of the Service.**

Leadership and management

24. The Family Justice Service will require strong management and governance through a **Family Justice Board**. This should include a balanced group of qualified people with, among others:

- representation of the interests of children;
- the President of the Family Division;
- the interests of appropriate government departments, including the Welsh Assembly Government; and
- local authorities.

25. **The Family Justice Service should be led by a Chief Executive** with the skills and stature to lead a complex change programme, and to command respect among Ministers, judges, lawyers, local authority managers and social workers, as well as the Service's own staff. He or she should also sit on the Board.

26. While recognising the valuable work that has been done, **the current structure of overlapping bodies should be simplified.** This will include subsuming the work of the Family Justice Council, Local Family Justice Councils, Family Court Business Committees, the National Performance Partnership, Local Performance Improvement Groups and the President's Combined Development Board. **Local Family Justice Boards should also be established**, with consistent terms of reference and membership, at a sensible area-based working level. **They should work closely with local authorities and Local Safeguarding Children Boards.**

27. The judiciary, including magistrates, will be key partners in the operation of the Family Justice Service. Within the judiciary there also needs to be **a clearer structure for management of the family judiciary, by the judiciary**. This is essential to support consistency, improved performance and culture change. There should be **a dedicated post – a Senior Family Presiding Judge – to report to the President of the Family Division on the effectiveness of family work amongst the judiciary. Family Division Liaison Judges should be renamed Family Presiding Judges, working alongside Presiding Judges, reporting to the President of the Family Division and the Senior Family Presiding Judge on performance issues in their circuit**.

28. Those judges with leadership responsibilities should have **clearer management responsibilities. There should be stronger job descriptions, detailing clear expectations of those with leadership roles in respect of management responsibilities and expectations about inter-agency working**. Information on key indicators such as case numbers per judge, court and area; case lengths; numbers of adjournments and numbers of experts should support this approach to judicial management.

29. We have been told consistently about the importance of **judicial continuity**. We agree. If, as a child, you face the prospect of being removed from your home or, as a parent, risk your children being taken away from you, how can it be right that each time you go to court you appear before a different judge? Continuity

will also increase speed and efficiency, both by making sure that the judge knows he or she will take the consequences of earlier case management decisions and by giving familiarity with the case and confidence to the families.

30. We have seen courts where judicial continuity is achieved. If it is possible to achieve this in some courts, we must ensure it is possible in them all. The High Court will be an exception because of the difficulty in ensuring judicial availability in different areas of the country, but this should be limited as far as possible. Where judicial continuity could not be achieved, we would question the capacity of that court to hear family cases. This recommendation applies also to legal advisers and benches of magistrates. The result may be that more public law cases move over time to professional judges. This would in our view be entirely appropriate – the need for judicial continuity outweighs other considerations.

31. Judicial continuity will also promote the much **firmer case management** that is needed. Robust case management, by the judiciary, should be supported with consistent case progression support. **Legislation should also be considered, providing for stronger case management in respect of the conduct of both public and private law proceedings.**

Role of the Family Justice Service

32. The Family Justice Service is not the same thing as a family court service. The Service needs to deliver a proportionate and appropriate response to issues resolution. Where people can resolve their disputes without involving the court, the Family Justice Service should provide them with the information and tools to enable them to do so. The Service should also facilitate court involvement, which must be proportionate to the needs of the children and families involved.

33. The Family Justice Service should, as part of its responsibility for performance and delivery, agree priorities in consultation with its partners. Specifically, the Service should:

- manage the budget of the consolidated functions (see paragraph 34), including monitoring their use of resources during the year and over time;
- provide court social work functions;
- ensure the child's voice is adequately heard;
- procure publicly funded mediation and court ordered contact services in private law cases;
- co-ordinate the professional relationships and workforce development needs between the key stakeholders;
- co-ordinate learning, feedback and research across the system;
- ensure there is robust, accurate, adequately comprehensive and reliable management information; and
- manage a coherent estates strategy, in conjunction with key stakeholders.

34. **Budgets, including family legal aid, should, over time, be consolidated into the Family Justice Service**. **Decisions on spending should be taken at the most local level possible.** In time, this may include pooling as part of Community Budgets.

35. **Criteria should be established for the allocation of resources to the family judiciary and budgets should be set in terms of money, not in sitting days.**

36. It is government policy that public bodies should charge each other for the services they provide. In our view these charges do not make sense in family justice and might influence behaviour in a way that is detrimental to children's interests. They also waste money. **Charges to local authorities for public law applications and to Cafcass for police checks should be removed.**

37. Where disputes require the involvement of the court, the safety and welfare of children in the case is paramount, and Cafcass and Cafcass Cymru play a central role. Local agreements with the courts have promoted closer working relationships. To cement these, to recognise Cafcass' role as adviser to the court, and to ensure children's interests are consistently prioritised, **court social work services should form part of the Family Justice Service, subsuming the role currently performed by Cafcass**.

38. In Wales, these functions are a devolved responsibility of Welsh Ministers, performed by Cafcass Cymru. As a result, court social work services would not be absorbed into the service in Wales. However, the user should still experience the same level of service. This will rely upon **Cafcass Cymru working closely with the Family Justice Service**, the relationship being underpinned by service level agreements.

39. **The Family Justice Service should also be responsible for the provision of publicly funded mediation and support for contact**, which is currently split between Departments.

40. The system will only deliver change if there is **a competent and capable workforce**. During the next stage of our work we shall look in more detail at:

    - workforce recruitment and supply;
    - the core skills all those in the system should have when initially trained; and
    - continuing professional development.

41. Specialisation amongst the judiciary and magistrates also has a clear part to play. We have been told that the practicality and the strain of family work make it wrong to insist on complete specialism. Nevertheless it is our view that both **judges and magistrates should be enabled and encouraged to specialise in family matters**. Careful thought needs to be given to the recruitment criteria for family judges and magistrates. Building on this, **the requirement to hear other types of work before being allowed to sit on family matters should be abolished**. **A requirement for appointment to the family judiciary should, in future, include willingness to specialise.**

42. We commend the work being done, by Professor Eileen Munro's Review and the Social Work Reform Board, to improve the quality of social work across England, and similar efforts through the Social Work Task Group in Wales.

43. There needs to be greater mutual awareness and recognition of the skills required in all the disciplines involved. There should be **inter-disciplinary induction for all those working in the system and a clearer framework for inter-disciplinary working for all those engaged in it**. **The Family Justice Service should co-ordinate the professional relationships and workforce development needs between key stakeholders**. This would ensure that an appropriate inter-disciplinary focus was developed and maintained. The changes we propose in this report will also need significant culture change to be effective.

44. Everyone in the system, including the judiciary, should **share lessons with a view to collective improvement in performance**. The Service should ensure there is a **focus on continuous learning** amongst the professionals involved in family justice, and that practice is able to adapt to changes in social trends, messages from research, demands on its services and user expectations. There should be **consistent quality standards for practice that build on local knowledge, are evidence based and replicable**. Compliance with practice guidelines should be reviewed regularly. There also needs to be a more **co-ordinated system-wide approach to research and evaluation**.

45. Adequately comprehensive and reliable management information is critical. Currently almost nothing is confidently known about performance, cost or efficiency. Paper to and within the courts flows in a way that barely reflects even the invention of computers. Individual IT systems in different agencies have different definitions (what constitutes a case for example) and do not talk to each other. **An IT system, with the ability to support the management of cases**, should be developed. In the short term, the current unsatisfactory IT systems should be adapted in a cost effective manner to get as much information as possible out of them. Robust performance information will need to be fed into the national and local boards, and the judiciary.

46. The court structure should be simplified. **A single family court** should be created, with a single point of entry, in place of the current three tiers of court. All levels of family judiciary (including magistrates) would sit in the family court and work would be allocated depending upon case complexity.

47. The Family Division of the High Court has an increasing number of cases with an international dimension. These cases may arise from the international movement of family members who are the subject of, or parties to, proceedings about children or money; some, however, arise because one or both parties choose to litigate their matrimonial dispute in the High Court of England and Wales. The panel has heard, and accepts, that where proceedings have an international element there is a continuing need for any resulting order to be seen by foreign jurisdictions to come from 'The High Court' rather than the new 'Family Court'. This is particularly so in relation to cases of international child abduction.

48. The **provision of facilities should also be more flexible, and include the use of modern technology and settings outside of the court estate for family hearings.** This should ensure that where cases do require judicial involvement the experience will be as family friendly as possible. **Hearings should be organised in the most appropriate location, routine hearings should use telephone or video technology and hearings that do not need to take place in a court room should be held in rooms that are family friendly,** as far as possible and appropriate.

49. **The establishment of the Family Justice Service also offers the opportunity to review the court estate to create, as far as possible, dedicated family court buildings.** This is likely to result in fewer buildings in fewer locations in major cities (the needs of rural areas may be different) but the greater scale would give advantages in terms of judicial continuity and speed, outweighing the disadvantages of longer travel times.

Public law

What do public law cases involve?

50. Our attention here is focused on applications made to take a child into care. These account for the majority of public law work and involve perhaps the most challenging issues that any part of the justice system has to tackle.

51. By the time that children become the subject of a care order application, they may already have experienced some of the most unacceptable kinds of human behaviour. They may have been subject to violence or sexual abuse, or have lived with people who abuse alcohol, or drugs, or both. They may be suffering from neglect, and emotionally and physically distressed. Their parents may well have faced many of these same things themselves as children. They may now be dealing with severe mental health problems and have significant physical and emotional needs. Relationships within the family may be complex, with a number of different parental figures. Violence or the threat of violence may be part of their daily lives. The problems they face will often be exacerbated by poverty, poor education, poor health and disability.

52. This is a relatively small group of people.

- There were just over 10 million children in England and Wales in 2009.
- Some 394,000 children were classified as ‘in need’ as at 31 March 2010.
- Around 70,000 children were looked after as at 31 March 2010.

53. Local authorities are under duties to put in place, where appropriate, support to safeguard and promote the wellbeing of children. Where the child is at or is likely to be at risk of significant harm there is a clear requirement to act promptly to keep the child safe. When a child is entrusted to the care of the local authority they must provide high quality care. A complex and extensive framework of duties, regulations and indicators govern their actions. They are also subject to extensive internal and external scrutiny.

54. In certain circumstances the proposed actions of the local authority require court scrutiny and authorisation. Essentially these involve the entrusting of primary responsibility for the care of a child to someone other than their birth parents. This may be the local authority (through the means of residential or foster care), care by friends or family, or by way of adoption or special guardianship. The parents do not usually consent to the proposed course of action.

55. Where a child is found to be suffering or likely to suffer significant harm the court may entrust that child's care to another. The court has to be satisfied that this action is in the child's best interests. The court will not reach that decision until it has considered the local authority's care plan for the child.

56. One of the defining characteristics of the public care system in England and Wales (in contrast to most jurisdictions overseas) is the emphasis it places on securing permanence for the child in its legal status, including permanently severing the link between child and birth family through adoption in cases where there is no parental consent. This emphasis on permanence is intended to secure stability and security for children, which is beneficial to them over the longer term. This approach has far reaching consequences for our system: it is clearly right that the courts, in making a care order, should give close scrutiny to a decision that might separate a child from his or her parents permanently.

57. The Children Act 1989 establishes mechanisms to strike a balance between the family's autonomy and the state's role in protecting children. Wherever possible and appropriate, children should be brought up by their own families. Care proceedings are to be brought only when necessary.

58. Clearly it is right that we should try to maintain the integrity of a birth family wherever possible. However, we also know that this is not always possible or in the best interests of children. Local authority care can and does provide a vital safety net for vulnerable children.

The delivery of the public law system

59. The public law system is under severe strain, as noted earlier. The time taken on average to resolve a public law case is now over a year. This figure is likely to rise in the near future.

60. Our starting point is that delay harms children. Long proceedings mean children are likely to spend longer in temporary care, are more likely to suffer placement disruption, and may miss opportunities for permanency. The longer they spend in temporary care, particularly at a young age, the more difficult it becomes to secure them a permanent and stable home. Long proceedings may mean children are subject to unsatisfactory arrangements for contact with their families. They may also delay the implementation of therapeutic and other support intended to address the harm they have suffered.

61. Not all cases can be resolved quickly. Some do need a long time to resolve the issues to reach a just solution in the best interests of the child. But these should be the exception and deliberate, not the norm and happenstance.

62. Delay has no single cause. These are very difficult cases and the stakes are high: the choice may be to remove children from their families or leave them in a home that may be unsafe. All parties involved want to make the right decision and to be confident that this has been done fairly.

63. We now have a culture, created by pressures from parents combined with decisions from the Court of Appeal (and perhaps part of a national trend), where the need for additional assessments and the use of multiple experts is routinely accepted. The increasing numbers of these coupled with the time taken to secure them – partly from the nature of the assessments and partly from a shortage of qualified experts – contributes to delay.

64. Judges have a natural tendency to look for certainty and support in making these difficult and emotionally demanding judgments, perhaps through a human desire to have the decision made unavoidable. This has been exacerbated by lack of trust in the judgement of local authority social workers, driven by concerns over the poor presentation of some assessments coming from often under-pressure staff. This increases the tendency to commission more reports and delay decisions. There is a hope that the combination of time and more expert advice will reconcile parents to accept a decision or at least to go along with it.

65. Cases involve dealing with a complex and shifting picture, in highly conflicted and fraught circumstances. Successful resolution requires strong judicial case management. This has not yet been achieved across the piece.

66. One significant result has been the ever longer and more detailed scrutiny of care plans. This, along with the numerous additional assessments, substitutes itself for, or duplicates, work which should have or has been carried out by local authorities. The consequence is a vicious circle both of mistrust and, now, of some work not being done by local authorities before a case comes to court because they know the court will order the work to be repeated.

67. This occurs in an environment where both resources and relationships are under pressure. Factors such as shortage of court capacity, delays in appointing guardians and the need to meet the various demands of both local authority and court processes create inefficiency. This is further exacerbated by wider failings in the system noted elsewhere.

68. The framework of the Children Act is still highly respected, but there is widespread lack of confidence in the way public law proceedings work. In our view respect for the paramountcy of the welfare of the child is being compromised.

The way forward

69. There is, nevertheless, much to be proud of in our system.

- The decisions to take children into care are not made lightly or arbitrarily. They are carefully considered and are subject to independent and rigorous scrutiny.

- The protection of parents' rights and interests is a clear priority. They have access to significant support particularly from their legal representatives. Legal aid is and should continue to be available to them.

- Although there are concerns about the way the child's voice is heard, their interests and rights are carefully protected through guardians and legal representation. This should continue to be available.
- We seek decisive answers and the decisions of our courts are intended to offer children a sense of permanency that some in other jurisdictions envy.
- There are strict and clear requirements on local authorities when children are in their care. Authorities are held to account for their delivery of or failure to deliver this care, through a variety of mechanisms.

- Caring for children who have experienced or are likely to suffer significant harm is a complex task and local authorities do not always get it right. But for many local authority care can and does offer a safe environment that provides them with better life chances than if they were left in the harmful care of their birth families.

70. Yet it is clear that our systems need significant change. The panel has considered whether the courts should remain the central body for taking all care decisions, and in particular, whether a local panel system sharing responsibility with the courts as in Scotland, for example, might deliver speedier and more flexible justice. We have concluded that the courts in England and Wales should retain their current central role. However, delay must be tackled and responsibilities and processes need to change. This will in turn involve both cultural and system change.

71. Courts have to balance the rights of parents and the interests of children. Too often we believe adult rights are being asserted at the expense of children's best interests. We need to redress this. Secondly judges and the representatives of both adults and children need to recognise the limitations of the law.

72. Too much time is being spent trying to predict the child's future welfare needs through the examination of the detail of the care plan. Yet circumstances change over time and so do children, in ways that often cannot be foreseen when care order decisions are being made. Courts should focus on the fundamental question whether a care order is in the child's best interests. Other means are in place to assure the welfare needs of children who cannot live with their birth families once a care order is made.

73. We need to remove unnecessary duplication. This should release resource and reduce delay. There should be clear expectations within the law and within the system as to how long cases should take.

74. The judiciary remain central to the successful management of cases. We need to equip them to take firm control of a case and manage it efficiently, enabling them to take difficult decisions in challenging circumstances.

75. Change to the courts and judiciary alone will not be sufficient. We also need to improve the control and the quality of the advice and support offered to the court by local authorities, court welfare services and independent experts.

76. Processes need to be stripped back and made sufficiently flexible to bend to the needs of the particular case. These processes need to take account of and support the wider system of which they are part.

The role of courts

77. **Courts should refocus on the core issues of whether the child or children can safely remain with, or return to, the parents or, if not, to the care of family or friends**, as intended at the time of the Children Act 1989. In determining whether a care order is in the best interests of the child the court should substantially reduce its scrutiny of the detail of the care plan. Broadly speaking we would expect the court to be satisfied that the local authority is clear in its intent whether the care plan for the child is:

- planned return of the child to their family;
- plan to place (or explore placing) a child with family or friends as carers; or
- permanent alternative care arrangements, including adoption.

78. The court should not examine detail such as:

- whether residential or foster care is planned;
- plans for sibling placements;
- the therapeutic support for the child;
- health and educational provision for the child; and
- contingency planning.

79. There should be less court focus on quality assuring the detail of the local authority's plans for the child if and when the child is given into their care. This should remove unnecessary debate from the court process, shortening cases and eliminating duplication. We make this recommendation in light of the efforts now underway, through Professor Eileen Munro's Review, the Social Work Reform Board and the work of the Welsh Assembly Government to improve social work practice across England and Wales. Local authorities will of course continue to be expected to develop and implement high quality care plans for children.

Timetabling of cases

80. First, **we seek views on whether a time limit for the completion of care proceedings within six months should be provided for in legislation**. The length of time cases now take is at a level that is simply unacceptable. While there would be a small number of cases where exemptions would need to apply, it may be valuable to state clearly in law our expectations on the time cases should take.

81. Second, within this overall time limit, **cases must be managed strictly in accordance with the 'Timetable for the Child'** so that it draws on a full set of relevant issues including particularly the age of the child. We propose to redefine the concept and strengthen its position in law.

Case management

82. Further, **we need to enable effective and robust case control by the judiciary, supported by the Family Justice Service.** We propose measures intended to:

- confirm the central role of the judge as case manager;
- simplify processes;
- develop wider system reform that will facilitate effective case management; and
- develop the skills and knowledge of judges so they will be better case managers.

83. Achievement of these aims will be supported by reforms suggested elsewhere in our report, in particular by measures to deliver judicial continuity and greater judicial specialisation, as well as improved IT and case management systems.

84. Judicial case management also needs support from court services through wider use of case progression activities. We intend also in the next stage to look at the implications of our recommendations for the Public Law Outline and we will consider how court processes can be made more flexible to reflect the needs of different types of cases.

85. To simplify care proceedings **the requirement to renew interim care orders after eight weeks and then every four weeks should be removed**. In its place we propose that the length and renewal requirements be at judicial discretion, perhaps subject to a six month maximum length before renewal is required. This would be subject to a right to apply to discharge the order in the event that circumstances change.

86. There is unnecessary duplication in the scrutiny of applications for placement orders without parental consent. **The requirement that local authority adoption panels should consider the suitability for adoption of a child whose case is to be before a court should be removed.**[2] The court already fulfils this function and to retain dual scrutiny simply hinders a child's route to a secure, loving and stable home.

Local authority contribution to the court process

87. In her final report, to be published in May, Professor Munro will set out more specific proposals intended to support local authority preparation for court.

[2] We assume that the responsibilities of the panel to approve prospective adopters and match children to adopters will remain.

These will look at the nature and type of assessments to improve the quality, particularly the analysis of the issues, presented to court. The consequence should be a reduced need to commission additional reports from others, and to give judges greater confidence in the decisions they make.

88. We have also heard positive reports of the success in some cases of the 'letter before proceedings' introduced by the Public Law Outline. However, research is needed properly to understand its effectiveness.

Use of experts

89. We need to reduce reliance on expert reports. **The criteria against which it is considered necessary for a judge to order expert reports should be made more explicit and strict.** We seek views during the consultation period on what the criteria should be and how they might be expressed.

90. **Independent Social Workers should only be employed to provide new information to the court that cannot otherwise be provided by the local authority or guardian**. **We also recommend that research be commissioned to examine the evidence base for residential parenting assessments** to help identify the circumstances in which such an assessment would be helpful, and where it would not.

91. These recommendations should help cut out unnecessary assessments. Furthermore, we believe that **the development of multi-disciplinary teams to provide expert reports to the courts has merit.** We seek views on this issue. **Judges should be responsible for instructing experts** as a fundamental part of their case management duties. **The Family Justice Service should oversee monitoring and ensuring the quality of experts**.

92. We shall explore at the next stage different approaches to court scrutiny of expert evidence that have been suggested to us.

Reform of the tandem model

93. A cornerstone of the public law system in England and Wales is the provision of a guardian and legal representative for the child in the court process, known as the tandem model. This is generally held in high regard. It is, however, under severe pressure due to rising workloads and ever longer cases. Some have challenged whether it can be sustained.

94. **The tandem model should be retained but a more proportionate approach is needed.** The core role of the guardian should be to represent and act as the child's voice in support of the court's welfare decision on whether a care order is in the child's best interests. There should be less focus on quality assuring the local authority's plans. The guardian should assist active judicial case management to deepen the court's understanding of how best to help a child within the shortest possible timescale. The core role of the solicitor should be to act as advocate for the child in court and to advise the court on legal matters. With the solicitor taking the lead in court hearings, a guardian need not always be present at court.

95. There may be a case for **the guardian to be involved pre-proceedings.** A pilot project, involving Cafcass and two local authorities, is underway. We will be monitoring the progress of this pilot before making final recommendations in this area.

96. We are also interested to explore the idea of **an 'in-house' tandem model** – where guardian and child's solicitor have the same employer – to facilitate more proportionate working between the children's guardian and child's solicitor.

97. We have found that the IRO has low visibility in the court process. **There need to be effective links between the courts and IROs if judges are to be reassured that there will be continuing scrutiny of the child's care plan. The working relationship between the guardian and the IRO also needs to be stronger.**

Alternative approaches to dispute resolution

98. Our proposals are centred on a belief that court scrutiny of decisions to remove children from their parents is vital, albeit this needs significant improvement. However, the addressing of what are often difficult welfare decisions will always pose challenges within a legal environment. **There is scope further to develop and extend the use of alternatives to court in public law.** Family Group Conferences have a role to play and **the use of mediation in child protection issues should be explored**. A review is in progress of the Family Drug and Alcohol Court in the Inner London Family Proceedings Court, in which a judge leads a rehabilitation programme for substance abusers in care cases. **This model is showing considerable promise and potentially justifies a further roll out**.

Private law

What is private family law?

99. Where marriage has irrevocably broken down, couples seek to divorce and also need to resolve any outstanding financial issues. Where a separation involves children, arrangements need to be made for their care and decisions must be reached about parenting post-separation. These are difficult, emotive issues for anyone to resolve and often bring high tension and distress. The family justice system cannot be expected to fix all of these difficulties. Instead, for those unable to resolve an issue by any other means, it must focus on ensuring the process achieves the best outcomes possible, or the least detrimental, for those involved, especially children.

100. At the same time the state must ensure, when people seek assistance to resolve disputes around separation, that there are sufficient means to identify and protect those who are at risk. The issues in private law disputes – parents raise serious welfare concerns in over half of all contact cases – can mean that the threshold for public law intervention is met, or that immediate action must be taken to safeguard the child.

Issues with the current system

101. Parents can agree arrangements for children following separation with minimal involvement from the court – in fact a study has found the great majority (around 90%) do not go to court. For the other 10% court can become the arena for drawn out intractable disputes over contact and residency of children. Parental conflict damages children. Although courts focus on encouraging parties to reach agreement, parents' perceptions of 'having their day in court' and the adversarial system can exacerbate this conflict. Furthermore, we have heard concerns from both parents and others – such as grandparents – that the length of the case means that existing arrangements become entrenched and they lose all chance of meaningful contact with a child.

102. Using the system is complicated and costly, both emotionally and financially. People enter the system because they are either forced to or are unaware of other ways of finding a resolution.

103. We need to be realistic about the limitations of the state in dealing with these cases. Judges can provide resolution of issues, by virtue of a court order, and judicial determination in family relations is unavoidable in the most difficult cases, but it is a blunt instrument. The very process of achieving a determination may itself cause further harm to the individuals involved and the arrangements may not be successful in the long term.

104. There has been a move within the current private law system to recognise that cases can and often should be diverted away from the courts where it is safe to do so. The range of support available to allow separating families to resolve disputes outside court has developed over the years to include mediation, collaborative law and Separating Parents Information Programmes. These services can support parties to resolve issues themselves through discussion and negotiation that may be more sustainable and at lower cost than going to court. At present, though, many people are made aware of these alternatives only after they have entered the court system, by which time attitudes and behaviours may be entrenched and significant cost has already been incurred.

The way forward

105. The state cannot fix fractured relationships or create a balanced, inclusive family life after separation where this was not the case before separation. Court is generally not the best place to resolve these disputes. Where possible, disputes should be resolved independently or using dispute resolution services such as mediation, when it is safe to do so. Parents who choose to use the court system must understand it will not be a panacea. Courts will only make an order where this is in the best interests of a child. Further, where the court does make an order, this may well not be in line with one or both parents' expectations or wishes. People need to expect that court should be a last resort, not a first port of call.

106. Serious child protection concerns are raised or come to light in a significant proportion of private law cases. Where there are concerns for the child's safety or for a vulnerable adult, swift and decisive action must be taken to protect them.

We intend in the coming months to investigate further this overlap between public and private law.

Principles and process

Parental responsibility

107. First and foremost, there are responsibilities that come with being a parent – to ensure that a child has the emotional, financial and practical support to thrive. These rights, duties, powers and responsibilities are recognised in the Children Act 1989 as parental responsibility (PR). PR does not disappear upon divorce or separation. The question arises, however, whether more should be said in legislation to strengthen the rights of children to a continuing relationship with both parents (and others, for example grandparents) after separation. We heard considerable evidence on this issue. On one side we heard the real distress of parents, usually fathers, who were now unable to see their children. On the other we heard from children's groups and took evidence in Sweden and Australia about the significant damage done to children when legislation creates expectations about a substantial sharing of time against the wishes of the parent with whom the child mostly lives.

108. This is a particularly emotive issue. If parents share parental care fully before separation they are more likely to do so successfully after separation. But, where the converse applies, legislation cannot change that fact. Achieving shared parenting in those cases where it is safe to do so is a matter of raising parental awareness at the earliest opportunity. The welfare of children must always come before the rights of parents. **No legislation should be introduced that creates or risks creating the perception that there is an assumed parental right to substantially shared or equal time for both parents**. But we do recommend that **there should be a statement in legislation to reinforce the importance of the child continuing to have a meaningful relationship with both parents, alongside the need to protect the child from harm.**

109. We have heard representations that **the requirement for grandparents to seek leave of the court** before making an application for contact should be removed but have concluded this **should remain**. But the importance of these and other relationships must be emphasised throughout the process of reaching Parenting Agreements (see paragraph 111 below).

110. From the outset of parenting, there needs to be a greater focus on, and awareness of, the importance of raising a child in a co-operative manner. We see value in **parents being given a short leaflet when they register the birth of their child, providing an introduction to the meaning of PR and what this means in practice**.

Parenting Agreements

111. Parents should be enabled and supported to come to a resolution and to construct a **Parenting Agreement**. This agreement would set out arrangements for the care of children post-separation, covering aspects such as education, health, finance and the arrangements for how the child is to spend time with

each parent. This is a difficult and potentially traumatising time for the children. There should be an expectation that children (having regard to their age and understanding) would participate directly in the formation of the agreement by having their views heard in a meaningful way. Children should feel consulted on decisions that will affect them, and be informed of the outcomes - especially where these are not in line with their wishes. Overall the aim of encouraging Parenting Agreements is to increase confidence and trust by focusing the parents on how their parental responsibility is to be discharged following separation, in their child's best interests, narrowing the scope of any dispute.

Changes to terms

112. **Residence and contact orders should no longer be available to parents who have PR for their child, but disputes over the division of a child's time between parents should instead be resolved by a specific issue order**. This is intended to reduce both the likelihood of long and unfocused hearings, and to move from a sense of a 'winner' in terms of 'awarding' residence and contact.

113. We plan to give further thought to how disputes should be resolved where fathers do not have PR. Our expectation is that a **father without PR who wishes the court to consider the child living with him (currently a residence order) should first apply for PR, and then negotiate for this to be included in the Parenting Agreement, or apply for a specific issue order. The full range of the four orders under section 8 of the Children Act 1989 should remain open to a father who does not have PR or to other non-parental relatives**.

The private law process

114. **An online information hub and helpline should be established** to offer support and advice in a single, easy-to-access point of reference at the beginning of the process of separation or divorce. This will help people to make informed decisions regarding how best to resolve the issues they face as part of their separation. The hub will also contain information to ensure that those who feel they are at risk can swiftly alert support services. It would collate:

- clear guidance about parents' responsibilities towards their children whether separated or not, including their roles and responsibilities as set out in legislation;
- information and advice about services available to support families, whether separated or not;
- information and advice to resolve family conflicts, including fact-sheets, case studies, peer experiences, DVD clips, modelling and interactive templates to help with Parenting Agreements;
- advice about options for supported dispute resolution, which would highlight the benefits of alternative forms of dispute resolution, including mediation, and Separated Parents Information Programmes (PIPs);
- information about court resolution, should alternative dispute resolution not be suitable, and costs of applications;

- support for couples to agree child maintenance arrangements;
- guidance on the division of assets; and
- what to do when there are serious child welfare concerns.

115. Where individuals feel, after they have accessed the hub, that they do need further help or the service of the court to resolve any outstanding issues, **it should be compulsory that they meet a mediator**, trained and accredited to a high professional standard, **who should**:
    - assess the most appropriate intervention, including mediation and collaborative law, or whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court; and
    - provide information on local dispute resolution services and how they could support parties to resolve disputes.

116. The process will allow for emergency applications to court but exemptions should be narrow.

117. Experience in Connecticut and Australia shows the importance and difficulty of this stage in assessing the risks of for example domestic violence. It is important at this point to be aware of the potential for risk, even when parties are seemingly in agreement, and to deal with safeguarding concerns appropriately.

118. Having been assessed, **parents should be required then to attend a Separated Parents Information Programme**, which should include a description of the relevant law, the court process and its likely costs. Experience shows that the programme can deter parents from court and bring them to agreement when they realise the effects on their children, the cost, and the fact that the judge will not necessarily condemn their former partner.

119. **Parents should thereafter, if necessary, attend mediation or another form of accredited dispute resolution**, for example collaborative law. The focus will be on providing support for the development of a Parenting Agreement. We would anticipate that only those cases where an exemption is raised by a professional based, for example, on welfare concerns, would proceed directly to the court process. Attendance at dispute resolution cannot be compulsory, unlike the assessment and the PIP, but the aim must be that this becomes normality. The mediator will need to be the case manager until it goes to court, if that turns out to be necessary.

120. **Mediators should at least meet the current requirements set by the Legal Services Commission. These standards should themselves be reviewed in the light of the new responsibilities being laid on mediators. Mediators who do not currently meet the LSC standards should be given a specified period in which to achieve them.**

121. Only in cases where parents are unable to agree about a specific aspect of a Parenting Agreement, or in those cases where an exemption is raised by a trained professional, will one or both of the parties be able to apply to court for a

determination on a **specific issue**. **Safeguarding checks should be completed at the point of entry into the court system**. At present they are completed by Cafcass post-receipt of information from HMCS. This should be a function of the Family Justice Service in future. These checks help to identify serious welfare concerns which should, as now, be referred to the local authority.

122. The panel has received universally positive accounts of the operation of the President's Private Law Programme, with its emphasis upon the First Hearing Dispute Resolution Appointment (FHDRA) at which the judge and a Cafcass officer intervene in order to resolve issues at that early stage. **We do not recommend any alterations in the FHDRA process**.

123. Where further court involvement is required after the FHDRA, **a 'track' system ('simple' or 'complex') to match the level of complexity of the case will apply**. The court will allocate the case to the 'simple' or 'complex' track and will also confirm the level of judiciary at which the case should proceed. With an appropriate track identified, the focus should then be on the resolution of, or determination of, the specific issue.

124. Where cases are on the complex track, we recommend that the judge who is allocated to hear the case at that second hearing be the judge for that case throughout.

125. Judges will retain the power to order parties to attend a mediation information session and **may make cost orders where it is felt that one party has behaved unreasonably**.

126. **Where an order is breached, the case should go straight back to the court, to the same judge. It should be heard within a fixed number of days, with the dispute resolved at a single hearing. If an order is breached after 12 months, the parties should be expected to return to Dispute Resolution Services before returning to court to seek enforcement.**

127. The panel was asked to consider a further issue, touched on in the recent DWP Green Paper, *Strengthening families, promoting parental responsibility: the future of child maintenance,* whether contact and maintenance should be linked. This is an emotive issue and we are grateful to those who have provided us with excellent submissions in a short time. We firmly believe, in the interests of the child, that there should be no automatic link between contact and maintenance. However, when contact is continually frustrated and it is in the child's best interests, we think there is a case for providing **an additional enforcement mechanism for the courts to alter or suspend the payment of maintenance via the Child Maintenance Enforcement Commission**.

Ancillary relief

128. Those in dispute about money or property **should access the information hub and be assessed for mediation** in the same way as set out above.

129. Changes to the substance of the law in relation to ancillary relief are outside the scope of this Review. But the panel heard suggestions that legislative change to

establish a codified framework could reduce the need for judicial determination. **The panel believes government should explore this further**.

Divorce processes

130. **The process for initiating divorce will begin with the hub and should be dealt with administratively in the Family Justice Service, unless the divorce is disputed**.

131. **The panel proposes removing the current two-stage process of decree nisi and decree absolute, replacing this with a single notice of divorce.**

Fees

132. **Fees in private law should in principle reflect the full cost of services**. However, this will depend on achieving a better understanding of costs, affordability and an appropriate remissions policy.

Financial Implications

133. It is not possible to cost our proposals in the absence of information about the costs of the current system, but we believe that by removing duplication, refocusing the court's attention and encouraging other methods of dispute resolution costs will be reduced. We will continue to work on this in the coming months.

Implementation

134. These recommendations have the potential for fundamental change to the family justice system in England and Wales. They are not straightforward. Time and effective planning will be needed to ensure successful implementation. Some recommendations will need primary legislation; others can be implemented quite quickly. A phased approach within a timetable for change will be important, as will clear direction and leadership, mirroring that required in the Family Justice Service, and recognising the fragility of the current system, the pressures on it, and the scale of change that needs to be achieved.

iii Family Justice Review – List of recommendations

- We strongly endorse the continuing value of the framework and core principles of the Children Act 1989. (Paragraph 2.21)

A Family Justice Service

- There should be a Family Justice Service. (Paragraph 3.2)
- The Family Justice Service should ensure that the interests of children and young people are at the heart of its operation. (Paragraph 3.4)
- Children and young people should be given age appropriate information which explains what is happening when they are included in disputes being dealt with by the Family Justice Service. (Paragraph 3.7)
- Children and young people should as early as possible in a case be supported to be able to make their views known and older children should be offered a menu of options, to lay out the ways in which they could – if they wish – do this. (Paragraph 3.12)
- The Ministry of Justice should sponsor the Family Justice Service. There will need to be close links at both Ministerial and official level with the Department for Education and Welsh Assembly Government. (Paragraph 3.27)
- Safeguards should be built in to ensure the interests of the child are given priority in guiding the work of the Family Justice Service. (Paragraph 3.28)
- The Service should be led through a Family Justice Board and a Chief Executive. (Paragraph 3.36)
- The current range of groups and meeting arrangements should be streamlined through the creation of the Family Justice Service to subsume the work currently performed by the Family Justice Council, Local Family Justice Councils, Family Court Business Committees, the National Performance Partnership, Local Performance Improvement Groups and the President's Combined Development Board. (Paragraph 3.43)
- Local Family Justice Boards should be established, with consistent terms of reference and membership. They should work closely with Local Safeguarding Children Boards. (Paragraph 3.43)
- A dedicated post – a Senior Family Presiding Judge – should report to the President of the Family Division and the Senior Presiding Judge on the effectiveness of family work amongst the judiciary. (Paragraph 3.53)
- Family Division Liaison Judges should be renamed Family Presiding Judges, reporting to the Senior Family Presiding Judge on performance issues in their circuit. (Paragraph 3.53)
- Judges with leadership responsibilities should have clearer management responsibilities. There should be stronger job descriptions, detailing clear expectations of management responsibilities and inter-agency working. (Paragraph 3.54)

- Information on key indicators such as case numbers per judge, court and area, case lengths, numbers of adjournments and number of experts should support this approach to judicial case management. (Paragraph 3.55)
- There should be judicial continuity in all family cases. The High Court will be an exception but this should be limited as far as possible. This recommendation applies also to legal advisers and benches of magistrates. (Paragraph 3.60)
- Robust case management by the judiciary should be supported with consistent case progression resource. (Paragraph 3.63)
- Legislation should be considered to provide for stronger case management provision in respect of the conduct of both public and private law proceedings. (Paragraph 3.65)
- Criteria should be established for the allocation of resource to the family judiciary and budgets should be set in terms of money, not in sitting days. (Paragraph 3.75)
- Budgets, including family legal aid, should, over time, be consolidated into the Family Justice Service. Decisions on spending should also be taken at the most local level possible. (Paragraph 3.76)
- Charges to local authorities for public law applications and to Cafcass for police checks should be removed. (Paragraph 3.86)
- Court social work services should form part of the Family Justice Service, subsuming the role currently performed by Cafcass. These functions will continue to be a devolved responsibility of the Welsh Assembly Government, performed by Cafcass Cymru. But there should be a close working relationship between Cafcass Cymru and the Family Justice Service, underpinned by service level agreements. (Paragraphs 3.104, 3.105)
- The Family Justice Service should be responsible for procuring publicly funded mediation and support for contact. (Paragraphs 3.106, 3.107)
- Judges and magistrates should be enabled and encouraged to specialise in family matters. (Paragraph 3.113)
- The requirement to hear other types of work before being allowed to sit on family matters should be abolished. A requirement for appointment to the family judiciary should, in future, include a willingness to specialise. (Paragraph 3.113)
- There should be inter-disciplinary induction for all those working in the system and a clear framework for inter-disciplinary working for all those engaged in it. The Family Justice Service should co-ordinate the professional relationships and workforce development needs between key stakeholders. (Paragraph 3.118)
- There should be quality standards for system-wide processes that build on local knowledge, are evidence-based and replicable. Compliance with practice guidelines should be reviewed regularly and this should include the role and performance of local authorities and wider users. There also needs to be a more co-ordinated and system-wide approach to research and evaluation. (Paragraphs 3.127, 3.128)
- An integrated IT system, with the ability to support management of cases, should be developed. In the short term, current IT systems should be adapted in a cost effective manner. (Paragraph 3.142)

- Robust performance information should be fed into the national and local boards, and the judiciary. (Paragraph 3.142)
- A single family court should be created, with a single point of entry, in place of the current three tiers of court. All levels of family judiciary (including magistrates) should sit in the family court and work would be allocated depending upon case complexity. (Paragraph 3.151)
- Some cases, particularly those with an international element or where, under the High Court's inherent jurisdiction, life and death decisions are made, should be described as being determined in the High Court, Family Division rather than in the single Family Court. (Paragraph 3.152)
- Court hearings should be organised in the most appropriate location. Routine hearings should use telephone or video technology wherever possible, and hearings that do not need to take place in a court room should be held in rooms that are family friendly as far as possible and appropriate. (Paragraph 3.159)
- The estate for family courts should be reviewed to reduce the number of buildings in which cases are heard, to promote efficiency, judicial continuity and specialisation. Exceptions should be made for rural areas where transport is poor. (Paragraph 3.161)

Public law

- Courts must continue to play a central role in public law in England and Wales. But this role should be refocused, with changes in the ways of working that will affect the family justice system more widely. (Paragraph 4.144)
- Courts should refocus on the core issues of whether the child is to live with parents, other family or friends, or be removed to the care of the local authority. Other aspects and the detail of the care plan should be the responsibility of the local authority. (Paragraph 4.160)
- A time limit for the completion of care and supervision proceedings within six months should be put into legislation. (Paragraph 4.176)
- Cases must be managed and timetabled strictly in accordance with the ‘Timetable for the Child’. This concept needs to be redefined and given greater legal force. (Paragraph 4.185)
- The Family Justice Service should manage the task of developing and maintaining the detailed criteria that will support judges in drawing up the Timetable. (Paragraph 4.192)
- We propose a package of measures intended to enable effective and robust case control by the judiciary in public law cases:
    - courts should strengthen the use of the case progression function; (Paragraph 4.206)
    - courts must continue to work to apply the PLO. We intend at the next stage to consider the implications of our proposals for the PLO; (Paragraph 4.208)
    - the requirement to renew Interim Care Orders after eight weeks and then every four weeks should be removed. Judges should be allowed discretion to grant

interim orders for the time they see fit subject to a maximum of six months. The courts' power to renew should be tied to their power to extend proceedings beyond six months; (Paragraph 4.210) and

- we need to develop the skills and knowledge of judges so they will be better case managers. We shall consider this in public law, in the context of wider workforce skills, in the coming months. (Paragraph 4.214)

- The requirement that local authority adoption panels should consider the suitability for adoption of a child whose case is before the court should be removed. (Paragraph 4.212)
- We support Professor Eileen Munro's recommendations in *'The Child's Journey'* about how local authorities can contribute to reducing delays in care proceedings. (Paragraph 4.220)
- We encourage use of the 'letter before proceedings'. We recommend research be undertaken about its impact. (Paragraph 4.226)
- We recommend that judges should be given clearer powers to enable them to refuse expert assessments and the relevant legislative provisions revised accordingly. (Paragraph 4.227)
- Independent Social Workers should only be employed to provide new information to the court, not as a way of replacing the assessments that should have been submitted by the social worker or the guardian. The relevant rules should reflect this. (Paragraph 4.228)
- Research should be commissioned to examine the value of residential assessments of parents. (Paragraph 4.230)
- The development of multi-disciplinary teams to provide expert reports to the courts has merit. (Paragraph 4.233)
- The judge should be responsible for instructing experts as a fundamental part of case management. (Paragraph 4.239)
- The Family Justice Service should be responsible for identifying and commissioning experts, working closely with local judges to ensure a focus on quality, timeliness and value for money. Multi-disciplinary teams may well have value. (Paragraph 4.240)
- The tandem model should be retained but it needs to be used in a more proportionate way. (Paragraph 4.247)
- The merit of using guardians pre-proceedings needs to be considered further. (Paragraph 4.260)
- The merit of developing an 'in-house' tandem model needs to be considered further. (Paragraph 4.261)
- There need to be effective links between the courts and IROs and the working relationship between the guardian and the IRO needs to be stronger. (Paragraph 4.269)
- There should also be more formal arrangements within local authorities to ensure that the most senior levels, including the Director for Children's Services and the

Lead Member, keep fully in touch with how care plans are being implemented. The IRO has a potential role to play here. (Paragraph 4.270)

- Alternatives to some current court processes should be developed and extended:
  - Family Group Conferences can be useful although their effectiveness needs more research; (Paragraph 4.279)
  - formal mediation approaches in public law proceedings may have potential; (Paragraph 4.285) and
  - the Family Drug and Alcohol Court in the Inner London Family Proceedings Court shows considerable promise. (Paragraph 4.290)

Private law

- No legislation should be introduced that creates or risks creating the perception that there is a parental right to substantially shared or equal time for both parents. (Paragraph 5.76)
- A statement should be inserted into legislation to reinforce the importance of the child continuing to have a meaningful relationship with both parents, alongside the need to protect the child from harm. (Paragraph 5.77)
- The need for grandparents to apply for leave of the court before making an application for contact should remain. (Paragraph 5.82)
- Parents should be given a short leaflet when they register the birth of their child, providing an introduction to the meaning and practical implications of parental responsibility (PR). (Paragraph 5.86)
- Parents should be encouraged to develop a Parenting Agreement to set out arrangements for the care of their children post-separation. (Paragraph 5.90)
- Residence and contact orders should no longer be available to parents who hold PR, but disputes over the division of a child's time between parents should instead be resolved by a specific issue order. (Paragraph 5.95)
- The terms, forms and evidence required by the court should also be reviewed to reduce their contribution to conflict. (Paragraph 5.95)
- A father without PR who wishes the court to consider the child living with him (currently a residence order) should first apply for PR, and then negotiate for this to be included in the Parenting Agreement or apply for a specific issue order. If a father does not wish to seek PR he is still able to make a contact application. (Paragraph 5.97)
- The full range of the four orders under Children Act 1989, section 8 should remain available to non-parental relatives. (Paragraph 5.99)
- An online information hub and helpline should be established to give information and support for couples to resolve issues following divorce or separation outside court. (Paragraph 5.114)
- Provision should be made to ensure that a signed Parenting Agreement has weight as evidence in any subsequent parental dispute. (Paragraph 5.118)
- 'Alternative dispute resolution' should be rebranded as 'Dispute Resolution Services', in order to minimise a deterrent to their use. (Paragraph 5.123)

- Where intervention is necessary it should be compulsory for the parties to attend a session with a mediator, trained and accredited to a high professional standard, who should:
  - assess the most appropriate intervention, including mediation and collaborative law, or whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court; and
  - provide information on local Dispute Resolution Services and how they could support parties to resolve disputes. (Paragraph 5.125)
- Judges will retain the power to order parties to attend a mediation information session and may make cost orders where it is felt that one party has behaved unreasonably. (Paragraph 5.125)
- The mediator tasked with the initial assessment will need to be the case manager until an application to court is made. (Paragraph 5.127)
- The assessment will allow for emergency applications to court but the exemptions should be narrow. (Paragraph 5.129)
- Those parents who are still unable to agree should next attend a Separating Parent Information Programme and thereafter if necessary mediation or other dispute resolution service. (Paragraph 5.131)
- Mediators should at least meet the current requirements set by the Legal Services Commission. These standards should themselves be reviewed in the light of the new responsibilities being laid on mediators. Mediators who do not currently meet those standards should be given a specified period in which to achieve them. (Paragraph 5.135)
- Where agreement cannot be reached, having been given a certificate by the mediator, one or both of the parties will be able to apply to court for determination on a specific issue. (Paragraph 5.139)
- Safeguarding checks should be completed at the point of entry into the court system for cases involving children. (Paragraph 5.142)
- The First Hearing Dispute Resolution Appointment (FHDRA) should be retained. Where further court involvement is required after this, the case will be allocated to a track system according to complexity. (Paragraph 5.146)
- Where cases are on a complex track, the judge who is allocated to hear the case after a First Hearing Dispute Resolution Appointment must remain the judge for that case. (Paragraph 5.148)
- Where an order is breached, a party should have access to immediate support to resolve the matter swiftly and the current enforcement powers should be available. The case should be heard within a fixed number of days, with the dispute resolved at a single hearing. If an order is breached after 12 months, the parties should be expected to return to Dispute Resolution Services before returning to court to seek enforcement. (Paragraphs 5.159, 5.160)
- There should be no automatic link between contact and maintenance. When contact is continually frustrated and it is in the child's best interests, the courts should have an additional enforcement mechanism available to enable them to alter or suspend the payment of maintenance. (Paragraph 5.166)

- People in dispute about money or property should be expected to access the information hub and should be required to be assessed for mediation. (Paragraph 5.169)
- Ancillary relief should be separately reviewed. (Paragraph 5.172)
- The process for initiating divorce should begin with the online hub and should be dealt with administratively in the Family Justice Service, unless the divorce is disputed. (Paragraph 5.175)
- The current two-stage process of decree nisi/decree absolute should be replaced by a single notice of divorce. (Paragraph 5.176)
- Fees in private law should in principle reflect the full cost of services. However, this will depend on achieving a better understanding of costs, affordability and an appropriate remissions policy. (Paragraph 5.178)

P-03-256 Trenau ychwanegol i Abergwaun

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i ddarparu arian ar gyfer pum trên ychwanegol y dydd i Abergwaun.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-256.htm

Cynigwyd gan: Sam Faulkner a Joanne Griffiths

Nifer y llofnodion: 10 (yn ogystal, casglodd deiseb gysylltiedig 1,317 o lofnodion.)

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y cyn Ddirprwy Brif Weinidog, ac mae wedi'i chynnwys isod.

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-256
Ein cyf/Our ref SF/DFM/0081/11
Christine Chapman AM
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

28 March 2011

Dear Christine,

Petitions Committee P-03-256 – Additional Trains to Fishguard

I last wrote to you about the Petitions Committee and additional trains to Fishguard on 25 October. In that letter I said that my officials were refreshing the previous business case and that I would write to you again with details of the findings when the refreshed business case is available.

I am pleased to be able to enclose a copy of the refreshed business case report with this letter.

In order to perform the business case calculations, ATW produced costings and a draft timetable. The timetable is workable, but we are seeking to develop a number of alternative options with ATW, on which we will then consult the local community and user groups.

It is fair to say that demand for additional Fishguard services remains an unknown quantity. There is no proven accurate demand forecasting that can predict whether additional services would be taken up, and if they were, whether they would be used for commuter or leisure/social purposes, or what the likely levels of patronage would be.

Nonetheless, there are some positive considerations within the business case refresh, and I have also considered the range and weight of support for additional services from within the local community, as expressed in Committee and Plenary, and elsewhere.

I am pleased therefore to confirm that I have decided to fund five additional train services in both directions, Monday – Saturdays, which are in addition to the two current boat train services. These additional services will commence in September 2011.

We will undertake a review of the services after the third year of the scheme to identify demand and passenger numbers, the nature of trips taken, and will at that time seek further community and user views.

Bae Caerdydd • Cardiff Bay
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PS.DeputyFirstMinister@wales.gsi.gov.uk

The community consultation on the timetable will begin in April, and will last for two months.

I am pleased to be able to deliver these rail improvements for the people of South West Wales. I hope that the additional trains will indeed be popular.

I am grateful for the Committee's contribution to this.

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

Fishguard Passenger Rail Service Enhancements – Business Case Refresh

The Welsh Assembly Government has undertaken a refresh of the business case for additional train services to Fishguard, following an initial appraisal by Jacobs consultants for SWWCRP/SWWITCH in 2007. This refresh was undertaken in discussion with the regional transport consortium – SWWITCH – and Arriva Trains Wales.

The refresh has been undertaken using the Welsh Transport Appraisal Guidance (WelTAG) to calculate the economic, social and environmental benefits of the proposal. In terms of economic impacts there is a calculation of benefits to cost ratios. These only represent those impacts that can be monetised and, there are broader positive social and environment impacts that would provide further benefits (but which can not be monetised). The appraisal methodology embraces environmental and social benefits so as to broaden the basis for decision making beyond narrow economic value for money.

The overall conclusion of the refresh is an appraisal result for an additional 5 services per day to/from Fishguard (additional to the current daytime and night boat train connections) with the following key outcomes -

- In terms of economic appraisal, a Benefits to Costs Ratio (BCR) of 0.91 to 1 in terms of forecast economic costs and benefits, *excluding* benefits accruing outside Wales. In other words, for every £1 invested the value of the benefits forecast as realised within Wales is 91p. This is a slightly negative business case economic appraisal result;

- Additionally in terms of economic appraisal, a Benefits to Costs Ratio (BCR) of 1.57 to 1 in terms of forecast economic costs and benefits*, including* benefits accruing outside Wales. In other words, for every £1 invested the value of the benefits forecast as realised within *and*

beyond Wales is £1.57p. This is a moderately positive business case economic appraisal result;

- With reference to social and environmental factors, the refresh indicated other overall moderately positive WelTAG benefits ranging from slight adverse environmental impact to moderate beneficial in terms of economic, locational and social impacts. These anticipated non-monetary benefits add to the value of the return on investment but in a way which may not be quantified.

- The appraisal is based on actual costings provided by ATW for additional services provided by a two-car Class 150 train. It includes standard discounting to Net Present Value over a ten-year discounting period.

A summary of the economic appraisal results is set out in the table below.

Updated Economic Appraisal Results (Class 150 unit) £000s

	Excluding benefits outside Wales	**Including benefits outside Wales**
Costs £PV	10,720	10,720
Revenue £PV	470	470
Net Financial Effect £PV	10,249	10,249
Indirect Govt. Impact £PV	-402	-402
Present Value Costs	**9,847**	**9,847**
Passenger & Decongestion benefits £PV	**8,926**	**15,154**
Net Present Value £NPV	**-921**	**5,509**
Benefits to Costs Ratio (BCR)	**0.91**	**1.57**

The appraisal results, in terms of the range of forecast economic return on investment do not amount to a compelling justification for present investment. The other overall moderately positive WelTAG benefits add to the value of the benefits forecast, but not in a monetary way. Furthermore, it is worth noting that it is sometimes difficult accurately to estimate potential demand for some types of new train services, and we believe that Fishguard falls into this

category as it has a very limited train service at present which is timed to connect too/from the midday and midnight ferry services.

In some cases, we have seen rail services outperform all expectations of demand, and a good example of this is the start of passenger services on the Ebbw Valley Railway in 2008.

In order for the refresh calculations to be undertaken, ATW submitted a draft timetable and costings. The timetable is workable, but indicative only. A proposed community and user group consultation would allow consideration of other timetable options and inform the final detail. The indicative draft timetable is set out below –

Fishguard Harbour services – draft timetable*							
	new	**new**	**new**	**ferry**	**new**	**new**	**ferry**
Swansea	-	-	07:50	***(11:00)***	*(13:02)*	17:35	**23:45**
Carmarthen	05:53	*(05:58)*	08:40	**-**	*(13:44)* 14:12	18:27	**00:33**
Clarbeston Road	06:21	*(06:27)* 07:33	09:32	**-**	14:44	19:02	**-**
Fishguard	06:43	07:55	09:59	**13:21**	15:07	19:29	**01:29**
Fishguard	06:53	08:05	10:04	**13:30***	15:28	19:34	**01:50**
Clarbeston Road	07:14 *(07:26)*	08:24	10:23	**-**	15:47	19:53	**-**
Carmarthen	*(07:57)*	08:56	10:57 *(11:04)*	**14:25**	16:20	20:29 *(20:39)*	**02:44**
Swansea	*(08:48)*	09:50	*(11:51)*	***(15:23)***	17:22	*(21:33)*	**03:29**

Note 1. - times in brackets and italics are connection times
Note 2. – For Swansea from 1330 Fishguard boat train, change at Whitland (arr14:02 dep 14:11) for 15:23 arr Swansea.

The additional services could be launched from September 2011. There would be a review after the third year, which would again seek community and user views, to identify demand and passenger numbers and the nature of trips taken.

P-03-263 Rhestru Parc y Strade

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog y Gweinidog dros Dreftadaeth i roi statws rhestredig i Barc y Strade, er mwyn diogelu treftadaeth y maes rygbi byd enwog a'r eicon diwylliannol hwn i bobl Cymru.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-263.htm

Cynigwyd gan: Mr V Jones

Nifer y llofnodion: 4,383

Y wybodaeth diweddaraf: Cafwyd gohebiaeth gan y cyn Weinidog dros Dreftadaeth.

Alun Ffred Jones AC/AM
Y Gweinidog dros Dreftadaeth
Minister for Heritage

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-263
Ein cyf/Our ref AFJ/00265/11

Christine Chapman AM

Chair - Petitions Committee
National Assembly for Wales
Cardiff Bay
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29 March 2011

Dear Christine,

Thank you for your letter of 18 March asking for an update on Cadw's work on identifying sites of historic interest.

I can assure the Committee that work is in hand in Cadw but, following detailed consideration, my officials are working on guidance which will be fuller than originally planned and which we hope will be more helpful.

Rather than working on guidance on sporting sites solely to inform the registration of historic parks and gardens, my officials are now in fact working up draft guidance for all types of sites of sporting interest, which will inform the listing of buildings, as well as parks and gardens registration. My officials are also considering whether there is a need to address the significance of sports heritage by means other than designation, possibly through local lists held by local authorities or other recognition through the local planning process or recording.

Drafting is in hand but this will be informed also by research currently being undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales into the history of sport in modern Wales. This research is due to be published in a book in October this year and Cadw expects to consult on its comprehensive guidance on the protection of sports heritage by the same time.

I hope that this is helpful, although the approach is, of course, subject to the wishes of the new Government.

Bae Caerdydd • Cardiff Bay
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English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
correspondence.alun.ffred.jones @wales.gsi.gov.uk

Separately, but given the Committee's interest in the demolition of unlisted buildings outside conservation areas, it may be interested to know about a recent Court of Appeal case in England. Officials have advised me that last Friday the Court of Appeal made a ruling which appears to raise questions about whether proposals for the demolition of buildings should require planning permission and assessment under the Environmental Impact Assessment regime. My officials, with colleagues in the Welsh Assembly Government's Planning Division, are seeking further information on the details of the case and the terms of the judgment in order to assess the implications of the ruling and to advise Ministers in due course.'

Sincerely,

Alun Ffred

Alun Ffred Jones AC/AM
Y Gweinidog dros Dreftadaeth/Minister for Heritage

P-03-271 Ardrethi Busnes yn Arberth

Geiriad y ddeiseb

> Rydym ni, sy'n talu ardrethi busnes yn Arberth, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cynulliad Cymru i asesu effaith y newidiadau mewn gwerthoedd ardrethol ar fusnesau'r dref. Dylai'r asesiad hwn gynnwys yr effaith ar swyddi ac ar gau busnesau.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-271.htm

Cynigwyd gan: Siambr Fasnach Arberth

Nifer y llofnodion: 91

Y diweddaraf: Cafwyd gohebiaeth gan Asiantaeth y Swyddfa Brisio a Siambr Fasnach Arberth.

Penny Ciniewicz
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Valuation Office Agency

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Naomi Stocks
Clerk of the Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Our Ref: 11743838.1/CEO
Your Ref: P-03-271/286

19 April 2011

Petitions: Business Rates in Narberth / Ceredigion Business Rates

Thank you for your letter of 5 April 2011 regarding the two related petitions being considered by the Committee, calling for the Welsh Government to undertake an impact assessment into how businesses in Narberth and Ceredigion have been affected by changes in rateable values.

You asked whether the Valuation Office Agency (VOA) may have carried out some form of impact assessment before the 2010 revaluation exercise and, if so, whether the findings could be shared with you. The VOA did not, and would not be required to, carry out such an assessment for a number of reasons and I hope the explanations below help to clarify why.

VOA carries out property valuations independent of the tax administration and policy arms of government; delivering the local taxation policy set by WAG for Wales and Department for Communities and Local Government (DCLG) for England, covering business rates and council tax assessments and providing a robust basis for billing and collection by Local (Billing) Authorities. The independent nature of the Agency – distinct from the Billing Authorities and WAG/ DCLG – ensures a clear separation between VOA which determines valuations, the bodies that taxpayers may appeal to on these valuations (Valuation Tribunals and High Court), those that are responsible for the billing, collection and enforcement of the actual taxes or benefits, and the policy makers.

VOA assesses rateable values in accordance with legislation. Broadly speaking, a rateable value reflects the annual rent at a date set in legislation, and we collect local rental evidence to enable us to carry out these valuations. The rateable values are then used as the basis for calculating business rates liability, with matters relating to liability, including administering Small Business Rate or other relief schemes, and collection being carried out by Local (Billing) Authorities.

Rating revaluation of all non-domestic properties in Wales and England is carried out every five years, the dates for which are set in statute. The current Rating Lists came into effect on 1 April 2010 with a set valuation date of 1 April 2008, previously – for 2005 – that valuation date had been 1 April 2003, so rateable values at a revaluation will reflect changes in the property market over that period.

Although mindful of the effects a revaluation may have on ratepayers, the VOA does not carry out impact assessments in relation to rating revaluations, as there is no basis for us to do so and such an impact assessment could have no bearing on the level of rateable values, which cannot be influenced by factors not directly affecting rental values. The statutory role is to accurately compile and maintain Rating Lists.

It may also be helpful to know that, in late 2009, in preparation for the revaluation coming into effect, for the areas referred to in the Petition and others that saw increases in rateable value between the two Rating Lists (that is the previous 2005 and the current 2010 List) VOA had an active programme of meetings and informal discussions with ratepayers and local trade associations, such as Chambers of Commerce and Trade. We did this to explain the basis for revaluation and in that process gathered further rental information to help confirm or review the initial conclusions that had been reached on rateable values.

In Narberth, it has not been possible to reach agreement with all ratepayers of shops in the central area and those appeals that are unresolved have resulted in ongoing dialogue. Some of these appeals are due to be heard by the independent Valuation Tribunal for Wales during May 2011.

In the County of Ceredigion similar informal meetings have been held with chamber of trade members in the main towns such as Aberystwyth and our staff have also attended a meeting of the Economic Development Committee, a public forum, in order to explain the 2010 Revaluation and offer the opportunity to members locally to speak to VOA staff. Discussions in Cardigan with a chartered surveyor who is representing a significant number of the shop owners in the town have been offered by VOA senior rating colleagues but have not yet taken place, but we are very willing to engage further here.

Finally in those cases where there is evidence of hardship VOA will endeavour, working with the Valuation Tribunal (Wales), to fast track the consideration of those appeals.

I trust this brief explanation is of assistance to you.

Penny Ciniewicz

PRIF WEITHREDWR / CHIEF EXECUTIVE

NARBERTH CHAMBER OF TRADE

Established 31st May 1922

Chairman: **David Norcross**
01834861057
d.norcross@lineone.net

Vice Chair: **Anthony Ryan**
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wisebuys@fsmail.net

Secretary: **Gordon Barry**
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Bodringallt,
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Treasurer: **John Williams**
01834860228
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Naomi Stocks
Clerk, Petitions Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA.

Your ref: P-03-271
Tuesday, 10 May 2011

Dear Ms Stocks,

PETITION: P-03-271 Business Rates in Narberth

Thank you for your letter of the 5th April 2011, informing us of the latest update to our petition by the third Assembly and its progress to the forth Assembly.

You have asked for our views on the latest correspondence.

1) Carl Sargeant AM – Minister for Social Justice & Local Government. Letter 14 March 2011
The Chamber is more than happy to support SBRR for Wales. It noted that the research by the University of Cumbria carried out its survey in May of 2010; one month after the 2010 business rate revaluation became effective and possibly before the impact of the revaluations had been fully realised.
However the following paragraph sums up the Narberth and Pembrokeshire problem

"7.8.5 The group also acknowledges that the current system equitably supports Welsh SMEs of various sizes in the most practical and accessible method currently available. So the current bands for rates relief are probably about right (pre revaluation) and do not need amending."

2) Chief Executive Ceredigion County Council. Letter 14th march 2011
Whilst grateful for the support of Ceredigion with the similar petition to ours, we do appreciate the difficulties associated with conducting a meaningful assessment 'county wide' given the distorting effects of SBRR and its extensions.

3) Leader Pembrokeshire County Council. Letter 11th March 2011
The Chamber is particularly appreciative of the Leaders support for Narberth and the understanding of the revaluation difficulties. His suggestion for a reintroduction of the Rural Rate Relief Scheme is worthy of further investigation.

The last Committee meeting agreed to:
"Write to the Valuation Office Agency to ask if any impact assessment was undertaken before the 2010 revaluation of Non-Domestic Rates."
It would be useful if the VOA could provide more detailed information on the 2010 Welsh revaluation increases, particularly for retail businesses, possibly town by town.

To once again reiterate; the particular problem highlighted by Narberth town is the very large and sudden increase in rateable value. So large that it puts the majority of retail businesses outside any current relief schemes.

Thus before April 2010 there were 5 businesses on Narberth High Street with Rateable Values above £12,000 (with a max RV of £23,500)
This changes to 31 businesses with RV above £12,000 (with a max of £73,000) as of April 1st 2010.

Taxation is usually based on the 'ability to pay' In our case and that of other Welsh businesses hit with massive revaluations it will be increasingly difficult to so do.

Considering that only 2,570 Welsh businesses had revaluations of more than 100% (The Ministers figures) it would seem sensible to specifically target them rather than adjusting the rate relief qualifying bands.

Please may our petition go forward to the forth Assembly.

Thank you,

Gordon Barry.
Secretary to Narberth Chamber of Trade.

NARBERTH CHAMBER OF TRADE

Established 31st May 1922

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Naomi Stocks
Clerk, Petitions Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA.

Thursday 12th May 2011
Your ref: P-03-271

Dear Ms Stocks,

PETITION: P-03-271 Business Rates in Narberth
Update 12 May 2011

Thank you for your Email of the 10th May 2011, where correspondence from the Valuation Office Agency was attached.
I would wish to update our response in light of the information in this letter.

The Chamber fully understand the Valuation Office Agency's remit to carry out the assessment of rateable values in accordance with legislation and that it is carried out independently of billing, collection and policy etc. That it was their task to gather hard information to enable recalculation of the business rateable values for properties.

We are also appreciative of the most helpful way in which the VOA has worked with Chambers and other business groups. Indeed we would like to thank Mr Brian Jones and Mr Bradley Davies for their support, interest and help with our problems, whilst understanding the constraints that they have to work to.

However it would be worthwhile using the data gathered by the VOA, as the result of the rate revaluation calculations, to further investigate the impact of the changes on Welsh SME's.

It would then be easier to target support by identifying the various business sectors / geographical area's / even rateable value charged, where those rateable value increases have greatly exceed the norm.

For example.

- Number of Business rates that have increased by 100%
- Number of 'retail' Business rates that have increased by 100%
- Number of 'holiday' Business rates that have increased by 100%

Each looked at by the totals for Wales, Pembrokeshire and Narberth.

Then to look at the effects on specific area most affected i.e. 'retail' and 'holiday' SME's with (say) a 2005 Rateable value of less than £5,000. who have then suffered increases of greater than 100%

In this way it may be possible to reconcile the problem of some SME's who have had small increases or even decreases in their business rates, benefiting from substantial rate relief (SBRR etc) whilst others who have had huge increases in business rates cannot benefit as their rateable value now exceeds the upper limit for qualification and thus puts them beyond any relief.

These figures would help with providing useful background information for our original petition request by targeting specific areas for further examination.

Thank you,

Gordon Barry.
Secretary to Narberth Chamber of Trade.

P-03-286 Ardrethi Busnes Ceredigion

Geiriad y ddeiseb

Rydym ni, sy'n talu ardrethi busnes yng Ngheredigion, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cynulliad Cymru i asesu effaith y newidiadau mewn gwerthoedd ardrethol ar fusnesau Ceredigion.

Dylai'r asesiad hwn gynnwys yr effaith ar swyddi ac ar gau busnesau.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-286.htm

Cynigwyd gan: Busnesau sy'n talu ardrethi busnes yng Ngheredigion

Nifer y llofnodion: 68

Y diweddaraf: Cafwyd gohebiaeth gan Asiantaeth y Swyddfa Brisio a Siambr Fasnach Arberth.

P-03-288 Strategaeth Genedlaethol ar Fyw'n Annibynnol

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cynulliad Cymru i gyflwyno strategaeth genedlaethol ar fyw'n annibynnol sy'n cydnabod hawliau cyfartal pobl anabl i fyw yn y gymuned, gyda'r un dewisiadau â phobl eraill, ac i sicrhau y gwneir hyn drwy fesurau effeithiol a phriodol.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-288.htm

Cynigwyd gan: Disability Wales

Nifer y llofnodion: 719

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y Dirprwy Weinidog dros Wasanaethau Cymdeithasol a chan y deisebwyr.

Gwenda Thomas
Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol
Deputy Minister for Social Services

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-288
Ein cyf/Our ref GT/00233/11

Clerking Team
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

petition@Wales.gov.uk

23rd April 2011

I refer to your letter of 18 March, and the correspondence enclosed from Disability Wales in support of their petition for a National Strategy for Independent Living.

I note the points raised by Disability Wales, and can fully understand their desire for a National Strategy on Independent Living. However, as I outlined in my letter of 22 February the Equality Act 2010 marks a change in the equality landscape and we believe that taking this work forward within the new legislative context will ensure that positive outcomes are effectively delivered in Wales across all Welsh Assembly Government portfolios.

Yours sincerely

Gwenda.

Gwenda Thomas

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
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Correspondence.Gwenda.Thomas@Wales.gsi.gov.uk

Dear Naomi & Rhodri,

Please find attached our response to your letter of 5 April 2011, which sought DW's views on the Government's proposed approach to addressing the concerns raised by our petition.

I have appended DW's evidence to the Joint Committee on Human Rights inquiry into implementation of the right to Independent Living for the Committee's further consideration.

Kind regards,

Paul

P-03-288 National Strategy on Independent Living

Disability Wales (DW) values this further opportunity to respond to the Government's proposals for addressing the issues raised in our petition for a National Strategy on Independent Living, as outlined in the Deputy Minister for Social Services' letter of 22 February 2011.

The Government's proposal is to protect disabled people's right to Independent Living and achieve improved service outcomes by imposing specific public sector duties on public authorities under the Equality Act 2010.

As the Deputy Minister states, this legislation aims to "protect the rights of individuals and advance equality of opportunity for all" and to "deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society".

DW welcomes the Welsh Government's commitment to equality and the protection of rights and look forward to engaging in the forthcoming evidence gathering exercise to develop the equality objectives. We will take this opportunity to present evidence which highlights the need for objectives which promote implementation of the Social Model of Disability and Independent Living. In doing so we will reference Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which enshrines disabled people's right to Independent Living.

The vital importance of Article 19 is highlighted by the on-going Joint Committee on Human Rights Inquiry "into the implementation of the right to Independent Living for disabled people, as guaranteed by Article 19, UNCRPD". DW's evidence to the Inquiry is appended for information.

The Committee's call for evidence noted that:

> *"Independent living was placed at the heart of the last [UK] Government's policy on disability. Each of the three main political parties expressed their approval of the Independent Living Strategy published in 2008...In June 2010, the Government explained that it was looking at further ways of taking the Independent Living Strategy forward.*
>
> *In December 2009, the Scottish Government, the Confederation of Scottish Local Authorities (COSLA) and the Independent Living Movement in Scotland signed up to a shared Vision for Independent Living in Scotland. No similar national strategy exists in Northern Ireland or in Wales."*

In her letter of 22 February, the Deputy Minister stated that "independent living features in many policies and strategies across the Welsh Assembly Government".

We have been unable to find many direct references to Independent Living – in the way that we have defined it – in Government policy and strategy documents. Where "independent living" *is* used it usually refers only to housing, i.e. the ability to live in one's own accommodation, rather than in publically provided residential homes.

However, Independent Living – which has its roots in the Social Model of Disability – is a much broader issue. Whilst health and social services are key to Independent Living for many disabled people, education, employment, housing, transport, leisure, access to information, advice and advocacy, access to goods and services, access to aids and equipment, and access to the built and green environments are also vital to enabling Independent Living and social inclusion for disabled people.

The specific actions required to tackle the many different barriers to Independent Living across all these policy areas are far too numerous and complex to be addressed successfully under the Equality Act 2010.

The Government's paper on *Sustainable Social Services*, published in March 2011, does contain a single reference to Independent Living in relation to children's services:

3.36 We will work with stakeholders to determine appropriate arrangements to assist young people towards independent living and to take advantage of opportunities for education and work.

The paper includes other proposals which will support Independent Living for disabled adults, and which we welcome, e.g. Citizen Centred Services. However, we consider it vital that Independent Living – as defined by disabled people – is thoroughly understood by policy makers and adopted as the conceptual framework from which policy making is developed *across all departments*.

We are very clear that most current policy making is not based on an understanding of Independent Living or, indeed, of the Social Model of Disability. Consequently, initiatives such as Citizen Centered Support in social care are taken forward in isolation from other, equally important policy areas. In Wales we therefore lack a coherent, joined up, whole system approach to Independent Living policy development.

We suggest that this will remain the case until disabled people have an opportunity to work alongside policy makers in developing a National Strategy on Independent Living or, as in Scotland, a Shared Vision for Independent Living.

DW have given careful consideration to the Government's proposals, and have sought guidance from political advisors, including an Assembly Member. As stated above, we welcome the Government's commitment to equality and human rights and believe that imposing equality objectives on public authorities under the Equality Act 2010 will go some way towards reducing discrimination and achieving some improved service outcomes.

However, DW is concerned that Independent Living for disabled people will not receive the prioritisation that is needed within the context of the Equality Act legislation. We remain convinced that a National Strategy on Independent Living is a necessary prerequisite to the development of a cross departmental policy framework which can achieve the wide range of

outcomes that are necessary to enable disabled people in Wales to live independently.

Acknowledging the Government's concern about the failure of some (but not all) strategies to achieve significant change on the ground, DW ask the Government to give further consideration to supporting development of a National *Delivery* Strategy on Independent Living.

Following the 'Yes' vote in the 3 March referendum, DW also propose that consideration is given to the development of pioneering new legislation to enforce implementation of a National Delivery Strategy on Independent Living. Whilst existing legislation may be sufficient to achieve this, we propose that the issue of enforcing the strategy should form part of the agenda in developing a National Delivery Strategy on Independent Living.

In conclusion, the challenge of achieving Independent Living for disabled people in Wales demands a comprehensive, whole system approach based on listening to, learning from, and engaging directly with disabled people's experience of Independent Living and the lack of it.

The Government's current proposals, whilst welcome in their own right, do not have the scope to achieve Independent Living for disabled people in Wales.

DW trust that the newly elected Government will recognise this and support development of a National Delivery Strategy on Independent Living.

Appendix

Disability Wales' submission to the Joint Committee on Human Rights JCHR inquiry into implementation of the right to Independent Living for disabled people, as guaranteed by Article 19, UNCRPD.

Submission to the Joint Committee on Human Rights inquiry into the implementation of the right to Independent Living for disabled people, as guaranteed by Article 19, UNCRPD

Summary

As highlighted by the Committee, Wales does not have a National Strategy on Independent Living, unlike England and Scotland. Consequently, there is no strategic approach to implementation of the right to Independent Living for disabled people in Wales.

To address this, Disability Wales (DW) is campaigning for a National Delivery Strategy on Independent Living in Wales. A petition in support of this is being considered by the National Assembly for Wales' Petitions Committee.

Choice and control over public services is widely recognised as an important building block of Independent Living. In recognition of this, the Welsh Government has stated its commitment to the Direct Payments Scheme and to developing Citizen Centred Services in social care.

However, DW believes that more needs to be done to secure disabled people's right to Independent Living, and that a National Delivery Strategy – addressing all aspects of Independent Living – is essential to achieving this.

The Wales Alliance for Citizen Directed Support (CDS), of which DW is a Council member, is supporting development of a Welsh approach to personalisation. However, CDS should not be taken forward in isolation from wider policy development but as an integral part of a National Delivery Strategy on Independent Living in Wales.

It may be necessary to develop new legislation to enforce implementation of the proposed National Delivery Strategy, and to secure the right to Independent Living for disabled people in Wales.

About Disability Wales

Disability Wales (DW) is the national association of Disabled People's Organisations in Wales, striving to achieve rights, equality and independence for all disabled people.

We are an independent, not for profit organisation established in 1972 which is run and controlled by disabled people and their organisations. Our wider membership includes a range of other national and local disability organisations, trades unions and public and voluntary sector bodies.

DW's core role is to reflect the views of Disabled People's Organisations to government with the aim of informing and influencing policy.

We work primarily with the Welsh Government but also with government bodies at local, UK and European level. DW co-ordinates the Coalition on Charging Cymru which has campaigned for more than ten years for the abolition of community care charging.

We are involved with several other All Wales networks which take a strategic approach to development of Direct Payments. DW is also represented on the Council of the Wales Alliance for Citizen Directed Support.

DW's policy development is underpinned by the Social Model of Disability (SMD) which recognises that people are disabled more by poor design, inaccessible services and other people's attitudes than by their impairment or health condition. We are recognised as the lead organisation in Wales in promoting the understanding, adoption and implementation of the SMD. The Welsh Assembly Government adopted the SMD in 2002.

Background to Independent Living in Wales

> "Independent Living enables us as disabled people to achieve our own goals and live our own lives in the way that we choose for ourselves" (Disability Wales, 2010)

Independent Living has long been a central focus of DW's work. In 2008 the Welsh Assembly Government awarded funding to DW for the new role of Policy Officer (Independent Living).

In April 2010 to March 2011 DW ran a campaign for “Independent Living NOW!” The campaign principles received unanimous cross-party support in a debate in the National Assembly for Wales on 12 May 2010.

The campaign called for a National Strategy on Independent Living in Wales. A petition in support of a National Strategy was signed by over 700 people and is being considered by the National Assembly’s Petitions Committee.

In March 2011 DW published a Manifesto for Independent Living ahead of the May 2011 Assembly election. The Manifesto highlights six “Calls to Action” which disabled people in Wales have prioritised as key to making Independent Living a reality in Wales.

Whilst the Welsh Government have stated that their preferred approach to making change happen on the ground is to impose specific duties on public bodies under the new Equality Act 2010, DW’s view is that the priorities highlighted in the Manifesto, and others necessary for Independent Living, will not be achieved without a National Delivery Strategy for Independent Living.

Following the ‘Yes’ vote in the recent referendum on increased powers for the Welsh Assembly, DW is exploring the potential for reinforcing a National Delivery Strategy with new legislation to secure disabled people’s right to Independent Living.

Citizen Directed Support

Provision of personalised, outcome focused social care and support services is vital to achieving Independent Living for many disabled people in Wales.

The Welsh Government has not followed the top down approach to personalisation, based on the In Control model, that has been adopted in England.

Instead, the Wales Alliance for Citizen Directed Support (WACDS), of which DW is a Council member, is developing a model that is more suited

to the Welsh context. This is based on three core principles: *choice and control*, *change* and *community*.

The model supports local innovation and provision of a range of options for service users, including Direct Payments and traditional service delivery for those who want it. The model also emphasises the importance of co-operative approaches to service provision, building social capital and community development using mechanisms such as Time Banking.

The Alliance includes disabled people, representative organisations, service providers and about half of the 22 Welsh local authorities.

Publication of the Welsh Government's paper on *Sustainable Social Services* (March 2011), which is broadly supportive of Citizen Centred Services, has opened up discussion on how to implement personalisation in Wales.

Although the Welsh Government continues to support development of the Direct Payments Scheme, take up has been very low. The All Wales Direct Payments Survey 2008-09 shows that of 71,377 children and adults receiving local authority funded services, only 2,440 (3.42%) received a Direct Payment.

Whilst continuing to support efforts to improve the take up of Direct Payments, and despite reservations about people being left with inadequate access to services if CDS is not implemented in line with the WACDS core principles, DW would like to see the transfer of control to disabled people extended further through implementation of CDS.

Citizen Directed Support and Independent Living

DW supports the statement by Independent Living in Scotland (ILiS) that:

> *"For independent living to be a reality, disabled people need access to certain basic rights. Self Directed Support (SDS) is one of these rights. For some disabled people it is an essential link in the chain of rights needed to ensure they are free to live their life in the way they choose, to be in control of it and to do this with dignity.*

To this end, controlling your own support…are not outcomes in themselves, but are part of a process which leads to the real outcome of Independent Living."

(ILiS Response to Draft Self Directed Support (SDS) Bill for Scotland, March 2011).

It is vital that this linkage between personalisation and the wider Independent Living agenda is recognised in the design and implementation of new systems of outcome focused, person centered care and support in Wales.

To this end, DW maintains that CDS should not be taken forward in isolation from wider policy development but as an integral part of a National Delivery Strategy on Independent Living in Wales.

Response to specific questions

The right to independent living

Should the right to independent living continue to form the basis for Government policy on disability in the UK?

Yes. Independent Living remains an effective framework for understanding and tackling the barriers that disabled people face which prevent them from having the same choices, opportunities and control of their lives as non-disabled people.

Do existing policy statements, including the Independent Living Strategy, represent a coherent policy towards the implementation of the obligations in Article 19 of the UN Disability Rights Convention? Could current policy be improved? If so, how?

As the JCHR note, in Wales there is no comparable policy to the Independent Living Strategy that has been implemented in England. DW continue to campaign for a National Delivery Strategy on Independent Living for Disabled People in Wales.

What steps, if any, should the coalition Government, the Scottish Government or other public agencies take to better to meet the obligations in Article 19 and to secure the right to independent living for all disabled people in the UK?

In developing a National Delivery Strategy on Independent Living the Welsh Government will need to consider whether new legislation is needed to secure the right to Independent Living for disabled people in Wales.

If you consider changes to policies, practices or legislation in the UK are necessary, please explain.

The Welsh Government has stated its commitment to improving public services, but without a coherent National Delivery Strategy on Independent Living – not only in social services but across all public services, and backed up by legislation if necessary – it is likely that disabled people in Wales will continue to experience poorer quality services than people in other parts of the UK.

Impact of funding on the right to independent living

The decision, announced in the CSR, to remove the mobility component of Disability Living Allowance for all people living in residential care

DW is concerned that the Coalition Government are still considering this proposal, despite strong evidence that it is flawed. DW is also deeply disappointed that the Coalition Government failed to take notice of the deep criticism of DLA reform which many disabled people and organisations voiced in the consultation.

Changes to the Independent Living Fund

DW is deeply concerned about the impact of ILF funding coming to an end on the 2000+ current recipients in Wales, as well as on potential future benificiaries. ILF enables many disabled people to gain and maintain a decent quality of life. The ILF, as its website states, “is dedicated to delivering financial support to disabled people and advancing standards of independent living.” Loss of this funding will be devastating for many people. For example, in one case that we are aware of, a fiercely independent young man of 28 whose ILF

application was blocked by the introduction of new criteria, is forced to continue living at home with his parents. DW has raised these concerns with the Welsh Government and hopes to see the new Assembly finding ways to mitigate the effects of the ILF closure.

"The Big Society"

The impact of cuts on the third sector in Wales is already becoming evident. For instance, DW was very disappointed to learn that Denbighshire Disability Forum was forced to close in April 2011 due to a cut to its local authority funding.

Restrictions on local authority funding, social care budgets and benefits reassessments

DW is currently collecting case studies of people who have been affected by the “double whammy” of cuts to both public services and welfare benefits. A very bleak picture is emerging across Wales which, with the highest proportion of disabled people in the UK, is experiencing a disproportionate impact.

Increased focus on localisation and its potential impact on care provision, and specifically, on portability of care and mobility for disabled people

DW welcomes the Welsh Government’s commitment in *Sustainable Social Services* to developing portable assessments and national eligibility criteria for adult social care. It seems likely that time banking and the Welsh tradition of mutuality will be called upon to inspire new co-operative models of care and support

What impact does funding have on the ability of the UK to secure the right to independent living protected by Article 19 of the UN Disability Rights Convention?

If consideration is given to the long term potential savings that can result from Independent Living (as evidenced in The Costs and Benefits of Independent Living, Office for Disability Issues, 2007), rather than to the initial set up costs of new services, then implementing Independent Living can make a positive contribution to the efficiencies and savings agenda.

How will recent policy and budgetary decisions impact on the ability of the UK to meet its obligation under Article 19 to protect the right of all persons to independent living?

The pace and depth of public service and welfare benefits cuts that have been implemented by the Coalition Government is a serious threat to disabled people's right to Independent Living. In this regard, DW is supporting the disabled people's national day of action in London on 11 May 2011 in protest against the cuts.

Participation and consultation

What steps should the Government take to meet its obligations under the Disability Rights Convention to involve disabled people in policy development and decision-making, including in budget decisions such as the Comprehensive Spending Review?

The Social Services Improvement Agency's 'Getting Engaged' project (http://ow.ly/4vaSL) identified a substantial number of participation and involvement notable practice examples in Wales.

However, DW regularly represents disabled people in a wide range of Welsh Government stakeholder groups and, generally speaking, at local authority level there is a woeful lack of meaningful engagement with disabled people and Disabled People's Organisations (DPOs).

The recently introduced Wales Specific Duties under the Equality Act 2010 require public bodies to engage with citizens on a pan-equality basis. DW wish to see the Welsh Government making a strong commitment to developing and supporting local and national DPOs to enable them to represent disabled people's views effectively and contribute productively to policy development.

Are the current arrangements for involvement of disabled people in policy development and decision-making working?

The Disability Equality Duty (DED) required public bodies to engage with disabled people. Despite inconsistent implementation across Wales, in some areas significant progress was achieved. Although the Wales Specific Duties under the Equality Act 2010 continue to require engagement with people who have "protected

characteristics", DW is concerned that the ground gained by disabled people under the DED will be lost.

National Principles for Public Engagement in Wales have been developed: http://ow.ly/4xw9w Again, there needs to be a much stronger commitment to enabling disabled people's involvement in policy development, decision making and budget decisions before any significant improvement can be achieved. This commitment would need to include provision of information in accessible formats and accessible meetings for all impairment groups.

Monitoring the effective implementation of the Convention

What steps should Government take to ensure that disabled people's views are taken into account when drafting their reports to the UN under the UNCRPD?

The Government should use the National Principles for Public Engagement, referred to above, and proactively involve DPOs in gathering evidence that reflects disabled people's views and experience.

As part of the national monitoring mechanism, what steps should the EHRC, NIHRC and SHRC take to ensure that the Convention is implemented effectively?

It is essential that the national reports present an objective and independent perspective, are widely publicised and are made freely available.

Consideration should be given to introducing new legislation to secure disabled people's right to Independent Living.

DW would also like to draw the Committee's attention to the sections on The Promotion of Independent Living, Choice and Control, and Cost Effectiveness (pp135-143) in *Community Care and the Law, Fourth Edition* (Clements L, and Thompson P, Legal Action Group 2007).

P-03-288 National Strategy on Independent Living

Disability Wales (DW) welcomes this opportunity to respond to the Deputy Minister's letter of 23 April 2011 regarding our petition for a National Strategy on Independent Living.

Equality Act 2010 and Independent Living

The Deputy Minister states that "the Equality Act 2010 marks a change in the equality landscape and we believe that taking this work forward within the new legislative context will ensure that positive outcomes are effectively delivered in Wales across all Welsh Assembly Government portfolios."

In our previous submission to the Petitions Committee on 4 May 2011 we outlined our views on why a National Delivery Strategy on Independent Living is needed *in addition to* the special duties to be developed under the Equality Act 2010. We refer the Committee to that submission for a detailed statement of our position on why Equality Act 2010 legislation is, in itself, insufficient to achieve effective delivery of positive outcomes on Independent Living for disabled people.

To ensure that our understanding of the Equality Act 2010 is correct, we arranged a meeting with the Equality and Human Rights Commission on 19 May 2011.

During this meeting we had a thorough discussion of how the Equality Act 2010 legislative framework may be used to support disabled people's right to Independent Living, as set out in the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Following that meeting we are of the view that the legislation is limited in its ability to address both the fine detail and complexity of delivering Independent Living across all Welsh Government portfolios and the range of public bodies to which it applies, including twenty two local authorities. We are concerned that relying solely on the public sector duty could

result in a ‘post code’ approach to independent living, depending on what each public body chooses as its Equality Objectives.

After our discussion with the EHRC we are strengthened in our view that a National Delivery Strategy on Independent Living – which makes the Welsh Government’s expectations clear to all concerned with delivering and receiving services that support disabled people to live independently in the community – is essential to achieve vastly improved outcomes in a consistent manner.

UNCRPD and Independent Living

The shortcomings in Independent Living policy in Wales are highlighted by the draft UK Initial Report on the UN Convention on the Rights of Persons with Disabilities.

Under Article 19 – Living independently and being included in the community, reference is made to developments in England, Scotland and Northern Ireland, but not to Wales.

JCHR and Independent Living

Paragraph 136 of the draft report on the UNCRPD states that:

> *Details of the approaches in England, Scotland and Wales are set out in the information provided to the Joint Committee on Human Rights in response to the Committee’s call for evidence on ‘Protecting the Rights of Disabled People to Independent Living’.*

As advised in our previous submission, DW submitted written evidence to the Joint Committee on Human Rights (JCHR) inquiry into implementation of the right to Independent Living.

DW were also invited to give oral evidence to the JCHR and, alongside colleagues from Independent Living in Scotland, attended Panel 2 of the committee’s evidence session in the Houses of Parliament on 24 May 2011.

An uncorrected transcript of the evidence provided by DW and Independent Living in Scotland is attached.

Having reviewed the Welsh Government's submission to the JCHR inquiry, we acknowledge the range of activity that that has been introduced to support Independent Living. DW welcomes the Welsh Government's willingness to explore work that can build on this.

However, we note that the submission makes no reference to the Social Model of Disability, does not include a definition of Independent Living, and does not provide an over-arching vision of how Independent Living can be taken forward coherently and consistently across all portfolios.

DW also welcomes the Welsh Government's recognition in the conclusion to the document that "there is a lot more that we could be doing to enhance the services already provided."

Again, we maintain that this should be taken forward strategically across all departments, and that all Independent Living policy development and implementation should be firmly rooted in the Social Model of Disability.

Concluding Comments

It is clear that the Welsh Government has an obligation under the UNCRPD to ensure that the right to Independent Living is implemented effectively for disabled people in Wales.

DW maintain that reliance on Equality Act 2010 legislation to deliver this obligation is an inadequate response. We encourage the Petitions Committee to consider seeking confirmation of this from the EHRC.

Whilst a national engagement and involvement programme would be necessary to ensure that all stakeholders' views are effectively represented in a National Delivery Strategy on Independent Living, drafting the strategy does not need to be a long and costly exercise. Considerable work towards this has already been captured in DW's Manifesto on Independent Living. The strategies developed in England and Scotland can also be drawn upon to help shape a strategy that is appropriate to the Welsh context.

The strategy will enable the Welsh Government to achieve its stated intention of ensuring that positive Independent Living outcomes are effectively delivered across all Welsh Government portfolios – a welcome ambition which Equality Act 2010 legislation cannot, in itself, deliver in practice.

References

Draft UK Initial Report on the UN Convention on the Rights of Persons with Disabilities: http://ow.ly/5aMQM

Appendix

Transcript of the oral evidence given by Panel 2 to the Joint Committee of Human Rights inquiry into implementation of the right to Independent Living under the UNCRPD: http://ow.ly/5j3Jk

http://www.publications.parliament.uk/pa/jt201012/jtselect/jtrights/uc1074-i/uc107401.htm

Uncorrected Transcript of Oral Evidence
To be published as HC 1074-i

House of Lords

House of Commons

ORAL Evidence

Taken Before

the Joint Committee on Human Rights

The implementation of the right of disabled people to Independent Living

Tuesday 24 May 2011

Sue Bott, Neil Coyle, Marije Davidson, Jaspal Dhani and Julie Newman

Jim Elder-Woodward, Pam Duncan, Rhian Davies and Paul Swann

Evidence heard in Public Questions 1 - 37

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and reported to the House. The transcript has been placed on the internet on the authority of the Committee, and copies have been made available by the Vote Office for the use of Members and others.
2. Any public use of, or reference to, the contents should make clear that neither witnesses nor Members have had the opportunity to correct the record. The transcript is not yet an approved formal record of these proceedings.
3. *Members* who receive this for the purpose of correcting questions addressed by them to witnesses are asked to send corrections to the Committee Assistant.
4. *Prospective witnesses* may receive this in preparation for any written or oral evidence they may in due course give to the Committee.

Members Present

Dr Hywel Francis (Chairman)

Lord Bowness

Baroness Campbell of Surbiton

Mike Crockart

Rehman Chishti

Lord Dubs

Lord Lester of Herne Hill

Lord Morris of Handsworth

Virendra Sharma

Baroness Stowell of Beeston

Examination of Witnesses *[Panel 2]*

Jim Elder-Woodward, [Independent Living in Scotland] **Pam Duncan,** [Independent Living in Scotland] **Rhian Davies,** [Disability Wales] and **Paul Swann** [Disability Wales].

Q21 The Chairman: Good afternoon. For the record, could you please introduce yourselves?

Paul Swann: My name is Paul Swann. I am the independent living policy officer with Disability Wales.

Rhian Davies: I am Rhian Davies. I am the chief executive of Disability Wales.

Pam Duncan: My name is Pam Duncan. I am policy officer for the Independent Living in Scotland project.

Jim Elder Woodward: My name is Jim Elder Woodward. I am the convenor of the steering group responsible for the Independent Living in Scotland project. May I ask the Committee, if they do not understand what I am saying, please indicate and my colleague will interpret.

Q22 The Chairman: For the record, we were due to have witnesses from Northern Ireland. As most of you know, they were unable to travel because of the volcano in Iceland. As with the previous witnesses, we assume that you all support independent living as a basis of government policy, but are you all happy that the UK Government and each of your devolved Administrations or Governments share your understanding of what independent living means for disabled people?

Rhian Davies: Disability Wales fully supports independent living. We have been campaigning for some time for a national strategy on independent living in Wales. An issue for us is that Wales appears to be the only country in the UK that does not have a specific overarching strategy on independent living. We feel that that is a huge loss for disabled people in Wales. We have been working away, lobbying, campaigning with the Welsh Government and other bodies to secure the introduction of an independent living strategy.

Pam Duncan: In Scotland we have a very specific approach to independent living. The independent living movement's definition of independent living is that disabled people of all ages have the same freedom, choice, dignity and control as other citizens at home, at work

and in the community. We then go on to say that it does not mean living by yourself or fending for yourself; it means rights to practical assistance and support to participate in society and live an ordinary life. We already have that in our submission so I did not just read it out for no reason. The issue of practical support to live your life with freedom, choice, dignity and control is central to the way that we view independent living. In Scotland we have a shared approach to that vision. If you wanted to download the whole vision on independent living in Scotland, you could see it on our website. We share that vision with the Convention of Scottish Local Authorities, the Scottish Government and the disabled people's movement in Scotland.

However, we have some concerns about the shared understanding. We believe that there is considerable patchy provision, not just across government directorates, but between central government and local government. We also feel that the buy-in towards independent living relies heavily on strong leadership. So we are not sure about the buy-in below strategic level.

I am sure you will be aware of the concordat in Scotland, which presents some issues and challenges for independent living in Scotland, because very often there is a difference between what central government think and suggest and what local government then consequently do. The concordat is there in the middle.

In the UK as a whole, we are concerned that, although the Government recognise in rhetoric that they share the definition, some of the approaches to independent living and to disabled people that we have seen recently-for example, within welfare reform there are cuts to DLA and the closure of the independent living fund-represent a strong focus on retrenchment. We do not feel that that supports independent living. We also feel that for independent living to be a reality, collective co-production is essential, and strengthening the voice of disabled people and their organisations to challenge decisions and oppression, which you have already heard about earlier this afternoon, is crucial. We are not sure that that has translated into what we have seen in recent months.

Q23 The Chairman: I take it that there is a dialogue between Wales and Scotland and that you would wish to encourage that dialogue, given the differences between Wales and Scotland.

Rhian Davies: Yes. I know that there have been joint meetings between Wales and Scotland. In our discussions with the Welsh Government we have promoted particularly what has been going on in Scotland, because there is perhaps a greater feeling of affinity with the Scottish approach to independent living, compared to Wales. The stumbling block for Ministers in Wales is that the model adopted around independent living in England focuses on personalisation, which politicians in Wales see as privatisation by the back door. In Wales we are particularly committed to the ethos of public services and there is huge concern about dismantling of the welfare state, social services and the NHS and so on. That has been a particular challenge for us.

We presented a manifesto calling for a national strategy for independent living ahead of the recent Assembly elections. We have adopted our own definition of independent living, which is that it "enables us as disabled people to achieve our own goals and live our own lives in the way that we choose for ourselves". We have been promoting that with the Assembly in the absence of its having its own understanding of independent living, I would contend. Recently the Assembly introduced the social care charging measure, which addressed the postcode lottery of charging in Wales. In the guidance produced for local authorities, we put forward

our definition of independent living. That was picked up by the Assembly, so I guess that we are inching towards the door, but we recognise that we still have a long way to go on encouraging the Assembly to be proactive on this issue.

Q24 Mike Crockart: To a certain extent, the question that I was going to ask has been answered by what you have said already. I address this first to Independent Living Scotland: you have suggested that although the policies in Scotland are good on paper-you have certainly given a clear statement of what that vision is-there is a gap between policy and the experiences of disabled people. You have talked about one thing that points towards how that gap could potentially be closed in strengthening the voice of disabled people. Are there other concrete things that you think could be done to try to close that gap?

Pam Duncan: I think that there are several things that could be done. First, there should be a real focus on rights and on human rights in the United Nations Convention. We also believe that the issue of localism has presented some huge challenges to independent living. Often, localism is seen as debate between central government and local government, but in fact we see the difficulty as being the difference between localism and human rights. Recently we had a discussion on the issue of portability, which the Committee will be fairly well attuned to, and the issue of localism is particularly pertinent there. When one local authority can make very specific decisions on care and support in that area, it can then become a barrier when trying to move either to or from it as a result of that. It was defined by our colleagues in COSLA as the difference between legitimate localism, which looks at developing local people's ability to coproduce local community decisions that are suitable for that community, and illegitimate localism, which goes head to head with the human rights of disabled people. We suggest that addressing some of those intricate issues of localism is crucial.

We also believe that a lot of policy translating on the ground, and from the UK Government, focuses very much on raising thresholds in the economic situation that we find ourselves in. We believe that we need to have a stronger focus on prevention so that we recognise that empowering disabled people is the way, in order that they can contribute as equal citizens in society, rather than raising thresholds. For example, across the board we are seeing eligibility criteria rising to the point where you get life and limb support. In fact, that, coupled with the cuts to the independent living fund, means that people are essentially imprisoned in their own homes. We do not believe that that approach is necessary; in fact we consider it to be economic suicide if we do not take a preventative approach and consider that disabled people should be able to live in society with freedom, choice, dignity and control as others do.

Q25 Mike Crockart: I turn to Disability Wales. You have already said that the problem there is not so much the gap between policy and implementation but the lack of policy. Privatisation by the back door is something that I understand from the Scottish perspective; it is certainly a major barrier to overcome. How do you see movement towards overcoming that barrier so that people understand that it is more about personalising rather than privatising?

Rhian Davies: To be honest, the very fact of being here today is a huge opportunity for us to present our case on the need for an independent living strategy in Wales. It is extremely embarrassing to us that in the draft report on the progress of the UN Convention on the Rights of People with Disabilities, in the Article 19 part, Wales has no section on what it is doing around independent living. I hope at least that the message is going back down the M4 that we urgently need to address this issue.

The issue in Wales is that the approach has tended to be focused on particular impairment groups-we have an older people strategy and we have had strategies around people's learning difficulties and mental health-so the view is very focused on people's specific impairments. There is no overarching sense of a right to be able to live independently in the community, whatever your impairment and whatever characteristic you might have. Other issues that Wales has taken forward have tended to be fragmented.

One of the challenges that we face is that the whole debate on independent living is seen to be one of social care, not of rights. An example of that is that when we put forward our petition to the Assembly last year calling for a national strategy, the petitions committee referred it to the Minister for Social Services in the Welsh Assembly Government, not the Minister for Social Justice and Equality. We are really at the starting blocks.

The Assembly would say that it has a commitment to direct payments, but it is very patchy in Wales. Take-up is very low and depends on individuals championing it at the local authority level. Disability Wales did some research on accessible housing registers in Wales, which we know make a huge impact on looking what accessible housing stock exists in an area. We discovered that just 10 of 22 local authorities have an accessible housing register. On transport, there is a strong commitment to access to rail, but there has not been the same commitment to bus travel. The challenge that we have is there are pockets of good practice, but they are not joined up. The resources are not being pooled; there is no overarching vision; and there is no sense that disabled people have a right to live in and have access to their own homes, to have the personal support they need to be able live there, to use mainstream transport and to use facilities in the community. I am here today to make that case.

Q26 The Chairman: I note that the written evidence from the Welsh Assembly Government, now called the Welsh Government, was from Carl Sargeant, the Minister for Local Government. On the basis of what we have been hearing, I assume that when we invite Ministers to appear before us they will include a Welsh Minister. But I am not at all certain that it would be Mr Carl Sargeant; it may well be Jane Hutt, who has as part of her portfolio equalities issues.

Paul Swann: Jane Hutt is the Minister for Finance. I doubt that she would come herself.

Q27 The Chairman: But someone has a particular brief on equalities. She has in the past held that brief.

Rhian Davies: Before the election, Carl Sargeant had the equalities brief.

Q28 The Chairman: We will write to the Welsh Government immediately following these questions.

Pam Duncan: On that point, one of the things that I missed was also a joined-up approach. It is absolutely essential and Rhian picked up on that. One example that we have is of a woman who had approached her social worker for a wheelchair and a ramp so that she could get out of her house. That social worker was unable to access the budget that would have paid for a wheelchair or the housing budget that would have paid for a ramp. Instead, the woman received 35 hours of community care a week. To some people, that would be essential, but, for that woman, it was neither what she needed nor what she wanted. The result was a longer-standing commitment to 35 hours of community care every week, but still no ramp or

wheelchair. So she could not get out of the house. That shows that a joined-up approach is essential not just for independent living – what use is an accessible bus if you cannot get out of your house to get to it? – but also at corporate level in terms of decision-making, access to budgets and sharing resources. Leadership is crucial there. We have seen in Scotland that where you get leadership at corporate level, you really can effect change further down the line which people can feel.

Q29 The Chairman: On general issues, could I ask both Wales and Scotland – if I can describe you in that way – about the impact of the Government's proposals for reform of the benefits system together with cuts to local authority funding. Is it your view that this could lead to a breach of the Article 19 of the UN convention?

Pam Duncan: Absolutely.

Q30 The Chairman: In which way?

Pam Duncan: In several ways. As was alluded to earlier on, our view is that disabled people are the hardest hit as a result of a lot of the changes that have taken place. Disabled people face a double whammy from those cuts. For example, we are facing it in our pockets, but we are also facing it in our services. With only 49 per cent of disabled people in work, and almost 90 per cent of them in the public sector, we do not need to be geniuses to work out that their jobs are under threat. People on benefits are no better off because they will be disproportionately affected by the £18 billion of cuts. At the same time, charges for services are increasing. For example, in some local authorities in Scotland, the charge for community care has gone from 25 per cent of your disposable income to 50 per cent of your disposable income. In others, it is as high as 100 per cent of your disposable income. It is leaving disabled people very cash-strapped. The answer is not in them. Local authorities are strapped for cash, and disabled people are too as a result of some of these changes.

On services, we are already hearing of disabled people being told by local authorities that they do not have enough money to support them to live in their own home so, as a result, they will provide them with an incontinence pad that will last for 12 hours so they will only need to see them twice in 24 hours. Where are the human rights and dignity in that? With cuts to DLA, services and disabled people's organisations-and we have a plethora of evidence of this that we can share with the Committee later in the interests of time-the cumulative impact will be that disabled people will not enjoy their right to family life and community living, as Article 19 states. The Independent Living Fund has a crucial effect on those people who draw down from it, specifically when local authorities are cutting back to such low levels.

Rhian Davies: I support everything that has been said. We have a particular concern in Wales because we have one of the highest proportions of disabled people in the population in the UK. We also have one of the highest numbers of people on incapacity benefit or employment and support allowance, as well as a very high number of people on disability living allowance, so the cuts will have a devastating effect, not only on individuals but also on communities because, rightly or wrongly, within Wales there are communities in which the benefit economy supports the whole community. We are not only seeing services being stripped away but access to things such as shops and amenities because there will not be the wherewithal for people to use those facilities. I particularly want to mention a case well known to us about the Independent Living Fund.

Paul Swann: A young man in North Wales, who is now in his late 20s, went to university and completed his degree. He is a wheelchair user. The local social services department knew that when his time at university came to an end there would be a range of issues, particularly around housing. While at university, this young man experienced independent living. He describes himself as fiercely independent. The situation that he was forced into arose particularly because of the closing of the ILF to new applications. He was one of the first to be affected by this. The consequence is that that young man is still living at home with his mother and father at the age of 27 or 28. He lacks independence. He is fighting for his independence. The financial aspect is critical to him. He does not want to live in shared accommodation with other people whom he does not know. He wants to live independently in his own home and to have an independent life. At the moment, because of the way that things are going, that is little more than a dream.

Q31 Baroness Campbell of Surbiton: We have covered this quite a lot but I am really going to get to the bottom of it. I want to know why, from what you have said and from all the evidence we have received so far, there is complete opposition to the closure of the Independent Living Fund and why those who have previously received ILF grants cannot look to their local authority for that support. We have been told that local authorities will do exactly what the Independent Living Fund did. It does not make sense to have a separate Independent Living Fund when disabled people can get direct payments from their local authority in exactly the same way. So where is this opposition coming from? Do you not trust your local authority to do this? I want to get to the bottom of why that is.

Rhian Davies: In Wales, we have over 3,000 people on the Independent Living Fund. I know that local authorities in Wales have taken full opportunity of the availability of the Independent Living Fund to apply for top-up funding for people, particularly those with high support needs, so we have accessed that fund. I think that £9 million comes to Wales through the ILF. Because that fund existed, that was the route that you took. Now that it has been taken away and the money is not being distributed, so far as I know it is not coming back to us. We have floated the suggestion that the £9 million for people in Wales could come to Wales as a pot of funding, but we have not really progressed that. I know that it was controversial setting up the ILF. People could access it-

Q32 The Chairman: I do apologise. There is a Division in the Commons and we have to follow procedure and leave. I shall certainly be coming back, as will Mr Crockart, although I am not at all certain about my colleagues here. Mr Crockart and I will run down and run back-with difficulty.

The sitting was suspended for a Division in the Commons.

Q33 The Chairman: I apologise for that interruption. You were saying?

Pam Duncan: We were talking about the impact of the independent living fund. Baroness Campbell asked why we opposed its closure. We highlight several implications of it. We believe there are human rights implications of closing the fund. 17% of the independent living fund's budget was drawn down in Scotland which, as I am sure you are aware, is more than the Barnett formula that you might expect, so there will be a disproportionate impact in Scotland from closing the independent living fund, because our local authorities and disabled people were quite strong at drawing down on that. We are committed, through various international human rights instruments, to promote independent living for disabled people. I

am sure that the Committee is acutely aware of those. We believe that with rising eligibility criteria, diminishing budgets at local authority level, taking this crucial millions of pounds out of the system for disabled people and their care and support will have serious implications for the realisation of these rights.

We also believe that those international obligations do not diminish in times of financial difficulty. In fact, they are even more important in order to protect disabled people who, it is widely documented, will take longer to come out of recession than anyone else. We think there are independent living implications, specifically. The independent living fund offered a flexible, portable alternative to traditional services and, of course, to the life and limb support that we have heard about that local authorities are offering at the minute. It was a crucial top-up to that.

Politically we think there are implications across local and national government, including devolved Governments. There are specific agendas to which the independent living fund was crucial, not least the self-directed support and personalisation agenda, but also the whole-place approach. Sue indicated earlier that removing one card means that the whole house of cards falls. We all know that getting people back into work is very prominent in the political agenda. Without the independent living fund and that crucial top-up, for many disabled people work will be a distant reality. Further, there is the impact that removing that money will have on charging policies, but also for disabled people, some of whom are charged by ILF for their care and some are charged by local authorities. That has not been thought through and has some very significant impacts in Scotland.

Economically there will be less money to fund the care and support that is essential to meet the human rights of disabled people and to meet the aspirations of the independent living strategy and the vision for independent living in Scotland. Without all this together, disabled people will be unable to contribute to society in a way that could mean that they lifted themselves out of the poverty that they currently experience and play their part in lifting our society out of poverty and to be seen as contributors instead of consistently being seen as benefactors. That is why we are opposed to it.

On the question about local authorities, the bottom line is, trust them or not, they do not have the money. Whether or not they would use it in that specific way again comes down to decision. We would argue that, unless we have a strong commitment to collective co-production and a strong commitment to disabled people's organisations and the right of disabled people to self-express, collective co-production is very difficult. We will be faced with questions in Scotland such as, "Are you happy with the freeze on council tax?". Most people will say yes, but if disabled people are not engaged in that debate, we get other things being squeezed. For example, in Scotland now we have a freeze on council tax costing the country £310 million, but at the same time they collected £350 million in community care charges in the same year. Collective co-production is essential for that, whether local authorities were to be trusted or not. The bottom line is that they do not have the money to fit the bill. It is essentially moving one cost on to another department, or in this case another devolved authority.

Q34 Baroness Campbell of Surbiton: Thank you, I think you have answered that question now. Moving on to the Equality Act, neither Wales nor Scotland placed much emphasis in your written submissions on the role of the Equality Act 2010. What role does the Act play in the protection of the right to independent living? Maybe you can tell me why you did not

place much emphasis on the Equality Act. You have both been big players in the Disability Discrimination Act.

Rhian Davies: First, I have to declare an interest. I am a member of the Wales Committee of the Equality and Human Rights Commission, and ex officio on its Disability Committee. We have an interesting situation in Wales. As I have gone on at length about, we have been trying to lobby the Welsh Assembly Government to introduce a national strategy on independent living. So far they have been resistant to that, but they have proposed that the Wales-specific duties in the Equality Act could be used as a lever to achieve our goals of independent living. We thought was an interesting approach. It is worth mentioning that the Wales-specific duties are very comprehensive and go significantly further compared to the public sector duties in England. We are looking at strategic equality schemes and strategic objectives, for example.

Having consulted with the Equality and Human Rights Commission in Wales, we agree that the Equality Act has an important role, particularly around the involvement of disabled people in terms of the planning and design of services, but on its own it probably would not be able to deliver the kind of overarching strategy on independent living that we are seeking. It will be an important tool, but in terms of an overarching strategy it is probably not the sole answer that we are looking for.

Pam Duncan: We take a similar view. It is very much a tool in the box for disabled people to use. You will be aware that the specific duties on the Equality Act are still under consultation in Scotland, so technically we do not have any specific duties yet in Scotland. We expect that that situation will change very quickly and we will have them. We welcome them as a tool to our box or a string to our bow. We fundamentally believe that things like assessing the equality impact of a decision are essential to mitigate against budgetary decisions that might have a negative impact on disabled people, but for that to be truly effective, we think that disabled people have to be at the heart of decision-making. In Scotland, we also have the general duty to pay due regard, which we welcome, but we absolutely believe that we have to involve disabled people at the heart of decisions like this so that the impact can be fully understood. As our colleagues in Wales have said, it is very much a tool in the box. We see independent living as a human rights agenda. Underpinning that are various pieces of legislation that support disabled people.

Jim Elder Woodward: Overall, there has been a diminishing power to meet the needs of individuals. Taking away the resources of people to be represented undermines the impact of the equality agenda. Disabled people have no real recourse or legal support to take a case to court. That is a real infringement underpinning individual human rights.

Paul Swann: As we know, the Equality Act 2010 is essentially about reducing, or ideally eliminating, discrimination against people with so-called protected characteristics. We are seeking something much stronger in terms of the need to dismantle the barriers to independent living for disabled people. That brings in the social model of disability, which in our case the Welsh Government signed up to in 2002. We are still a long way from having the social model of disability implemented in practice. The social model provides the foundation for independent living. As my colleagues have said, we will actively engage in developing the special duties in the Equality Act 2010, but we need much more than that; we need a national delivery strategy on independent living.

Q35 Mike Crockart: Turning to the broad topic of whether it is all about money, I am trying to look at other ways of doing things rather than just asking if there is enough money in the system. The evidence from Independent Living in Scotland to the Scottish inquiry on preventative spending said that independent living should be recognised as a preventative agenda. Could you spend a little time explaining what you mean by this and tell us of any policies that you think would promote prevention?

Jim Elder Woodward: We believe that every individual should be empowered to be active within the community, to be involved not only in employment, but in other areas. That person will be much more active and healthy than if they are sitting and waiting for someone to come in twice a day to help them cook and go to the toilet. The big debate is between demand and supply of services. If you only cater for the acute and substantial, that debate is going to get wider and wider. The two will never meet. But if you could spend a little more on preventive measures to help people in later life, their health will be maintained, their psychological health will be maintained and they will not be left around at the end of their life, as they will be if you ignore them completely.

The concentration on critical and substantial need is very short-sighted economics, because you are just getting a bigger and bigger backlog, going down the line. The other thing is that you are going to increase the amount of gaps in people participating in the labour market and you are going to get more money into the system than you would if you spend only on those who are in critical need and cannot contribute to society and their community. I hope that you could understand what I was saying.

Q36 Mike Crockart: Absolutely. Thank you. Turning to Disability Wales, you had a slightly different tack in your submission on this topic. In supporting the Welsh Government's sustainable social services commitments, you referred to the way that the Welsh tradition of mutuality will be called on to inspire new co-operative models of care and support. Perhaps I could ask you to say a bit more about this and say what role mutuality could play in delivering independent living.

Paul Swann: In Wales we set off down the personalisation track in a similar way to In Control in England. But we have a very different situation in Wales, socially and economically. It became clear quite early on that we needed to develop a Welsh model of personalisation. An alliance of local authorities, providers, citizens and representative organisations have come together under the umbrella of the Wales Alliance for Citizen Directed Support. We are looking at how we can develop that Welsh model. As you say, we believe that the Welsh tradition of mutuality is a key factor in that. There are three core principles on which we believe that a Welsh model of personalisation should be based: choice and control; change and transformation; and, critically, community. We are very interested in developing that emphasis on community in Wales.

You mentioned doing things differently. Instead of the top-down approach that has been adopted in England, we are looking at how we can nurture local innovation so that different local authorities pick up and run with pilot projects that are appropriate to their circumstances. Critically, it is about citizen involvement. Disabled people know what we need to be put in place but very often decisions are made about us without us. That is not acceptable.

You mentioned the sustainable social services paper. It is very strong about getting things right from the start. If we can do that, we prevent problems and costs occurring further downstream. As colleagues mentioned earlier, there is evidence to show that independent living is cost-effective. We are quietly confident. We were quite pleased with the way that the sustainable social services paper took on board many of the recommendations of the independent commission on social services, which sat last year and took a lot of evidence. A lot depends on the National Social Services Partnership Forum, which will be Minister-led and set up shortly. If the mix of that is right, and if there are enough conversations and enough careful listening takes place, we hope we will be able to develop a community-based approach to personalisation, which will allay many of the genuine concerns that have been expressed in Wales.

Q37 Mike Crockart: I should like to come back with one very quick question. There seems to be a jarring happening there. You are talking about localism local authorities and community-based activity. Earlier we were talking about the difficulties of localism versus the general rights of disabled people. How do we marry the two up? If we want to promote mutuality and see whether that can work across a wider area of the UK and in Scotland, which I think it possibly would, there is a difficulty in that it will necessarily mean different care in different areas.

Rhian Davies: That is the dilemma. We would like to achieve a very strong commitment and direction from the Welsh Government that a right to independent living is essential and for them to lay out to local authorities and other public bodies what should be expected in terms of the kind of services that they deliver, but also what disabled people can expect in terms of rights and entitlements. Like Scotland, Wales has urban areas, post-industrial areas and rural communities. We also have Welsh-language communities. There is a natural diversity that we would want to celebrate and support, and not in any way do away with that. There is a sense in which, at local level, there will be initiatives that reflect that, but it has to be captured in an overall framework or in an overarching strategy that says, "This is our direction of travel; this is what we stake our place as a society on". It is about the rights of individual people, who in this case are disabled people.

Pam Duncan: I relate back to what I said earlier about where localism supports the co-production of local communities and where it supports the right answer for the community. Like Wales, Scotland has very specific geographical or local issues that need to be considered. When that comes up against the human rights and independent living of disabled people, that is when it needs to be challenged. We would like a commitment to the universality of independent living and to see it as a universal right, regardless of where you stay. I live in Stirling just now. I would love to live in Glasgow. I work there and I travel every day, but I cannot move because the local authority’s eligibility criteria are such that I may not secure the funding package of support that I already have. Their charging policy is so different that it might be unaffordable for me to move there. As a result, my carbon footprint is much bigger, because I am using the car every day to get to and from Glasgow and I am restricted in the number of hours and the way that I can do my work, all because I cannot get a care package in the local authority where I would like to be.

That sort of thing is an example of how those tensions across local areas come head to head with the human rights of disabled people. There needs to be a national framework of entitlements and rights that sees independent living as a universal right and sees human rights as the universal right that they are.

Jim Elder Woodward: There is a dilemma between localism and individual human rights. I cannot remember who said this, but somebody said that democracy is the best of the worst form of Government, because it is always for the utility of the majority. If you are a minority, democracy does not always help. The way out of this, I believe, is for the minority of disabled people to be encouraged through independent living to become part of the democratic process, so that their voice is heard among the other more major voices within democracy. Unless you can facilitate the social and civil as well as the economic involvement of disabled people, the voice of the disabled minority will not be heard. This is where localism needs to get involved with the needs of disabled people in the local decision-making process. I hope you can understand what I am saying. The present input of social care, will not allow you to participate economically and socially in the community. Until we have a voice in local democracy, localism will not represent our human rights.

The Chairman: Thank you very much for that. I think that you have summed up the essence of this very important evidence session. You have had a receptive audience here. Much of the evidence seems to run counter to the prevailing view of endorsing localism and devolution. As somebody who has supported devolution since the 1970s and continues to do so, I do not support it on the basis of devolving to be different, and certainly we do not support devolving to result in something worse.

When we come to have the Ministers before us, we will be asking questions about why devolution is resulting in something that is not necessarily better. I look forward to hearing their answers. No doubt they may be scribbling away already.

We will be writing to thank you and to pose other questions that we have been unable to ask today. Please feel free to add in the memorandum that you will be providing to us anything that you feel we have not covered today. It has been a very comprehensive session, but I am sure that there are other matters that you would wish to address. Thank you very much.

Prepared 1st June 2011

P-03-292 Darparu Toiledau Cyhoeddus

Geiriad y ddeiseb

Rydym ni, sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i ymchwilio i'r effeithiau posibl ar iechyd a lles cymdeithasol a allai ddeillio o gau toiledau cyhoeddus, ac yn annog Llywodraeth Cymru i gyhoeddi canllawiau i awdurdodau lleol i sicrhau darpariaeth ddigonol o doiledau cyhoeddus.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-292.htm

Cynigwyd gan: Y Cynghorydd Louisa Hughes

Nifer y llofnodion: 430

Y wybodaeth ddiweddaraf: Bydd y Pwyllgor yn ystyried y wybodaeth ddiweddaraf am y ddeiseb hon.

P-03-293 Adolygiad o God Derbyn Ysgolion

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i adolygu'r Cod Derbyn Ysgolion, gan fod y Cod presennol yn gwahaniaethu yn erbyn plant sy'n gallu siarad Cymraeg (Paragraff 2.26) a phlant sydd â chred neu grefydd (Paragraff 2.39). Hefyd, mae angen diwygio'r polisi i roi blaenoriaeth i'r plant hynny a oedd mewn meithrinfa mewn ysgol Gymraeg ar gyfer y dosbarth derbyn.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-293.htm

Cynigwyd gan: Y Cynghorydd Arfon Jones

Nifer y llofnodion: 32

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y deisebydd.

P-03-293 Adolygu Cod Derbyn i Ysgolion Response from the petitioner 22-03-2011

Rhodri – Dwi'n derbyn fod hyn ddim yn debyg o fynd llawer pellach a dwi'n derbyn penderfyniad y Gweinidog.

P-03-294 Clymblaid Genedlaethol Menywod Cymru

Geiriad y ddeiseb

Rydym ni, sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i gyhoeddi cynlluniau cadarn sy'n nodi sut, yn absenoldeb Clymblaid Genedlaethol Menywod Cymru, y bydd llais, anghenion a safbwyntiau merched yng Nghymru yn cael eu hadlewyrchu mewn polisi ac yn y broses gwneud penderfyniadau yng Nghymru, yn y DU, yn Ewrop ac yn y Cenhedloedd Unedig.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-294.htm

Cynigwyd gan: Naomi Brightmore

Nifer y llofnodion: 51

Y wybodaeth ddiweddaraf: Bydd y Pwyllgor yn ystyried y wybodaeth ddiweddaraf am y ddeiseb hon.

Jane Hutt AC / AM
Y Gweinidog Cyllid ac Arweinydd y Ty
Minister for Finance and Leader of the House

Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Chair of Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

20 June 2011

Dear Chair,

Gender Representation

I refer to previous correspondence (July 2010 and March 2011) from the former Minister of Social Justice and Local Government, Carl Sargeant AM.

As way of an update for your committee, you will wish to be aware that I am opening up a bidding round through the Advancing Equality Fund 2011-2013 for the establishment of an all Wales Gender Network.

This network will develop membership comprising representatives of women's groups and communities from across Wales and will consult with this membership ensuring that the priorities and issues of women are heard and fed back to the Welsh Government and Ministers.

Once this network is established, which could be as early as September this year, I would be pleased to provide the committee with further details on its aims and objectives.

Jane

Jane Hutt AC / AM

Y Gweinidog Cyllid ac Arweinydd y Ty
Minister for Finance and Leader of the House

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

P-03-295 Gwasanaethau Niwroadsefydlu Paediatrig

Geiriad y ddeiseb

> Rydym ni, sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i gydnabod ac i ddarparu gwasanaethau ar gyfer adsefydlu plant sydd wedi cael anafiadau i'r ymennydd. Ar hyn o bryd, nid oes cyfleuster yng Nghymru i ddarparu'r gwasanaeth hanfodol hwn. Er gwaetha'r ffaith bod ysbyty penodol ar gyfer plant yn cael ei adeiladu yng Nghaerdydd, nid oes darpariaeth o hyd wedi'i chynnwys yng nghynllun yr ysbyty hwnnw.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-295.htm

Cynigwyd gan: Kyle's Goal

Nifer y llofnodion: Cynigwyd y ddeiseb gan Kyle's Goal. Casglwyd 9,128 o lofnodion gan ddeiseb gysylltiedig.

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y cyn Weinidog dros Iechyd a Gwasanaethau Cymdeithasol.

Edwina Hart MBE OStJ
Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Our ref: EH/01016/11
Your ref: P-03-295

Christine Chapman
Chair of Petitions Committee
petition@wales.gov.uk

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Bae Caerdydd
Caerdydd CF99 1NA
Llinell Ymholiadau Cymraeg: 0845 010 4400
Ffacs: 029 2089 8131
E-Bost:Gohebiaeth.Edwina.Hart@cymru.gsi.gov.uk

Cardiff Bay
Cardiff CF99 1NA
English Enquiry Line: 0845 010 3300
Fax: 029 2089 8131
E-Mail:Correspondence.Edwina.Hart@Wales.gsi.gov.uk

13 April 2011

Dear Christine,

Thank you for your letter dated 18 March about Petition P-03-295 Neuro-Rehabilitation Services.

It is for Local Health Boards to plan and secure health services for children and young people with ongoing neuro-rehabilitation needs. There are no plans to introduce a system where payments are made directly to carers.

P-03-298 Cyllid ar gyfer darparu adnoddau Cymraeg ar gyfer pobl â dyslecsia yng Nghymru

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i ariannu Dyslecsia Cymru fel y gall y mudiad ddatblygu rhai o'r adnoddau a argymhellir yn Adroddiad y Pwyllgor Menter a Dysgu (Gorffennaf 2008 a'r adroddiad dilynol ym mis Hydref 2009) 'Cymorth i bobl â Dyslecsia yng Nghymru', gan gynnwys prawf sgrinio Cymraeg, adnoddau pwrpasol a phriodol Cymraeg a hefyd cyllido costau llinell gymorth rhadffôn Dyslecsia Cymru.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-298.htm

Cynigwyd gan: Dyslecsia Cymru

Nifer y llofnodion: 151

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y Gweinidog dros Addysg a Sgiliau a chan y deisebydd.

Leighton Andrews AC/AM
Y Gweinidog dros Blant, Addysg & Dysgu Gydol Oes
Minister for Children, Education & Lifelong Learning

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-298
Ein cyf/Our ref LA/00764/11

Christine Chapman AM
Chair - Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

31 March 2011

Dear Chris,

Thank you for your letter of 18 March about petition 03-298 'financing the provision of Welsh language resources for people with dyslexia'.

You asked why my Department had not supported a proposal from Estyn to look at the quality of Welsh medium support for pupils with additional learning needs (ALN) in 2011-12. This year's remit was developed following a rigorous process which involved Estyn officials at every stage. The possibility of work on Welsh medium support for ALN was discussed at an early stage of this process, among other topics. The Chief Inspector indicated at the outset of the process that Estyn would be able to undertake fifteen Remit items only in 2011-12, which generated competition for places. My priority was to include items that would inform my stated strategic objectives. I am satisfied that the final remit to the Chief Inspector fulfils that aim.

There is, of course, nothing to prevent Estyn from undertaking this research separately from the annual remit. The Education Act 2005 (S20(4)) states that the Chief Inspector may at any time give advice to the Assembly on any matter connected with schools, or a particular school, in Wales. Alternatively the Chief Inspector may wish to propose the item for inclusion in the remit for 2012-13.

With regard to point two of Estyn's overall conclusions, on the need for Welsh language materials, my officials acknowledge this and will consider the need for more resources to broaden the range of services that are currently available.

Finally, asked about work on the Welsh medium screening tool which we have commissioned Bangor University to develop. I can report that work is well under way and is due for completion in the summer term of 2012.

Bae Caerdydd • Cardiff Bay
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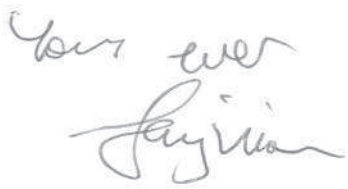
Ffacs * Fax 029 2089 8129
Correspondence.Leighton.Andrews@wales.gsi.gov.uk

It is expected that the receptive and productive vocabulary and grammar tasks that are being developed will help to measure both vocabulary and grammatical abilities and therefore help identify those with dyslexia.

I hope this information is useful to you.



Leighton Andrews AM
Minister for Children, Education & Lifelong Learning

DYSLECSIA CYMRU / WALES DYSLEXIA.

LLYSTEIFI
LLECHRYD
ABERTEIFI.
SA43 2NX

31.5.2011

Annwyl Rhodri,
Pwyllgor Deisebau

Yn dilyn yr e bost a ddanfonais diwedd yr wythnos diwethaf, amgaef nawr gadarnhad o Brifysgol Bangor (yr unig sydd yn datblygu'r Prawf Geirfa) nad yw ei Prawf yn mynd i helpu i ~~datblygu~~ adnabod plant mewn perygl o fod yn ddyslecsig.
Dywed y gweinidog addysg Mr Leighton Andrews, bod y prawf yn mynd fod yn gymorth i adnabod plant 'yslecsig. Mae yr e bost o

Fangor yn dweud bod y ffaith hyn yn anghywir.

Fan symud ymlaen, mae adroddiad Llywodraeth Cymru yn 2008 a 2009 yn dweud/ argymell y dylai Prawf Sgrinio Dyslecsia gael ei ddatblygu ar gyfer plant 6-7 oed i 11-12 oed.

Mae Prifysgol Bangor wedi cadarnhau bod y prawf y mae y Llywodraeth wedi ei comisiynu ddim yn cynnwys yr oedran uchod. Mae ar gyfer plant sydd yn Iau.
Felly, eto mae ffeithiau y maen Gweinidog yn ei adrodd yn hollol anghywir.

Gofynnwn eto i'r Gweinidog ystyried ein cais ariannol ar gyfer datblygu adnoddau Cymraeg ar gyfer yr unigolyn dyslecsig.
A wnewch chi gynnwys ein e-bost wythnos ddiwethaf, a'r e bost amgaeedig o Fangor

Fel tystiolaeth i'r Pwyllgor Deisebau a chadarnhau y bydd y dogfennau yr cael eu cynnwys ar agenda a trafodaeth We fydd yn ymwneud a'r Cyfarfod nesaf.

Yr eiddoch yn gywir.

W Michael Davies
(Prif Weithredwr - Swyddi Wirfoddol)

Mr Rhodri Wyn Jones
Gwasanaeth Pwyllgorau.
y Pwyllgor Deisebau.
Llywodraeth Cymru.
Bae Caerdydd
CF 99 1NA

Dyl. A wnei di gadarnhau derbyn yr llythyr a'r ddogfen hyn.

Michael Davies

From: Enlli Thomas [enlli.thomas@bangor.ac.uk]
Sent: 26 May 2011 16:52
To: llechryd1@btconnect.com
Subject: Re: profion ac adnoddau

Annwyl Michael,

Gallaf gadarnau nad ydw i yn y broses o ddatblygu prawf sgrinio sy'n bwrpasol ar gyfer dyslecsia, ond mae'n wir bod Ginny a finnau yn y broses o ddatblygu profion geirfa (receptive a productive) a gramadeg (receptive a productive) sydd wrth gwrs yn gymorth i adnabod problemau iaith, ond dim yn brawf sgrinio am dyslecsia.

Enlli

On 26/05/2011 15:09, llechryd1@btconnect.com wrote:
> Anwyl Enlli
> Wedi derbyn llythr oddiwrth Leighton Andrews (gweinidog addysg) yn dweud bod "y llywodraeth wedi comisiynu prifysgol Bangor i ddatblygu prawf sgrinio cyfrwng Cymreg a bydd y gwaith yn cael ei gwblhau ebyn Haf 2012.
>
> "Disgwylir i 'r eirfa dderbyn (receptive a tasgau gramadegol a ddatblygir fod yn gymorth I fesur sgiliau geirfa a gramadeg a thrwy hyn fedru adnabod plant a dyslecsia".
>
> A fedrwch gadarnhau bod y prawf a ddatbygir ym Mangor yn brawf sgrinio
> am ddyslecsia ac hefyd NAD YW ar gyfer oed 6.5 i 11.0
>
> Bydd derbyn eich sylwadau yn gret gan ein bod am fynd nol ato a gofyn oes cyllid ar gaeI i ddatblygu adnoddau cymraeg fel yr awgrymir yn adroddiadau 2008 a 2009 ar ddyslecsia yng nghymru.
>
> Diolch
>
> Michael
> Sent using BlackBerry® from Orange

Leighton Andrews AC/AM
Y Gweinidog dros Blant, Addysg & Dysgu Gydol Oes
Minister for Children, Education & Lifelong Learning

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-298
Ein cyf/Our ref LA/00764/11

Christine Chapman AM
Chair - Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

March 2011

Thank you for your letter of 18 March about petition 03-298 'financing the provision of Welsh language resources for people with dyslexia'.

You asked why my Department had not supported a proposal from Estyn to look at the quality of Welsh medium support for pupils with additional learning needs (ALN) in 2011-12 This year's remit was developed following a rigorous process which involved Estyn officials at every stage. The possibility of work on Welsh medium support for ALN was discussed at an early stage of this process, among other topics. The Chief Inspector indicated at the outset of the process that Estyn would be able to undertake fifteen Remit items only in 2011-12, which generated competition for places. My priority was to include items that would inform my stated strategic objectives. I am satisfied that the final remit to the Chief Inspector fulfils that aim.

There is, of course, nothing to prevent Estyn from undertaking this research separately from the annual remit. The Education Act 2005 (S20(4)) states that the Chief Inspector may at any time give advice to the Assembly on any matter connected with schools, or a particular school, in Wales. Alternatively the Chief Inspector may wish to propose the item for inclusion in the remit for 2012-13.

With regard to point two of Estyn's overall conclusions, on the need for Welsh language materials, my officials acknowledge this and will consider the need for more resources to broaden the range of services that are currently available.

Finally, asked about work on the Welsh medium screening tool which we have commissioned Bangor University to develop. I can report that work is well under way and is due for completion in the summer term of 2012.

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Llinell Ymholiadau Cymraeg 0845 010 4400
Ffacs • Fax 029 2089 8129
Correspondence.Leighton.Andrews@wales.gsi.gov.uk

It is expected that the receptive and productive vocabulary and grammar tasks that are being developed will help to measure both vocabulary and grammatical abilities and therefore help identify those with dyslexia.

I hope this information is useful to you.

Leighton Andrews AM
Minister for Children, Education & Lifelong Learning

P-03-301 Cydraddoldeb i'r gymuned drawsryweddol

Geiriad y ddeiseb

> Rydym ni, sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i sicrhau y rhoddir yr un gefnogaeth a chymorth uniongyrchol i'r gymuned drawsrywiol ag a roddir i gymunedau tebyg, fel y grwpiau cymorth ar gyfeiriadedd rhywiol, i hyrwyddo cydraddoldeb ar gyfer y gymuned drawsrywiol ac ymwybyddiaeth ohoni.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-301.htm

Cynigwyd gan: Sophie Morris

Nifer y llofnodion: 113

Y wybodaeth ddiweddaraf: Bydd y Pwyllgor yn ystyried y wybodaeth ddiweddaraf am y ddeiseb hon.

P-03-302 Ffatri prosesu compost

Geiriad y ddeiseb

> Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i alw ar Asiantaeth yr Amgylchedd (Cymru) i gymryd camau er mwyn atal gwaith dros dro yng ngweithfeydd compostio Bryn yng Ngelligaer, nes bod Asiantaeth yr Amgylchedd yn fodlon y byddant yn gallu parhau i weithio heb lygredd drewllyd difrifol fel sydd wedi bod yn difetha bywydau trigolion lleol yn ddiweddar.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-302.htm

Cynigwyd gan: Y Cynghorydd Hefin David

Nifer y llofnodion: 642

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan Asiantaeth yr Amgylchedd Cymru.

19

creu lle gwell
creating a better place

Asiantaeth yr Amgylchedd Cymru
Environment Agency Wales

Petitions Committee
Welsh Assembly Government
Cardiff Bay
Cardiff
CF99 1NA

Ein cyf/Our ref: 11 04 21 CCP

Eich cyf/Your ref: P-03-302

Dyddiad/Date: 21st April 2011

Dear Ms Stocks,

RE: P-03-302 Compost Processing Plant

Thank you for your letter dated 5 April 2011 allowing us to comment on the recent petition that calls for suspension of operations at Bryn Compost, Gelligaer.

As mentioned in our previous letter, we continue to work with the community and site operator to reduce the odour annoyance on the amenity of communities surrounding the site.

We have worked closely with Aneurin Bevan Health Board and Public Health Wales (PHW) to address public concerns about health issues at this site. PHW has assessed the bio-aerosol risk from the composting activity at this site as low. The operator continues to conduct bio-aerosol monitoring around the site to assess risk to human health. We recognise that residents remain concerned that the odours they are experiencing may affect their wellbeing and we are liaising with PHW who are exploring further the possible connections between odours and wellbeing.

Bryn Compost's Odour Management Plan (OMP), now a requirement of the operator's permit following a permit variation, is being implemented. The OMP requires higher standards of technical management to effectively manage potential odour releases and reduce odour generation at the site. Provided it is operated and managed correctly, it should reduce odour annoyance significantly within the communities currently affected. The operator has already made some structural changes at the site to improve aeration of the waste and to the air filtering system. Further improvements are timetabled. However, we will regulate operations on site to ensure compliance with the OMP is achieved and any necessary improvements implemented in full.

In the event that the operator fails to comply with the OMP, it risks enforcement action against it that could result in permit suspension or revocation. The operator will be aware of these risks and of our expectations that it will operate in compliance with its permit. We are prepared to use our powers and to take enforcement action should it become necessary, but we have to do so within the legal framework we, as the regulator, have been given to work within. This means that any enforcement action we take would be evidence-led. Our ability to suspend operations on site, and to sustain that through any appeal, is dependent upon us being satisfied and able to show that there is a risk of serious pollution as a result of operations on site.

Asiantaeth yr Amgylchedd Cymru
Tŷ Cambria, 29 Heol Casnewydd, Caerdydd, CF24 0TP
Llinell gwasanaethau cwsmeriaid: 08708 506 506
Ebost: enquiries@environment-agency.gov.uk
www.asiantaeth-amgylchedd.cymru.gov.uk

Environment Agency Wales
Cambria House, 29 Newport Road, Cardiff, CF24 0TP
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.wales.gov.uk

We know that harm to human health would be a factor to indicate serious pollution, but the site is well below limits sets for bio aerosols. National colleagues are reviewing our technical guidance to clarify what constitutes serious pollution with regard to odours. The review will take into account the impacts an odour has on the receptors, the sensitivity of those receptors and wider impacts on public amenities, events and businesses.

Again I assure you that we continue to apply considerable resources (both locally and nationally) to ensure the operators of such facilities reduce the frequency of odour events to a level which does not cause complaints.

We meet every three months with the Bryn Compost Liaison Group to provide updates for this group, and we produce quarterly newsletters for wider dissemination in all three communities affected by odours.

We also intend to hold a second local 'drop-in' session for local residents, to update them on the outcomes from the Mobile Monitoring Facility and odour diary data, once it has all been compiled. We will copy to Councillors and the relevant Assembly Members any and all correspondence to local residents regarding the site. We will start this process after the Assembly election, on 6 May and will also provide Councillors with a summary of our correspondence to residents from the pre-election period. In addition we have developed a web page that will contain monitoring results, updates and information. The web page will go live on 6 May 2011.

I trust this information is of assistance and reassures you that we are fully committed to seeking solutions to the odour issues at Bryn Compost. However, please do not hesitate to contact us if you require any further details.

Yours sincerely,

Chris Mills

CHRIS MILLS
DIRECTOR WALES

Llinell uniongyrchol/Direct dial: 029 2046 6031
Ffacs uniongyrchol/Direct fax: 029 2046 6411
E-bost uniongyrchol/Direct e-mail: chris.mills@environment-agency.wales.gov.uk

Cont/d..

P-03-308 Achub Theatr Gwent

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i sicrhau bod cyllid ar gyfer Theatr Gwent yn parhau. Mae tynnu'r adnodd gwerthfawr hwn oddi ar y cymunedau a wasanaethwyd ganddo ers dros ddeng mlynedd ar hugain yn amddifadu pobl ifanc o gyfle pwysig i ymgysylltu â'r celfyddydau.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-308.htm

Cynigwyd gan: George Davis-Stewart

Nifer y llofnodion: 1,118

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan Gyngor Celfyddydau Cymru a chan Achub Theatr Gwent.

Cyngor Celfyddydau Cymru
Arts Council of Wales

20 April 2011

Naomi Stocks
Clerk
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Ms Stocks

Petitions: P-03-308 Save Gwent Theatre
P-03-311 Spectacle Theatre
P-03-314 Save Theatre Powys and Mid Powys Youth Theatre

Thank you for your letter of 5 April 2011 on the above.

You asked for further information on two matters:

1. The outcome of the consultation around *Changing Lives*, our draft strategy on Children, Young People and the Arts
2. How the strategy will widen access to the arts in the areas previously served by Theatr Powys, Gwent Theatre and Spectacle Theatre

<u>The outcome of the consultation exercise</u>

We're awaiting a small number of responses from young people's groups, but the analysis of the consultation is largely complete. I'm happy to offer a flavour of some of the key messages so far.

Overall, the responses were supportive of the proposed strategy. Respondents welcomed our commitment to focusing on the creativity of children and young people themselves. Respondents were also supportive of the broader based approach that we were proposing to take across the full range of arts disciplines.

We received many positive and constructive proposals about how our strategy might be enhanced. It was also pleasing that a number of the respondents expressed an enthusiastic wish to work with us on taking the strategy forward.

Plas Bute, Caerdydd CF10 5AL
Ffôn: 0845 8734 900
Ffacs: 029 2044 1400
Minicom: 029 2045 1023
Ebost: gwybodaeth@celfcymru.org.uk
Gwefan: www.celfcymru.org.uk

Bute Place, Cardiff CF10 5AL
Tel: 0845 8734 900
Fax: 029 2044 1400
Minicom: 029 2045 1023
Email: info@artswales.org.uk
Website: www.artswales.org.uk

Swyddfeydd Lleol/Local Offices:
Caerdydd/Cardiff, Bae Colwyn/Colwyn Bay, Caerfyrddin/Carmarthen

Working in partnership with other key public sector bodies was a clear theme in the responses. Local Authority respondents were keen to work with us and offered helpful examples of activities and initiatives that they are currently taking forward. We were urged to work closely in the future with the Children and Young People Partnerships, who have responsibility for the Child Poverty agenda at the local level, and to ensure that our plans link with the Single Plans for Children and Young People.

There were differing views on whether the balance of priorities contained in *Changing Lives* was correct. Some felt we focused too much on participation and the social impact of working with children and young people and not enough on the arts and artists. Others suggested we should focus more on creative and participatory work with children and young people from disadvantaged communities, feeling that our strategy was too focused on nurturing the artists of the future.

There was universal support for *Arts Plus*, the arts recognition and improvement scheme for schools that we're developing in partnership with the Welsh Assembly Government's Department for Culture, Education, Lifelong Learning and Skills (DCELLS). A number of respondents viewed this as a very important means for encouraging more (and wider) use of the arts in schools. There was broad support for artists working in schools, although it was also pointed out that education and learning does not just happen in schools. We were asked in future versions of the document to do more to acknowledge this.

Several respondents, including those from education, expressed the view that training for teachers (and indeed others working with children and young people in the arts) was important. There were a number of suggestions and pleas for a "one-stop" shop for information, advice, support and resources about arts in schools, with one proposal that there should be some kind of national "brokerage agency". (Examples of similar ways of working locally were shared.)

Some responses focused with some strength of feeling on the issue of Theatre in Education and the funding decisions that we took in June of last year. The value and meaning of Theatre in Education and its importance to the development and learning of children and young people was presented in detail in a number of the responses. The responses of most of those who referred to Theatre in Education were critical of funding decisions and were negative about this part of our strategy.

A number of the respondents suggested that few venues in Wales could be considered "Family Friendly" and questions were also raised about Family Friendly product. We're aware that a number of venues have taken specific initiatives to broaden the appeal of their activities, but we were interested to note the rather different perception that was being reflected back to us by some respondents. There was strong support for free and reduced cost access for children to arts provision.

The need for training, professional development and progression were recurring themes throughout almost all of the responses we received, both in terms of career pathways for young people and training and development of artists, teachers and others working with children and young people. The role of National Youth Arts Wales (NYAW) was referred to by a number of respondents. On the whole these were supportive, but there was also some concern about whether NYAW had the resources to deliver progression routes from local to regional to national.

Several of the responses stated the view that the strategy could have been more explicit in terms of Welsh language provision, although some respondents commented that they welcomed the fact that Welsh was seen as important in the strategy. One of the key issues raised was the need for a competent Welsh language workforce. Training and development of artists to deliver work in this field through the medium of Welsh came across as a priority for development.

The role of technology and the media attracted a lot of comment. Examples of how new media/technology is helping to support children and young people's creativity were shared with us. However, there were also questions raised about whether technology in and of itself helps creativity at all. Nevertheless, there was a very clear message to us that we needed to "up our game" if we were to engage effectively with the interests of young people. New technology and social media are not just "add-ons" for young people, they're increasingly becoming an integral part of their daily lives.

The responses that we've received so far from young people themselves have been both insightful and useful. It's absolutely clear that young people want to engage actively with the arts, but often feel that much of what they see around them from professional arts providers is not of interest or relevant to them. Young people want to be active creators, not just 'consumers' of arts product.

Young people have an appetite to experiment with new and different forms of arts experience. It's also clear that the way that the arts are described and promoted in the media can have a significant impact on the perceptions of young people.

The responses to our consultation have been enormously helpful and will help us to improve our final strategy. We'll be publishing the results of our consultation next month. In the meantime we're discussing with DCELLS, the Welsh Local Government Association and other strategic partners practical ways that we can work together to implement the strategy.

Access to the arts in Powys and Gwent

Delivery of our strategy will be dependent on coordinated activities of a range of funded (and unfunded) arts provision. There is a wide diversity of activity in both the Powys and Gwent areas. However, future provision will also depend, critically, on developing effective partnerships with local authorities.

As highlighted above, local authorities are very keen to work with us, and plans are currently being developed. In March, Powys County Council (the providers of the Theatre Powys service) reported that theatre in schools and support for youth theatre will continue in Powys. Under new proposals, young people's theatre and community theatre productions will continue.

There will be changes in the way the services are delivered with increased use of partner companies. Under the new arrangements there will be increased variety of theatre provision for schools and more equitable youth theatre provision across the county.

Powys will continue to use the drama resource centre in Llandrindod Wells as a centre for arts and set up a small development team to cultivate new partnerships. Powys Council's future strategy for arts and young people aligns very closely with our own, and we have already given our commitment to work with Powys on a joint approach to delivery.

Discussions in the Gwent/Valleys areas are less advanced, but there is a similar willingness from local authorities to work with us on coordinated programmes of activity. We expect to work especially closely with the proposed 'Arts Connect' consortium of local authority arts services.

It's worth noting that the Spectacle Theatre and Gwent Theatre companies continue to exist, and are exploring options for them to play a new role in the future. We have provided funds to both organisations to help them to do this. Gwent Theatre is, at the time of writing, probably the more advanced of the two in considering potential options.

Gwent Theatre has been looking at some interesting ideas for the development of the Melville Theatre in Abergavenny as a hub for community/young people's creativity. And the good news is that Monmouthshire County Council has agreed to the company's continued occupancy of the building and has also committed to provide further funding. Gwent Theatre is in discussion with other local arts organisations about the possibility of some interesting creative collaborations in the future.

We're currently supporting the activities of Gwent Young People's Theatre (GYPT). We've also discussed the potential of funding through our Training strand, with Gwent Theatre using its expertise and resources to develop creative skills with and for young people.

I hope that this letter provides you with the information that the Committee is seeking. Please don't hesitate to contact me if I can be of any further assistance.

Yours sincerely
Nick Capaldi

Nick Capaldi
Chief Executive

Response from Gregg Taylor 31-03-2011

Dear Christine

GWENT THEATRE IN EDUCATION

I was very pleased to hear that because of unresolved discrepancies of opinion between the Petitions Committee and the Heritage Minister the Committee have kept this petition open to be reconsidered in the next session.
It has been our intention to raise the whole thing again, once the new Assembly is in place, with the heritage Minister and the Education Minister.
We feel that there are very serious questions raised by us and your Committee which are still unanswered and, moreover, that the young people of the valleys and Monmouthshire have had a very raw deal.
Your decision to keep our petition open will be of enormous help in that regard.
Thank you.

Yours
Gregg Taylor (Chair Gwent Theatre)

P-03-311 Spectacle Theatre

Geiriad y ddeiseb

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i sicrhau bod y cyllid yn parhau ar gyfer Cwmni Theatr Spectacle, yng Nghwm Rhymni, sydd wedi ennill gwobrau. Mae'r cwmni wedi gwasanaethu ysgolion a chymunedau ers dros 30 mlynedd, a bydd ei golli yn amddifadu pobl o adnodd amhrisiadwy a sefydlwyd ers amser maith ac, o ganlyniad, gyfleoedd yn y dyfodol i gymryd rhan mewn theatr a drama leol.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-311.htm

Cynigwyd gan: Cyfeillion Theatr Spectacle

Nifer y llofnodion: 2,158

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan Gyngor Celfyddydau Cymru.

P-03-314 Achub Theatr Powys a Theatr Ieuenctid Canolbarth Powys

Geiriad y ddeiseb

> Yn dilyn penderfyniad Cyngor Celfyddydau Cymru i dynnu arian refeniw oddi ar Theatr Powys o fis Ebrill 2011, rydym ni, sydd wedi llofnodi isod, yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i sicrhau bod cyllid priodol yn cael ei gadw ar gyfer Theatr Powys a Theatr Ieuenctid Canolbarth Powys. Byddai methu â sicrhau hyn yn arwain at dynnu'r ddwy ddarpariaeth o'r cymunedau a gafodd eu gwasanaethu ganddynt am dri degawd; gan amddifadu pobl ifanc o gyfle sylweddol i ymgysylltu â'r Celfyddydau. Mae Theatr Ieuenctid Canolbarth Powys hefyd yn un o nifer fach iawn o weithgareddau bugeiliol sydd ar gael i bobl ifanc yr ardal hon.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-314.htm

Cynigwyd gan: Michael Chadwick

Nifer y llofnodion: 1,152

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan Gyngor Celfyddydau Cymru.

P-03-316 Dylid gosod yr angen i gynnal hebryngwyr croesfannau ysgol sy'n bodoli eisoes yn amod o Grant Trafnidiaeth Llywodraeth Cynulliad Cymru i gynghorau lleol na ellir mo'i newid.

Rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i'w gwneud yn amod derbyn ar gyfer unrhyw Grant Teithio gan Lywodraeth Cynulliad Cymru, bod y cyngor perthnasol yn parhau i gyflogi hebryngwyr croesfannau ysgol i ddiogelu ein plant. Yn benodol, dylid parhau i gadw'r un nifer o hebryngwyr a lleoliadau a oedd yn 2010 ac na ddylai statws yr hebryngwyr hyn newid oni bai bod mwyafrif o'r rhieni yn yr ysgolion perthnasol yn cytuno â hynny.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-316.htm

Cynigwyd gan: Mr C Payne

Nifer y llofnodion: 229

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y deisebydd a chan Gymdeithas Llywodraeth Leol Cymru.

25-03-2011

Dear Petitions committee,

I have read the deputy first ministers answer and must say that it misses the point of my petition. I fully realize that the transport grant is for capital works and cannot fund school patrols. What I am trying to do is highlight the dichotomy of WAG funding safer routes to schools on the one had whilst at the same time, the councils act to make the routes more unsafe by removing SCP. The purpose of the petition is designed to hold councils to ransom: if they removed SCP, then they would not get transport grant. Can this please be explained to him and all relevant peoples and the issue re-addressed?

best regards.
C. Payne

Our Ref/Ein Cyf:
Your Ref/Eich Cyf: P-03-273/316 and P-03-316
Date/Dyddiad: 6th May 2011
Please ask for/Gofynnwch am: Tim Peppin
Direct line/Llinell uniongyrchol: 029 20 468669
Email/Ebost: tim.peppin@wlga.gov.uk

WLGA • CLILC

Naomi Stocks
Clerk, Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Naomi

Petitions Committee

Thank you for your letter dated 5th April raising issues from two petitions, which I deal with in turn below.

P-03-273 Transportation of wind turbines in Mid Wales

The issues that Welshpool Town Council have raised are recognised by local planning authorities (LPAs). WLGA understands that discussions are to take place with WAG Planning officials on these matters in the near future. There are some existing ways that LPAs can seek to mitigate the impact of developments on road infrastructure – for example, they can refuse applications on access grounds; they can condition the submission of construction management plans where approvals deal with delivery routes; anything larger than standard vehicles can be controlled under abnormal load legislation. The discussions with WAG officials will look at whether there are ways that a firmer basis can be established for controlling activity on the highway network.

P-03-316 School crossing patrols

There are guidelines for the introduction and use of School Crossing Patrols produced by Road Safety GB (copy attached). These guidelines, which are widely used by local authorities, have been compiled on the basis of existing legislation, best practice, health and safety and case law. Decisions regarding capital works to improve safety and on the levels of school crossing patrols would be taken in light of these guidelines.

School crossing patrols are a non-statutory function. Authorities have to make assessments of road safety, based on the guidance and on studies and analysis they undertake. They will then apportion the limited resources they have where these are assessed to be in greatest need. Even where provided, however, parents remain

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Chief Executive
Prif Weithredwr

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www.wlga.gov.uk

responsible for ensuring their children's safety.

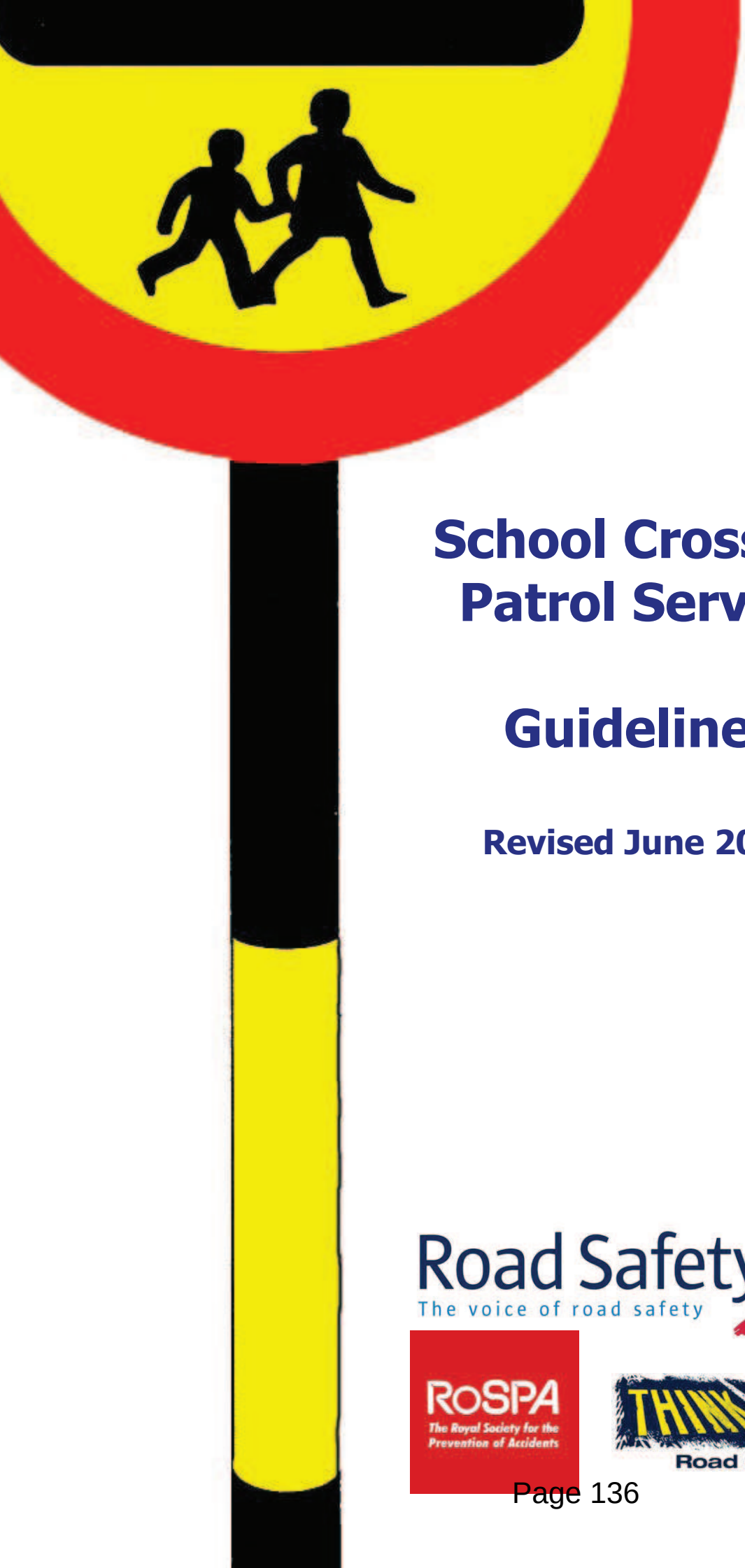
Circumstances will change over time as a result of development and local authorities have to be able to add new sites where felt necessary and de-register others that can no longer be justified.

It should also be noted that there can be difficulties recruiting for school crossing patrols and, even if a site meets the criteria and funding is available, it may not always be possible to operate patrols.

I trust that this provides you with the information you need to submit for consideration by the future responsible Committee.

Yours sincerely

Tim Peppin
Director of Regeneration and Sustainable Development



School Crossing Patrol Service

Guidelines

Revised June 2010

School Crossing Patrol Service

Road Safety GB
The voice of road safety

RoSPA
The Royal Society for the Prevention of Accidents

THINK
Road Safety

PREFACE

A Working Group, comprising the following people, has produced these Guidelines, which replace the version published in February 2003:

Richard Hall	Road Safety GB	Josie Wride	Road Safety GB
Eileen Murphy	Road Safety GB	Jo Hodgson	Road Safety GB
Kevin Clinton	Royal Society for the Prevention of Accidents (RoSPA)		

The working group thanks everyone who contributed to the Guidelines' development.

The Guidelines comprise three sections:

- Guidelines for Managing the Service
- Criteria for Assessing School Crossing Patrol Sites
- Appendices: Sample Documents

These Guidelines have been compiled based on existing legislation, best practice, health and safety and case law.

Using the Guidelines
The School Crossing Patrol (SCP) service is a non-statutory function and these Guidelines are not intended to be prescriptive. They highlight issues that should be considered and outline advantages and disadvantages of adopting particular measures to allow Managers to make their own informed decisions suitable to their local circumstances and policies.

Authorities providing the service should decide how best to apply the Guidelines and the criteria for assessing SCP sites.

Managers should ensure their Authority's Health and Safety Adviser and Insurance Officer are familiar with these Guidelines.

The Guidelines are designed for use with the following supporting document:
- Guidance for Patrols on Light Controlled Crossings
- Training for Managers and Supervisors

Regulations
The Guidelines refer to various statutory Regulations. These were correct as at June 2010, but managers should check for amendments that may have been issued since this document was published.

Reproducing Extracts
Extracts from the Guidelines, including the sample documents provided in the appendices, may be freely copied without prior consent, provided the source is acknowledged. However, any extracts from this document may not be sold or included in any document for resale.

CONTENTS

Part 1 – Guidelines for Managing the Service

1.0 INTRODUCTION

1.1 Legislation History

School Crossing Patrols (referred to in this document as SCPs) were established by the School Crossing SCP Act 1953 and instituted on 1 July 1954 through the School Crossing SCP Order 1954.

The Road Traffic Regulation Act 1984 (Sections 26 – 28) gave 'Appropriate Authorities' (defined as county councils, metropolitan district councils, the Commissioner of the Metropolitan Police and the Common Council of the City of London) the power to appoint SCPs to help children cross the road on their way to or from school, or from one part of a school to another, between the hours of 8:00 am and 5:30 pm.

1.2 Current Legislation

Section 270 of the Transport Act 2000, which came into force on 30 January 2001, amended the 1984 Regulations to allow SCPs to operate "at such times as the Authority thinks fit". Therefore, SCPs may now work outside the hours of 8.00 am to 5.30pm and can stop traffic to help anyone (child or adult) to cross the road. The same amendments were also introduced in Section 77 of the Transport (Scotland) Act 2001.

The amended Regulations define Appropriate Authorities:

a) As respects places outside Greater London, shall be the council of the county, unitary authority or metropolitan district
b) As respects places in the City of London, shall be the Common Council of the City
c) As respects places in a London Borough, shall be the council of the Borough.
d) In Scotland, the council constituted under Section 2 of the local Government etc (Scotland) Act 1994.

1.3 Power To Stop Traffic

The law gives an SCP, appointed by an appropriate Authority and wearing a uniform approved by the Secretary of State the power, by displaying a prescribed sign, to require drivers to stop. SCPs operating outside these conditions have no legal power to stop traffic.

1.4 Children

Although the law now allows SCPs to stop traffic to help anyone (child or adult) cross the road, SCP sites should be established using the Authority's adopted Criteria based on the number of children walking to and from school at the site in question. It is up to each Authority to decide what age range of children is included in the count. Once established, SCPs may stop traffic to help anyone to cross the road. It is not recommended that SCP sites are established based on the number of adult pedestrians - in this case other pedestrian facilities should be considered.

1.5 Parental Responsibility*

Even where an SCP is provided, parents remain responsible for ensuring their children's safety, just as they do when a zebra crossing or pelican crossing is provided. Some parents may believe the Authority assumes responsibility for the safety of their children on their whole journey to and from school when it provides an SCP. This is a misconception that should be countered, perhaps by conducting local 'awareness-raising' campaigns to reinforce the message of parental responsibility every time a new SCP is appointed.

The issue of parental responsibility also needs to be understood clearly by Elected Members, and officially enshrined in policy statements, road safety plans and guidelines. The responsibility for ensuring the safety of children travelling to and from school is, and must remain, a parental one.

1. *A good description of case law on the duty of parents to ensure their children are able to travel to school safely can be found in Section 3 and Appendices 3 – 6 of Road Safety GB's (formally LARSOA) "Guidelines: Identification of Hazards and the Assessment of Risk of Walked Routes to School" (2002).*

Best Practice
The Authority's policies should make it clear that parents are responsible for ensuring their children are able to travel to school safely, whether or not the Authority is able to provide safer routes or safer crossing facilities.

Sites should be established, using the Authority's adopted criteria, based on the number of children walking to and from school and traffic flows at the site in question.

2. MANAGEMENT

2.1 Responsibility for the Service

SCPs are essentially a road crossing facility (one of the many traffic management options available to highway engineers, alongside facilities such as zebra and pelican crossings). Indeed, their establishment should be very much part of an Authority's overall provision of safe crossing facilities. Although many SCPs are associated with individual schools, their main role is one of road safety, not education. Not all SCPs are located near the school they serve as they help children on the route to school rather than working directly outside the entrance, this may mean they are assisting children attending different schools.

It is good practice for the department responsible for highways, traffic and engineering to manage the SCP service (in Scotland, this is usually the department with responsibility for roads). This allows for greater flexibility for co-ordination of Highways Services, for example, temporary road works or road closures when the SCP facility needs to be adjusted to assist traffic management.

It is recommended that one department takes overall responsibility for the day-to-day management of the service, rather than sharing it between different ones. However, close liaison between the Highways and Education Departments, schools and the Police, where appropriate, is important as each has a valuable role to play in the provision, maintenance and management of the service.

In Authorities where the SCP service has been privatised, it is essential to have Service Level Agreements in place to cover all aspects of the service.

Best Practice
The SCP service should be operated and managed by one department only, namely the department responsible for Highways, Traffic and Engineering.

2.2 Management System

An effective management system is essential. It should ensure that SCPs are recruited, trained and supervised properly, that adequate records are kept, potential SCP sites are risk assessed to ensure they are 'safe' for SCPs to operate, and assessed to ensure they are justified.

The Manager must consider the risks involved in running the service (risk assessment) and how they can be reduced or minimised (risk management). Risk assessments must be conducted by 'competent persons' (for example, the Service Manager, SCP Supervisor, a Road Safety Officer or Highway Engineer). They must be recorded, and reviewed yearly, to prove that reasonable care is being taken, and to enable the service to be monitored to ensure that standards, once set, are maintained, reviewed and improved.

Further guidance on risk assessments is in Part 1 Section 3 and Appendix 1.

2.3 Roles and Responsibilities

The Manager responsible for the day–to-day operation and management of the SCP Service must ensure there are adequate resources including Supervisors with which to provide an effective and safe service.
The role and responsibilities of providing the SCP Service include:

- Reports to Local Authority elected members and officers as appropriate
- Correspondence
- Managing Supervisors
- Recruitment procedures
- Interview and selection
- Arranging medical examinations
- Criminal Record Bureau and Disclosure Scotland checks
- Induction and training
- Stock control – uniform clothing and equipment
- Regular supervisory visits
- Annual appraisals
- Site assessments and site meetings
- Risk assessment and management (including keeping appropriate records)
- Arranging stand-by cover
- Sickness reports and payroll enquiries
- Disciplinary issues

It is often not possible to defer these tasks, as the service would stop working satisfactorily and safely.

2.4 Staffing

There must be enough staff to cope with all eventualities. Ideally, specifically trained staff should be appointed whose only (or main) task is operating and managing the SCP service. However, some Authorities have officers with dual roles who also act as SCP Supervisors, and this can be considered when calculating the number of Supervisors needed.

The ratio of Supervisors to SCPs should be around 1 full-time supervisor to 40 patrols, depending on the geographic area over which SCPs are spread. This ratio will enable regular supervisory visits to be conducted. Thus, an Authority with 160 approved SCPs should have four Supervisors or full-time equivalents.

Best Practice
Authorities should ensure that satisfactory staffing levels to provide and supervise a safe and efficient SCP service are maintained.

A ratio of one Supervisor for every 40 SCPs is recommended, depending on the geographical area the Supervisor covers.

2.5 Administrative Support

In addition, effective clerical and administrative support is essential. Prompt and appropriate action in response to problems is vital where the safety of children is concerned.

One full-time post should be able to manage the records, pay variations, sickness reports and queries for between 120 and 150 SCPs.

Best Practice
Efficient and effective administrative and clerical support should be available to ensure a quick and appropriate response to all problems that may arise.

2.6 Pay Arrangements

SCPs are normally paid monthly for the hours that they have worked. In addition, some Authorities pay mobile or stand-by SCPs a retainer or a set fee. All SCPs, whether regular or stand-by, are entitled to holiday pay.

Additional Payments

The Authority may choose to make additional allowances for:

- Operating flashing amber warning lights
- Travelling
- Lunch (for SCPs who work at lunchtime)

2.7 Insurance and Indemnity

General

Authorities will have public liability insurance that provides indemnity for the SCPs and organising officers or managers against legal liabilities from third-party claims arising from their lawful activities. Managers must check and ensure the Insurance Policy covers all the activities conducted by SCPs. The manager should contact the Authority's Insurance Officer and provide a full description of the service and the activities it involves.

The manager should get written confirmation that the service is covered by the policy.

Managers should confirm whether the Indemnity policy applies to all employees regardless of age. There may be conditions on the insurance provision, for example Authorities may be required to provide a list yearly of all SCPs over the age of 65 years or sometimes insurance cover may not be provided for patrols over the age of 75.

Most polices include an excess (the amount of a claim which the insured organisation pays) which may be as small as a few hundred pounds or as large as half a million pounds. Therefore, an Authority would not normally be able to recover the full cost of a claim from its insurance.

It is essential that SCP staff who use their vehicles during their duties have appropriate insurance cover, which allows the use of their vehicles for work purposes. See Part 1 Section 3.4 for details about the safety of staff who drive for work.

Personal Accident Insurance

Personal accident insurance can be provided for SCPs and children as an option. A fee to cover the cost of the premium may be charged to the SCP. All SCPs should be advised about personal accident insurance. If provided, managers should confirm that it applies to all employees, regardless of age.

Best Practice
Managers should get written confirmation that their insurance or indemnity policy applies to the SCP Service under the conditions that it is conducted.

Managers should confirm whether the Indemnity policy applies to all employees regardless of age

SCPs should be advised about the option of personal accident insurance, if available.

Managers should confirm that SCP staff who use their vehicles for work purposes have appropriate motor insurance cover.

2.8 Uniform – Legal Requirements

The Secretary of State, exercising the powers conferred on him by section 28(1) of the Road Traffic Regulation Act 1984, has approved the uniform to be worn by an SCP and the 'Home Office Circular No. 3/1989 SCPs Uniform' is given at Appendix 15.

In addition, the Health and Safety at Work etc Act 1974 requires that anyone working on or by the road (including SCPs) must wear a high visibility garment that complies with the requirements of the relevant British Standard, currently BS EN 471: 2003 class 3. Circular 3/1989 also requires patrols to wear "a peaked cap, beret or yellow turban". Therefore, when considering buying SCP uniforms, Authorities must comply with the Home Office Circular 3/1989 and the Health & Safety at Work Act on Personal Protective Equipment Regulations 1992: (PPE) e.g. BS EN 471 2003 class 3.

Circular 3/1989 refers to a coat and is modelled on a dustcoat, which is a knee-length garment. British Standard 6629 refers to the visibility of the garment and the current standard is EN471 class 3. Therefore, SCP uniform must comply with both Home Office Circular and EN471 class 3, and must be full-length (that is, a knee-length coat not a jacket). A shorter coat will affect the visibility of the uniform, particularly when measured from the horizontal eye point of a driver, taken as being 1.05m from the road surface. Tests have shown that Saturn Yellow continues to be the most effective fluorescent colour.

An SCP should be supplied with a good quality waterproof coat capable of being easily cleaned, of good design and comfortable to wear. Buying the cheapest available coat may prove to be a false economy, as it is likely to need replacing sooner than a good quality garment. It is recommended that an extra lightweight coat be supplied for summer use but it must still comply with Circular 3/1989 and EN471 Class 3 as discussed above.

Some Authorities supply other articles of clothing and the following may be considered desirable in view of the PPE Regulations.

- boots and leggings
- gloves
- thermal body warmers.

PLEASE NOTE: The Home Office Circular will be updated during 2010/11. These Guidelines will be updated to reflect this as soon as it is published. Please consider this change when ordering stock.

Best Practice
SCPs must be provided with, and wear while working, high visibility garments complying with both the Home Office Circular 3/1989 and EN 471.

Supervisory staff must ensure that SCPs always wear their full uniform, including a peaked cap, beret or yellow turban according to circular 3/1989, when on duty and that the coat is fastened.

Supervisory staff must ensure that SCPs fully understand that, to comply with the law, they must wear their full uniform of coat and hat and use the approved sign.

2.9 Flashing Amber Hazard Warning Lights

Under the Statutory Instruments 2002 No.3113 'The Traffic Signs Regulations and General Directions 2002', flashing amber hazard warning lights 4004 may be installed in addition to warning sign "Children going to or from School or playground ahead" (diagram 545) with a supplementary "School" or "Patrol" plate (diagram 547.1), at difficult sites when:

a) the 85%ile speed of cars is greater than 35 mph
b) the forward visibility of the SCP is less than 100 metres, or exceptionally on any road where difficulties arise because of the lack of suitable gaps in the traffic flow having regard to the width of the carriageway
c) in any situation where conditions make the SCP operation particularly difficult.

An SCP or other authorised person may switch on flashing amber warning lights at any time when children are travelling to and from school, whether or not they are being supervised. If provided, warning lights must be switched on at the start of each SCP duty period and switched off at the end.

Hazard Warning Lights Remote Control Units
Where the lights need to be switched on and off manually payment should be made to SCPs for the time this takes.

If the hazard warning light unit is subsequently changed, so the lights come on automatically, any reduction in hours will need to be negotiated with the SCPs concerned.

Some systems are switched on and off using a remote control. However, different suppliers use different frequencies and remote controls bought from one supplier may not work with another.

Care should be taken with automated lights so the timings programmed into the unit are in line with the SCPs duty time, and take account of school holidays as well as changes between BST and GMT.

2.10 Advance Warning Signs

Advance warning signs, comprising the standard triangular "Children going to or from School or playground ahead" sign (diagram 545) with a supplementary "Patrol" plate (diagram 547.1) should be erected on the approaches to the crossing Site. See Appendix 16.

Best Practice
Advance warning signs and flashing amber warning lights (if applicable) should be installed at SCP sites.

2.11 School Crossing Patrol Sign

SCPs may only legally stop traffic if they are exhibiting the 'approved' SCP sign, specified in the SCP Sign (England and Wales) Regulations 2006 (Appendix 17), which came into force on 4 September 2006, and SCP Sign (Scotland) Regulations 2002.

There are several kinds of material used in making the signs. It is important the sign should not be too heavy and be capable of withstanding wear and tear.

Other relevant signs, which are specified in the Traffic Signs Regulations and General Directions 2002, are illustrated in Appendix 16.

Best Practice
SCPs must be made aware they have no legal authority to stop traffic without their sign. Guidance should be given for those occasions when a sign is not available.

2.12 School Liaison

It is important the Manager and Supervisor maintain good liaison with head teachers to ensure that they are aware of the operating procedures, particularly about planned or unplanned absences.

Best Practice
Good liaison arrangements with schools, the local community and other relevant Authority departments are essential.

3.0 RISK ASSESSMENT AND RISK MANAGEMENT

3.1 Regulations

Risk assessments are an essential and legal requirement under the Health & Safety At Work etc. Act (1974) and the Management of Health and Safety at Work Regulations 1999.

Each Authority will already have risk assessment policies and procedures. Therefore, the Service Manager should consult the Authority's Health and Safety Adviser and comply with any policies and procedures that have been adopted.

Risk assessments must be conducted by an appropriate and competent, trained person (for example, the Service Manager, SCP Supervisor, a Road Safety Officer, or Highway Engineer). They should be regarded as a means of identifying ways of providing the Service safely, and not as a means of finding reasons for disestablishing SCPs generally or particular SCP sites.

Risk assessments should be as straightforward as possible, written records must be kept.

A generic risk assessment must be in place for the service as a whole.

3.2 Generic Risk Assessment

A generic risk assessment must be conducted and recorded and must be reviewed yearly. This should address the process of recruiting, training and supervising SCPs, the duties SCPs will undertake, incident management, accident and emergency systems and general administration matters.

3.3 Site Specific Risk Assessment Monitoring

Individual SCP locations and SCPs must also have site-specific risk assessments, which must be carried out yearly and if the road situation changes. Individual SCP sites and SCPs must also be risk assessed by an appropriate and competent trained person. The risk assessment must be carried out when the SCP is on duty and assessed as part of this process. SCPs must also tell their Supervisor if they have any concerns about their fitness to carry out their duties.

There are many issues that must be considered as listed in Appendix 1.

A risk may be assessed as higher at some sites than others, and therefore, it may not be appropriate for the same risk control measures to be adopted everywhere.

SCPs should be asked to alert their Supervisor if any changes at the site affect its safety, and Supervisors should record any problems noted during supervisory visits. Simple guidance should be provided to SCPs on possible issues that may make a site temporarily unsuitable (road works, for example).

If there is a major obstruction at the site, such as road works, an alternative site from which the SCP should operate must be identified. If the operation of the SCP needs to be suspended temporarily (during the obstruction) alternative arrangements must be made for the children's safety.

The Health and Safety Executive publishes "A Guide to Risk Assessment Requirements" and "Five Steps to Risk Assessment" which are available free from www.hse.gov.uk

3.4 Use of Vehicles

The Authority must conduct suitable risk assessments for mobile SCPs, Supervisors and anyone else who drives (or rides) during their duties (excluding commuting). They must also put in place all 'reasonably practicable' measures to ensure that these work-related journeys are safe, staff are fit and competent to drive safely, are legally entitled to drive the vehicle they are using and the vehicles used are fit-for-purpose and in a safe condition.

Employers owe the same duty of care under health and safety law to staff who drive their own vehicles for work (excluding commuting) as they do to employees who drive company vehicles.

Further advice on managing at-work road safety is available in the HSE Guidelines, 'Driving at Work', and from Road Safety GB, RoSPA, and the Road Safety Officer of the Local Authority.

Best Practice
A risk assessment should be conducted and recorded regularly, following the policy of the Authority. A generic risk assessment for the Service should be conducted and reviewed yearly. Specific risk assessments for each SCP site should also be conducted and reviewed yearly.

The Authority must also carry out risk assessments for mobile SCPs and Supervisors or anyone else who drives during their duties.

3.5 Covering Vacant Sites

An important aspect of risk management is the procedure for responding to sudden absences at sites where an SCP normally works. It is essential that swift action is taken as failure to provide an SCP at a crossing used regularly by children may expose them to unexpected and unnecessary risk.

Managers should ensure there is a clearly defined, written procedure for responding to absences. SCPs must be aware of the importance of giving as much notice as possible to the Supervisor or Manager that they will not be present at their site.

To provide cover when needed, Authorities should recruit several stand-by or mobile SCPs who can provide emergency cover at sites that fall vacant. Mobile and standby SCPs should be trained at various sites. Cover should be provided for at least long enough to enable the school to tell all its parents that the site will not have an SCP and, therefore, that parents should consider alternative arrangements to ensure the safety of their children.

It is possible there may not be enough SCPs to cover all vacant sites, therefore Authorities should prioritise their sites so they can decide which one receives emergency cover first. SCPs must be trained at the locations they could be expected to cover.

However, sites sometimes become vacant at short notice and it may not always be possible to secure a replacement in time. Therefore, it is important to have a procedure for telling the head teacher(s) of the school(s) concerned the SCP will be unavailable, so the school may notify parents as soon as possible.

Methods for telling parents that an SCP site will not be working normally include:

- Telephone, fax or e-mail to the head teacher
- Message on the local radio station or in the local press
- A standard letter prepared by the manager and kept by schools to photocopy and issue to parents.

The notification procedure should be recorded and all SCP staff, Supervisors and head teachers should be aware of what actions are necessary.

Teachers, administrative and ancillary staff, such as cleaners or canteen staff, are not permitted or authorised to conduct any form of SCP duty, unless they have been appointed to the SCP service and are properly trained and there is no conflict with their normal school duties.

Best Practice
An efficient system for telling schools when a site is unexpectedly vacant should be in place, and all relevant staff should be aware of the necessary procedures. Where possible a standby SCP should be provided for at least the time it takes to alert all schools and parents who are affected.

3.6 Accident and Incident Management

Managers must ensure there is a clearly defined written procedure, which all SCPs are aware of, and adhere to. This must be followed if there is an accident or incident. A copy of the procedure should be provided to each SCP and comprise part of their training.

Accidents
If an accident happens, the SCP's priority should be to ensure the safety of themselves and any children present. They must not move injured people. If necessary and possible, the SCP should continue their work and delegate someone to call the emergency services and provide them with information about the situation. Accident and incident procedures must form part of the SCP's training.

If the emergency services are called, the SCP must stay at the scene until the emergency services have taken all the details. If possible, the names and addresses of all independent witnesses should be obtained at the scene.

SCPs must make written notes and tell their Supervisor of any accidents or incidents at their site or witnessed by them during their duty time.
If there is any injury, the accident should be reported to the Police as soon as possible.

If there is an accident or incident involving the children while an SCP is working, the head teacher, or other person with overall responsibility for the children, must be told immediately or as soon as possible.

Harassment
Training of SCPs and their method of operation should be designed to minimise the chances of violent incidents, abuse and harassment. However, such incidents may occur, and procedures are needed for responding to and reporting them.

SCPs should never become involved in any argument with drivers or other road users. They should, if possible, note the registration number of the vehicle(s) of drivers involved. If possible, the SCP should record the contact details of any witnesses.

Failure to Stop
It is an offence for motorists to fail to stop when ordered to do so by an SCP – such incidents should be treated seriously. To minimise the danger to themselves and the children, SCPs should use their sign from the pavement to tell drivers that they must stop, but not step into the road until they are sure that approaching vehicles have stopped.

If possible, the SCP should record the registration details of a vehicle that fails to stop and try to record brief details of the driver, for example their gender, ethnicity and approximate age. The SCP should report the incident to the Supervisor, and it should be reported to the Police at the earliest opportunity.

SCPs should never argue with drivers or other road users.

Guidance about when to report a Failure to Stop incident can be found in Appendix 9.

Training
The SCPs' training should include accident and incident procedures, as well as the importance of working in ways that minimise the risk of an accident or incident occurring.

Personal Safety Training
Advice can be found in Appendix 18.

Reporting Accidents and Incidents
All procedures in reporting the accident or incident must be strictly followed.

Whatever the nature of the incident, the Manager must also be told, a note made in the site file and a record made in the relevant register. If appropriate, the Police should be told.

A sample form for reporting accidents or incidents is provided in Appendix 10.

Separate Guidance for the use of Camera Technology at SCP locations is available on the Road Safety GB website, SCP section.

Best Practice
Clear accident and incident procedures should be in place and should be included in the SCPs' training. The procedures should cover accidents and incidents such as harassment, and drivers who fail to stop. All such incidents should be reported to the SCP Supervisor, and the Authority should keep records.

4.0 SCHOOL CROSSING PATROL SITES

4.1 Requests for New Sites

Requests for new SCP sites come from various sources: schools, education offices, Elected Members, local communities, members of the public and local organisations. Often, several of these individuals and bodies make requests for the same SCP site.

All requests and associated correspondence should be passed to the manager responsible for assessing new sites. Investigating a request for a new school crossing site should be carried out as quickly as possible and measured against the Authority's adopted criteria.

Appraisal of a potential site should be carried out objectively and so be capable of withstanding challenge or criticism.

Decisions reached using the criteria are more easily defended and upheld if the relevant committee or cabinet member in the Authority has agreed the criteria themselves, adopted it as official policy, and recorded it in a written statement. This will also help Managers resist public and political pressure to provide an SCP at sites where the criteria are not met, and to disestablish sites that no longer meet the criteria.

Once the decision to reject or approve an application for a new SCP site has been made, responses should be sent to the originators of the request telling them of the outcome. When turning down an application, the reasons for the decision should be clearly explained. The Manager may also wish to consider advising the local Elected Member(s) and head teachers.

Best Practice
Applications for providing an SCP should be assessed, according to the criteria within the National Guidelines or the Local Authority's adopted criteria, if different, as quickly as possible.

4.2 Approving New Sites

Sites should be approved only if they meet the criteria (see Section 2), but must not be established until a suitable person can be recruited and trained to fill the post. There is no point in establishing a site that cannot be staffed.

The department responsible for traffic engineering must be consulted to see whether there are any proposed changes to the road itself, including introducing other pedestrian crossings.

Any measures identified by the risk assessment, for example, warning signs or flashing lights, must be completed, where practicable, before the site becomes operational.

It is recommended that SCP sites are not established on roads with speed limits greater than 40 mph.

Before approving new SCP sites on roads that are part of the Transport for London Road Network (TLRN), a London Borough or the Common Council of the City of London must consult Transport for London (TfL) and take account of any representations made.

Liaison with the head teachers of the schools which will be served by the new crossing should take place to ensure everyone is aware of when the SCP will begin working, the hours of operation and any other relevant information.

Managers must consult with other services or departments within the Local Authority (for example: Education Department, person responsible for the Authority's Safer Routes to School Policy), to ensure all information about implementing a new site has been considered.

The procedure for approving new sites may vary between Authorities according to whether responsibility has been delegated to chief officers or kept as a committee or cabinet member function.

It is recommended that managers seek approval from the responsible body for the power to approve new sites to be delegated to them. This provides a more efficient and professional service.

Where this power is kept as a committee or cabinet member decision, recommendations for both approvals and rejections will need to be placed before the relevant committee or cabinet member. In this case, while the powers of elected members must at no time be abrogated, it is strongly recommended that arrangements be put in place to allow the temporary introduction of a new SCP without delay where an emergency has arisen.

It may well be desirable for the chairperson's authority to be invoked and extended to introducing all newly approved SCP applications to save time once the need has been recognised.

Best Practice
The power to approve new SCP sites should be delegated to the Manager of the SCP service.

New sites should only be approved if they meet the Authority's adopted criteria. Consultation should take place to check whether any changes to the highway are planned.

Any necessary measures, such as warning signs, must be installed before the site becomes operational.

4.3 Reviewing Existing Sites

Managers should introduce a system of regular reviews of all existing SCP sites. It is recommended that sites are reviewed when circumstances change (for example, school closure, road or traffic changes, retirement). Introducing a Safer Routes to School project or a traffic management scheme should also prompt a review. In addition, Authorities should review their sites regularly: at least once every two years.

A review may suggest that an SCP site should be replaced by other measures, such as a light-controlled crossing, particularly where the Authority has previously chosen to authorise a Patrol site on a road with a speed limit of over 40 mph.

Managers should review the sites against the Authority's adopted criteria and conduct a fresh risk assessment.

Best Practice
SCP sites should be reviewed when circumstances change (for example, a school closure, SCP retirement, resignation or a new local traffic scheme). Sites should be reviewed against the Authority's adopted criteria.

4.4 Disestablishing Sites

A review may reveal that a site no longer meets the Authority's criteria or that it has been vacant for a long period and it has proved impossible to find someone to work as an SCP at the site. In this case, the Authority may decide to disestablish the site.

Sometimes, a site may be disestablished because it is being replaced by a zebra or light controlled crossing or other engineering measures, or by changes related to a Safer Routes to School project.

Experience has shown that in some Authorities, when a new light controlled facility is provided at a location where an SCP is working, the SCP remains for a period of time to ensure that children and parents are using the facility correctly and issues publicity material. Then the SCP can be moved to another location where no other facility is available. However, there may be exceptional circumstances whereby the SCP is required to remain.

A decision to disestablish an SCP site may generate concern and criticism from the school, parents, elected members or the local media. Therefore, it is important that managers are able to clearly explain the objective basis on which the decision has been taken.

If a decision is taken to disestablish a site and the SCP working on the site is approaching retirement, it would be prudent to delay the disestablishment until the SCP has retired.

If an SCP is working at the site, managers should consider whether it is possible to relocate the SCP to a different site.

Best Practice
SCP sites should only be disestablished following a review, and the reasons should be clearly explained. Where possible, SCPs should be reallocated to another site.

4.5 Sponsored School Crossing Patrols

As stated in Part 1 Sections 1.1 and 1.2, an SCP can only be appointed by the appropriate local Authority. Any SCP sponsored by another organisation (for example, a Parish Council) must be trained, paid and managed by the SCP service of the appropriate Authority. The appropriate Authority may recharge the other organisation to recover its costs. (see also Part 1 Section 2.1)

4.6 Safer Routes to School

Where the site does not meet the criteria, other funding may be sought to keep or appoint SCPs to encourage pupils and parents to walk to school, particularly where schools have introduced a school travel plan and identified a need. As stated in Part 1 Section 4.5 even in this case, SCPs must be trained and managed by the SCP service of the appropriate Authority.

5.0 SELECTION AND APPOINTMENT

5.1 General

Section 26 (3) of the Road Traffic Act 1984, as amended by the Transport Act 2000 and the Transport (Scotland) Act 2001, states that Authorities have a "duty to satisfy themselves of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed".

Therefore, the process of recruiting, training and supervising SCPs must be carefully considered. Managers should consult their human resources or personnel department and follow the Authority's recruitment and equal opportunities policies and procedures.

5.2 Recruitment

Recruitment is a major problem facing many SCP services and there are many localities where the service is seriously understaffed. However, even when there is a recruitment shortage, it is important the suitability of potential SCPs is carefully assessed.

Recruits may be sought from various sources:

- Word of mouth, letter or leaflets distributed in the school or local community
- Job centres
- Authorities' newsletter
- Adverts in the local press
- Local shops and libraries
- Authority website

Where an Authority uses a recruitment agency the appointment, training and management of SCPs should remain with the SCP service.

The recruitment process should be as simple as possible so potential SCPs are not deterred and to ensure that resources are used cost-effectively. However, minimum documentation is necessary which should, at least, include a basic application form, job description and person specification, medical questionnaire, Criminal Records Bureau check and references. (See Appendices 2, 3 and 4)

Please ensure you consult with your HR advisors regarding legislation surrounding Safeguarding Children.

Best Practice
An appropriate recruitment process to assess the suitability of potential SCPs must be in place. Managers should consult their human resources or personnel department and follow the Authority's recruitment and equal opportunities policies and procedures.

5.3 Interviews

Interviews should follow the Authority's recruitment policies (which may include issues such as managing diversity, safeguarding children, equal opportunities and racial awareness). Suitable and convenient place for interviews include the Council's offices, a local school or community centre. Interviews should not be conducted in applicants' homes, as this could raise concerns about discrimination against candidates based on their surroundings, and other serious allegations against the interviewer.

Interviews should have at least two interviewers, and a "standard" interview procedure should be in operation that includes an interview checklist and a person specification. Interview records must be kept, including copies of interview checklists, other relevant notes and the result of the interview. Unsuccessful applicants have the right to ask why they were unsuccessful.

An example interview checklist is provided in Appendix 4.

Best Practice
Interviews should be conducted according to a formal interview procedure, including the use of an interview checklist. Interviews should have at least two interviewers, and interview records must be kept.

5.4 Vetting Applicants

Applicants for SCP posts must be vetted. Managers should find out and follow their Authorities' policies and procedures about vetting applicants by the Criminal Records Bureau (CRB) or Disclosure Scotland.

Authorities are able to use these services to help find out whether successful candidates have a background that might make them unsuitable to be an SCP. The Authority will have a supply of application forms. The person to whom the Disclosure relates must always consent to the check being carried out.

SCP posts need an Enhanced CRB Disclosure, for which the application form must be signed by both the individual applicant and a Registered Body (the Authority) who is entitled to ask exempted questions under the Rehabilitation of Offenders Act 1974. This procedure should ideally be carried out every three years.

Registered organisations must have written policies on recruiting ex-offenders to ensure that all disclosure information is used fairly and sensibly to avoid unfair discrimination.

Further details about the CRB are available on the CRB Information Line (0870 90 90 811) or www.crb.gov.uk and www.disclosure.gov.uk. Disclosure Scotland can be contacted on 0870 60 96 006 and www.disclosurescotland.co.uk.

Current legislation must be followed at all times, such as that surrounding Vetting and Barring and Immigration and Asylum.

Best Practice
Applicants must be subject to an Enhanced CRB or Disclosure Scotland check before appointment and these must be carried out every three years.

5.5 Medical Fitness

Managers must adhere to their Authority's Occupational Health policies and procedures. SCPs must be medically fit to carry out their duties. All SCPs must undertake a medical assessment before starting work. A medical examination

may also be required (see Appendix 5). The Occupational Health Adviser must know and understand the physical needs of the post.

SCPs must report any changes in their fitness to carry out their duties to their Supervisor or Manager. It must be made clear to applicants at the time of appointment that an SCP may be called in for medical review at any time. It is recommended that Occupational Health assessments are carried out at the road side, ideally at the patrols' own location. This procedure must be included in their appointment letter.

SCPs must also tell their Supervisor if they have any concerns about their fitness to carry out their duties during the annual Site Specific Risk Assessment Monitoring procedure.

Best Practice
Managers should establish a process to assess the medical fitness of SCPs.

SCPs must pass a pre-employment medical examination before starting work. It must be made clear to SCPs on appointment that they may be called in for medical review at any time and that this procedure must be included in their appointment letter. It is recommended that Occupational Health assessments are carried out at the road side, ideally at the patrols' own location.

SCPs must also tell their Supervisor if they have any concerns about their fitness to carry out their duties during the annual site-specific risk assessment monitoring procedure.

5.6 Age Limits

To comply with the European Employment Directive, the UK introduced changes to laws governing employment and ages in October 2006. In essence, it is now unlawful to discriminate against someone because of their age.

Managers should consult their human resources department to ensure they comply with the Authority's policy. Managers should also check whether the Authority's insurance policy imposes any limits. See Part 1 Section 2.7.

Minimum Age
The Management of Health and Safety At Work Regulations 1999 require that employers assess risks to young people (defined as someone above compulsory school age but under 18 years old) before they start work.

Employers must ensure that young people are protected from risks:

> "*which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured*". The risk assessment must take "*particular account*" of "*the inexperience, lack of awareness of risks and immaturity of young persons*".

Therefore, Authorities that employ people under the age of 18 years as SCPs must ensure that their risk assessment specifically considers whether they are able to conduct the duties of an SCP safely, and whether extra training and supervision is needed.

It is recommended that managers who employ SCPs under the age of 18 years get a copy of "Young People at Work: A Guide for Employers" (HSG 165) which can be bought from the HSE.

Retirement Age

Everybody has to retire at some point and a person's health, fitness and ability to perform the duties of an SCP does decline gradually with increasing age (although not at a predictable or uniform rate).

To comply with the European Employment Directive, the Government has set a default retirement age of 65, but has also created a right for employees to ask to work beyond that age. Employers have a duty to consider such requests but are not bound to accept them.

The default age will not be a statutory compulsory retirement age; employers are free to continue to employ people for as long as they are competent and capable. The right to ask to continue working beyond 65 years is intended to help provide more choice and flexibility for those who wish to stay in work beyond normal retirement age. See Part 1 Section 2.7 about insurance for SCPs.

Best Practice

Managers must ensure that their policies on age limits for SCPs comply with the European Employment Directive and must be guided by their own Local Authority policy on this issue.

Where SCPs under the age of 18 years are employed, managers should ensure they follow the HSE Guidance on employing young people.

5.7 References

References must be obtained and kept for each successful applicant according to the Authority's policy. Applicants must only be appointed subject to the receipt of satisfactory references.

Best Practice

SCPs must only be appointed subject to CRB check, two satisfactory references and medical clearance.

5.8 Contracts and Statement of Particulars

SCPs must be given an appointment letter or Statement of Particulars that should be for the service and not for the location at which they work. This will allow an SCP to be moved to a different site if necessary. They should also be issued with a Code of Practice setting out the Authorities' policies and practice for the service.

6.0 OPERATIONAL PROCEDURES

6.1 General

All SCPs must be trained. Section 26 of the Road Traffic Regulation Act 1984, as amended by the Transport Act 2000 and the Transport (Scotland) Act 2001, places a duty on the Authority "to provide requisite training" for its SCPs.

It is essential to have a well-planned and executed training programme for SCPs. The behaviour of SCPs at their sites, the manner of stopping traffic and marshalling pedestrians safely across the road is the essence of the SCP service. It is recommended Local Authorities provide SCPs with a handbook explaining the detail of the service and that SCPs sign a receipt. It is also recommended that an annual training seminar for SCPs is held to discuss general issues and raise items of common concern and interest.

The following sections give general guidance on some training issues that often arise. More comprehensive advice is given in the SCP training DVD and accompanying leaflet "Welcoming to the SCP Service", available from Road Safety GB.

6.2 Working at a Crossing Location

It is important to ensure that SCPs are decisive when indicating they wish to stop a vehicle and they should be trained to make eye contact with a driver. SCPs should use their sign from the pavement to tell drivers they must stop, but not step into the road until they are sure that approaching vehicles have stopped.

Whenever possible, SCPs should avoid stopping large vehicles for example buses and lorries, as they can take much longer to stop. SCPs should be aware of, and look for, motorcyclists or cyclists, which may approach the crossing point on the inside or outside of a lane of traffic that has stopped.

6.3 School Crossing Patrol Uniform and Sign

The uniform provided must be worn whenever an SCP is on duty and at no other time for any other purpose. The 'authorised sign' provided must be carried and displayed whenever an SCP crosses people over the road even when working with light controlled facilities

It is important to stress that an SCP is only legally entitled to stop traffic when the correct uniform is worn and approved sign is displayed. Supervisors must direct their SCPs that uniforms must be fastened to give maximum warning of their presence in the carriageway. (See also Part 1 Section 2.8)

There have been several Court cases where the way the sign has been displayed by an SCP has been challenged. The guidance has, therefore, been developed based on case law.

The SCP must hold the sign so it is displayed full-face to motorists. The SCP should stretch the other arm straight out to the side as a further indication to traffic to stop. The SCP must always display the sign so motorists can read the word 'STOP' and see the child symbol clearly.

SCPs must keep the sign upright until they return to the pavement, and then stand away from the kerb edge, so motorists are not confused. Fig 1 shows an SCP gathering pedestrians with the sign held parallel to the kerb, this also helps to keep pedestrians under control before the crossing manoeuvre begins.

SCPs must not use hand or arm signals to control traffic. In extreme weather (such as high winds) and if the SCP has difficulty holding the sign, then it is recommended the SCP crosses with the pedestrians but does not signal to drivers to stop, see Appendix 21 for a policy on operating in Windy Conditions.

Figure 1. School Crossing Patrols using the pole to control pedestrians and give instruction to traffic as depicted in the Highway Code 2007, copyright Select All and HMSO

Case law:
Hoy v Smith (1964)
The sign must be displayed so traffic can read the words 'Stop Children', but it need not be precisely at right angles to the kerb.

Franklin v Langdown (1971)
There is a duty not to pass the crossing place while the sign is displayed, whether children are crossing or not.

Wall v Walwyn (1973)
Once a sign is properly displayed by an SCP, a driver must stop and cannot continue until the sign is removed.

Best Practice
Only SCPs who have been trained and judged to be competent should be allowed to work. Retraining sessions should be conducted regularly.

6.4 **Working at Light Controlled Signal Crossings** (puffins, pelicans, traffic light junctions, toucans etc.)

SCPs and light-controlled crossings fulfil the same purpose (they stop traffic so pedestrians may cross the road safely) and, therefore, having both in place at the same site is a duplication of resources and may be confusing for drivers.

SCPs should not be located on light-controlled crossings unless there are exceptional circumstances such as poor driver behaviour (for example red light running), large groups of children crossing or concern about the children's age and ability to use the facility correctly. Local road safety enforcement, education or pedestrian training at the school in question may help to address these concerns.

Some Authorities have SCPs who work on light-controlled crossings. In many cases, the SCP predated the crossing and was kept when the light-controlled crossing was installed. See supporting document "Guidance for patrols who work on Light Controlled Crossings" for further information.

Where an Authority introduces a new light-controlled crossing at an SCP site, it may be helpful for the SCP to remain at their post for a while to ensure that children and parents use the facility correctly. The SCP may also give out publicity material. Once everyone understands how the new light-controlled crossing works, the SCP may be relocated to a different site.

When SCPs work on light-controlled crossings, they must step off the kerb and take their position in the road while the red light is showing for traffic, so they do not confuse drivers. SCPs must use the lights to stop traffic, **and must also display their sign.**

Further Guidance for patrols that work on light controlled crossings can be found on the Road Safety GB website, SCP section.

Best Practice
It is not necessary for SCPs to work on pelican, puffin or toucan crossings (unless there are exceptional circumstances), as they are, by definition, safer crossing facilities. However, where they do work on such crossings, SCPs should be specifically trained how to do so. They must use the crossing's lights to stop traffic and display their SCP sign as normal.

Puffin Crossings
It is important to ensure that SCPs working with this type of crossing understand how they operate. The detectors sense pedestrians who are crossing or waiting to cross. Therefore, SCPs need to position themselves accordingly, because if they do not stand in the correct zone after they have pressed the button, the facility will not come into operation. The detectors also automatically extend the red traffic signal to give pedestrians time to finish crossing, however, there is a time limit and managers should discuss the time setting of the facility with the Authority's traffic engineers.

Working on Pedestrian Islands (Central Refuges)

At some places where wide roads are divided by central refuges or dual carriageways by central reservations, crossing procedures can only be carried out in two stages and pedestrians must wait in the centre until the SCP has stopped the traffic on the other half of the road. However, sometimes the central refuge or reservation is not large enough to contain a group of pedestrians, in which case, the crossing procedure will need to be completed in one action. In some locations two SCPs are needed and they will have to work together to control this situation. Supervisors should judge the number of SCPs needed based on the capacity of the refuge and the volume of pedestrians and traffic.

On roads where there is a speed limit of over 40mph, providing an SCP is considered to be inappropriate, and providing a light-controlled facility is recommended instead.

6.5 Working at Zebra Crossings

SCPs who work on zebra crossings should follow their normal working procedure, using the sign to stop drivers.

Best Practice
SCPs who work on zebra crossings should work normally.

6.6 Accidents or Incidents at a Crossing Location

Training should include an agreed course of action and protocol with the Police about incidents at SCP locations within their Local Authority area. Appendix 9 shows an example of a protocol.

SCPs should be given a supply of incident cards or a notebook to note down the name of witnesses and the details of any vehicles when an incident occurs.

Training should also be provided to help SCPs respond to possible violence and aggression. See Appendix 18.

Best Practice
SCPs should be aware of the agreed protocol for reporting accidents or incidents at their site.

6.7 Remedial Action

If supervision reveals problems with the standard of work, the Authority must take appropriate action to correct all such problems. This may include discussions with the SCP or retraining. An example supervision checklist is provided in Appendix 8.

7.0 SUPERVISION

7.1 General

Supervision is a vital part of an effective, efficient and professional Service. It enables an Authority to ensure that standards of operation are maintained, and provides an essential human point of contact between SCPs and their employers.

Authorities should supervise their SCPs regularly, and at intervals of not less than twice a term. Supervision should be conducted by staff employed as SCP Supervisors or by Road Safety Officers.

Initial careful supervision after appointment should be conducted, followed by further, regular supervision. Robust supervision is recommended, but managers should be aware of the Regulation of Investigatory Powers Act 2000, which limits the use of covert observation. SCP managers are advised to liaise with their Authority's human resources or personnel departments for guidance. If used, SCPs must be advised that covert supervision may be conducted from time to time, although the exact times and dates should not be announced. Incidental supervision may also be used, although it is never enough as the main, or sole, supervisory activity.

Supervisory visits must include a discussion with the SCP and must be recorded and the records should be accessible to the Service Manager. They will be more useful if they contain (positive or negative) written comments. Negative comments must be followed by explanatory notes and remedial action. All information recorded and held must comply with the requirements of the Data Protection Act.

Supervisors must have the use of a car and a telephone and answer-phone service for which appropriate allowances must be paid. Supervisors and mobile SCPs should have access to mobile phones for personal safety and security reasons. Authorities may have their own policies on this.

Ideally, Supervisors should live in the general area where the SCPs for which they are responsible are deployed. In rural districts (or areas where significant distances must be travelled) the workload should be adjusted so each supervisor has the opportunity of visiting each SCP site not fewer than twice during each school term.

Supervisors should preferably take their annual leave during the school holidays, be available from 07.30 each school day and on stand-by should the need arise.

Supervisors must ensure that any young people (under 18) employed as SCPs are protected from risks that are a result of their lack of experience. Please see section 5.6 for further information on 'The Management of Health & Safety At Work etc. Regulations 1999'.

7.2 Training of Supervisors

Wherever possible, regions should hold regular meetings for SCP Supervisors or Managers to develop a network of contacts and allow an exchange of information, ideas and support between Authorities. The groups may also want to consider working together to develop publicity campaigns and other schemes where there may be financial benefits to buying in larger quantities. Regional meetings can also be used as training and personal development forums for

Supervisors and Managers where relevant topics appropriate to the service can be discussed. (See Appendices 19 and 20 for sample SCP Supervisor job description and job specification and supporting document "Training for Managers and Supervisors" available on the Road Safety GB website, SCP section, for further information)

Best Practice
All SCPs should be supervised regularly and monitored at least twice a term, and written records kept.

SUMMARY OF BEST P R A C T I C E

Parental Responsibility
The Authority's policies should make it clear that parents are responsible for ensuring their children are able to travel to school safely, whether or not the Authority is able to provide safer routes or safer crossing facilities.
Sites should be established, using the Authority's adopted criteria, based on the number of children walking to and from school and traffic flows at the site in question.

Responsibility for the Service
The SCP Service should be operated and managed by one department only, namely the department responsible for Highways, Traffic and Engineering.

Staffing
Authorities should ensure that satisfactory staffing levels to provide and supervise a safe and efficient SCP service are maintained.
A ratio of one Supervisor for every 40 SCPs is recommended, depending on the geographical area the Supervisor covers.

Administrative and Clerical Support
Efficient and effective administrative and clerical support should be available to ensure a quick and appropriate response to all problems that may arise.

Insurance and Indemnity
Managers should get written confirmation that their insurance or indemnity policy applies to the SCP service under the conditions that it is conducted.
Managers should confirm whether the Indemnity policy applies to all employees regardless of age.
SCPs should be advised about the option of personal accident insurance, if available.
Managers should confirm that SCP staff who use their vehicles for work purposes have appropriate motor insurance cover.

Uniform
SCPs must be provided with, and wear while working, high visibility garments complying with both the Home Office Circular 3/1989 and EN 471.
Supervisory staff must ensure that SCPs always wear their full uniform, including a peaked cap, beret or yellow turban according to circular 3/1989, when on duty and that the coat is fastened.
Supervisory staff must ensure that SCPs fully understand that, to comply with the law, they must wear their full uniform of coat and hat and use the approved sign.

Advanced Warning Signs
Advanced Warning Signs and Flashing Amber Warning Lights (if applicable) should be installed at SCP sites.

School Crossing Patrol Sign
SCPs must be made aware they have no legal authority to stop traffic without their sign. Guidance should be given for those occasions when a sign is not available.

School Liaison
Good liaison arrangements with schools, the local community and other relevant Authority departments are essential.

Risk Assessment and Risk Management
A risk assessment should be conducted and recorded regularly, following the policy of the Authority. A generic risk assessment for the Service should be conducted and reviewed yearly. Specific risk assessments for each SCP site should also be conducted and reviewed yearly.
The Authority must also carry out risk assessments for mobile SCPs and Supervisors or anyone else who drives during their duties.

Vacant Sites
An efficient system for telling schools when a site is unexpectedly vacant should be in place, and all relevant staff should be aware of the necessary procedures. Where possible, a standby SCP should be provided for at least the time it takes to alert all schools and parents who are affected.

Accident and Incident Management
Clear accident and incident procedures should be in place and should be included in the SCPs' training. The procedures should cover accidents and incidents such as harassment, and drivers who fail to stop. All such incidents should be reported to the SCP Supervisor, and the Authority should keep records.

Application for an SCP Site
Applications for providing an SCP should be assessed, according to the criteria in the National Guidelines or the Local Authority's adopted criteria, if different, as quickly as possible.

Approving New Sites
The power to approve new SCP sites should be delegated to the Manager of the SCP Service.
New sites should only be approved if they meet the Authority's adopted criteria. Consultation should take place to check whether any changes to the highway are planned.
Any necessary measures, such as warning signs, must be installed before the site becomes operational.

Reviewing Existing Sites
SCP sites should be reviewed when circumstances change (for example, a school closure, SCP retirement or a new local traffic scheme). Sites should be reviewed against the Authority's adopted criteria.

Disestablishing SCP Sites
SCP sites should only be disestablished following a review, and the reasons should be clearly explained. Where possible, SCPs should be reallocated to another site.

Recruitment
An appropriate recruitment process to assess the suitability of potential SCPs must be in place. Managers should consult their Human Resources or Personnel Department and follow the Authority's recruitment and equal opportunities policies and procedures.

Interviews
Interviews should be conducted according to a formal interview procedure, including the use of an interview checklist. Interviews should have at least two interviewers, and interview records must be kept.

Vetting
Applicants must be subject to an Enhanced CRB or Disclosure Scotland check before appointment and these must be carried out every three years.

Medical Fitness
Managers should establish a process to assess the medical fitness of SCPs. SCPs must pass a pre-employment medical examination before starting work. It must be clear to SCPs on appointment that they may be called in for medical review at any time and that this procedure must be included in their appointment letter. It is recommended that Occupational Health assessments are carried out at the road side, ideally at the patrols' own location.
SCPs must also tell their Supervisor if they have any concerns about their fitness to carry out their duties during the annual site-specific risk assessment monitoring procedure.

Age Limits
Managers should ensure that their policies on age limits for SCPs comply with the European Employment Directive and must be guided by their own Local Authority policy on this issue.
Where SCPs under the age of 18 years are employed, managers should ensure they follow the HSE Guidance on employing young people.

References
SCPs should only be appointed subject to CRB check, two satisfactory references and medical clearance.

Training
Only SCPs who have been trained and judged to be competent should be allowed to work. Retraining sessions should be conducted regularly.

SCPs Working on Light-Controlled Crossings
It is not necessary for SCPs to work on pelican, puffin or toucan crossings (unless there are exceptional circumstances), as they are by definition, safer crossing facilities. However, where they do work on such crossings, SCPs should be specifically trained how to do so. They must use the crossing's lights to stop traffic and display their SCP sign as normal.

SCPs Working on Zebra Crossings
SCPs who work on Zebra Crossing should work normally.

Accidents and Incidents
SCPs should be aware of the agreed protocol for reporting accidents or incidents at their site.

Supervision
All SCPs should be supervised regularly and monitored at least twice a term, and written records kept.

Part 2 – Criteria For Establishing School Crossing Patrol Sites

1.0 BACKGROUND

1.1 The Need for Criteria

When the SCP service was first set up few guidelines were available to those who were responsible for its operation and management. Nor was advice provided by any of the Government departments. Most decisions were based on one (or more) person's views of the safety or danger of sites.

No matter how skilled the Manager, the situation had the potential for unsound decisions to be made and was unprofessional. Sites that were justified might well be refused an SCP, whereas sites that did not justify one could well have SCPs approved.

These criteria are not meant to be prescriptive, and managers should make their own informed decisions appropriate to their local circumstances and policies.

1.2 Development of the Criteria

Criteria were developed which incorporated elements from the existing proven and widely adopted criteria for assessing potential zebra and pelican crossing sites. The SCP criteria used the PV^2 formula as its basis (P =Number of Pedestrians, V= Number of Vehicles)

The relationship PV^2 provided a measure of both the potential conflict and the delays experienced by pedestrians. It also accounted for the need to help small numbers of pedestrians to cross roads safely when traffic flows were heavy and the delays long; and conversely, large numbers of pedestrians when traffic was lighter and the delays shorter.

The criteria also incorporated factors to reflect the special conditions at sites during school opening and closing times when the numbers of child pedestrians were concentrated over a fairly short period of time. Environmental differences between sites and the varying levels of traffic awareness between children in rural areas and those in large urban areas also needed to be considered.

A series of 'Adjustment' factors was produced based on examples of known site conditions (other than the basic vehicle and pedestrian flows). The criteria were tried out at a series of 80 existing sites, and have been used (often with local amendments) by most Authorities for many years.

2.0 GUIDELINES FOR TRAFFIC AND PEDESTRIAN COUNTS

2.1 INTRODUCTION

2.1.1 Flows of child pedestrians (P) crossing the road on their way to and from school are generally concentrated into short periods of time. The heaviest pedestrian and vehicle flows usually occur during morning journeys between 08.15 and 09.15. Because of this, site surveys should generally be conducted during this period, unless it is proven that the afternoon period is busier, in which case counts should be carried out during that period.

2.1.2 Surveys must be site specific, taking into account the start and finish times and relevant activities of the school(s) served by the SCP. Data should be recorded in 5-minute consecutive periods. This procedure is described in detail on page 35.

2.2 THE CRITERIA

The procedure for determining whether an SCP site is justified comprises six parts:

1. Count of pedestrians and vehicles.
2. Calculation of PV^2 Rating.
3. Comparison with adopted criteria threshold level.
4. Consideration of 'Adjustment Factors' and selection of 'Multipliers' (where appropriate).
5. Recalculation and recheck against the adopted criteria threshold level.
6. Consideration of additional facilities (e.g. zebra and light-controlled crossings – where heavy traffic flows or speeding exist).

Often it will be unnecessary to continue beyond Part 3 of the procedure, as there will often be a clear indication about whether an SCP Site can be justified. Use the graph provided at page 37 to carry out an initial check about the viability of the SCP Site:

a. Sites that fall within area "A" justify a SCP site without any further investigation.

b. Sites falling within area "B" need further investigation.

c. Sites that fall within area "C" will not usually warrant further investigation unless there are exceptional circumstances attached to the Site.

d. Sites that fall within area "P" need special consideration because traffic flows are so heavy they create major difficulties for an SCP to work safely. Within this area additional facilities (such as pedestrian crossings) may be justified.

2.3 PROCEDURE – PART ONE

Pedestrian and Vehicle Count

2.3.1 Sites having fewer than 15 children (P) crossing the road in the busiest 30-minute period should not be considered for establishing an SCP. It is important to check the policy of your own organisation. Based on specific circumstances, Authorities may choose to set a lower minimum number of children.

2.3.2 A classified count should be taken at the Site to identify the busiest 30-minute period, recording child pedestrians (P) and vehicles (light vehicles, large goods vehicles and PCUs and cycles).

2.3.3 It is recommended the traffic counts be recorded as 'passenger car' equivalent values (PCUs), by using the following multiplication factors:

Passenger Car Units (PCUs) for Recording Purposes	
3 Pedal Cycles	= 1 PCU
2 Motorcycles	= 1 PCU
1 Car	= 1 PCU
1 Light Goods Vehicle (up to 3.5 tonnes gross weight)	= 1 PCU
1 Bus/Coach	= 2 PCUs
1 Medium Goods Vehicle (over 3.5 tonnes gross weight)	= 2 PCUs
1 Large Goods Vehicle (over 7.5 tonnes gross weight/multi axle lorries)	= 3 PCUs
1 Bendi-bus	= 3 PCUs

If an automatic vehicle counter is used that does not provide vehicle classification data, then some observation of the traffic flow and composition will be needed.

2.3.4 The count should include child pedestrians who attend an educational establishment and who cross the road at the time of the heaviest traffic flow (normally during the morning peak). Record the numbers of children (P) who cross the road at (for existing staffed sites) or within 50 metres of the site (for unstaffed or new sites).

2.4 PROCEDURE PART TWO: CALCULATION OF PV^2 RATING

PLEASE NOTE – all values used in the calculation must be taken from the same 30-minute (6x5 minutes) busiest period.

2.4.1 Having collected all the necessary data from the site, the calculation PV^2 must be completed. Below is a checklist of the main points to be considered:

a. Identify the busiest consecutive 30-minute period (note that vehicles form the most significant part of the equation).

e) Calculate the total of child pedestrians (P) and multiply it with the square of the total number of PCU equivalents (V^2) from the same consecutive 30-minute period to provide the product PV^2.

2.5 PROCEDURE – PART THREE

Comparison with Adopted Criteria Threshold Level

2.5.1 If a PV^2 of greater than 4 million is achieved, an SCP location can be justified. The graph shown on page 37 shows whether a site immediately justifies a SCP or if it needs further investigation or measures other than a SCP.

Example (i):
200 children (P) and 250 vehicle equivalents (V) in the same consecutive 30-minute period, multiplied together in the form PV^2 produces point 'X' on the graph. The point is within area 'A', exceeding the required threshold value of 4×10^6 and justifying the establishment of an SCP site. There is no need for further site assessment, or mathematical calculations.

RESULT
Site can be justified.

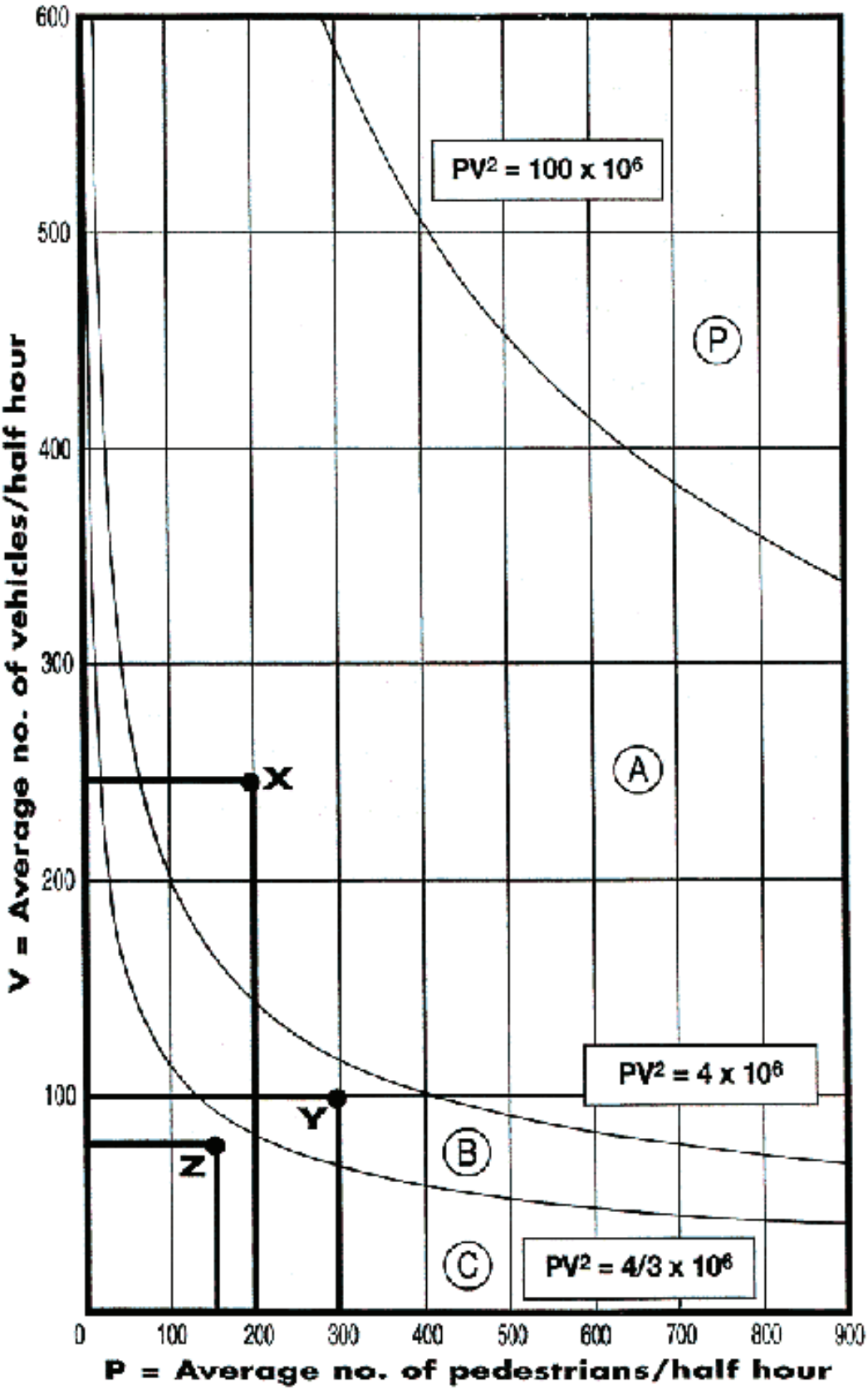
Example (ii):
300 children (P) and 100 vehicle equivalents (V) in the same consecutive 30-minute period, multiplied together in the form PV^2 produces point 'Y' on the graph. This is within area 'B' [between lines (1) and (2)], not achieving the threshold level and not justifying the establishment of an SCP site at this stage. Reference should be made to Part 4 of the criteria in order to re-assess whether the site can be justified.

RESULT
Site NOT immediately justified – further investigation needed using Adjustment factors.

Example (iii):
150 children (P) and 75 vehicle equivalents (V) in the same consecutive 30-minute period, multiplied together in the form PV^2 produces point 'Z' on the graph. This is within area 'C' [below and to the left of line (2)], not reaching the threshold level and almost certainly not justifying the establishment of an SCP site.

RESULT
Site NOT justified.

Should extreme pressure be applied for the provision of an SCP at this site, Part 4 of the criteria may be applied to verify the position.


600
500
400
300
200
100
0
100
200
300
400
500
600
700
800
900
V = Average no. of vehicles/half hour
P = Average no. of pedestrians/half hour
PV² = 100 x 10⁶
PV² = 4 x 10⁶
PV² = 4/3 x 10⁶
P
A
B
C
X
Y
Z

Action Chart – Checking SCP Site Viability (using Graph)

Position of Point	**Action to be taken**
Area 'P'	Crossing facilities justified (It is recommended a light controlled crossing be considered)
Area 'A'	SCP site justified (Recommended establishment of SCP site)
Area 'B'	SCP site not justified at initial assessment (Apply Part 4 of the procedure to verify the position)
Area 'C'	SCP site definitely not justified at initial assessment (Apply Part 4 of the procedure if exceptional circumstances exist)

2.6 PROCEDURE – PART FOUR

Consideration of 'Adjustment factors' and selection of 'Multiplier'.

2.6.1 Where the PV^2 criterion threshold level falls within area 'B' [between lines (1) and (2)] a detailed site investigation should be undertaken using the list of 'Adjustment Factors' (Page 40).

2.6.2 The adjustment factors quantify the 'environmental' considerations to be used in assessing the potential risks at the proposed site. Each item must be assessed objectively and appropriate factors assigned.

2.6.3 Once the number of adjustment factors has been decided, the appropriate multiplier should be obtained from the table of 10% Compound Multipliers (Page 42).

2.7 ADJUSTMENT FACTORS

The following section highlights environmental factors that may be the cause of potential risk at sites where an SCP already exists or is proposed. Some or all of these may be true for the site under consideration.

Accurate site assessment makes it possible to check each of the items on the following list and establish how many adjustment factors should be allocated (factors being assigned according to the level of difficulty). Using the final total of adjustment factors it is possible to determine a compound multiplier (from the table), which is then used to uprate the original PV^2 value to provide a weighted (and more accurate) assessment of the potential risk at the site.

Table of Adjustment Factors

2.7.1

Carriageway Width (single Carriageway)	**Factor**
Carriageway width between 7.5 and 10 metres	**+1**
Carriageway width in excess of 10 metres	**+2**
Footpath width less than 2 metres	**+1**
Down gradient steeper than 12.5% (1 in 8)	**+2**
Down gradient less than 12.5% greater than 5% (1 in 20)	**+1**

2.7.2 Speed/Visibility

It is recommended that SCP sites are not established on roads with speed limits greater than 40 mph.

85%ile speed of traffic)[1]	**Visibility (metres)**[2, 3]	**Factor**
Travelling between 30 and 40 mph	Less than 50 m	**+3**
	Between 50 – 75 m	**+2**
	Between 75 – 100 m	**+1**
Travelling between 40 and 50 mph	Less than 60 m	**+3**
	Between 60 – 100 m	**+2**
	Between 100 – 150 m	**+1**

[1] To obtain the 85th percentile (85%ile) speed of traffic, a record of the speeds of at least 100 free running vehicles will be needed on one visit during the period 08.30 (08.15 if the full operation of an SCP is required) to 09.00 – i.e. the site operation times prior to the start of the **busiest** school day.

The formula used is: $\frac{(85\%ile - 30)}{3}$ = FACTOR

e.g. 36 MPH 85%ile gives $\frac{(36 - 30)}{3}$ = +2

A negative factor would not be applied.

[2] Care must be taken when using these factors, as the distances shown are less than vehicle stopping distance in adverse weather conditions.

[3] If parked vehicles obstruct sightlines or mask children, and it is not possible to prohibit parking, then the visibility criteria from the kerb edge should be applied using a 1 metre eye level.

2.7.3	**Street Lighting**	**Factor**
	None	**+3**

2.7.4	**Signs, Street Furniture, Trees, etc**	**Factor**
	If visibility is variously obstructed within 100 metres of the proposed Site and pedestrians are masked.	**+1**

2.7.5	**Road Markings**	**Factor**
	If the Site is complicated by road markings for the purpose other than an SCP, i.e. turning lanes etc., within 50 metres either side.	**+1**

2.7.6	**Junctions**	**Factor**
	If the Site is on a major road and is within 20 metres of a road junction	**+2**
	If the Site is on a minor road and is within 20 metres of a road junction	**+1**

2.7.7 Accidents

Accidents involving pedestrians on weekdays within 50 metres of the proposed crossing point.
One point per pedestrian injured per year based on a three-year average.

2.7.8 Weight of Traffic

Where pedestrian flows are light, the vehicle flows are heavy and the criteria are not satisfied, then at 800 passenger-carrying units (see table on page 35) per hour (two way, or one way on dual carriageway) it is recommended to add a further +1 factor.

2.7.9	**Age Factors**		**Factor**
	Average Age	Primary (up to 11 years)	**+5**
		Secondary (12+ years)	**+1**

2.8 PROCEDURE – PART FIVE

Recalculating the Rating against the Adopted Criteria Threshold Level

2.8.1 Take the 'Multiplier' indicated in the table of '10% Compound Multipliers' and multiply it with the previous threshold rating (PV^2). The result of this calculation is the 'New' PV^2 value. Re-check it again with the adopted threshold level.

Worked Examples – using the 'Multiplier' factor

Example 1	**300 pedestrians**	**100 vehicles**	
V^2	100 x 100	=	10,000
PV^2	300 x 10,000	=	3,000,000

This is less than 4 million and produces point 'Y' on the graph in area 'B'. However, further investigation at the site identified five 'Adjustment Factors' that should be taken into account. By referring to the Table of Compound Multipliers, five factors produce a multiplier of 1.610.

Thus the revised value is 3,000,000 x 1.610 = 4,830,000. This value exceeds the criteria threshold value (4×10^6) and therefore justifies the establishment of an SCP site.

Had only two factors been assigned, the multiplier would have been 1.210 and the revised value 3,000,000 x 1.210 = 3,630,000 (less than 4,000,000).

The provision of an SCP site would not have been justified.

Example 2	**150 pedestrians**	**75 vehicles**	
V^2	75 x 75	=	5,625
PV^2	5625 x 150	=	843,750

This produces a value of 843,750, point Z within area 'C' on the graph, and is very much less than 4 million.

Unless the Site attracts an abnormally large number of Adjustment Factors, it is unlikely that an SCP site could be justified.

2.9 PROCEDURE – PART SIX

Consideration of Additional Facilities

2.9.1 Where significant flows of vehicles and/or children are identified at the potential site, other additional facilities may be justified. Assuming that there are no grade separated facilities already available, a zebra or light-controlled crossing should be considered in accordance with the criteria laid down by the DfT.

2.9.2 It should be remembered that an important part of the Manager's responsibility as 'employer' is to ensure the safety of their employees (SCPs), the people in their charge and the safety of those who may be affected by their acts or omissions. Therefore, sites which are very heavily trafficked, or deemed

potentially dangerous by the nature of the road layout or other environmental conditions, may not be safe for the authorisation and siting of an SCP.

2.9.10 TABLE OF 10% COMPOUND MULTIPLIERS

No of Factors	Multipliers to be applied to basic PV^2 figures
1	1.100
2	1.210
3	1.331
4	1.464
5	1.610
6	1.772
7	1.949
8	2.144
9	2.358
10	2.594
11	2.853
12	3.139
13	3.453
14	3.798

P-03-318 Gwasanaethau mamolaeth trawsffiniol

Geiriad y ddeiseb

Rydym ni, sydd wedi llofnodi isod, yn nodi'r cynnig i symud yr uned famolaeth dan arweiniad meddyg ymgynghorol, yr uned gofal dwys i'r newydd-anedig a'r uned plant i gleifion mewnol o Ysbyty Brenhinol Amwythig i Ysbyty'r Dywysoges Frenhinol yn Telford.

Rydym yn credu y byddai hyn yn achosi llawer o galedi a straen i gleifion a'u teuluoedd sy'n teithio o Sir Drefaldwyn. Byddai'n ychwanegu 20 munud at daith sydd eisoes yn cymryd 50 munud ar y gorau, ac mae'n anochel y bydd amseroedd ymateb ambiwlansys yn cynyddu'n sylweddol.

Mae'n hanfodol nad yw'r cynigion hyn yn cael eu hystyried ar wahân i'r cynigion yng Nghymru a bod Llywodraeth Cymru'n mabwysiadu dull strategol o ymdrin â materion iechyd trawsffiniol, er mwyn sicrhau bod anghenion cleifion o ganolbarth Cymru yn cael eu hystyried yn llawn mewn unrhyw gynigion o ran ysbytai dalgylch.

Felly, rydym yn galw ar y Cynulliad Cenedlaethol i annog Llywodraeth Cymru i ymwneud yn llawn â'r broses ymgynghori 'Keeping it in the County', er mwyn sicrhau nad yw cleifion o ganolbarth Cymru o dan anfantais o ganlyniad i unrhyw newidiadau.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-318.htm

Cynigwyd gan: Mrs Helen Jervis

Nifer y llofnodion: 164

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan y cyn Weinidog dros Iechyd a Gwasanaethau Cymdeithasol, gan Adran Iechyd Llywodraeth y DU a chan Ymddiriedolaeth GIG yr Amwythig a Telford.

Edwina Hart MBE OStJ AM
Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Our ref: EH/00853/11
Your ref: P-03-318

Christine Chapman AM

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22 March 2011

Dear Christine,

Thank you for your letter of 9 March in respect of petition P-03-318, relating to the proposed move of maternity and children's services from the Royal Shrewsbury Hospital to Telford's Princess Royal. I am sorry, but it would be inappropriate for me to comment directly on changes to the way that services are delivered in England.

The petition asks that the National Assembly urge the Welsh Assembly Government to fully engage in the "Keeping it in the County" consultation process. You will wish to be aware that this consultation, run by the Boards of Shropshire County PCT, The Shrewsbury and Telford Hospital NHS Trust and NHS Telford and Wrekin, closed on 15 March. The Boards will meet later this month to consider the outcome of the consultation.

The aim of the Welsh Assembly Government is for all patients to be confident that they can access high quality, safe health care services as close to their homes as possible. Powys Teaching Local Health Board (tLHB) is responsible for ensuring this happens for residents of Mid Wales and the Welsh borders.

All patients in Wales should expect to be seen in the most appropriate place, and as locally as possible where those high quality health services are available, which is usually in Wales. However, there have been long standing cross-border arrangements in place so that Welsh residents can be referred to health services provided in England, when it is necessary. If proposals are developed to relocate services in England, Powys tLHB, together with the Community Health Council (CHC), would represent the interests of Welsh residents. Derek Smith, the Chair of Montgomery CHC, has informed me that they have been involved in the public

consultation on the proposed changes to services and I have encouraged the CHC to put forward their concerns about access for Welsh patients through this public consultation route.

The role of the Welsh Assembly Government is to ensure that the LHB is performing well and to support it where necessary and we would only become involved if there were a particular reason to do so. However, I would like to assure you that the Welsh Assembly Government is engaged in the process. Senior Welsh Assembly Government officials are in touch with the LHB and are monitoring the situation and, if necessary, I may make representations to the Secretary of State for Health in England.

I hope this demonstrates my commitment to ensuring that Mid Wales residents are able to access the health services they need, when they need it.

From the Rt Hon Simon Burns MP
Minister of State for Health

Department of Health

Richmond House
79 Whitehall
London
SW1A 2NS

Tel: 020 7210 4850

Your ref: P-03-318

PO00000603271

Ms Christine Chapman AM
Chair, Petitions Committee
C/o Clerking Team, Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Ms Chapman

19 APR 2011

Thank you for your letter of 18 March to Andrew Lansley about the Royal Shrewsbury Hospital and cross-border health provision. I am replying as the Minister responsible for NHS reconfiguration policy.

With regards to your concerns about maternity services at the Royal Shrewsbury Hospital, the consultation document, *Keeping it in the County*, published by Shropshire County Primary Care Trust (PCT), NHS Telford and Wrekin, and Shrewsbury and Telford Hospital NHS Trust, outlines why the local NHS believes change is needed to some of the services it provides in the Shropshire area. These include inpatient surgery, inpatient children's services, and services provided in the maternity building at the Royal Shrewsbury Hospital site. Proposals appear to show sound evidence for the delivery of the bulk of children and maternity services at Princess Royal Hospital, Telford.

Midwife led care would continue to be available at both sites as is currently the case, as would 24 hour A&E departments. Children's outpatient services would also continue to be available at both sites.

There has been a long history to the debate about the best way of organising hospital services in Shropshire. A previous review failed to provide a lasting way forward for the county. The local NHS organisations taking the review forward believe changes need to be made in the near future, as services become increasingly difficult to provide safely. This review was led by clinicians across the county's NHS organisations. A large number of organisations in the county have been working closely together, including GPs and patient groups.

Public consultation on the current review of maternity services at the Royal Shrewsbury Hospital began on 9 December 2010 and concluded on 14 March this year. West Midlands Strategic Health Authority has indicated it is assured that issues relating to cross-border transport have been acknowledged during consultation, and will form part of the work programme going forward. The issue of cross-border transport is a key issue highlighted in the recommendations, which forms part of the Trust's report on consultation.

In agreeing to proceed to developing an Outline Business Case, the Trust and local PCTs agreed recommendations that must be addressed as part of the next phase of the work. I am informed that the Trust has made a commitment to hold a rural and cross-border health symposium later in the year. The Trust's Chief Executive, Adam Cairns, met with representatives from the Institute of Rural Health recently to discuss this.

You may also wish to be aware that Glynn Davies MP (Montgomeryshire) and Daniel Kawczynski MP (Shrewsbury) have also both submitted Public Petitions on behalf of their respective constituencies.

With regard to cross border health provision, both the Department of Health and the Welsh Assembly Government recognise that some patients resident in one country will receive care on the other side of the border, for reasons of practicality or preference. For this reason, both Governments send representatives to the Cross Border Health and Social Care Group, which meets to discuss issues which are arising.

It has also been agreed, with input from the NHS in England and Wales and the Wales Office, to have a cross-border commissioning protocol, which seeks to address some of the consequences of the diverging structures of the NHS in England and Wales. The document defines the responsibilities of the commissioners of health services. At the heart of these responsibilities are the principles that commissioning will be on the basis of clinical need, not residence and that no commissioner should be disadvantaged due to differences in healthcare costs along the border. It is the responsibility of providers to assess whether the locations of their services are appropriate, and the responsibility of commissioners to seek to ensure that provision of necessary services is available to the patients for whom they are responsible.

I hope this reply is helpful.

SIMON BURNS

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NHS Trust

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16th May 2011

Clerking Team
Petitions Committee
National Assembly for Wales
Cardiff Bay
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Dear Colleague

P-03-318 Cross Border Maternity Services

Thank you for the opportunity to respond to the petition to the Welsh Assembly regarding proposed changes to hospital services and how cross-border implications are being taken into account.

In order to respond to your later I would first like to provide some brief background to the challenges facing local hospital services, the process by which we engaged clinicians and communities in finding solutions to address those challenges, and the public consultation process that took place between December 2010 and March 2011. I will then set out our commitments to continue to ensure that cross-border implications are being taken into account going forward.

Background and Context

There has been a long history of debate over many years without resolution on a series of challenges to the safety and sustainability of hospital services at the Royal Shrewsbury Hospital in Shrewsbury and the Princess Royal Hospital in Telford. This has focused on safety and sustainability challenges affected a range of services including acute surgery and children's services. If these challenges are not addressed then there are risks both to the ongoing quality and safety of patient services and to the sustainability of these services in our hospitals in Shrewsbury and Telford.

In other words, if we do not take action then there are risks that we will no longer be able to provide services for patients in a safe way and patients (and their relatives and carers) would need to travel further afield for their care.

The hospitals are managed by The Shrewsbury and Telford Hospital NHS Trust and together serve a population of around half a million people in Shropshire, Telford & Wrekin and mid Wales. We established the "Future Configuration of Hospital Services" programme in summer 2010 to secure high quality, safe, sustainable hospital services, with the goal of keeping services in our hospitals in Shrewsbury and Telford. The first stage of this work took place between July and November and launched a clinically-led debate (involving clinicians

from Shropshire, Telford & Wrekin and mid Wales) to develop proposals for the future shape of hospital services.

This debate focused on three dilemmas facing services in our hospitals:

- Making sure that we can continue to provide 24 hour acute surgery
- Making sure that we can keep our range of children's services
- Planning to move out of the deteriorating women and children's building at the Royal Shrewsbury Hospital before this building fails

With clinicians and partners we agreed the development of plans to address these dilemmas must:

- Make patient services safer now and in the future
- Make patient services sustainable now and in the future

This needed to be considered in the context of a wide range of current and future issues and challenges:

- The current clinical safety and sustainability risks facing hospital services, and the very real risk that some services will become unsafe or not sustainable.
- The needs of the different communities we serve across Shropshire, Telford & Wrekin and mid Wales.
- Maintaining important clinical linkages between hospital services (e.g. the clinical links between obstetrics and neonates, and the medical cover arrangements between neonates and paediatrics).
- A drift of services out of county. For example, patients with ST elevation myocardial infarcation are already driven past our hospitals to heart centres in Stoke and Wolverhampton for primary angioplasty (PCI) as this is not performed in our hospitals. In recent years we have also seen different types of cancer surgery leave our hospitals because we have not been able to demonstrate compliance with Improving Outcomes Guidance.
- Medical workforce issues such as restrictions in working hours for junior doctors, reduced opportunities for international recruitment and a medical training programme resulting in earlier specialisation and a narrower expertise set and in some specialties smaller numbers of available staff.
- An environment of increasing external scrutiny of health services, including from Monitor and the Care Quality Commission and the implications of the Health and Social Care Bill currently being considered by Parliament.
- The availability of capital funding for building and equipment, and the revenue implications from capital loans.
- The prolonged debate on the future shape of hospital services without resolution: the current risks are getting harder to manage and the opportunities for solving them are reducing.

The development of options for addressing these dilemmas and meeting these essential requirements was framed by three reconfiguration principles:

- Keeping two vibrant, well balanced, successful hospitals in the county
- A commitment to having an Accident and Emergency Department on both sites
- Access to acute surgery from both sites

In developing options we aimed to minimise the impact on all parts of the communities we serve. The significant majority of the care that we provide for people in mid Wales will continue to be provided at the Royal Shrewsbury Hospital. This includes:

- Maintaining A&E services
- Strengthening the Royal Shrewsbury Hospital as our main inpatient centre for acute surgery
- Maintaining medical inpatient services, including stroke
- Maintaining the majority of outpatient and daycase services – and continuing to work with Powys Teaching Health Board to identify ways to bring more services more locally where possible (for example, through tele health care)
- Strengthening the role of the Royal Shrewsbury Hospital as a Cancer Centre through a £5m development in partnership with the Lingen Davies Cancer Fund

Whilst this means that the majority of hospital visits for the majority of people from mid Wales will continue to be provided at the Royal Shrewsbury Hospital, inpatient children's services and inpatient consultant-led maternity services (and neonatal services) will be consolidated at the Princess Royal Hospital. I should stress at this point that any changes to women and children's services are subject to approval of an Outline Business Case and Full Business Case, and would around three years to complete which will provide an extended period to continue to engage with communities on both sides of the border to understand and address their concerns in the design of the new services.

Scrutiny, Assurance, Cross-Border Engagement and Ongoing Work

When facing dilemmas such as these, as an NHS Board we must:

- make the best possible decisions
- based on the information available to us
- in the context of a realistic assessment of the opportunities and challenges
- within a rigorous framework of scrutiny and assurance
- and, most importantly, mindful of the impact (both of making changes and of *not* making changes) on the people we are here to serve, namely our communities across Shropshire, Telford & Wrekin and mid Wales

The decision to consolidate children's inpatient care, consultant-led maternity care and the neonatal unit within a new Women's and Children's Centre at the Princess Royal Hospital has not been taken lightly and has been developed in this context. This has included considerable analysis and scrutiny at both local and national levels, including:

- Presentations and Question & Answer sessions for the public and for partner organisations. This included three major public meetings (in Llanidloes, Newtown and Welshpool) as well as partner meetings or presentations with Powys Teaching Health

Board, the Montgomeryshire Area Committee of Powys County Council, Powys County Council Portfolio Holders for Adult and Children's Services, Montgomeryshire Community Health Council, the local MP and constituency AM, Welsh Ambulance Service NHS Trust and Betsi Cadwaladr University Health Board.
- Scrutiny of the proposals by the Health Overview and Scrutiny Committees of Shropshire Council and Telford and Wrekin Council.
- Local Assurance Process with patient, clinical and management representatives from Shropshire, Telford & Wrekin and mid Wales and external clinicians.
- National Clinical Advisory Team.
- Office for Government Commerce.
- Equality Impact Assessment.

More information is available in the suite of information accompanying this letter.

Specifically in relation to cross-border impact, a wide range of work is underway. This includes:

- Clinical working groups that are responsible for pathway development, risk mitigation, workforce and training needs and developing the overall models of care
- A Clinical Assurance Group comprising clinicians from primary and secondary care within Shropshire, Telford and Wrekin and Powys alongside colleagues from the Welsh Ambulance Service and the West Midlands Ambulance Service
- A Strategic Forum which includes the Chief Executives and lead Executive Directors from the Trust, Shropshire County PCT and NHS Telford and Wrekin, Powys tLHB and Betsi Cadwaladr UHB, the Welsh and West Midlands Ambulance Services. This groups remit is to ensure robust communication between the organisations as they develop their plans to ensure the delivery of high quality services into the future and ensure alignment and joint working
- A transport and transfers group specifically looking at ways of working together to mitigate the potential risks of additional travel time. This group involves Shropshire and mid-Wales councillors, both ambulance services, GPs and the Trust.
- A discussion forum with the Institute of Rural Health (based in Tregynon) to promote and support joint working to address the challenges of delivering modern health services to rural communities
- Building on the existing links between lead clinicians from the Trust and their colleagues in Powys, such as the Heads of Midwifery, Chief Nurses and Medical Directors to ensure plans are discussed and developed in partnership
- Within these groups a number of key strands of work are underway. This includes:
    - Data analysis by the Trust and ambulance services to understand, in greater detail, the impact of the reconfiguration on ambulance journey and turnaround times
    - Examining the potential for increased joint working between the ambulance Trusts on a practical day-to-day level
    - Sharing of evidence and best practice and pathways and experience alongside involvement in clinical work streams within the Trust reconfiguration programme and the service reviews within Betsi Cadwaladr UHB
    - Further work and implementation planning for the mitigation of risk as part of the ongoing assurance as plans develop

- Taking account of both English and Welsh policy directions in terms of the development of maternity and neonatal services

Alongside this, we have developed a communication and engagement plan for the next phase of this work, and I personally will be coming back to communities in mid Wales to share progress, hear their views and engage in shaping the future of the services we provide for them.

I fully acknowledge the concerns of patients, the public and communities of the travel distance and time in the proposals to move some services from Shrewsbury to Telford and I am personally championing the programme of work being led by the Trust to ensure that cross-border implications continue to be central to the work going forward.

I hope that my response provides you with reassurance that careful consideration continues to be given to this important issue in the planning and leadership of the work, and The Shrewsbury and Telford Hospital NHS Trust remains committed to providing the highest standards of care for our Welsh patients based on the contracts placed with us by Powys Teaching Health Board. Please do not hesitate to contact my office if you need any further information about this work.

Yours sincerely

Adam Cairns
Chief Executive

Enc

- Report to the Trust Board on 24 March 2011 on the outcome of consultation on the "Keeping It In The County" proposals.
- Report from the Local Assurance Panel on 28 February 2011
- Report on the "Keeping It In The County" consultation process
- Summary of the report from the National Clinical Advisory Team
- Equality Impact Assessment summary

P-03-317 Cyllid ar gyfer y celfyddydau Hijinx

Geiriad y ddeiseb

Yn dilyn y toriadau anghymesur yn arian refeniw Theatr Hijinx, rydym yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i sicrhau bod digon o arian ar gael er mwyn gwneud yn siŵr nad yw gwaith arloesol a theilwng Theatr Hijinx mewn perygl. Mae'r cwmni unigryw hwn o Gymru wedi treulio 30 mlynedd yn datblygu cyfleoedd i bobl sydd ag anawsterau dysgu i gael eu cynnwys ar bob lefel a bydd y toriadau hyn yn golygu gostyngiad sylweddol yn y ddarpariaeth bresennol.

Linc i'r ddeiseb: http://www.cynulliadcymru.org/gethome/e-petitions-old/admissible-pet/p-03-317.htm

Cynigwyd gan: Mike Clark

Nifer y llofnodion: 1,893

Y wybodaeth ddiweddaraf: Cafwyd gohebiaeth gan Gyngor Celfyddydau Cymru a chan y deisebwyr.

Cyngor Celfyddydau Cymru
Arts Council of Wales

5 April 2011

Your ref: P-03-317

Ms Christine Chapman AM
Chair, Petitions Committee
Clerking Team
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Christine Chapman

P-03-317 Hijinx Funding

The following is by way of an update on the funding of Hijinx Theatre.

In our Investment Review, our Council was clear about those elements of Hijinx Theatre's work it values and wishes to support and this is clearly reflected in our communications with the company and in our published document 'Renewal & Transformation'. In the initial funding decision letter dated 28 June 2010 we note that we remain highly supportive of the development work around Odyssey Theatre and the Unity Festival.

The revenue funding awarded to Hijinx for 2011-12 will be £160,000. We intend to maintain this commitment up until the end of the financial year 2013-14. Hijinx has been successful in our first consideration of Funding for Festivals through National Lottery and has been awarded £50,000 for ongoing work on the Unity Festival. The company has also been given an in-year award of £20,000 to support the development of a new business model.

I hope this answers your queries. If you require further information, please don't hesitate to contact me.

Yours sincerely

David Alston
Arts Director/Cyfarwyddwr Celfyddydau

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Cyngor Celfyddydau Cymru
Arts Council of Wales

19 April 2011

Naomi Stocks
Clerk
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Ms Stocks

P-03-317 Hijinx Funding

I'm writing in response to the letter of 18 March 2011 on the above from Christine Chapman AM.

You asked for further information on three matters:

1. The background to our decision to reduce the level of our revenue funding to Hijinx
2. The impact of this reduction on the Unity Festival
3. Levels of funding in future years

Hijinx Theatre's revenue funding

Over the past two years we've been engaged in a 'root and branch' review of our arts funding, what we called our Investment Review. The Investment Review reflected a requirement placed on us in our 2009/10 Remit Letter from the Heritage Minister. We were asked Council to:

> "...develop a funding strategy that places the funding of the Arts Council's revenue funded organisations on a more sustainable basis. This strategy should not be dependent on current or historic funding agreements. You should take a fresh look at funding strategy and be prepared to look robustly at the effectiveness of current investment. We wish to see ambitious proposals for the future. The aim must be to secure a vibrant and dynamic arts sector, better able to bring the highest quality arts activity to audiences and participants across Wales."

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The objectives, parameters and conduct of the Investment Review were subject to several months of detailed consultation. The outcome of that consultation was published in its final form in September 2009 as the Review's Terms of Reference.

We received funding submissions from 116 organisations, including from Hijinx. All submissions were assessed according to a common set of criteria. Having considered all of the submissions, we announced in June 2010 a new portfolio of organisations that would receive revenue funding from April 2011.

Hijinx was included as one of those organisations, albeit with a reduced level of revenue funding. Levels of revenue funding for all organisations were announced in December 2010. The level of funding allocated to Hijinx for 2011/12 was £160,000 (2010/11 - £234,448).

The reasons for our decision were summarised in a detailed public document *Renewal and transformation* (available from our website) published in June 2010. The reference to Hijinx is as follows:

> "The successes of Hijinx are, in our view, more mixed. Hijinx has attracted praise for its developmental work around Odyssey Theatre and the Unity Festival, but community touring has been less consistent. This dual activity – community touring on the one hand, and work with and for people with learning disabilities on the other – is set out in Hijinx's business plan.
>
> We could see real dynamism in Hijinx's descriptions of its work on the Odyssey Theatre project. This is an area in which we feel Hijinx has excelled. It serves a specific audience, but one that isn't served widely elsewhere. Hijinx's touring activity, however, seemed largely about maintaining more established and familiar ways of working. We couldn't feel confident that this would achieve the kind of transformational change in theatre that we believe the sector needs."

In reaching this decision, we considered Hijinx both on its own individual merits, and as part of the overall 'infrastructure' of theatre activity in Wales. We concluded that the touring activity didn't present a strong case for support, and other theatre activity elsewhere was felt to be a higher priority for our support.

We explained to Hijinx back in June 2010 that we wouldn't be continuing our funding for this touring activity, and that we would, with a reduced allocation of funding, focus instead on the company's well-regarded programme of work involving people with learning disabilities. We remain convinced that this is the right approach.

The Unity Festival

Hijinx expressed concerns to us that the new level of funding on offer might not enable them to fulfil their revised role to the standard of quality that they would wish. Our discussions looked in particular at the Unity Festival.

As part of our wider Investment Review process, we agreed to take a different approach to the future funding of festivals. In *Renewal and transformation* (June 2010) we said:

> "...we'll bring together all sources of funding – grant-in-aid and Lottery – to give us the flexibility we need to ensure effective, 'joined up' implementation of our priorities...
>
> ...it's our intention to invest in festivals from Lottery funds from 2011/12. Festivals remain an area of Council priority, but revenue funding will be used to focus on the needs of those organisations delivering a year round programme of activity."

We explained the new arrangements to Hijinx, who submitted an application for the Unity Festival earlier this year. As a result, they've been awarded funding of £50,000 for 2011.

It's possible that there might well be some staff redundancies resulting from our focusing on the priority area of work with and for people with learning disabilities. However, given this reduced remit, we believe that it's right for Hijinx to look at its running costs to ensure that it is able to concentrate as much money as possible on its 'front-line' arts activity. We've provided a further £20,000 of funding to enable Hijinx to develop new business models.

Looking at the funding picture 'in the round', and we believe that Hijinx is now well placed to enhance, rather than diminish, the impact of the Unity Festival, and we look forward to a very successful event later in the year.

Funding in future years

In December 2010 we wrote to Hijinx to say that we expected to continue our 2011/12 level of revenue funding at the same level in the two subsequent financial years. That remains our intention.

We understand that Hijinx will be concerned that part of their annual programme of activity (the Unity Festival) will in future be funded through the Arts Lottery rather revenue funding. However, this is consistent with our agreed and published strategy (as explained above) and applies to our support for all festivals who will in future apply for funding on a competitive basis.

It's worth noting, however, that this does open up new potential opportunities. As we've seen in 2011, Hijinx has been able to secure increased funding for the Unity Festival. We see no reason why Hijinx shouldn't be able to present similarly persuasive cases in future years.

In conclusion, I'd want to emphasise that we have the highest regard for the Hijinx team and we have every wish to see them succeed. And it's why Hijinx will continue to be an important part of our future plans. We believe that with the funding that is in place, this is entirely possible.

With declining budgets we are constantly having to make choices, often very difficult ones. This hasn't always made us popular, but we believe that we have made our funding decisions on a strategic basis that is consistent with our published advice. If I can provide any further information on this issue please don't hesitate to contact me.

Yours sincerely

Nick Capaldi

Nick Capaldi
Chief Executive

PETITIONS COMMITTEE - HIJINX THEATRE'S RESPONSE
TO THE ARTS COUNCIL OF WALES

1 As a direct consequence of ACW's investment review Hijinx are the most disadvantaged of the 71 arts organisations that continue to receive revenue funding. No other organisation has seen it's revenue funding cut by anything like the 39.5 % that Hijinx has suffered. The budget reduction is in fact £104.5K because the Odyssey project must now be delivered through core revenue funding; previously it was funded via the lottery route. Odyssey is a mixed-ability community group that includes people with learning disabilities working alongside people without as equals.

2 To put matters into perspective in the current financial year, the 71 retained organisations will share £25.25million and 56 will receive an additional £3.7 million; 10 will be at standstill and 5 will see a budget reduction. Hijinx are the only producing theatre company to have a reduction. Meanwhile the Arts Council's grants budget has only received a modest 4% cut from the Welsh Government.

3 As a direct result of this savage grant cut Hijinx are currently going through a restructuring exercise and this involves making 4 of the total of 7 staff compulsorily redundant by the end of July.

4 The recent award of a £50k project grant for the mixed-ability week long Unity Festival is of course very welcome, however it is a **project grant** and must be spent specifically on the Unity Festival, and cannot be used to " top-up" the revenue grant. It will not enable Hijinx to develop a sustainable activity plan for the next 3 years, which all the other retained organisations will be able to do. Neither will it stop the redundancies.

5 Hijinx were awarded a £20 K one-off payment to assist the company restructuring and pay statutory redundancy to staff leaving. In my view this would have been public money better spent on creating activity to be enjoyed by people in Wales.

6 Hijinx are a unique and groundbreaking Welsh theatre company whose reputation extends far outside Wales and the UK. They are the only company in Wales and only one of a few in the UK that provide opportunities for people with learning difficulties to experience the joys of live theatre and to work in a truly inclusive environment. They recently took a mixed ability group of 13 people to perform at a Festival in Seville to great acclaim.

7 In **June 2010** Hijinx were informed that the Arts Council were no longer prepared to fund the community tour and they would meet with the company to discuss indicative figures for planning purposes. In **September** a formal meeting took place when ACW clarified what range of activity they were prepared to fund. Hijinx made the financial case that the 2009 community tour had a net cost of £33K, and the Odyssey project grant was £29,990. If Odyssey was to be delivered from the core revenue grant from April 2011 it would cost virtually the same as a community tour; if Odyssey was to be developed it needed investment. (We had been on cash standstill for 4 years)

Following the meeting Hijinx were invited to submit plans based on **CASH STANDSTILL** – we felt that ACW had understood the financial case, as this was the only indication / guidance we ever had of possible grant level for 2011/12. The Board worked hard to find savings, and plan activity based on standstill. Minor restructuring, changes to job descriptions to reflect activity, and shorter working time were all under discussion. It was therefore a massive shock when we heard on **15th December (via the media)** that the grant for 2011/12 would be £160 K (2010/11 it had been £234,448 plus the project grant for Odyssey of £29,990)

8 In the absence of clear planning advice (promised in writing in June 2010 in 2 different documents), we assumed the substance of the September meeting and letters inviting an application based on cash standstill was a realistic indication of grant level, and understandably, did not start significant restructuring . This is even more depressing when you consider the Arts Council had 5 weeks (from Nov 5th - December 15th) to question the activity and financial information submitted and allow Hijinx the opportunity to clarify or respond. Bear in mind that Hijinx received the biggest cut of any retained organisation and so should have been a priority for such a meeting.

9 In view of the above (7 & 8), Hijinx have lodged a formal complaint to ACW which is currently on-going.

10 The Arts Council recognise that redundancies are essential, they fail to make the connection that with 4 staff out of 7 being made compulsorily redundant it will not be possible to maintain the existing level of activity involving people with learning disabilities, and certainly not develop further. The sad reality is that a reduced programme is inevitable and already a decision has been made not to undertake the usual and much acclaimed Odyssey Christmas production which has involved students from Meadowbank Special School in Cardiff and music students from the Royal Welsh College of Music and Drama for many years.

11 Perhaps more worrying of all is the reality that the arts Council simply don't understand what inclusive theatre is all about . It clearly sees the community tour and the inclusive work undertaken by Hijinx as separate and distinct. The whole point and thrust of inclusive theatre is **NOT** to draw artificial distinctions between provision for learning and non learning disabled people, but to produce high-quality theatre for everyone. Thankfully society is not like this and neither is Hijinx. The Unity Festival is only one feature of our work with includes learning disabled people. Odyssey provides regular weekly drama sessions along with a range of small "pod" performances for festivals, conferences etc. More recently Hijinx have engaged learning disabled actors to perform alongside professional actors in professional touring productions; the current show, "Old Hands", employs 2 local actors with Downs syndrome. Are the Arts Council seriously saying these tours should stop? Or that inclusive productions should only perform for learning disabled audiences?

12 There seems to be implied criticism that the community tour does not present a strong case for support. There have never been any questions raised before

about the consistency and quality of the productions for the general public in community venues. In fact the Arts Council's own quality monitoring forms rated them "good" or "excellent". No concerns have ever been raised at annual review meetings, which have been overwhelmingly positive.

13 Hijinx's predicament is unique amongst the retained organisations and it is both complex and detailed. The devil is in the detail and whilst the Arts Council appear to recognise the contribution made to the arts in Wales by Hijinx this has unfortunately not been backed up by their decisions in respect of the level of revenue grant .

14 Along with all other revenue organisations, Hijinx have a one-year funding agreement with ACW, with the expectation that revenue funding will remain at the same level for 3 years, i.e. until 2013/14. Hijinx are asking for this to be reviewed and for an increase in 2012/13 to enable real investment and support of inclusive work.

15 Hijinx remain committed to the belief that everyone has something to offer regardless of their ability, and that talent must be nurtured and developed whenever possible, always aiming for the highest standards.