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[The Petitions Committee](#)

10/11/2015

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Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
William Powell	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Huw Lewis	Aelod Cynulliad, Llafur (Y Gweinidog Addysg a Sgiliau) Assembly Member, Labour (The Minister for Education and Skills)
Carol Mooney	Pennaeth y Gangen Lles Disgyblion Head of Pupil Wellbeing Branch
Emma Williams	Dirprwy Gyfarwyddwr, yr Is-adran Cymorth i Ddysgwyr Deputy Director, Support for Learners Division

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Gill Eveleigh	Dirprwy Glerc Deputy Clerk
Steve George	Clerc Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:32.
The meeting began at 09:32.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **William Powell:** Bore da, bawb. Good morning, all, and welcome to this meeting of the Petitions Committee. Normal housekeeping arrangements apply. We have no apologies and I hope that we'll be joined shortly by our colleague, Joyce Watson.

09:33

Deisebau Newydd New Petitions

[2] **William Powell:** Therefore, we will move to agenda item 2 and the consideration of new petitions. We have agenda item 2.1, P-04-656, 'Establishing a Conscientious Objectors Day in Wales'. This petition was submitted by Jane Harries on behalf of Conscientious Objectors' Day Cymru and collected approximately 400 signatures on paper. Conscientious Objectors' Day Cymru represents a number of peace organisations in Wales, including Cymdeithas y Cymod, CND Cymru, National Justice and Peace Network, Quakers in Wales and also the United Nations Association Cardiff branch.

[3] The text of the petition reads as follows,

[4] 'We, the Undersigned, strongly urge the Welsh Assembly to establish an officially recognised Conscientious Objectors' Day in Wales. This would be a fitting memorial to all those who suffered during that conflict and especially to those who stood in the Welsh tradition of peace-making at great personal cost. Wales would be the first country to have done this and may, thereby, prompt others to consider acting similarly.'

[5] The background on this one is that a letter was sent to the First Minister on receipt of the petition on 30 September. We've got a response from the First Minister and, as you can see, that is in our public papers. We've also received a response to the First Minister's letter on behalf of the petitioners, and both are available in the public pack. We've also received a number of unsolicited responses from members of the public and these have been circulated separately amongst committee members, but haven't been published online.

[6] So, the response on behalf of the petitioners does, as you see, seem to indicate that they're not looking for an additional conscientious objectors day to the day already set aside annually on 15 May and referred to by the First Minister, but rather that 15 May is marked in a more public and high-profile way than is currently the case. So, colleagues, how do you think we should proceed with this one? It's clearly quite a timely petition in the context of the wider commemoration and remembrance activities that we are having in this month. Bethan Jenkins.

[7] **Bethan Jenkins:** Rwy'n datgan diddordeb o ran cefnogi'r ddeiseb, fel cadeirydd y grŵp trawsbleidiol ar heddwch. Roeddwn i jst eisiau dweud, efallai, oherwydd y ffordd yr oedd y ddeiseb wedi cael ei fframio yn y lle cyntaf, nad oedd yn glir eu bod nhw eisiau ehangu ar yr hyn sydd yn digwydd ar y diwrnod penodedig ar hyn o bryd, sef 15 Mai. Felly, byddwn i eisiau ysgrifennu yn ôl at y Prif Weinidog i ofyn iddo ymhelaethu ar yr hyn y mae'r Llywodraeth yn ei wneud, neu efallai'n gallu ei wneud yn y dyfodol. Hefyd, byddai'n syniad i ysgrifennu at y Comisiwn i weld, o ran yr adeilad yma yn benodol, beth mae'r Comisiwn yn gallu gwneud mwy ohono, oherwydd rwy'n cytuno â'r deisebwr yng nghyd-destun y ffaith nad oes yna ddigon. Yr wyf wedi bod i'r Deml Heddwch ac wedi bod yn rhan o'r ymwneud yn y gorffennol, ond un lle bach yng Nghaerdydd yw hynny yn hytrach na bod Cymru gyfan yn ymwybodol o'r hyn sydd wedi digwydd yn ein hanes. Felly, y ddau bwynt yna y byddwn i'n meddwl a fyddai o ddiddordeb ar hyn o bryd.

Bethan Jenkins: I declare an interest as a supporter of the petition, as chair of the cross-party group on peace. I just wanted to say perhaps, given how the petition was framed in the first place, it wasn't clear that they want to expand on what happens on the day currently set aside, namely 15 May. Therefore, I would want to write back to the First Minister to ask him to expand on what the Government is doing or perhaps can do in the future. It would also be an idea to write to the Commission to see, in terms of this building specifically, what the Commission can do more of, because I agree with the petitioner in terms of the fact that not enough is going on. I've been to the Temple of Peace and I've been involved in the past, but that is just one very small part of Cardiff, rather than the whole of Wales being aware of what has happened in our history. So, those are the two points that I think would be of interest at present.

[8] **William Powell:** I think it would be sensible for us to follow up on both of those points and write to the First Minister to just get more of an overview, really, as to what is already happening on behalf of the Welsh Government. I think probably it would also be useful to write to the Presiding Officer to get the take from the Assembly perspective. Russell George.

[9] **Russell George:** Chair, I'd agree with that, because I wasn't really aware of much of this issue beforehand, but the First Minister has pointed out that there's already an international day. I think that what we want to know, as a committee, is what the Welsh Government is doing and what the Presiding Officer is taking forward as part of supporting that day. That would seem to be the way forward for me.

[10] **William Powell:** I agree. Excellent. Good morning, Joyce. It was remiss of me earlier not to welcome Gill Eveleigh, who joins us this morning and will be covering the maternity leave of our colleague, Kayleigh Driscoll. So, welcome onboard.

09:37

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[11] **William Powell:** Moving now to agenda item 3, updates to previous petitions, and the first we have is agenda item 3.1, P-04-652, 'Android and iOS—Welsh in the 21st Century'. As colleagues will recall, this was submitted by Merlyn Cooper and was first considered by us quite recently, on 6 October, and has the support of 75 signatures, calling on the National Assembly for Wales,

[12] 'to urge the Welsh Government to work with Google and Apple to develop a Welsh language version of their operating systems.'

[13] As I said, we considered this for the first time on 6 October, and we considered the response that had been received on this matter from the First Minister, which, again, made some points as to what was already in play, if you recall. We agreed also to await comments from the petitioner before deciding on our next steps. We can see that we've got a response from the petitioner. I think it does express general satisfaction with the First Minister's response. So, in the light of that, I don't know whether colleagues agree that it's probably time already to draw this petition to a close. It seems to have

fulfilled the purpose that the petitioner had. Joyce.

[14] **Joyce Watson:** Yes.

[15] **William Powell:** Are colleagues happy with that approach? Good.

[16] Okay. Agenda item 3.2, P-04-544, 'Ban the Shooting of Greenland White-fronted Geese'. This petition was submitted by Aaron Davies and was first considered on 29 April, having collected 240 signatures. An associated petition has collected, on a different site, in excess of 3,500 signatures on an alternative petitions website. We recall the issues at play here. Obviously, it's a matter of quite significant concern to the petitioners. I should declare, right at the outset of this, that I did give some procedural advice to some of the people associated with this petition, and in the context of a visit to the Dyfi centre, where I was able to talk through some of the issues at first hand.

[17] As a committee, we considered correspondence on this on 6 October and we agreed, at that stage, to await comments from the petitioner and to review things in the light of that. We have quite a clear response from the petitioner, and it's evident that there's a level of frustration here from the petitioner's perspective that we haven't had any movement from the Minister. I think it's fair to say that the Minister has maintained a consistent position, which is also a position consistent with his predecessor, when we thought there might have been some development, but, in fact, that doesn't appear to be the case. I'd really appreciate a steer from colleagues on this one. Joyce.

[18] **Joyce Watson:** Yes, we do seem to be at a stage where we're not getting the movement that the petitioner would wish. How do we move forward? The petitioner does make a point in the response to us that the population will be at the level that should trigger action under the African European water bird agreement. Now, I don't know anything—. In fact, I didn't know there was such an agreement, and what the Welsh Government's commitment to that is, or what they should be doing as a consequence of that. So, I'm minded to ask to keep the petition open to see if, this year, we do have this below-average trigger and, if we do, what, then, does the Welsh Government have to do in response to that—is where I would like to go. We won't know that until next spring.

[19] **William Powell:** In the meantime, are colleagues minded to, potentially, call for oral evidence on this matter, or is it something that you'd prefer to

pursue along Joyce's line of awaiting the count that will become evident next spring? Russell George.

[20] **Russell George:** No, Chair, I don't think we're in a position to call for oral evidence. I think that things would need to progress more for us to get to that point. But I was minded to suggest that we close the petition, because the Minister has made his position absolutely clear, and we like to be consistent in what we do. We've reached the stage where we can't do any more as a committee, although, I've heard what Joyce has said and, in the interests of compromise, I'm happy to go with Joyce's suggestion. But I think we need to put a marker down now to say this may well be heading towards closure, and if there isn't that evidence that comes forward, following the period of time that Joyce has mentioned, I think the marker will be here, now, to say that it will close at that later date.

[21] **Joyce Watson:** I'm happy with that.

[22] **William Powell:** Okay. Well, I would certainly be content with that and if Bethan is also, then, we—

[23] **Bethan Jenkins:** Is that the—. Sorry, I'm not clear on what we're actually doing. Are we looking at the detail of that agreement to see whether we can—

[24] **William Powell:** Well, Joyce has flagged that particular issue up in terms of seeing whether we reach the critical level in population.

[25] **Bethan Jenkins:** Right. So, we're just going to research into that, are we?

[26] **William Powell:** Well, I think it's an issue that's monitored on an annual basis was my reading.

[27] **Mr George:** What we could do is write to the Minister and ask if he could notify us of the figures when they're available, and also to ask Joyce's question about what, then, the Government would do under the agreement.

[28] **Russell George:** Effectively, we're putting this on hold pending that information, which may take some time to come back.

[29] **William Powell:** Absolutely. And, realistically, we'll be quite close to the

dissolution of this Assembly, potentially, or maybe that will come first, but that's not a reason, necessarily, to undermine what Joyce has proposed. I think we're unanimous in supporting that position.

[30] Agenda item 3.3, P-04-619, 'LOCALISM IN PLANNING and COMPENSATION FOR THIRD PARTIES RE. INFRASTRUCTURE PROJECTS'. This petition was submitted by Mr Michael Halsey and was first considered on 24 March 2015, having collected 462 signatures. We'll recall some quite robust exchanges on this petition over the months. As a committee, we last considered it on 22 September and were minded to close, but we agreed to await the views of the petitioner on the Minister's latest correspondence before making a final decision.

09:45

[31] As you'll recall, the Minister pointed out the pattern of voting on amendments to the Planning (Wales) Act 2015 during the scrutiny process and the fact that amendments were considered and rejected—those that picked up some of the petitioners' concerns—and we've got that piece of correspondence here so we can consider it in the round. Clearly, Mr Halsey is not content with the outcome and there's not really to be a meeting of minds, I think it's fair to say, between himself and the Minister. So, I'd very much welcome any observations or thoughts. Joyce indicated and I think Russell also. Joyce.

[32] **Joyce Watson:** It is very often the case that petitioners and those being petitioned won't be of the same mind, but that doesn't take away from the importance of the petition or the work that we do in trying to put those two things together. It is the case, nonetheless, that the Minister has jurisdiction over his own Bill and whatever falls from that. We have challenged on behalf of the petitioners. All that said, what we would be doing from here on would just be sending letters back and forth, with nothing else happening, so I think, personally, that the petition has gone as far as it can, because there's nothing else that's going to change at this stage, and the planning Bill is where it is—it's an Act now. It will, perhaps, be best to close the petition.

[33] **William Powell:** I tend to share that view. Russell George.

[34] **Russell George:** Thank you, Chair. I think I agree with everything you've said as Chair and everything Joyce has said on this petition. I think that there's obviously a frustration that Mr Halsey's views weren't taken

forward. I'm equally frustrated, because I shared his views, but, of course, as a result of this coming to the committee, seeing what he was trying to promote, I took that forward myself in my own amendments to the planning Bill, and, actually, more or less used his exact wording in an amendment as well.

[35] **William Powell:** That was very helpful of you.

[36] **Russell George:** So, I think that, through the democratic process of this committee and this institution, we've gone as far as we can to change—to present that view that Mr Halsey wanted, but that was rejected—

[37] **William Powell:** Yes, the Assembly took a view.

[38] **Russell George:** —through the democratic process in the Chamber. So, I think we've reached a stage where we can't take this any further, so, of course, I'd support the closure of the petition.

[39] **William Powell:** I'd be happy to write to Mr Halsey, as with all other petitioners when the time comes for closure, thanking him for engaging with us and for bringing the issue forward, because, clearly, it's enabled it to be aired here and in another place. So, I hope it will at least have served that purpose, and we're grateful to him.

[40] Moving to another very controversial area within energy generation, agenda item 3.4: P-04-648, 'Unconventional Oil and Gas Planning Applications'. This petition was submitted by Councillor Arfon Jones, and was first considered on 22 September 2015, with the support of 1,254 online signatures and 293 paper signatures. As you'll recall, it was calling for

[41] 'all Planning Applications for Unconventional Oil and Gas development including exploratory drilling',

[42] a range of these, to be called in by the Minister.

[43] We considered correspondence on the petition for the first time on 22 September, and agreed to await discussion with the petitioners regarding their views on what the Minister had said in his initial response. The second letter from the Minister is included today in the public pack. The original response related to an earlier petition on the same matter with the same petitioners, which was withdrawn by them. So, there was an administrative

error that came in. The Minister was then asked to comment on the original petition text. We've now regularised that situation. The original petition was withdrawn. I think, given that we've now got the Minister's views on the revised petition included in our public pack, we probably need to take this forward in the context of his recent statement, which colleagues will be aware of—the Minister's recent statement on this to the Assembly. Joyce.

[44] **Joyce Watson:** I agree. The Minister has said that he is considering what they're requesting. That process is ongoing, so there's nothing definitive to report here and now, so the only sensible way forward is to wait for that.

[45] **William Powell:** Yes. Are colleagues happy with that approach of waiting and seeing how that develops?

[46] **Bethan Jenkins:** Well, it's just the fact that it says 'in due course'. I mean, do we—?

[47] **William Powell:** In writing to him we could seek—

[48] **Bethan Jenkins:** I don't like the way that they give us letters saying 'autumn', 'summer', 'due course'.

[49] **William Powell:** We could seek a timeline or some indicative time.

[50] **Bethan Jenkins:** I'd feel happier if we had some sort of timeline, personally.

[51] **William Powell:** Well, we can build that into the letter in the form of a request at least, so we've got some clarity.

[52] **Bethan Jenkins:** We can only ask.

[53] **William Powell:** Yes. Thank you. Moving to agenda item 3.5, P-04-556, 'No to Junction 41 Closure', this petition was submitted by Rose David and was first considered on 13 May 2014, having collected 1,654 signatures. An associated paper petition was handed in having collected 22,467 signatures, so clearly an indication of a very significant concern in this community about the junction closure. You'll recall the memorable presentation with Captain Beany and sundry other campaigners as well, back last year. We most recently considered correspondence on 14 July 2015 and agreed to write to

the Minister seeking her views on the petitioner's further comments, and to ask her to keep us informed of developments, to let the committee have sight of the advice from officials upon which she based her decision to continue the part-time closures while she decides the longer-term way forward, and why in particular the decision was made to close junction 41 when there are other potential hotspots that have been flagged up along the M4.

[54] We've got a very comprehensive response on this from the Minister in the public pack, and also we've got a response from the petitioners, and that is also in the pack today. Clearly, again, we've got a situation where we are some way from a meeting of minds. Bethan, you indicated.

[55] **Bethan Jenkins:** Rwy'n credu bod y deisebwr eisiau cael mwy o amser i drafod â'r grŵp, ond rwy'n credu bod angen ysgrifennu nôl atynt, achos nid wyf yn credu bod yna gyfarfod am sbel nawr. Felly, fe ddylem ni fel pwyllgor fod yn ymwybodol o'r *time lag* a fydd rhwng Rose yn gallu siarad â'r grŵp ymgyrchu yn hynny o beth, achos rwy'n credu bod yna lot o ddata yma er gwybodaeth—efallai mwy o ddata nag y mae lot o Aelodau Cynulliad wedi cael mewn llythyr o'r blaen. Felly, bydd yn dda rhoi cyfle iddynt i ymateb.

Bethan Jenkins: I think that the petitioner wants more time to discuss with the group, but I think we do need to write back to them, because I don't think there's going to be a meeting for a while now. So, for us as a committee, I think we need to be aware of the time lag there between Rose speaking to the campaign group about that, because I do think there are a lot of data here for information—maybe more data than a lot of Assembly Members have had in a letter before. So, it might be a good idea to give them the opportunity to respond.

[56] **William Powell:** Okay. So, I think that probably does make sense. Joyce, does that tie in with the position you were going to express as well?

[57] **Joyce Watson:** Yes.

[58] **William Powell:** On the one hand the petitioner's setting the bar quite high in terms of consulting her group, but if you're aware that there's going to be a bit of a time lag, then I think it's important that the information is transferred early while there's an opportunity, then, to get more representative views subsequently.

[59] **Mr George:** Felly, rydych chi am inni ysgrifennu at y Gweinidog nawr gyda'r wybodaeth oddi wrth Rose, ac wedyn aros am fwy o wybodaeth.

Mr George: So, you want us to write to the Minister now with the information from Rose, and then wait for more information.

[60] **Bethan Jenkins:** Byddwn i'n meddwl bod hynny'n syniad, achos nid wyf yn credu y bydd yna ymateb—. Nid wyf eisiau siarad ar eu rhan, ond rwy'n gwybod nad oes yna gyfarfod am sbel. Felly, rwy'n credu y byddai'n dda i ysgrifennu nôl at y Gweinidog gyda'r sylwadau interim, hyd nes ein bod yn cael—

Bethan Jenkins: I think that that would be an idea, because I don't think there'll be a response—. I don't want to speak on their behalf, but I know that there won't be a meeting for a while. So, I think it would be good to write back to the Minister with the interim comments until we have—

[61] **William Powell:** So, we'll write to him twice. Now, with the initial response, and then subsequently. Yes; happy to do that. Good.

[62] Agenda item 3.6 is P-04-578, 'Noise Mitigation Works on the M4 to the West of Junction 32'. This petition was submitted by Margaret Watt and was first considered on 15 July 2014, supported by 19 fellow petitioners. You'll recall the significant concern of Mrs Watt about the noise with which she lives on a daily basis. The committee last considered this petition on 22 September, and we agreed to seek a response from the petitioner on the Minister's correspondence, and also at that stage we looked to close the petition if we didn't hear back from the petitioner, also keeping the constituency Assembly Member, Mark Drakeford, informed because of his ongoing interest in the matter. Prior to that committee, if you recall, the committee had asked the Minister if it would be possible to recheck the noise levels at this particular location adjacent to the petitioner's house to ensure that they had not increased since the last check. As you can see, the Minister's response indicates clearly that it's not feasible to produce bespoke noise reports for individual residents. The noise surveying exercise is likely—the next one is likely to be taking place in 2017, so, clearly, there's a time lag there. The petitioner's clearly got views on this also, but I think we could probably come to the end of the track with this petition—that's my sense—but I look forward to hearing colleagues' views. Joyce.

[63] **Joyce Watson:** I do go down this road, I have to say, because I particularly like going down this area when I have time, which isn't very

often. The point I would make is that we have gone as far as we can. It's not a place I'm unfamiliar with is what I'm trying to say. There are other issues that the petitioner has brought in in the returned correspondence that we've had, but they're actually not concerns that were brought in in the first petition, and those issues, you know, are best addressed to the local authority or the highways in terms of litter, and I have every sympathy with—

[64] **William Powell:** Well, they are very serious concerns, but they fall outside of the remit of the initial petition.

[65] **Joyce Watson:** Well, outside the original petition. So, I think it would be as well to advise the petitioner of that—you know, that you can't just add things on, even though I actually support everything she's saying.

[66] **William Powell:** If there's any signposting we can do in terms of that, then I'm sure we will.

[67] **Joyce Watson:** And signpost, indeed. But I do agree with you, Chair, that we have, in terms of this petition and what it actually asks, done as much as we possibly can.

[68] **William Powell:** Yes, I think I sense a consensus emerging on this one. Yes. Okay. We'll proceed in that fashion and write to Mrs Watt, along the lines that you describe, and thank her for engaging with the committee on the issue.

[69] Agenda item 3.7 is P-04-633, 'To Raise Awareness of the Poor Broadband in Our Area'. This petition was submitted by Geraint and Jane Evans and was first considered on 12 May 2015, with the support of 60 signatures. The committee considered the petition for the first time back in May and we agreed at that stage to await the petitioners' views on the Deputy Minister for Skills and Technology's letter. Despite reminders, we've not received a response—[*Interruption.*] Oh, I think we've got an update from our clerk on this one.

[70] **Mr George:** We haven't received a substantive response. We've sent a number of reminders. We did actually have a response from the petitioners about a week or so back saying that they were going to send us a substantive response, but that hasn't arrived, and we've written back to them again saying that, you know, this is being discussed today, and then, obviously, there may be future meetings but we couldn't guarantee that. So, there has

been contact but there have been no substantive comments from the petitioner.

[71] **William Powell:** Could I just check, though—are we writing or using electronic technology, given the concerns expressed in the petition?

[72] **Mr George:** We've had an exchange of emails with them, so—

[73] **William Powell:** Okay, but that could be erratic, being aware—. Joyce and I are particularly aware of the level of service in some of these deep rural areas. Russell George.

[74] **Russell George:** Chair, it's just—whether we're waiting for a response or not, it appears that the Minister's already written to us to confirm that the area is going to be covered and addressed. So, in that regard, the content of the petition is being addressed. So, I would have thought we could close the petition.

[75] **William Powell:** I think we're moving pretty close to closure but given that we've had a sort of—[*Inaudible.*—]—response—

[76] **Russell George:** Can we just wait then another four weeks, perhaps, and if we haven't had a substantive response by then, we can agree to close the petition?

[77] **Mr George:** Two things: I've been told that we don't actually have a postal address for them, ironically, but secondly I would suggest that we bring this forward at the next meeting, rather than wait four weeks, because, you know, they have told us that a response is fairly imminent, and we've explained the timescales, so—

[78] **William Powell:** I think that would be good housekeeping, yes.

[79] **Mr George:** —it should be possible to address this at the next meeting.

[80] **Russell George:** I'm happy with that, Chair.

[81] **Joyce Watson:** And I am.

[82] **William Powell:** Excellent. Okay. We're happy with that approach.

10:00

[83] Moving now to agenda item 3.8, P-04-397 'Living Wage', this petition was submitted by Save the Children and was first considered way back on 19 June 2012, having collected 196 signatures. We considered correspondence on this petition on 22 September this year and were minded to close the petition, but we did agree to await the views of the petitioner on the most recent ministerial correspondence before making a final decision. A response has now been received from the petitioners and is in our public pack, if colleagues would like to turn to the correspondence from Mary Powell Chandler, head of Save the Children in Wales.

[84] Colleagues may recall that the most recent Welsh Government response did indicate that steps were being taken to implement the living wage through the workforce partnership council, and that the Minister has invited representations from trade unions and from local authorities to work with the Welsh Government to consider in detail the practical issues around how local authorities in Wales can adopt the living wage on a consistent basis. I think probably it would be right for me to state for the record, as it's already on my Member's declaration of interests, that I'm a member of a principal local authority, given that that is being addressed as part of this issue. So, I do so now. But I'd appreciate colleagues' thoughts on how best to approach this, really, because we seem to have had new life breathed into the petition by Mrs Powell Chandler's comments, but it is obviously—the whole situation and the agenda have moved on significantly in the interim. Joyce.

[85] **Joyce Watson:** Yes, the agenda has moved on, as we all know, not least in confusion of the minimum wage and the living wage. But, anyway, the letter is concise but to the point—which is useful to us—from Save the Children. I think, in all fairness and consistency at this point, we should wait for comments back on that letter by the Minister, because it asks various questions that only the Minister can answer. So, that would be—. And I think it's a very helpful letter, because it's very pointed.

[86] **William Powell:** I'd be interested to hear colleagues' thoughts on this. Russell George.

[87] **Russell George:** The petition, of course, mentions the rate of £7.20 an hour, which, of course, will be law in April of next year. So, the petition was

specifically asking for and making a point of the £7.20 per hour, but it will be the law in any case.

[88] **William Powell:** I think it will be interesting to see the particular perspective that the Minister will adopt in addressing the points, though, and I think Joyce's appeal for consistency is one we've probably got to heed. So, if colleagues are happy with that approach, then I'll write in that vein.

[89] **Joyce Watson:** Chair, can I say something? I don't usually come back, but can we get clarity about what we're talking about? Because there is a difference between the living wage and an increased minimum wage. So, it would certainly be worth sorting that out, because there seems to be confusion just on the table here about that difference between an increased minimum wage and a living wage. So, could we at least have some clarity so that we are clear about what we're talking about?

[90] **William Powell:** Are you asking for a very simple piece of Members' research—

[91] **Joyce Watson:** Just clarity, because—

[92] **Mr George:** I don't think there's any doubt at all that the petitioners are talking about the living wage as supported by the Living Wage Foundation. Obviously, when the petition was submitted—

[93] **William Powell:** It was the timescale, wasn't it? That was the only game in town.

[94] **Mr George:**—any other attribution of the words didn't exist, so—.

[95] **Joyce Watson:** So that we can stick to—.

[96] **William Powell:** Yes.

[97] **Russell George:** I wasn't sure there was any confusion in our meeting this morning. I think we're all clear on—

[98] **Joyce Watson:** Not in the briefing, just on comments.

[99] **William Powell:** Moving on from June 2012 to the present day, clearly other announcements have been made in other places, which has probably

introduced that potential for confusion. But I'm grateful.

[100] **Bethan Jenkins:** Yr unig beth sydd gyda fi i'w ddweud yw fy mod i'n cofio gofyn y tro diwethaf am fanylion yr hyn roedd y Gweinidog yn ei wneud fel rhan o'r cyngor partneriaeth y gweithlu, oherwydd roeddwn yn ei ffeindio'n anodd darganfod beth yn gwmws rodden nhw yn ei drafod. Felly, fel rhan o'r llythyr yma, a allem ni atgyfnerthu'r ffaith ein bod ni eisiau gwybod yn iawn beth yw natur y trafodaethau? Achos mae pobl wedi dod ataf i fel etholwyr nad ydynt yn deall yn iawn beth sydd yn digwydd ar y cyngor yma, ac atebolrwydd y cyngor. Yn sicr, rwy'n gwybod fod y Gweinidog wedi ei greu ef, ond sut ydym ni'n dwyn y Gweinidog i gyfrif am yr hyn sy'n digwydd fel rhan o'r trafodaethau hynny?

Bethan Jenkins: The only thing that I have to say is that I remember asking last time for details about what the Minister was doing as part of the workforce partnership council, because I was finding it difficult to find out what exactly they were discussing. So, as part of this letter, could we reinforce the fact that we want to know exactly what the nature of the discussions are? Because people have come to me as constituents not understanding what is happening with the workforce partnership council, and the accountability of the council. I know that the Minister has created that body, but how do we hold the Minister to account for what happens as part of those discussions?

[101] **William Powell:** Yes, I'd be happy to ask for clarity there. I'm not clear whether that particular forum meets in public—presumably, its affairs are fully minuted—but what I do recall is that this agenda item was delayed, or the relevant meeting was delayed, on at least two occasions, which led to a certain time lag in following up. So, I'd be happy to build those points into correspondence with the Minister.

[102] That concludes this section of the agenda today, the updates. Because agenda item 4, our evidence session, is timetabled from 10.30 a.m. onwards to adhere to the Minister's availability, I propose that we take a 20-minute recess until that time. If we can reconvene at 10.25 a.m., we can then be in good time for our ministerial scrutiny session. Thank you very much, colleagues.

*Gohiriwyd y cyfarfod rhwng 10:06 a 10:23.
The meeting adjourned between 10:06 and 10:23.*

Sesiwn Dystiolaeth Evidence Session

[103] **William Powell:** Bore da, good morning, Minister, to you and your team. We're now moving to agenda item 4 in our meeting, an evidence session on petition P-04-576, 'Allow Children in Wales to Have a Family Holiday During Term Time', and also grouped with that petition is P-04-606, 'Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias'. Minister, if you'd introduce yourself just for levels, and also the team that accompanies you today.

[104] **The Minister for Education and Skills (Huw Lewis):** Thank you, Chair. My name is Huw Lewis, Minister for Education and Skills. On my left, I'm joined by Emma Williams and, on my right, Carol Mooney.

[105] **William Powell:** Excellent. I think, probably, in the context of time constraints, and, given that we're familiar with the broader issues, we'll move straight to questions on the issue.

[106] **Huw Lewis:** Of course.

[107] **William Powell:** Firstly, my initial question: what are your views on the impact and potential benefits of term-time holidays for the pupil concerned, and, indeed, for the rest of their class?

[108] **Huw Lewis:** Well, Government policy is very clear in this regard. Pupil absence has an effect on pupil attainment. It has a detrimental educational effect, and the evidence is very clear—our own statistics on this are very clear. The detrimental effect you can actually see beginning to kick in once a young person is absent more than about 4 per cent of the school year, and that rapidly increases then—the detrimental effect, I mean—as the extent of the absence grows. However, the Welsh Government does recognise that it is not, perhaps, best placed to offer either blanket bans or blanket permissions for young people to go on holiday, and those decisions—up to an authorisation of 10 days of absence—are best placed with the headteacher.

[109] **William Powell:** Thank you very much for that. I know that, in the Chamber, and elsewhere, you've spoken in favour of there being that level of discretion. Are you aware, Minister, of differences across Wales in how the policy is implemented in different areas, between schools, local authority

areas, or, indeed, regional consortia? And, despite the fact that you spoke just then against blanket bans, are there any areas where you're aware that there has been some evidence of them being in place in practice?

[110] **Huw Lewis:** Well, I'm not aware of any evidence of blanket bans—that would not be compliant with the regulations of 2010, or with the subsequent guidance that we've offered to local authorities, and advice. My officials monitor what's going on in terms of, for instance, the issuing of fixed-penalty notices across Wales, and if there are any concerns around a drifting away from the regulations—and the spirit of the regulations—then we have intervened and offered further advice. The last ministerial statement, offering clarity on this to local authorities and consortia, was in December last year.

[111] **William Powell:** What is your view of what's happened in, I think, at least one local authority in Wales, where the LEA has moved to organise its INSET days to have them in a block, so as to enable the parents of pupils to take advantage of more reasonably priced holidays? Do you think that that's a sensible way forward?

[112] **Huw Lewis:** Well, that's an innovation that might suit some schools, and they're quite at liberty, in consultation with their staff, and so on, to arrange things in that way. But I don't see it as my role to advise, or corral, schools into particular ways of working. There is an issue of subsidiarity and common sense here, I think, which has to prevail, and the Minister is not necessarily best placed to answer the concerns and demands of teachers in different parts of Wales. It's much more sensible to localise those decisions. But that kind of innovation, of course, is interesting, and others may wish to look at it.

[113] **William Powell:** Thank you very much. I think Joyce Watson would like to continue with the line of questioning.

[114] **Joyce Watson:** Thank you, Chair. Good morning, Minister. Minister, you said that you're monitoring what's happening. I wonder whether you remain satisfied that the guidance is being implemented fairly, because some of the evidence that we've heard suggests that might not be the case.

[115] **Huw Lewis:** Well, I haven't seen the evidence that's been offered to you. Obviously, if there were powerful evidence that the committee had seen that they wanted me to take a look at, then I would respond to that. I did advise the Assembly that there would be a full review of this policy after two

years of implementation. The reason for the two-year trial period, if you like, is in order to gather sufficient reliable data, so that we could see the pattern of efficacy across Wales of this policy. That two-year period will be up at around this time next year. So, I'm still content at this point to wait for that time period to elapse.

10:30

[116] We'll have a good body of data, which will give us good information about how effective the policies are and how they're being implemented across Wales, and so on. In the meanwhile, if there is concern from the committee or members of the public or others that the word, or the spirit, of the regulations is not being followed in a particular area, then we have been and would be willing to reissue guidance and advice to the local authority to ensure that it was in line with the regulation.

[117] **Joyce Watson:** Thank you.

[118] **William Powell:** Minister, what are your views on the petitioner's suggestion that, where a request for term-time holidays is refused, the full reasons should be given and that there should also potentially be some kind of mechanism in terms of a right of appeal?

[119] **Huw Lewis:** This strikes me as a suggestion that could lead us into overkill very quickly and become quite burdensome on schools. What we're relying on here is good communication between parents and the headteacher and clarity, for instance, from local authorities on their codes of conduct so that parents are clear about the situation. I think that if we tip over into the demands on schools to issue reasons and then implement some kind of appeals procedure, we really would be using a sledgehammer to crack a nut. I would hope that the reliance on the discretion of the headteacher is something that should signal maximum confidence amongst members of the public that the person closest to the issues, who knows the child best, educationally speaking, is in a position to use their discretion and should communicate well with parents while they're doing that, and apply their judgment consistently for every child.

[120] **William Powell:** Minister, you've set your face against goalless centralisation of schools policy previously and now this morning, but do you think that potentially looking at staggered term times in different regions of Wales would have a contribution to make in terms of alleviating the burden

on parents and families looking at an affordable holiday?

[121] **Huw Lewis:** Of course, the Chair and Members will be aware that we've gone in the opposite direction in Wales and that we seek to harmonise school term dates because our feedback has been that a majority of parents find it inconvenient for there to be different term dates for different schools, and this applies also, obviously, to parents who happen to work in schools, of which there are many thousands—that that can cause major headaches in terms of childcare and arranging holidays and so on. So, apart from those innovative ideas, such as, perhaps the use of inset days, as you mentioned earlier on, the majority opinion, in my view, is that we should seek to harmonise the dates rather than stagger them, and that there would be very questionable benefit from staggering the term dates in any case.

[122] **William Powell:** I'm grateful for that. Russell George.

[123] **Russell George:** Thank you, Chair. I want to pursue another line of questioning, but just before I do, on that last point, do you think there's any mileage in, when school dates cannot be altered, there being one set date for school terms, but then schools having flexibility, so perhaps for a week or a couple of weeks a year their timetable changes to allow more flexibility on that particular week for children to be taken out?

[124] **Huw Lewis:** I'm not sure how—

[125] **Russell George:** Practical.

[126] **Huw Lewis:** —practical that might be. A week here or there—. If we look at the issue of the cost of summer holidays, for instance, I think a week or two either side of the agreed dates for a summer holiday would not make much difference at all. We can take a look, for instance, at Scottish parents, who have holidays that begin pretty much a month before the England and Wales summer holiday kicks in and they certainly don't benefit from cheaper summer holidays.

[127] **Russell George:** Okay. You've touched on this a little, Minister, but I wanted to know whether local authorities are limiting headteachers' discretion.

[128] **Huw Lewis:** I'm aware of local authorities that have had to be reminded of the wording of the regulations—exactly where the discretion in

the decision lies, which is with the headteacher—and we’ve intervened to reclarify, if you like, what the regulations are. But, these have been taken up on an as-and-when basis as we’ve noticed—monitoring, for instance, what’s going on across Wales—that there are issues being flagged up either by representatives, like yourself, or members of the public.

[129] **Russell George:** In fact, I was the one who reminded my own local authority of your regulations. I remember writing to you at the beginning of the year; you wrote back to me very clearly, setting out your position, which I happen to agree with, that there’s discretion for headteachers to allow up to 10 days. So, I have been in conversation via e-mail with my own local authority, of which I’m also a member, and I wrote to them pointing out—. I forwarded your reply to me and said, ‘Basically, what are you doing about it?’, to which their reply to me was:

[130] ‘In answer to your question, Powys County Council’s position remains the same that ERW consortium strongly advises schools not to authorise holidays in term time. However, the final decision lies with the headteacher. I hope this clarifies the situation.’

[131] It didn’t really clarify the situation. There effectively seems to be an apparent contradiction there. Powys council’s position is strongly advising headteachers not to allow a holiday in term time. So, I’m asking for your comments really on the approach that they’re taking, which would be a similar approach to that of a lot of local authorities across Wales. That’s just the example I have.

[132] **Huw Lewis:** Well, obviously, Powys County Council have been rather careful in the language that they use there—I wouldn’t have thought that that language necessarily draws them into any kind of legal problem as regards the regulations. But, it is the case that we need to see a code of conduct issued by the local authority that complies with the letter of the law, and parents should be able to access that on the local government website, and then at the heart of the matter here remains the discretion of the headteacher for up to 10 school days during the year.

[133] My fear is that some—not just members of the public but some in authority in local government—seem to be continually drawn into the media-presented interpretation of regulations that actually pertain in England. I am continually having to remind all players here—local government, consortia and so on—that we are not actually in England, and there are different

regulations applying here in Wales. That seems to require fairly regular repetition.

[134] **Russell George:** Is there something that can be done, because there is the obvious buck-passing that is going on. The local authority is saying one thing—it's hiding behind certain rules. How can you stop that sort of buck-passing?

[135] **Huw Lewis:** Well, you used the phrase buck-passing, which I find—well, okay, I'm not necessarily going to contradict you. The pivotal decision maker in the process is the headteacher, who has to comply, obviously, with the code of conduct issued by the local authority. It would be unfortunate, I think, if any school leader is seeking to, for instance, encourage their local authority to make draconian noises, because they were retreating from a sensible, common-sense conversation with their parents themselves. The regulations are very clear. The person who has the say here, in consultation with the parents, is the headteacher. Local authorities that may, in the first instance, give the impression that they can override that are wrong, or that they can provide some kind of barrier between a headteacher who's reluctant to make a decision and the parent—in other words, take the buck, if you like—are also wrong. The responsibility lies with the headteacher of the school.

[136] **Russell George:** Yes, despite the fact that they're being strongly advised not to allow it. But, I agree with you, and I think we're agreeing with each other.

[137] Just one last question is on the relationship between the school and the parent. I had a constituent only yesterday who said that they're writing to their school to say that they'll be taking their child out for a week, but the school had already written to them to say that they wouldn't allow it under any circumstances. So, I said 'Surely, you're not seeking permission then; you've been told the answer'. 'Well, I'm just letting them know; I'm informing them.' This was, I would say, a very good parent, who was very concerned about their children's welfare. There will obviously be a strain then between that parent and the school, and I'm just wondering what your comments on the impact of that would be.

[138] **Huw Lewis:** Well, I'd need to know more about the individual case, and we could look into that, obviously, if that was of concern to you, on behalf of your constituent. I'm worried about the phrase you used—'under any

circumstances’—because there are no blanket bans in Wales on absences during term time. I come back to that thing again; for up to 10 teaching days in the year, it’s at the discretion of the head. So, there is no ‘under any circumstances’ and neither do we use the phrase ‘exceptional circumstances’. That’s a phrase that’s, again, part of the English regulations and not ours.

[139] **Russell George:** Just to be helpful, I think the headteacher—it’s up to their discretion—used his discretion to say ‘no holiday’. So, that’s the clarity on that situation.

[140] **Huw Lewis:** I wish I could legislate for peace and harmony in all circumstances, but, obviously, not everybody, at all times, is going to be happy and satisfied with the result of the conversation that they have with the headteacher. But, my concern would be that headteachers are, first of all, maintaining good lines of communication with parents, and are being consistent between one child and another in terms of the decisions that they make. But what’s at the forefront of the headteacher’s mind should be the educational advantage of the young person. That should really be the determinant. There are all sorts of personal circumstances around a child, obviously, that need to be weighed in the balance. But, the primary issue here is: is this absence going to be detrimental to the young person’s education or not?

[141] **Russell George:** I wonder if there is a slight contradiction, in that there can’t be consistency always if a headteacher is making a discretionary decision based on that child’s performance. If that child has been off ill, perhaps, and the parent says that they want to go on holiday, it might be ‘Well, no, perhaps you’d best not’. If a child was flying ahead, the headteacher could use their discretion and say ‘No, I think that’s fine’. So, there obviously is a discretion then, and that would be inconsistent, I suppose.

[142] **Huw Lewis:** ‘Consistency’ does not imply that the same decision is reached for every child. As you say, when I say ‘consistency’, the headteacher has to apply the same set of criteria in their mind around the educational best fit for that young person. But the ways in which a young person’s circumstances— personal, educational and family circumstances—can vary is without limit. Hence the reason, I think, for not, in Wales, attempting to apply a one-size-fits-all policy right across the board. We are relying on good communication between headteachers and parents, and good educational

judgment on the part of the headteacher. That will not necessarily satisfy everyone. But, in my view, it is the best possible means by which judgment should be exercised.

[143] **William Powell:** Minister, just picking up the points made by you in response to Russell George and your call for further evidence, the transcript of our evidence session with the lead petitioners on this, Bethany Walpole-Wroe and her colleague, do give some additional examples, particularly of their experience within different authorities within the ERW zone. Potentially, revisiting that would be useful. I've no doubt that she would be prepared to engage with you if you were able to find diary space to do so to explore that in more detail. We'll arrange for that transcript to be forwarded for your consideration.

10:45

[144] One final question from me before handing over to Bethan Jenkins for the final group of questions, and that is with regard to the potential impact of certain local authorities' stance on encouraging or discouraging schools to authorise term-time holidays. Could it be potentially penalising either poorer families or those particularly in our rural areas, where there's a high reliance on seasonal work associated with tourism and so on? Is that a concern that you have—that that could have a detrimental impact?

[145] **Huw Lewis:** My primary concern is the educational success or failure of young people. We know that there is rock-solid undeniable evidence that even an absence rate of 5 or 6 per cent across a young person's school career is detrimental to their education. All other considerations, to my mind, are secondary. I'm not aware of any evidence that particularly makes this a problem for families on lower income, but we do know, of course, that the detrimental effect on children from more deprived circumstances of not attending school is even more pronounced than it would be on a child from a more advantaged background.

[146] **William Powell:** Thank you for that. Bethan Jenkins.

[147] **Bethan Jenkins:** I just wanted to ask with regard to the fixed-penalty notice guidance, and whether you believe that the notices are acting as a deterrent. I know that they're relatively new, but we have heard that, given the cost of holidays during school breaks, some people would see it as a price worth paying in relation to the cost of a holiday during term time. Have

you made any initial analysis of their effect, and would you be minded to review the guidance at any stage to see how they're working—whether some local authorities are using them more than others, for example, or whether people are trying not to use them and are being creative, like some local authorities are doing with the term-time situation, where they're taking the in-service training days in a more cohesive way?

[148] **Huw Lewis:** I'd hesitate, after one academic year's worth of data, really, to draw any solid judgements about the penalty notices themselves, and that's why we made the provision of having a two-year cycle before we review all the data and take a long hard look at the efficacy of the policy. It certainly is true that absences in Wales continue to fall, which is good news, obviously, for all of our young people. In fact, over the last four or five years, now, we have halved school absence across Wales, roughly speaking. That makes an enormous difference that will feed through in terms of those young people's attainment, through into the final outcome, say, at the age of 16, when they hit their GCSE courses and so on. That means that thousands of days of schooling that would have been missed back in 2006–07, for instance, would not now be missed.

[149] But, if we're going to be properly scientific about this, there are, of course, all sorts of other ways in which schools are fighting absence, and home-school relationships are hugely important. I would want to wait until we get another academic year's worth of data before we delve into the specific usefulness of the notices. The notices are only a very small part. Some English evidence has shown that it's the writing of a letter prior to a penalty notice that is the most efficacious thing of all, but we will see.

[150] **William Powell:** Diolch yn fawr **William Powell:** Thank you very much iawn am y sesiwn y bore yma. for this morning's session.

[151] It's been a really useful session, I think, to take forward our consideration of these important petitions. I'm very grateful for your attendance and for the candour of your answers; I almost felt your years of experience at the chalkface were informing some of the answers, as well as your subsequent career, Minister.

[152] **Huw Lewis:** I haven't brought my chalk, Chair, unfortunately. *[Laughter.]*

[153] **William Powell:** Thank you very much indeed—diolch.

[154] **Huw Lewis:** Thank you very much.

[155] **William Powell:** Colleagues, I think the most sensible thing, given the pressure of time now, is that we consider the implications of the Minister's comments and feedback to us this morning at an early future date. Okay? Diolch yn fawr.

Daeth y cyfarfod i ben am 10:50
The meeting ended at 10:50